Facing Racism: Baldy Center Short Courses Present Diverse Perspectives on Race and the Law

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Facing Racism

Baldy Center short courses present diverse perspectives on race and the law

Class pictures can tell a lot. Those adorning the walls of John Lord O'Brian Hall, like those in schools elsewhere, reflect the changes in society as a whole. No longer is the face of the law white.

The pictures, however, still tell different stories to different people. Where some see in them a largely settled tableau of multiracial equilibrium, others perceive an ephemeral tapestry that is continually fraying even as it is still being woven.

The Baldy Center for Law and Social Policy recently cast a fresh light on the conflicting images with a fall series of short courses titled Law, Race, and Racism in America. The series, conceived by Professors Frank Munger, Stephanie Phillips and Teri Miller, brought to UB Law a group of leading scholars, giving students a chance to glean some important insights while hashing out some of the most contentious and dynamic issues in contemporary law.

"For many of them it was one of the first opportunities they had in Law School to focus on some of these issues, and for others it was a chance to compare experiences across different racial groups," says Professor David M. Engel, director of the Baldy Center. "If the curriculum just ignores these differences, it's not really doing a good job. Stephanie Phillips, Teri Miller and Frank Munger deserve enormous credit for planning and carrying out these three courses. Visitors of this caliber are willing to spend an entire week with us because UB Law School is known to them as the home of scholars like Stephanie, Teri, Frank and Judy Scales-Trent and because of the intellectual legacy of Alan Freeman."

One of those who attended was Ayoka A. Tucker. "It was one of the highlights of my legal education," recalls the second-year student.

The three one-week courses tackled subjects ranging from broad concepts of racial nationalism to specific provisions of California's Proposition 209. Leading the intensive sessions were John Calmore, a Loyola Law School professor, Gary Okihiro, a Cornell University historian, and Gary Peller, a Georgetown University law professor. All three are recognized nationally for their scholarship
Dr. Gary Okihiro, a Cornell University historian

It was a very good opportunity," says Radhika D. Iyer, a 2L who took two of the courses. "It gave a whole different perspective. And there was substantive knowledge especially regarding the legal implications of race relations."

Each course attracted 20 or more students from a variety of racial and ethnic backgrounds, mirroring the growing diversity of the student body as a whole. About 17 percent of the 743 students at UB Law this year are African-American, Asian-American, Hispanic or Native American. Among them is Iyer, who earned her master's in psychiatric social work in Bombay before coming to the United States 11 years ago.

"A lot of people have preconceived notions about India and Asia, and I'm talking about in law school, too," she notes. She believes that courses like those in the Balmy Center series help to promote deeper understanding.

"When I go out and practice law, I have to be aware of who I'm interacting with," Iyer says. "Law is always going to be interdisciplinary. It is a people business. You're always interacting. But as law students, we can have blinders on and just go in one direction and not see it any other way."

Associate Professor Stephanie L. Phillips, co-organizer of the series of courses, is encouraged by the student response. "The turnout, not only in terms of students who registered but also the people who came to the public talks each Thursday, showed there was pent-up demand for discussion of some of these issues," she says.

"Right now, there are a number of race-related issues that are very much in the center of public debate, including affirmative action. These particular scholars were a conduit for people to become well-informed about what is going on, and they gave people the analytical skills they need to analyze what is going on."

While race is hardly a new topic in law, Engel agrees that it is once again at the forefront and expanding in new directions. "This appears to be a time for rethinking issues of race and racism in our society and for rethinking the kinds of approaches the law should be taking," he explains. "In part, this is because questions have been raised about the old civil rights paradigm, and some lawyers and scholars are proposing different approaches.

"This is also happening because various racial groups are emerging with different perspectives. So the experiences of Latinos, Asians and others must be accounted for in the new approaches that the law must take. It is really an interesting and dramatic time. It's calling forth some diverse and creative ideas in response to social changes that are both promising and at times very discouraging."

Associate Professor Teresa A. Miller, who also helped organize the series, says the courses reflected an evolution in legal race scholarship away from a colorblind approach toward a more complex understanding.
of color consciousness to help resolve some of the seemingly intractable problems of race relations. "It was great to be able to share in some of the things that these visiting professors are writing and thinking about," she adds.

