Critical Race Talks - Critical Race Theory, Columbia Law School and the Legacies of Slavery: The Black Male Initiative

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SPEAKERS
Professor Katherine Franke, Professor Darren Hutchinson, Professor Athena Mutua, Paul Riley, Koko Zhang, Stephanie Abrahams

Prof. Katherine Franke 00:00
Why do we not know about Frederick Wells? And a 16-foot cross burning on the campus with 20 Klansmen fully hooded, running through a dorm? What's our responsibility to this past? What is it called us to do? What are the ethics of memory?

Koko Zhang 00:15
Thank you for tuning in to Critical Race Talks. I'm Koko Zhang from China. I'm a 3L at Columbia Law School.

Stephanie Abrahams 00:22
My name is Stephanie Abrahams. I'm an LL.M. student from Toronto, Canada, and I'm also at Columbia Law School.

Paul Riley 00:28
And I'm Paul Riley. I'm a 3L of Columbia Law School from Philadelphia, Pennsylvania, we are super, super excited to have all of you tuning into this podcast episode. It's a mouthful - Critical Race Theory, Columbia Law School and the Legacies of Slavery, the Black Male Initiative. It's a lot that we're trying to cover in our time together. But these topics are timely, important, specifically, as they relate to the Black male experience at Columbia and beyond. Stephanie, I know you were integral in thinking about the setup of this episode. And so wanted to turn it over to you to give some insight into where we're going with, again, this loaded topic, so many different moving parts that we're trying to pull together.

Stephanie Abrahams 01:07
Loaded is definitely the right word. I mean, so, you know, you heard from Professor Franke about the Frederick Wells, story. And so that's going back into Colombia's history of slavery and the legacy that persists today. And so we're not only looking at the past, though, we're also going to journey through and see where we're at now, currently. And we're going to be looking at things like the hyper surveillance of Black men, we're going to be looking at performance expectations for Black men, and how that differs in different social locations and contexts. We're also going to be looking at thinking

about how Black men often find it difficult to organize and how there's many fewer organizations focused around gender for Black men than there are for Black women.

Paul Riley 02:00
To think about this topic, we have leading scholars who are going to help guide and center our discussion. For the latter half of the theories, we have Professor Darren Hutchinson, who's going to talk to us about a theory he coined termed multidimensionality, which we'll get into in a few minutes. And we also have Professor Athena Mutua who's going to talk to us about multidimensionality and also specifically progressive masculinities theory, which focuses on how Black men can actually chart their own future using the tools and Critical Race Theory. So we have our two theorists who are going to help us on the back end, but as Stephanie was talking about history and understanding our past is so crucial to this. And we're super grateful to Koko, one of our co-podcasters, who has done a lot of great work with Professor Katherine Franke of Columbia Law School. And so definitely wanted to get you to set the scene for us on how we should think about this history and the legacies of slavery.

Koko Zhang 02:56
Sure, yeah. So Professor Katherine Franke is my professor at the seminar on Columbia Law School in the legacies of slavery. This is an ongoing project, which has been going on for several years and Professor Franke is going to share with us some of her research results, and we're going to hear one of the most probably most horrifying stories that happened on campus. So let's tune in for Professor Franke and her telling of Frederick Wells' story.

Prof. Franke 03:30
I'm Katherine Franke, I'm the James L. Dohr Professor of Law at Columbia Law School. I direct the Center for Gender and Sexuality Law at the law school, and I'm the faculty director of the ERA project and the Law Rights and Religion Project. So 1924 there is a Black male student, Frederick Wells, who is living in Furnald Hall , which is on the east side of the campus next to the journalism school. It's still a dorm. There are several white law students also living in that dorm. And when they learn that Mr. Wells is not a janitor, but is a resident of the hall and a law student. They form a committee and organize to have Mr. Wells evicted, removed from the dorm because they don't think that they should have to live with a Black man. Thankfully, the dean who was in charge of residential living said no. If you're uncomfortable with him living here, you can leave. What happens next is horrifying. Twenty hooded members of the Klan from New Jersey, enter the campus at night, two days after the University says we're not going to evict him. They bring with them a 16-foot wooden cross and burn it in front of the dorm in protest of Frederick Wells living in the dorm, his mere presence in the building. They then run through the building screaming racist, violent threatening things about wells they shove notes under his door, the typical kind of you've been visited by the Klan, you'll be warned your life is in danger threatening him to leave.
This event makes the newspapers in every state in the country, the New York Times and all the New York papers, but other papers as well. Huge amount of publicity. And Wells says I'm going to hang in there. I'm not going to let them intimidate me. The threats against him continue, NAACP gets involved and backs him up. And eventually he just can't take it anymore. And he transfers to Cornell and graduates from Cornell Law School, returns to New York to become a very prominent tenants' rights anti-gentrification advocate and lawyer in Harlem.

The students who organized to have him ejected, the leader John Rucker was from the South, he actually flunked his third-year exams along with a third of the law school class and did not graduate. Yet, he was invited by the dean to give a very prestigious address to the law school on the retirement of three members of the faculty. He suffered no negative consequences for engaging in this behavior. Faculty allowed him to graduate along with the others who had flunked in the fall. They had someone special, you know, write a little paper and we'll let you graduate. And he went on to have an unremarkable and uninteresting legal career.

