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What is at stake in seeking social cohesion through inclusion or through control?

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1. Introduction

When I first started working on this talk, I remembered a moment in high-school. There had been some recent vandalism, and I was speaking with the principal about how the school might respond. One option was greater monitoring of the corridors by teachers and students, harsher penalties for offenders, and so on. I suggested an alternative. The walls of the school were painted with a kind of multi-colored speckle that looked a little like someone had been sick on them. It seemed to me that they were designed with the assumption that students couldn't be trusted with a uniform color, which they would soon disturb one way or another. What if, I said, a color was chosen that people might actually enjoy, and students had some input in picking it? Then a shared sense of ownership might result, and no-one would want to vandalize the walls anyway. ‘Adam, always the liberal’, the principal smiled.

Three things strike me about this story: First, we live in a time when ‘liberal’ is almost a pejorative term when progressives talk about approaches to crime. Liberalism is often associated only with draconian approaches to crime reduction, and there is good reason for this given the historical role played by, for instance, many Democratic politicians in contributing to

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mass incarceration and extremely harsh policing. Second, contemporary liberal political philosophy has had relatively little to say about these issues.² Yet, third, it seems to me that the principal's comment was correct in the following sense: it *is* a recognizably liberal idea, though one perhaps somewhat lost from the tradition, to propose dealing with social disorder primarily through 'inclusion' (as I'll call it) rather than prioritizing 'control' (as I'll call the alternative).

In this talk, I would like to address current debates about policing by looking at what is at stake in choosing between inclusion and control as approaches to social disorder. Of course, this debate must partly be resolved by looking at the empirics of which approach is actually able to reduce disorder, but what I would like to explore here is other moral values that bear on the choice of approach. I will argue that several fundamental liberal values tell in favor of prioritizing promoting cohesion through inclusion, with control being adopted only where strictly necessary, as a 'last resort'. In the United States, since the late 1960s, the trend has been in favor of prioritizing control over inclusion as the solution to disorder in marginalized communities. I will make a case for reversing this trend, showing that liberals ought to be on board with what is sometimes seen as a purely far-left approach.

Now, while I have presented inclusion and control as competing alternatives, center and center-left politicians sometimes propose what we might call a 'two-sided' approach, which combines substantial efforts at promoting both increased inclusion *and* increased control as a means of addressing social order. As Tony Blair famously put it: 'Tough on crime, tough on the causes of crime'.³ And this approach has both philosophical and political attractions.

Philosophically, it rests on the observation that social disorder, especially in the form of violence, can be as much a threat to people's rights and well-being as poverty and inequality. Homicide, for example, is a leading cause of death for poor and racially marginalized groups. So it makes sense, the argument goes, to deploy every tool we have for fighting social disorder of that kind. Politically, it's a way of appealing to both more progressive voters, who seek greater redistribution, and more conservative voters, concerned with 'law and order', thus outflanking the political right. Blair deployed his slogan, effectively, back in the 1990s, but it is continually

² I discuss some reasons for this in Section 6.

³ See, e.g., 'Tony Blair is tough on crime, tough on the causes of crime', *New Statesman*, 28 December 2015, <https://www.newstatesman.com/uncategorized/2015/12/archive-tony-blair-tough-crime-tough-causes-crime>.

resurrected by the contemporary Labour party,⁴ and here in the US we see similar rhetoric. For instance, centrist New York mayor, former police captain, and rising Democratic star Eric Adams has endorsed not only some policies designed to improve low-income housing but also aggressive policing around low-level offenses, an approach reminiscent of earlier harsh ‘broken windows’ enforcement in New York.⁵

I will argue that despite its apparent philosophical and political advantages for the liberal, the two-sided approach is flawed. Exactly what counts as ‘tough on crime’ policing is of course somewhat vague, but I will argue that a variety of different kinds of aggressive policing often thwart the very values that make inclusion attractive. Control, again, should be used only as a last resort.

2. Methodology

Before proceeding, I want to briefly mention a few methodological assumptions. First, I intend to mainly focus here on moral issues that are relatively specific to policing rather than the criminal justice system as a whole. One obvious, and very important, lens through which to view the morality of policing is through its contribution to incarceration, especially mass incarceration here in the US. But since more has been written about incarceration in philosophy, I’d like to focus here on other aspects of policing (while still keeping an eye on the background context of the penal system). Police do a lot more than simply make arrests. They also threaten (including with arrest), detain, patrol, interrogate, wiretap, search, inform, cajole, humiliate, and directly harm people, including, of course, by killing them. In our digitized world, police also monitor social media accounts, analyze data, deploy facial recognition technology, and so on. Even in a world with much-reduced levels of incarceration, police could still engage

⁴ See, e.g., E. Chappell, ‘Starmer accuses Tories of being “soft on crime and soft on the causes of crime”’, *LabourList*, 14 February 2022, <https://labourlist.org/2022/02/starmer-accuses-tories-of-being-soft-on-crime-and-soft-on-the-causes-of-crime>.

⁵ See, e.g., K Glueck and A Southall, ‘As Adams Toughens on Crime, Some Fear a Return to ‘90s Era Policing’, *The New York Times*, March 26, 2022, <https://www.nytimes.com/2022/03/26/nyregion/broken-windows-eric-adams.html>.

in all of these behaviors, so I think we also need ways of evaluating these other important aspects of policing.

Second, while I will try to make some generalizations about these aspects of policing, I'd like to recognize that in the US, especially, policing is highly decentralized, which means that different departments can have very different cultures, community relations, and so on. So, this will be a somewhat crude overview. I will also rely on some international examples, which again involves setting aside some important nuances of context.

Third, in a similar vein, policing is experienced very differently by different groups, with highly marginalized people (people who experience a combination of poverty, poor health, victimization, employment discrimination, limited political power, and so on) facing the greatest police involvement in their lives and the greatest costs of policing. I will focus here especially on people marginalized by both race and class, especially lower economic-class Black people in the US. But I'll draw on some examples from other groups too, and there are certainly other sources of marginalization that impact policing that I won't focus on here, such as immigration status and sexuality. So again, there will be some excessively coarse-grained analyses, with each of the various different 'intersectional' groups ultimately deserving their own full-length treatment.

Fourth, it is important to recognize that many things commonly criminalized as forms of social disorder are either wholly innocuous or at least far too innocuous to justify any intervention by the criminal legal system. Kelley (1994), for instance, argues that working-class Black youths are often punished for simply engaging in playful behavior, and there are familiar arguments for decriminalizing marijuana. So, when I speak of 'social disorder' in this talk, I will have in mind only forms of behavior that cause genuine and serious harm, most obviously violence in the form of homicide or assault.

