Negrophobia and Reasonable Racism

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Among the many violent reactions I had in the weeks following the rape, including despair, helplessness, a sense that my life was over, was a visceral, desperate fear of all strange Black and brown men. Walking alone in Mount Pleasant, an inner-city Washington, D.C., neighborhood, I had a panic attack as it seemed that each of the dozens of Central American men streaming toward and past me on the sidewalk was about to pull a knife and stab me.¹

This frank and chilling description by Micaela di Leonardo, a former rape crisis counselor, of her reaction to being raped by a Black male suggests the profoundly personal level on which the link between race and violence may be forged. In contrast to both the “Reasonable Racist” (whose fear of Blacks stems from and is reinforced by the mass media and traditional racial
myths) and the “Intelligent Bayesian” (whose racial fears rest on crime statistics), di Leonardo’s fear emerged after a violent personal assault. To what extent, then, should such “involuntary Negrophobia” be relevant to claims of self-defense?

Suppose the patron who shot the young Black man in our ATM scenario had been brutally mugged by Black teenagers nine months before the night of the shooting. Suppose further that after the mugging she developed what her psychiatrist diagnosed as a posttraumatic stress disorder, triggered by contact with Blacks, which induced her to overestimate the Black victim’s threat on the night of the shooting. Under these circumstances, the defendant could claim that her admittedly paranoid fear of the young Black victim was “reasonable” for someone mugged in the past by Black assailants.

As open-ended and dangerous as this claim of reasonableness may seem, the legal system has already accepted its underlying doctrinal and psychological propositions. The doctrinal foundation of the Negrophobe’s claim is the widely accepted “subjective” test of reasonableness, which makes allowances for the psychological effects of the defendant’s past experiences. Under this standard of reasonableness, as long as a “typical” person who suffered the same traumatic experiences as the defendant could develop the same misperceptions, the defendant’s misperceptions will be found reasonable. For example, a battered woman who kills her abusive partner in a “nonconfrontational” situation (during a lull in the violence or when the abuser was asleep) must convince the fact finder that, at the time she killed her partner, she reasonably believed that she needed to act imminently to protect herself from serious injury or death. In proving her case, the battered woman defendant may concede that battered woman syndrome—a subcategory of posttrau-
matic stress disorder—caused her to overestimate the sleeping man’s dangerousness and to underestimate her capacity to escape the battering relationship. She may nonetheless contend that she acted reasonably on the ground that a reasonable person in her situation would have perceived the threat in the same way.

The psychological premise underlying the Negrophobe’s claim is that a typical person assaulted by a Black individual could conceivably develop a pathological phobia toward all Blacks. Surprisingly, in a recent Florida case,4 a judge awarded workers’ compensation benefits to a Negrophobic claimant on precisely this basis. Even more surprisingly, every appellate court that reviewed this controversial case affirmed the benefits award.5

In the Florida case, Ruth Jandrucko, a fifty-nine-year-old White woman, filed a workers’ compensation claim after she was mugged by a young Black male while making a customer service visit for her employer.6 As a result of the attack, she suffered a fractured vertebra in her back and developed what experts diagnosed as a posttraumatic stress disorder causing physical and psychological reactions to Blacks.7 Although her vertebral fracture eventually healed, her phobia toward Blacks—particularly “big, Black males”—persisted.8 Ms. Jandrucko claimed that her phobia rendered her incapable of working around African Americans; hence, she argued, she could not find gainful employment.9

Accepting Ms. Jandrucko’s argument, Florida compensation claims Judge John G. Tomlinson, Jr., awarded her total disability benefits for her phobia.10 In reaching his decision, Judge Tomlinson found that before her assault Ms. Jandrucko exhibited no apparent “pre-existing racial prejudice or predisposition to psy-