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Notes on the Study of Language: Towards Critical Race Criminology

Michael J. Coyle
California State University, Chico

Abstract: *In this paper I demonstrate that the study of language constitutes an effective platform for the sociological analysis of 'race' and 'crime.' I also establish that the study of justice-related language provides a powerful tool for the construction of a critical race criminology or the study of racism residing in the discourse about, and the practices of, what is termed the 'criminal justice system.' Specifically, I demonstrate that the study of language contributes to critical race criminology by demonstrating how everyday language (reality) not only criminalizes people of color, but also builds and maintains racist 'criminal justice system' discourses and practices, even while acknowledging the problem of 'race' in matters of 'crime' and 'criminal justice.' I determine that, while to some extent previous research has highlighted the potential of language studies to unmask the racism of modern 'criminal justice' discourse and 'criminal justice' practices, much work remains to be done. To demonstrate the latter arguments, I (1) present previous justice-related language studies in a critical race criminology light, and (2) suggest an agenda for future research that will employ justice-related language studies as a contribution to critical race criminology.*

Keywords: race and crime; race and criminal justice; language; critical race criminology; poststructuralism; postmodernism

REALITY IS LANGUAGED

Edward Sapir (1921) once noted that human beings do not live in an objective world alone, but also exist at the mercy of the everyday language of their society. Sapir demonstrates that language is not merely the incidental means of communication and reflection, but that the *real world* is built on the language habits of a group. As he writes, "We see and hear, and otherwise experience very largely as we do because the language habits of our community predispose certain choices of interpretation" (cited in Whorf 1956:134).

Sapir's point, that the *real world* is little more than a habitual language construction, invites criminologists to ponder modern justice language. For researchers interested in the problems of the 'criminal justice system,' the question is clear: what are the justice-related language habits of modern discourse, and what interpretations do

such language habits predispose speakers and listeners toward? If Sapir is correct, and merely by using the language we do, we *define* what we seek to describe, it is critical to ask how the justice we practice is a language construction.

Thinking About Language: Structuralists, Poststructuralists, and Postmodernists

The above proposition, that language demonstrates the world is less objective and more intersubjective, is not without detractors. Today, the debate happens mostly between those who align themselves with structuralism or poststructuralism. For structuralists, human behavior is determined by various structures, such as "society" (Levi-Straus 1969a). From this view, persons are seen as born into a social life that exists independently of them and which significantly determines their behavior. For

structuralists, individuals act according to the “institutions,” “values,” and “culture” of the social life of which they are a product (Levi-Strauss 1963).

For structuralists, meanings are necessarily produced within a “culture.” Levi-Strauss (1963, 1966, 1969b), the founder of structuralism, argues that the human mind has structures that predetermine all practices of social life. For structuralists, there is such a thing as “society” and it predates individuals. Language, for example, is seen as the product of the “grammatical structure” of opposites (cold/warm, peace/war, male/female, etc.) and a Saussurean system of signs. Thus, for structuralists, language is a system whose logic can be uncovered by studying the biological and social structures that produce it.

The fundamental assumption of structuralism is that all content is determined by structure and that all meaning is a result of relationships between structures or networks of structures. Structuralists have sought this kind of *grammar of structure* in a wide range of human social phenomena. Levi-Strauss (1963) found it in kinship structures and myths, Lacan (1968) in the unconscious, and Barthes (1986) in narratives. Thus, to a structuralist, all phenomena are organized around systems of signs; i.e., they are languages that are given by deep structures (Chandler 2002).

For structuralists, the study of texts and speech is an investigation of how structures show up in discourse. For structuralists, the study of language can produce two things; one, it allows them to study the details of a particular sign system, and two, it allows them to identify how deep structures impact language. Meaning is produced by persons, not because they arrive to it alone, nor because they create it within a context or interaction, but because they are guided to meaning by the larger structures and networks of structures. According to structuralists, although meanings can organize experience, meanings are always products of structures and not the result of intentional individuals. Thus, for structuralists, while practices of social life can appear to be the producers of meanings, in truth both the practices and the minds are the products of deep structures (Levi-Strauss 1963).