Stephanie Abrahams 06:22
Okay, wow. That's crazy. Because one, I can't believe that he graduated, two I can't believe that there were no consequences.

Koko Zhang 06:28
Yeah. And he also was exalted to to give a speech at the retirement of faculty. I, I can't believe that happened.

Stephanie Abrahams 06:37
I can't believe it either. Honestly. And you know, it, it actually bears resemblance to what we're going to be talking about later, in terms of the hyper surveillance of Black men. I mean, there was just this one Black man on campus, Frederick Wells, and everybody was up in arms, like they could not handle it. Right. The point where they had to go through like all these extreme measures to try to get him off of campus.

Koko Zhang 07:00
Yeah, yeah. Yeah. Before we get into that, we are going to examine what's happening with Columbia Law School and is there anything in our history that's impacting the current environment of Black men on campus and Professor Franke is going to talk about the relationship of Columbia Law School and slavery. Let's hear it out.

Prof. Franke 07:23
Columbia doesn't have the same kind of history that say Georgetown, or some of the Southern schools have, or even Northern schools like Harvard or Yale, in the sense that the institution actually enslaved people, were invested in the slave trade. Instead, we wanted to look at Columbia, the law school specifically, and its relationship to the institution in a more organic way. So, the law school officially opened in 1858. This is before the institution of slavery is abolished. Before the law school was founded in 1858. Law was being taught at Columbia College, which is what the university was called before it became the University.
Our first law professor was James Kent, who Columbia Law School affiliated people, we know his name well. Kent was hired in 1793 for a professor of law at Columbia, and he taught for several years, he was an incredibly unpopular teacher. He got very few students every year, and they usually left after a couple of weeks, Kent was hired because he was friends with John Jay And John Jay was on the Board of Trustees of Columbia College, Kent was in New York and couldn't find a job and Jay said, we'll set you up at Columbia. Meanwhile, James Kent enslaved several Black people at that time, in his

commentaries on law, which he wrote a bit later in his life. He wrote explicitly explaining the inferiority of Black people. So, the law schools first professor, the university's first law professor, James Kent, after whom our current law students highest academic honor is named. And the most prestigious faculty chair is named, and a building on the main campus is named was an enslaver himself and a rabid white supremacist.

Stephanie Abrahams 09:25
Okay, so that was 1858 to 1924. Let's see if we can figure out what's going on in 2021.

Prof. Franke 09:34
We've had even this last year, several Columbia Law Faculty who have used the N word in class unapologetically and confronted with it by students, not only students of color, but certainly Black students principally for what that means for a white professor to use the N word in class. They have disavowed any kind of responsibility for the ways in which words wound. Last year, there were one else who were assigned to a class as their first class at Columbia Law School where a professor made slavery jokes, and retaliated against Black TAs that he had hired who raised this as a problem with him. And a complaint was filed with the university about that, those that conduct and others that he engaged in that was really offensive. And the university did not pursue disciplinary charges against him.

When instances like this happen, I think it points to what is a systematic problem, not just of Columbia this is true of really any university. We have a formal legal process that is triggered when a complaint is filed. But the bar for proving that a professor say has violated Title VI, the federal statute that prohibits race discrimination, and in a university setting, is so high that it's very difficult to get the university to say yes, this is a violation of that law. And when they dismiss the complaints, nothing happens. We don't have an intermediate or alternative way of addressing what forms of structural racism, and instances of white supremacy in our midst other than formal legal processes. And to me, that's a vestige of the legacies of slavery in important respects that the law announces a commitment to creating, not just an equal educational experience for all of our students, but one in which all students can flourish. Yet, it falls so short, just like the 14th Amendment does; announcing wonderful principles that emerged from the Civil War and the abolition of slavery, but in reality, they've been enormously ineffective in addressing and dismantling structural racism.

Paul Riley 11:47
Professor Franke provides a comprehensive overview of Colombia's relationship with slavery, starting with the story of Frederick Wells in 1924, looking at the inception of our law school with the individuals who were the very first professors having views around Black inferiority and white supremacy, to the very present day, where we see instances in the classroom that affect the Black experience. As promised at the top of the podcast, we want to get into the theories that helped to unpack the Black male experience. But before doing that, we wanted to give Professor Franke one more opportunity to just describe how something as simple or as basic as the family can maybe provide some context into the gendered notions of freedom and the gender differences that we see today. Let's turn to Professor Franke, and we'll be back on the other side.

Prof. Franke 12:40

So marriage became an interesting gateway to freedom for newly freed Black people. But it also was an enormous thing to celebrate, that Black people could have their families recognized. Of course, they had families, they had marriages while they were enslaved, but they were not legally enforceable. And the person who owned you could always sell the salt cell away - your spouse, your children, etc. And this happened, of course, we know over and over again. But one of the things that was difficult in terms of bringing gender into the picture is that the men, the husbands, were made the head of the household, and they were the ones who could enter into labor contracts to do work and be paid for the first time in their lives. And the women were subsumed; their legal identity, under the identity of their husband.

