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Racial Profiling in the Persian Gulf: Ethical, Moral, and Legal Implications

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Abstract. This article describes attributions about race and ethnicity that color the discourse on the ethics, morality, and legality of profiling.

Public affairs representatives of the United States Navy (USN) recently announced that the USN was holding a Russian oil tanker in the Persian Gulf. The representatives stated that the tanker was suspected of illicitly trafficking in Iraqi oil and would remain held until testing was accomplished bearing on the origins of the oil. Meanwhile, public affairs representatives of the Russian Foreign Ministry accused the USN of stopping the tanker merely because it was Russian.

In essence, the Russian Foreign Ministry representatives are accusing the USN of racial profiling (defined as the employment of racial or ethnic characteristics to predict the likelihood of a proscribed behavior--although predicting a proscribed behavior would also be an example of such profiling.) As with many opponents of racial profiling, the Russian Foreign Ministry representatives are not attacking the putative accuracy of profiling but instead profiling's intrinsic value--e.g., that racial profiling should just not be engaged in.

Even if the Russian Foreign Ministry representatives are only engaging in a propaganda ploy, one might note that this is not the case for other opponents of racial profiling. So, what attributions seem to support this opposition?

First, there is an unsavory history of mistreatment and even atrocity associated with the rubric of racial profiling that may or may not involve racial profiling per se. The relevant belief is that history is too likely to repeat itself without the proscription of racial profiling--regardless or in spite of the intent of the profilers.

In the above context, some proponents of racial profiling have simply used the rubric of racial profiling as a cover for blatant ethnocentrism, racism, and associated acts. (This need not occur, but there seem to be such proponents throughout history.)

Other proponents develop theories, observations, and statistical analysis as a rationale to inconvenience or mistreat people whom one believes are worthy of inconvenience or mistreatment based on some significant probability that the people in question may engage in some proscribed behavior. However, these proponents too often explicitly or implicitly suggest that the cause of the significant probability for misbehavior resides with some inherent trait or state within the people in question as opposed to political factors engendering social phenomena rendering misbehavior more likely. The intermediaries in this rendering include the (1) creation of demand expectations of many of society's participants for misbehavior by the people in question, (2) nurturing of a negative stereotype of the people in question, (3) development of a false consciousness in the people in question that the world as it is should be the way it is, and even (4) generation of self-attributions of blame. In this way, racial profiling creates a subjugating discourse that masks the need for profiling societies that engender behaviors that same society proscribes and develops racial profiles to deter.

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Second, there is the notion that using race as a predictive variable is inherently wrong because race is an inherent characteristic. With this notion is the surplus belief that what is inherent cannot be changed. However, many physical and psychological characteristics that a human organism brings into this world "play out" based on the environments in which that organism lives--regardless of some assumed immutable core from which characteristics may spring. Moreover, many of those environments can be chosen by that organism. In addition, race and ethnicity are often socially constructed and can seem far from inherent.

Third, there is the belief that any error factor--and all racial profiling systems will have some error factor--is an unacceptable consequence given the inalienable human rights of the person. The problem with this line of thought is that the same can be said for any effected public policy--a reality that would quickly bring all manner of formal governance (shared or otherwise) to a halt. Good news for anarchists, perhaps.

One might conclude that all proponents and opponents of racial profiling are but conscious or unconscious propagandists attempting to mask some intent--racist or otherwise. Or one might posit that racial profiling is but one of a number of profiling variants that constitute human nature interacting with environments. In either case, the Russians might be on to something. (See Canter, D. (2000). Offender profiling and criminal differentiation. *Legal & Criminological Psychology*, 5, 23-46; Dale, A., Davies, A., & Wei, L. (1997). Developing a typology of rapists' speech. *Journal of Pragmatics*, 27, 653-669; Hirschfield, A., & Bowers, K.J. (1997). The development of a social, demographic and land use profiler for areas of high crime. *British Journal of Criminology*, 37, 103-120; Kocsis, R. N., Irwin, H. J., Hayes, A. F., & Nunn, R. (2000). Expertise in psychological profiling: A comparative assessment. *Journal of Interpersonal Violence*, 15, 311-331; Persian Gulf: Tanker seized. (April 8, 2000). *The New York Times*, p. A6). (Keywords: Persian Gulf, Racial Profiling, Russia.)