Putting Blacks Into a Cultural Prison:

An Analysis of the Victims and Criminals in the Television Series *Law and Order*

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In *The New Jim Crow* (2011), Michelle Alexander explains that, historically, three forms of social control have been used to keep African Americans in a secondary status: first slavery, then Jim Crow, and today the new form of social control present in the United States is the mass incarceration of African American men. Alexander explains how the War on Drugs from the 1980s until today has been used as a tool of social control to incarcerate large numbers of black men. Beginning during the Reagan Administration, a racial inequality in prosecuting the "get tough" on drugs policies combined with the "three strikes you're out" law has resulted in a 171 % increase in incarceration rates for black men (cite). Alexander states that television programs, like *Law & Order*, are shaping the audiences' support for mass incarceration as an acceptable tool for social control for low level criminal offenses like drug possession.

The television series *Law and Order*, which aired from 1990-2010, focuses on the police and legal system from two vantage points. The first half of the show concentrates on the investigation of crime by police detectives, which is followed by the prosecution of the crime in the legal system. This hit drama is the longest running crime drama in the history of television. Because of the programs high viewer ratings and its longevity on air, the series was unquestionably viewed by a significant number of Americans; an analysis of this program can offer insight into American culture's depiction of black men.

The recurring trends of stereotypical depictions of race in the media are counterproductive for race equality. This paper argues that the television series *Law and Order* contributes to the social control of African American men by portraying middle and upper class white men as victims of crime, while stereotyping lower class black males as criminals. Essentially, media is putting all black men into a cultural prison, even those who never committed a criminal act.

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Theory: Hall on Encoding and Decoding

Media is one outlet by which mass images and ideologies are transferred, and consumers of media decipher these images and ideologies based upon their unique experiences. In E*ncoding and Decoding in Television Discourse* (1973), Hall explains the process by which messages are created and communicated, which he calls the process of encoding and decoding. Through the process of encoding, the producer(s) have the power to distribute a particular message. Hall defines decoding as the interpretation of a message by the audience members. Hall argues that the degrees of understanding between the encoder and the decoder must be symmetrical; otherwise the distortion of meaning may occur. Distortion can occur, for example, if there are social structural differences between the encoders and decoders such as class, race, and or sex.

Producers decide what to encode based upon their own experiences and their preconceived ideas about the societal values of the audience. For example, a producer may believe that audiences have not personally experienced an act of violence, so the producer encodes a message about violence he/she thinks will move the audience. Hall notes there can be no assurance that the encoded message is always perceived by the audience as the encoders intended. While encoders may intend for certain messages to be portrayed, it is the audience who decodes what is meaningful to them.

To establish meaningful discourse, Hall suggests a common framework must be applied for the message to be decoded. A code can change meanings from one frame to another, so within each genre, a framework must be established. For example, in western films, Hall believes audiences have a common idea regarding the structure of the media product; certain patterns and ideologies are consistent with the genre, such as the protagonist being a male cowboy who has a shoot-out with his enemy. Hall argues that such genres are so recognizable that content is easily

encoded because of tightly-coded rules of language (p. 470). If the rules are symmetrical and shared between the producer and the audience, the message is likely to be decoded almost exactly as the encoders intended.

Hall suggests that the more realistic the images, the great the symmetry between the encoder and decoder. Hall explains that visual signs (e.g. an image of a cowboy) are more universal than linguistic signs (e.g. the word "cowboy"). Hall argues that visual signs may be understood as "fragment of ideology" (p. 50), meaning encoders possess power in presenting their idea visually about how the world should work.

Building upon Hall's theory of encoding and decoding, Gray (2005) finds that the disproportionate underrepresentation of African Americans in films is due to the framework of the encoders. Furthermore, contemporary representation of blackness are linked to the increased presence of black producers, writers, directors, and on-screen talent; however, the diversity of black representation in television categories is limited.

