THE FORDHAM CENTER ON RELIGION AND CULTURE
THE FORDHAM UNIVERSITY THEATRE PROGRAM

Is Empathy Enough:
Racial Injustice and the Moral Imagination in the 21st Century

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**Moderator**
Aimée Meredith Cox
Department of African and African American Studies, Fordham University

**Panelists:**
Pun Bandhu
Award-winning actor who has worked on Broadway, Off-Broadway, and in TV and film; founding member of AAPAC (Asian American Performers Action Coalition), an organization formed to combat racism in the entertainment industry

Rubén Rosario Rodriguez
Theologian and author of Racism and God-Talk: A Latino/a Perspective

Ariela Gross
Historian, legal scholar, and author of What Blood Won’t Tell: A History of Race on Trial in America

**MATTHEW MAGUIRE:** Good evening, everyone. I’m Matthew Maguire. I’m the Director of the Theatre Program. It’s my pleasure to welcome our distinguished panel and to welcome all of you who are joining us tonight for this panel, *Is Empathy Enough? Racial Justice and Moral Imagination in the 21st Century.*

This evening’s conversation is co-sponsored by Fordham’s Center on Religion and Culture. I want to say how grateful I am to Jim McCartin and Patricia Bellucci for inviting the Theatre Program to create a dialogue with the Center on Religion and Culture.

This is our fourth outing. We collaborated on a forum with the Steinfels addressing the wall which separates the Israelis and the Palestinians; then we did a forum with Camille Paglia and Dana Gioia discussing what happens when art and the sacred collide; and a forum to discuss the relation of religion and madness. So, in light of the conversation, you know the folks to ask.

I also wanted to thank my assistant Becca Ballenger, to my left; our production manager Kai Brothers; Paul Thyagaraj, the senior manager for campus operations; our playwright Jackie Sibblies Drury; and our stage manager and actors who are here on their night off.

The Theatre Program began discussing issues of race and ethnicity eight years ago. We were prompted by a desire to create a community of emerging artists that resembled the United Nations in diversity. How to get there?
We realized that empathy is not enough; we must take concrete action. It requires that when potential students look at Fordham they find evidence they will fit, that they won’t be the only black student, the only Asian student, the only Hispanic student, the only Middle-Eastern student, and so forth.

It meant changing the way we programmed our Main Stage. No longer could the plays all be written by dead white men.

It meant changing our curriculum. In theater history there aren’t enough weeks to study all the masters of the modern [inaudible]*, so we cut Tennessee Williams to make room for Lorraine Hansberry.

In the acting classroom, it meant that just as actors of color get to play Chekhov, the white actors also get to play August Wilson, Susan-Lori Parks, Maria Irene Fornes, and David Henry Hwang. This turned out to be the greatest taboo. It’s okay for a black actor to play a role conventionally cast as white, but it’s earth-shaking for a white actor to play Troy in Fences or Mama in Raisin in the Sun. Resistance can run high.

Most of the time, theater producers and those who run theater programs rely on what is called colorblind casting. I prefer the term “colorful.”

But it turned out that good intentions have limits, and those actors who are other than white get cast less often than their white peer students if the roles are open.

So we began to set aside a small percentage of roles each year that would be ethnically specific, hoping in this way to arrive at that magical level playing field. But this creates tension, especially among that group who historically get the majority of the roles, white males.

What is the value of sharing? There is a wry but somewhat cynical quip, “Sharing means you get less.”

So we experienced pushback. In response, we have had many conversations and special guests, attempting in dialogue to introduce questions that bare their need. That’s why this play and this conversation tonight are so important to us.

I want to introduce the director of the play, Pirronne Yousefzad, a brilliant young professional who is working all over. Pirronne directed this play in Philadelphia and gained the full confidence of the author. She has also done great work mentoring our graduate students. She will be going to the Actors Theater of Louisville in the coming week. I’m so proud of the work she has done with our students.

Thank you, Pirronne.

**PIRRONNE YOUSEFZADDEH:** Good evening, everyone.

I’m just going to say a few words about the play and the scene that we are going to present to you. I will abbreviate the title, We Are Proud to Present — that’s not the whole thing [inaudible]*

We’re practicing the [inaudible] the presentation created by a group of actors about the genocide [inaudible]* in Namibia in the early part of the 20th century, as well as their process of creating that presentation.

As I know from Jackie, the playwright, the play was largely born out of her attempts to
write a historical drama about the genocide and her frustration with that and with the
impossibility of doing that history justice. We see in this play the very struggle that
Jackie had with that first attempt at the play that then led her to write We Are Proud to
Present a Presentation, in that we see the actors grapple with how to represent this
history and the perspectives in which that history is understood, which is largely the
German perspective and the one that they start with. And then, also, the inevitable
completion* with their own perspectives and with their own context, having grown up in
America and being neither Namibian nor German themselves.

The scene that we are going to present for you comes in the final third of the play, or so,
as the difficulties and debates within the process reach a difficult climax. These issues of
empathy and representation and accuracy really come up here in the short piece that we
are going to do.

I am going to turn it over to the actors.

Thank you all for coming.

[Play performance]

JAMES McCARTIN: Aren’t you glad you came?

I am Jim McCartin. I am the Director of the Fordham Center on Religion and Culture. I
am [inaudible] that the Theatre Program has graced us with their presence tonight.

Without further ado, however, I want to introduce to you our panel.

Our first panelist is Pun Bandhu, who is an award-winning actor with credits both on and
off Broadway, as well as in television and film. You may have seen him in the Academy
Award-nominated Michael Clayton, the Coen Brothers’ Burn After Reading, or perhaps
in episodes of Law and Order, Nurse Jackie, or One Life to Live. In the near future, you
will be able to catch him in a film called The Good Marriage, which is based on Steven
King’s novella of the same name. He is also slated to be in a film called The Judge
alongside Robert Downing Jr. and Robert Duval. Pun Bandhu is also the co-founder of
the Asian American Film Lab as well as a founding member of the Asian American
Performers Action Coalition.

Our second panelist this evening is Rubén Rosario Rodriguez, who is associate professor
of theology at St. Louis University. He directs the masters’ program in his department
and he is also on the faculty of the Center for International Studies. As a theologian, Dr.
Rodriguez is engaged primarily with Roman Catholic liberation theology and also with
the Calvinist Reform theological tradition from which he himself comes. He is the author
of the award-winning book Racism and God-Talk: A Latino/a Perspective, and he is
presently completing a book called Faithful Witness: Christian Martyrdom as Radical
Nonviolence.

Ariela Gross, whose research and writing focuses on the history of race and slavery in the
United States, is the Sharp Professor of Law and History at the University of Southern
California. With doctoral degrees in both history and law, Gross has authored numerous
articles and book chapters, as well as two books, Double Character: Slavery and
Mastery in the Antebellum Southern Courtroom and the award-winning What Blood
Won’t Tell: A History of Race on Trial in America. She has served as a visiting professor
in Tel Aviv, at Stanford, at the University of Paris, and at the École des Hautes Études.

Finally, tonight’s moderator is Aimée Meredith Cox, a cultural anthropologist, a member
of Fordham’s African and African American Studies Department. Her research and teaching focus on expressive culture, performance, black feminist theory, and girlhood studies. She is trained as a dancer and will herself later this year come out with a book, entitled *Shapeshifters: Black Girls and the Choreography of Citizenship*, which will be released by Duke University Press. This year she is a visiting faculty member in the Anthropology Department at New York University. We are thrilled she has made it back up to join us tonight.

Please welcome our panelists.

**AIMÉE MEREDITH COX**: Good evening. It’s wonderful, but not surprising, to see such a full audience tonight. I think this topic and this play warrant critical dialogue, so I’m so happy to see so many faces here.

I’m just going to open as the moderator with a few remarks that I’d like to share with you.

The Cost of Seeing. I attended the opening night of *We Are Proud to Present* here last Wednesday. I had plans to stay for the post-performance reception, and yet afterwards, after seeing the play, the thought of making small talk or doing the emotional work it would take to say something appropriately meaningful compelled me to literally race home.

During a talk-back dialogue for *We Are Proud to Present* at the SoHo Repertory Theater, playwright Jackie Sibblies Drury said she wanted to write a play about race that did not make her want to die or allow the audience to feel self-congratulatory about witnessing actors wrestling with the difficulties of communicating about and through race.

