

Philosophy as a Social Critique

Naomi Zack, *White Privilege and Black Rights. The Injustice of U.S. Police Racial Profiling and Homicide*, Rowman & Littlefield, New York, 2015.

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The book *White Privilege and Black Rights. The Injustice of U.S. Police Racial Profiling and Homicide*, (New York, Rowman & Littlefield, 2015) by Naomi Zack is dedicated to exploring some basic philosophical, moral and (in)justice issues. The title already gives the terms the author consistently follows through the book: privileges, basic and unquestionable rights, and injustice.

The book is divided into three chapters: the first chapter covers a critique of white privileged discourse, where Zack analyzes the meaning of privilege, entitlement and rights in American society within the methodological frame of the book, as well as potential correction of U.S. police racial profiling and homicide of young unarmed black men. Zack looks at privilege in the sociological sense, as a kind of social award and at the same time gratification whether that honor is deserved or not. Concurrently, those who are not privileged should not be subject to injustice. Zack explains that white privilege discourse represents a sociological critique of the ethno-class division: whites have easier access to upward socioeconomic mobility with the goods of life available only to the more advantaged in society. Simultaneously, however, not all police officers are white, nor are, of course, all white people police officers. Zack points out the inadequacy of white privilege discourse to address the violation of black rights. In other words, Zack views privilege as conditional, whereas rights are or should be unconditional (p.2, 8, 9). She concludes the first section with an explanation of what it really means that black lives (do not) matter. That actually means that in moments of confrontation, everything happens as though the risk of death to a black male was not the most important consideration to police officers who opened fire. And it means that grand juries who do not indict such killers or juries who find them not guilty at trials, also find that other things matter more, such as, the letter of the law, police discretion and relative police autonomy, and reasonable doubt (p. 29).

The second chapter is about black rights and Police Racial Profiling where Zack takes a close legal and moral look at several specific cases of homicide and the police racial profiling that sets the stage both for such arbitrary violence and its impunity. The author insists on a difference between ideal and material rights, where the first type of right is more abstract. The second type of right pertains to a physical condition or how actual human beings are treated, primarily with respect to their most

basic bodily rights to life and safety. Drawing the reader into a deeper discussion of rights, Zack emphasizes that the white majority in the U.S. has both types of rights. The first level of the rights protection (material right to life and personal security) is carried out by local police departments as part of their official duties. However such official duties occur in the context of police culture (p.32-3). A further analysis of the relation between official duties and stereotypes about criminals, racial bias etc. is largely enriched with empirical data and extraordinary examples of intersection of the modern and traditional organizing of a specific group (i.e. police officers), their roles and duties on the one hand, and group cohesion on the other. In the complex game of statistical figures of crime, blacks as a victims of police homicide become a gray figure in crime, falling somewhere between juristically concluded, but morally and socially unacceptable cases of injustice. Aside from the bitter experience of the victims' families and wider (especially black) community, the image of blacks as the dominant criminal figure reinforces the racial bias present in police work, pushing this type of injustice in the direction of hopelessness, rather than improvement. The book presents specific examples, such as the legal case *Floyd v. The City of New York*, where the court decision offers a way in which racial profiling and other specific practices (stop and frisk), as well as jargon ("High Crime Area," "Furtive Movements" or "Suspicious Bulge") in police culture should be understood as subjective and vague. There were attempts to stem the increase in the described police stops (from 314,000 in 2004, to a high of 686,000 in 2011) through court orders. Decisions like this may be a corrective way to prevent the killing of young unarmed black males. However, before these remedies could be enacted, all of Judge Scheindlin reforms were vacated from the Second Circuit U.S. Court of Appeals, on the grounds of a kind of professional voluntarism. The Appellate panel rejected this request and the City of New York further appealed. When New York City's Republican Mayor Michael Bloomberg (2002-2014) was replaced with Democrat Mayor Bill de Blasio in 2014, the hold on Judge Scheindlin's reforms was lifted (p.52-3). The reaction of the NYPD, who were not happy with this decision, was something that awoke wider concern, both administrative and communal. Namely, the largest City police union spread an online notice (entitled "Don't Let Them Insult Your Sacrifice!") about banning the appearance of Mayor de Blasio at the funeral of police officers

