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The Rooster's Egg: On the Persistence of Prejudice

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THE ROOSTER'S EGG: ON THE PERSISTENCE OF PREJUDICE. By *Patricia J. Williams.* Cambridge: Harvard University Press. 1995. Pp. 262. $22.

When I became a law student, I found that people expected me to be versed in every aspect of the law. Just as complete strangers would ask my brother to provide on-the-spot diagnoses of their physical complaints once they discovered he was a medical student, people now ask me to solve landlord-tenant disputes or comment on the effect of recent legislative enactments; my knowledge often falls far short of the status accorded to me. Another question that people ask is whether I could speak with someone they know — daughter, cousin, friend, co-worker — who is applying to law school. At these moments, I do find that I can describe what it is like to be a law student, and often do so in all-too-vivid detail. If my descriptions do not deter them from applying, I then move on to recommended reading.

Most of these prospective law students may have seen *The Paper Chase*[1] or have heard of *One L*,[2] but I find myself recommending that they read Patricia Williams's *The Alchemy of Race and Rights.*[3] While I have wondered whether Professor Williams would like being placed alongside Professor Kingsfield in the mind of a law school applicant, I have made the recommendation nonetheless, for in this work Williams discusses how the law, which is imbued with such profound aspirational goals, so often fails those most in need of its protection.[4] In addition, Williams also describes some of the processes and pressures that can make the experience of being a law student so disorienting.[5]

Given Williams's acumen in discussing the law and its shortcomings in *The Alchemy of Race and Rights,* I found myself looking forward to her discussions of racism and national identity in *The Rooster's Egg: On the Persistence of Prejudice.* Her work provides some needed relief from past discussions of racism as well as some compelling arguments about how to approach intractable problems of racial tension and racial misrepresentation. Williams's work covers some all-too-familiar topics, such as the stigmatization of wel-

1. THE PAPER CHASE (20th Century Fox 1973).

2. SCOTT TUROW, ONE L (1988).

3. Patricia Williams is a Professor of Law, Columbia University.

4. *See* PATRICIA WILLIAMS, THE ALCHEMY OF RACE AND RIGHTS 15-19 (1991) (discussing the aspirations contained in the notions of contract and the Constitution, and the manner in which those aspirations intersect with histories of chattel slavery).

5. *See, e.g., id.* at 80-97 (describing the politics of law school exams and law school in general).

fare mothers, the Anita Hill-Clarence Thomas hearings, and talk radio, all subjects that have been discussed and written about to such a degree, and with such patterned argumentation, that her attempt to offer a more sophisticated interpretation of these problems might appear to be overly ambitious, or, to a more cynical mindset, somewhat futile.

While the fact that Williams discusses such well-known topics was initially a cause for concern for this reader, her focus on such famous, or infamous, topics is one of the book's strengths. At her best, Williams is able to reconfigure the context in which these subjects have been interpreted and derive new significance and insights from them. In her opening chapter, "Scarlet, the Sequel," Williams heads right into some highly rancorous debates by investigating the contested political symbol of the welfare mother. She begins by describing two moments in which impoverished women become objects of public spectacle and derision. In Williams's first example, a televangelist rants against welfare as government-sponsored "fornication"; his screams are met with wild applause and a corresponding reaction shot of a white, two parent family (pp. 1-2). Her second example involves a much smaller audience, but is equally affecting; Williams describes a ride on a subway car in which a white man enters the car and reacts to the sight and smell of a black homeless woman by telling a young black man on the same car, "You see that? That's why you'd better learn how to work!" (pp. 3-4). The reactions of the audiences — wild applause in the first, silence and rage in the second — indicate the range of emotions at work in this debate. They also indicate that the scale of the audience does not matter, for the rhetorical figure of the "welfare mother" has come to embody a variety of suppositions about women's poverty and serves as a shorthand manner of moral condemnation of poor women for the mere fact of their poverty.

Whether statements such as these are acceptable or accurate is another matter. Williams suggests an alternative set of letters for today's equivalent of Hester Prynne, such as a "W for welfare, or an S for single" (p. 3), but her pointed references to Hawthorne suggest a broader historical and social context in which to view the problems of single motherhood and welfare. For example, Williams notes that welfare programs conditioned on marriage overlook the connections between domestic violence and women's poverty (pp. 5-7), or that Aid to Families with Dependent Children (AFDC) was designed originally to address the subsistence needs of children in poor families (p. 5). In focusing on the experiences of women who head single-parent households, Williams attacks the image of a woman on welfare as an oversexed, selfish woman who waits for an ever-increasing government check. In so doing, she exposes some other unspoken value judgments:

> This is the view of a nation totally uninvested in the humanity of poor children — the total worth of these children, in other words, is supposedly equal to no more or less than the amount of that welfare check. Moreover, this view too often represents the value white taxpayers place on children who are largely imagined to be black. It is a formula that sees nothing to consider other than the annoying, perpetual cost of keeping them alive. [p. 7]

Williams also points to the pronatalist, eugenic component of current antiwelfare sentiments. She notes that the historic strategy of pronatalist regimes to encourage a favored group of women to reproduce within legitimate families and maintain legitimate families is reflected in modern fears of a black population growth, and in strategies to counter the "great 'white baby shortage' " through artificial means of reproduction and poor white women giving their children up for adoption (pp. 8-9). She also discusses how other antiwelfare strategies are simultaneously libertarian and interventionist; while commentators such as Charles Murray advocate restricting government support for women on welfare, they also offer measures to keep the children under the control of the state (pp. 10-12).