The structuralist account becomes heavily reconsidered after the 1960s through the work of Michel Foucault (1973) and others, who begin to suspect that human nature and behavior is vastly more complex than being simply a product of structural forces. For poststructuralists, the problem also emerges as a methodological one, namely that, in contrast to the structuralist suggestion, one cannot so neatly step outside of discourse to “objectively” assess matters. Building on Heidegger and Nietzsche, and armed with Derrida’s “deconstructive” method, poststructuralists emerge with a new paradigm that some label postmodernist, not least because structuralism was tied to modernism and Enlightenment rational-logical thinking. The new

paradigm flirts with the inherent ambiguity of texts and the impossibility of final or complete interpretations (Derrida 1976).

Though almost all those labeled as poststructuralist or postmodernist at one point or another deny such membership, we can locate a body of scholarship that is working to modify structuralist conclusions. The work of Barthes, Derrida, Foucault, Lacan, Baudrillard, and Kristeva rejects the foundationalist and essentialist nature of structuralist thought. These authors also reject Enlightenment ideas about human nature as sacred, separate, timeless, and progressive. Instead, humans, more typically referred to as “human subjects” and sometimes as “human agents,” are seen as constructed within interaction, through intersubjectivity and importantly, within discourse. A human subject is seen as a collection of roles, though not in the strict sense of identities fixed in a social hierarchy or structure, but more as fluid and multitudinous disparate existences depending on environment, location, and time, and is seen as living in different discourses that are produced, reproduced and shifted in interaction (Barthes 1972).

Consequently, poststructuralists/postmodernists emerge with the view that attention to context and discourse is primary, especially over any concern with structure (Barthes 1975). For poststructuralists, language becomes the primary concern as it is now *not* simply the product or evidence of structure, as it was in structuralism, but the location of meaning creation, or that which gives birth to experience (Barthes 1972). Meaning here is a result of a particular context, a particular discourse, or a particular “text” (a context with a complete set of assumed rules and relationships).

For the poststructuralist/postmodernist, meaning is only perceivable from the angle of a particular text: objectivity in the structuralist sense is impossible, and an intersubjective understanding of meaning remains the only possible reading of such text (Derrida 1976). Reading meanings or texts can only occur within the experience of reading meanings or texts together (and by this, I mean both multiple texts and multiple readers). Even my use of “experience” here is problematic for poststructuralists, as it implies the possibility of an objective reality, such as history or institutions. The poststructuralist replaces history with “historicity” in order to indicate the tentativeness of meaning-agreement, the innate multiplicity of meanings any single text offers, and the centrality of the “reader” or interpreter (Foucault 1973). Institutions become clusters of recurring relationships and practices having the appearance of reality, rather than being reality. Social relationships are represented by appearances of these appearances, constituting a hyperreality or a simulation of a representation (Baudrillard 1975; 1983). Additionally, interpretation is always within discourse, because what we know, analyze, and conclude is accomplished through discourse and

within a text – both of which we cannot step out of (Barthes 1975). For poststructuralists, without exception, texts are only what they are read as because reading only occurs within and through discourses that are innumerable even within a single linguistic tradition. Simply put: we cannot step outside of our hermeneutic (or interpretation).

Thus, with poststructuralism/postmodernism the “there-ness” of meaning is replaced by the insight that texts have no inherent meanings, only shifting and unstable meanings (Lacan 1968). Languages or discourses cannot deliver us to the “True” interpretation because a language or a discourse itself derives its meaning by contrast with other languages and discourses (Derrida 1976). Meanings cannot exist in the logocentric sense of Plato; i.e., there is no beauty, truth, or right/wrong way, but only beauties, truths, and right/wrong ways.