You can imagine that what we see here is a gendered form of freedom, that Black men were free as legal, and civil subjects in a different way than Black women were now, you know, to have the freedom to have a gendered legal relationship is itself a kind of freedom. But Black women and men were emancipated into a structure that was deeply gendered, and for the most part was not good for women. The very idea of freedom itself always had gendered components to it, you know, to recognize Black men as being possible to be legally and socially heads of households, was a revolutionary idea, right? That they were not accountable to an owner. So that was wonderful on the one hand, and on the other hand, it was complicated because of what it meant for the gender politics of the family.

Paul Riley 14:16
Wow so it's so fascinating to see how something as simple but revolutionary as marriage was so significant that time in creating the Black household. But as Professor Franke notes, it also created a dynamic where we're now experiencing gendered notions of freedom, gendered notions of who are prioritized, and maybe this is a stretch, you know, keep me honest, Stephanie, but it kind of feels as if you know, we get to 1980 with Kimberlé Crenshaw, at intersectionality. And it seems that those feelings of the gender notions of freedom are present even in her critique of Black women being erased from the discourse but didn't know if you have any thoughts on that…

Stephanie Abrahams 14:53
Yeah, no, for sure. And before we go any further let me just give the people a definition of intersectionality, which is a term that was coined in 1989, by Professor Kimberlé Crenshaw, and really, it's, it describes how race class gender, other individual characteristics really intersect with one another and overlap. And, you know, today it kind of gets thrown around here and there intersectionality ,intersectionality. But really, I think, and to my understanding, correct me if I'm wrong, but it really has to do with the ways in which Black women were kind of left out of really pivotal moments of history. So, if we're thinking about things like movements, like the women's rights movement, right, feminist movement, that really was about the progression of white women, and really left Black women out of the conversation. And if we're talking about things like, you know, racial, the movement for racial justice, that was for the progression of Black men. So, Kimberlé Crenshaw really was trying to illuminate, I believe, the fact that Black women are often left behind. And you know, there's something unique that happens when you're racialized, and you're also a female. Right? So what happens there what happened with that intersection? So ,I think that's kind of where we're at, or where we were at in the 1980s.

Paul Riley 16:22
And I think to hammer the point home a bit more for real life examples, we can look at how we talked about, you know, the pay gap with respect to men and women and how, you know, the going line, even in the policy debates, even on presidential debate stages is that, you know, women make 77 cents for every dollar a man makes. That's true for white woman, when you bring in Black women, it's in the 60 plus cents range. When you bring in Hispanic women, it's in the 54 cents range. Of course, those numbers may have changed slightly, but that just gets to the point of erasure and how we talk about policy, how we talk about progression, and whose voices are we prioritizing? So, I think, as you noted, intersectionality was so revolutionary, and giving us the tools to think about how we can bring Black women into the conversation.

And as you know that that's the 1980s,1990s. We begin to see in the late 1990s, early 2000s is the emergence of people call it a post-intersectionality turn or an intersectionality critique or evolution. But it's basically probing intersectionality and saying, well, wait a minute, intersectionality, at least initially is prioritizing the experiences of Black women of being Black and a woman, two subordinate identities. How do we account for the experiences of Black men, for example, who have a subordinate identity and being Black, but also a privileged identity and being a man? How do we account for with a coin a partially privileged group that doesn't neatly fit into the subordination doctrine? And so you see with Professor Hutchinson's multidimensionality, he's building upon intersectionality and saying, we need to realize that everyone is multi-dimensional, that Black men with their partially privileged categories are multi-dimensional, that when you bring in sexuality that transforms the conversation.

And it seems that Professor Athena too, is building up of multidimensionality. And merging that with progressive Black masculinity is to say, yes, multidimensionality has to be the scope for the Black male experience. But it also was different because with the Black men experience, you have these performance-based pressures, this internal-external ordering internally, you have to be strong, you can't cry, you have to present as a real man as she, as she discusses in her in her segment. And externally, it's what we're talking about intersectionality, you have to be of a certain class, you have to have these experiences, you need to be a provider. And so all of this is happening where you had this revolutionary intersectionality idea, but then it comes to, does it account for the Black male experience. And that's what we want to flesh out with these two theorists in the last half of this podcast, and we'll turn it over to them to introduce themselves. And we'll also provide some real-life application as we hear them develop and explain their theory to us.

Prof. Hutchinson 19:04
I'm Professor Darren Hutchinson. Currently I teach at Emory University School of Law. I was hired to be the John Lewis Chair in Civil Rights and Social Justice. I started my career with several articles dealing with race and sexuality and poverty and gender, and creating a theory called multidimensionality. And that framework, it really took off in many ways, and I still get a lot of citations to the work. It informs a lot of people's research on sexual identity, particularly as it pertains to issues of race and class.

Koko Zhang 19:39
So I know Paul and Stephanie, you tried to explain the definitions of intersectionality and multidimensionality, but we still have..