Drury also talks about the layers of witnessing that occurred during that particular production of the play, where the audience is encircled around the perimeter of the stage in a single row with house lights up. Audience members watch the play, but they also watch one another.

As confusion, annoyance, frustration, shame, hostility, pain, and embarrassment viscerally intensify with each scene, each person in the audience has to not only sit with the discomfort of their own reactions, but must contend with the reactions they read through the bodies of the person to their right or left or across the stage.

Last Wednesday I came to the play with a friend. After the first few minutes, we took care not to turn to one another. My neck was literally stiff that night because I took additional care to not see the other folks seated near me.

As the characters onstage struggled, as you just saw, with what it means to tell someone else’s story, to lose and find themselves in narratives that excavate all too well and all too painfully the historical residue that shapes their contemporary realities, and also practice getting into their bodies to be or experience someone else, we watched the promises and failures of empathy as we perform it ourselves in our seats, looking at each other or not, but certainly sensing and feeling the weight of our internalized responses.

The promise and failures of empathy — snapshots. An article a few years ago in the Mental Health and Behavior section of *The New York Times* discussed what the author saw as psychotherapists’ misguided belief that their empathy and understanding are what makes their patients stick to treatment.

What gets lost in this privileging of empathy, Dr. Friedman said, is the responsibility of the patient. Empathy is not enough, he asserted, to get patients to change, let alone grow.
Self-reflection without responsibility or action is a sterile ritual.

In the spring of 2013, there was a discernible, albeit still small, shift in conservative stances in the United States on both gay marriage and immigration reform. Although some political analysts tried to attribute the softening of these stances to an increase in empathy, preceded by both LGBTQ and immigration rights activists doing a better job of providing a human face to their causes, analysts who define themselves as more pragmatic said these shifts were more about economic interest than actual interest in social justice.

Our 21st-century technologies enable us to connect to previously unknown people and unseen physical spaces in ever-vibrant real time through our hyper-mediated lives, often without the unpleasant intrusion of historical understanding or challenges to our own sense of culpability. So we hear, see, and read about the unrest in Caracas, Venezuela, for example, and know that it is connected to previous challenges to the state in other times and in other places, but don’t quite know how to make these connections, why they should matter, or how we are implicated.

A woman in New York City who has conducted extensive online research on global sex trafficking asked me to participate in a gathering of black professional women in support of eradicating sex trafficking in Kenya. But when I bring to the group the fact that sex trafficking is happening in places like Paterson, New Jersey, and Bed-Sty Brooklyn, just a few blocks from where we gathered to meet, among homeless teenage girls, that revelation is met with hostile silence.

The promise and failures of empathy in the 21st century leave me with so many questions, and, luckily, these people will answer them for us. [Laughter]

How may a sole focus on empathy impede individual and collective transformation and growth?

How does understanding, and empathy perhaps, fuel the process through which some people — nonwhite, female, young, poor, elderly, undocumented, queer — have to continually prove their humanity?

How does information overload without an equivalent educational and historical loading impact the efficacy of empathy?

I am also interested in the local and global dimensions of empathy and how who we choose to care about defines our own cosmopolitan activist desires, where these folks are located and where we are located.

Drury’s play, the brilliant panelists this evening, and the current state of our global family charge us with the mandate to face the possibilities and limits of our own ability to understand and make connections with one another and speak to the pervasiveness of injustice around us as much more complicated than the easy personification of perpetrators and victims, heroes and villains.

I am eagerly anticipating what each of our three panelists representing the fields of history, theology, law, art and performance will have to say. But I’m really especially excited about the conversation that will happen amongst the three of you and between all of you and us as we go on.

Here’s how we’ll flow, just so you understand what’s going to happen. Each of the panelists will speak for eight minutes — and I’m not Tweeting, I’m timing — in this order:
Pun, Rubén, and Ariela. We’ll then move into a half-hour of panel discussion or dialogue. Following that will be the panelists’ responses to your questions. This is a really important piece of what I’ve just said, probably perhaps the most important part of what I’ve just said.

You had on your seats note cards. You all found note cards and little pencils at your seats. As you’re listening to each panelist speak, as questions arise for you, please write those questions down. Your note cards will be collected. So what you come up with will be the content of the last part of our discussion. We’ll be responding to your questions on the note cards. So that’s really important. I’ll remind you again as we go on through the panel.

Without further ado, I’d like to turn it over to Pun. Thank you.

PUN BANDHU: Thank you, Aimée. It’s such an honor to be here. Thank you so much for asking me to be here.

I saw the play on Friday night. It was so powerful, I am still thinking about it.

Seeing that scene, I keep on thinking about the word “authenticity.” Who controls the right to represent a group of people? It’s something that I and the group that I formed, the Asian American Performers Action Coalition, has actually really been grappling with.

One of the most major, high-profile actions that we had recently was a production of The Nightingale out in La Jolla. The Nightingale was a musical workshop that was music by Duncan Sheik and lyrics and script by Steven Sater, which was an adaptation of Hans Christian Andersen’s fable The Nightingale, about an emperor in China. It was gearing for a Broadway tryout.

What they ended up doing was they wanted to, because it was not a realistic piece, because it was based on a fairy tale, they wanted to multi-culturally cast it. I think that this is something that a lot of theater makers are grappling with right now, because we are in an increasingly multicultural America. What is the right way to do it? Is it okay to have a representation on stage that represents all of America, all the different races of the world? Or is this a specific story about a specific group of people?

One of the exceptions I took to the casting of that production was the fact that out of a cast of nine, there were two African-American women, who were playing primarily sort of supporting roles, and there were no Asian actors whatsoever; there was one Latino; and the lead, the emperor of China — his character’s name is the emperor of China — was played by a white guy. No, I’m sorry. There was one Asian woman in the cast as well. Excuse me.

To us this was a very specific location and place. Whether it’s a fairy tale or not, you are placing it in China, you are making references to specific historical fights and stuff that they had against the Mongols. There’s a specific time period that this takes place in. They were borrowing from Chinese costumes.

In fact, it was actually done quite irresponsibly, if I can just put that out there. It wasn’t just Chinese costumes. They were also mixing some Japanese costumes in there, some Mongolian lanterns. It was sort of a hodgepodge.

So the question of authenticity comes up. One of the things that AAPAC does is we publish the only publicly available statistics on representation of race in New York City theater. So we know that in New York City in the nonprofit world, on Broadway, Asian
actors only represent about 2 percent of all available roles.

Here was an opportunity for roles that we were uniquely suited for, and yet we were being denied the opportunity to portray ourselves, to represent how we wanted to be portrayed. Within that, there’s all of the history, a history of yellow face in theater and in film, and a history of appropriation of other cultures.

So we raised a stink about it, actually. We had a huge social media campaign. La Jolla Playhouse was bombarded, their Facebook page was bombarded, and there was a letter-writing campaign. Their board got really agitated.

So they reached out to us to participate as part of a forum, where they wanted to explain their perspective, the fact that they really didn’t mean to cause harm, they had actually asked one Asian actor to audition but he wasn’t available for the emperor role.

What emerged from all of our discussions is that the question of representation means so much to minorities because we so rarely get the opportunity to see ourselves and our stories being told. In addition to that, it’s so rare that we actually see ourselves reflected in the forces — cultural, political, social forces — that actually shape our society.

Even though I am not necessarily Chinese-American, we all, Asian-Americans growing up in America, whether you are Japanese-American or Chinese-American or whatever, all experience a same sort of racism. We were all called the same names on the playground, for instance.

So this to me was an opportunity for Asians to see themselves as emperors.

The one thing that we kept on bringing up to them was: You know what? If this was The Lion King cast in Africa and you cast with a predominantly white cast, and in addition to that have the kings be white, there would be a race riot on your hands. You would immediately know that that was unacceptable.

But somehow, when it comes to Asians, perhaps maybe because we have been so outside of the conversation, these progressive-minded, these well-intentioned people really thought it was okay. So it was really interesting.

To answer the question “is empathy enough?” no, I don’t think empathy is enough, because sometimes — you know, we have conversations with theater makers all the time about these low statistics.

In addition to trying to further Asian-American stories, one of the things that we try to do is to increase color-blind casting as well. What we’re really positioning here is that there is a lack of opportunity for Asian actors. It’s a question of access.