Unsurprisingly, poststructuralists advise extreme caution in the interpretation of texts as such acts frequently favor dominant interpretive models, values or influential authors/thinkers, and frequently ignore the marginal (Kristeva 1980). Derrida’s (1976) deconstructive method is a process that allows us to take apart the ways in which meanings are designed and put into operation. In this fashion, poststructuralism draws our attention to how we always “see” and “hear” the dominant discourse (Foucault 2003) and the dominant codes that frame or “educate” us to recast other interpretations (Barthes 1975).

In the social and human sciences, the debate between structuralism and poststructuralism/postmodernism has resulted in shifting our attention from an obsession with “facts” and “data” to the complex implications of language, discourse, and text. Many scholars have seized the opportunity to rethink various aspects of knowledge and social life; e.g., ontology and epistemology (Tyler 1987), genres (Geertz 1988), the senses (Stoller 1992), and the disappearance of individual speakers into the patterns of discourse (Moerman 1988). Others have expanded the reach of “social construction of reality” theory beyond the founding work of sociological phenomenologist Alfred Schutz (1932; 1964), Berger and Luckman (1966), and others to the productions of selves in personal relationships (Blumstein 1991), the use of disclaimers and neutralization of the moral bind of law (Sykes and Matza 1957), the use of accounts, excuses, and justifications to normalize and manage problematic situations along with the use of motives (Scott and Lyman 1968), and the use of disclaimers to manage identity in problematic events (Hewitt and Stokes 1975).

Poststructuralism has also inspired and regrouped much criminological theory; from its precursor in the 1938 writings on tagging (Tannenbaum 1938) through the founding of differential association in 1939 (Sutherland and Cressey 1974), differential reinforcement (Akers 1979), social constructionism (Quinney 1970), peacemaking criminology (Pepinsky and Quinney 1991), labeling (Becker 1963), primary and secondary deviance

(Lemert 1972), constructing social problems (Spector and Kitsuse 1977), constructing rule making and rule breaking (Pfuhl and Henry 1993), and through criminologists, such as constitutive theorists who combine social constructionist thinking with postmodernism, and some elements of modernism (Henry and Milovanovic 1996; 1999; Milovanovic 2002). The most recent manifestation of the poststructuralist turn in criminology is to be found in the collective writings on “cultural criminology” by Jeff Ferrell, Keith Hayward and Jock Young (2009).

There are also weighty implications of poststructuralism elsewhere. For example, as they relate to this research project, they include: What is our justice discourse? What does its deconstruction demonstrate? What does our discourse posit as beautiful justice, true justice, and the right/wrong way? What meanings is our justice discourse privileging? What meanings is our justice discourse marginalizing? Which persons do such meanings privilege or marginalize? Who are the agents (moral entrepreneurs) of the dominant discourse? What are the Foucauldian *subjugated knowledges* that are not *apparent* in our public discourse of justice (Foucault 2003)? In other words, what are the justice meanings, truths, and knowledges that are confined, given no place, or driven underground? What are the marginalized agents declaring about justice meanings? Who in our discourse is defined as “fighting for” and “fighting against” justice? How do all these claim to speak for all of us?

Justice Is What Is Languaged

The profound impact of language choices has been demonstrated well beyond theory. The consequence of language choices when justice situations are described has been skillfully demonstrated by laypersons and academics. In his fiction and essays, George Orwell (2000) demonstrates the power of language as a tool for domination. He shows how moral entrepreneurs frequently use (and abuse) clever language choice, metaphor, and meaningless words, in order to deceive publics. In more recent times, Frank Burton and Pat Carlen (1977) advance a similar argument about the ‘Official Discourse’ of government language in reports, rhetorical positions, and the like. Burton and Carlen also expose the greater capacity of government authors to define situations in social life as a result of their disproportionate power to owners of other discourses on the same topic. Students of ‘criminal justice’ show how language choices along with cognitive psychology can influence law and legal practice (Solan and Tiersma 2005), or how incarcerated youth use language to resist powerful state and academic discourses on the etiology and amelioration of juvenile deviance (Banks 2009), or how the incarcerated generally do the same through the use of “jailhouse lawyers” (Thomas 1988), and through resistance against the attempted confinement of their agency (Bosworth 1999). Michel

Foucault (1977) provides another great example. He masterfully demonstrates how the study of dominant language unmasks the capacity of some groups to control discourses and hence to control the realities of not only their own groups, but also the public at large; in other words, the perception of reality and thus reality itself.