Successful television comedies such as *The Jeffersons* and *Good Times* drew on African American culture and, employed black writers and actors; however, the creative nature of these shows, Gray notes, was credited to white executive producers. While black writers and actors contributed to the shows' cultural meanings, they seldom had veto power; ultimately, Gray argues power was in the hands of the white producers, thus reinforcing white privilege. The result is thematic boundaries with a consistent, and stereotypical, representation of African Americans in situational comedies. Gray concludes that decoders will identify African American actors in a similar framework since this is the "code" seen more frequently.

In addition to stereotypical portrayal of African Americans in television comedies, crime shows also present a stereotype, albeit of a different nature. The overrepresentation of blacks as

criminals in television news is not due to the encoders solely, but also reflects the audience members preferred decoding. In "The Intersection of Race and Crime in Televised News Stories" (1996), Peffley explains the relationship between televised race and crime. Peffley found that blacks are represented more negatively and, as a result, viewers internalize negative stereotypes as valid. The perception of African American males as aggressors is due to both the frameworks of the produces and audiences. Clearly, stereotypes are perpetuated through media outlets.

A study by Peffley (1996) sought to understand how visual images shape viewers' reactions to television series. Peffley created a "mock jury" trial and found that black defendants receive harsher punishment than white defendants. According to the FBI (2000), the victims of violent crimes are most often black males, but fictional television programs such as *Law and Order* encode white, upper-class men most often as the victim (Eschholz, 2004). Due to the choices of encoders, the audience may decode a message that characterizes criminals as members of a certain racial group. The race of the criminal, the crime committed, and the punishment for that crime all operates as a code about race.

The view of some audience members remains symmetrical with producers because of the use of stereotypical images in both the encoding and decoding process. Hall's theory of encoding and decoding is used to explain how images of race in the media are due to both the producers and the audience. This paper draws upon Hall's (1973) theory of encoding and decoding to analyze the depictions of race in the media, more specifically in the television series *Law and Order.* Understanding how race is coded in a popular television show like *Law and Order* can illustrate a common framework about race, which ultimately has some influences on the audience members.

Literature Review

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Previous research has shown that there is disproportionate representation among racial categories in the media as evidenced in television shows, local news stations and popular music. These racialized media depictions have changed over time from black men as comedic to black men as criminals.

Depictions in Comedy

Historically, black men have been typecast into comedic roles, which originated during the minstrel shows of the late 1880s showcasing blackface humor (Meer, 2005). For example, the minstrel show *Uncle Tom's Cabin* (1852) became famous for its comedic take on slave life. The use of "negro-English" was considered to be one of the most entertaining aspects because of the misuse of words by the lower class black men. The dialogue was used to contrast the educational differences between an African American man and a middle class white man. Meer (2005) notes that the actors imitated the "black accent" to further portray the gap between white and black men. Southern (1983) suggests that the caricatures of African Americans as slow-talking, dim-witted individuals who loved fried chicken and watermelon resonated with white audiences and led to the stereotypical black man envisioned today (Southern, 1983).

This comedic portrayal continued with the 1950s television show *Amos n' Andy* which was comprised of an all-Negro cast. Every character was either a clown or a crook, and in 1953 the NAACP succeeded in its efforts to end the show because of its offensive depiction of black men (Hunt, 2005). The continued portrayal of African Americans in situation comedies such as *The Jefferson's* and *Good Times* created thematic boundaries in the representation of blacks (Gray, 2005). Coleman (1998) argues that Blacks are overtly typecast into situation comedies thus "proving" the reality of racial disparity.

