

# Silence Is Violence?

On a moral duty to speak out against racism in response to the killing of George Floyd

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## ABSTRACT

The killing of a black man named George Floyd by white Minneapolis police officer Derek Chauvin in May 2020 ignited worldwide protests against racism and police brutality and has led many individuals and organizations to publicly speaking out against racism. Some agents who did not make a public statement against racism in response to this event, such as Dutch nightclub *De School* and several Formula 1 racers, received backlash and were accused of being silently complicit in racism. Were they silently complicit in racism? Did they fail to fulfil a positive duty to speak out against racism in response to Floyd's death? In this thesis I argue that following some plausible accounts of racism and racial oppression, Floyd's death involved the kind of racism that requires public condemnation. However, this does not necessarily imply that *De School* and the Formula 1 drivers in question did not have a duty to publicly speak out against it on grounds that they would become silently complicit by remaining silent. The reason for this is that one can argue that silent complicity requires there to be a morally significant connection between the agent in danger of becoming silently complicit and the morally wrongful act. As I show, *De School* and F1 drivers are not connected to Floyd's death in a morally significant way, at least not on the basis of their professional identity, political identity, or racial identity.

## TABLE OF CONTENTS

ABSTRACT .....	3
Introduction .....	5
1. Racism .....	9
Introduction .....	9
1.1 Individual racism .....	10
1.2 Institutional racism .....	12
1.3 Racial Oppression .....	14
Conclusion .....	17
2. Complicity .....	18
Introduction .....	18
1.1 What is silent complicity? .....	19
1.2 How can one become silently complicit? .....	20
Conclusion .....	23
3. <i>De School</i> , 'the six', and silent complicity .....	25
Introduction .....	25
3.1 Professional identity connection.....	25
3.2 Political identity connection .....	26
3.3 Racial identity connection .....	27
Conclusion .....	32
Conclusion .....	34
Bibliography .....	37

## INTRODUCTION

On May 25, 2020, an African American man named George Floyd was killed during an arrest by white police officer Derek Chauvin, who pressed his knee on Floyd's neck for more than nine minutes. Floyd was arrested on suspicion of paying for a pack of cigarettes with a counterfeit 20 dollar bill. His death sparked protests against police brutality and racism both inside and outside the United States, most of them being organized by anti-racist movement Black Lives Matter. These protests typically involved protesters taking a knee, Black Lives Matter's "globalised symbol of fighting racism" (Kavanagh, 2020). Besides offline protests, which raised criticism because some of these involved vandalism, looting, and violence, there were online protests on social media. Millions of people around the world posted an image of a black square on Instagram and Facebook to show their solidarity with the fight against racism.

During and after the protests, several public figures and organizations have been criticized for not publicly speaking up against racism and for not showing sufficient solidarity with the Black Lives Matter movement. The week after Floyd was killed, Dutch nightclub *De School* posted on Instagram that it was about to open again after being closed for several weeks due to the Corona virus pandemic, but it did not post a message referring to the killing of Floyd or the Black Lives Matter protests (Nandram, 2020). The club received a torrent of negative reactions for announcing its reopening but not making a statement against racism on social media.

Formula 1 and its drivers, on the other hand, did make a public statement against racism in response to the killing of Floyd. Prior to the race of the Austrian Grand Prix in 2020, all drivers lined up wearing a T-shirt stating 'END RACISM', except for seven-time champion and the only black driver Lewis Hamilton, who was wearing a T-shirt that said 'Black Lives Matter.' Ahead of this joint statement, Hamilton called out some of his fellow drivers for not making a public statement against racism on social media. In an Instagram post, Lewis wrote: "I see those of you staying silent, some of you the biggest of stars yet you stay silent in the midst of injustice. Not a sign from anybody in my industry which Ofcourse [*sic*] is a white dominated sport" (Sky News, 2020). Hamilton's post was discussed during a drivers' briefing two days before the race, about which Hamilton later said: "I just acknowledged a lot of the drivers that... obviously there was an interpretation of a message that I had posted, asking for people to speak out and their silence ... I just described the scenario that silence is generally really complicit" (Parkes, 2020).

Moreover, Hamilton also criticized some rivals for not showing sufficient solidarity with the Black Lives Matter movement. In the same briefing, Hamilton proposed to take the knee during the joint statement,

but eventually six drivers refused to kneel for various reasons. Daniil Kvyat explained: “For some people, kneeling is fine, but I want to express my position in a different way, like some other colleagues ... We all fight against racism, but everyone does it in their [own] way” (Maitland, 2020). Kvyat further elaborated that taking the knee “is a little against my Russian mentality, where you kneel for your homeland, for your flag, for God” (Maitland, 2020). Charles Leclerc tweeted ahead of the race: “I believe that what matters are facts and behaviors in our daily life rather than formal gestures that could be seen as controversial in some countries” (Leclerc, 2020). Later on, he also said that he refuses to support an organization that engages in violence, referring to the violence involved in many Black Lives Matter protests in the United States (Lewin, 2020).

Did *De School* and F1 drivers have a moral obligation to publicly speak out against racism in response to the killing of George Floyd? This is the question I hope to answer in this thesis. One prominent argument in support of such a duty is that failing to speak out against racism entails being complicit in racism, which is the argument behind Black Lives Matter slogan “silence is complicity” and its bolder variation “(white) silence is violence”. There may be other arguments in support of a moral obligation to publicly speak out against racism, but in this thesis I focus on the claim that failing to speak out against racism entails being complicit in racism. The reason for this is that I feel highly uncomfortable with this claim being applied to cases I just presented. I would agree that anyone who passively witnesses racism in his or her presence becomes complicit in *that* racism if one fails to speak up or to otherwise do something about it. What is less clear to me, however, is how agents can become complicit in racism when they don’t make a public statement against a racist event on the other side of the world to which they, it seems to me, have no particularly relevant connection. What should I think of this claim? Is it going too far? Is it stretching the concept of complicity to meaninglessness? Is it a way for activists to play on the guilt of non-activists in order to demand action? My intuition is that in the cases of *De School* and Formula 1 a duty to publicly speak out against racism cannot be justified on the basis of the “silence is complicity” argument. The purpose of this thesis is to examine this intuition, to find out what philosophy can tell us about this issue, if it offers me tools to defend my intuition or gives me reasons to change it. I am going to conclude that the “(white) silence is complicity” argument does not hold in the cases of *De School* and Formula 1 and thus cannot ground a duty for them to speak up against racism, although there may be other grounds for such a duty.

Because of my strong intuition that *De School* and Formula 1 drivers do not have a moral duty to speak up against racism in response to the killing of Floyd, I am going to make the case in favor of such a duty as

strong as possible. Hence, three central assumptions of this thesis are that racism is harmful, that we are morally obliged not to contribute to harm, and that we have a moral obligation to avoid complicity in harm. Therefore, we have a moral duty to avoid complicity in racism. I am not going to defend these claims, but simply take them as starting point for my inquiry. If it is true that failing to speak out against racism amounts to complicity in racism, then it follows that there is a moral obligation to speak out against racism. So in order for there to be a moral obligation to speak out against racism, at least two conditions must be fulfilled. First, the event in response to which one has a duty to speak out must involve racism. Second, one must be complicit in racism if one fails to speak out against it. This thesis examines whether these conditions obtain in the cases presented in the opening of this introduction.

In chapter 1 I examine whether the first condition applies in the cases discussed above. Hence, the central question of this chapter is the following: is the killing of George Floyd a clear case of racism? More particularly, does Floyd's case involve institutional racism that remains hidden if we do not speak out against it? If so, then this case would give rise to a moral obligation to speak out against racism. Whether Floyd's killing was racist depends on what one understands racism to be. So in order to find out whether the killing of Floyd involved racism, and, if so, what kind of racism, I discuss several philosophical accounts of racism, including individual racism and institutional racism. I argue that, at face value, Floyd's killing is more in line with individual racism than with contemporary conceptions of institutional racism because these conceptions take institutional racism to be covert and to lack an identifiable agent, whereas Floyd's killing was overt and involved an identifiable agent in the person of Derek Chauvin. I then apply Young's account of oppression to Floyd's case, which explains how Floyd's case can nevertheless involve institutional racism. I conclude that if we follow the accounts of Ture and Hamilton (1967) and Young (1988), Floyd's case can plausibly be interpreted as an expression of institutional racism and hence needs public condemnation.