The work of these authors, and the work of many others from numerous fields of study, create a precedent for the argument that the use of language in social life can privilege certain discourses to dominance, while marginalizing alternative discourses to second or third place, or sometimes even to irrelevancy (early critical criminologists who struggled for recognition with orthodox criminologists knew this problem intimately).

In the broader research field of 'criminal justice,' daily language choices that once were seen as deliberate have now become habits of language that carry a concrete reality. For example, what once was an intentional, perhaps even odd, drawing of certain social situations as the encounter of 'criminals' and 'victims' in 'crime' situations is now widely experienced as anything but a discourse creation, an option, or one of many possible ways of describing such situations. Instead, the linguistic distinctions 'criminal,' 'victim,' and 'crime' (along with myriad meanings that automatically accompany them) are now an innate part of how scholars and publics widely think of, or describe, these social situations, why responses to some actors in such situations belong in the domain of 'criminal justice' and not social justice, and why 'criminals' are viewed as worthy of punishment and 'victims' as worthy of empathy (see Beck in this volume). There are many other ways to *experience* and *describe* these social situations, and they are not in the literature of social and cultural anthropology alone. Although such experiences and descriptions are not widely available, they do exist, such as the restorative justice worldviews of some native peoples in North America, Australia, and New Zealand.

While analysis of alternative descriptions of such situations must be left for another time, here I would like to emphasize that *justice language choices* possess enormous power to support (and ultimately to create and recreate) entire *justice discourses* that in turn seem to describe an innate *social reality*. Seen this way, a cumulative set of justice language choices builds complex and intertwined perceptions that construct 'crimes,' 'offenders,' and entire paradigms of justice. Such distinctions and paradigms, no matter how *real* they appear to be, are always little more than a discourse, manifest through relationships, and importantly, constitute only one of an unlimited number of available or imaginable discourses.

Thus, in time, justice (language) paradigms, such as the retributive/punitive one that is based on the distinctions 'offenders,' 'victims,' 'crimes,' and the like, become deeply accepted *obvious* interpretations of social

situations. In the right political climate, these interpretations then become dominant justice (language) movements, such as the 'tough on crime' discourse has become in North America (but see Kappeler and Kraska 1999).

For students of race and justice, and specifically for students of critical race criminology, the questions are many. The most important of these is how everyday language (reality) not only criminalizes people of color, but also builds and maintains racist 'criminal justice system' discourses and practices, even while acknowledging the problem of 'race' in matters of 'crime' and 'criminal justice.'

Race Is Languaged

The idea developed above, that language choices and distinctions create and sustain entire social discourses that, in turn, seem to describe an innate social reality, is no less true in the situation of 'race.' While 'race' groupings reflect phenotypic and genotypic traits, beyond this they are merely a social construction (Lie 2004; Palmie 2007). As the American Anthropological Association bluntly states, "differentiating species into biologically defined 'races' has proven meaningless and unscientific" (AAA 2009). Research demonstrates that the interpretation 'race' is not a matter of biology, as more genetic variability exists within such grouping than between them (Long and Kittles 2003). Moreover, conceptions of 'race' and 'races' are not timeless fixtures but social products that are invented, maintained, and eliminated as they serve an age and a society (Delgado and Stefancic 2001). As such, 'race' belongs to the study of history and sociology that interprets all human inventions (language) used to negotiate the imaginings called perceptions and experiences of difference (Smedley 1999). Put differently, the creation 'race,' reflects a *linguistic device* to express intellectual and popular beliefs about human groups and to justify ideologies with definitive historic and economic purposes (colonization, slavery, etc.).

