



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

Photo Credit: The world from above / via wallpaperswide.com

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 Vettters & Marie-Claire Foblets



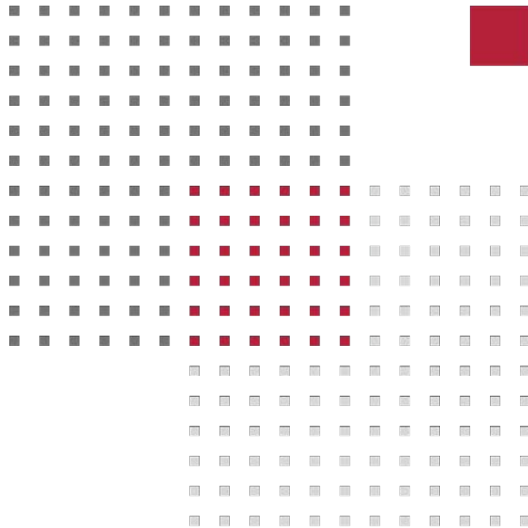
What aspects of diversity do we consider?

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

Why so many aspects?

- 
- A photograph of a person's hands holding a rectangular tissue box. The box has a white and grey chevron pattern. One hand is at the bottom, supporting the box, while the other hand is at the top, pulling a white tissue out of the slot. The background is a plain, light grey.
- **holistic approach** to a number of different attributes
 - based on **vulnerability**

Why so many aspects?



intersectionality

- » one person may possess different attributes
- » effects may add up

Why is diversity so difficult to talk about?

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



Botetourt County Combined

Traffic/Criminal Case Details

* To finish the payment, click on the Process Payment button at the bottom.

Case/Defendant Information		Charge Information	
Case Number: GT12013627-00	File Date: 11/06/2012	Charge: 77/60 SPEEDING	Class: G.46.2-878
Name: VAHID, EMANUEL	Status: Released On Summons	Section: 10/24/2012	Case Infraction Type: BLACK, R A
Address: STAT BONN FUHRERSCHNEINST	AKA1:	Offense Date:	Arrest Date:
Sex: Male	Race: American Indian	Amended Charge:	Amended Case Type:
DOB: 12/15/****		Complainant:	
Locality: COMMONWEALTH OF VA		Hearing Information	
Defense Attorney:		Date: 12/14/2012	Time: 09:30 AM
AKA2:		Result:	Hearing Type:
DOB: 12/15/****		Courtroom:	Plea:
Continuance Code:		Case Type:	