Fifth, the ethics of policing is a humbling topic for the philosopher. A responsible treatment requires not merely (or mainly) abstract moral theorizing but also serious attention to the vast amount of work done in sociology, law, criminology, anthropology, and so on, both empirical and normative. And I also think it requires engagement with the (diverse, complex) experiences and views of those most affected by policing—experiences that are the subject of

qualitative research and archival work by Monica Bell, Rod Brunson, Tracey Meares, Vesla Weaver, and others. So, while I will be discussing some abstract values in what follows, my perspective is *not* that we can simply reflect on those values and apply them mechanically to the case at hand, as people sometimes attempt in ‘applied philosophy’. Instead, I think that working out what those values really demand must be informed by multiple fields and experiences, and that’s what I have tried, in an *extremely* preliminary, limited, and imperfect way, to do in what follows. I’ll be very grateful for all of your help.

3. Inclusion and Control Defined

Let me begin my argument by defining cohesion through inclusion and cohesion through control a little more fully, and then I’ll turn to the choice between them.

The possibility of using inclusion to create social cohesion is of course a key theme in contemporary abolitionist writings (e.g., Davis et al. 2022; Kaba 2021). As I’ll define it, inclusion involves ensuring that people can participate as full and equal members of society.⁶ That involves both material and expressive components. The goal is, first, to provide people and communities with the material resources, such as education, housing, and healthcare, needed to access positions of power and advantage in society and, second, to communicate to them that they are equally valuable members of society. How does this bear on cohesion? The approach rests on an assumption that, as King (1966) put it, ‘Criminal responses are environmental and not racial. Poverty, ignorance, social isolation, economic deprivation, breed crime’. There are a number of possible mechanisms through which inclusion might address these underlying sources of crime. For example, greater access to decent work can reduce incentives to participate in socially harmful activity and, combined with expressive equality, reduce the social alienation that drives crime (Lilly, Cullen, and Ball 2019). More stable housing can make for more stable families and communities, which in turn are able to provide better support and mentorship to youths, driving down youth violence (Sampson and Wilson 1995; Sampson, Wilson, and Katz 2018). Trauma begets violence which begets more trauma, so

⁶ For more what might be involved in genuinely equal participation, see Danielle Allen’s chapter in Allen (2020).

measures addressed directly to highly traumatized individuals and communities can help to break this cycle. For example, schools can potentially be places where children who have experienced abuse and neglect can experience care and belonging (Keels 2022).

Cohesion through control involves centrally the use of punishment, coercion, and surveillance (for reasons explained below, I will be focused on the latter two of these three). It can seek to change behavior by altering people's incentives through raising the expected costs of less desirable behavior. This can be done either by increasing the likelihood that the undesirable behavior will be identified (as with increased surveillance) or increasing the cost imposed on people who are identified (as with longer prison sentences or harsher police use of force). Beyond changing people's rational calculi, cohesion through control can also work on their emotions: Hobbes' *Leviathan*, for instance, is not only supposed to make disobedience rationally dispreferred, but also to instill in people a sense of 'awe' at the sovereign's power that makes disobedience unthinkable. Finally, conservatives have often argued that relying on control can also change people's underlying character, instilling in them a greater respect for authority and sense of personal responsibility. Clear examples of this approach include, for instance, the use of 'Stop, Question, Frisk' (SQF), though I will also talk about less invasive examples. I also count under this approach policies that (it is claimed) will ultimately promote a degree of inclusion, but whose methods still heavily involve coercion, such as the 'therapeutic policing' described by Forrest Stuart (2016), which uses threats and so on to compel people to participate in government 'reform' programs.

What if the police are performing functions that seem to be genuinely non-coercive, such as simply informing people about their options for participation in various programs? This certainly involves a weaker form of control, but I still would not count it under the inclusion approach because the mere fact that a function is being performed by police officers, especially in neighborhoods that have historically been harshly policed, means that it is likely to be reasonably perceived as involving an implicit threat. It's also important to see that institutions and individuals who are not formally part of the police can still participate in control (often in coordination with the police). For instance, teachers who emphasize harsh discipline and rely heavily on exclusion, and welfare institutions that closely monitor people's actions and make

access to essential goods conditional on ‘good behavior’, all involve punishment, coercion, and surveillance. So true cohesion through inclusion involves not simply a shift from policing to other institutions to deal with crime but also ensuring that those institutions too prioritize the tools of support rather coercion and so on.

With these definitions in hand, let me now turn to the values that I believe are at stake.

4. Harm

In the contemporary context, the most obvious value at stake in choosing an approach to social disorder is harm, especially physical harm.⁷ This consideration is especially significant in the US, where police killings are number six on the list of leading causes of death for men aged 25–29. There are also high levels of assault, harassment, and sexual misconduct committed by police officers.⁸ And there are lasting psychological harms created by brutal and invasive policing, including severe anxiety and PTSD (Geller et al. 2017). All of these harms tend to be concentrated on those who are already the most marginalized in society, making their infliction especially unjust.

Thus, a clear problem with seeking cohesion through control, using the police as currently constituted, is that it subjects people, especially those who already suffer the greatest marginalization, to risks of serious harm. That applies to using policing to deal with high-stakes situations, such as active shooter scenarios, as well policing in more routine areas of life. For instance, traffic stops are a major source of police violence in the US.⁹ By contrast, seeking cohesion through inclusion does not involve subjecting people to risks of harm and in fact involves deploying methods, such as improving healthcare, that ought to *reduce* harm, especially among the most marginalized.

⁷ You could define harm very broadly so that it includes unfreedom and some of the other moral concerns I discuss elsewhere in the paper. For the sake of clarity and because of my own background commitments, I assume a narrower notion of harm in this section.

⁸ See, e.g., Brunson and Miller (2006) and Jacobs (2017).

⁹ For instance, an NPR investigation found that a quarter of police killings occurred during a traffic stop: C.W. Thompson, ‘Fatal Police Shootings of Unarmed Black People Reveal Troubling Patterns’, National Public Radio, 25 January 2021, online at <https://www.npr.org/2021/01/25/956177021/fatal-police-shootings-of-unarmed-black-people-reveal-troubling-patterns>.

This is a philosophically uncomplicated but very significant argument. It is a major consideration in favor of pursuing cohesion through inclusion rather than control that the former involves imposing much less risk of harm and instead involves introducing significant harm reduction. Moreover, this argument reveals a major problem with the ‘two-sided’ (tough on crime and its causes) approach: some of the very same harms that need to be addressed as part of promoting inclusion—for example healing intergenerational trauma—are themselves exacerbated by high levels of control.

All the same, I think we need to move beyond a focus solely on harm. As defenders of cohesion through control will argue that a properly funded, trained, and disciplined police force need not be so violent in its methods---after all, the US is an outlier in the degree of brutality inflicted by its police.¹⁰ ‘Procedural justice’ trainings, for instance, aim to change the nature of individual stops so that officers treat people with greater respect, use minimal force, and so on (Tyler and Huo 2002). And in the US we could take steps to make the police more accountable for any harms they inflict, for example by ending qualified immunity and requiring individual officers and departments to pay civil damages for police misconduct.