I am never called in to play the Midwestern neighbor or the Southern doctor, and there’s no reason why I shouldn’t be — much less the lead.

We had a forum here, actually, a year ago, where we were coming to some conclusions with major theater leaders. One of the conclusions that we raised was the fact that Asian-Americans aren’t seen as Americans. So casting directors can go for ten years or more and not have to call in an Asian actor, until finally they have an Asian role that they have to scramble to cast.

It’s about storytelling in many ways, what we do as theater artists. What we found is that it cuts through — it really raises the question of who is able to — the types of stories you’re
telling and how you represent the people in that story.

But the arts is probably the only institution where you are allowed to discriminate based on age, race, how you look. If this was a corporation, they would not be allowed to say, “Well, you know, you’re not going to get the role because you’re black or because you’re Latino.” But in this particular case —

And so, because of that, it perhaps is a good jumping-off point for us, because it reveals sort of the subjective biases that are at play amongst our theater institutions.

For me, I’m very much concerned with — I would love to talk about the concept of lip service, because I talk all the time with really well-intentioned-meaning theater makers who do have the empathy, who are like “Yes, there’s no reason why we shouldn’t call you in more for other types of roles.” And yet, nothing much gets done about it. It’s not met with action, as Aimée was saying.

It’s no different than what female Hollywood directors are facing. There was a great article where a woman was saying, “Don’t even question that there are fantastic female directors out there.”

I would say the same thing, don’t even question that there are fantastic Asian actors out there. But the fact is there are specific reasons why the opportunities are not level.

So for me, any company, for instance, who has a D&I policy, a diversity and inclusion policy, can make the case that, “Hey, if we already have 98 percent men in this corporation and we want to encourage gender equality, if there are two equally qualified candidates, let’s hire the female candidate. Let’s take a direct action.” To make diversity a real core value to a corporation, that’s when things actually happen.

For us, so much of the things that we do is we raise consciousness. But I also think that for things like *The Nightingale*, that conversation wouldn’t have happened if there hadn’t been a bunch of people saying, “No, that is not acceptable.”

It looks like I’m out of time.

**AIMÉE MEREDITH COX**: That was wonderful. Thank you for that.

I’d just like to say as someone who is always over time, it pains me to set those bounds, it really does.

Rubén, please.

**RUBÉN ROSARIO RODRIGUEZ**: Thank you. Again, thank you for inviting me. It’s a real pleasure being here.

Pun, I guess what you’re telling us is even though the nation has learned a lot about racial profiling since 9/11, casting directors still haven’t learned that lesson.

**PUN BANDHU**: They’re all so well-intended.

**RUBÉN ROSARIO RODRIGUEZ**: I am coming at this, obviously, from a very different direction, but I hope we intersect somewhere along the way.

I have lived my life under the conviction that without religion and without the Christian faith in the history of this country, there would have been no anti-slavery, no civil rights
movement, no Civil Rights Act of 1964.

At the same time, as my own academic work has struggled to show, theology has all too often been the cause of racism. Yes, theology has been and continues to be an important factor in resisting racism, but we have a lot to amend for.

But in the final evaluation, Christian theology empowered resistance among African slaves, whose own culture and religion had been taken from them, and they found empowerment because in the story of a marginalized peasant from a backwater region of the Roman Empire, an itinerant preacher who confronted power with nonviolence, who spoke truth to power, and who was executed for his convictions, many slaves found good news.

Despite the cynical manipulation of the Christian religion by white slave-owning preachers who taught a religion of passive acceptance — love your neighbor, turn the other cheek, forgive those who wrong you seventy times seven times (unless you happen to be, I guess, the slave owner) — in this religion the slaves heard the biblical narratives and in these stories encountered the living God, the God who brought good news, good news to the poor, release to the captives, sight for the blind, and freedom for the oppressed.

The story of Jesus is called the euangélion in Greek, the gospel, the good news. The Christian theological tradition is rooted in the act of sharing this good news, what we theologians call evangelism. This comes from Jesus’s commandment to his disciples, “Go therefore and make disciples of all nations.”

So many of the problems Christianity has perpetuated in this world, racism included, stem from how Christians have interpreted and shared the good news, specifically how Christians have confused sharing and proclaiming God’s good news with the act of imposing their own limited point of view.

I want to suggest to you this evening that successful evangelism is sharing good news through persuasion, not coercion. So much of what passes for Christian evangelism has failed because it has embraced the latter.

Yet, coercion is a huge temptation, because coercion is an act of power, and with power comes the mistaken belief that we can remake the world in our own image if enough force is applied.

Persuasion, on the other hand, succeeds precisely when it surrenders power. Persuasion is the art of presenting truth in all its beauty and trusting that the audience will recognize, affirm, and embrace this beauty.

But the person sharing this truth, sharing this beauty, is powerless to coerce the other into recognizing truth and beauty. All that the preacher, the poet, the musician, the playwright, or the artist can do is present the truth as well as she or he can, as well as their talents allow, and hope that the power of truth and beauty can overcome prejudice, bigotry, hatred, and sin.

Racial justice seems to elude our nation, despite monumental efforts over many generations to correct our nation’s Constitution, to rewrite laws more justly, to codify human moral behavior, and it eludes our nation because a moral conscience is not something that can be coerced.

We need legislation, don’t get me wrong; we need just courts; we need civil rights
protections. But all of the efforts of generations of civil rights activists to transform the American conscience cannot succeed without empathy.

So is empathy enough? No, not by any means. But empathy is not something we've tried hard enough. Empathy is something that needs to be nurtured over time, and it cannot be legislated, it cannot be forced into being.

Jesus understood that coercion does not lead to moral transformation. That is why he preached in parables. These parables are wonderful, open-ended stories that leave the audience thinking, much like the play that we saw a scene from today. The interpretation is up to us. We get involved in the narrative. It becomes our story.

So in the end Jesus’s model of evangelization is one of gentle persuasion employing creativity, beauty, and compassion in order to foster empathy, empathy defined as a profound understanding of the suffering of others.

The paradigm for this use of parables is the parable of the Good Samaritan, in which Jesus contrasts the hypocritical actions of the religious leaders of his day and age, the priests and the Levites, over against the selfless actions of a Samaritan.

For those of you who don’t know, the Samaritans were a group, an ethnic minority in the northern region of Israel, who were hated and persecuted by the Jewish establishment. So Jesus tells this beautiful, wonderful, moving story in which the hero of the story is a persecuted minority, and he drives the point home with his audience. It’s the Samaritan who went out of his way, who took a personal risk, who sacrificed his own wealth and comfort, who acted as a neighbor to the injured man. Persuasion.

The art of persuasion is also found in the letters of Paul the Apostle. His own evangelism worked in this way. There is no greater example than the letter to Philemon in the New Testament. This was the letter that in the history of our country was used by both abolitionists and pro-slavery groups. In fact, it was justification for the Refugee Slave Act of 1850, arguing that Paul intended for the slave Onesimus to be returned to his owner.

But we need to read the letter a little more carefully. In this letter to Philemon, who is a friend and a fellow convert to Christianity, Paul does indeed return the runaway slave to Philemon, one Onesimus who had also converted to Christianity, and he gives him the following instructions. If I have time, I am going to read the passage from the New Testament:

“For this reason, though I am bold enough in Christ to command you to do your duty, yet I would rather appeal to you on the basis of love, and I, Paul, do this as an old man and now also as a prisoner of Christ Jesus. I am appealing to you for my child Onesimus, whose father I have become during my imprisonment. Formerly he was useless to you, but now he is indeed useful both to you and to me. I am sending him, that is, my own heart, back to you. I wanted to keep him with me so that he might be of service to me in your place during my imprisonment for the Gospel. But I prefer to do nothing without your consent in order that your good deed might be voluntary and not something forced. Perhaps this is the reason he was separated from you for a while, so that you might have been back forever, no longer as a slave but more than a slave, a beloved brother, especially to me but how much more to you, both in the flesh and in the Lord.”

In this passage, Paul is charging Philemon and asking him to receive Onesimus not just as a slave anymore but as a beloved brother. Paul makes the point, a rhetorical point, both in the flesh and in the Lord. He’s saying it’s not just a metaphorical freedom and embracing but a literal one. He’s telling him, “Free him, free your slave, welcome him as a brother.”
He ends the letter by saying: “Confident of your obedience, I am writing to you knowing that you will do even more than I say.”