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

The Dilemma of Difference

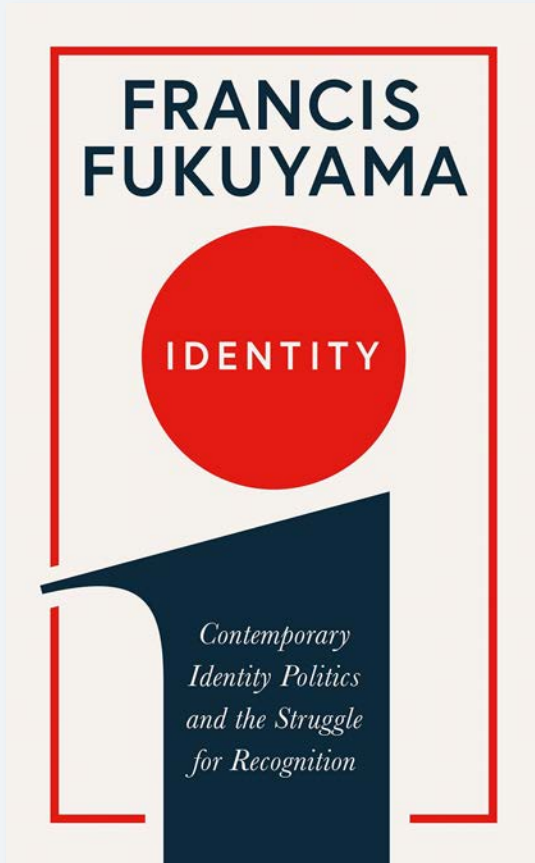
*A Multidisciplinary
View of Stigma*

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

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

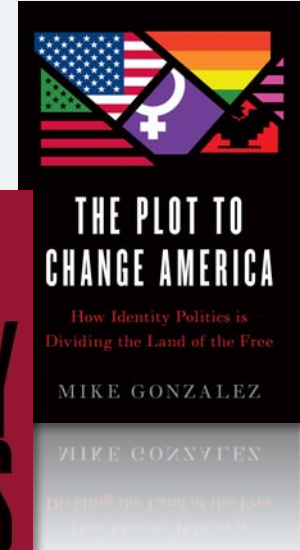
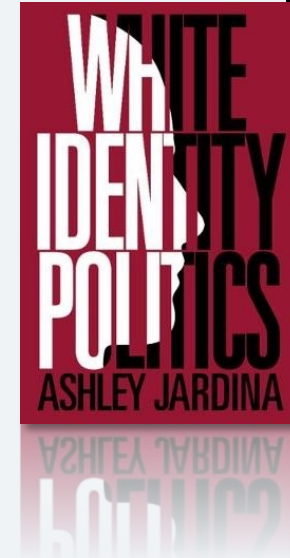
Why is diversity so difficult to talk about?

- 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?

A black and white photograph of a railway track. In the foreground, a track switch (point) is visible, where two tracks cross and then diverge into two separate paths that lead into the distance. The tracks are made of metal rails on wooden sleepers, with gravel ballast between them. The perspective is from a low angle, looking down the tracks as they recede into the background. The lighting creates strong shadows and highlights on the metal rails.

path-dependent trajectories

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

The background of the slide is a dense, close-up photograph of many M&M's candies. The candies are in various colors including red, orange, yellow, green, blue, and brown. Each candy has a white 'm' logo on it. The image is slightly blurred, giving it a soft, textured appearance.

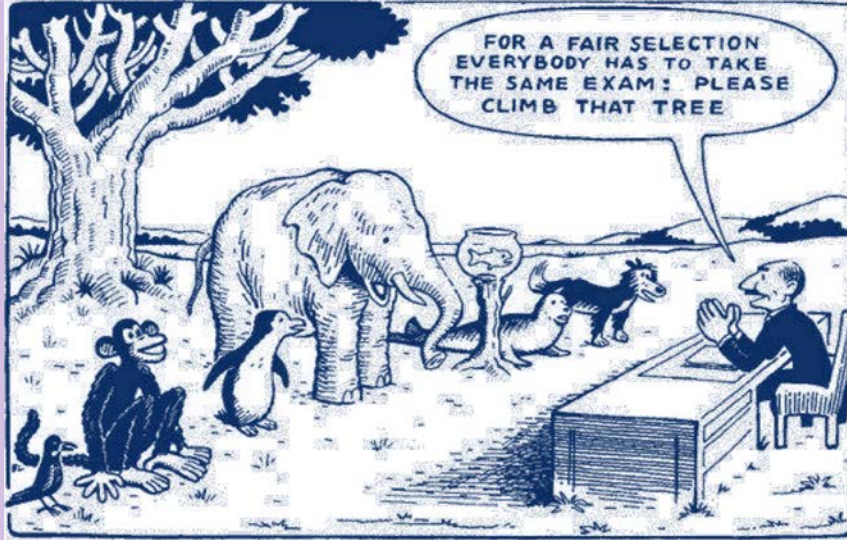
prima facie lack of diversity

- only fragmented data
- experience of discrimination



Why?