"The three visitors actually represented a range of experiences and perspectives," recalls Engel. "Gary Peller provided an introduction to different theories of race and its role in American law, from the civil rights perspective through the nationalist perspectives through current explorations of possibilities for multiracial community.

"John Calmore came from California and focused his discussion around questions of affirmative action and so-called civil rights reform and Proposition 209. That was a wonderful chance to think about affirmative action and current problems in the way law treats race. And Gary Okihiro is interested in the Asian-American perspective, but in a fascinating way. He showed how issues affecting Asian-Americans are inextricably connected to those of African-Americans."

The teaching experience proved as refreshing for the visiting scholars as it was for the UB students and faculty. "I found it an intellectually exhilarating experience as a teacher, just because of the concentrated focus," says Peller. "Students had to be very engaged by the ideas in order to keep up with the reading and the discussion. I found it a compelling experience.

In Peller's course, titled Race Consciousness in American Culture, the Georgetown law professor discussed the changes in thinking that have occurred over the years. "Law has had a hand in socially constructing society's conventional understanding of race and its significance," he explains. "Basically, we treated the Brown v. Board of Education era and the post-Brown era, as a time in which the legal discourse comprehended race to be an irrelevant and arbitrary characteristic of people. That has been supplanted by ideas of multiculturalism and race nationalism — the idea that race denotes a national community."

Calmore examined Proposition 209 through the lens of Critical Race Theory in his course, Affirmative Action and the California Ballot Initiative. "It was a way to look at the question: Can democracy be more than just majority rule?" relates the Loyola professor. "If people vote as racial blocks, that can translate into majority tyranny. Meritocracy, objectivity, colorblindness, neutrality — there are certain dominant claims in law and society that endorse these concepts. Critical Race Theory reflects a challenge to these claims."

Okihiro, in a class titled Racializing Asian America, argued for an approach that transcends the traditional black-and-white analysis of American race relations. "What I'm trying to posit is that race relations in America are much more complicated than black and white, and we don't fully understand relations between blacks and whites if we don't think about relations with Asians and others," he says. The Cornell historian discussed the somewhat schizophrenic experience of Asians, who once were prohibited from marrying whites only to be held up later as models of economic and educational success. Those divergent racializations, he says, have both segregated Asians from the white mainstream and separated them from African-Americans.

UB Law Professor Frank Munger, head of the Baldy Center's Program on Community and Difference, recalls that Okihiro's class evoked particularly broad interest. "There was a strong positive response campus-wide, because we don't have that many Asian and Asian-American faculty and we don't have many people who teach in that area," says Munger, whose program sponsored the series. "So this was an occasion to bring together a very large community of interest."

The Baldy Center's short course series is held each autumn and dedicated to a particular theme. The courses are intensive one-week immersions involving long classes as well as out-of-class meetings. "They work really hard," Miller says of the visiting scholars. "They're not only responsible for three-four-hour classes, but they also give a public lecture to the university community, and they have to be available to see students, and all their social time is booked. It's a really demanding schedule. And all the speakers really rose to the occasion."

Iyer, who was among a group of students to dine with Okihiro at Engel's home, recalls that exams were required for both of the classes she attended, and she remembers the visiting professors' comments as detailed and helpful. "They were very good, very committed people," she adds.

"This is an example of the kind of thing we can do with the Law School's New Curriculum," says Engel. "It gives us the flexibility to organize courses in different blocks of time, and it's pretty exciting for students who graduate from UB to be able to say they've met and learned from not only our own faculty, but from other people who are leaders in their fields. Other law schools might bring such people in to give a lecture, but for students to spend many hours over the course of a week talking and studying with these scholars, that is really unique."

"There is no other law school in the country doing this, as far as I know."

Iyer, who is interested in international and health care law, says she was also pleased with the series' interdisciplinary approach to race as an issue of both law and social policy. "It's such an important aspect," she notes. "And with the changing consistency of society in general, I think there needs to be a sense of awareness of what is going on."