18/19 NOVEMBER 2021 | EUROPEAN JUDICIAL TRAINING NETWORK & MPI FOR SOCIAL ANTHROPOLOGY | BARCELONA
TRAINING WORKSHOP »CULTURAL DIVERSITY IN THE COURTROOM – JUDGES IN EUROPE FACING NEW CHALLENGES«

KEYNOTE LECTURE
DIVERSITY IN LEGAL EDUCATION AND PRACTICE

Emanuel V. Towfigh • EBS Law School, Wiesbaden/Germany

Diversity: The bigger picture

Agenda

1
What are we talking about, and why is it so difficult?

2
Who is missing, and why?

3
Why is that a problem?

4
What can we do?

What are we talking about, and why is it so difficult?

Which perspective on diversity are we taking?

- "**internal perspective**", e.g.,
  - » diversity of the Judiciary...
  - » ...but also of other legal professions: prosecutors, attorneys, administrators etc.
  - » focus of this presentation

- "**external perspective**", e.g.,
  - » diversity of the parties involved in court proceedings
  - » diversity of society
  - » focus of next keynote by *Larissa Vetters & Marie-Claire Foblets*
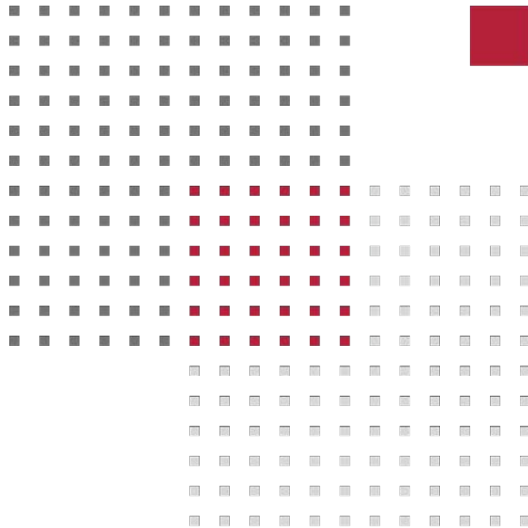
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What aspects of diversity do we consider?

- **different attributes**
  - » gender / sexuality
  - » race / ethnicity / people of color
  - » socio-economic status
  - » religion
  - » culture
  - » language
  - » ability
  - » age
  - » …

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Why so many aspects?

- **holistic approach** to a number of different attributes
- based on **vulnerability**

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Why so many aspects?

intersectionality

» one person may possess different attributes

» effects may add up

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Why is diversity so difficult to talk about?

- problematic concepts & attributes (e.g., "race")
- historically charged terminology

PERSPECTIVES IN SOCIAL PSYCHOLOGY
A Series of Texts and Monographs • Series Editor: Elliot Aronson

The Dilemma of Difference

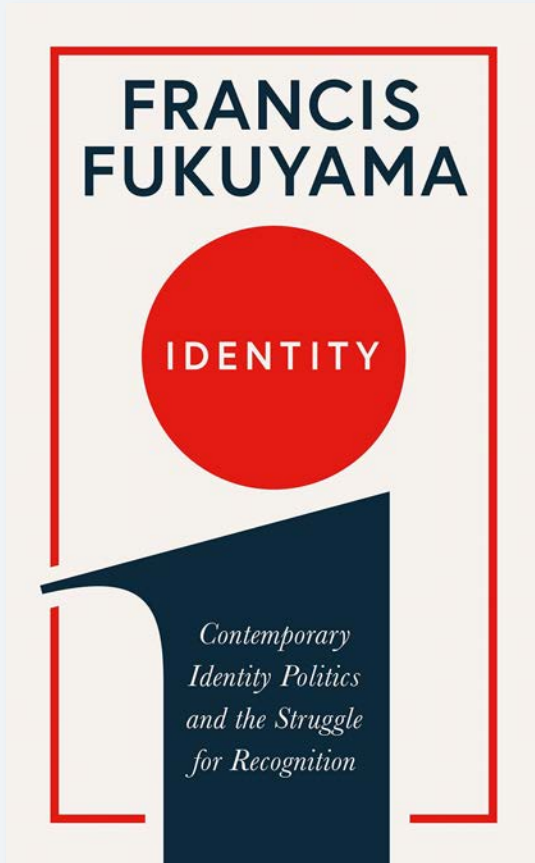A Multidisciplinary View of Stigma

Edited by
Stephen C. Ainlay, Gaylene Becker,
and Lerita M. Coleman

Why is diversity so difficult to talk about?