Moreover, there are forms of control that do not involve as many risky, physical interactions with police. For example, aggressive forms of control can involve heavy use of surveillance rather than physical stops.¹¹ And in a digitized world, that surveillance need not be carried out directly by officers but rather through use of data monitoring, cameras, and so on. So, it’s worth asking whether even policing that is less brutal can still be problematic. Is there still a problem with being subjected to stops that are not so violent or with being heavily surveilled from a distance? A natural value to consider is freedom, and it is to this value that I will now turn.

¹⁰ A. Cheatham and L. Maizland, ‘How Police Compare in Different Democracies’, Council on Foreign Relations, 29 March 2022, <https://www.cfr.org/backgrounders/how-police-compare-different-democracies>. See also Lewis and Usmani (2022).

¹¹ See Lewis and Usmani (2022) for an argument that can policing can be effective while being less lethal.

5. Freedom

Cohesion through control essentially involves methods, including police coercion, that compromise freedom. So there is an obvious freedom-based argument against it. But defenders of cohesion through control can say that some degree of sacrifice of freedom is reasonable, especially when it exists in service of enhancing freedom overall by providing security and stable expectations for all. So, I want to spend some time making clear some of the more specific, and substantial, ways that policing can limit freedom. I'll make some observations about how policing as currently conducted affects freedom and then consider some arguments that with suitable reforms to policing a cohesion through control strategy need not substantially limit freedom.

Now, there is an enormous philosophical literature about how best to understand freedom, and I won't try to survey it here. Rather, I will assume a simple, plausible, and familiar notion of freedom as the ability to make fundamental decisions for oneself about what is most valuable and to make and carry out plans on that basis. We'll see, I hope, that this notion of freedom can make sense of some important concerns people have raised about aggressive policing.

Police, almost uniquely in democratic (or nominally democratic) societies, are given the right to use coercion with a relatively high degree of discretion: unlike within the penal system, for instance, police are allowed to stop or detain people who have not been found guilty of an infraction beyond a reasonable doubt.¹² The most obvious forms of unfreedom involved in policing occur when police use or threaten force directly against certain individuals. For example, those who are subjected to regular police stops suffer both the immediate limitation of their freedom of movement as well as disruption to their ability to maintain employment (given that stops may make them late to work), participate in community life, and so on. But to fully understand the effects of policing on individual freedom we need to look beyond these

¹² Of course, there are also plenty of wrongful convictions, my point is just that police stops and so on are held to a *lower* standard.

discrete moments and see how background police presence in a community can shape the overall life plans and patterns of individuals.

It's a familiar point in political philosophy that freedom is compromised not merely when an agent *in fact* interferes with another but also when an agent has somewhat discretionary *ability* to interfere with another.¹³ More specifically, if I am aware that someone has (somewhat) discretionary ability to interfere with me, then I must develop an awareness of which behaviors on my part might trigger interference by the more powerful agent and adapt my plans and behavior accordingly. My ability to make and carry out plans of my own is thus curtailed.

We see an effect of this kind in marginalized neighborhoods with aggressive policing. There are several reasons why people in these areas seek to avoid sustained police contact. First, there is the possibility of police brutality, as mentioned in the previous section. Second, there is the unfreedom of subjection to a stop (and perhaps search) as well as the possibility of more substantial unfreedom due to incarceration. And third, there is the fact that police contact is often perceived as demeaning. This can be due to the nature of the stop, as when officers berate or humiliate a suspect. Or it can be due a broader perception that police are ultimately deployed by the state due to demeaning assumptions that certain people and groups are 'problem' members of society.

Individuals trying to avoid sustained police contact thus come to share in what Forrest Stuart (2018, 7) calls 'cop wisdom': a 'a shared cognitive framework' for making sense of and responding to police motivations and behaviors. This framework 'provides the foundation for residents' efforts to evade, deflect, and otherwise contest unwanted police contact'. In other words, these individuals develop an extensive set of views about what will trigger sustained police contact and use these views to inform their own life planning. That involves coming up with a folk theory of the police's motivations, movements, and so on as well as a set of common strategies for avoiding or curtailing contact.

¹³ In contemporary political philosophy, this point is most closely associated with the work of Philip Pettit, e.g., Pettit (1997), which draws substantially on the 'republican' tradition in political thought, though I think it can be subsumed within a liberal theory. See also Rogers' chapter in Allen (2020) for an explanation of the role of republican freedom in Africana political thought and the revisions it suggests to Pettit's theory.

Which aspects of people's planning and lives are affected by this? We can distinguish two broad areas. First, there is a spatial dimension, with individuals facing pressure to avoid public spaces or to find paths through public space where they can limit police contact. This limits liberty of movement, which is itself an important element of individual freedom, and also impacts other important areas of life. For instance, pressure to avoid highly policed locations can create lack of access to public transport. That in turn means more limited economic opportunities or having to access those opportunities on less favorable terms than others.

Second, there is a behavioral dimension, concerning not whether people are seen by the police but how they appear to the police. 'Cop wisdom' means knowing not just where police might be but also which behaviors the police will consider unacceptable, suspicious, and so on, as well as, conversely, which behaviors the police will consider benign, exculpatory, and so on. Interviews by Stuart (2018) show shared understandings among the racialized poor of what it takes to demonstrate to the police that they are productive, 'functional' members of society, for example by making a show of sobriety or willingness to maintain constant employment, even in relatively undesirable jobs. Likewise, Rios (2011) reveals commonly understood strategies for lower-class Black and Latino youths who wish to avoid police perceptions that they are involved in gang violence, such as wearing 'respectable' clothes, avoiding certain gatherings and friendships, and being deferential towards officers: "'saying shit like, 'Yes, sir,' 'No, sir,' 'Please, sir,' and making sure you don't act like you got contraband on you. . . . It means making sure you riding legit, like letting them do their stupid shit and just keeping your mouth shut.'" Surveillance of AMEMSA (Arab, Middle Eastern, Muslim, and South Asian) communities in the post-9/11 period likewise created substantial pressure to avoid overt religious displays that might be interpreted as suspicious. In sum, beyond spatial dimensions, there is also unfreedom in people facing pressure to adopt a specific set of appearances, ways of speaking, religious observances, forms of employment, and so on.

The pressure to adapt to perceived police expectations is especially problematic because it often puts people in 'double-binds' (or 'Catch-22s') (Rios 2018, Ch. 7). Resisting the expectations of those who hold demeaning assumptions about you is a way of asserting your

dignity, since it shows that you refuse to internalize their assumptions.¹⁴ And intensive policing is often perceived as reflecting demeaning assumptions about the criminality of certain groups defined by race and/or class. Rios (2018, 104) describes how the Black and Latino youth in his study often tried to protect their dignity by refusing to comply with the police's determinations of 'good behavior'. The double-bind is that these individuals thus face pressure from their own conscience and from other members of the community not to conform to the expectations that might help them avoid police contact and interference in their lives: a choice between a loss of dignity or subjection to coercion. Rios observes that some young men in poor Black and Latina/o/x neighborhoods can sometimes avoid the harshest elements of policing through adopting compliant behaviors, but do so at the cost of humiliation, exclusion, and sometimes violence within their community.