Yes, it’s persuasion, but maybe a little heavy-handed. That this letter survived, though, that it was duplicated by religious communities, by the early Christian church, that it was widely dispersed throughout the Mediterranean world, despite the pervasiveness of slavery in 1st-century Mediterranean culture, reflects its importance for the earliest Christian communities, and it speaks volumes about the power of persuasion over coercion.

I don’t want to get too bogged down in the history of slavery in ancient Rome, but the fact remains that this was the dominant law of the land, this was the dominant culture in which Paul, already imprisoned for preaching the Gospel, was trying to transform hearts.

I think, as a theologian, my biggest disappointment reading the Bible is why did Jesus never condemn slavery? Why didn’t he come out and say, “This is wrong”?

I’ve done a lot of thinking, I’ve done a lot of textual analysis, and I’ve done a lot of historical work. It’s interesting that by the 4th century the Capadocian fathers had in fact condemned slavery. They, in effect, said: If all humanity is the image of God, then we cannot own another human being; that would be tantamount to owning God and putting God in chains. Therefore, slavery is wrong.

So sometime between the year 100 and the writing of the New Testament and 300 years later in the middle of the 4th century, the church came to this understanding. It took a lot longer for the church to completely abolish slavery, but nonetheless its theology understood slavery was wrong.

So the question as a theologian that I ask is: Why didn’t Paul outright condemn slavery? Why didn’t Jesus outright condemn slavery?

I made reference to a passage earlier in my first few comments, that Jesus is the one who brought good news to the poor, release to the captives, sight for the blind, and freedom for the oppressed.

This is a passage from the Prophet Isaiah, and it is the passage the first time that Jesus preached in a synagogue that he read. When he read it, he said, “This day this prophecy has been fulfilled.” He preached this in his home town of Nazareth.

Anyone here been to Sunday school? Do you know what happened next? They tried to kill him. They ran him out of town and were going to push him off the edge of a cliff.

Persuasion, his words spoke, they sink in. I think that, unfortunately, the tradition didn’t have the courage of those words until 300 years later, or maybe 2,000 years later. That’s why we’re still wrestling with this.

Thank you.

AIMÉE MEREDITH COX: Thank you.

Ariela?

ARIELA GROSS: It’s an honor to be here and to participate in this conversation. I want to thank Jim and Patricia for inviting me and my fellow panelists, and the actors as well.
Who can speak for history? Who can speak for Africans or black people or white people? This play raises those questions. The call for the panel asked us to consider whether a culture of empathy could produce moral transformation and help lead us to racial justice where law falls short.

As a student of law and of history, I guess what I want to talk about in these exactly eight minutes are the intersections of culture and law in the American past, and maybe present, in producing racial injustice and may help us think about how we get to justice.

My particular field of study is local trials, where ordinary people interacted with the legal system with one another in their everyday lives. So I guess I’m going to follow Aimée in giving you a few snapshots from the different areas where I have done research that came to mind as I was reading the play and watching only this scene, because I didn’t get to see the whole play.

My first book looked at day-to-day commercial disputes among white men involving their slaves, because I found that these really routine disputes that took place about things that happened in the marketplace told us a great deal about the way people defined race through stories about black and white character in their daily lives.

So, for example, the most common case that would come before a Southern court in the 19th century was not a big constitutional question, or even a criminal case; it was a breach-of-warranty case. The buyer of the slave would sue the seller for a breach of warranty and say, “He sold me a bad slave. He ran away.”

The seller would say, “Well, he was bad because you were a bad master. Like master, like man.”

The buyer would say, “No, he was an irredeemable savage and you hid it from me.”

The seller would say, “In the wrong hands he was a savage; in the right hands, a child.”

Those myths about blackness — the child/savage duality, for example — they have echoed through American culture, through the legal system, right down to this very day. Black men and boys are still plagued by the image of the child who can become a savage if ungoverned. That myth justifies violence against black boys in the eyes of too many. I think we just saw a trial in Florida where we’ve seen that happen.

Could empathy be the antidote for that kind of racial ideology? Courts certainly taught messages about slaves as people without agency, unable to think for themselves, even as the evidence presented in court, sometimes by whites, contradicted the message. But whites learned not to identify with black people. They learned this in countless ways, but one was in the courtroom.

Another set of trials. My second book looked at trials of racial identity. Throughout U.S. history there have been trials where courts tried to decide whether someone was black or white or Indian. Those cases arose when a slave sued for freedom — they said, “I’m white; I should be free”; or when someone was prosecuted for a crime or disqualified as a witness as a person of color; even after the end of slavery, when someone was convicted for interracial marriage or excluded from schools or voting or naturalizing to citizenship because they were not white.

Who was really white? How could one know? Those cases were filled with the anxiety of racial unknowability, that white people might be deceived by a black person passing in their midst, or, alternatively, white fear that this might happen to them, that white
identity was unstable and that they could be degraded to the lower caste if the community turned against them.

The answer to those fears was twofold, and I think it’s a duality that has continued to this day: on the one hand, experts; on the other hand, common sense.

Doctors, scientists, anthropologists said to courts and to communities, “Don’t worry. We’re experts. We can tell you who’s black, who’s white, who’s Indian, how to classify the Chinese, the Malay, the Punjabi Indian, the Syrian Christian, the southern Italian.” They had elaborate classification systems.

But at the same time, people kept coming back to the idea “we know it when we see it.” One witness in a Louisiana trial said, “A true native of Louisiana can tell African blood the way an alligator knows a storm is coming.” [Laughter]

The experts were peddling a so-called “scientific” concept of race, something in the blood. But even though legal rules were all about degrees of blood, fractions of ancestry, what really happened in courtrooms was ordinary people talked about race in terms of performances — the ways people behaved, whom they associated with, how they danced, whether they slept with white men or women, and whether they sat on juries, mustered in the militia, voted. Did they act like a citizen? The ways they performed their identity.

That understanding of race as both a scientific fact of nature and something we perform makes up our common sense of race, an idea not only of blood but that blood will tell. That common sense, I think, has had an enormously long life. Common sense made everyone an expert. Locating expertise in the community is not always a good thing. People used their racial knowledge as a weapon against enemies. Danger and violence resulted from community action.

But I think it’s important to remember the power of local culture and local law in creating the ideas and the norms that shape our lives. Race was never something imposed from above, imagined by experts, acquiesced in by ordinary people. It’s something created and recreated every day through the workings of community institutions and individuals in daily life, and we still create it and recreate it and perform it and face its consequences.

Drury’s play makes us confront those questions of authenticity. Who can tell the story of southwest Africa? Is history always the white story all over again all the time? Why do white people like me tell black stories? She does it humorously at times, but the problem of authenticity is an ever-present one.

Is Barack Obama ever black enough or white enough or mixed-race enough for the people who want him to represent blackness or whiteness or mixed race? Is his story the quintessential American story or a nobody’s story? Did he become president because he was black or because he wasn’t really black, because he’s a true American or not even a citizen?

If the answer to the terrible history of legally imposed and structurally embedded racial inequality and injustice were just to stop noticing race, to stop classifying by race, to stop doing race, become colorblind, and it would all just go away, then questions of authenticity would be silly questions, absurd mistakes.

But they’re not. They matter because performances matter. Performances are the way law and other discourses have taught us what race means, and they are what’s left when we have supposedly barred discrimination on the basis of race.
It does matter who tells the story. The subject position matters. I don’t get to have a transparent racial subject position. I’m white, I’m Jewish, I’m a woman; I live in Los Angeles, a city of intense racial segregation and economic inequality.

And yet, as a historian, I believe empathy is possible, that historiography, the writing of history, helps to make empathy possible.

Jackie Sibblies Drury did the research on the German genocide in southwest Africa as a senior at Brown, and I first encountered the trials that I study as a first-year graduate student. I didn’t know that I wanted to write about race until I started that research.

But as we learn and tell stories about the past — and I agree very much with my fellow panelists that it’s about storytelling — as we tell stories about the past and about the present, we imagine other futures. We have to stretch ourselves to imagine worlds and consciousnesses that are very different from our own. So empathy doesn’t mean thinking “what I would do if I were you.”

My final thought is about history and memory. Lately I’ve been interested in and have been writing about the way we as a society remember slavery and the interaction between the history and the memory of our tragic past — slavery, the slave trade, genocide.

