

Race, Culture, Psychology & Law



Kimberly Holt Barrett
William H. George
Editors

Race, Culture,
Psychology,
& Law

To our children, Sarah, Sonora, and Henry.

—KHB & WHG

*To my parents and grandparents, Rosemary Holt and Philip Holt,
Nellie Halton and Howard Huntley, and Agnes Haggerty and
Walter Haggerty. And for the Halton sisters who crossed the Atlantic
from Ireland, children alone: Nellie, Annie, Tessie, and Mary.*

—KHB

*To my parents and grandparents, Lillie B. George and Will Henry George,
Claude Brantley and Jimmie D. Brantley, and Campbell George and
Gertrude George. And for ancestors known and unknown—African, African
American, and Native American Indian—who contributed in spirit.*

—WHG

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Kimberly Holt Barrett

University of Washington, Seattle

William H. George

University of Washington, Seattle

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FOREWORD

What is our culture when America is not a homogeneous society? The U.S. population includes people with many origins and ancestries. More than 11% of the people now living in the United States were not born here, an estimated 32.5 million people. More than 150 languages and dialects are spoken here.

In addition, ever-changing world politics trigger further immigration, creating even greater cultural and ethnic diversity challenges. Since 1970, the composition of our foreign-born population has changed dramatically. Between 1970 and 2002, the estimated share of foreign-born U.S. residents from Europe dropped from 62% to 15%. Over the same period, the share of foreign-born residents from Asia grew from 9% to 25%. The share from Latin America also increased significantly, from 19% to 52%. We live in a culturally dynamic society.

When it comes to our legal system, however, our deep-rooted goals of “equality and justice for all” often are not reached, due greatly to our perception that our system of justice must be “colorblind” and “race neutral.” This often means that judges, lawyers, and other professionals involved in legal proceedings may discount relevant and important information that a person “brings to the table.” Recognition of cultural values and customs, ethnic traits, prior social structure, and even religion may give us greater insight into what happened and what can be done.

We live in interesting times. Memories of the civil rights movement are fading into history. Our aggressive foreign policy has created negative feelings toward some ethnic, social, and religious groups. And it appears that our own issues of race, culture, and ethnicity are being placed “on the back burner.”

Our legal system is slow to bring culture, race, and psychology into our courtrooms—first, for fear of delving into these sensitive areas and, second, because of the perceived inconsistency with the very foundation of our legal system—equal justice and fairness. Perceptions of treating people differently, affording greater resources, or looking at things through different lenses are some of the factors that perpetuate such resistance. Coming to terms with diversity and culture is one of the greatest challenges that the law in this country now faces. And with the increased urgency of global conflict resolution, the intersection of American culture, race, psychology, and law becomes even more important.

The chapters collected by editors Kimberly Holt Barrett and William H. George cover a broad range of issues and topics, and yet all address an even more fundamental concern, that is, “equal access to justice.” *Race, Culture, Psychology, and Law* is a substantial step toward opening our eyes and leveling the playing field. Irrespective of

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ethnicity, national origin, and physical or mental impairment, everyone is entitled to the “opportunity to effectively participate” in legal proceedings. This book gives the reader a greater understanding of what that truly is.

Ron A. Mamiya
Municipal Court of Seattle

FOREWORD

Why is this book concerning race, culture, psychology, and the law necessary or important? Isn't psychology as well as law applicable to all? The contributors to this book illustrate how psychology and law cannot be understood or applied without a fundamental grounding in race, ethnicity, and cultural experiences. The U.S. surgeon general, in his supplemental report (U. S. Department of Health and Human Services, 2001), noted how culture "counts" in explaining mental health outcomes. The same is true in psychology and law. Culture counts in at least two ways. First, cultural issues are intimately involved in explaining human behaviors and outcomes in our judicial system. Second, psychology and the law each have a culture. Unfortunately, these cultures have in the past been largely biased in an ethnocentric direction. They have perpetuated a colorblind philosophy, when the reality is that there are racial and ethnic disparities in the dispensing of justice and in the protection and security that are experienced. In fact, given the reality, a colorblind philosophy allows racism to flourish by denying the existence of prejudice and discrimination and by de-emphasizing the search for remedies.

Editors Kimberly Holt Barrett and William H. George have brought together an impressive array of contributions that demonstrate how critical it is to understand race, ethnicity, and culture in forensic psychology. There is an extraordinary range of topics that include the importance of race relations, psychological testing and evaluation, racial "profiling," disparities in death penalty convictions, immigration and domestic violence, asylum seekers, deportations and civil rights, juvenile justice, cross-cultural lawyering, and cultural competency in the administration of justice. In presenting the topics, the contributors vary in the use of theories and models, case examples, empirical research grounding, and practical guidelines on addressing dilemmas involving cultural issues (e.g., assessment and use of interpreters). The presentations will be particularly appealing and useful to practitioners, researchers, and forensic specialists in both psychology and the judicial system.

In appreciating the significant contributions of the authors, it is important to understand that the chapters are not intended simply to advocate that something be done for ethnic minority groups. Though one major effect of this book is to highlight the need to address the plight of ethnic groups, the real implication is to bring us back to the notion of "equal justice under the law" and its true meaning.

Stanley Sue
University of California, Davis

REFERENCE

- U.S. Department of Health and Human Services. (2001). *Mental health: Culture, race, and ethnicity—A supplement to mental health: A report to the surgeon general*. Rockville, MD: U.S. DHHS, Office of the Surgeon General.

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Kimberly Holt Barrett

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Kimberly Holt Barrett
William H. George