

Comment on Patrick L Mason: Driving while black: Do police pass the test?

Sophie Hydén*

The empirical research by Patrick Mason is of great value. He identifies ethnic bias in police work, which is necessary to confront ethnic profiling. As far as I know, no similar study has yet been conducted in Sweden. In fact, the lack of empirical studies on ethnic bias in Swedish law enforcement is striking.

A drawback with the quantitative data in the study is that it leaves us without any explanation as to why white police officers police differently than their African American and Latino colleagues. Similarly, we do not know why African American and Latino status tends to lower the guilt signal required for police suspicion, or why police officers treat drivers differently according to the racial composition of the county. Lack of answers to the questions of why is a general consequence in quantitative research design, which calls for complementary qualitative analysis.

I will comment on the study by Mason from a Swedish point of view. First, I describe the Swedish context in which law enforcement is carried out, and approach the question of why ethnic bias and ethnic profiling in Swedish law enforcement has not attracted any attention within the Swedish Police and research before today. Second, I shed some light on differences between American and Swedish society to highlight difficulties in conducting a similar study in a Swedish context.

1. Ethnic bias in a Swedish context

It is just in the last couple of decades that Swedish society has come to view itself as being multicultural. From a historical perspective, Sweden is not a homogenous nation but a country formed by immigrants: from Germans during the 9th century to Finns during the 19th century (Morfiadakis, 1986) and the home country of native minorities, e.g. Samis/Laplanders (samer) and Finlanders in Tornedalen

* *Sophie Hydén is a Researcher at the School of International Migration and Ethnic Relations, Malmö University.*

(tornedalsfinnar) (Svanberg and Tydén, 2005). Nevertheless, Sweden is generally described and perceived as a multicultural country of quite recent descent and, for this reason, there is no custom in Sweden of handling ethnic relations, which partly explains why ethnic bias in Swedish law enforcement has not attracted any attention.

This, in turn, does not entail that ethnic relations is an unproblematic matter in Sweden; neither in general nor when it comes to police relations towards the public. The Council of Europe's Commission against Racism and Intolerance (ECRI) notes in the Second Report on Sweden (June 28, 2001, para.66) that racial profiling by the police is reported to occur in Sweden, but there is little information on the extent to which the practice occurs. Further, according to Diesen (2005), there are problems connected to ethnic discrimination in all different stages of the Swedish judicial system.

The country of Sweden is small as are the immigrant groups living in Sweden, compared to e.g. the US. The prerequisites for ethnic minorities to be a political force in Swedish society have consequently been poor, which partly explains why ethnic bias in Swedish law enforcement has not been recognized as a problem. The sparse research within Swedish academia on ethnic bias in the judicial system is a sign of this.

The self image of Swedish society is another reason why ethnic bias has not been investigated in Sweden. The Swedish state is known for its strong welfare system and has been considered to be a role model on social and democratic issues. Sweden has also traditionally been an advocate of human rights. This history of good reputation has most likely contributed to develop a self-righteous approach and a lack of self-criticism, drawing attention from problems within Swedish society, such as ethnic bias in professional practice.

A short review of some changes in the perception of immigration and immigrants among the Swedish majority population over the years is of relevance for a discussion about ethnic bias. The labour migrants who came to Sweden after the World War II were generally seen as a positive contribution to Swedish society and a help to build up the economy after the war. These migrants were mainly from other European countries and are today mostly perceived as integrated in Swedish society. In the late 1980s, the character and composition of migration changed. The majority of the immigrants arriving in Sweden were now refugees from non-European countries. Rather than welcoming these migrants as a contribution to Swedish society,

they were regarded as an economic burden and a threat to Swedish culture and society. They were also perceived as more distant from Swedish culture than earlier migrants (Abiri, 2000).

Towards the end of the 1980s, for the first time, voters expressed strong negative attitudes towards immigration (Fryklund and Peterson, 1989). Before this, immigration had not been considered to be a political issue in Sweden. The increase in the amount of refugees from the mid 1980s, in combination with a rise in the unemployment rates at the beginning of the 1990s (1992 from 2-3 percent to 8-9 percent), especially among immigrants, led to a more explicit negative attitude in Sweden towards immigration and people with a foreign background that is still prevalent today (Diaz, 1993; Hammar, 1999; Lange, 1995; Lange and Westin, 1993, 1997; Westin, 1989).

To conclude, not until the 1990s did Sweden start to view itself as being multicultural; consequently, there is no tradition of taking ethnicity issues into consideration in Swedish authorities such as the Police. The lack of discussion about ethnic bias and ethnic profiling may be further explained by the small size of the country and the lack of political power among ethnic minorities; the relatively small immigrant groups in Sweden do not have the political power to successfully counteract ethnic bias in Swedish policing. Parallel to this, the lack of self-criticism within Swedish society has prevented ethnic bias from being discovered and acted upon. There seems to be a tendency within the Police to view itself as more just and professional than in most other countries, which may easily be mistaken for a flawless Police. Finally, changes in the Swedish economy, the labour market, and the character of migration during the last two decades gave rise to negative opinions about immigration and immigrants in Swedish society. These negative views exist among the population in general, and there is no reason to believe that Swedish police officers should be an exception in this respect.