In chapter 2 I discuss what complicity is and how an agent can become silently complicit in a morally wrongful act. I first discuss a 'conventional' account of complicity and argue that this account cannot justify a moral duty for *De School* and F1 drivers to publicly speak up against racism due to its limited scope. That is, conventional accounts of complicity focus on direct complicity, where direct or active involvement in the morally wrongful act is required to be complicit in this act. Since *De School* and F1 drivers weren't directly or actively involved in the killing of George Floyd, they cannot be directly complicit in this wrongful act. With the help of Florian Wettstein (2012) I explain how silent complicity differs from other kinds of complicity I spell out four conditions that must be met in order for *De School* and F1 drivers

to become silently complicit in racism due to their failure to publicly speak out against it in response to the killing of George Floyd.

Chapter 3 examines whether the conditions for silent complicity discussed in the previous chapter obtain in the cases of *De School* and F1 drivers in order to find out whether their failure to publicly speak out against racism in response to Floyd's death makes them silently complicit in racism. If so, then they failed to fulfil a positive moral duty to speak up against racism. I focus on the connection condition in particular, according to which there must be a morally significant connection between Floyd's killing and *De School* and F1 drivers, and explore three possible bases for such a connection: professional identity, political identity, and racial identity. I argue that these don't provide a solid basis for a link between *De School* and F1 drivers on the one hand and the killing of George Floyd on the other hand. I conclude that the "(white) silence is complicity" argument doesn't apply to *De School* and F1 drivers, and thus cannot provide a basis for a moral duty for them to publicly speak up against racism.

Lastly, I will state my conclusion and provide a suggestion for constructing another argument in favor of a duty to speak out against racism in response to morally wrongful acts such as the killing of George Floyd.



# 1. RACISM

## Introduction

In this chapter I examine what racism is, for we have to know what it is that *De School* and F1 drivers might have a moral duty to speak up to. In addition, I examine why there would be a duty to speak up against racism at all, given that it is legally prohibited in the United States as well as in most other Western democracies. Lastly, in order to know whether there may be a duty to speak up against racism in response to Floyd's death, I examine whether it did involve racism, and if so, what kind of racism.

Two authors that have discussed racism in depth and were the first to coin the nowadays much used term 'institutional racism', Kwame Ture<sup>1</sup> and Charles Hamilton, define racism as "the predication of decisions and policies on considerations of race for the purpose of subordinating a racial group and maintaining control over that group" (1967, p. 2). There are many other definitions of racism, some focusing on racist beliefs and intentions, others focusing on racist systems and institutions, and there is much debate about how racism should be defined. I prefer the definition proposed by Ture and Hamilton (1967) because it captures both of these forms of racism. Moreover, it captures what protesters over the world claim is so abhorrent about the murder of Floyd: that a police officer predicated his decision to press his knee into the neck of a handcuffed black man on considerations of this black man's race for the purpose of subordinating and maintaining control over black people and that he used his power as a police officer to do so.

Many people agree that racism is morally objectionable and racism is legally prohibited in most democracies, including the United States where the murder on Floyd took place. The Civil Rights Act "prohibits discrimination based on race, color, religion, sex, and national origin" (U.S. Department of Labor, n.d.). Some would object that racism is not the same as discrimination and that, since the Civil Rights Act only speaks of discrimination, racism is not prohibited. However, what Ture and Hamilton (1967, p.2) define as racism – discriminatory decisions and policies based on race – is prohibited under the Civil Rights Act, so on their account racism is prohibited in the United States. Given that it is legally prohibited, why would there be a duty to speak up against racism? In order to answer this question I now proceed by examining Ture and Hamilton's (1967) helpful distinction between individual racism and institutional racism.

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<sup>1</sup> Kwame Ture was formerly known as Stokely Carmichael.

## 1.1 Individual racism

To begin with, the legal prohibition of racism in the United States as well as in other democracies doesn't mean that there is no racism in those countries. There certainly remains individual racism, which "consists of overt acts by individuals, which cause death, injury or the violent destruction of property" (Ture & Hamilton, 1967, p. 2)<sup>2</sup>. Such racism, Ture and Hamilton (1967, p. 2) claim, can be observed and recorded. Examples are white terrorists bombing a black church or attacks on black people and their property by the Ku Klux Klan, the most infamous racial hate association of the United States. Besides being overt because it consists of overt acts, Ture and Hamilton (1967, p. 2) also claim that it is overt because it receives much public condemnation. If we follow them, then there doesn't seem to be special reason to publicly speak up to individual racism because it already receives much public condemnation and isn't covert. That is, there is no special need to make it less covert by challenging it. We can nevertheless argue that whenever harm is done in our presence, we have a duty to speak out against it or perhaps even to interfere. This general intuition, one could argue, extends to acts of individual racism. However, it seems to me that the scope for duty bearers is limited, unless individual racism is part of a larger problem with racism.

Did Floyd's case involve individual racism? The murder on Floyd exhibits virtually all characteristics of individual racism. Obviously, the case involved an overt act by a white individual that caused the death of a black individual. Police officer Chauvin killed Floyd by pressing his knee in Floyd's neck, and this act has been recorded by several bystanders as well as by the bodycams of the police officers involved. What is not clear, however, is whether Chauvin's decision to perform this act was based on considerations of race. The jury found Chauvin guilty of "unintentional second-degree murder, third-degree murder and second-degree manslaughter" (NPR, 2021), but it has not been established that the murder of Floyd was racially motivated. During the trial the question of whether the murder was racially motivated or not has not been examined (Rao, 2021). So what we can know from the verdict is that Chauvin murdered Floyd, but the verdict doesn't tell us whether it was a racist murder and this is, of course, very difficult to determine in court. But maybe we can reasonably assume that it was a racist murder based on what is known about Chauvin. If it turns out that Chauvin was known for racist views or has (had) connections with racist organizations, then we can reasonably assume that racism played a role in his incomprehensible decision to press his knee in the neck of an unarmed and handcuffed black man for minutes on end.

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<sup>2</sup> Note that this definition implies that individual racism is always extreme, that it consists of violent acts which have death, injury, or destruction as their outcome. It thus excludes subtle forms of individual racism.

What is known is that eighteen complaints were filed against Chauvin during his nineteen years of service as a police officer, and that only two of those complaints had consequences for Chauvin (Mark, 2020). Furthermore, Chauvin was involved in three shootings of which one fatal (Hill et al., 2020), and was known for being an aggressive policeman in general (Mark, 2020). Details of the 16 complaints that were closed without discipline have not been released, and of one of the disciplined complaints details remain unclear, but the one complaint left was filed by a white woman named Melissa Burton (Mark, 2020). StarTribune reports that

“[i]n 2008, Chauvin shot and wounded Ira Latrell Toles during a domestic assault call. According to a 2011 article from the Pioneer Press, Chauvin and other officers showed up to an apartment in south Minneapolis just before 2 a.m. Toles grabbed for an officer's gun and Chauvin shot him in the abdomen ... In 2006, Chauvin and five others responded to a stabbing. After Wayne Reyes, 42, allegedly pulled a shotgun on the officers, one of the officers shot and killed Reyes, according to a report titled "Stolen Lives" from Communities United Against Police Brutality, a police watchdog nonprofit based in Minneapolis” (Mannix, 2020)

Although these shootings both involved black men, they do not necessarily point at racist views if it is true that both men pulled or tried to pull a gun on the officers. There is, however, an indication that Chauvin was racially biased. The former owner of the club where both Floyd and Chauvin worked as a security guard, Maya Santamaria, confirmed in an interview with CNN that Chauvin would often overreact, and that this was particularly the case at urban nights geared towards the black community (The Young Turks, 2020). She also told other officers too would behave “skittish” at these urban nights and had “a propensity to pull out pepper spray” (Sacks, 2020). However, a former bouncer and a former DJ of the club denied that they had ever noticed pepper spray being used during the time they worked there, which significantly overlapped with the time that Chauvin worked at the club (Sacks, 2020). It is possible that Chauvin had implicit racial bias, but we don't know if and to what extent implicit racial bias may have influenced or motivated Chauvin's acting and it is beyond the purposes of this thesis to discuss implicit bias, so I will leave that issue aside. Given the discussion hitherto, we cannot conclude with certainty that Floyd's case involved individual racism. It is certainly possible, but from what I know I cannot infer that it did or did not.

