Event: Justin Hansford, “Lawyering for Black Lives in the Context of Human and Civil Rights” Human Rights Workshop, November 29, 2018

Reflection: “To Shame Ourselves is to Save Ourselves”
I have been waiting for Justin Hansford’s lecture “Lawyering for Black Lives in the Context of Human & Civil Rights”, for quite some time. When I first heard about it, I said to myself, “Here. This is exactly what the Schell Center needs! Finally, a good black lecture.” Of course, that comment is overly-simplified and borderline offensive, but over the course of my time at Yale and in the Human Rights Program, I have been frustrated at the lack of conversation around domestic human rights issues that infect predominantly black communities. The language of human rights so plainly aligns with the rhetoric of black activist throughout the history of America, that I found this neglect troubling. Yet, over the course of Hansford’s lecture, I gained a respect for the importance of human rights as a global field.

Hansford looks at the civil rights movement through the language of critical race theory, a legal theory developed in the 1990’s. This theory, which has influenced many legal, academic, and social fields today, pays special attention to the case of Brown v. Board of Education. Hansford states that the case is a perfect example of “interest convergence”. Not the converging of opinions on race, but the interest of America to appear as the beacon of human rights amidst cold war tensions and propaganda, converging with that of the civil rights movement. Essentially, America needed to “save face” globally and could not afford to be having public protest that contradicted its reputation as human rights advocates. While this should bring worry to those who view Brown v. Board of Education as a sincere victory for civil rights in this country, what is more important is the interpretation of America as a global nation. In a country whose current government actively rejects the idea of equal personhood and basic human rights, it becomes important to remember that America has, and will, have to answer to a global world. Today our vulnerability in that sphere is more apparent than ever. Hansford and members of the Black Lives Matter movement have recently taken their case to the U.N. This represents a shift from domestically focused civil rights, to a movement for American police brutality to be recognized as a global human rights issue.

This lecture brings us to consider a re-invigorated insistence on America’s human rights issues writ large, and how they must be brought to the global stage. We are no longer in a government that sees human rights as a priority, and we must sincerely accept that reality if we hope to make our country accountable. In the 1950s, Thurgood Marshall won in a court and country that was incredibly racist and global opinion became crucial to twisting the arm of policy. This country is no longer concerned with the treatment of black people, specifically the black lower class, and has not been since the early 1980s. Our (Black people’s) best hope is international pressure. I believe that the same is true of immigration, refugee, and gender rights. That is not to say that shaming America globally will bring change in a time when the head of state is not concerned with public opinion, but I believe that we can strengthen the global recognition of human rights, through turning on America.

In my opinion, the state of this country calls on us to become temporary ex-patriots. To separate ourselves from the excuse of the domestic. That excuse being that there are other international issues much more important, with humans that have it much worse, and therefore the centuries long abuses by white Americans and white American institutions on communities of color is relatively less important. Yet, you could not find a country as racialized as this one. It would be difficult to find inequalities that are so precisely and purposefully divided along racial lines. To find a legal system that disproportionately benefits one race above all others in such a sophisticated and deeply-rooted style. To find as long of a
history of racialized terror and violence. We must look at our country objectively, and demand of it what we should be demanding of our world, which is becoming more authoritative by the moment. We must strengthen the foundation by which Human Rights justifies and enacts their authority – the global stage.

If one is able to prove the strength of human rights to reform a country as ignorant, hypocritical, and powerful as the United States, perhaps we can curve the tide of authoritative regimes that seem ready to destroy our field as it stands. While we as students, professors, lawyers, and activists love this country, we cannot continue to be passively critical of it while we also pierce our flag on other countries and call out their atrocities. We must reject our country as a beacon of human rights, and we must make our country vulnerable by publicly arguing its injustices. If we are not willing to look at our country and call it the disgusting abuse it is, then we have no right to be in the business of human rights, and we ought to reconsider our studies.

If you hope to find a case that could fully expose America as human rights abusers, look no further than its 300-year treatment of African Americans. Look also to its genocidal and oppressive treatment of Native communities. The field of critical race theory is ripe with proof that the republic that resides in the center of North America is one of tyranny on the part of the white male elite that has long disregarded the personhood and basic needs of the classes it rules over. Donald Trump is the essence of that history. His opinions are the future of it. We are so afraid to lose our country, that we have once again fallen to utter silence in the face of tyranny. Satisfied with a calm humor that acknowledges the absurdity of the situation but is blind to the elephant of what Trump represents, a white racial backlash towards all things progressive that is being exploited by the elite class to gain further profit. And so, the beacon of human rights that did not exist in the 1950s is shown again to be a façade. We cannot wait for global opinion to decide our guilt, we must admit to it ourselves and inform the world of our findings. America must be brought to court for its crimes, and its size will cause the court to grow under its weight, becoming the powerful legal system that can withstand the globally authoritative tide that will destroy us otherwise.