

# DOING "THE JAMES BROWN"<sup>1</sup> AT HARVARD: PROFESSOR DERRICK BELL AS LIBERATIONIST TEACHER<sup>2</sup>

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*Charles R. Lawrence III\**

Derrick Bell Superstar

(And He Looked Good Doing It, Too)

They called it affirmative action  
If you want to play in the big leagues, they said  
You've got to prove you're qualified  
And he knew the "you're" meant us as well as him

You've got to dance in the classroom, though we seldom do  
To be a podium Fred Astaire, they said  
You've got to prove you're qualified  
And he showed them the James Brown and the Michael Jackson too

You've got to write a deathless prose, and lots of it too  
To be Stravinsky of the printed page, they said  
You've got to prove you're qualified  
And he introduced them to Duke Ellington and Stevie Wonder

You've got to make a contribution to the law school  
To be our conscience and our spokesman too  
You've got to prove you're qualified  
And he took the loaves and fishes of his 24hr day and fed the multitudes

You've got to walk on water, they said  
And when he did, and looked good doing it too

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1. The reference here is to the line in the poem "Derrick Bell Superstar," which in turn refers to a famous dance step that became the trademark of James Brown, "The Godfather of Soul." Younger teachers may wish to substitute Paula Abdul or M.C. Hammer.
  2. © Charles R. Lawrence III. This poem and speech were presented at the Bell Symposium, a program held at Harvard Law School on October 19 and 20, 1990, to commemorate Professor Derrick Bell, Weld Professor of Law, Harvard University. He was honored for his 21 years in legal education.  
\*Professor of Law, Stanford Law School. B.A., Haverford College, 1965; J.D., Yale University Law School, 1969.

They said, By God we think you're qualified  
 And Derrick cried, because he knew the "you're" meant him not us

But We rejoiced as our man took it to the hoop  
 We said "right on, blood" and slapped high fives  
 And each of us took careful notes  
 We knew we'd have to walk on water too

Charles Lawrence III 12/7/84

## INTRODUCTION

I am currently in the midst of working on a book tentatively titled *Stranger in a Strange Land: Notes of an Abolitionist Law Professor*.<sup>3</sup> As I engage in this task, I am struck by the extent of Professor Derrick Bell's influence on my work and on the definition and methodology of my vocation. Today, I want to talk about Derrick Bell the teacher. I will also talk about Derrick Bell the scholar, activist, and brother, and about the interrelationship and indivisibility of these roles in the liberationist teacher.<sup>4</sup> But I think of Professor Bell primarily as a teacher, because teaching is central to his scholarship and his politics, which serve as the actualization of his lessons, as lived parables.

Professor Bell's work is grounded in a tradition of radical teaching among African-Americans. It is a tradition of teaching, preaching, healing, and resistance; an interdisciplinary tradition where field hands, blacksmiths, and conductors on the Underground Railroad have been colleagues; where mail-carriers, newspaper publishers, lawyers, and poets have been members of a faculty who share the discipline of freedom fighter. It is a tradition that eschews hierarchical approaches to education and recognizes that all of us who seek liberation must be both teachers and students.

There are four ways in which Derrick Bell teaches, four fora in which he engages in the practice of liberationist pedagogy. These are: (1) classroom teaching, (2) teaching through scholarship, (3) teaching through activism, and (4) teaching by making us family. Each of these ways of teaching is enabled by the others. All are bound together in the work of empowering those who are excluded and marginalized in the canon and culture of legal education and the law. All serve the equally important goal of transforming that canon and culture so that it

3. This book is a collection of essays reflecting on my life as a Black scholar in the predominately white world of the legal academy. It explores my vocational aspirations and efforts as well as those of other colleagues of color who share my inheritance of the tradition of radical teaching. It tells the story of our work as law teachers, legal scholars, and political activists. It also tells of our struggles over affirmative action, diversity, hate speech, the meaning of merit, and the inclusion of historically excluded persons and voices in the intellectual discourses that construct knowledge, social meaning, and ideology.