## 1.2 Institutional racism

The point that protesters and many others have made is not that Floyd's death is an individual racist incident, but that it is an expression of institutional racism. Take, for example, the following statement by the International Institute on Race, Equality and Human rights:

"The International Institute on Race, Equality and Human Rights (Race & Equality) expresses our outrage at the killing of George Floyd, recognizing that he was killed by racism and police violence. His death, which thousands of people in the United States and across the world are protesting, is the consequence of structural and institutionalized racism. This racism perpetuates poverty, violence, discrimination and other systematic violations of African Americans' fundamental rights. Despite efforts to deny the extent of racism in the US, George Floyd's death cannot be understood without reference to these patterns of discrimination and violence, particularly the persistence of police violence against African Americans" (Race & Equality, n.d.).

Now, as becomes clear from this statement, the term 'institutional racism' is currently used to refer to several contemporary phenomena in the United States as well as in other Western democracies. However, this usage of the term is not completely uncontroversial. Clear historical examples of institutional racism in the United States are slavery, which was a legal institution, and Jim Crow, which was a system of institutionalized racial segregation. These involved explicitly racist laws and policies. Several American thinkers, including African Americans such as Coleman Hughes (This Is 42, 2019), David Webb (Oxford Union, 2015), Joe R. Hicks (Oxford Union, 2015), have pointed to the perishing of explicitly racist institutions, laws, and policies to argue that the United States are not institutionally racist anymore. If this were true, then Floyd's death cannot be caused by institutional racism and, consequently, there cannot be a duty to speak up against institutional racism in response to Floyd's death.

I share the concerns of the aforementioned American thinkers about the current tendency of some to call things institutionally racist when we might doubt whether this is the case. Nevertheless, there are several problems with the argument of these thinkers against the current use of the term 'institutional racism'. First, it relies on a rather narrow conception of what counts as an institution, including only formal institutions. However, institutions need not to be formal; there are also informal institutions, such as customs, traditions, and practices. So even if there are no longer racist formal institutions in the United States, there may be racist informal institutions left. Second, it doesn't take into account the evolution of racism and the existence of highly questionable laws and policies in the United States. After slavery was abolished, subtler forms of racism emerged, of which redlining is one example. Redlining was a form of

lending discrimination, which prevented mostly black Americans from buying a house or getting loans and which, some claim, still exists in even subtler forms (Eisenhower, 2001) or at least has significant long term effects that are presently still felt by marginalized communities (Krimmel, 2018). Another example is the sentencing disparity between the possession of powder cocaine and the possession of crack cocaine that existed from 1986 till 2010 (Vagins & McCurdy, 2006). Vagins and McCurdy (2006) explain that both the possession of 500 grams of powder cocaine and the possession of 5 grams of crack cocaine carried a minimum sentence of five years imprisonment, resulting in disproportionate incarceration of African Americans, on grounds that crack cocaine is more addictive and dangerous than powder cocaine. While this is true, it has been conceded that the difference between the dangers of crack cocaine and powder cocaine has been exaggerated (Vagins & McCurdy, 2006). The impression we get from this is that whereas institutional racism first was explicit and formal, it gradually went 'underground' and became more and more implicit and informal. Given these considerations, it does not seem fair to say that there is no problem whatsoever with institutional racism in the United States only because there are no explicitly racist laws and institutions anymore.

Ture and Hamilton (1967) take the considerations just outlined into account in defining institutional racism. According to them, institutional racism consists in the acts of a racial group as a whole against another racial group and is covert<sup>3</sup>. They provide two reasons as to why institutional racism is covert. First, since it consists in the acts of racial groups as a whole it lacks a specific identifiable agent. Second, institutional racism is covert because it "originates in the operation of established and respected forces in the society, and thus receives far less public condemnation than the [individual] type" (1967, p. 2). These "established and respected forces" are institutions, hence *institutional* racism. Because these institutions are established and respected, they often aren't subject to critical public scrutiny and don't receive as much public condemnation as individual racism. Ture and Hamilton (1967) argue that its covertness is what makes institutional racism particularly hard to challenge, which would be reason for speaking up against it. In order to effectively challenge institutional racism, it must first be made visible and public condemnation is required to make it visible. It could then be argued that failing to speak up against institutional racism makes one complicit in keeping institutional racism covert and thereby in perpetuating it. So here we have a form of racism that requires agents to publicly speak out against. If the

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<sup>3</sup> This doesn't mean that institutional racism is *necessarily* covert as there are many examples of overt institutional racism, such as Apartheid and Jim Crow. However, Ture and Hamilton (1967) have developed their definition of institutional racism after the abolishment of overtly racist Jim Crow laws, and their point is that institutional racism nevertheless still exists in covert forms.

killing of Floyd is an expression of institutional racism, then it requires at least some agents to publicly speak out against it and may justify a duty for *De School* and F1 drivers to do so.

Did Floyd's case involve institutional racism as defined by Ture and Hamilton (1967)? At first glance, it seems not. First, it did not lack an identifiable agent and wasn't perpetrated by white people as a group. Derek Chauvin is a specific identifiable agent who caused the death of Floyd, so it would be odd to say that this case involves acts of white people as a group against black people as a group. Second, the act that killed Floyd's wasn't covert or subtle insofar it has been observed and recorded by bystanders as well as by the body cameras of the policemen involved. Third, the case received much public condemnation from around the world. Thus, Floyd's death seems to be a case of individual racism rather than institutional racism. This is problematic for a duty to publicly speak up against racism in response to Floyd's death with regard to the cases discussed in the introduction, because it is hard to see why a Dutch nightclub and some Formula 1 racers would have a duty to publicly speak up against an individually racist incident in the United States that already received much public condemnation.

### 1.3 Racial Oppression

As we have seen, Floyd's case does not align with Ture and Hamilton's (1967) definition of institutional racism, and this is problematic with regard to a duty for *De School* and F1 drivers to publicly speak out against racism in response to Floyd's case. I will now turn to Iris Marion Young's (1988) *Five Faces of Oppression* because her account of oppression allows me to strengthen the argument in favor of a need to publicly speak up against racism in relation to Floyd's death. The reason for this is that her account of oppression includes what Ture and Hamilton (1967) call institutional racism and explains how overt acts of violence perpetrated by an identifiable agent can nevertheless be an expression of institutional racism. Thus, Young's (1988) account of oppression allows us to understand how the murder on Floyd can be institutionally racist even though the act that killed Floyd was overt and was perpetrated by an identifiable agent. It thereby explains why there still may be a need and perhaps even a duty to publicly speak up against racism in response to Floyd's death.

First let me make explicit why Young's (1988) account of oppression includes institutional racism as defined by Ture and Hamilton (1967). According to Young (1988), traditional uses of "oppression" fall short of capturing many forms of oppression because they take oppression to be perpetrated by identifiable agents who can be held accountable for their oppressive acts. She argues, in line with Ture and Hamilton (1967), that much of oppression lacks an identifiable oppressor. Oppression "designates the disadvantage and injustice some people suffer not because a tyrannical power intends to keep them

down, but because of the everyday practices of a well-intentioned liberal society” (1988, p. 271). As such, it is “part of the basic fabric of a society, not a function of a few people’s choice or policies” (1988, p. 271), to which many individuals contribute by simply living their lives. This also explains why oppression is invisible, or, as Ture and Hamilton (1967) would say, covert to many people, namely because it consists in ordinary acts. So far Young’s (1988) account of oppression is compatible with Ture and Hamilton’s (1967) account of institutional racism. Both explain how oppression is perpetrated by groups, how oppression can lack an identifiable agent and how it can be covert. Hence, I take institutional racism to be a form of racial oppression.

Young (1988) presents five forms of oppression: exploitation, marginalization, powerlessness, cultural imperialism, and violence. Exploitation refers to domination “through a steady process of the transfer of the results of the labor of some people to benefit others” (p. 278). Marginalization occurs when “a system of labor cannot or will not employ people who belong to a certain social group (p. 280). Powerlessness is a form of oppression suffered by non-professionals as opposed to professionals. Cultural imperialism is “the universalization of one group’s experience and culture, and its establishment as the norm” (p. 285). Finally, violence includes “random, unprovoked attacks on [members of a certain social group] or [their] property, which have no motive but to damage, humiliate, or destroy the person” (p. 287) as well as “name calling or petty harassment which intends to degrade or humiliate, and always signals an underlying threat of physical attack” (p.287).

