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Racial lacerations in the U.S.: understanding the phenomenon

Gery Ferrara interview with Prof. Tom Tyler (Professor of Law at Yale University)

Giustizia Insieme did decide to analyse the phenomenon of racial lacerations that flared up in the United States, due to some cases of Police mistreatments leading to the death of the people under their custody.

The case of George Floyd has inflamed America, spreading its pandemic effects throughout the West and rising up protests against the excessive use of force by police officers; sometime the demonstrations degenerated into an iconoclastic fury hitting, in American as well as in other countries, numerous monuments, considered as symbols of racist and discriminatory ideologies.

To achieve our objective, we interviewed Tom Tyler, Professor of Law and Psychology at the Yale Law School, who oriented his studies on the topics of the role of justice in group relations.

In our perspective, the comprehension of a phenomenon, its grounds and the reasons for its occurrence, need figuring out the society in which it takes place and the context of personal relationships featuring this same society.

Thus, we tried, on the one hand, to contextualise the recent events occurred in USA and, on the other side, to assess whether the conducts of the American Police present a kind similarity with some events occurred in Italy, whereas controversial police interventions and behaviours caused or contributed to the death of the arrested person.

The answers provided by Professor Tylor highlighted some paradoxes of American society, at the same time considered an icon of a democratic and liberal ideals and a country where the phenomenon of racial segregations and racially motivated attacks continued to rage, without provoking strong reactions by the majority of the American people; at least until recent times.

They can help the reader to make a conscious opinion on what is happening overseas, but also offer a reading key going beyond the North American experience.

Finally, they demonstrate the necessity that each kind of containment intervention of people subjected to police controls, regardless of the country, must be foreseen and implemented to safeguard the fundamental rights to life and dignity of people.

Also on this occasion, Justice Guido Calabresi was a true interpreter of our goals and a guide in our research for the identification of the most suitable person in the American academic world for providing us elements of balanced knowledge on the subject. He also supported us in reviewing the Italian translation of the answers.

To him and to Gery Ferrara, who drafted the questions and took care of the translations, we owe a special debt of gratitude.

Besides, Giustizia Insieme decided to publish the full interview in English, with the aim of enlarging the interested audience in such sensitive topics.

Roberto Conti

Professor Tyler, from your perspective and experience, as far as the racial lacerations are shaking the USA are concerned do you consider them accentuated by the pandemic crisis or they were rooted in problems never completely solved due to a historic stratification of the society?

Economic inequality and structural racism have been features of American society throughout our history. This has led to periodic outbreaks of collective anger and violence, including those that we are seeing today. Minorities suffered disproportionately from the economic dislocations of 2008 and they are suffering disproportionately from COVID. In addition, they have experienced and continue to experience disproportionate harm from criminal justice authorities, including high rates of arrest and incarceration and of violence at the hands of the police. These disparities flow from long-standing and deeply rooted problems in American society that have never been completely addressed or resolved.

What is the role of the police in the USA nowadays: guarantors of the rights of all citizens or oppressors of minorities and non-white ethnic groups?

The police enforce the status quo. When the status quo is viewed as illegitimate, as it is in many minority communities, the police use force to compel obedience. In those communities, the police are experienced as oppressors. However, even in minority communities and among the poor, people have an ambivalent relationship with the police. On the one hand people need the police and want them to protect their communities. On the other hand, these same people also fear the police and deal with them reluctantly.

At least until the recent past, the majority of the American society has proven to be willing to acquiesce episodes of brutal attacks by the police organs arousing dismay all over the world and that, to a European citizen, look like typical of dictatorial regimes. How could you explain this phenomenon to people often looking at the same society often with admiration and considering the United States the country of freedom and of possibilities of success for everyone?

America is a society of paradoxes. It is justly world famous for its pioneering role as a democracy and as a beacon of freedom and opportunity. At the same time its ideals of freedom and equality have, from the beginning, been in conflict with slavery and the legacy of racism and racial oppression. Further, American conceives of itself as a frontier culture. This contains the promise of opportunity and freedom, but also a reverence of guns and an embrace of punitive responses to criminals, contained within a popular culture laced with distrust of national government and elites. This has led to a force based model of law enforcement, controlled by local elites, in a society that excludes some from representation in local governance at the same time that it elevates the ideals of democracy.

To what extent does the enormous and substantially free availability of firearms (approximately 300 millions according to the latest estimates) affect the recurring occurrence of these episodes?

