

Now What? Substantive Racial Justice in Turbulent Times

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Geoff Ward & Peter A. Hanink, *Deliberating Racial Justice: Toward Racially Democratic Crime Control*, in [The Routledge Handbook of Criminal Justice Ethics](#) (Jacobs & Jacobs eds., 2016), available [in preprint](#).

My reading of *Deliberating Racial Justice: Toward Racially Democratic Crime Control* (Chap. 18 of *The Routledge Handbook of Criminal Justice Ethics*) came about because of a research project¹ about the role of law in implementing inclusionary practices. That project focuses on practices intended to overcome exclusion in specific parts of society in Latin America and Europe, but as Ward and Hanink observe, historical practices of exclusion, and their legacies, appear everywhere: “Worldwide, racial and ethnic group domination of legal authority—through legislation, within courts, in policing, and among influential associations—has proven a fundamental mechanism of oppression and domination, that is, a practical means by which groups defined by race have been denied self-realisation and societal participation.” (P. 283.)

With these words, the authors neatly pinpoint the problem — the injustices — that strategies and policies intended to remedy racial oppression and advance racial equality must address. In the body of this well-crafted essay, the authors critically examine one familiar response to racial oppression, “representation,” looking in particular at its capacity to change existing practices of domination through legal authority and to enable self-realisation and societal participation regardless of race. They situate their examination of this topic in the specific context of crime control administration in the United States of America. However, the paper’s exploration of how representation is typically implemented, exposure of the limitations of mainstream approaches, and advocacy of a more substantive model of “deliberative representation” as a means to advance racial justice gives the paper significance outside the United States and beyond criminal justice.

The paper opens with a scene-setting introduction and summary of some of the historical demands and struggles of black and other racialized Americans to participate as agents of authority in the administration of crime control processes. This brief overview of the backlash against, marginalisation of, and containment of these pioneers exposes many inadequacies of formal inclusionary measures that are used to set up diversity programmes, at least as a means to change how justice is practiced. Drawing on Iris Marion Young’s interpretations of the social, cultural, and political relationships of “recognition,” “participation,” and “democracy” (e.g., in *Inclusion and Democracy* (2000)), the paper incorporates substantive understandings of these relationships into a “deliberative” account of representation as a practice of racial justice.

It then turns to the capacity of crime control institutions to foster substantive participation through staff diversity policy and practice. The authors reject two conventional rationales for implementing diversity that may be valid in their own terms but do not contribute significantly to institutional change because they tend to constrain the newly included and to devalue their contribution to modifying established practices. These are the distributional rationale, which treats diversity as a means to counteract discrimination and to share out jobs fairly, and the “organisational effectiveness” rationale, which promotes diversity to improve access to and legitimacy with excluded communities. The paper suggests that an alternative, “integration and learning” rationale for diversity as a form of organisational development and improvement shows promise. According to this perspective diversity is valuable because it stimulates creativity and innovation through “productive disagreement” and contentious engagement with settled ways, and it is these processes of substantive participation that potentially could move institutions towards deliberative racial justice.

It is never easy to select a paper to review for the Jotwell Equality section because there is always so much good work

to choose from. This year has been more difficult than ever before because most of the available papers were written before the 2016 U.S. presidential vote that amongst other effects has empowered — and given official voice to — opponents of equality and to expressions of xenophobia. Imaginative equality papers, conceived during the pre-Trump era, may offer as much erudition and insight as ever, but the radically changed political environment makes a difference to how I read them. Given this environment, *Deliberating Racial Justice* stands out for its hopeful pragmatism about the everyday processes of diversity practice in institutions, reminding us that even in these bleak times, other, more meaningful, ways of advancing racial justice are possible.

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