Depictions in Reality Based Media

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African American men are no longer typecast solely into the comedic role; today media often depicts black men as a criminal and as an aggressor. Dixon (2000) found that blacks are portrayed as lawbreakers at a significantly higher rate than whites. Rich (1997) found that blacks represent 12% of the United States population yet they are depicted as aggressors in 25% of rap music videos. Rap culture focuses on depictions of violence and drug use in urban ghettos in the United States. Rap's roots are traced to depictions of the hustler lifestyle of the 1970s, which glorified blacks as criminals and gangsters. Rap lyrics express the life experiences of the artist, so then ghetto life is often explained from a perspective of black men who are treated like a criminal even if they have never committed a criminal act (Dixon, 2000). Listeners are able to get an insider's look about life on the street where violence against black men occurs. Rappers project toughness by referring to themselves as "killas" or "thugs" in their lyrics. For example, the rapper Snoop Dogg has labeled himself insane and one song includes lyrics the lyrics, "I never should have been let out the penitentiary." Kubrin (2005) notes that a common theme in rap songs details explicit violent situations incidents weapons and the often bloody aftermath.

In an attempt to understand how visual images shape viewers perceptions, Peffley (1996) examined the intersection of race and crime in news stories and found that the same behaviors acted out by black and white targets were interpreted differently by white viewers; the black target was often viewed as more aggressive than the white target by white viewers. Other studies have found that blacks are two times as likely as whites to be portrayed as perpetrators on local news stations and they are overrepresented as criminals (Dixon & Azocar, 2007; Peffley, 1996; Oliver, 1993). Because of the persistent negative connotations in television news of black depicted as criminals, Peffley (1996) argues that viewers with heavy television news consumption tend to internalize the stereotypes as valid.

Depictions of Black men in Fictional Crime Dramas

In fictional crime dramas, African American characters often play the role of violent criminals or drug dealers and they are rarely depicted in positive or sympathetic roles, such as police officers or victims. Eschholz (2004) suggests that the connotation of blacks as criminals in crime dramas perpetuates the stereotype of the "young black male" as violent and dangerous. Britto (2007) found that victims in *Law and Order:SVU* are more often white, upper-class men, which receive greater sympathy in the development in their story lines. Whites are 1.5-2.5 times more likely to be shown as victims rather than offenders, thus reinforcing the image of whites as victims (Eschholz, 2004). Blacks appear 40-50% more often as suspects than they do as victims Gustaferro, 2013). Gustaferro's analysis of the HBO series *the Wire,* found that 82% of the cocaine defendants were black, yet 65% of users in the United States are white.

The disproportionate percentages between the depictions of black men as criminals compared to white men exemplifies the perpetuating stereotype found in the media. The portrayal of black men as deviant even begins with black children's roles in television shows. For example, in an episode of *The Wire,* African American children living in the projects are shown warning drug dealers if the police are in the area (Gustaferro, 2013). This encoded media image suggests that black children are introduced to criminal activity early in life and may grow-up to occupy the roles of their drug dealer friends.

According to Shniderman (2014), 98% of American homes have at least one television and on average, Americans consume four hours of "prime time" entertainment a day. Shniderman (2014) suggests that fictional dramas are a powerful source of information and crime based television dramas like *Law and Order* often use high profile real life events as plots lines. Shniderman (2014) notes that *Law and Order* is presented in a documentary like fashion to

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provide viewers with an impression of real-life events occurring by including information is

provided at the bottom of the screen, such as date and location. *Law and Order* creators have

labeled the show as "ripped from the headlines"suggesting the scenarios have occurred in reality.

Multiple outlets of the media contribute to social structures and audience perception of

reality, including their perception of criminals. Due to the lack of personal exposure to crime,

many people may obtain their views of crime trends through the media (Britto, 2007). Rap

music, television news and fictional crime based television shows illustrate black males as

aggressors. This content analysis will explore the context in which black males are depicted as

criminals in *Law and Order*.

Method

This study employs a content analysis of the fictional television crime series *Law &*

Order to determine the portrayal of African Americans. The first half of each episode

concentrates on the investigation of the crime by police; the second half of each program follows

the prosecution of the crime in court. The series is the longest-running series of its' kind in the

history of television. It is been nominated 164 times and has won 43 awards in varying

categories over the programs years of airing (IMBd).