- problematic concepts & attributes (e.g., "race")
- historically charged terminology

- **dilemma of difference**
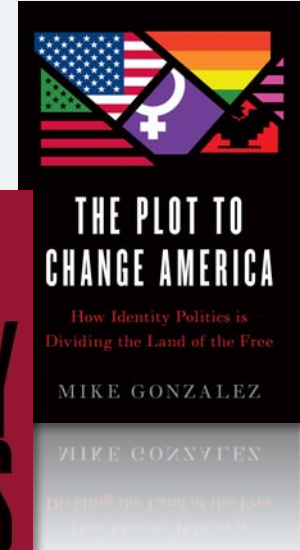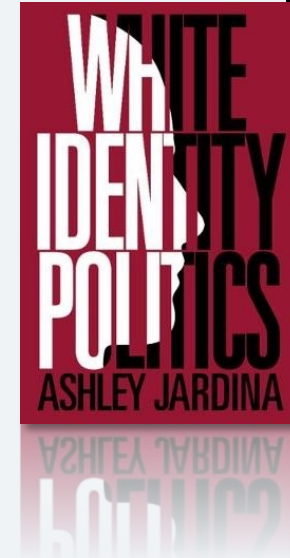- **essentialization**
- **adequate/inclusive language**

Why is diversity so difficult to talk about?

- problematic concepts & attributes (e.g., "race")
- historically charged terminology

- dilemma of difference
- essentialization
- adequate/inclusive language

- **politization**
  - » **so-called "identity politics"**
  - » **moralization and lack of error tolerance**

Who is missing, and why?

path-dependent trajectories

(e.g., gender equality,
history of colonialization,
immigration)

prima facie lack of diversity

➢ only fragmented data
➢ experience of discrimination

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Why?

- privilege in the education system
- structural bias and gatekeeping
- lack of role models
- stereotype threat & "Andorra effect"
- leaky pipelines

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Why?
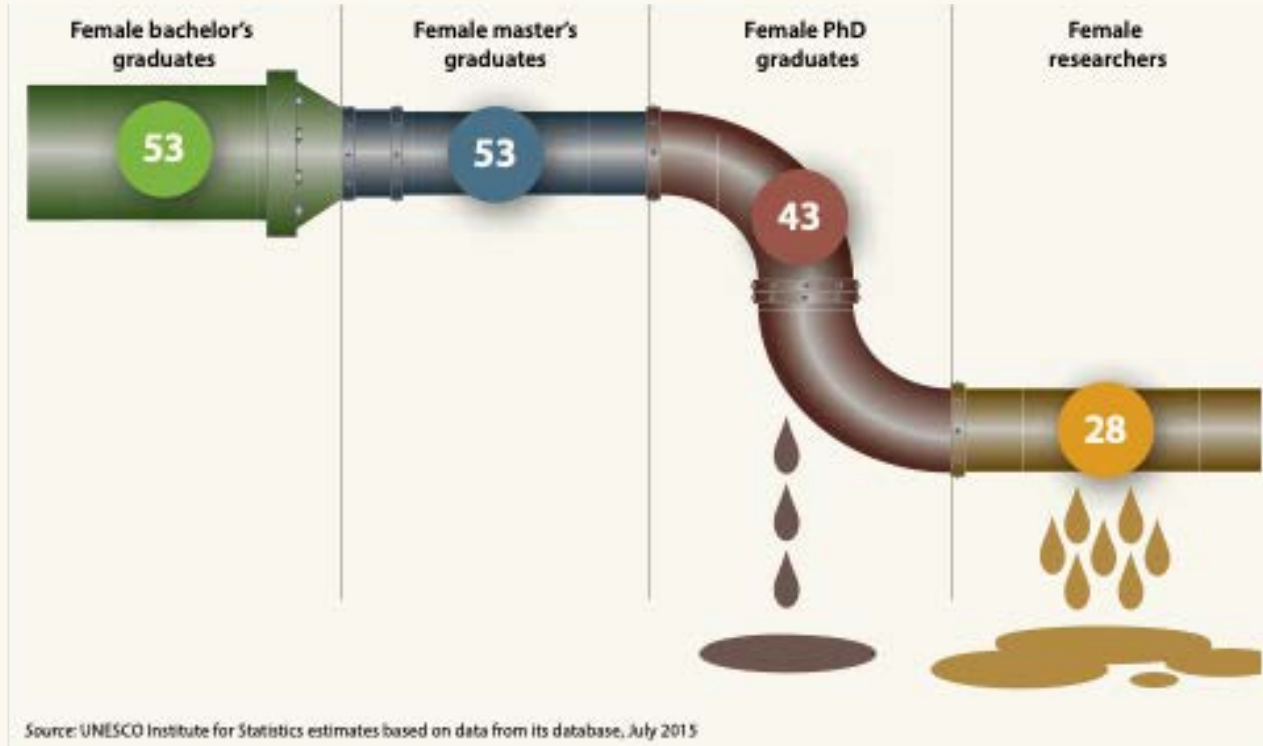
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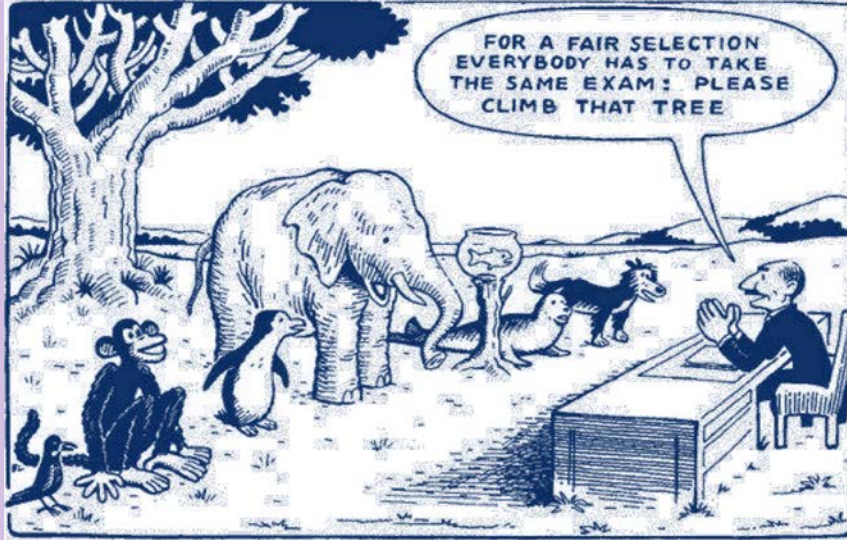
"Leaky Pipelines" in Academia