This last form of oppression, violence, is where Young’s (1988) account of oppression deviates from Ture and Hamilton’s (1967) account of institutional racism and which is particularly relevant to Floyd’s case. Ture and Hamilton (1967) discuss all forms of oppression presented by Young (1988) as examples of institutional racism except for violence, which they take to belong to the realm of individual racism<sup>6</sup> since it is overt and involves an identifiable agent. Young classifies racial violence as oppression – that is, as systematic – “because it is directed at any member of the group simply because he or she is a member of that group” (1988, p. 287). She also stresses the oppressive violence is often perceived as legitimate or normal, illustrating her point by claiming that “[p]olice beatings and killings of black youths, for example, are rarely publicized, rarely provoke moral outrage on the part of most white people, and rarely receive punishment” (1988, p. 287). Thus, Young (1988) explains how racial violence, which is overt and is perpetrated by an agent that is in principle identifiable, can be a form of institutional racism. This means

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<sup>6</sup> At least in the contemporary context of the United States. Obviously, Ture and Hamilton (1967) would not deny that race-based violence was institutional in the past.

that the killing of Floyd can be an expression of institutional racism even though the act that killed Floyd was overt and was perpetrated by an identifiable agent.

Now that I have made the case that the killing of Floyd *can* be an expression of institutional racism, let me examine whether it can be argued that it actually *is* an expression of institutional racism if we follow Ture and Hamilton's (1967) account of institutional racism combined with Young's (1988) account of oppression. I argue that Floyd's case can indeed be interpreted as an expression of institutional racism.

First, the killing of Floyd did originate in "the operation of established and respected forces" in society, namely law enforcement, which Ture and Hamilton (1967) presented as a condition for institutional racism. In line with Young's (1988) claim that oppression is caused by everyday practices, violence is more or less part of the daily life of police officers. The fact that law enforcement is an established and respected institution, and that violence is part of officers' daily life, makes it hard to determine when police violence is justified and when it is not. It also makes it more likely that unjustified use of force is perceived as legitimate by most people. And although this particular event received much public condemnation, many cases of police brutality do not precisely because law enforcement is an established and respected<sup>7</sup> institution. Police misconduct is often excused, which suggest there is a lack of critical public scrutiny of law enforcement. If the killing of Floyd would not have received so much public condemnation, Chauvin might have got away with it.

Second, what cannot be ignored is the broader context in which this particular incident is embedded. The reason why the killing of Floyd sparked so much anger, is that for the umpteenth time an African American man is killed by the police. There are many more cases of unarmed African Americans being killed by the police, such as the cases of Trayvon Martin, Eric Gartner, and Michael Brown. These cases don't seem to be merely incidents, as research suggests that African Americans are 3.23 times more likely to be killed by law enforcement than white Americans in relation to their share in the total population of the United States (Schwartz & Jahn, 2020)<sup>8</sup>.

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<sup>7</sup> The Gallup poll, a survey by research agency Gallup Incorporated, suggests that confidence in law enforcement in the United States had dropped since 2017, which may be one of the reasons why Floyd's death sparked so much protest. The poll also shows that after Floyd's death confidence in law enforcement among U.S. citizens dropped even further, below majority level (48%) for the first time in 27 years (Brenan, 2020).

<sup>8</sup> Some have opposed that likeliness of being shot by the police should not be measured in relation to a group's share in the total population, but in relation to the group's share in the criminal population. For example, political conservative commentator Candace Owens posted a video in which she pointed out that African Americans make up only 13% of the U.S. population but are overrepresented in crime, which would at least partly explain the disparity between black people and white people regarding likeliness of being killed by law enforcement (Durrty Daily, 2020).



## Conclusion

In conclusion, I discussed the work of Ture and Hamilton (1967) to explain how we can interpret the killing of George Floyd by Derek Chauvin as a case of racism. I found that Floyd's killing seemed to be a case of individual racism as defined by Ture and Hamilton (1967), because the act that killed Floyd was an overt act that was perpetrated by an identifiable agent. With the help of Young (1988) I explained how institutional racism can be present in Floyd's case despite his killing being an overt act by an identifiable agent. I then provided two reasons to believe that Floyd's case is a case of institutional racism. Hence, with the help of these authors I argued that Floyd's case can indeed be interpreted as an expression of institutional racism and that there's a need to publicly speak out against racism in response to Floyd's death. Let us now look at what complicity is, and how one can be complicit in racism if one fails to speak out against it.

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Others dispute that the disparity between the rate of black people and white people killed by law enforcement is due to a disparity in crime rates (see Ross et al., 2018).

## 2. COMPLICITY

### Introduction

Let us return to one of the statements I quoted in the introduction: “(white) silence is violence”. What do those who utter “(white) silence is violence” exactly mean by this phrase? Heather Thum-Gerder, who protested in response to the killing of George Floyd, said the following about it:

“On June 11, 2020, I was one of the protesters gathered with Louisville Showing Up for Racial Justice (LSURJ) to end white silence on the topic of racism. Ironically, we chose to be silent to end the silence. Silence seemed to be the perfect place for us to start that day. Silence has been the narrative for white Americans on racism for decades. It is white silence that has allowed for perpetual income inequality for people of color. It is white silence that has allowed for police brutality to repeatedly turn to murder in black communities. It is white silence that has allowed for systemic racism to thrive in every institution. White silence has fed into it all” (Thum-Gerder, n.d., p. 1).

Thus, it is claimed that silence on the part of white people has allowed for many injustices and harms inflicted upon people of color. According to Professor Ibram Kendi of Boston’s University Department of History this is reason to do something rather than remaining silent or otherwise passive:

“Literally to do nothing is to be complicit with systemic racism ... To do nothing is to allow the maintenance of that racism. We need people who are engaged in this anti-racist struggle, being actively anti-racist to ensure that we're building a society of equity and justice for all” (Harrell, 2020).

The main point seems to be that when inactivity, such as being silent, allows for harm, being inactive is to be complicit in the harm. In the context of the phrase “(white) silence is violence”, a duty to speak up against systemic racism depends upon a duty to avoid complicity in systemic racism. For it is claimed that failing to speak up makes you complicit in the wrong. Your duty is to avoid complicity in systemic racism, and you can do that by speaking up.

As mentioned in the introduction of this thesis, two conditions must obtain in order for there to be a duty to publicly speak out against racism in response to the killing of Floyd: the case of Floyd must involve racism, and not speaking out against racism in relation to this case must entail being complicit in racism. In the previous chapter I examined whether the first condition obtains. I have discussed several accounts of racism, and we have seen that Floyd’s case can plausibly be interpreted as a case of institutional racism if we follow Ture and Hamilton’s (1967) conception of institutional racism and Young’s (1988) account of (racial) oppression. The aim of this chapter is to find out whether the second condition obtains. Hence,

the central question I hope to answer in this chapter is the following: Does their failure to publicly speak out against racism in response to the killing of Floyd make *De School* and the infamous six F1 drivers complicit in racism?

In order to answer this question I proceed as follows. In section 1, I discuss what silent complicity is and how it differs from other kinds of complicity. In section 2, I describe the four conditions proposed by Florian Wettstein (2012) that must be met in order for an agent to become silently complicit. Section 3, primarily focusses on the second condition, the connection condition, and examines whether there is a morally significant connection between the murder on Floyd on the one hand, and *De School* and F1 drivers on the other hand. I discuss three possible connections there might be, and conclude that none of them establishes the morally significant link that is needed for *De School* and F1 drivers to become silently complicit in racism due to their failure to publicly speak out against it in response to Floyd's death.

## 2.1 What is silent complicity?

As mentioned, my aim for this chapter is to explain what silent complicity is and how one can become silently complicit in a morally wrongful act so that we can determine whether *De School* and F1 drivers are silently complicit in racism due to their failure to publicly speak out against it in response to the killing of George Floyd. Since silent complicity is an unconventional account of complicity, let me first briefly discuss a more conventional account of complicity.

According to 'conventional' accounts of complicity such as the following, complicity is "an agent's participation in the morally wrongful activity of another person" which consists in "encouraging or enhancing actions of that other person that violate basic moral standards and norms" (Pauer-Studer, 2018, p. 643). The person performing the morally wrongful act is the principal agent, and the person encouraging or enhancing that morally wrongful act is the accomplice. Things are quite clear when we apply this account of complicity to the case of Floyd. Here police officer Chauvin is the principal agent engaging in the morally wrongful activity of putting his knee in the neck of an unarmed man who lay handcuffed on the ground. The other three officers who were involved are complicit in Chauvin's morally wrongful activity because they did not stop him from kneeling on Floyd's neck for more than nine minutes, which resulted in Floyd's death. In the light of this conception of complicity, it is difficult to see how *De School* and F1 drivers can be complicit in Floyd's death or other killings of black people by U.S. law enforcement.