This television series first aired in 1990 and was in continuous production until 2010.

There are a total of 456 episodes over this 20 year history. The number of episodes in any single

season varied from 18 episodes to 24. The sample consisted of three episodes per season, for a

total of 60 episodes. The three episodes from each season were randomly selected.

Each episode was coded using a pre constructed coding sheet (see Appendix A). The

following information was included: the producer and his or her race; and the perceived

race/ethnicity, sex socioeconomic class, age marital status, and religion of the victim and

criminal. Socio-economic class was determined by a combination of social factors including type

of residence, type of clothing and the occupation of both the criminal and victims. Additionally,

information was collected on the judge shown in the courtroom who presided over the trial

including perceived race/ethnicity, sex, and age. Lastly, the verdict of each episode was also

coded to measure if the criminal is found guilty or innocent.

Findings

The research here finds that the images of characters in television series *Law & Order*

changes over time. The data shows that over time the victims of crime are more likely to be

white and middle class, while the criminals are more likely to be black or Hispanic and

poor. The television series increasingly depicts stereotype images of crime victims and

criminals.

Table 1 Race of victims in Law & Order, 1990-1999 compared to 2000-2010			
Race	Victim		Total
	1990-1999	2000-2010	
White	21 (28%)	33 (46%)	54 (74%)
Black	7 (9%)	5 (7%)	12 (16%)
Hispanic	4 (5%)	3 (4%)	7 (9%)
Asian	0	1 (1%)	1 (1%)
N	32 (42%)	42 (58%)	74 (100%)

Table 1 shows the race of the victim by time period. Overall, 74% of the victims were

white, but the percentage varies by time period. In the 1990-1999 time period 28 % of the

victims were white compared to 45% in the 2000-2010 time period. Both black and Hispanic

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characters were less likely to be shown as victims of crime in 2000-2010 compared to 1990-1999. The social class of the victim also changes over time.

Table 2
Socioeconomic status of victims from 1990-1999 seasons compared to 2000-2010 seasons

Race	1990-1999			2000-2010			Total
	Upper	Middle	Lower	Uppe	Middle	Lower	
White	8 (11%)	10 (14%)	3 (4%)	9 (13%)	21 (28%)	4 (5%)	55 (74%)
Black	0	0	7 (10%)	1 (1%)	3 (4%)	0	11 (15%)
Hispanic	1 (1%)	0	3 (4%)	0	1 (1%)	2 (3%)	7 (10%)
Asian	0	0	0	1 (1%)	0	0	1 (1%)
N	9 (12%)	10 (14%)	13 (18%)	11 (15%)	25 (33%)	6 (8%)	74 (100%)

Table 2 shows the socioeconomic status and race of the victim by time period. Overall, 47% of the victims were upper class white, but the percentage varies by time period. In the 1990-1999 time period 25% of the victims were upper-class white compared to 22% in the 2000-2010 time period. Victims were less likely to be shown as lower class blacks or Hispanic.

Table 3
Race of criminals between 1990-1999 compared to 2000-2010

Race	Criminal		Total
	1990-1999	2000-2010	
White	23 (35%)	24 (37%)	47 (72%)
Black	4 (6%)	9 (14%)	13 (20%)
Hispanic	3 (4%)	1 (2%)	4 (6%)
Asian	0	1 (2%)	1 (2%)
N	30 (45%)	35 (54%)	65 (100%)

Table 3 shows the race of criminals by time period. There is a 2% increase of whites as criminals from the 1990-1999 time period to 2000-2010 time period. While there is an increase for white criminals, there is a significant increase in black depictions of criminals. From the 1990-1999 time period to the 2000-2010 time period, black criminals more than doubled from 6% to 14%.

