

**Reading/Viewing/Listening List:
Race and the Criminal Justice System**

*Dexter Dias QC, October 2020
(Twitter @DexterDiasQC)*

So you want to know about race and the criminal justice system. I want you to know about race in the CJS, and look forward to talking with you about it. In the aftermath of George Floyd's death, these issues press themselves on us with renewed urgency. As lawyers, you are likely to have to deal with the impact and effects of individual and institutional racism. But what is it – race? How should we understand it? This is the first critical step in effective advocacy and intervention. It's a fundamental defining of terms. Again: what actually is race? What function does it serve – who does it serve? What is racism? Once we have a better understanding, we can move on to the law – and see how the criminal justice system is Janus-faced: affording people partial protection from racism and perpetuating it.

I – RACE

Spoken word

Dear White America

Danez Smith

YouTube, 2014 (3m 19s)

<https://www.youtube.com/watch?v=LSp4v294xog&t=111s>

[Black, queer, non-binary, HIV-positive, author of the ground-breaking collection Don't Call Us Dead (2017). In just over three minutes feel the pain and frustration of a community that lives under the weight of racialised justice.]

Book

The Fire Next Time

James Baldwin

Vintage, 1992

[Baldwin understood something very elemental and brutal: that America had the power to destroy the bodies of black people.]

Podcast

The 100 Types of Human, episode 1

Dexter Dias QC & Nihal Arthanayake

iTunes, Google, Spotify, 2020 or <https://www.the100typesofhuman.com/listen>

[In my first podcast with award-winning BBC journalist Nihal Arthanayake, recorded in the immediate aftermath of George Floyd's death, we talk to Marcia Rigg, whose brother Sean, a young black musician, was killed in police custody in Brixton.]

Book

The Origins of Others

Toni Morrison

Harvard University Press, 2017

[If the racism operates by acts of othering, what is the origin of the mechanism? This is a question that preoccupied the great Laureate Toni Morrison. Some of her conclusions will surprise you.]

Article

Evolutionary origins of stigmatization: the functions of social exclusion

Kurzban, R. and Leary, M.

Psychological Bulletin, 127(2), pp. 187–208. (2001)

[To what extent is social exclusion and ostracism inevitable? Does the process have evolutionary origins? An overview from Kurzban and Leary.]

Book

The Ten Types of Human - Part 2: The Ostraciser & Part 6: The Tribalist

Dexter Dias QC

Penguin Random House, 2018

[In two parts of the book I deal with evolved mechanisms that make a major contribution to racialised ideations: systems of social policing (ostracism) and in-group preference (tribalism).]

Article

Can race be erased? Coalitional computation and social categorization

Kurzban, R. et al.

Proceedings of the National Academy of Sciences, 18 December 2001, 98(26), pp. 15387–92

[While ostracism and social policing appear to be evolutionary adaptations, what about race itself? Do we always 'see' race – or it is a proxy for something else? If so, what?]

Book

Racism: A short history

George M. Fredrickson

Princeton University Press, 2003

[Precise, concise, a history from the great George Fredrickson.]

Book

The Wretched of the Earth

Frantz Fanon

Penguin Modern Classics, 2001

[Fanon writes in coruscating prose of the dehumanising effects of colonialism. He argues that each generation must discover its mission and fight for it.]

Book

White Fragility: Why It's So Hard for White People to Talk About Racism

Robin DiAngelo

Beacon Press, 2018

[What is the source of the cognitive resistance to speaking about race – and how can we overcome it?]

Book

How to Be an Antiracist

Ibram X. Kendi

Random House, 2019

[There is another choice other than the racist/non-racist binary. Discover it. Try Option 3 on for size.]

II - CRIMINAL JUSTICE SYSTEM

Video

Nelson Mandela Rivonia Trial Speech:

An ideal for which I am prepared to die (1964, extract: 5m 21s)

YouTube

<https://www.youtube.com/watch?v=-Su6d6X8rn4>

[A lawyer on trial puts a whole system of racial oppression on trial, is imprisoned for 27 years and yet still wins. I began my career at the Bar defending Anti-Apartheid protestors and was inspired by Nelson Mandela's speech. You'll see why.]

Report

Lammy Review: An independent review into the treatment of, and outcomes for, Black, Asian and Minority Ethnic individuals in the Criminal Justice System

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf

[This painstaking review by David Lammy (now Shadow Justice Minister) makes focused, clear recommendations for combating racialised outcomes in the CJS – which the Government has ignored. Think about why.]

Book

Ethnicity, Race and Inequality in the UK: State of the Nation

Bridget Byrne, Clare Alexander, Omar Khan, James Nazroo and William Shankley

Bristol University Press, 2020

[The latest stats, the latest analysis, the latest diagnosis of a deep-seated problem we have got to change.]

Article

1/3 Race as civic felony

Loic Wacquant

<https://loicwacquant.org.files.wordpress.com/2018/02/lw-2005-race-as-civic-felony.pdf>

[Three resources to read together. Wacquant, now at Berkeley, outlines his concept of the carceral continuum: how the prison operates as a judicial ghetto and the ghetto (or 'hyperghetto', as LW calls it) as a extra-judicial jail, all focused on recycling and restraining a 'surplus' population – black people, and especially men, in the USA.]

Article

2/3 Deadly Symbiosis: Rethinking race and imprisonment in twenty-first century America

Loic Wacquant

Boston Review (online), April/May 2002

<https://bostonreview.net/archives/BR27.2/wacquant.html>

[See above.]

Article

3/3 The Force of Law: Toward a Sociology of the Juridical Field

Pierre Bourdieu

Hastings Law Review, 38, pp. 814–53, (1987)

[Wacquant was protégé to the legendary Pierre Bourdieu and this is Bourdieu's critique of the legal system. For Bourdieu (and Wacquant subsequently) it functions as part of the coercive wing of the State.]

Book

Policing the Black Man: Arrest, Prosecution and Imprisonment

Ed. Angela Davis

Alfred A. Knopf, 2018

[Edited and introduced by Angela Davis, former Black Power activist, once wanted by the FBI for kidnap and murder, now Professor Emerita at UC Santa Cruz. A treasury of lenses to understand how and why George Floyd was killed.]

Book

The New Jim Crow: Mass Incarceration in the Age of Colorblindness

Michelle Alexander

Penguin, 2019

[Michelle Alexander of Ohio State unsparingly unveils the strategic use of the hyper-incarceration of Black people. Much-celebrated, much-critiqued book. Read it and make up your own mind.]

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