4. "Liberationist teacher" refers to one who teaches methods of empowerment through equality of legal and social rights but recognizes that in order to truly teach, one must be willing to learn.

embraces the knowledge and serves the liberation of subordinated peoples.

### "DANCING IN THE CLASSROOM"

Derrick Bell loves to teach. For him the classroom is not just a stage or podium, it is a place to tell and listen to stories, a spawning ground for new ideas, a laboratory, a workshop for theory building. Derrick Bell's classes are "healing groups," where Black minds, and the minds of those who choose to join our cause in solidarity, are "decolonized."<sup>5</sup> They are "war rooms" where the strategies for the struggle are conceived and from whence political battles are launched. As a "first" at Harvard,<sup>6</sup> it has fallen to Professor Bell to frame a paradigm for liberationist pedagogy, a methodology for we teachers of color who find ourselves thrust by necessity into the vanguard of the struggle. Derrick Bell is neither so immodest nor so foolhardy that he would describe his teaching as paradigmatic. But there is a model here and I want to begin to describe it.

The liberationist teacher is avowedly political in articulating both experience and theory that reveal where dominant ideology and practice subvert our achievement, and in replacing those ideologies and practices with ones that liberate us. Derrick Bell tells his students, "This is what is important to me. This is where I stand." He makes no claim to value neutrality, and for this he has often paid a painful price. Professor Bell has said of his teaching:

When I entered teaching . . . I determined that I would try to bring to my classrooms . . . both my legal skills and my experience and perspective as a [B]lack man in this country. In my view, neither the students, nor my life-long commitment to the racial struggle, would be well served if I simply sought to emulate the teaching approach and the scholarly outlook of my white counterparts.

This, for me, did not mean every subject had to be infused with race. But it did mean that when race played a role in the development of an area of law, it should be explored rather than, as so often has been the case, ignored.<sup>7</sup>

Embracing a racial perspective serves a dual liberatory purpose. By keeping the politics of people of color at the forefront of our teaching and measuring our work and that of our students by the bottom line of results, we can be certain that theory and practice are disciplined and guided by the needs and resulting insight of those for whom change is most urgent. An avowedly political posture also serves as an antidote to the mystifying and oppressive properties of the dominant legal ide-

5. See DERRICK BELL, *The Right to Decolonize Black Minds: The Chronicle of the Slave Scrolls* in *AND WE ARE NOT SAVED: THE ELUSIVE QUEST FOR RACIAL JUSTICE* 215 (1987) [hereinafter *AND WE ARE NOT SAVED*].

6. Professor Derrick Bell came to Harvard Law School in 1969 and became its first tenured African-American faculty member.

7. Derrick Bell, *The Price and Pain of Racial Perspective*, *The Stanford Law School Journal*, May 9, 1986, at 5, col. 1.

ology of shared values and neutral principles. This is particularly important to the teacher concerned with racial equality, where the dominant legal ideology of equal opportunity employs the rhetoric of "colorblindness" and "equal treatment"<sup>8</sup> to disguise the clash in values between those who are burdened by and committed to an end to discriminatory conditions and those who are responsible for and benefit from those conditions.

A primary goal of liberationist pedagogy is the empowerment of those who are excluded and marginalized in the canon and culture of the university. Traditional legal education disables the voices of students of color. Liberationist pedagogy seeks to rehabilitate those voices. It involves the assertion of the student's subjectivity into the educational enterprise. It acknowledges the struggles that give meaning to their lives, encourages the creation of stories and narratives, and advocates the articulation of memories and experience that posit a sense of determination and agency.<sup>9</sup>

Students of color are admitted to the "white academy" only to learn that the price of admission is that they abandon their own understandings of the world and adopt the perspectives and values of the colonizer. The price is steep. They feel alienated, objectified, and often experience a loss of self-esteem. They even begin to wonder if they have gone mad.<sup>10</sup>

Professor Bell has known the alienation and objectification experienced by his students. He knows what it means to be invited to enter the "white academy" only to be asked to leave one's gifts at the door. He knows that the gifts these students bring are invaluable, that what they know and who they are is essential to the transformation of this institution created by and for a white male elite.