Table 4
Socioeconomic status of criminals from 1990-1999 seasons compared to 2000-2010 seasons

Race	1990-1999			2000-2010			Total
	Upper	Middle	Lower	Upper	Middle	Lower	
White	6 (9%)	12 (18%)	5 (8%)	5 (8%)	11 (17%)	8 (12%)	47 (72%)
Black	0	1 (2%)	3 (4%)	1 (2%)	0	8 (12%)	13 (20%)
Hispanic	0	1 (1.5%)	2 (3%)	0	0	1 (1.5%)	4 (6%)
Asian	0	0	0	1 (2%)	0	0	1 (2%)
N	6 (9%)	14 (21.5%)	10 (16%)	7 (11%)	11 (17%)	17 (25.5%)	65 (100%)

Table 4 shows the socioeconomic status and race of criminals by time period. Overall blacks were depicted as criminals 20% of the time; however there was a significant increase in the depiction of black criminals from a lower class background from the 1990-1999 time period compared to 2000-2010, from 4% to 12%. By contrast, the percentage of low social class white criminals increased less, from 8% to 12%.

Discussion

The data in this paper suggest that the television series *Law and Order* is putting black men into a cultural prison by portraying a disproportionate number of criminals as poor black men. In *The New Jim Crow* (2011), Alexander argues that a racial caste system still exists in the

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United States in the form of the mass incarceration of Africans American men. The segregation

of African Americans during the Jim Crow era is analogous to the mass incarceration of black

men today. Alexander explains that fictional dramas, specifically *Law & Order*, perpetuate the

myth that the sole function of the criminal justice system is to keep the general public safe, while

punishing the dangerous criminals terrorizing the streets. Alexander (2001) observes that these

television programs are the, "fictionally gloss place on a brutal system of racialized oppression

and control" (p. 59).

Over the two decades that the series *Law & Order* aired, depictions of middle to upper

class white victimization increases. The findings here are similar to previous studies. Eschholz

(2004) found that whites are 1.5-2.5 times more likely to be shown as victims in television

programs. Britto (2007) also found that whites with a higher Socioeconomic status are often the

victims in *Law & Order: SVU* and receive sympathy in their stories lines compared to minority

victims. In addition to the increasing number of white victims, this study found an increase in the

percentage of poor black criminals from the 1990s to 2010. Again, the findings support previous

research. Britto (2007) found that African American characters often play the role of violent

criminals or drugs deals in television programs.

Alexander (2011) reports that black men in the United States have been labeled as

aggressors since the period following emancipation when whites feared the newly freed black

men might unite and attack them, or rape white women. The uninterrupted stereotype of black

men as criminals and white men as victims in American culture generally may explain the

disproportionate representations in the media. The data here shows the black victims are

underrepresented in the television series *Law & Order*, and the number of black victims

decreases over time. Between 2000 and 2010, not a single black victim who is poor or working

class is show. This data corroborates Britto's (2007) findings that black men are rarely depicted in sympathetic roles, such as victims.

Alexander (2011) argues that mass incarceration is a structural system designed to permanently relegate black men to a second-class status. As a racial caste system, Alexander argues that through mass incarceration "a stigmatized racial group is locked into an inferior position by law and custom" (p. 12). Media is perhaps, the most influential socializing agents perpetuating the stereotype of black men as criminals, thus programs like *Law & Order* are part of the system of mass incarceration. High incarceration rates of black men combined with the continuous depictions of black men as criminals in television series like *Law & Order*, are structural factors leading to the image of racialized criminals found in the media today. This is ultimately detrimental to society and perceptions because it influences the views many hold due to repetitive images in the media. For example, in the shooting of Michael Brown, a white police officer claimed he had to shoot to kill because Brown looked like a demon. It is clear some people have these images of black men as aggressors ingrained in their minds. Even police, officials who are meant to protect maintain these stereotypes and automatically associate black men as criminals because of the media's consistent influence.

<p style="text-align:center;">References</p>

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