In France, for example, where slavery has been named in the law as a crime against humanity, Antillean organizations from the islands, Martinique and Réunion, organizations made up of slave descendents argue that other blacks in France cannot share in the memory of slavery; memory suggests ownership, authenticity.

But history makes all of us strangers, all of us needing to develop our empathy. To some, history means science, professionalism, and expertise. But I want to suggest what if it’s the opposite: only descendents are experts at memory, but history requires all of us to do the work. I think that’s what I saw in this play: We all have to do the work.

AIMÉE MEREDITH COX: I want to thank you all for those brilliant remarks.

I just want to go ahead and jump right in. It started with a comment that you made — all of your remarks actually, Pun — talking about what it means to be Asian or Asian-American-identified and be a performer. As I was reading all of your work and listening to you today, there’s something that keeps coming up for me, and it’s a knot that I have not yet untangled. I don’t expect that we will. But I want us to think through it and talk about it.

It’s something that we see in the play. This is the primacy of the black/white binary. So when we talk about empathy and when we talk about racial justice in the United States, for very important and obvious reasons, we return to slavery, we return to the historical understanding of slavery that is very flattened and simplified. We’re not even teaching it well in schools at all. So there is a history that is sort of a phantom history. But again, when we think about race and we think about racial justice, it becomes a dichotomy.

What we lose in that, obviously, is what we really mean by race and what we really mean by experience. So understanding race, yes, as a social construct, but understanding the material reality of what it means to live race in the United States, and whose histories, whose stories, are lost when we return again and again to that binary. But, at the same time, that is the foundation of this country’s history.

So, just thinking about, as a performer and as educators and researchers, how you — and you, Rubén, talk about the Latino experience and God and how we teach and think about
race beyond but not despite the way that we understand anti-blackness globally but particularly in the United States.

Would you all like to speak to that?

**RUBÉN ROSARIO RODRIGUEZ:** Pun’s comment about “is empathy enough? — no, sometimes action is demanded” — I think in my own reflection, as someone who is Latino, trying to make sense of the Latino experience in history of race, especially in the Caribbean where I grew up, there are differences. But in the end there is something objective and real. It’s a history of real human suffering, real exploitation, often on the basis of just skin color.

I fought long and hard with New York University Press for what I wanted the cover of my book to be. In my home town in Puerto Rico, Dorado, there is a statue representative of mestizaje, of the Caribbean peoples. It has a Spanish conquistador in the armor holding up a sword as a cross and the Bible in one hand. Then, off to one side and behind, is the African slave. The chains have now been unlocked and they have fallen at his feet, but nonetheless still a slave. And then, over on the other side is the indigenous Taino Indian, very peaceful and submissive, standing in the background.

The irony of all this is that this was a sculpture made for the anniversary of Columbus’s accidental discovery of the Western Hemisphere by a European Basque sculptor. This was his representation of the cultural mestizaje of the conquest.

I wanted it not because I thought it was a true representation of that, but because of exactly the kind of imperialist imposition. It doesn’t let us forget that history because it’s still enacting that history, and it ignores the genocide and it ignores the exploitation of African slaves.

It was a struggle, and I didn’t win out, and they went with some generic picture that they had copyright access to. But nonetheless, it was one of those moments, like Pun said, that I felt I had to make a stand, that action was demanded, because I don’t want people to forget that history. Whatever else we can say in this context here and now about race, we still have to deal with that. That’s what we carry. So these comments about history and memory are so important.

**PUN BANDHU:** The stories that we tell determine who we are as a culture and the values that we have that we impart on future generations. Obviously, the racial relations between whites and blacks back then, during slavery, is such a huge part of our American history. It unified our country, and we are still dealing with the ramifications of that.

I think you’re absolutely right, Aimee, that we still don’t know so much about that. We’re still not telling the story accurately.

And yet, I am reminded of so many examples of friends. I ask them, “Have you seen *Twelve Years a Slave*?” They’re like, “Oh, I really should, but I just don’t want to put myself through that” — you know, the resistance to something like that.

In a way, we are telling the same story again and again. Related to the increase in multiculturalism that I am talking about — and Ariela and I had a fantastic conversation beforehand, where she was like, “You know what, multiculturalism is not post-racialism.” But there does seem to be this engine or this mechanism within society now where we’re like, “Okay, yeah, we’ve talked about race already. Barack Obama is president. Let’s move on now. Let’s try to transcend that and let’s talk about true equality.”
That's sort of what I was saying before, is that I think there’s a difference between equality and true equity. Equality creates the conditions whereby everyone is equal. In that system, I think people would all agree that you should cast the best actor regardless of race. It should be about talent.

And then, the reality is that equity sees the reality that the playing field is not yet equal, that in order to create true equity, you have to make sure that everyone has the same level of opportunity. And so if that hasn’t happened yet, you can’t have this ideal of equality.

One of the biggest sort of mind-blowing moments for me on Friday when I saw the show actually came during the talkback afterwards, when Brandon, the actor playing another white man, his character, revealed in the talkback that he’s actually half black.

I think that the way that we talk about race today is still in that very binary way that you’re talking about, Aimée. I don’t even know if we even have the capability to deal with or discourse about how racial relations actually have evolved. When so many people are mixed, what is a specific race?

When you go back to casting, the color of someone that you cast — I had a conversation with the Casting Society of America, the board of directors. They actually invited me to be there because they really were concerned about this issue of how do we deal with diversification and how do we increase and encourage diversification.

They were, again, so well-intended and well-meaning, until I was like, “You know, most of the roles out there are not racially specific roles. You look at, say, Martha in Who’s Afraid of Virginia Woolf? She’s just the daughter of a college president. Yes, it happens in the 1960s, but so what if you have an African-American actor playing that role or a Latino or an Asian actor? It really is about the relationship between her and her husband, isn’t it?”

Suddenly, there was this like “Well, well, that changes the story being told.”

So when I think of what Brandon was saying, that he’s half black, he absolutely has the authenticity and the cultural experience to play a black man. But him playing a black man suddenly changes the story being told in a very different way than Barack Obama, who’s biracial, but because people see him as predominantly black, he represents a different story being told. And yet, the discourse that we have is so binary that we have no way to really talk about the multiple layers of that experience and who has true authenticity.

ARIELA GROSS: Wow, so many thoughts.

My first reaction is just to Aimée’s original comment about the flattened version of history that we’re teaching. It made me think of — and this is part of the conversation I had with Pun — I’m the parent of teenage daughters. It’s very instructive to me learning about how they are learning race in a different way from the way I learned it coming up so many years ago.

But what I remember was when my youngest was maybe seven, we were in Germany, and we were in Berlin, and we had been to see a bunch of the tourist sites, and they had been to the Holocaust Memorial and then they had been to the Berlin Wall.

Somebody asked my daughter what she had been to see. She said, “Oh, we went to that wall.”

They said, “What wall?”
She said, “You know, the wall that Hitler chased the slaves over.” [Laughter]

They learn a certain version of like the really bad stuff — slavery, the Holocaust; maybe they get to the Cold War.

And they also absolutely always thought of Martin Luther King when he saved the slaves. But that’s because we learn kind of like the highlights of a certain story.

For me, thinking about that black/white binary and how much we are still shaped by that, even though we were never a binary society, we were never separate, and the idea that somehow multi-raciality is new — it’s certainly different now, but the idea that mixing is new is not right.

But also, as I tried to tell a longer story from the early America to the present, I realized that — and I think it’s the same thing Rubén is talking about — really getting the first part of the story right is about the way race in the United States is born out of a three-way relationship, of the enslavement of, and transportation of, forced migration of, Africans at the same time as genocide and displacement of Indians, and that, even conceptually, whites conceptualized race — the Negro always in contrast to the Indian. Figuring out that kind of three-way relationship was what started to make more sense for me.

And then, at later moments, really the post-Civil War moment of American empire, when the United States is going and colonizing Puerto Rico, the Philippines, Hawaii, at that moment, and at the same time having immigrants who come to the United States be excluded from citizenship — first Chinese-Americans are excluded from citizenship, then effectively Japanese, and then other groups as they are coming to the United States — but it’s really in the black/white/Indian relation that the equation of whiteness with citizenship happened.