The kind of complicity I described above is a form of direct complicity, which implies a direct involvement in a morally wrongful act. However, there are other forms of complicity as well. We find a helpful distinction between four kinds of complicity in a paper written by Florian Wettstein (2012). Let me introduce his distinction first in order to get an understanding of what silent complicity is and how it differs from other kinds of complicity. Wettstein (2012, p. 40) distinguishes between direct complicity, indirect complicity, beneficial complicity, and silent complicity. In contrast to direct complicity, indirect complicity involves an indirect contribution to a morally wrongful act. Beneficial complicity merely requires benefitting from a morally wrongful act and often overlaps with indirect complicity, but is not the same. The difference is that beneficial complicity need not to involve an actual direct or indirect contribution to the morally wrongful act..Lastly, and most importantly for the purpose of this theses, silent complicity merely requires passively standing by while a morally wrongful act is committed. Wettstein notes that “the main difference between silent complicity and most other forms of complicity is that its moral basis is not commission, but omission”, which “denotes a failure to act in response to wrongdoing” (2012, p. 40). There’s general agreement that moral agents have negative duties of doing no harm, but being silently complicit implies that one “is guilty of omitting to fulfill an actual *positive duty*” (Wettstein, 2012, p.40).

## 2.2 How can one become silently complicit?

Wettstein’s (2012) work on complicity is not only helpful because it distinguishes between different kinds of complicity and thereby gives us a better understanding of what silent complicity is, but also because it presents four conditions that all must be met in order for an agent to become silently complicit in a morally wrongful act, namely “voluntariness, connection to the human rights violation, power to significantly influence the perpetrator, and a certain social or political status” (2012, p. 39). These conditions allow us to assess whether *De School* and the six F1 drivers are silently complicit in racism due to their failure to speak out against it in response to Floyd’s death.

Some remarks before I elaborate on Wettstein’s (2012) conditions for silent complicity. Wettstein’s (2012) paper focuses on cases in which a corporation is in danger of becoming silently complicit in human rights violations perpetrated by the government of its host country. This does not resemble the cases discussed in the introduction in every aspect. Nevertheless I believe Wettstein’s (2012) conditions for silent complicity to be very helpful in the discussion of the cases put central in this thesis. Let me first explain which aspects of the central cases of this thesis do match the kind of situation discussed by Wettstein (2012). First, the central cases of this thesis involve a human rights violation perpetrated by a

government. For the killing of Floyd is a human rights violation, as Lewis Hamilton stressed when responding to the critique that sport should be free of politics and that Lewis's public engagement with Black Lives Matter is politicizing sport (Richards, 2020). Furthermore, this human rights violation is perpetrated by the government of the United States insofar as law enforcement is part of the government. Second, the central cases of this thesis involve businesses. Obviously, as a nightclub *De School* is a business. F1 drivers, on the other hand, are individuals although they might be conceived as a "business of their own." The reason for this is that F1 drivers generate a lot of money, not only for themselves but also for the whole team around them that operates with the purpose of getting the best out of them. Moreover, I don't see any reason why Wettstein's (2012) approach could not be extended to individual agents, especially when they are as influential as those F1 drivers. Third, if we take individual F1 drivers to be a business of their own, then the United States are a host country for F1 drivers. That is, F1 drivers aren't based in the United States but do have business activities in the United States given that there's a United States Grand prix. Moreover, Formula 1 is owned by the American company Liberty Media Corporation (Liberty Media, n.d.), so F1 drivers have a strong connection with the United States anyway. The only aspect in which my case doesn't match the kind of situation discussed by Wettstein (2012) is that the United States are not a host country for *De School* because *De School* is based in the Netherlands and has no business activities in the United States. As we will see, however, the United States need not be the host country of a company in order for that company to become silently complicit in human rights violations perpetrated by the United States. There must only be a "morally significant connection" (Wettstein, 2012, p. 43) between the human rights violation and the company in question. Hence I continue by discussing Wettstein's (2012) conditions for silent complicity and apply them to the central cases of this thesis. Before I do this, let me quickly say something about duties in general.

Usually a distinction is made between negative duties and positive duties as well as between passive duties and active duties, and I take these distinctions to be plausible. Negative duties are duties to refrain from doing harm and these are generally uncontroversial. They can be passive as well as active. For example, a duty to refrain from racist acts is a passive negative duty, whereas a duty to disassociate yourself from a racist act is an active negative duty. Positive duties are duties to help protect people from harm, and these are always active. In contrast to negative duties, positive duties are controversial and some even doubt their existence. Importantly, when I ask whether *De School* and F1 drivers had a duty to speak out against racism in response to the killing of Floyd on the basis that their failure to do so makes them silently complicit in racism, I mean: did they have a positive duty to do so? For as Wettstein (2012, p. 40) notes, being silently complicit requires being guilty of omitting to fulfil a positive duty. So what is at

stake is not merely an active negative duty for *De School* and F1 drivers to disassociate themselves from racism in response to Floyd's death, but a positive duty to speak out against racism as to help protect victims of racism. Now that I have made this clear, I proceed by spelling out Wettstein's (2012) conditions for silent complicity.

### *Voluntariness*

The first and most basic condition that must be met in order to become silently complicit is voluntariness, which means that an agent must be capable of acting autonomously. This condition is at the basis of moral responsibility, because moral responsibility "depends on autonomous and thus voluntary or intentional action" (Wettstein, 2012, p. 43). If the acts of an agent cause harm, but the agent wasn't free to choose these acts or could not know that these acts would cause harm, then the agent is not morally responsible but merely causally responsible for the harm that was caused by these acts. So in order for *De School* and F1 drivers to be morally responsible for their silence in relation to Floyd's death, their decision to be silent must have been a voluntary decision. If their silence allowed for harm but they weren't free to choose to be silent or they could not know that their silence would allow for harm, then they are not morally responsible but merely causally responsible for the harm that was allowed by their silence.

### *Connection to the human rights violation*

The second condition for an agent to become silently complicit in a wrongful act is that there must be a morally significant connection between the agent and the wrongful act. Wettstein (2012) explains that silence only turns into complicity if an agent's silence is perceived as implicit endorsement or approval of the wrongdoing and thereby has "a legitimizing or encouraging effect on the wrongdoing" (p. 45), which presupposes a morally significant connection between the agent and the wrongdoing. Silent complicity typically involves a passive connection between the agent and the wrongful act in question, which means that the connection is based on association rather than involvement (Wettstein, 2012, p. 45). Such a connection, Wettstein (2012) notes, can consist in having a special relationship with the victim or the perpetrator based on association. With respect to the central cases of my thesis, this means that there must be a morally significant passive connection between *De School* and F1 drivers on the one hand, and the killing of Floyd on the other hand.

### *Power to significantly influence the perpetrator*

The third condition for silent complicity is that the agent in danger of becoming silently complicit must have the power to significantly influence the perpetrator of the wrongful act. The reason for this is that

silent complicity requires a failure to fulfil a positive duty to speak out as to help protect others from harm. Whereas the former two conditions are necessary and sufficient for an agent to have an active negative duty to disassociate itself from the wrongful act and the perpetrator, they are not sufficient to for a positive duty to speak out as to help protect victims (Wettstein, 2012, p. 46). In order to help protect the victims of human rights violations perpetrated by a government, Wettstein (2012) claims, the agent must be able to influence the government. In relation to Floyd's death this means that *De School* and F1 drivers must be able to significantly influence the perpetrator, which is the U.S. government or U.S. law enforcement.

#### *Certain social or political status*

The last condition that must be met in order for an agent to become silently complicit is that the agent must have a certain social or political status. As we have seen, Wettstein (2012) claims that for silence to become complicity, the agent's silence in relation to a morally wrongful act must be interpreted as implicit endorsement of this act, and that this endorsement must in turn have a legitimizing effect on the morally wrongful act. He argues that an agent's silence can be plausibly interpreted as implicitly endorsing a morally wrongful act if the former three conditions are met but the agent nevertheless chooses not to speak out against the wrongful act. In relation to my central cases this means that the silence on part of *De School* and the six F1 drivers can be conceived of as implicit endorsement of the racist murder on Floyd if the former three conditions obtain. However, following Wettstein's (2012) line of reasoning, the greater public must consider the position of *De School* and F1 drivers regarding Floyd's death to be important in order for their silence to legitimize or encourage racial violence, which requires them to have a certain social or political status.