That was a brief survey of some of the problems of freedom created by a cohesion through control approach. By contrast, cohesion through inclusion involves methods that are non-coercive and that instead serve to *enhance* freedom. That approach requires combatting discrimination, redistributing resources, and so on, so that people have greater ability to pursue whichever opportunities they wish. We see here, then, one of the failings of a 'two-sided' ('tough on crime, and tough on its causes') approach, since the very freedoms that make inclusion attractive are compromised by control. Indeed, it may be that control crowds out the mechanisms of cohesion through inclusion by limiting many of the very freedoms that can potentially reduce violence and so on.

Before concluding this section, let me consider some possible objections. In particular, I would like review some arguments that even if control as we know it has severely limited freedom there are various reforms which could allow for substantial use of policing to create cohesion while significantly mitigating its effect on freedom.

¹⁴ Setting aside many subtleties of his account, Shelby (2016, 109) makes a compelling case that a lot of resistance to acting in accordance with 'mainstream values' among the residents of 'dark ghettos' is justified as an assertion of self-worth in the face of a society that treats them unjustly and views them with contempt.

a. 'Evidence-based policing' as an escape from arbitrariness?

I observed earlier some ways in which arbitrary forms of interference in people's lives create unfreedom. Why not, then, put careful limits on policing so that any interference is no longer arbitrary? According to this proposal, we should take the decision to (e.g.) stop and search someone out of the discretion of individual officers and ensure that it instead has a basis in real evidence. In that case people would not have to guess at the views or preferences of officers and instead could have confidence that any stops reflect legitimate criteria rather than arbitrary individual judgment.

I agree entirely with the claim that what policing we do have needs to be subject to very strict limits. And certainly doing away with some of the most egregious forms of profiling on the basis of racial stereotypes and so on would reduce some of the pressures to conformity I have mentioned. The question is what exactly policing that is both 'non-arbitrary' but also very proactive and interventionist would look like. To illustrate, let's consider two (somewhat overlapping) operationalized versions of this move: 'evidence-based policing' and 'problem-oriented policing'.

'Evidence-based policing', which has become especially popular in the post-9/11 era, can refer to a variety of ways of trying to improve police practices by relying on data, randomized control trials, and so on. For present purposes, let's focus attempts to move away from arbitrariness by taking away discretion from individual officers and instead using data, especially 'big data', to dictate which areas and individuals are to be targeted by police.¹⁵ These efforts are intended to take the police away from decisions that might rely on unfounded stereotypes towards instead acting on genuine indicators of crime that will improve the 'hit-rate' at which a given police stop uncovers genuinely illegal activity.

This strategy is already very much in mainstream use, with departments such as the Los Angeles Police Department (LAPD) relying heavily on big data. It has also two problems that are familiar from the literature on algorithmic justice (Brayne 2021).

¹⁵ See Brayne (2021) for a useful summary of how big data has been increasingly used in policing.

The first problem concerns whether the use of big data to make predictions really results in stops that are non-arbitrary in the sense of reflecting real criminal activity rather than distorting race stereotypes (which for this purpose can be understood as inaccurate generalizations about who commits crime and what constitutes evidence of crime). The most obvious way in which such stereotypes can make their way into the process is in data collection. For instance, the LAPD's processes predict future crime based on previous arrests and police contact. But these interactions between officers and the public are already influenced by officer perceptions of criminality and suspicious behavior that reflect race and class stereotypes. Thus, predictions and stops based on that data will result in over-policing of stereotyped populations.

That is evidence-based policing as it has been operationalized. But defenders may say that it is in principle possible to prevent the influence of unfounded stereotypes on the process. For example, decisions about which geographic areas to target might be made based on evidence of victimization rather than arrest rates. And gathering data about stops can in principle allow authorities to monitor policing to see if it is being unjustifiably concentrated on certain populations. For example, collecting evidence about the race of those stopped might allow authorities to check if hit-rates—the rate at which the police make stops and in fact uncover harmful activity—are equal across racial groups or whether, say, searches of Latina/o/x persons are much less likely to actually uncover crime than searches of non-Latina/o/x persons.

These proposals still face a second problem with evidence-based policing. Let us suppose that the influence of stereotypes could genuinely be washed out from the process. Neighborhoods targeted for more intensive policing have genuinely higher levels of crime. Which neighborhoods are these? Violent crime is created by disadvantage, and thus it is the most marginalized neighborhoods that typically have the highest rates of violent crime. So even on this approach we would have the problem that the most marginalized members of society would be subjected to the most substantial levels of control, with all the attendant problems of unfreedom that occur in the shadow of intensive policing.¹⁶ Even if the higher rates of stops in the neighborhood reflect real evidence of higher crime rates, we will still see people having to adapt their lives to avoid brutality, interference, demeaning interactions, and so on.

¹⁶ The underlying problem here is the familiar 'Bias-In, Bias-Out' problem identified by Mayson (2019).

These concerns that data-driven policing will limit freedom are not merely speculative, and in fact the use of big data, drawing on wide areas of life to inform policing, can create even broader forms of adaptive behavior than traditional policing. Brayne (2021, 114) demonstrates that individuals who are wary of data-based surveillance show substantial ‘system avoidance’: ‘deliberately and systematically avoiding’ not only police officers, but also other institutions that ‘keep formal records, such as hospitals, banks, schools, and employment, to avoid coming under heightened police surveillance’. Plainly this involves exclusion from essential goods and opportunities necessary to live freely.

b. Procedural justice and the innocuous stop?

I just argued that people would still have good reason to avoid even stops that have an evidentiary basis. But what if the state made the stops themselves more innocuous so that people have less reason to avoid them? ‘Procedural justice’ initiatives involve, in part, trying to improve the interactions that take place during stops so that they involve no undue force and are polite, respectful, and so on (Tyler and Huo 2002). Would people really have any complaint about such stops? It’s true that these stops involve a degree of interference and might be more concentrated on certain populations. But sometimes we must accept a degree of unfair interference for the sake of important public goods, and community safety is such a good. Risse and Zeckhauser (2004), for instance, suggest that such stops might be analogized with brief quarantines necessary to prevent the spread of a deadly disease: something people should view as reflecting merely government concern for the common good, especially the interests of disadvantaged communities. Could these stops, and enhanced police presence generally in a neighborhood, still reasonably be feared, avoided, and so on? One answer to this is that the long history of brutality, unnecessary stops, and so on gives especially members of marginalized groups good reason for skepticism about whether such ‘innocuous’ stops could really be fully implemented. A second answer is that even with real changes to police-public interactions people would still have good reason to feel demeaned by intensive policing, and good reason to take measures to avoid it, because even if the stops themselves were less traumatic it would

still be reasonable to perceive intensive policing generally as resting on demeaning assumptions that, for example, working-class Black people are especially disposed to violent behavior. To see this, we need to look more carefully not only at the motivations that have driven particular police stops or even broad police strategies but also at why policing has been so highly favored at all as an approach to social problems, especially in the state's dealings with populations marginalized by race and class. We will make this inquiry in the next section.