So by the time of that later moment, what I do think carries over is that equation of whiteness and citizenship. So that when courts are saying, “Hey, gee, we have this person from Japan and he comes forward to us” — Ozawa comes to the U.S. Supreme Court and says, “Look at me. My skin is white, I speak English at home, I have a Ph.D. from Berkeley. I should be a citizen of the United States.”

The Court knows to say, “I’m sorry. You individually seem to be doing a great job performing this identity, but your group we know is not Caucasian and you can’t be a citizen because you’re not white.”

That I think is established from very early.

**AIMÉE MEREDITH COX:** Thank you.

I’m going to ask one more question because you all are so brilliantly verbose in the most magnificent way. I really mean that as a compliment. It’s really great.

The beautiful thing about this, and I want us for this last question — it might be difficult — to really have a conversation. So if you want to stop somebody and say, “Wait, hold up a minute, I want to add to that or challenge you,” that would be really wonderful.

As you were all talking and making your comments, clearly narrative keeps coming up, storytelling and narrative as a way to get to that transformation of the heart that you talked so much about, Rubén, or how we transform minds or how we actually can persuade towards empathy.
But then, I keep coming back to empathy as always tied to trauma. So we talk about empathy as connection, understanding, awareness, but it’s to someone’s history of trauma, to someone’s history of pain.

I’m wondering what we might find, or how we might think or write or perform differently, if we access people’s humanity, not just through their trauma, not through how they have been exploited and oppressed. But moving to a place of empathy, if we are really talking about understanding individual and collective humanity, has to see the complexity of humanity, and it’s not just your pain and your trauma.

But, with that, I’m also challenged by how, particularly in popular culture — I’m just going to use this as an example — we can move into that really dangerous place that you talked about, Pun, where empathy and understanding can quickly morph into appropriation and I will just say, in the case of popular culture, buffoonery. So this idea that when you’re not understanding someone’s pain or empathizing with their pain, when you’re trying to understand their culture, where they’re coming from, or the full beauty of their lives, it’s easy for those stories and the understanding of those stories to turn into something that’s equally as dangerous as not understanding or not wanting to know at all.

I was just wondering if we could talk about both the possibilities and the dangers of thinking about empathy differently, beyond trauma.

**PUN BANDHU:** I have a really short comment, actually. That is that one of the things that I have been arguing for all along is universalism. That’s my point. Minorities have grown up in this predominantly white culture, listening to other predominantly white stories and seeing ourselves through those stories, those hero myths or the fairy tales that we listened to — Hansel and Gretel, or whatever it is, these cute little German kids with blond hair. I identify myself with that. I go on that hero journey. I want to be that hero or whatever and kill the witches as well.

That is a form of empathy that is not based on trauma. In fact, I think it’s much more powerful, because I don’t need people’s pity — you know what I’m saying? — necessarily. It’s not empathy as pity; it’s truly seeing that if I was cast as the hero, even if I am a minority in this culture, hopefully, people can see themselves through me as well.

**RUBÉN ROSARIO RODRIGUEZ:** I think, to get to the point of a positive path to empathy, history allows us to do that, the discipline of history. So I’m glad you’re on this panel.

It’s interesting. You mentioned American imperialism in the Western Hemisphere. Up until the year 2012, there had not been a major history written about Latino Christians, specifically Catholics, in the United States that did not begin with the year 1898, the year of the Spanish-American War. Now, keep in mind that there have been Spanish-speaking Christians in the Western Hemisphere since about 1492, I think, and yet no major history had been written until Timothy Matovina, who’s at Notre Dame, wrote this wonderful book on Latino Catholicism, which is exactly this kind of positive celebration.

He looks at case studies of major cathedrals and churches that have had deep, long roots, going back almost as long as we have existed as a nation, especially in, of all places, Baltimore, which was a haven for Catholicism, including Spanish-speaking Catholics who entered the nation. So that work is being done.

I think what needs to be happening, though, is at the same time we live in a culture that everything can be commodified for sale and profit. So culture becomes just something else that we trade.
“Buffoonery” is the right word. We have to tread very lightly, we have to be very careful, because in celebrating diversity we don’t want to whitewash history and we don’t want to minimize people’s suffering. But at the same time, how do we get to that point where other people can be our heroes, our models, who are so different from us?

I think it’s just happening, because we can’t avoid other cultures anymore. That’s just the world we live in. But it’s a long, hard, painful road, obviously.

**ARIELA GROSS:** Well, I see a big pile of cards. I don’t want to take more than just a minute, but just on the question of cultural appropriation, which I’m glad that Pun raised, because I think that too is such a — you know, there’s this hard line to walk between. We want cultural — the word has just escaped me. I was going to say synthesis, but I know there’s actually a word that’s escaping me. It’ll hit me in a moment, I’m sure.

**VOICE:** Assimilation.

**ARIELA GROSS:** No. That I think is the negative version, where you just assimilate to the dominant culture. But I was thinking of the word anthropologists use, Aimée, for when you get cultures that actually —

**AIMÉE MEREDITH COX:** Inculturation?

**ARIELA GROSS:** No. It will come to me.

But in any case, my older daughter asked me recently, “What’s so bad about cultural appropriation? Why is it so bad? What’s so bad about Eminem wanting to play black music? Why isn’t it a tribute or an appreciation?”

I had to give her the little history lesson about The Ronettes and Phil Spector. Part of it was just bringing back the economics of appropriation, that it’s not just about taking credit, it’s about somebody made millions of dollars from that music and somebody died penniless.

To me, kind of the materialist part of my being a historian, it’s just let’s remember that it’s not just cultural appropriation, but actually theft. There’s a lot of theft in our history. So that’s a piece of it.

Part of the equity we are talking about is just basic let’s step up and get a seat at the table and a piece of the action here, because some people are making out like bandits on this.

**AIMÉE MEREDITH COX:** Thank you.

I’m going to move into your questions now. I’m not censoring you. So if I am reading your question and you think it’s yours and it may be shortened, I’m just trying to make it clear.

I’ll start with this one, which I think is a really great question: “How much power do you think language has to change race relations in our constant struggle to be politically correct? Is this helping or making reaching common ground more difficult to attain? Does having institutions, such as affirmative action, keep us in a backward state because it keeps reinforcing that we’re different?”

I feel like there’s two pieces here. There’s a question of language policing. You don’t have to identify yourself, but this question about PC language and how much does our inability to speak openly and truthfully inhibit our ability to get to a place of equality and equity?
Maybe that’s a big enough question. Let’s just talk about language and how we communicate with each other around these issues outside of panels like this.

ARIELA GROSS: Pun, you were talking about — we were talking about this before the panel actually, about language. I don’t want to put you on the spot.

Language that kids hear in music and then they think Hey, it’s okay for us to use this language, and we don’t recognize how damaging it can be and what its history is. Those are really challenging questions that you certainly think about as parents.

PUN BANDHU: Yes. I was talking about my nephews actually, who were listening to music. They were saying at their school they trade the “N” word all the time and it doesn’t have the same weight.

So education, first of all, is very important. Let’s detail the history of that word and why it still packs such a punch.

But beyond that, I think that language does play a role, not in terms of being PC. I think it’s great that we are trying to be sensitive to other people. But I think it really is just about being respectful. It’s all about using respectful language and being aware that other people might have a different perspective when they hear a certain word.

I don’t know. I don’t even think it’s what you say; it’s how you say it, I think. Everyone can recover — you know, “Oh, I didn’t realize that that was offensive to you,” and then that will be totally okay, as long as you take the action once you have the empathy after you understand.

RUBÉN ROSARIO RODRIGUEZ: Language matters. Ada Maria Isasi-Díaz, a Latina ethicist who passed away last year, says that liberation begins with the ability to name ourselves. The truth is that for many groups in this country they have been already named, sometimes before we’ve even learned the language. We come to this country with hopes, aspirations. This is a nation of immigrants after all, right? While the streets are not paved with gold, at least you have paved streets, which I didn’t growing up.

Anyway, my point is that we are at a moment in history where now empowerment begins with defining ourselves, what it means to be Latino. You talk to most Latinos, they don’t call themselves Latino — “Soy puertorriqueño, soy Cubano, soy Colombiano.” You know, it’s where you came from, your roots.

The decision to be Latino is one that was debated among Latino intellectuals for about twenty years. Why? Because in 1973 the Nixon Administration decided we were all Hispanic. Suddenly we’re like, “Well, what does that mean?”