#### Conclusion

In sum, being silently complicit implies being guilty of omitting to fulfil a positive duty to help protect victims of human rights violations by publicly speaking out against these violations as to pressure the perpetrator of the human rights violations. In order for an agent's silence to turn into complicity, four conditions must obtain. First, the agent's act of remaining silent must be a voluntary act. Second, there must be a morally significant link between the agent and the morally wrongful act. Third, the agent must be able to influence the perpetrator of the morally wrongful act. Fourth, the agent must have a certain social or political status in order for her silence to legitimize the morally wrongful act. With respect to the central cases of this thesis, this means the following. First, the silence of *De School* and F1 drivers in relation to Floyd's death must be a voluntary choice. Second, there must be a morally significant passive

connection between *De School* and F1 drivers on the one hand and the killing of Floyd on the other hand based on association with either the victim or the perpetrator, so that the silence of *De School* and F1 drivers can be interpreted as implicit endorsement of the killing of Floyd. Third, *De School* and F1 drivers must have the power to significantly influence U.S. government or law enforcement. Finally, *De School* and F1 drivers must have a certain social or political status that is such that their silence, if perceived as implicit endorsement of Floyd's killing, adds legitimacy to the killing of Floyd.

In the next chapter I examine whether the conditions outlined obtain in the cases of *De School* and the six F1 drivers. I will thereby mainly focus on the connection condition, because I believe that this is the most problematic one in my cases and if it turns out that there's no morally significant connection between the killing of George Floyd on the one hand and *De School* and 'the six' on the other hand, then there's no need to further investigate the conditions of power and social or political status. If the connection condition is not met, then it follows that there was no duty for *De School* and for the six F1 drivers to speak out against racism in response to the killing of Floyd on the grounds that they would become silently complicit in racism if they didn't.



### 3. *De School*, 'the six', and silent complicity

#### Introduction

As we have seen, Wettstein (2012) presents four conditions that must be met in order to become silently complicit in a morally wrongful act. I will discuss each of those separately in order to examine whether they obtain in the cases of *De School* and F1 drivers. If they do obtain, then *De School* and the six F1 drivers who didn't publicly speak out against racism in response to Floyd's death are silently complicit because they failed to fulfil a positive duty that required them to publicly speak out against racism as to help protect the victims of racism.

With respect to the voluntariness condition we can be brief: this condition seems to apply to *De School* and F1 drivers. As Wettstein (2012, p. 43-44) notes, agents can only be absolved from moral responsibility when their actions are not freely chosen, either because the agent's capacity to act autonomously is internally impaired or because the agent is coerced into an action. There seems to be no reason for absolving *De School* and the F1 drivers from moral responsibility, as their capacity for autonomous action is not impaired due to some mental condition and their decision to refrain from publicly speaking out against racism did not involve any coercion. This doesn't mean, however, that there are no reasons not to speak up, in particular for F1 drivers. F1 drivers depend on their fan base for their income and therefore may be hesitant or reluctant of speaking out politically for fear of their image. But this is not sufficient reason to absolve them from moral responsibility for what they do and don't say, so the voluntariness condition seems to apply.

Let us proceed to Wettstein's (2012) second condition for silent complicity: the connection condition. As we will see, this condition is hard to meet in the cases of *De School* and F1 drivers, which is why I will spend a great deal of the chapter examining how this condition can possibly be met. I discuss three connections that possibly link *De School* and F1 drivers to the killing of George Floyd: a connection based on professional identity, a connection based on political identity, and a connection based on racial identity.

#### 3.1 Professional identity connection

As we have seen, the connection relevant for silent complicity is not a connection that consists in active involvement. Instead, it is a passive connection on the basis of association. One such connection consists in association through an agent's professional identity (Pauer-Studer, 2018). An agent can be connected to a human rights violation in virtue of being a member of the organization that committed the human

rights violation, even when the agent had no causal role in the violation and did not intend the violation to happen (Pauer-Studer, 2018, p. 648). With regard to Floyd's case, we can say that police officers in the United States who made no causal contribution to Floyd's killing and did not intend this to happen in any way, are nevertheless complicit in the murder on Floyd by virtue of being a member of U.S. law enforcement.

However, *De School* and the six F1 drivers aren't a member of the institutional agent that killed Floyd. What can be said at most about the F1 drivers, is that they are connected to the United States because Formula 1 is owned by an American company. But this company, Liberty Media, was not involved in the murder, so there seems to be no reason for claiming that F1 drivers are connected to the murder based on their professional identity. Things are a little more complicated in the case of *De School*, because the club explicitly presents itself as progressive and inclusive (Nandram, 2020). Hence, many of its regular visitors expected *De School* to publicly speak out against racism in response to Floyd's death and *De School* did not meet these expectations. And although many of *De School*'s employees participated in Black Lives Matter protests in the Netherlands, activist visitors maintain that this is not sufficient and that *De School* is in the wrong because it did not publicly speak out against racism (Nandram, 2020). Is *De School*'s self-presentation as progressive and inclusive sufficient to establish a special relationship with the victim, Floyd, or the perpetrator, Chauvin, that makes the club silently complicit in racism? It seems not, for Pauer-Studer's (2018) example to illustrate her argument involves the complicity of a judge who was working for the SS and who simultaneously tried to work against the SS in his function as an SS judge. So this judge was actually working for the organization that committed atrocious acts, which is not the case for *De School*.

### 3.2 Political identity connection

In order to grasp how agents can be connected to wrongs they did not cause, intend, and even may not have known about we can turn to Hannah Arendt (1987), who developed an account of responsibility on the basis of political identity. Arendt (1987) argues that agents can be responsible for wrongs by virtue of being member of a political community that committed the wrongs. She distinguishes between guilt and responsibility, where guilt implies a direct causal connection whereas responsibility doesn't. She then applies this distinction to the case of Nazi Germany, and claims that ordinary Germans were not guilty of the atrocities committed by the Nazi Government because they were not causally connected to the evils perpetrated by the Nazis, but were nevertheless responsible by virtue of being a member of a political community that committed the atrocities.

In this vein, we could say that ordinary citizens of the United States are not guilty of the murder on Floyd or police brutality against black people in general, but that they are responsible for it by virtue of being a member of the political community – the United States of America – that empowers the police force. So political identity can establish a connection between ordinary U.S. citizens and the wrongs committed by U.S. law enforcement, which possibly makes U.S. citizens silently complicit in racism if they don't speak out against it. But such a connection doesn't exist in the case of *De School* and the six F1 drivers, because they are not a member of the U.S. political community.

Well, not so fast, some will say. We live in an increasingly globalized world, and as Wettstein (2012) correctly notes, although “a corporate duty to help protect human rights goes against the defining assumptions of the waning Westphalian era: state-centrism, state sovereignty and non-interference” (p. 39), “[cases of corporate complicity] require us to rethink some of the certainties of the Westphalian age and to come up with new normative visions and concepts to deal with the new phenomena with which we are faced in a transnational world” (p. 38). Some argue that Floyd's death is part of a larger problem with institutional racism throughout the Western world, which, with regard to the case of *De School* and F1 drivers, seems to imply that *De School* and F1 drivers are connected to Floyd's death by virtue of being a member of the Western world. However, it is not clear to me that the West is a political community in the same way that a nation is a political community. Europe may be since it has a parliament, but there is no such thing as a Western parliament. Moreover, I think problems in the United States with policing and racism are sufficiently distinct from problems in other Western democracies to be wary of making such generalizations. As Douglas Murray notes, the United States have a distinctive problem with policing partly because they have “the most militarized citizenry in the world” (PoliticsJOE, 2020, 13:02-13:06) due to the Second Amendment in the U.S. constitution which allows U.S. citizens to bear arms. This is certainly not a reason for excusing police brutality or police misconduct, but it is one way in which the United States differs significantly from other Western democracies and should give us reason to be careful in making generalizations about the Western world based on the state of affairs in the United States.

### 3.3 Racial identity connection

Can there be a connection between Floyd's death and *De School* and F1 drivers? With the help of the two authors discussed hitherto we have not been able to establish a connection, but Larry May (1996) and Barbara Applebaum (2010) enable us to argue that *De School* and F1 drivers are connected to Floyd's death based on their racial identity. Whereas May (1996) holds that such a link can be established on the basis of sharing racist attitudes, Applebaum (2010) focuses on racist habits.