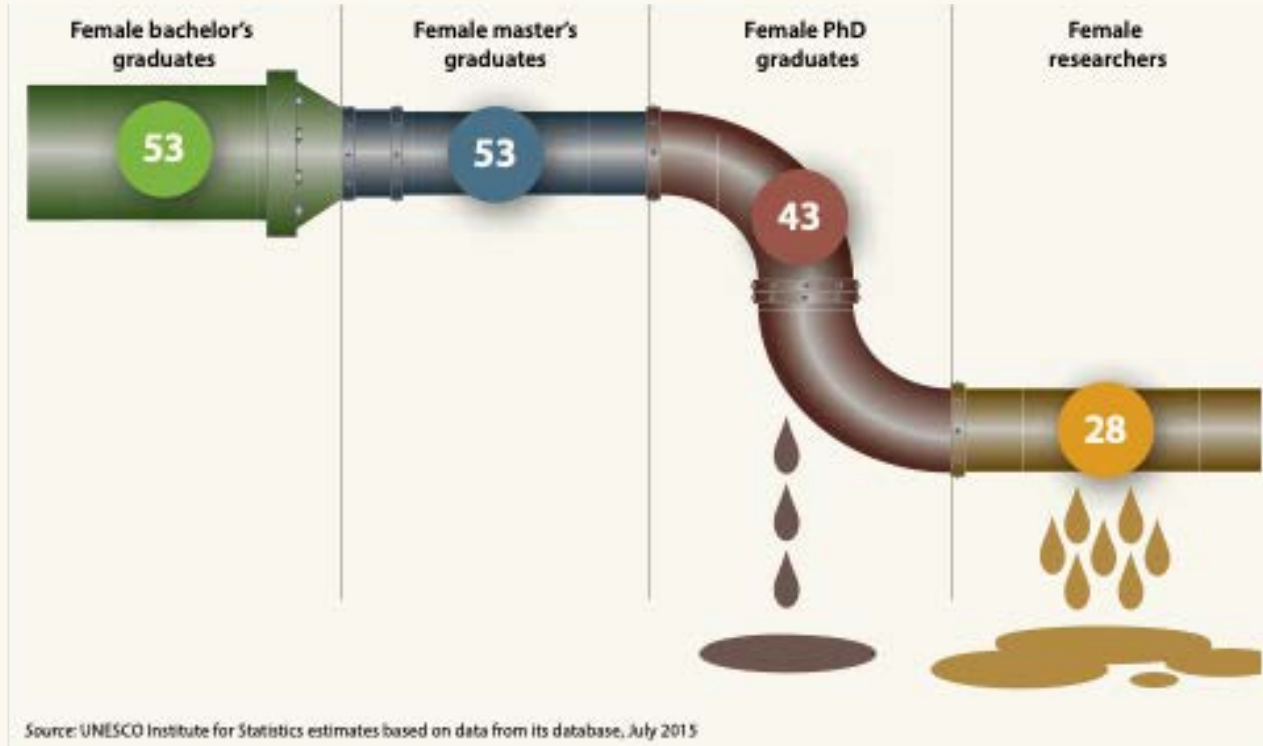
- privilege in the education system
- structural bias and gatekeeping
- lack of role models
- stereotype threat & “Andorra effect”
- leaky pipelines



Why?

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

“Leaky Pipelines” in Academia



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?

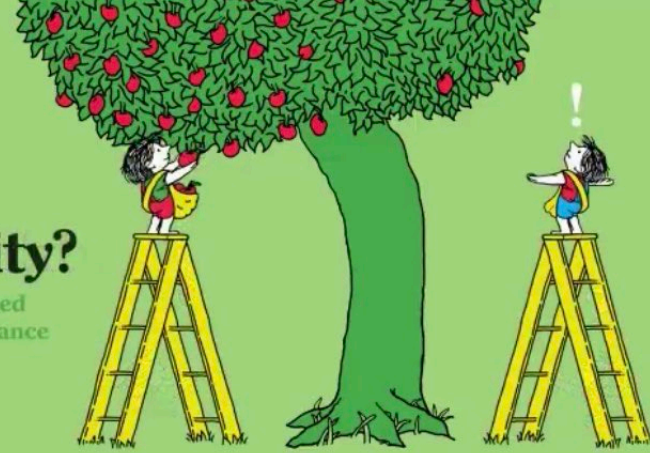
Inequality

Unequal access to opportunities



Equality?

Evenly distributed tools and assistance



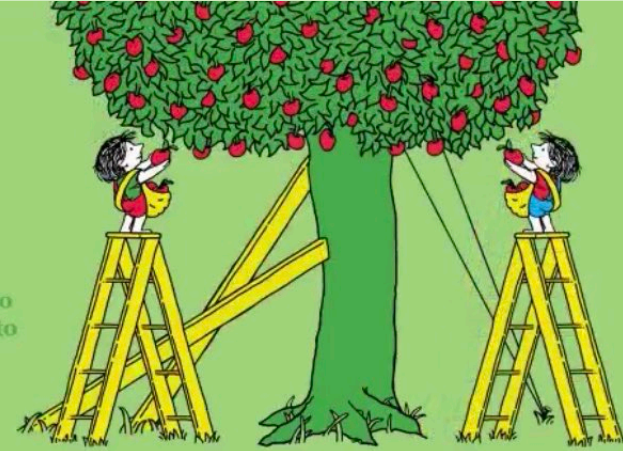
Equity

Custom tools that identify and address inequality



Justice

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



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

EBS  Universität