6. Democratic Legitimacy, Policy Motivations, and Expressive Injustice

In this section, I would like to explore the underlying *motivations* that in fact drive police choices in favor of cohesion through inclusion or (more often) cohesion through control, as well as the *reasonable interpretations* those subjected to intensive policing can form of what those motivations are. Each of these factors, we'll see, matters: it is a problem for cohesion through control that it so often *in fact* serves illicit motivations and that even if it was not in fact serving those motivations it could still *reasonably be perceived* by those most subject to policing as reflecting illegitimate motivations. This is because cohesion through control has so often reflected demeaning assumptions about marginalized people as either unworthy or unable to participate in society as equals. I will then turn to some questions about what counts as an acceptable set of motivations for state responses to disorder and argue that a liberal conception of the person and crime supports an inclusion-centric approach.

a. Cohesion through control reflects and expresses unacceptable motivations

First, let us look at some prevalent motivations for pursuing cohesion through control. There is, of course, a long and disturbing history of policing being openly motivated by the goal of securing White Supremacy in the United States, with policing being a means of, for example, kidnapping fugitive slaves and maintaining the boundaries of segregation. But there are difficult moral questions about how much exactly the racist history of an institution morally taints its present manifestations. So, I'll focus here on motivations in the recent past and in the present.

Much has been made of the fact that levels of trust in the police are relatively low in highly marginalized Black communities, and there has been substantial inquiry into what explains that distrust. This is an important area of study, but as Kevin Drakulich and co-authors have emphasized, its focus ignores a related glaring fact: why is policing so *avored* by many other people in the US? Why, for example, is ‘Blue Lives Matter’ (along with associated flags, rallies, and so on) both a highly effective political slogan and frequently a deep marker of identity?

What work by Drakulich and others reveals is the substantial presence of troubling motivations behind White support for policing as a central form of social policy. They identify three main forms of anti-Black ideology motivating support for policing. And this is consistent with other work identifying the role of anti-Black ideology in supporting control over inclusion as a key policy approach, for example in the context of punishment and incarceration. These elements of racist ideology¹⁷ include: sheer racial animus (or dislike), stereotypes about Black people as inherently prone to criminality and violence, and ‘racial resentment’ (beliefs that current racial inequality is justified and corresponding resentment of measures that upset the existing racial hierarchy).¹⁸

Class is also an important factor in motivations for control. For example, Forman (2017) observes that part of the reason predominantly Black cities and districts have often still sought cohesion through control is that higher socioeconomic-class Black people have held stereotypes about the dangerousness and unreformability of lower-class Black people.¹⁹ And turning to non-Black marginalized groups, we can still see an important role for negative ideologies. For example, harsh crackdowns on undocumented workers—and by extension many predominantly Latina/o/x communities—has reflected stereotypes about Latin American immigration ‘bringing drugs, crime and rapists’, as Donald Trump put it, as well as racial resentment and anxiety about a potential ‘great replacement’ that will topple White

¹⁷ What exactly counts as an ideology and what makes an ideology racist is a large questions that I cannot properly address here: for discussion, see, e.g., Shelby (2003) and Haslanger (2017). But I believe the claims in the text hold true under a number of plausible theories.

¹⁸ For more on the influence of anti-Black stereotyping, see Muhammad (2010).

¹⁹ For a particular stark example of such stereotyping, see Chris Rock’s infamous 1996 bit “N___s vs. Black People” (from the HBO Special, *Bring the Pain*).

dominance.²⁰ Surveillance, deportation, and so on of Muslims in the US, as well as counter-terrorism policies in Europe that have stretched to closing Muslim faith schools and banning clothes associated with Islam, have all also been substantially influenced by stereotypes about Muslims as inherently disposed towards terrorism as well as a threat to the dominant ethnic order.

Why is it a problem if such negative racial/ethnic ideologies play a substantial role in driving policy? There are multiple reasons for moral concern about such ideologies, including the inherent moral defect (in all contexts, including policy contexts) involved in acting out of racial antipathy or a belief in racial hierarchy.²¹ I will focus here on an argument from democratic legitimacy. There are three steps to the argument. First, achieving democratic legitimacy requires that policies emerge from a process in which all members of a community are treated as equals. That is a basic democratic assumption. Second, whether people are treated as equals in the political process goes beyond simply whether they have a formal say in political decision making (Cohen 1996). For example, suppose that while members of a religious minority are granted a vote, they are understood by other members of the polity to be dirty and degraded and for this reason are denied the right to practice their faith. This cannot be described as a process in which they were treated as equals. What is needed is not only that people have input in the political process but also that decisions are made in a way that is compatible with understanding every member as an equal.²² In the US, laws made on the basis of, for instance, homophobic prejudice or unfounded fear of people with mental illness have been struck down by the Supreme Court for their illicit motivations. A good explanation of what was wrong with those laws is that they were made in ways that were incompatible with understanding gay and mentally ill people as equals. Finally, the negative racial and ethnic ideologies that were discussed in relation to control—for example, stereotypes of poor Black

²⁰ See, e.g., Wirts and Mendoza (2022) and Davey and Ebner (2021).

²¹ For discussion of these approaches, see Appiah (1990), Garcia (1996), and Blum (2002).

²² One important question here is who exactly counts as a member. In Hosein (2017 and 2019) I make an argument that membership should be determined by shared subjection to the laws, rather than, say, shared ethnicity or formal citizenship status. Thus, e.g., undocumented migrants living in the US should count as members. I also explain how people who are not subject to the laws can still be owed some baseline form of equal treatment.

people as violent—are incompatible with an understanding of (for instance) Black people as equals.

All of this means that policies that aim to satisfy the ‘law and order’ section of the electorate tend to serve unacceptable political motivations and thus are incompatible with democratic legitimacy. The same thing that makes policies focused on control politically attractive—the strong constituency available to support them—makes them morally suspect.

What if there were control-oriented policies—such as more intensive policing—that were issued by politicians not seeking to satisfy voters with racist or classist ideologies but out of a genuine desire to serve the most marginalized (on the view that such policing would drive down violence in marginalized communities)? This brings us to the related problem of the expressive impact of policing. For reasons that I explain at much greater length elsewhere (Hosein 2022), I understand the expressive meaning of a policy as what individuals can reasonably infer about the motivations behind the policy. And when we are considering these meanings, we must take into account what members of different groups can reasonably infer about a policy, including members of the most marginalized groups.

In the present case, it is especially important to consider what those who have been subjected to over-policing could reasonably infer about the motivations behind any current political prioritization of policing. And their experiences with policing, combined with the actual history of motivations for policing and punishment, surely give them good reason to suspect illicit motivations behind a state that sustains or increases aggressive policing in their neighborhoods. Young, poor, Black people, who have experienced some of the most punitive forms of policing, have every reason to interpret efforts at cohesion through control as just another attempt to discipline them, whether out of fear their supposedly violent tendencies or a sheer desire to maintain racial/class hierarchy.

