

Authors misunderstand systemic racism and use propaganda practices

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 Latest in a series of posts about the Community Engagement Initiative 

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ref: **“Systemic racism’ based on unfortunate notion that humans lack free will”**

It’s unfortunate that the original op-ed, to which Largay & Saunders are responding, used the term “systemic racism,” because some of the injustices he describes have nothing to do with the race of the accused or inmate. Had the writers of the response stuck to that, they would have a more credible case — although even there, their understanding is, I think, flawed because they apparently assume that systemic racism means that the system explicitly includes provisions that are racist, ignoring the widely-accepted understanding that it exists when the system operates in ways that cause or reinforce racial group inequity.

Even more problematic, the authors’ response uses techniques that are close to standard propaganda practices such as straw-man arguments. [more on that below] They also add their own interpretation of the basis for Pinsley’s position is “the unfortunate notion that humans lack free will and their thoughts and actions follow an irrelevant ‘collective’ characteristic, such as skin color or gender . . . ”

Pinsley’s op-ed focused on two main premises:

(1) the justice system, if it is to achieve justice, must ensure that every defendant has an adequate defense — a fundamental premise of the Sixth Amendment, one that has been upheld and strengthened by the Supreme Court in several cases — without adequate public defender services, poor people do not have a fair trial. Unfortunately, the system has proven

over and over that it delivers justice to those who can afford a top-notch defense and often does not do the same for those who are poor.

One reason why this happens often is the system often embodies blatant unfairness on the part of the police, prosecution, and judge. This, combined with the disproportionate resources given to the state actors, is one reason why the standard for conviction is supposed to be “beyond a reasonable doubt.” Both of these are systemic factors that cause or perpetuate inequity.

The existing system winds up convicting innocent people, most of whom are poor, at an unacceptable rate. (This has been documented right here in Pennsylvania, including cases in Lehigh County.) Analyses of death-penalty cases in the U.S. indicates that at least 4% of people sentenced to death are innocent, and some of them are later exonerated by evidence that proves their innocence. In some cases, however, this does not happen until they have spent decades in prison or even until after they are executed. Although the premise dates back to Roman law, Blackstone’s principle says that “the law holds that it is better that ten guilty persons escape, than that one innocent suffer,” and the US Supreme Court said in 1895 that “it is better to let the crime of a guilty person go unpunished than to condemn the innocent.”

(2) The authors also distorted what Pinsley said about telephone & commissary costs, creating what amounts to a “straw man” argument. Pinsley did not say that prisoners should not have to pay for their phone calls and commissary purchases; he said that the rates were set high (so the County could earn a hefty commission) and the inflated costs are, in most cases, borne by the inmate’s family. (It is not uncommon for inmates to be fed so poorly and at such odd times that they need to supplement with commissary purchases at 2–5 times what they would pay outside.) And remember, this includes inmates who are awaiting trial — and therefore presumed innocent under the law — but could not afford to pay bail.

The authors also say Pinsley's op-ed is based on collectivism and add an statement that "Collectivism effectively treats individual humans with minds, consciences, even souls, like the mindless physical matter of physics that makes no choices," giving it their own definition that denigrates its wide acceptance in many societies — collective principles are key elements of the Amish way of life (and many other religions), and many Asian & European countries are based on the importance of sharing responsibility.

Peter