who die in the line of duty. It could be added to Zack's analysis that such sociolinguistic transfer in vocabulary of police culture, from a protecting force to victimhood and sacrifice is a classical sociological example in common traditional practice of homogenization of one group's members, regardless whether they act right or wrong and regardless of their official and institutional roles. Aside from positioning its own members as martyrs, such practice reproduces the power of the group (as well as power of the majority) and revitalizes previously legally restricted action. Analogies are easy to find in U.S. history at the end of slavery and concurrent establishment of segregation and Jim Crow laws. At about the same time, the Dreyfus affair signaled similar divisions in Europe, this time based on antisemitism and ethnic-political homogenization (in the last decade of the 19th century). Conspicuous in all these cases are the overlap of attributes characteristic of both types of solidarity: mechanical and organic. Collective consciousness appears in "modern," that is, organically structured societies, with a clear differentiation of professional and social roles. Unfortunately, such homogenization of one group took place at the expense of another, who became the enemy and culprit for larger social ills – legitimately and horribly punishable prey. This is the pattern described by Zack in the third, final chapter – *the hunting schema*.

The third chapter is devoted to the possible solution to the problem of black injustice and police homicide. Seen through this socio-historical framework, the disadvantage of blacks is ultimately reflected in horrifying and shocking police killings of Oscar Julius Grant III, Trayvon Martin, Eric Garner, Michael Brown, Tamir Rice, and many other young unarmed black males, all of which took place at the beginning of the 21st century and under the aegis of U.S. law. Asking how many more need to be killed, Zack starts by comparing justice as an ideal and justice as correction of injustice. She proposes a more applicable concept of justice, rather than justice as an ideal or theory of justice. Keeping in mind the abstract image of justice in most theories of justice and the Preamble to the UN Universal Declaration of Human Rights, *applicative justice* is based on a comparison of the social and legal fact within a disposition of whites and blacks in the U.S. Where whites are treated justly by their government, blacks are treated unjustly by the government often enough for it to constitute injustice.

The author concludes that blacks should be treated by the government the same as whites are treated (p.72). The achievement of the applicative justice goal, Zack sees in the changing of the police as well as the common culture in U.S. One of the many examples is best given through numbers. There are 1.1 million police officers to about 100 million white voters (civically engaged), as of 2008. This means that only one police officer needs to influence about 100 other whites. So, this ratio could be used as an effective tool in creating a sentiment of trust between, on the one hand, one of the pillars of governance and white civically engaged majority, and on the other, the black endangered minority. At this point the author transfers the discussion to the most concrete levels, comparing events in which concrete persons are killed by concrete police officers/killers, and looks at the ensuing court decisions. One of the generators of black injustice is *the hunting schema* which is described as a psychological combination of pre-existing beliefs, contextual events or conditions, and actions, such that the existence of the beliefs in a relevant context predisposes an individual to act in certain ways. Young Afro-American males are uniquely singled out as dangerous prey that young white males are permitted to hunt in some circumstances (p.79). This hunter schema is explained in a few steps (p.81) and is regarded as the foundation for the gradual reproduction of injustice on various levels. The law is a tool for shaping politics, but morally questionable judgments mostly protect the majority. The police are not answerable to the federal government and their brutality does reinforce a racial bias. Perhaps the most important, yet also mostly invisible, cultural level is the

homogenization of police subculture and social apathy regarding black injustice. Zack underlines the importance of solidarity and moral concern on every mentioned level, something that may lead to the correction of injustice.

Zack's analysis in *White Privilege and Black Rights* can be compared to the relation between the police and racial or ethnic minorities in Europe, especially taking into consideration the conflicts in Yugoslavia and current ethnic make ups of the resulting states. Further, in this light we could also look at the present conflicts and divisions in Ukraine that resemble a police or paramilitary allegiance to one of the two groups of erstwhile harmonious neighbors. We should pay special attention to all the marginal groups in the EU (in particular the Roma, immigrants, etc.), as well as the relations of power within it and around it. The sentiment that appears in the relationship between the EU founding states and its margins almost recalls the relationship of privilege and guaranteed rights Zack describes in the US. Therefore this book can offer a significant methodological framework for an analysis of power, rights, and privileges within the EU, but also regarding its neighbors.

White Privilege and Black Rights is the basis for further thought and research on applicative justice and its practical implications, not only in the US, but the world over (and in particular regarding immigration policy of the EU). Special concern should be paid to potential cases of eugenic choice, which become more than real in the context of transformation of former states of well-being into so-called altruistic states, that is governments that provide basic rights to marginal groups as a kind of charity.