Why does any of this matter, fundamentally? One reason it matters is that it affects the relationship between individuals and the police. And we saw in the previous section how fear and resentment of policing can undermine individual freedom. Crucially, second, it can also affect people’s broader relationship between the state (Lerman and Weaver 2014). For highly marginalized people in the US, the criminal legal system, including the police, has often been

the most visible and active branch of the government.²³ And we have seen that this presence can reasonably be interpreted as a sign of the broader society's efforts to contain them, whether out of fear/stereotypes or a desire to maintain inherited hierarchies. Members of these neighborhoods have thus developed 'a "sense of the state" [that] is one of control, hierarchy, and arbitrary power' (2014, 97). This sense—what I have called elsewhere a 'sense of inferior political status' (Hosein 2017)—is in turn important both instrumentally and intrinsically.²⁴

Instrumentally speaking, the fact that someone has a (reasonably acquired) sense of inferior political status means that they face an unfair barrier to social and political participation. It is a psychological cost if, every time you consider entering a courthouse, polling booth, or employment office, you do so on the understanding that your presence and voice will be processed by a state that considers you an underling or a thug or a terrorist. And it is undemocratic and unjust for some members of the community to face these unfair barriers to participation.

Intrinsically speaking, it plausibly matters in itself—is inherently undemocratic—if some people must live with a (reasonably acquired) sense that they are lesser members of the political system. It plausibly matters in itself not only whether we are treated as equals in the formulation of state policy but also that we have a reasonable basis for believing that we are treated as equals. For otherwise individuals experience state power not as something exercised in their name and on their behalf, but as sheer power used against them primarily for the sake of others. Rawls (1996), for example, argues that policies are only democratically legitimate if all members of political community can be reasonably expected to endorse them. And that in turns requires that the policies be publicly justified in ways that each individual can be reasonably expected to accept. I surely cannot be reasonably expected to accept motivations that I (reasonably) believe involve demeaning stereotypes and so on about me and members of my group. That was very abstract, so let me illustrate this point about policing on a more

²³ Lerman and Weaver (2014, 97) observe that for many poor Americans their 'most visible and direct contact with the government may be with a police officer rather than a welfare counselor'.

²⁴ See also Bell (2017)'s discussion of 'legal estrangement'. I make the instrumental and intrinsic arguments in much greater depth in Hosein (2017) and Hosein (2022).

visceral level: It seems inherently undemocratic for someone to wake up in the morning, or in the middle of the night, with blue lights again flashing on the walls and patrols below on the side-walk *again*, and think, 'that's my government, always here to keep me in place', or, to think as one of Lerman and Weaver's (2014, 2) interviewee's put it, 'We got that bull's eye on our back as soon as we're born'. Democratic legitimacy requires that you able to see the government as acting *for you*, equally, and not just *on you*.

To summarize the argument of this section so far, pursuing cohesion through control compromises democratic legitimacy in two ways: it typically rests on assumptions that are incompatible with equality, and whatever its actual motivations it could reasonably be interpreted as expressing assumptions that are incompatible with equality. The latter, expressive impact is problematic for both instrumental and intrinsic reasons.

These are serious concerns with pursuing cohesion through control. In other work, I have argued that racial profiling exacerbates these problems of democratic legitimacy (Hosein 2018) and should be abolished for that reason, and elsewhere in this paper we have considered various other possible reforms to policing that would make interactions with the police less immediately humiliating, scary, and so on for the most marginalized. But as abolitionists have emphasized, in addition to policy decisions about how policing might be conducted there is also a more basic question about whether policing should be deployed in the first place. What I am arguing here is that we must consider not only the motivations and reasonable perceptions of *particular* police actions, such as those involved in racial profiling, but also of the more basic choice to pursue control/policing as a central social strategy. That whole approach, I have argued, is tainted by the motivations and reasonable perceptions that are connected to it. This problem afflicts both approaches that rely centrally on *just control* to create cohesion and the two-sided approach that seeks to rely heavily on both inclusion *and control*. For one key element of pursuing cohesion through inclusion is expressing to marginalized individuals and communities their equal place in society, and that message is compromised when politicians at the same time seek (or seemingly seek) to satisfy 'law and order' voters who do not accept marginalized people as equal members of their society. Here too we see that pursuing cohesion through inclusion is crowded out by aggressive efforts at cohesion through control.

b. Required motivations, including respect for a liberal conception of the person, support cohesion through inclusion

We have seen the illicit political motivations that cohesion through control typically relies on and expresses. What then are the motivations that the state *should* act on and express in this area? Let me explore this by looking at some contrasts with the problematic motivations we have looked at so far. We'll see that the required motivations, those that involve proper and equal respect for every member, tend to support prioritizing seeking cohesion through inclusion.

One kind of problematic motivation that we have looked at involves seeking to sustain the existing racial hierarchy and conceiving of the objects of racial domination as deserving their place in that order. What is the correct liberal alternative to this? What is required is that the state instead conceive of those marginalized by race (as well as class) as equal members of society. Rawls, for example, requires that social policies publicly reflect an understanding of each individual as a 'free and equal' member. This means that instead of ignoring or excusing the existing racial hierarchy, with its highly unequal distribution of advantage and opportunity, the state ought to recognize that marginalized people are entitled to full social participation on the same terms as others. This lends natural support to the cohesion through inclusion approach, since that approach relies centrally on the expansion of opportunity, through, for instance, the expansion of fair employment.

A second kind of problematic motivation that we have looked at is race/class stereotypes that certain populations are inherently disposed towards violence and criminality. One important alternative to these stereotypes is to point out that much of what appears to more powerful groups to be simply destructive behavior is in fact simply people at play under difficult conditions (Kelley 1994) or asserting their dignity in a situation where they are being treated very unjustly (Rios 2011; Shelby 2016). But what about genuinely wrongful behavior, such as violence against other vulnerable people? Plainly a liberal view ought to eschew any notion that *particular populations* are inherently disposed to violence, but what should it say

about the more general *human* tendency towards violence and how to respond to it, including when it is manifested by marginalized people?

Where conservatives have historically emphasized fixed elements of human nature and that idea that people fundamentally respond only to threats and discipline,²⁵ liberals have emphasized (for example, in education policy) the plasticity of human nature and its potential to be molded through support rather than just threats and discipline: to take an early example, Locke (1968, 112) tell us ‘that of all the men we meet with, nine parts out of ten are what they are, good or evil, useful or not, by their education’.²⁶ Respect for individuals, on this liberal view, requires recognizing their potential for acting both in rational pursuit of their private goals and out of concern for the common good.