The implications of 'race' are far reaching. In the human and social sciences, scholars face a call to use sharp and critical eyes to identify not just the constructed nature of 'race,' but also the hegemonic role that the distinction itself supports (Zuberi and Bonilla-Silva 2008). This is a call to observe and decry racism, but importantly it is also a call to recognize that modern social environments are hyper-racialized and necessitate that scholars examine the *color* of social theory, the *color* of analytic frames, and the *color* of practice. Some scholars have found color in the "unconscious racism" of law (Lawrence 1987), and some have found evidence of color in the "petit apartheid" practices of jury nullification and racial profiling (Milovanovic and Russell 2001). Yet others, encouraged by the postmodern turn, point to the usefulness of examining narratives and storytelling, analyzing the

construction of subjectivity and viewpoints, as well as re-imagining methodology through which knowledge is validated – all to locate the oppression inherent in racist discursive activities (Arrigo, Milovanovic, and Schehr 2005).

In the study of ‘crime,’ ‘race’ is more commonly encountered as a research variable that endless generations of bean-counting criminologists take for granted and accept as unproblematic. Here ‘race’ is encountered as a construction whose very study perpetuates and encourages racist ‘criminal justice’ thinking and practices it purports to deconstruct. Karen Glover’s *Racial Profiling: Research, Racism and Resistance*, calls for a “critical race criminology” that

“specifically addresses traditional and contemporary examinations of race in criminology and contests the ways the discipline produces and represents race by focusing on and indeed validating experiential knowledge via the social narrative of marginalized communities” (2009:2).

Glover’s call denotes the point of entry for the study of language as it contributes to a critical race criminology and the study of racism which resides in the discourse and practices of the ‘criminal justice system.’ My point here is that to study the specific language of ‘criminal justice’ discourse is to visit the site where ‘race’ and ‘racism’ infuses ‘criminal justice discourse.’ Indeed, it is in everyday language (reality) that people of color are criminalized; it is in everyday word choice, word use, and word control that the racist ‘criminal justice system’ discourses and practices are built, maintained, and reproduced (even while the problem of ‘race’ and ‘racism’ in matters of ‘crime’ and ‘criminal justice’ is being fully acknowledged).

‘Racism’ reflects the ways in which social relations are constructed to advantage and disadvantage human groups that are distinguished as belonging to disparate ‘racial’ categories (Bonilla-Silva 2003). More important to my project here, ‘racism’ reflects the ways in which social relations are *continuously maintained, recursively reconstructed, and creatively innovated* to advantage and disadvantage human groups that are distinguished as belonging to disparate ‘racial’ categories. To accomplish the latter, it becomes important to expose the mechanisms that sustain ‘racist’ discourse and ‘racist’ practices *even amidst a discourse and practices that claim to recognize and contest such ‘racism.’*

I contend that the study of justice-related language provides for the study of mechanisms that sustain ‘racist’ discourses and practices. The identification of race, race as a discursive process and racisms through the study of justice-related language provides a powerful tool for the construction of critical race criminology. My remaining

purposes in this article are to identify such justice-related language research that highlights the work of ‘racism’ and to make a call for further critically aware and reflexive research on race.

STUDIES OF JUSTICE-RELATED LANGUAGE FOR A CRITICAL RACE CRIMINOLOGY

I have been arguing throughout this article that the study of justice-related language is an essential ally to critical race criminology. Although a methodical examination of race-related language in the criminal justice system’s rhetoric has not been undertaken, nor the potential for such an analysis previously identified, the power and promise of such work can be demonstrated by considering previous work in the theoretical context just developed.