The question then becomes not only one of policymaking, but also whose sense of history controls the social vision that underlies that policymaking. As Williams points out, the strategies used now are all-too-familiar, for current efforts to represent black society as a form of sexual threat—and in so doing, to force white women into compliant morality—resemble hundreds of years of such mischaracterizations:

> This characterization of black social life as the chaotic and erotically charged abyss into which refined white Americans will slip — and whose border is maintained most centrally by the virtue of white women — is a formulation as old as slavery. It is also a formulation that has been used against the women's movement at least since the late 1800s. It is nothing less than tragic to see its divisiveness resurgent in the highest halls of power, with barely a whisper about the tremendous questions of due process, to say nothing of racial and gender equality, that are so urgently implicated. [p. 11]

Through her use of history, Williams reveals the racist underpinnings of the current public stigmatization of women on welfare. In moving from the particular moment of representation, whether on the television or in casual everyday contact, to an examination of similar modes of representation in other historical contexts, she offers a vision of why the welfare mother has become such a useful rhetorical tool for persons who want to attack a broader population than their statements initially allow.

At other points in the book, Williams pulls upon her own experience of adopting a child as a means to demonstrate how ingrained

the stigma of single motherhood has become. She observes that she adopted her son a week after Dan Quayle's Murphy Brown speech, and that she was, and is, included in the popular mind as one who is attacking "the family":

> I am so many of the things that many people seemed to think were antifamily — "unwed," "black," "single," everything but "teenage." Add "mother" and it began to sound like a curse. Stand at the mirror and say it to *your*self a few times: I am an (over-the-hill) black single mother. [p. 171]

Her observation is more than an ironic statement, for Williams also discusses how she has been accused of harming her son due to her status as a single mother and becomes, in these instances, an object of hostility (pp. 176, 179-80). While Williams takes pains to offer counter-examples of people being supportive of her decision (pp. 172-73, 214-15), her own experience serves as a starting point for a discussion of how people force single women into a particular archetype and stereotype, and the anxieties and historical patterns at work in that particular process (pp. 176-80).

Williams often uses this technique of moving from particularized experience to more generalized discussion, and does so, for the most part, to great effect. Her reaction to Clarence Thomas's claim that one of his heroes is Malcolm X begins a discussion of the creation of role models that have symbolic force but lack political substance (pp. 122-23, 128-29). Williams's discomfort at a law student's questions about her childhood, "culminating in the humdinger of whether the house I grew up in was free standing" (p. 59), serves as part of her introduction to an investigation of the manner in which class divisions are perceived within the black community and imposed upon it from without (pp. 59-64). This particular process of close reading may strike some readers as too anecdotal, but the subjects she chooses to write about tend to elicit an immediate, and often unthinking, response.[6] Her style reminds the reader not only that the author herself is not disinterested in the subjects she discusses, but also that the public representation of the subjects she describes makes it impossible for her not to be anything *but* interested, and that the interests of persons who comment on these matters — or read about them — need to be examined fully. In allowing for her own lack of objectivity, Williams is better able to expose the racism or sexism embedded in other points of view.

Her discussion of talk radio is particularly effective in this regard. Williams begins with an account of Howard Stern and Robin Quivers commenting on Clarence Thomas's nomination.[7] She then

6. Test yourself: feminism, pp. 164-65; political correctness, pp. 28-30; affirmative action, pp. 91-96.

7. Williams describes their exchange as follows:

allows that the protest and outrage she expected to result did not occur:

> I am so naive. When I finally rolled my dial around to where everyone else had been tuned while I was busy watching Cosby reruns, it took me a while to understand that there's a firestorm all right, but not of protest. In the four years since Clarence Thomas has assumed his post on the Supreme Court, crude, in-your-face racism, sexism, anti-Semitism, and homophobia have become commonplace, popularly expressed, and louder in volume than at any time since the beginning of the civil rights movement. [p. 44]

Williams does not remain on a personal level, but instead takes her own reaction to Stern as a starting point for a discussion of how talk radio affects its listeners and alters their perceptions of race and their social context. In Williams's view, the talk-radio culture refuses to accept difference — not just racial, sexual, or religious difference, but even any difference of opinion — so that talk radio centers on "a much more general contempt for the world, a verbal stoning of anything different" (pp. 47-48). This generalized form of intolerance, coupled with a broadcasting strategy in which a majority is told that it is a minority, results in radio listeners' participation in a racially charged process of affirming the group identity that has been constructed for them. The formation of this group identity occurs at the expense of the humanity of the persons whom listeners are told to despise (pp. 50-52). In the course of describing this process, Williams also reminds her reader that economic realities do not match the representations set forth by radio hosts and accepted as the truth by their listeners:

> How real is the driving perception behind all the Sturm und Drang of this genre of radio harangue — the perception that white men are an oppressed minority, with no power and no opportunity in the land that they made great? While it is true that power and opportunity are shrinking for all but the very wealthy in this country (and would that Limbaugh would take that issue on), white men remain this country's most privileged citizens and market actors, firmly in control of almost all major corporate and political power. [p. 54]

Moreover, Williams notes that a similar mode of counterfactual thinking also causes the mainstream media to present black figures such as Leonard Jeffries and Khalid Muhammed as left-wing black thinkers, when their actual viewpoints indicate that they have more

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"I think it's a stroke of genius on the president's part," said the female voice. "Yeah," said the male voice. "Then those blacks, those African-Americans, those Negroes — hey, 'Negro' is good enough for Thurgood Marshall — whatever they can't make up their minds they want to be called — I'm gonna call them Blafricans. Black Africans. Yeah I like it. Blafricans. Then they can get all upset because now the president appointed a *Blafrican!*" "Yeah, well, that's the way those liberals think. It's just crazy." "And then after they turn down his nomination the president can say he tried to please 'em, and then he can go ahead and appoint someone with some intelligence."
P. 43.

in common with David Duke than a mythical radical left (p. 55). As talk radio does, the media uses race as a mode of standard categorization, regardless of the persons involved and the words that they use.

Through her examination of talk radio, Williams points to her own experience to begin her discussion, and also to remind her readers that the affirmation of segregation and exclusion fostered by talk radio resembles historical patterns of racism (pp. 44-45) and validates stereotypes that occur in supposedly more benign media. In this manner, Williams is able to examine the rhetoric surrounding racial issues and how its use, on the radio and elsewhere, affects a community's perception of racial issues.

While it is old hat to state that the personal is the political, there are moments in this book in which the personal becomes somewhat disingenuous. For example, Williams offers a moving description of the contrast between her experience of adopting her son and the pseudoscientific analysis of the baby market by the likes of Richard Posner (pp. 215-22). In so doing, she claims that she is trying to "explode the clean, scientific way in which this subject is often discussed" and to expose how little children are actually valued (p. 222). That she certainly does, but when Williams questions the monetary "worth" of her son and intersperses that questioning with quotes from Walt Whitman and states that "I was unable to choose a fee schedule. I was unable to conspire in putting a price on my child's head" (pp. 224-25), the deck appears a bit stacked against the opposition. While stacking the deck very well may be the point, given the strength of the rest of her discussion, the approach also seems somewhat unnecessary. Moreover, at some moments Williams's rhetorical gifts overwhelm the use to which she puts them. At the end of a discussion of property law and the manner in which the body has become commodified, she states:

> In battling the power of great social stereotypes, individual will has purified itself into a glimmering will-o'-the-wisp: simultaneously signifying the whole self *and* the light-headed cleanliness of disembodiment. In this atmosphere of cultural anorexia, survival becomes a matter of leapfrogged incarnation, the body's apparition a mere matter of fleshly rearrangements, the purchase of self-negation all flash and desperate hoarding, symbolizing No-one. [pp. 242-43]

That about says it.

At other moments, Williams perhaps can be faulted for not saying enough. For example, at one point Williams states that "I think constitutional notions of equality demand evenhandedness no less as to class than as to race if we are to make judgments about who deserves to be a parent and who does not" (p. 176), and leaves her reader hanging. Further investigation of the legal and social implications of this belief might have been fruitful. Not that Williams

does not discuss legal issues in depth; she addresses the complex legacy of *Brown* in a chapter titled "Pansy Quits" (pp. 16-40) and the limitations of a contractarian model of liberty (pp. 102-04) in ample detail. Nevertheless, this reader came away from references to property and inheritance (p. 158), and the split imposed between "policy" and "law" (p. 101), wanting more discussion of these issues. Given the ambitious project of the book itself, this may be asking too much of Williams, but perhaps some more detailed investigations of legal premises and subjects at these points in the book would have added some welcome insights.

Some potential readers might argue that *The Rooster's Egg* will be read by an audience already sympathetic to Williams's approach to these issues. At the risk of being labeled part of the cultural elite, this reader would argue that persons likely to agree with Williams are in need of as many arguments as they can find, and that they need these arguments as fast as they can get them. In reexamining entrenched and seemingly known issues and problems, Williams offers receptive readers a means by which to turn their own sense of defensiveness outward toward what they know, and perhaps to imagine what they want the law and its context to resemble. For less sympathetic readers, Williams offers a challenge to some well-worn precepts and a chance to change their minds. Both groups would profit from reading it.

— *Elise M. Bruhl*