What is missing in a substantial amount of contemporary liberal political philosophy is a duty on the part of the state to support the formation of moral character, by providing conditions in which it can flourish.²⁷ Much recent work on character and choice has been *ex post* in perspective, asking which existing behaviors and outcomes people can be held responsible for, rather than *ex ante*, asking how social conditions can be changed to support capacities for judgment in the first place.²⁸

Yet the *ex ante* perspective is a crucial part of the tradition. T.H. Green (1881), for instance, made a case for labor and employment law on the ground that in their absence unfair wages, poor sanitation, and so on would deny workers the opportunity to develop good judgment: ‘modern legislation then with reference to labour, and education, and health, involving as it does manifold interference with freedom of contract, is justified on the ground that it is the business of the state, not indeed directly to promote moral goodness, for that, from the very nature of moral goodness, it cannot do, but to maintain the conditions without which a free exercise of the human faculties is impossible’. Or take, for instance, Timberlake Wertenbaker’s play, *Our Country’s Good*, a high-water mark of liberal British theater in the

²⁵ For a summary, see Lilly, Cullen, and Ball (2019), Ch. 12.

²⁶ Though, of course, liberal thinkers, including Locke, have often done a poor job of recognizing the moral potential in *all* humans, especially with respect to those marginalized by race or gender.

²⁷ Though for a contemporary liberal view that *does* take seriously a state duty to promote good character, see Appiah (2005)’s important discussion of ‘soul making’.

²⁸ Representative examples of the former include Cohen (1989) and Sheffler (1992).

twentieth century. The play concerns a group of British people who have been convicted of crimes and sent to a penal colony in Australia. The character of Governor Philip argues against a punitive approach to those being transported in favor of a nurturing one. He uses Socrates' behavior towards the slave boy in Plato's *Meno* as a model:

'When he treats the slave boy as a rational human being, the boy becomes one, he loses his fear, and he becomes a competent mathematician. A little more encouragement and he might become an extraordinary mathematician. Who knows?'

Liberals can and should take on similar points about contemporary social disorder and its roots in lack of state support for individuals and their potential. Now, to be clear, the point I have in mind is distinct from the familiar criticism of liberalism that it doesn't do enough to encourage civic virtue and the associated proposal that such virtue should be promoted through the inculcation of good values.²⁹ When applied to marginalized groups, especially, the attempt to foster moral character through inculcation can easily become objectionably paternalistic and a source of excuse for ignoring racial inequalities, which, advantaged people are tempted to think, are really due just to the poor character of the marginalized people rather than unjust social structures (Shelby 2016). Instead, the point I have in mind says that inequality *must* be addressed, because the ability to form certain character traits is itself an *opportunity* that it is unjustly limited by inequality. Thus, rather than supporting, say, lectures to the poor about proper behavior, this perspective requires us to act on evidence that, for example, having schools that provide a safe and nurturing space for traumatized children can enable them to better develop the ability to self-regulate or that improved water quality in disadvantaged neighborhoods can do the same (Keels 2022; Nevin 2007): all improvements that are central to a cohesion through inclusion approach.

What exactly is the source of the duty to enable people to develop good moral judgment and action? We can think of this duty as being owed both to the particular individuals whose good judgment is enabled as well as owed to the broader community in which those individuals will live. As far as the individuals go, it is plausibly both better *for* an individual as

²⁹ For a version of this criticism, see Sandel (1998).

well as a more *dignified* to live in accordance with the common good (if you disagree with one of those claims, hopefully you'll agree with the other). To make and act on good judgment, you need to exercise sophisticated mental faculties that allow you to achieve a degree of self-mastery. And having this ability enables you to live in valuable relations with others, involving trust and mutuality, since you can demonstrate and reciprocate good will towards them. All of these factors are plausibly relevant both to individual well-being and to leading a life worthy of human dignity. From the perspective of the community, it is also better if people have strong capacities to make and act on good moral judgment.³⁰ For, again, the existence of those capacities makes possible valuable forms of interaction and relationships. It is plausible that a community where people do not harm each other because they trust each other and seek reciprocal respect is morally superior to one in which their only motivation for avoiding harm is fear of reprisal. Finally, if these arguments seem too 'perfectionist' for a liberal theory, because of their focus on valuable forms of life, note that one of the two individual capacities that Rawls (1996) suggests the political liberal can and should be concerned with fostering is an effective sense of justice: the ability to comprehend and respect the core rights of other members of the community. The measures I have endorsed are necessary for the development of this capacity.

In sum, a liberal conception of the person—as a self-originating source of claims rather than an object of domination, and as embodying the full range of human potential for moral behavior rather than as inherently disposed to violence—naturally leads to seeking cohesion through inclusion, since that approach involves respecting the claims of individuals to equal participation and ensuring the state's duties to support moral development are fulfilled.

c. Objections and responses

In the arguments I just laid out, I focused on the state's duties to very young marginalized people to provide proper nutrition, education, and so on to support their

³⁰ See Ekow Yankah's series of papers (including Yankah 2015, 2019, and 2020) on civic republican approaches to the criminal legal system for a compelling argument against viewing individual wrongdoing as a trigger for retribution and instead as a sign of rupture in valuable forms of civic bond that the state has an obligation to secure. I believe some of these civic republican insights can be accommodated within a liberal framework.

development. But what about marginalized people who are at least somewhat older, especially those who have already committed wrongs of some kind? The cohesion through inclusion approach also recommends reducing violence and so on by providing support to those people. But this is surely more controversial. Consider, for instance, a Danish program which sought to deal with Muslim teenagers who had travelled to Syria to join the violent extremist organization ISIS.³¹ Rather than simply write the teenagers off as terrorists worthy only of punishment and containment, the program sought to express to them there was still a home for them in Denmark and offered them a range of forms of support designed to help them reintegrate, such as help with housing, access to education, and psychiatric assistance.

Such programs raise an inevitable objection that they inappropriately respond to wrongdoing with generosity rather than firmness. For instance, conservatives inevitably derided the Danish program as ‘hug a terrorist’ scheme. Defenders of the program responded mainly by emphasizing its evidence base and good results: the long-term likelihood that it actually would reduce violence overall both on the part of the teenagers within the scheme and others who might otherwise be lured by extremist organizations. That is a powerful argument, but I want to also answer the conservative objection here on its terms and explain why it is sometimes perfectly appropriate for the state to respond to wrongdoing with compassion and support. Several considerations are relevant.

First, the imperative to support people’s ability to exercise good judgment is especially morally pressing when the reason some people are tempted by violence and other social harmful behavior is due to *injustice*. These conditions are plainly met when it comes to violence in poor African American neighborhoods, given its roots in slavery, Jim Crow, and the various remaining structures of White Supremacy. The example of violent extremism among young Muslims is perhaps more complicated, but there is still a good case to be made: the temptation among European youths to join ISIS, for example, was substantially fueled by experiences of

³¹ The Danish program is described here: H. Rosin, ‘How a Danish Town Helped Young Muslims Turn Away from ISIS’, National Public Radio, 15 July 2016, https://www.npr.org/sections/health-shots/2016/07/15/485900076/how-a-danish-town-helped-young-muslims-turn-away-from-isis_

discrimination in their countries of residence as well as the ongoing effects of colonialism and neo-imperialism in predominantly Muslim countries.³²

Second, as mentioned above, the imperative to support moral development is grounded not only in duties to individuals but also to communities. So even if it were true that there is no directed duty *to* those individuals who might be tempted towards, say, terrorism, there are all the same reasons to take an inclusive approach to those individuals for the sake of their home communities.³³ The duty owed to communities is also especially pressing in contexts of injustice. Communities that have suffered injustice face especially severe and wrongful burdens on their abilities to maintain strong social bonds.