Paul Riley 19:51
I thought we I thought did a great job. (laughter)

Koko Zhang 19:56
But yeah, let's hear what Professor Hutchinson has to say about his definition of multidimensionality.

Prof. Darren Hutchinson 20:03
A lot of people are familiar with intersectionality. In terms of identity, there are intersecting types of identities - race and gender is a classic combination. Intersectionality focuses on so many ways multidimensionality builds from that notion of as opposing effects. Now, there are two different things I was trying to accomplish with that. First was in terms of substance to introduce issues of sexuality and gender identity, which was not really thoroughly explored in the intersectionality literature. For the most part, it was a discussion of race and sex and how that impacts women of color. But in many ways, by leaving out sexuality and gender identity, women of color was sis-heterosexual women of color. So, in terms of substance, that's what I wanted to do. But if we just left it in substance, there's really not much of a difference.

The other piece is there's a conceptual difference. And I developed that dealing with a lot of the critiques of intersectionality. And the critiques of thinking about race in the context of LGBTQA politics. The conceptual extension is to think about everyone's lives as being multi-dimensional, rather than looking at the convergence of different types of subordination.

Stephanie Abrahams 21:22
Okay, so we've heard from Professor Darren Hutchinson and his theory of multidimensionality. So let's now turn it over to Professor Athena Mutua, and she's going to give us some information on her theory of progressive masculinities.

Prof. Athena Mutua 21:35
My name is Athena Mutua, and I'm a professor at the University at Buffalo Law School. And I tend to ride in the areas of Critical Race Theory, at one point, a lot more kind of feminist masculine, this, you know, kind of legal theory. Progressive Black masculinities are the unique and innovative practices of the masculine self actively engaged in struggles to transform a social structures of domination.

Paul Riley 22:07
So we have the backdrop on what is progressive masculinities theory. But as I was alluding to earlier, one of the differences with Professor Athena Mutua, as approaches incorporating this performance base understanding of masculinity, let's start over to Professor Mutua to hear, what is masculinity? And how does performance implicate that definition in that perception of masculinity?

Prof. Mutua 21:28

What is masculinity? And that had this kind of whole level of performance-based criteria that could put you in serious danger if you did not conform. And that is a big part of masculinity and a big part of

patriarchy was dependent on women's subordination and submission. That that's what it was all about. So women's identities are not necessarily defined on the basis of somebody else's subordination. I think this is similar to kind of white supremacy. White supremacy is premised on the subordination of everybody else, and particularly Black folks. So that seems to us to be a central definitional point. But it came with all kinds of other formative stuff. So to be a real man, you had to be strong. To be a real man, you had to control your environment. To be a real man, you had to control your woman. To be a real man, you didn't cry. To be a real man, you have to provide for your family. It's hard for poor man, right? You provide for your family. To be a real man was to be not a woman, not gay, not poor, and not a boy. And probably not Black though.

And then you had to embody this, you had to act that how you had to perform those things, in order to be a real man. And so if you perform something a little different, you weren't strong, then there was societal compulsion or penalty that's associated with it, right? So boys bully each other, you're not strong. You must be a - what would be the word, I don't know, you're a punk. And so we can beat up on you. So if you don't act strong, then there are consequences and penalties that the society imposed - other men impose, women impose. Who wants a weak man? whatever that means, right? So women impose those penalties, men impose those penalties. The society imposes those penalties if you're performance of the real man, right, your performance of masculinity doesn't comport with a definition of a real man. So we're trying to capture those performance based compulsion instructions. And so we're using multidimensionality, together with masculinities theory to try to capture that. And at the time, that stuff is not really articulated in intersectionality theory because it's talking about the intersections of race, class, gender, those sorts of things, and not this performative level as much, even though it's embedded in it.

Koko Zhang 24:55
So when Professor Mutua was talking about the performance and what a real man is, I think she was alluding to some of the heteronormative traits. By introducing sexuality into your theory, Professor Hutchinson, what do you think it does to the discourse?

Prof. Hutchinson 25:12
Sexuality is really adding that to the picture. Because I think in general masculinity studies, it’s assuming a heterosexual object. I mean, I think it feeds on homophobia and heteronormativity. With, like communities, for one issue. Also, I think it makes it very difficult for queer folks of color to interact and feel safe within communities of color. And because of this overlay of masculinity and the expectations of how one should behave. If they're a member of that population it fuels a lot of violence against transgender individuals, homophobic violence against gay men and lesbians, mostly violence against trans women, trans women of color, in particular, and I think a lot of that has to do with masculinity and toxic masculinity, how many men of color embrace those ideas.

Koko Zhang 26:09
So focusing specifically on Black men, Professor Mutua, can you give us some examples of gender differences that Black men experience?

Prof. Mutua 26:19

We see that we have much higher rates of Black male incarceration. Right. So what's Kimmel's first name, I can't think of it at the moment, you know, said, you know, crime has a male face. And so we see Black men suffering, the profound harms of mass incarceration. And the other kind of thing, you know, data distinction, a difference that we saw kind of early on then was racial profiling. And that may still be the case that we found that Black men were stopped more by police than Black women.