2. Circumstances affecting the possibilities to conduct a similar study in Sweden

Quantitative studies of ethnic differences in police stop and search procedures require that the ethnicity of individuals is registered. Unlike in the US, where ethnic registration is used as a means of coming to terms with ethnic discrimination in the framework of affirmative action, ethnic registration is not practiced in Sweden. In-

stead, ethnic registration is considered to evolve the risk of discrimination, with reference to European history in the past century and the fear among minorities that the information could be used for harmful purposes. This contrast between Sweden and the United States has several implications for conducting a similar study in a Swedish context.

First, people are not asked to define their ethnicity or race in contacts with Swedish authorities; therefore, members of the Swedish population are not used to characterise themselves in the public setting in terms of a specific ethnic category or race. People's ethnic belongings are rather a question of their own personal business. Second, well defined categories such as Latino, African American or Asian are not used in Swedish society. When ethnicity is discussed in the Swedish debate, it is either in terms of a diversity of ethnic groups, or in terms of the oversimplified dichotomy "Swede" versus "Immigrant". This accentuates the subjective, fluid and context dependant character of ethnicity, and complicates the data collection in a Swedish study on ethnic bias in police stop and searches. These particular Swedish circumstances serve to highlight an important question to be raised in all studies of police stop and searches, irrespective of where they are conducted; who is to define the ethnicity or race, the drivers themselves or the police officers? If the latter, what cues should be used to code ethnicity or race in multicultural societies (skin hue, language, generational ties to the land, etc.)?

Third, and finally, the ethnically homogeneous composition of the Swedish police force complicates an analysis of the possible impact of police officers' ethnic belongings on their work. The study by Mason shows precisely the importance of having police staff that reflects the ethnic background of the public. In recent years, this has become a prioritized matter within the Swedish police, which is showing results little by little.

3. Conclusions

To conclude my intervention, ethnic bias in law enforcement was just recently brought up on the Swedish agenda. A key problem in Sweden is consequently the lack of studies in this field. While the concept of ethnic profiling is not recognized in a Swedish context, the reality of discriminatory policing is not unfamiliar to the Swedish population. Consequently, the important step of identifying ethnic profiling in

police work needs to be taken, based on both quantitative and qualitative empirical research. This would serve as an eye-opener to wider issues of ethnic bias in the Swedish criminal justice system.

References

- Abiri, E. (2000), *The Securitisation of Migration. Towards an Understanding of Migration Policy Changes in the 1990s. The Case of Sweden*, Ph.D. Thesis, Department of Peace and Development Research, Göteborg University.
- Council of Europe's Commission against Racism and Intolerance (2001), *The second report on Sweden*, June 28, 2001, Strasbourg.
- Diaz, J. A. (1993), *Choosing Integration: A Theoretical and Empirical Study of the Immigrant Integration in Sweden*, Ph.D. Thesis, Department of Sociology, Uppsala University.
- Diesen, C. (2005), *Om positiv och negativ särbehandling i straffprocessen*, in C. Diesen, C. Lernestedt, T. Lindholm and T. Pettersson (eds.), *Likhet Inför Lagen*, Natur och Kultur, Falun.
- Fryklund, B. and Peterson, T. (1989), *Vi mot Dom: Det Dubbla Främlingskapet i Sjöbo*, Lund University Press, Lund.
- Hammar, T. (1999), *Closing the doors to the Swedish welfare state*, in G. Brochmann and T. Hammar (eds.), *Mechanisms of Immigration Control. A Comparative Analysis of European Policies*, Berg, Oxford.
- Lange, A. (1995), *Den Svärfångade Opinionen: Förhållningssätt till Invandring och Invandrare*, Centrum för invandringsforskning, Stockholm.
- Lange, A. and Westin, C. (1993), *Förhållningssätt till Invandring och Invandrare 1993*, Centrum för invandringsforskning, Stockholm.
- Lange, A. and Westin, C. (1997), *Den Mångtydiga Toleransen*, Centrum för invandringsforskning, Akademityck, Stockholm.
- Morfiadakis, E. (1986), *Sverige och Invandringen*, Utbildningsproduktion AB, Malmö.
- Svanberg, I. and Tydén, M. (2005), *Tusen År av Invandring: En Svensk Kulturhistoria*, Dialogos, Stockholm.
- Westin, C. (1989), *Swedish attitudes towards immigrants and immigration policies*, Forskningsgruppen för studier av etniska relationer, social kognition och tvärkulturell psykologi, Pedagogiska institutionen och Centrum för invandringsforskning, Stockholm University.