Following May (1996), agents are complicit in racial harms perpetrated by another agent when they share racist attitudes with the perpetrator. Importantly, attitudes are not mere thoughts but affective states that lead to certain behaviors (May, 1996, p. 46). In this sense, racist attitudes contribute to a climate in which racist harms are more likely to occur:

“... insofar as people share in the production of an attitudinal climate, they participate in something like a joint venture that increases the likelihood of harm. Those who hold racist attitudes, but who do not themselves cause harm directly, participate in the racial harms of their societies in two distinct ways: first, by causally contributing to the racial violence by others; and second, by becoming ... people who choose to risk harm and yet do nothing to offset this risk” (May, 1996, p. 47).

While this account explains how white people in the United States can be complicit in the murder of Floyd, it doesn't explain how *De School* and F1 drivers can be complicit. Furthermore, Applebaum claims that, due to its focus on the attitudes of individuals, May's approach “remains limited because it is wedded to an individualist perspective that does not sufficiently appreciate how individuals are connected to larger social structures” (2010, p. 12).

If we apply Applebaum's (2010) account of white complicity to our cases, then the connection we are looking for consists in the fact that *De School* and the six F1 drivers are (predominantly) white. That is, they are member of the racial or social group of whites and hence have a relationship with Floyd's murderer, who is also white. Applebaum's (2010) version of the white complicity claim states that white people are complicit in systemic racism because they contribute to its maintenance in two ways: through practices of whiteness, and by benefitting from white privilege. Now, the latter way in which white people are said to be complicit in systemic racism – white privilege – is not a form of silent complicity but of what Wettstein (2012) called “beneficial complicity,” which is not the focus of this thesis. Hence, I will not go into that issue more than is strictly required for my purpose and I will mainly focus on practices of whiteness, which include being silent about racism. However, it is important to briefly discuss white privilege because Applebaum (2010) links white privilege to practices of whiteness.

White privilege is commonly defined as “the set of social and economic advantages that white people have by virtue of their race in a culture characterized by racial inequality” (Merriam-Webster, n.d.). Peggy McIntosh famously described white privilege as an “invisible knapsack of unearned assets which I can count on cashing in each day, but about which I was ‘meant’ to remain oblivious” (2003, p 191). Applebaum claims that “[w]hite people benefit from the group privileges of racism that simultaneously marginalize people of color. All white people are racist or complicit by virtue of benefitting from these

privileges, even though these privileges cannot be voluntarily renounced through individual action” (2008, p. 293). Applebaum seems to equate whiteness with having white privilege when she states that “whiteness is not merely about skin color alone but involves a culturally, socially, politically and institutionally produced and reproduced system of institutional processes and individual practices” (2010, p. 9) and that “[w]hiteness benefits all those ascribed whiteness and it is white people’s investment in whiteness that can obscure how white people *even with the best of intentions* are implicated in sustaining a racially unjust system” (2010, p. 10). Thus, Applebaum (2010) argues that all white people are beneficially complicit in systemic racism by virtue of benefitting from white privilege. Now that this is clear, we can move on to what Applebaum (2010) means by “practices of whiteness”.

Practices of whiteness refer to “white ways of being” or habits of whiteness as described in the phenomenology of whiteness. Here, whiteness must not necessarily be understood in terms of skin color. Rather, whiteness is about certain habits that are characteristic for white people. To illustrate, take the following example concerning gender identities. Generally, men sit with their legs wide while women sit with their legs closed. These habits are not something that is biologically determined. Instead, they are expressions of social norms related to socially constructed gender identities. The reiterated performance of these acts is in accordance with norms and constitutive of norms because the norms cease to exist if the habits are no longer performed. Importantly, performing these habits makes one complicit in the maintenance of norms:

“Since one’s existence as a subject depends on a forced repetition of norms, one’s “being” as a subject is necessarily complicit in the perpetuation of such norms. Butler’s understanding of subject formation and her insistence on the compelled reiteration of norms as the essence of performativity clarify how subjects are *unwittingly* complicit in sustaining hegemonic social structures” (2010, p. 59).

Thus, practices of whiteness are habits that are performed by white people, and performing these habits makes white people complicit in sustaining the norms related to those habits.

Applebaum (2010) focusses on two practices of whiteness in her argument in support of the white complicity claim: white ignorance and denials of complicity. White ignorance generally refers to a form of moral ignorance that white people exhibit in their failure to perceive at least some kinds of racism and the effect this racism has on non-white people. Applebaum defines white ignorance more specifically as “a systemically supported, socially induced pattern of (mis)understanding the world that is connected to and works to sustain systemic oppression and privilege” (2010, p. 37). In other words, according to Applebaum (2012), white ignorance is not so much an innocent lack of knowledge about racism but more

of a *refusal* to know about the extent of racism on the part of white people, because white people don't want to give up their privileges and dominant position in society. This is why Applebaum calls white ignorance "a form of white knowledge that is upheld by denials of complicity" (2010, p. 6). White ignorance and denials of complicity, Applebaum (2010) argues, contribute to the perpetuation of systemic racism by hiding the complicity of white people because white people acknowledging their complicity is a necessary albeit not sufficient condition for challenging systemic racism.

What is particularly relevant in relation to the main question of my thesis, is that Applebaum (2010) seems to believe that being silent about racism is also a practice of whiteness that contributes to the maintenance of systemic racism, and thereby being silent about racism makes white people complicit in systemic racism. As an educator, Applebaum focuses on practices of whiteness exhibited by white students and she points at "a plethora of studies that have explored how white students use discursive maneuvers to resist knowledge of their complicity. Such resistance is expressed in multifarious ways from emotional oppositional outbursts in class to passivity and silence" (2010, p. 42). She also invokes a number of authors who consider silence to be a discursive method to avoid responsibility and to reinscribe the status quo. She refers to Linda Martin Alcoff (1991), for example, who "highlights how *language as well as the absence of language* must always be understood as embedded in social space that is not devoid of historicity" and "that even silence or absence of speech is not unaffected by the discursive context in which such retreats are performed" (Applebaum, 2010, p. 97).

If I understand Applebaum (2010) correctly, she holds that silence about racism is a discursive method white people employ to avoid acknowledging their complicity in racism. Silence about racism is thereby an implicit denial of complicity in racism which contributes to its maintenance. In order to understand why this is the case according to Applebaum, we must take a look at what is meant by discourse, for she claims that in order "[t]o understand how denials of complicity work, one must shift one's epistemological framework from language as representation to language as discourse" (2010, p. 7). Her understanding of language as discourse is informed by Michel Foucault. For Foucault, according to Applebaum (2010, p. 98) language as discourse is a social system that creates knowledge and meaning, constitutes subjects, and transmits and produces power. Thus, following Applebaum (2010), silence in relation to racism is a way of upholding white ignorance and is an implicit denial of complicity in racism, which serves to keep white people in power.

The crucial point here is that Applebaum (2010) links silent complicity to beneficial complicity. White people are beneficially complicit in systemic racism because they benefit from white privilege, and silence

is one of the methods by which white people hide their beneficial complicity in systemic racism. What does this mean for our cases? Well, if all white people are beneficially complicit in systemic racism by virtue of benefitting from white privilege, and if the killing of Floyd is an expression of systemic racism, then it follows that all white people are beneficially complicit in the killing of Floyd. Moreover, if we follow Applebaum's (2010) line of reasoning, then white people who don't speak up against racism in response to Floyd's death are not only beneficially complicit but also silently complicit in systemic racism. In conclusion, Applebaum's (2010) white complicity claim applied to our cases means that *De School* as a 'white club' and the six F1 drivers, who are white, are beneficially and silently complicit in systemic racism by virtue of their whiteness, which must be understood in terms of having white privilege and employing silence as a habit of whiteness.

There are a number of reasons why this view is problematic, but due to limited space I will only focus on three and elaborate only on the one that is most relevant to this thesis. First of all, I believe Applebaum's (2010) concepts of whiteness and white complicity, which assume a connection between all white people based on their racial identity, to be morally problematic because it generalizes people based on their racial identity.

Second, Applebaum's (2010) view on race is inconsistent. On the one hand she conceives of racial identity as something that is socially constructed and thus can be changed, but on the other hand she conceives of white racial identity as something that cannot be changed because white people cannot choose not to benefit from white privilege and thus cannot choose not to be racist. As Alastair Bonnett points out: "... anti-racists have failed to understand 'whiteness' as a temporally and spatially contingent and fluid category ... [T]his failure has led anti-racists to view 'white' identity as a fixed entity, something beyond change or challenge" (1996, p. 97). Applebaum (2010) and other whiteness studies theorists explicitly attempt to avoid essentialism about whiteness by focusing on habits of whiteness and performativity, but nevertheless seem to incorporate it in their writing by claiming that white people cannot transcend their whiteness.