If you’re Brazilian and Portuguese is your native tongue, are you Hispanic? If you’re from Spain and your family immigrated to this country, are you Hispanic? You know, what are you?

So, because it was thrust upon us, we had to go through this very painful process, which alienated and divided groups.

So today we’re finally used to the name Latino/Latina. Then, all of a sudden, the Census throws something our way: “Are you white Latino or are you black or are you Other?” My family is a hodgepodge. It depends what day of the week you ask me. [Laughter]

Anyway, I think that’s why it’s important, because it’s a process of people whose options
have been limited through no fault of their own. We stepped into this bipolar history. Somehow we have to find our space so that we can be part of this immigrant dream.

**AIMÉE MEREDITH COX:** I would just like to add something. We construct reality through language. We construct experiences through language. I think recently political correctness is used as a stand-in for historical accuracy, as a way for a lot of people to get around having to do the work of understanding people who are different from them.

So there’s a hostility that’s attached to that — “Oh, you’re making me use this language that doesn’t really say anything so that I don’t offend anyone.”

I think quite often the case is that what a lot of us define as politically correct is really just correct. It’s historically accurate. It reflects how people name and think about themselves, rather than being named and thought about by other people.

So thank you for that.

This question is about legislation and the role of government: “What is the proper place of legislative coercion?” — we talked about persuasion and coercion — “such as President Eisenhower sending in federal troops to enforce *Brown v. Board of Education*?”

**ARIELA GROSS:** As the lawyer here, I’ll just say I’ve thought about this a lot. You brought up Eisenhower. I’m writing right now actually about the grassroots history of colorblind conservatism.

We have a Supreme Court right now that uses the phrase “the colorblind Constitution” as an argument against racial remediation, against affirmative action, and against other efforts to redress racial injustice. So they say, “We should not classify on the basis of race,” and they go back to Justice Harlan saying the Constitution is colorblind.

Most people tell the story of when did colorblindness shift from being kind of a liberal ideal to being this conservative anti-racial-redress idea, and they tell a Supreme Court story.

But I’ve been interested in how grassroots conservative movements “smoothed” from being overtly race-conscious or overtly racist to using race-neutral language, like “freedom of choice and freedom of association and school vouchers and anti-taxes, anti-big government” as a way to oppose civil rights.

A lot of the writing in this area about the history of the Constitution and of civil rights has focused on the question of whether the Supreme Court can make a difference. Was *Brown v. Board of Education* a hollow hope? Does it make any difference what courts do? Can they legislate social change?

One thing that I found a little — there were some echoes, not intentional at all, but when you were talking about “we can’t legislate people’s hearts,” the only part of it that made me nervous is because I’ve just come from reading all of these writings of conservatives in the 1950s and the 1960s that were all about how we can’t legislate people’s hearts. So it is wrong to rule this way, it’s wrong to — they were writing against fair housing, for example, only they called it “forced housing” — you know, “We can’t make people live next to each other if they don’t want to. We can’t make them sell their house to a black man or a Latino or a Jew or an Oriental.” That was their language of the time.

As you said — you’re obviously in favor of civil rights legislation, but that idea that you can’t make people do it — I just point to look at the change in attitude about gay marriage
in a handful of years. We were talking in the 2004 election — people were blaming Gavin Newsom and people who had brought gay marriage to the forefront. They were saying, “You lost us the election because public opinion is so arrayed against same-sex marriage that it is killing the Democratic Party.”

Within a decade, public opinion has shifted. I’m not saying it is all the way, but public opinion has shifted, and the courts moved first. The courts moved at a time that people thought This is crazy; it’s too early.

So I actually think while you can’t legislate people’s hearts, I think it’s a complicated relationship between law and culture and public opinion. All of us should be doing the work in the courtroom and out of the courtroom. But I think it’s amazing when you see the shift that has taken place.

**RUBÉN ROSARIO RODRIGUEZ:** If I can just say, it’s not at all my position to divorce the two.

**ARIELA GROSS:** I know, and I didn’t mean that.

**RUBÉN ROSARIO RODRIGUEZ:** But there’s something to be said, that the kind of change you’re talking about wasn’t legislated. It was a grassroots movement that got people organized to put things on state ballots and to get things going. It didn’t originate with legislators, I guess, in some ways. They eventually pushed and got them to answer it. But I think the initiative might have started.

**ARIELA GROSS:** If you look at where the grassroots activity was, way more grassroots activity — the ballot initiatives were almost all against same-sex marriage. There have been initiatives across the country “let’s reserve marriage for a man and a woman.” So I think actually, if you look at where the grassroots action was coming from, far more on the right. It was the Hawaii Supreme Court, the Massachusetts Supreme Court, if you look at the first movers.

Now, I’m not saying there haven’t been incredible both activists and litigators working for same-sex marriage. But I can tell you, as someone who worked with Lambda Legal and many of those, the civil rights community, many of the people who had been working for a long time in the LGBT community, were like, “It’s too early. We’re not ready. This is going to backfire.” People were afraid. There was conflict. There were views on both sides. But in many ways, courts were prime movers.

**RUBÉN ROSARIO RODRIGUEZ:** So leadership works is what you’re saying.

**ARIELA GROSS:** I’m saying it’s complicated. It can come from all sides.

**PUN BANDHU:** Or did social views change around the LGBT issues, because there was a younger generation who were exposed to more TV and film that had gay positive characters? I guess that’s the question, which influences each first? It seems like they do both in tandem with each other.

**AIMÉE MEREDITH COX:** It sounds like there were several questions in the same vein: Obviously, is empathy enough? All the panelists say no, that action is needed. Can each of you give an example of that action using your own experience or something that you’re familiar with? What could be something that could actually lead to maybe the beginning of transformation?

**RUBÉN ROSARIO RODRIGUEZ:** Autobiography is a major trope of Latino theology.
Your story tells a bigger story.

Just to locate my own autobiography, I went to the College of William and Mary in Virginia, a Southern school, a state school but with old money, old Southern ties, so much so that the history course on the Civil War is called “The War of Northern Aggression.” I’m not kidding. I don’t know if it still is today, but in 1986 when I started college that’s what it was called.

Doug Wilder, the first African-American governor of Virginia, was invited I think my freshman year in college to give the commencement address. The college Republicans were up in arms and were furious. Long story short, he was prevented from coming and speaking and being the commencement speaker. Look at twenty-five years later. Barack Obama is president of our country. Things change.

But one of the things that happened during my student days was that the faculty, clearly not in agreement with all of the student body, legislated and pushed. There was a student-run newspaper that was propaganda, it was powerful racist stuff, and they basically got it defunded and they had to go underground and become a pirate student-run publication.

It took action. It took the faculty saying, “We’re all for freedom of the press, we’re all for open free speech, but there is a kind of discourse that crosses a certain line.” So they felt that as a faculty they needed to act to do that.

PUN BANDHU: There so many specific examples.

I already talked about The Nightingale example. But I’ll talk about the corporate sector a little bit too, because I do some diversity training for those in the financial service sector.

I always like to talk about the business case for diversity, because you have to look at people’s interests in order to motivate change. If the moral imperative is not enough to motivate — if people care about the moral imperative but it itself is not enough to make it a core value to instigate change, then you have to talk about what is enough, what will change people.

One of the things that I talk about with theater companies too is, “You’re dealing with an increasingly multicultural population with a younger generation that is exposed to diversity all around them, with a whole slew of entertainment options. If you are out of step with where society is, if you are continuing to do all-white productions of plays that appeal to just a specific demographic, there is a business case there. You are going to lose your audience. There is a reason why subscribership is dwindling perhaps, or there’s a sea of opportunity for you to reach out to more diverse audiences to come see your shows if you tell other types of stories.”

And then I just wanted to say that there is a point where that sort of shifts into a moral imperative, because as society becomes increasingly more multicultural, the examples of exclusion become more and more inexcusable, become more and more unjust and more glaring.

For instance, there was a blog post about how The New York Times doesn’t have a Latino reporter amongst its thirty-six staff members, even though the city is like 16 percent Latino. So there is a very clear example where it would be to the interests of The New York Times, not only because of the public shame that comes from information like that and a deterioration of brand reputation, but also because it’s to their benefit to serve a sector of the city that is their readership and to have that perspective be represented.
So that’s when things start to change.