Paul Riley 27:02
So when thinking about mass incarceration and policing, I think it just speaks to the theme we've been talking about throughout this entire episode, which is this notion of hyper surveillance of Black men. We saw it in 1924 with Frederick Wells. And of course, that wasn't necessarily the place surveilling Frederick Wells, but it was the KKK and white students who felt that he didn't belong, to try to use threats and intimidation and violence to control and to suppress Frederick Wells, a Black man, among Columbia's campus. What's unfortunate is that we have recent examples as recent as 2019 of Black Columbia students feeling the effects of this hyper surveillance and even violence inflicted upon them. And I know Stephanie, you were doing some research on the Alexander McNabb story, and I think the listeners would gain a lot from just hearing the details of what happened in 2019.

Stephanie Abrahams 27:53
Yeah, so unfortunately, this this kind of thing is still happening in recent times. So back in April 2019, there was a Black male student by the name of Alexander McNab. The story is that he walked into Barnard College, going to get some free food, they were having an event, they're giving out free food. So he went to get some. He declined to show his student ID card to the public safety officers and so what they did, five of them, is follow him and actually pin him down. They physically restrained him until he eventually showed him his ID, demonstrating that he was in fact, a Columbia student. But not only did he have to show it to them, they actually took it, they confiscated it, saying that they needed to verify his ID. So, I mean, that's just another example. And so, you know, in his perspective, the rule that you have to show your ID card after 11pm was unequally applied.

Paul Riley 28:50
And I think what's crazy about that, I mean, as you alluded to five, Barnard public safety officers arriving at the scene ultimately pinning him down either of them. That's, I don't know, it's unfortunate. I think it just speaks to the continuum of again, 1924 to 2019. What's even more, I don't even know if the word is heartbreaking or just demoralizing is the fact that we have another story in 2021 that wasn't, you know, heavily documented, or, you know, in newspaper articles in the same way that the Alexander McNab story was but there was reporting as was recounted to us of a Black Columbia University student going to Foodtown, one of the local grocery stores about seven blocks from campus. He went into the store ultimately decided he didn't want anything, left the store. And it turns out, one or two employees from the Foodtown grocery store, followed him a few blocks under the assumption or the premise that he had stolen something. I know that there's going to be worked on you know, over the coming months to rehash that. I think the ironic part of that is we've heard the stories that they had a Columbia Safe Harbor sign in the window, essentially saying it's safe for Columbia to be here. But that's just another example of the surveillance and this this notion of the experiences of Black men at Columbia.

And also this, this idea that as you're navigating these spaces, I think this is what Professor Hutchinson and even Professor Mutua were getting at is that when you're in this partially privileged world, yes, you have the privilege of being a man, but that is also activated in ways that are so shaky, and so rocky that even if it is a privilege, it doesn't feel as stable in the way that I think their questions about intersectionality just raise around, you know, is this capturing the fact that Black men still have these nuanced experiences, even within this privileged identity? But I know we've been talking a lot about, you know, Columbia, it's unfortunate that we have so many examples of this hyper surveillance. But Stephanie, I know you have -I know, I have personal stories - but I know you have personal stories of your family members experiencing, again, this theme of hyper surveillance as Black men navigating the world in Toronto, in the United States, and, frankly, around the world if I'm being honest. But I'll let you share that story.

Stephanie Abrahams 31:15
Yeah, and I mean, you know, I'm not a Black man, but I am a Black woman. And I do have Black male family. So my brother and my father, I remember growing up, I think I must have been around 13 or so my dad got a brand new cars, very sleek, Black. And I just remember him coming home time and time again, saying, Okay, I got stopped again, the police stopped me. And it was really for nothing other than to just make sure that he actually owned the car or has permission to use the car. And of course, he owned the car. But it got so bad that it was actually interfering with his like, day to day life. Like he had to get to work. And he's being stopped, which takes up time, obviously, and it's obviously an uncomfortable situation. So, it actually got to the point where he, you know, said to my mom and the like, you know, we got to we got to switch cars, I need to drive your car, because this isn't working for me. So of course, me know, my mom got a sweet deal out of it. But I just remember thinking like, Are you kidding me? Like, this is what it's come to, you can't drive your car? And it was kind of heartbreaking in the sense that he said it just like matter of factly. Like, this is what we have to do, like something that he was just so used to.

And again, I'm from Canada, I'm from Toronto, and what we love to do in Toronto, his drive down to Buffalo to shop, right? Like this is pre-pandemic. And so if you, my mom, me, my sister, who I love to shop, and then also my brother, my brother does not like to shop. So what we would do, because he was much younger than us is say, "Matthew, you've got to take the bags to the car, which he, which he actually graciously did every time." So we'd shop, give him the bags, and he must have been around 14, 15 at this time. I remember giving him a bunch of bags, and him not coming back for a while, you know, usually would take him 10 minutes max. But I remember half an hour passing and you know, I'm just thinking where is he? Like, you know, maybe went to get ice cream, something like that. But he comes back, you know, kind of distraught kind of not, but he says oh, I got stopped by the mall cops. He says that they stopped him to make sure that the bags that he was carrying were carrying were his, you know, they didn't believe that he had all these bags stolen or something like that. And I was livid, you know. And I guess for him, it's like, yeah, you know, I'm used to mall cops watching me or, or all kinds of, you know, security officers, cops. But I was just upset about it. And those kinds of things stick with me, you know, and I mean, I've tons of examples, but those are just a couple of them.