An inescapable feature of American society is the ubiquity of firearms and, as a consequence, the high level of lethal violence. Conflicts that might otherwise be resolved without violence quickly escalate to lethality when those involved have guns. It is hard to say whether criminals have guns because the police have guns or whether the police have guns because criminals have guns. At this point the assumption that others might be armed is ever present. The American gun culture is supported by a government framework built around people's rights to be free of regulation, combined with a strong populist distrust of government and a cultural that glamorizes violence and confers celebrity status upon real and fantasy "action heroes".

To effectively tackling these phenomena, especially when committed by police, some authoritative voices are beginning to call for a "racial justice". What would exactly it mean and how do you interpret this possibility? Could it determine a side-effect in increasing the rigid stratification of society based on ethnicity and of exacerbating the conflicts between different ethnic groups?

Solutions to the problems of policing require society to step back from the moment and recognize the fundamental issues of economic inequality and structural racism. Whether this will happen is uncertain. At this time there are a number of proposals on the table that are less far reaching, but that can improve the relationship that the police have with different ethnic groups in their communities. A particularly important one, central to the Obama Task Force on 21st Century Policing, is to make creating and maintaining popular legitimacy the first pillar of policing. Evaluating policing from the perspective of those being policed, with a particular emphasis on the views of minority groups, will produce higher levels of racial justice.

Do you believe that investigations and trials concerning facts related to people belonging to certain ethnic groups (Afro-American, Hispanic, Oriental), both as victims and as perpetrators, are carried out with the same efficiency and according to the same standards of impartiality and independence of those related to white citizens?

No.

The United States of America were able to elect an African American as a President. Did the Obama presidency manage to have a stable impact on the rights of ethnic minorities? And if not, as it seems looking at the recent protest movements, which are the reasons of this failure ?

The election of an African American as President was an important milestone in America's long struggle to come to grips with its history of slavery and racial oppression. This one achievement is not enough to change our culture, but each step helps. It is wrong to view what is happening in America now as a failure. There are striking and widespread changes occurring in the way White Americans understand the history of racism, as well as the actions of the police. American's views today have evolved, and the election of President Obama was one step that supported this evolution.

In your opinion, how much have been the relationships between the American people and the police influenced by the color of the skin?

The police have a long history of controlling groups that communities view as suspect or deviant. This has included ethnic and racial minorities - African-Americans, Hispanics, Asians - but also sexual minorities and immigrant groups. In many cases a segment of the members of these groups were poor, something which motivates criminal behavior, so the police also targeted these groups as part of their effort to manage crime.

Which is the influence of the so called "hates groups" on the outburst of racial issues and to what extent do American courts tolerate these groups, balancing as well as compressing a fundamental right such as "freedom of speech"?

Throughout American history there has been conflict about limiting freedom when allowing freedom enables racism and hatred. The link of extreme groups to racism, xenophobia and other forms of stereotyping, hate speech and even violence has always been a part of our society, as it has been in many other societies. The challenge of balancing the benefits of allowing free speech against its harms is ongoing, and the rise of social media platforms has complicated this task.

Professor Tyler, we heard that some American States are forbidding the stop techniques used by Police in the Floyd case because they look like too dangerous for the safety of the person in custody. What's your opinion about that?

One of the most tragic aspects of several of the recent deaths of people in police custody is that they have occurred while the police were using tactics that are known to be dangerous and are prohibited in many departments. One is the chokehold, which restricts blood flow to the head. An obvious and important policy change is for police departments to restrict officers and prevent them from using these tactics. Doing so does not undermine the police. These tactics are not necessary, and the police can manage those in custody in other, less dangerous, ways.

Nevertheless in its tragedy, George Floyd's last words seem to constitute a hymn to freedom.

" It's my face, friend

4 luglio 2020

I didn't do anything serious, man

please

please

please I can't breathe

please friend

somebody can help me

please friend

I can not breathe

I can not breathe

please

friend I don't breathe,

my face

you just have to get up

I can not breathe

please, one knee on my neck

I can not breathe

shit

I will do it

I can not move

mom

mom

I can not do it

my knees

my neck

I am finished

I am finished

I'm claustrophobic

I have a stomach ache

my neck hurts

everything hurts

a little water, or something

I beg you

I beg you

I can't breathe, officer

do not kill me

they are killing me

please, friend

I can not breathe

I can not breathe

they are killing me

they are killing me

I can not breathe

I can not breathe

please, sir

please

please

please can't breathe".

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Do you think that his murder - because this seems the case - can truly contribute to defeat racial discrimination or he will soon be the umpteenth victim forgotten and this will be again a lost opportunity amid protests, riots, looting and repressions?

Unfortunately, this case is only one of a series, as you note. No one tragedy is likely to change American society, but recent events suggest that the succession of recent tragedies involving police violence is leading to fundamentally different attitudes in the American public. This is not a lost opportunity but another step forward on a long journey toward greater accountability in policing.