Female bachelor's graduates — 53

Female master's graduates — 53

Female PhD graduates — 43

Female researchers — 28

Source: UNESCO Institute for Statistics estimates based on data from its database, July 2015

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Why is that a problem?

Well, it's the law!

Broad acceptance of institutions across all social strata
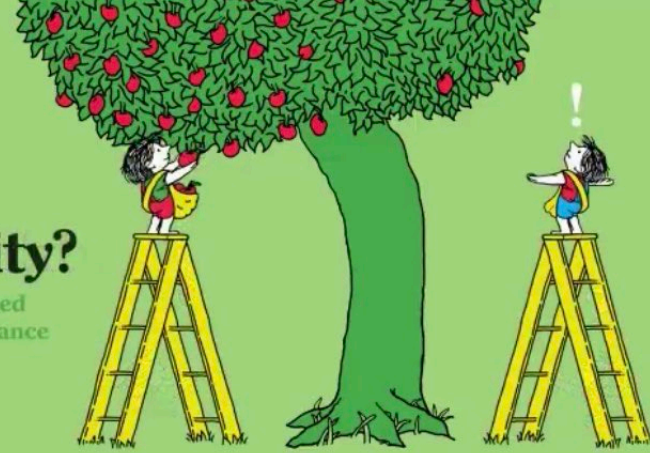
(And also: the labor market)

What can we do?

Inequality
Unequal access to opportunities
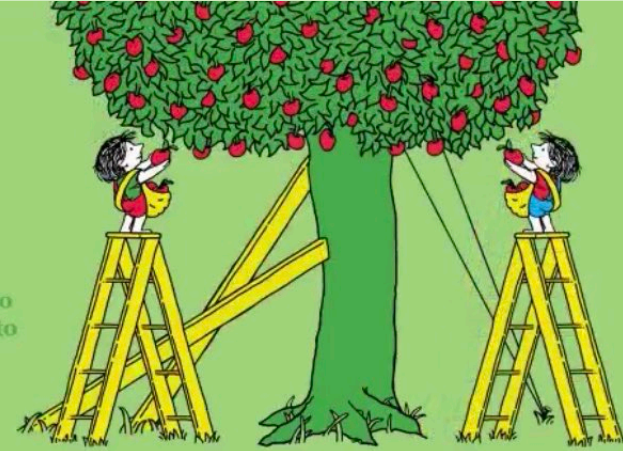
Equality?
Evenly distributed tools and assistance

Equity
Custom tools that identify and address inequality

Justice
Fixing the system to offer equal access to both tools and opportunities

Source: *John Maeda.* 2019 Design in Tech Report

Here's a brief catalogue of suitable measures

(no pictures, no colors, no nonsense!)

- more quantitative and qualitative empirical research
- diversity sensitivity, trainings
- legal education
- institutions matter
  - » exams: female examiners mitigate discrimination
  - » exams: knowledge of previous grades leads to a grade privilege – but only for male candidates
- equal opportunity instruments
  - » equal opportunity offices (maybe broaden scope)
  - » personnel/H.R. procedures and decisions
  - » empowerment
  - » evaluation

Thank you.

Comments?

emanuel@towfigh.net

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