Third, the conservative objection involves, I believe, a confusion between backwards- and forwards-looking moral perspectives. The force of the conservative objection comes ultimately from the idea that we should hold and express certain attitudes towards people with negative character traits.³⁴ For instance, if someone lies to you, and especially if they are a habitual liar, the natural, fitting response is distrust, resentment, and so on rather than reward.

But different responses to wrongdoing can co-exist. In some cases, punishment has already been visited on those who have done wrong, and so steps at inclusion can take place under conditions where sufficient moral disapprobation for past behavior has already been expressed.³⁵ And even where punishment is not inflicted, the past need not be ignored: individuals can still be asked to recognize harms that they have created and to make amends to their victims.³⁶ Indeed that can be part of a broader effort at giving them a sense of their place as consequential members of the community and making available to them alternative paths. Efforts of this kind cannot reasonably be described as simply ‘rewarding wrongdoing’. They instead involve a holistic effort to respond both to what individuals have been and can be.

³² See, e.g., Moaveni (2019) for examples of these motivations at work.

³³ For a compelling, and more detailed, argument along similar lines, see Yankah’s (2020) case that reintegration of formerly incarcerated people is morally incumbent on the state in part because it is needed to re-establish civic bonds.

³⁴ See Scheffler (1992) for a full explanation of these ‘reactive attitudes’ (the term is Strawson’s) and their political role.

³⁵ See again Yankah’s (2020) discussion of reintegration of formerly incarcerated people.

³⁶ See, e.g., the discussions of transformative justice on Mariame Kaba’s website: <https://transformharm.org>.

I would like to now consider one last objection. I spent considerable time showing the moral problems with the motivations members of more dominant groups typically have for supporting cohesion through control. But, it might be objected, what about members of more marginalized groups who, even if they have lower levels of trust in the police, still ultimately support a robust police presence in their neighborhoods? What about marginalized people whose dissatisfaction with the state stems in part from a feeling of being let down by ineffective policing? There are indeed examples of marginalized people supporting a robust degree of police control in their neighborhoods. Forman (2017), for example, gives plenty of examples of poor African Americans showing such support, and there remains substantial resistance to ‘defund the police’ strategies, for example. Why can’t intensive policing—constrained to be respectful and less harmful—be justified by reference to their attitudes? And can’t it in fact be a way of reassuring them that the state takes seriously their safety and the higher level of threat they face of private violence?

One important point here is to be clear, again, about what attitudes to police are like among those who suffer the *most* from both police and private violence. I am not aware of the statistical evidence regarding this, but the qualitative studies we have considered certainly suggest that *young* people, who are the most targeted by police, have especially negative attitudes towards policing.³⁷ And it is crucial to explore more carefully *why* exactly some marginalized people do show support for policing. Examining these sources of support thoroughly is a large task well beyond the scope of this paper, but I would like to briefly note some plausible sources of support for policing that would not threaten my main argument.

First, there is an important history of so-called ‘under-policing’ of the most marginalized Black neighborhoods. One form of this is the substantial periods during which these neighborhoods suffered significant problems of disorder but saw the state do little or nothing to address it, neither through inclusion *nor* through control. For instance, Clark (1965) notes the relative abandonment of various ‘dark ghettos’ by the police during the 1960s. Another important form of ‘under-policing’ in these neighborhoods is the poor quality of service police

³⁷ Gender is also an important factor in who is the most directly targeted by policing, but raises a host of complexities that I don’t have space to explore here.

have often provided with respect to addressing crimes (Brunson 2020). For example, response times to emergency calls have often been slower in these neighborhoods.

Second, as Forman (2017) and Weaver (2017) note, highly marginalized Black people in the US have not been expressing their policy preferences in a vacuum. They have done so subject to tight constraints of political possibility in a political world dominated by White and moneyed interests and voices. In that context, proposals for increased levels of control have received a degree of uptake by political elites, while proposals for increased inclusion have been largely ignored.

Putting these points together, we can understand why, despite serious misgivings about policing, some highly marginalized Black people might still retain some support for policing: compared with the salient alternative of no state services at all, even highly problematic policing might be preferable. This motivation for policing is compatible with my argument. What I am pressing is to make the option of cohesion through inclusion a genuine option. It is compatible with this that the state be required to improve the quality of any policing that continues to exist in marginalized neighborhoods, for instance by ensuring that highly trained and disciplined answer calls quickly and solve crimes efficiently. And it is also compatible with my approach that much more must be done to reassure members of marginalized neighborhoods that cohesion through inclusion really can work and to involve them in decisions about the precise policy mix to be pursued. But exactly how this should be done is a large question for another day.

7. Conclusion

Rifts over whether to endorse the slogan ‘defund the police’ remain an enormous source of tension within the Democratic party, and similar debates are playing out in, for instance, the United Kingdom. Liberals are often accused as acquiescing in race and class injustice by either prioritizing ‘tough on crime’ strategies or at least being willing to use them in conjunction with more redistributive measures of solving social disorder. I have tried to make a preliminary case that liberalism in fact supports a relatively radical moral principle: that we

should prioritize seeking cohesion through inclusion, to the point of using cohesion through control strategies only as a last resort. At the level of principle, at least, liberals and progressives ought to be able to find common ground.

That principle justifies strong efforts to promote education, nutrition, housing, and so on for marginalized people, both by better funding the relevant institutions (such as schools) and by ensuring that those institutions are less punitive and more supportive. There is an inevitable concern that some of these methods will take time to be effective, such as assisting child brain development through better quality water, but some can be deployed relatively quickly. For example, there is considerable evidence that even in comparatively high-crime neighborhoods, violent crime is in fact committed by a relatively small number of the residents and in specific geographic areas.³⁸ These findings are sometimes used to justify especially harsh crackdowns on particular people and places, but they can instead be used for targeted forms of inclusion, such as support programs for young people who are at high risk of victimization or involvement in crime, and improving currently derelict buildings that might otherwise be hubs for crime.

Just how much of a draw down on policing the principle I have defended justifies (and whether it can justify, as abolitionists seek, a full draw down) is an empirical question for others to answer. We need to know just how much social cohesion can be secured through inclusion and what, residually, can only be secured through control. But perhaps we don't need to know that right now. After so many decades of the state deploying only control, we can at least begin to prioritize inclusion and see, finally, how far it can take us.

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³⁸ Anthony A. Braga, Rod K. Brunson, and Kevin M. Drakulich (2019), 'Race, Place, and Effective Policing', *Annu. Rev. Sociology* 45:535–55.

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