Third, related to the former points and crucial to the central question of this thesis, a connection between Floyd's death on the one hand and *De School* and the six F1 drivers on the other hand based on racial identity violates Wettstein's (2012) voluntariness condition which must not only be met for an agent to be silently complicit, but to be complicit in general. As mentioned in the introduction of this thesis, one of my central assumptions is that a duty to speak up against racism depends upon a duty to avoid complicity in racism. However, Applebaum (2010) argues that white people cannot choose to not be

complicit in racism, for “all white people are racist or complicit by virtue of benefitting from privileges that are not something they can voluntarily renounce” (p. 12), and that her “notion of white complicity is grounded in the belief that [one’s moral being] cannot transcend the social system that frames how one makes meaning of oneself and the social world within which one is embedded” (p. 14). On Applebaum’s (2010) view, it is currently impossible for white people not to be complicit in racism, which means that white people cannot fulfill a duty not to be complicit in racism. Thus, if we follow Applebaum (2010), a duty for white people to speak up against racism cannot depend on a duty not to be complicit in racism because the latter duty cannot be fulfilled.

So far we have seen that establishing a connection between the killing of George Floyd on the one hand and *De School* and Formula 1 drivers on the other hand is difficult. Claiming that there exists a connection based on professional identity, political identity, or racial identity in this particular context would unjustifiably stretch the meaning of complicity. From what I have discussed, I conclude that there is no morally significant connection between Floyd’s killing, and *De School* and Formula 1 drivers. There may be other ways to establish a morally significant connection, but *De School* and F1 drivers are not silently complicit by virtue of a connection based on professional identity, political identity, or racial identity. And if there is no morally significant connection, then it doesn’t matter whether *De School* and F1 drivers have the power to influence U.S. law enforcement and have a certain social or political status. But if it would turn out that there is a morally significant connection, then almost certainly *De School*, a relatively small Dutch nightclub, neither has the power to influence U.S. law enforcement, nor has the social or political status that is required to add legitimacy to the killing of Floyd. Hence, the case of *De School* doesn’t meet the third and fourth condition for being silently complicit. In case of F1 drivers things would be slightly different because they might have been able to influence U.S. law enforcement through Liberty Media, the U.S. company that owns Formula 1. Nevertheless, it remains difficult to even satisfy the second condition of a morally significant connection.

## Conclusion

In conclusion, I have examined whether *De School* and the six F1 drivers are silently complicit in racism due to their failure to publicly speak out against racism in response to Floyd’s death with the help of the four conditions for silent complicity presented by Wettstein’s (2012). I argued that the voluntariness condition obtains in both cases, after which I examined whether the connection condition is met. I found that this was a difficult task and that there is no morally significant connection between the killing of George Floyd by former police officer Derek Chauvin on the one hand, and Dutch night club *De School* and



the Formula 1 drivers who refused to publicly speak out against racism on their personal social media accounts on the other hand. Professional identity, political identity and racial identity do not provide sufficient basis for a connection to be morally significant. That is, *De School* and Formula 1 drivers did not have a special relationship with either the victim or the perpetrator. This means that they were not in danger of becoming silently complicit, and hence were not guilty of failing to fulfil a duty to speak out against racism in response to the death of Floyd. Furthermore I argued that *De School* would not be in danger of becoming silently complicit even if the connection condition would obtain, given that it neither meets the third and fourth condition.

## CONCLUSION

The central question of this thesis was the following: Did *De School* and Formula 1 drivers have a moral duty to speak up against racism in response to the killing of George Floyd on the basis that they would otherwise be silently complicit in racism? I pointed out that two conditions must be met in order for there to be such a duty. First, Floyd's case must involve racism. Second, *De School* and the six F1 drivers must be silently complicit in racism due to their failure to speak out against it. In chapter 1 I discussed what racism is and found with the help of Ture and Hamilton (1967) that there is a kind of racism, institutional racism, which needs public condemnation in order to challenge it because it is covert and lacks an identifiable agent. It seemed that there was no such need to publicly speak out against the killing of Floyd because the act that killed Floyd was overt and was perpetrated by an identifiable agent. However, with the help of Young (1988) I argued that that Floyd's case can nevertheless be interpreted as an expression of institutional racism and that there's a need for public condemnation of Floyd's killing. Hence, my first condition for a duty to publicly speak out against racism in response to Floyd's death obtains.

In chapter 2 I discussed what silent complicity is and how it differs from other kinds of complicity with the help of Wettstein's (2012) fourfold distinction between direct complicity, indirect complicity, beneficial complicity, and silent complicity. I found that the basis for silent complicity in a morally wrongful act consists in failing to fulfil a positive duty to speak out against this act as to help protect the victims of the wrongful act. I then proceeded by spelling out Wettstein's (2012) four conditions for silently complicit in a morally wrongful act, and found that in order to become silently complicit, *De School* and F1 drivers must have voluntarily chosen to remain silent about the wrongful act, must have a morally significant connection to the wrongful act, must have the power to significantly influence the perpetrator, and must have a certain social or political status.

In chapter 3 I examined whether these four conditions for silent complicity obtain in the cases of *De School* and F1 drivers. I argued that the voluntariness condition is met in both cases, but that the connection condition could not be met on the basis of professional identity, political identity, and racial identity. I also pointed out that *De School* neither meets the condition of having the power to influence the perpetrator, U.S. law enforcement, nor has the social or political status to add legitimacy to Floyd's killing. In the case of F1 drivers the condition of having the power to influence the perpetrator might be met, but in the absence of a morally significant connection to the killing of Floyd F1 drivers cannot be silently complicit in racism if they don't speak out against it. Therefore, I conclude that *De School* and F1 were not in danger of becoming silently complicit in racism and did not have a duty to publicly speak out

against racism in response to Floyd's death. Hence, my second condition for a duty to publicly speak out against racism in response to Floyd's death does not obtain.

I would like to add a final note. My conclusion doesn't imply that there are no good reasons to speak up against racism in response to Floyd's death, or that there are no other grounds for a duty to publicly speak up against racism for individuals and organizations that are not sufficiently connected to Floyd's case and similar cases in order to be silently complicit. One could, for example, construct an argument in favor of such a duty based on Peter Singer's principle that "[i]f it is in our power to prevent something very bad from happening, without thereby sacrificing anything morally significant, we ought, morally, to do it" (1972, p. 24). This is a consequentialist argument that would go something like this: Institutional racism has bad consequences. Collective condemnation is required to challenge current institutional racism and to prevent future institutional racism. Collective condemnation requires individuals and organizations to publicly speak up against racism. Publicly speaking up isn't a morally significant sacrifice. Therefore, we ought to publicly speak up against racism. However, it would take another thesis to construct and evaluate this argument. This is only one possible suggestion for constructing an argument in favor of a widespread moral duty to speak out against institutional racism.

My focus though has been to discuss the indignation of some towards individuals and organizations that did not publicly speak out against racism in response to the killing of Floyd. I felt uneasy about this indignation and set out to examine what ground we have for arguing in favor of it and in favor of a duty to publicly speak out against racism. In doing so I examined several accounts of racism, several ways to interpret complicity, what conditions must be met in order for an agent to become silently complicit in a morally wrongful act, and several possibilities for meeting the connection condition. None of this, I argued, succeeded to defend the claim that *De School* and the six F1 drivers were guilty of failing to fulfil a positive duty to speak out against racism in response to Floyd's death. However, when asked to defend my feeling of unease or to discuss particular cases, I am now able to do so armed with the conditions for silent complicity that Wettstein (2012) has provided. The reason for my being uncomfortable with the phrase "(white) silence is violence" being applied to the cases of *De School* and Formula 1 drivers is the claim or suggestion that not speaking out entails being racist, while there is no morally significant connection between Floyd's death, and *De School* and F1 drivers. Furthermore, despite my conclusion that indignation wasn't justified in the cases I discussed, we now have a better understanding of when indignation towards agents who remain silent in the face of injustice is justified. We have seen that an agent need not be causally connected to a morally wrongful act in order to be silently complicit in such an act; a passive

connection based on association is sufficient to meet the connection condition for being silently complicit. Agents can be silently complicit in wrongs when they have a special relationship with either the perpetrator or the victims, and this relationship can be based on professional identity, political identity, and even racial identity, provided that the voluntariness condition is not violated. If such a connection is established and the other conditions are met, then an agent can be justifiably said to be silently complicit in a wrongful act and indignation about their silence is justified.

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