Paul Riley 33:45

Yeah, thank you for sharing. I know that. You know, this is a podcast, we were, you know, thinking about these things at a theoretical level, but it's also for you and for me, and for the listeners. It's real life. It's not a game. It's not a theory or a textbook at all. It's really experienced that we have to talk about and that we have to document.

Koko Zhang 34:03
Yeah, yeah, thank you again, for sharing your story. I think Professor Hutchinson mentioned some really interesting social, psychological like survey and research on how people perceive the age of Black men and Black boys. Let's hear it out.

Prof. Hutchinson 34:20
A lot of social psychologists recently have been studying on the issue of how whites perceive Black children. And there are a lot of studies where they will show people pictures of children, some of them deal with law enforcement people, folks as participants, and they asked them to guess the age of the children. By and large children of color and Black children, the disparities are the worst. There's always an overestimation of the age of children of color on in those studies. Black boys have the highest disparity. So you think about it. Why do they think Black boys are just much older than their actual age? There's some research on there. I think a lot of it has to do with gender and masculinity issues and the way that Black men or males, I guess you can say, generally are portrayed in society. It's really hard for people to grasp the concept of a Black male child as being a child and what all of that means in terms of social construction – that they're not dangerous, they're innocent, they should be given multiple chances and the benefit of the doubt, we can forgive their transgressions, they're not intending to harm even if they commit a harm. So those, you know, we treat children that way. But if we're imagining these Black kids and Black boys in particular, as adults, then we don't give them that type of benefit of the doubt.

Paul Riley 35:44
So we heard from Professor Hutchinson, how the perception of young Black boys can be taken for granted, how they're not given the benefit of the doubt. Prior to that we talked about hyper surveillance at Columbia Law School and hearing Stephanie's story of her father and brother's experience. I want to shift gears a bit, because I think another big topic, in addition to hyper surveillance and perception has to do with why it seems to be so hard for Black men to organize. And as a student at Columbia Law School, I felt this in that we have a strong affinity group population, we have our Black Law Students Association, also known as BLSA, which is the home for many Black students that come to Columbia Law School. We also have other student groups, one in particular being the empowering women of color, or EWOC. And that's where women of color more broadly can come together outside of their respective affinity groups to create and cultivate this community. They have robust programming throughout the year, they have an amazing Gala, where you have prominent speakers and alums come. And what was interesting, as we started the Black Men's Initiative at Columbia Law School last year, in 2020, what was so fascinating about that experience is as we were trying to get that off the ground, there were very real concerns around, you know, how do we do this? This feels very weird. What does it even look like for Black men to come together?

I know we're going to talk about this later, but are we recentering men in the way that, you know, Kimberlé Crenshaw, and others tried to raise awareness around how that can be problematic. So we were just bracing with all of this, but it felt like that organizing was an experience that was sort of awkward for Black men, and I think it was more self-imposed and our own perceptions of it. But that was just my experience. Stephanie, I know you've done some work in, in Toronto, I'm not going to speak on, on what that was, like, you know, organizing, but it just felt different and awkward. Initially, in the Black male context, probably because there just wasn't a framework there for us.

Stephanie Abrahams 37:45
Yeah. And I mean, this is something that, you know, wasn't made obvious to me initially. But now that we're talking about it, now that we started talking about it, I'm thinking, Okay, I actually don't know of any Black male, I guess, lawyer groups, where I'm from in Toronto, right? Like, I'm part of two or three different ones, for Black females. But it didn't occur to me like, Hey, what's going on with the men? Do they have their own thing? And maybe they do, but I am definitely not aware of them. So, I mean, that's one thing, right?

Paul Riley 38:14
Is it a numbers game, I think when we're thinking about the Black Men's Initiative, it really came from Professor Kendall Thomas, seeing a photo of I believe it was the class of 2020, or 2021. They were standing in front of one of the buildings at Columbia Law School and the Wakanda pose from Black Panther was huge. And, you know, one of the things that we talked about was just how stark the photo was of just a representation of Black men. You know, where are the Black men at Columbia Law School, and more broadly. Stephanie I know you have some statistics on this, but I mean, that is a question. I know, the New York Times posed this a few years back, “the missing Black man”, but you know, there was something I don't know if it's a numbers game or enrollment that's solely explaining this.

Stephanie Abrahams 38:57
I mean, part of it is one thing to read about. And then another thing to actually see it like glaring right in front of your face, right. Yeah. So I mean, yeah, so over the pandemic, there has been an overall decline in enrollment rates, in general for both men and women. But when we're talking about specifically Black men, that number is quite low. So the enrollment rate for Black men dropped 14.3% over the Spring of 2021. And that's in comparison to the 6.9% the previous spring. And when we're talking about Black women, the enrollment rate for Black women fell 6.9% over the same time period, so we're talking about, like, more than double of a difference. So the disparity between the two is actually widening and it's, you know, quite a disturbing thing to think about.

