

Azibo Interviews Attorney Paul Harris on Black Rage Disorder

Paul Harris is author of *Black Rage Confronts the Law* (NYU Press, 1999); he teaches "Guerrilla Lawyering" at the University of San Francisco and Golden Gate University law schools.

DAA (Daudi Ajani ya Azibo): Jambo Paul Harris, Esq. of the Center for Guerrilla Law in San Francisco. Asante sana (thank you very much) for answering a few questions about Black rage disorder as presented in the Azibo Nosology II. It is sub-classed there as a "reactionary disorder." You have extensively researched the Black rage concept and authored the book *Black Rage Confronts the Law* where you provide the best explanation of the Black rage legal defense. So your perspective would be invaluable.

PH (Paul Harris): Dear friend, this is difficult for me, because I am not in the mental health field. I approach the issue as a criminal defense lawyer. I analyze whether the actions of my client can be communicated to a judge and/or jury as a partial result of racism. I must be able to weave concrete examples of racism suffered by the client, with the current law on mental illness, and with the existing mental problems of the defendant. Some cases, particularly crimes of violence, are not appropriate for the defense, in that they will not have a chance of success even if the person is suffering from a Black rage illness. Please see my criteria for using the defense at page 274 of my Black rage book.

I never use the words "Black rage defense" in court. There is no such a diagnosis, so I can't use it as expert testimony. And the words are too explosive, stereotypical and threatening to create a successful defense, or mitigation. On my book tour I was often criticized by blacks and whites alike for using such a phrase. My answer is 1. It exists, 2. It gets people thinking about the relationship between racism and crime, and 3. It opens the eyes of lawyers and judges and law professors to the nexus between racial oppression and crime.

An accurate legal terminology would be "social reality evidence." But that does not have educational impact needed, therefore in my lectures and writing I use the phrase "Black rage defense." Technically there is no such thing as a Black rage *legal defense* (all emphases are original, DAA). Self-defense and alibi are legal defenses.

Black rage defense is a strategy which allows bringing evidence of racism, economic oppression, and cultural behaviors into the legal system which attempts, by it rules of evidence, to keep such social reality out of the courtroom. Therefore, I must answer your questions from my perspective as a law professor and trial lawyer.

DAA: What is your perception of the concept of Black rage disorder in the Azibo Nosology II? In your view, is Black rage disorder fairly or accurately depicted as a self-destructive disorder?

PH: I agree.

DAA: Is Black rage disorder as represented in the Azibo Nosology II consistent or harmonious with your understanding of the Black rage phenomenon? Do you perceive any shortcomings or problems in its presentation as a disorder?

PH: I agree with Fanon and your [presentations/representations]. However, as a trial lawyer one cannot agree with the legal word of art “premeditation” because that plays into the prosecutor’s argument that the act was not caused by mental illness, but rather a rational act. For example, in the Steven Robinson bank robbery case, the mental illness was a transient situational disturbance; the prosecutor argued that taking a gun with him showed premeditation which would negate the defense. In political cases I never use the Black rage defense because if one argues mental illness it negates the conscious political act.

DAA: As a psychological disorder, will lawyers be able to use Black rage disorder in defending African-U.S. clients? What impediments might stand in the way and how might they be overcome?

PH: If the disorder is recognized in the diagnostic and statistical manual it can be accepted into court as expert opinion of a psychologist or psychiatrist. If it is not formally recognized by the psychiatric community then most judges will not allow it in as a formal diagnosis regardless of the qualifications of the psychiatrist.

Question 4

DAA: Is there a feature or property of Black rage disorder that you would like to make special mention of?

PH: In defending people I always stress the positive, e.g. in the Robinson bank robbery case I stressed his pride as a Black man who refused to take welfare from the White power structure. I also stressed his pride as a Black father committed to taking care of and not abandoning his children.

DAA: In your view, what is the prognosis for Black rage as a societal phenomenon? Why is it still with us? Is it more prevalent today than in the past?

PH: I don’t know. Certainly the frustration level of Black people will rise as there seems to be more opportunities, but then they come up against the same racist obstacles.

DAA: Since you have represented clients exhibiting Black rage and know the historical literature and case studies, what insight or tips might you have for mental health workers on recognizing and treating Black rage disorder?

PH: Do not get stuck on rhetoric. There must be specific instances in a person's life where they are victims of racism. There must be concrete examples. As you point out all violence is not a result of Black rage. That is a crucial point.

Question 7

DAA: Should the mental health and legal establishments take note of Black rage disorder as presented in the Azibo Nosology II? What would you like to see in this regard?

PH: I would like to see it recognized as a formal diagnosis.