Much of Derrick Bell's teaching is about the important work of empowering students through the promotion of their voice. His first textbook, *Race, Racism and American Law*,<sup>11</sup> surrounded case analysis and legal theory with narrative, history, and social science that gave the law context and made no pretense at value neutrality. His second edition of the textbook<sup>12</sup> includes a consciously subjective analysis of antidiscrimination law, which models for students the essential revolutionary act of assuming the authority to tell one's own story. His "racism hypos" and "reflection pieces" are classroom aids that require the teacher to listen to the students and encourage the students to listen to each other.

The law must be mastered and understood, but Derrick Bell also asks his students to test the law's responsiveness to their experiences.

8. See Alan Freeman, *Legitimizing Racial Discrimination Through Antidiscrimination Law: A Critical Review of Supreme Court Doctrine*, 62 MINN. L. REV. 1049 (1978). See also Charles Lawrence, "Justice" or "Just Us": *Racism and the Role of Ideology*, 35 STAN. L. REV. 831, 839-55 (1983); Kimberle Crenshaw, *Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law*, 101 HARV. L. REV. 1331 (1983).

9. See IRA SHOR & PAULO FREIRE, *A PEDAGOGY FOR LIBERATION* (1987).

10. See Charles Lawrence, *Reclaiming the Slave Scrolls: The Liberationist Teacher as Healer*, Speech delivered at the Wisconsin Conference on Critical Race Theory (November 9-10, 1990) (unpublished manuscript on file with author).

11. DERRICK BELL, *RACE, RACISM AND AMERICAN LAW* (1973).

12. D. BELL, *RACE, RACISM AND AMERICAN LAW* (2d ed. 1980).

Where it fails, they must discover new analytic constructs that are more faithful to their reality. He works beside his students, not in front of them. They co-teach his classes. They compose and critique each other's exams. He listens to his students and lets them know that they are heard.<sup>13</sup> He is ever his students' student, and his students in turn learn that they are teachers. They are recruited to the faculty of freedom fighters.

Professor Bell's identity is critical to his work as a liberationist scholar. That is, perhaps the greatest part of what we learn from him begins with our observation of and identification with who he is. As a Black man and a relatively isolated faculty person of color,<sup>14</sup> he models techniques of survival and resistance. But, more importantly, he shows us, through his teaching, that we, his students, are his chief source of strength. His status, his authority, his well-being, and security are dependent, not upon academic tenure or the recognition of his individual brilliance by a meritocratic system, but upon the collective intellectual, emotional, and political resources of the community he serves.

When Professor Bell teaches he asks the hard questions—the ones for which he has no answer; he shows his own vulnerability so that his students can be vulnerable. He tells us about his own fears, anxiety, anger, ambivalence, and hope. He is willing to admit and express his frustration, confusion, and anger when the law is unresponsive to our claims. He tentatively suggests new theoretical constructs in which our experience might find a home. Then he invites, and inevitably hears, criticism of the limitations or manifest bias of his own theories.

He is open with us about the ambivalence that comes with being a successful Black professor at Harvard, about the conflict he feels daily as a outsider on the "inside." In this too, he models how we must embrace the burdens of the duality this society demands in order to receive the gift of "second sight."<sup>15</sup> He demonstrates how we must feel the stress of isolation in the "white academy," the schizophrenia of mastering the master's language while maintaining fluency in languages that are expressive of liberating themes.

## THE TEACHER AS SCHOLAR AND VICE VERSA

Professor Bell's scholarship grows directly out of his teaching. He carefully listens to his students/teachers—in his classroom, in his office, at dinner, at a conference, in a chance encounter on the street, and as he reads the articles and drafts we send him. He hears us, and then, like the African griot, the tribal historian, and like his friends Alice

13. Professor Bell frequently mails some student's work to me or calls to talk about some brilliant insight he has learned from his class. See *Racial Reflections: Dialogues in the Direction of Liberation*, 37 UCLA L. REV. 1037 (Derrick Bell, Tracy Higgins, & Sung-Hee Suh, eds., 1990).