Paul Riley 39:44
And I think too, it clearly is a numbers thing, you know, bodies and seats in these communities being actively involved. What's actually really fascinating is one of our professors of our Critical Race Theory course, Professor Flores Forbes, he wrote a book entitled Invisible Men. And in one of the chapters, he talks about this phenomenon happening at the administrator level at Columbia, a high-level administrator at Columbia community affairs group. And what he basically discussed in his book was how the Black men tried to organize. They tried to do these lunches to build community to have people

come together. He noticed when he started there about 30 or so Black men there, as he describes in the book, and he, you know, posed to the other organizers, you know, is this everyone or, you know, what is going on? One of his coworkers or colleagues said, they're actually over one hundred or so Black men who are in this higher grade, this higher level of the administration, and Professor Forbes response, you know, where are they? Why haven't they come? One of the colleagues blatantly said, they didn't want to be around Black men, they want to be seen with Black men in this environment. And he concludes, you know, obviously, that's a problem, you know, because Black men are surveilled, you know, they need this community that when you step back into your home and take off your suit, or your clothes, or you turn your key in the door, you're just like every Black man, and that just creates more of an impetus to create this community. And so it just is startling for me to see that it's not only happening at the student level, where it could be a numbers representation thing, but even when there is a robust, I'm don't know if you'd say one hundred's robust, but there are 100 Plus Black male administrators, and they're still feeling deterred by building that community. I think it just begs the question, why is it so hard to organize? Maybe that internal feeling of not being associated plays a part?

Stephanie Abrahams 41:43
And I think the awareness of it, the fact that they're aware of this type of hyper surveillance is really telling actually, as well. Right?

Koko Zhang 41:50
Yeah. Yeah….

Stephanie Abrahams 41:52
They've been conditioned to feel this way.

Koko Zhang 41:59
So Professor Hutchinson also has something to say about the reason why it is so hard for Black men to organize, let's hear what he has to say.

Prof. Hutchinson 42:10
One of the arguments, you know, the one of the tenants of individualism, you don't need other people, you can do it on your own. Alright. And that sounds like you know, the stories that the right, racial resentment tells. It's about men conquering, you know, the United States, that whole Protestant work ethic thing, I think, had a lot to do with maleness, not generalized around gender. And I think a lot of men like men, a significant number of them buy into that, and it makes it much harder to interact.

Paul Riley 42:46
Wow. So there's definitely a lot to think about there with why it's so hard to organize. There is a value in this community as this episode has shown. And I think that that's something that we need to unpack the theme for hyper surveillance that we talked about earlier. Throughout this entire project, we've been so transparent, maybe I'm biased, but I think we've just been so transparent around, you know, how do we think about potential between intersectionality, multidimensionality, progressive masculinities? I think another question is, how do we deal with the tension of what could be coined as recentering Black men? You know, when you look at the 1980s, and Kimberlé Crenshaw's critique of the erasure of Black

woman from the discourse, Black movements prioritizing Black men. You know, I think the very fine line we all were walking was around how do we tell these stories without elevating or prioritizing the experiences of Black men at the expense of other people? I don't know if you all felt this, but it just was something that was at the center of this was just something that's worth interrogating. But just the fear of will we miss the mark in how we're trying to distill these stories.

Stephanie Abrahams 43:57
Yeah, I mean, I mean, yes, you're right. It is a very, very fine line. You know, we've said this many, many times. And I think the idea is, there's an obvious glaring problem, right in their faces, right, like literally in our faces. And there's something that we need to do, something to talk about. Definitely something to try to figure out how to deal with, how to address. And I think when we're talking about recentering men, we also have to think, ask the question, why is there a center? Why are we putting things or certain groups or whoever at a center? Right, this isn't something that necessarily has a center? I think we should be thinking I think….

Koko Zhang 44:35
I think white people is always at the center! We have to like, you know, this is not about we going into a center. It's that we want to feel included.

Stephanie Abrahams 44:46
Yeah. Or dismantling the center even, right.? Dismantling the center. Why isn't there space for all of us? Why isn't there space for all of us to elevate each other's voices to talk about these things, right?

Paul Riley 45:02
Yeah, I think I think the way we do that is by acknowledging the past acknowledging that, as Professor Franke says, there were gender notions of freedom coming out of, you know, slavery and marriage that Kimberlé Crenshaw acknowledging there was a prioritization, whether perceived or real, I believe that was true of the prioritization and how do we acknowledge that, and then not make those same mistakes, while also recognizing that there is a value in telling these stories and acknowledging these disparities and incompetently saying, look, look, look, this is something that we all need to be talking about, and that we give all, you know, anti-racist movements, or all racial movements, particularly in the Black community opportunity to flourish and to have those perspectives elevated. I think if we acknowledge the past and are transparent about that, we can move in a direction where we can tell these stories, not as if they're the only stories or the best stories or the most important stories, but their stories, stories that that need to be told.