**ARIELA GROSS:** I’d just add on to that really quickly. I absolutely agree with everything Pun said, and especially about the reasons to value diversity that don’t become either the thin version that we were talking about before, where multiculturalism just means like everybody brings a different dish to the potluck, this very thin version, but also that doesn’t devolve into demands for authenticity and representation of a certain kind, where, for example, you are not called upon in the classroom if we’re talking about diversity in higher education, to give the Asian-American perspective, that you are not the representative of all the Asian students, including the Chinese experience if you’re not Chinese. But that can sometimes be what becomes expectation when you talk about diversity.

In constitutional terms, our conversation has really been narrowed by the current Court’s view of the Constitution, because it is no longer a legitimate argument in this Court to talk about redressing racial injustice as an argument for affirmative action. So we can only talk in terms of diversity.

We need a richer way to describe what it is that’s important about diversity, that it’s not “Oh, because we each have a different dish from our culture,” but that diversity matters because — and neither is it that there is a single black perspective or an Asian perspective, because then you get into these authenticity battles — “Barack Obama represents Hawaii and a white mother from Kansas, so he can’t give us the black voice.”

Instead, as you say, talking about both reflecting back to a younger generation, the diversity of experience that they have, but also bringing something that is forward-looking. You know, we can’t exactly talk about redressing racial inequality, but we can talk about restructuring our society for a more equal future, that affirmative action is about building a society where actually we’re represented in all the levels, not just in the corporate at the lowest level, but that we actually have the opportunity to see ourselves and to exercise power in all the levels. Education is just the first step to getting into those corporate boardrooms.

I would love to see a richer way of talking about diversity.

**AIMÉE MEREDITH COX:** This will be the last question. It might appear to you that it’s the same question that I just asked, but I suspect that the person who wrote this question is asking us to push a little bit further. This is just my guess. “You’ve been commissioned to write a book called Radical Empathy. Give us a synopsis. What does a radical empathy look like?”

I will just add to that. We just talked about action. Empathy is more than reflection, more than a soft feeling or an understanding or a connection, but it requires action. Is there any way that you could perhaps take what you maybe already talked about or something you haven’t mentioned and just push into what would a radical empathy look like, if you in fact think it might be different from what we’ve already discussed? If we’ve already gotten there, then that’s cool too.

**PUN BANDHU:** You know, I think one of the things about the play that it asks is, can we really step into someone’s shoes and walk a mile in their shoes, do we really have the experience of being able to crawl into someone else’s complete perspective, without filtering it through our own experience?

I feel like the playwright is sort of saying that no, it’s not completely possible to fully experience what another person is experiencing.
But I think that a radical empathy is a little different than what we are talking about, in terms of it’s not enough to just be sensitive or to care. I think a radical empathy would involve action in it. So the question of is empathy enough has to — we also have to ask, have we ever truly been truly empathetic? I think true empathy — if you are so affected by someone, I think that that should move you to say, “No, that is wrong.”

ARIELA GROSS: I think that’s right.

Also, what struck me in the play — and I guess this is the nature of theater, and I come to it really so much more as an outsider to theater — the constant dialogue.

I was so moved by what you were saying, Aimée, about the discomfort that the play puts each audience member in, literally in the seat of feeling the inability and the gulf that we’re all being asked to try to bridge, that you’re almost not looking at your fellow audience. I think it’s bridging that discomfort. It’s realizing *I’m going to say the wrong thing, but I’m still going to ask you. I can’t know your experience so I have to ask. I have to ask, I have to listen, I have to imagine and ask again, and keep talking back and forth.*

We all will filter through our own experience, but it seems to me it’s the engagement and not looking away, or looking away but then looking back, when it’s uncomfortable to just keep going. That can’t happen without showing that you are willing to do something.

I guess, coming back to history, to learn, to say, “Okay, I don’t just want to know, it’s not just about how you feel, but I want to understand, I want to learn more. I’m going to do the work to go back and learn more.”

RUBÉN ROSARIO RODRIGUEZ: In the scene we watched tonight, I had some radical empathy for Carlos’s character. I found that that character says a lot about blackness in our culture and, in particular, the sense that he felt he wasn’t being heard.

It really strikes me that in my own work on race as a Latino scholar looking at this bipolar history, trying to interject a brown perspective, that you look at the demographics of this country and the shifts that are happening. It’s the black males aged eighteen to fifty-five that are the most dropped out of our society, of our culture, who are not properly represented, who don’t have that ability to name themselves but are so named by others.

That sexually suggestive language probably made a lot of people uncomfortable. It needs to be there because we can’t hide from the discomfort. Those views and stereotypes about whiteness, blackness, gender, all of these things — yes, they make us uncomfortable, but if we are going to have radical empathy, we need to ride through our discomfort and let others be who they are.

PUN BANDHU: I wanted to add a little bit too about what Ariela was saying about tokenism through my lens of meeting with the theater industry.

It just seems like — again, I started my speech talking about lip service. I’m really interested with the idea of the institutionalization of biases and how do you start to unpack that. It ties into what Matthew was saying before about when you share, there is less.

I think that as these social forces work on these institutions, I think there is a give. Then you start giving the supporting roles — as long as the lead characters are white, then we can give a small supporting role to an actor of color, as long as the structures of power are still in place. But yet, those institutions still very much continue to be calcified and
So I don’t know what it would take, what kind of radical empathy it would take, to crumble those institutions. I wanted to ask that question as well, from a law perspective especially, or from a historical perspective.

**RUBÉN ROSARIO RODRIGUEZ:** I wanted to scream out that the constitutional erosion of affirmative action is very disturbing to me. Our U.S. Congress is not 51 percent female, and yet our population is.

When I started doctoral studies in 1999, 3.9 percent of Ph.D.s in this country were Latinos. Well, that number is still hovering around — in theology, in religion specifically — actually a little less than 3.9 percent now. So if, indeed, we are beyond considering racial justice as a criterion for admissions and job hiring, etc., then what has changed?

**ARIELA GROSS:** It always makes me think of one of the most disturbing lines in our Supreme Court jurisprudence, in the ill-named civil rights cases of 1883, which were actually the cases that struck down the Civil Rights Act of 1875, and it took another hundred years to get that Act enforced.

In that case, the judge in saying, “We are not going to enforce, this Act is unconstitutional,” said, “At a certain point the Negro must stop being the special favorite of the laws.” This is 1883, just eighteen years after the end of the Civil War. It was like, “We’re tired, enough already, he’s been the special favorite for eighteen years.”

That language of, as my colleague Darren Hutchinson calls it, racial exhaustion — like “Oh, we’re just so tired of talking about racial justice” — they’ve been saying that since 1883, “We’re so tired.”

And it was the same thing in Justice O’Connor’s decision, when she held on just a little bit for affirmative action, just a tiny bit, she said, “But in twenty-five years surely it will be done” — you know, enough already.

That idea that we’re good is really a barrier to moving forward. I do think it comes from this — part of is the basic idea that if you share there’s less, and we’re not really that interested in sharing. That can be dispiriting.

When you ask what’s one thing I can do, I had the feeling there’s so many! They’re right there and they’re not hard if we have the collective will.

**AIMÉE MEREDITH COX:** If we have the collective will, right.

I love the term “racial exhaustion,” because I think this play exhausts us in a different way. The play itself for me is an example of radical empathy. I can’t imagine not feeling like you want to jump out of your skin as you’re watching the play, for many different reasons depending on who you are and what your experience is. But that type of work, the power of performance, whether we’re talking about through the arts or performance through the law, performance through narratives and history, that ability to prevent us from being exhausted — there’s no way you can be exhausted when a radical empathy is really in place, if we can get to that place.

I just want to end by saying I totally agree — that’s why I read the last question, “what is a radical empathy?” — empathy is radical if you in fact are really living by and understanding the true definition of empathy. So we perhaps don’t even need the “radical” in front of it if we understand empathy to be about moving beyond ourselves, in
ourselves to move beyond ourselves, to transcend.

I want to thank you all for your comments.

**JAMES McCARTIN:** Before you leave, I want to remind all of you that you should come back and become exhausted later in the week. You are given the opportunity as you walk out tonight to buy tickets to the play. As you go out the door, take a right, and the booth is immediately there. So please do return to Fordham later this week.

Thank you very much.

[Adjourned: 8:01 p.m.]