14. Harvard Law School currently has two other tenured African-American men on faculty, and two African-American men in tenure-track positions. Another African-American man is scheduled to start in a tenure-track position in the fall of 1991.

15. W.E.B. DuBois, scholar and founder of the National Association for the Advancement of Colored People ("NAACP"), called the gift and burden inherent to the dual, conflicting heritage of all African-Americans their "second sight." W.E.B. DuBois, *THE SOULS OF BLACK FOLKS* 16–17 (1953).

Walker and Patricia Williams, he tells our stories back to us. And when we hear them, so well told, when we see them on the pages of the Foreword of the *Harvard Law Review*,<sup>16</sup> we know that what we live is true, that what we see is not the imagining of crazy men and women.

He carefully listens to what we live and know, to the gifts we bring, the selves these white institutions demand we leave at the door, and he tells the stories of those selves in places they have not been heard. And then he listens some more. He listens for the discord between our stories and those that are told by the law. He listens for the places in the law's story where what we have lived has been discounted or distorted or just plain lied about, and he tells the story of those omissions, distortions, and lies. He listens to the disharmonies between our needs and values and the needs and values that are served by the law. He tries to imagine a new, more harmonious theme, a way of understanding the law that makes sense of our stories, that gives us tools for deconstruction and reconstruction. This is the work of theory building. This is how Professor Bell does his scholarly work. He learns and teaches at the same time.

There is another aspect of Professor Bell's scholarship that is like his teaching: his testing or experimentation. In his classes Derrick Bell teaches by testing out new, not fully formed, ideas and strategies with his students and works with them to come up with better answers. In his scholarship he also challenges both his reader and himself by following intuitions and suggesting tentative responses to complex problems despite his own uncertainty about the ultimate answers. He is unafraid to venture into controversial academic and political mine fields, and, throughout, he listens to the voices that respond—both his own and those of others.

Professor Bell owns his scholarship. Just as with his teaching, his scholarship says, "Here I am. This is what I believe." And even when he is uncertain or torn about his beliefs, he presents all sides for our scrutiny, in the form of a debate between "the Professor" and "Geneva," the visionary civil rights lawyer.<sup>17</sup>

#### THE TEACHER AS ACTIVIST AND VICE VERSA

Within the word we find two dimensions, reflection and action, in such radical interaction that if one is sacrificed—even in part—the other immediately suffers. There is no true word that is not at the same time a praxis<sup>18</sup>

When Professor Bell joined the ranks of academia, he did not abandon his career as an activist. Rather, he saw that he could not teach

16. Derrick Bell, *The Supreme Court, 1984 Term, Foreword: The Civil Rights Chronicles*, 99 HARV. L. REV. 4 (1985).

17. BELL, AND WE ARE NOT SAVED, *supra* note 5, (Professor Bell presents a series of chronicles for the discussion of his characters, the Professor and Geneva Crenshaw, the visionary civil rights lawyer. The chronicles address antidiscrimination issues such as affirmative action, school desegregation, and voting rights in a format that combines mystical fictional occurrences with harsh realities of the African-American experience.)

18. PAULO FREIRE, *PEDAGOGY OF THE OPPRESSED* 75 (1990).

liberation without actively engaging in its politics. The word is praxis,<sup>19</sup> not just in the more obvious ways in which the thoughtful work of a teacher/scholar provides strategy or frames new conceptual arguments for the activist lawyer or community, but in the ongoing scholarly work of transforming our understanding of the world.