And I think Professor Hutchinson and Professor Mutua, you know, grappled with this very same question. We were thinking about this a lot throughout the podcast, and we thought it was so important to pose this very same question to them, and we think might be helpful for you to hear what they had to say, as experienced scholars and theorists in this space who were dealing with these critiques, as they were formulating their own respective theories.

Prof. Mutua 46:28

Are we recentering men, right? Give them five minutes, they'll take the center, right? (laughter) Why are we doing this? And part of my response at the time was, well, obviously, law, legal theory has talked a lot about gender relations and gendered structures, and so they know something about it. And so we need to take this off. Now, it's one thought and the other thought was, and there's this phenomenon out there that nobody's explained, like, racial profiling, and it doesn't fit into the theory. And so we need to deal with that. So I, too, encounter that same sort of tension about kind of recentering men, even when I was talking about a phenomenon that was disproportionately damaging Black men.

Prof. Hutchinson 47:15
For me, you ask yourself, is that what you're doing? Right? Are you only defining race around Black men's experiences? And I'm thinking that's not what you're doing. And are you trying to prioritize this group over other groups and saying that your experiences are the only ones that matter? And their issues are secondary issues that are external to the real issue, which is race. If you're not doing those problems, and you're not in the space where intersectionality should think that what you're doing is threatening, you're furthering the project of intersectionality by saying here, here's an intersectional space that actually matters. Black maleness matters. If you look at every prison in the United States, if you look at suspension rates in the United States, homeless shelters, it is really hard to say that Black maleness is not a category worth exploring and examining.

And so that's really what gave me strength, as I just looked at the experience with subordination. There's a lot of oppression that exists around being a Black man that needs to be discussed in those terms. And it needs to be discussed not as a way of saying it's the most important issue, or, or that it is race in and of itself, because that's essentialism. And not to the exclusion of women of color, but just this nuanced discussion that I think is really what intersectionality -the potential that intersectionality had when it first emerged - and that's what I tried to sort of bring to the fore with my analysis. This is another intersectional space, it's not recentering.

Paul Riley 49:03
While so we learned some important things from Professor Mutua and Professor Hutchinson. From Professor Mutua we've learned the importance of when you see disparities that pique your interest that are worthy of inquiry, pursue them. Don't disregard the disparities that you're seeing if they're compelling to you. Research and explore it uncover what all is happening. For Professor Hutchinson, we learned that intentionality - as we've talked about this throughout this entire project and throughout this entire podcast - that intentionality is key. If your goal is not to denigrate, not to play certain experiences on a pedestal, not to say that the Black male experience is the only experience. If you're not doing any of those things, you're actually advancing the work of intersectionality, you're actually trying to address the problems we're seeing as it relates to Black men. And you're doing it in a way that saying these are important, not at the expense of everything else, but that these are important, and that we should be talking about them. So those are the takeaways that I got from this from a theoretical framework. I don't know if you all got other things from it. But that just is what's sitting with and resonating with me as we wrap up the podcast.

Stephanie Abrahams 50:08

Yeah, I mean, for sure, Paul, those are some really good takeaways from the podcast. And I think for me, what I've discovered is that or what I've examined a little bit more is that it's not just theoretical, we can't look at these things only in an abstract sense. These are real events that are happening to real people such as my father, such as my brother, you know, my friends, other extended family, we have to think about the way that this is impacting lives. And I think when we personalize it in that way, it becomes realer and really acts as an impetus for change.

Koko Zhang 50:40
And I just love this class, the seminar on Columbia Law School and legacies of slavery. This has informed us on how Columbia has dealt with this history of its relationship with slavery. And this history will definitely inform us and help us navigate the future of Black men or, or Black masculinity.

Stephanie Abrahams 51:06
So this has been a great experience, a great learning experience, and we just definitely could not have done it without our amazing panelists. So first, we want to say a big thank you to Professor Franke. We also want to say thank you to Professor Mutua and to Professor Hutchinson. You've provided such amazing wisdom and insight, and your expertise in these areas have really helped us unpack and unravel a lot and shown us how we can use these tools to navigate the future.

Koko Zhang 51:32
Yeah, and we also want to thank Professor Kendall Thomas and Professor Flores Forbes for leading the seminar on Critical Race Theory. And we also want to thank Michelle Wilson for helping us creating this podcast.

Paul Riley 51:46
And I want to thank this amazing group of Koko, Stephanie, just putting in the hours and thinking about this. I remember our excitement when we got the first email confirmation for our first guest that we were like it's happening, it's, it's in motion, it's really coming to fruition. And it's just been such a privilege to work with you all on this and to get these scholars and professors and real life stories to really distill what we're trying to get at, at the inception of this, which is that, you know, the Black male experience is one that is unique, and one that is worthy of inquiry, and that if you do it in a thoughtful and intentional way, you can have frameworks that can set you up for success not only today, but in the future so that the experiences of 1924, the Alexander McNab experience of 2019, or even the Foodtown incident of 2021 can be contextualized and understood in the ways that they're operating with the Black men experience of masculinity, but also so that we can have a space to talk about them so that they never happen again. So thank you all for tuning in. Thank you for spending this time with us and we hope that this is only the start of continued conversation around Critical Race Theory and around the Black male experience.