Haig Bosmajian’s (1960; 1983) historical studies examine the power of language to label, construct, suppress, and control people by use of metaphor. For example, he demonstrates how the languaging of Native Americans as ‘uncivilized barbarians,’ African Americans as ‘beasts’ or ‘nonpersons,’ European Jews as ‘vermin,’ ‘parasites,’ and ‘a plague,’ along with similar implications for persons through the language of sexism, homophobia, and the language of war, gives legal and moral standing to efforts to criminalize and control such populations.

Similarly, Turner Royce (2002) recently studied the transcripts of the British House of Commons and discovered that, almost without exception, when parliamentarians discuss people of Romani descent (those commonly known as Gypsies), they discuss them as ‘dishonest,’ ‘criminal,’ ‘dirty,’ and most importantly, as threatening, not least because as itinerant bands they are portrayed as potentially stealing children.

Above all, such scholarship shows how language can be used to justify human action, such as defining others in ways that permit and encourage their social control: exterminating or enslaving entire race/ethnic groups, justifying unequal treatment of social members that differ by gender or sexual orientation, ostracizing and removing from everyday life social members that are defined as undesirable because they possess identities and selves that are different from those in the mainstream, which in our age, would include justifying the massive incarceration of young black men.

While there is not a large body of research exploring how language can be used to criminalize persons of color, some research exists, and as I am demonstrating, it is global. Rob White (2002) explores how ‘offensive language’ is socially constructed in ways that serve to criminalize the street activities of young indigenous people in Australia. He looks at swearing, and specifically how the cultural use of words, such as ‘fuck,’ result in

Aboriginal youth becoming disproportionately involved with the Australian 'criminal justice system.' White's convincing argument is that state power is used (in the policing and regulating legacy of colonialism) against certain groups of people in ways that criminalize and further marginalize these groups. In this example, the focus is on 'bad' language and how it allows a legitimate and systematic intrusion into the lives of the less powerful Aboriginal persons. It also exposes how this language builds toward the eventual criminalization and marginalization of Aboriginals – to an exceptionally disproportionate scale. White's research is an excellent demonstration of how language is used to do the work of criminalizing people of color. Aboriginal youth are defined, controlled, and 'kept in place' by the use of 'law' and 'criminal justice system' practices that distinguish specific uses of language as illegal, uncivil, and inappropriate. White proves the power, relevance, and impact of language in relation to issues of social and 'criminal justice' and also demonstrates how language is a powerful tool that can be used against others.

In my own work, I complete language studies that I term *Language of Justice* research. I argue that everyday justice discourse takes place within a body of interpretations, metaphors, rhetorical frames, and ultimately ideology, which is rarely acknowledged and is instead accepted as self-evident. In my research, I conduct language studies, which are individual investigations into a word or a phrase commonly used in 'criminal justice' discourse. I do these language studies to interfere with and disrupt everyday justice discourse and in order to get to the *language habits* that we have forgotten are habits and that we have confused for reality. In this research, I commonly discover that the language of social control, and 'criminal justice' in general, is designed to encounter people of color, as well as those of lower socio-economic status and of certain gender (Coyle 2002).

For example, in a recent project, a colleague and I demonstrated that the currently occurring discursive shift from 'tough on crime' to 'smart on crime' does not reflect a change in 'criminal justice' ideology that somehow recognizes the racist consequence of the 'tough on crime' movement (Altheide and Coyle 2006). Instead, the shift to 'smart on crime' denotes a rhetorical device that is designed to mask the political and economical infeasibility of sustaining the funding of what has become the gargantuan 'criminal justice system' (see Kappeler and Kraska, 1999 for a similar analysis of the shift from law enforcement and crime control to community policing).

Similarly, in my study of 'innocent victim,' I demonstrate how the use of 'victim,' as compared to the use of 'innocent victim,' unveils a hidden aspect of victimhood language more broadly (Coyle 2002). I show that the term 'innocent victim' is used for those believed to not be responsible for their victimhood, while the term 'victim' is used for the rest. Obviously, who is called an

'innocent victim' and who is designated as a 'victim' gains deep importance. In my data, I find that those experiencing racial prejudice are, in their majority, described as 'victims' and not as 'innocent victims.'

The above research demonstrates how everyday language (reality) not only criminalizes people of color, but also builds and maintains racist 'criminal justice system' discourses and practices, even while acknowledging the problem of 'race' in matters of 'crime' and 'criminal justice.' As witnessed in these works, to study the specific language of 'criminal justice' discourse is to visit the site where racism infuses 'criminal justice discourse' by word choice, word use, and word control.

A CALL FOR LANGUAGE STUDIES TOWARD A CRITICAL RACE CRIMINOLOGY

It is evident that language-related research has the capacity to contribute to critical race criminology. Specifically, language studies can unmask the racism of modern 'criminal justice' discourse and modern 'criminal justice system' practices. While existing research demonstrates the potential, much work remains to be done.

Researchers can identify the construction and maintenance of race work in the discourse and practices of 'criminal justice' in at least two important ways. The first is to conduct individual investigations into any word or phrase commonly used in 'criminal justice discourse.' It is exactly because (as the above review illustrates) everyday justice discourse takes place within a body of interpretations, metaphors, rhetorical frames, and ultimately ideology, that can be and sometimes is racist, that the study of the very words and phrases used in 'criminal justice' discourse will disclose the presence of racism. The most fruitful work will probably be to first explore the most common language currently used in 'criminal justice' discourse. The fact is that detailed studies of 'crime,' 'criminal,' 'offender' – whether by analysis of media content, 'criminal justice' research writings, interview data, or other – have yet to be completed. Further, qualitative, ethnographic (language) work on numerous populations, such as 'race' groups or 'criminal justice system' workers, can suggest avenues of research that are difficult to recognize from the current perspective that has predictably blinded researchers to the *language habits* of multiple 'criminal justice' discourses.

The second way researchers can identify the construction and maintenance of race work in the discourse and practices of 'criminal justice' is to engage in a critical examination of the language they encounter in their research, regardless of its topic. An ethnography of the incarcerated youth of color in a juvenile facility in the U.S.A. can unveil not only the voice and meanings young boys of color give their experience, but also can trace what

the very words they use show about racism in incarcerated and everyday life (in the manner that White's work did for Aboriginal youth in Australia). It is difficult to imagine how any 'criminal justice' research project – regardless of its goals – would not benefit from a careful analysis of the language encountered.

Ultimately, the hyper-racialized environments of everyday life mean discourse and practice has color. Learning to identify the color of 'criminal justice' discourse and practices is the work of critical race criminologists and the concern of all students of 'crime' and social life. As an anonymous reviewer of an earlier draft of this paper noted, while my analysis of the language of 'race' demonstrates it is a socially constructed category that has its uses for short-term strategic reasons (namely, in order to point to how groups of humans are created and subjugated), my larger point should not be missed: the very category deserves to wither away.

CONCLUSION

The language used in everyday life already embodies theories of reality. This means that scholars, merely by using language, *define* what they think they are only *describing*. The implication inherent in critical race criminology is that if a racist 'criminal justice system' is present, then the racism lives in the language and importantly, given our age of political correctness, in a language that frequently *does not sound racist*. I propose the critical rejection of a supposedly seamless and homogeneous language, which defines social and 'criminal justice' as the domain of social control, e.g. a social reality where 'criminals' create 'victims' and are 'offenders.' Importantly, when scholars of justice study, they must study the language habits of those they are directly or indirectly studying. Such language considerations will unmask how language is used to justify social control, subjugation, and criminalization of persons, especially persons of color.

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About the author:

Michael J. Coyle, Ph.D., is an Assistant Professor in the Department of Political Science at California State University, Chico.

Contact information: Michael J. Coyle, Department of Political Science, California State University, 400 W. 1st Street, Chico, California 95929-0455; Phone: (530) 898-4965; Fax: (530) 898-6910; Email: mjcoyle@csuchico.edu