I always experience Professor Bell's direct actions as lessons, as clinical classes or laboratory experiments in the politics of race and law: his resignation from the deanship of the University of Oregon School of Law when his faculty failed to hire an Asian-American woman;<sup>20</sup> his earlier refusal to allow that faculty to capitulate and move the environmental law clinic in response to the pressure of Oregon lumber interests; his office sit-in at Harvard Law school for Professor Clare Dalton;<sup>21</sup> his countless memos to the Dean, the President, and his colleagues at Harvard University;<sup>22</sup> his current leave of absence, without pay, from Harvard Law School,<sup>23</sup> termed a "sacrificial fast," until his colleagues look beyond their "mirrors" in their search for "qualified" candidates and tenure a woman of color on the law school faculty.<sup>24</sup> "[President] Derek Bok hired me [when he was Dean of the Law School]," said Professor Bell shortly before announcing his unpaid leave, "and we've disap-

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19. "Praxis" is defined as "practice as distinguished from *theory* (emphasis added)." WEBSTER'S NEW WORLD DICTIONARY 1060 (3d college ed. 1988). "When a word is deprived of its dimension of action, reflection automatically suffers as well; and the word is changed into idle chatter. . . . On the other hand, if action is emphasized exclusively to the detriment of reflection, the word is converted into *activism* . . . action for action's sake—negates the true praxis." FREIRE, *PEDAGOGY OF THE OPPRESSED*, *supra* note 18, at 75–76 (emphasis in original).
  20. See *Dean's Resignation Ignites Hiring-Equity Debate*, *The Oregonian*, Feb. 17, 1985, at B1, col. 1. The University of Oregon School of Law interviewed two final candidates out of a pool of 700 applicants for the position of professor of corporations. The Asian-American woman candidate garnered the support of a majority of the faculty members; however, three faculty members expressed "substantial objections." The law school's rules stipulated that any "substantial objection" to a candidate would result in no offer. The offer was made to the other candidate, a white male. Dean Derrick Bell resigned in protest.
  21. See *Supporters Visit Law Professor During Sit-In*, *Boston Globe*, June 12, 1987, at 21, col. 1. Professor Bell held a round-the-clock vigil to protest Harvard Law School's denial of tenure to two faculty members: Clare Dalton and David Trubek, who both espoused a radical view of the law called Critical Legal Studies. Dalton had taught at the law school since 1981, and while she garnered the support of a majority of the faculty, it fell short of the two-thirds needed for tenure. Bell called the tenure denials "an attack on ideological diversity."
  22. Carbons of these memos were often sent to me and other selected students of race politics across the country.
  23. See Derrick Bell, Statement at Coalition for Civil Rights rally announcing his unpaid leave of absence until a woman of color is appointed as tenured professor at Harvard Law School. (Apr. 24, 1990) (on file with author).
  24. See Emma Johnson & Charles Lawrence, *Faculty Diversity AND Excellence*, *The Recorder*, Aug. 9, 1990, at 4, col. 2.

Too often, the search for excellence is reminiscent of the wicked fairy-tale queen who sits before her mirror, impelled to ask, "Who is the fairest of them all?" Too often the only acceptable answer for predominantly white male faculties is that they—those who look like them, and those whose work casts the best reflection on their own—are the fairest."

*Id.*

pointed each other ever since."<sup>25</sup> Each of these actions is an example of the liberationist teacher engaged in the politics he teaches.

There is always an important symbolic element in Professor Bell's political actions. This is frequently true of political action. Perhaps it is especially true of the political actions of subordinated groups, where we so often lose, if winning and losing are measured by whether we actually succeed in righting the wrong, in changing the discriminatory conditions. But, the symbolism of Derrick Bell's actions is not devoid of substantive results or meaningful change. I often have the sense that Professor Bell initiates his actions with the goal of teaching. Or, as in the best classroom teaching, he starts out knowing only that there are important lessons to be taught and learned by him, as well as others—that one must act in the world in order to intelligently reflect on that action. I think that this is always true of political action by subordinated peoples—that we must act, not just to achieve the immediate goals of hiring a woman of color or eliminating racist, sexist, and homophobic assaults and structures, but to teach and learn about the truth and nature of our subordination and to see more clearly what is necessary for our liberation.

Professor Bell's action in taking an unpaid leave from the Harvard Law School until a woman of color is hired to a tenured faculty position is exemplary of this "act in order to learn" aspect of liberationist pedagogy. In the days following his announcement, I felt as if I were participating in a master class on the intersection of racism and patriarchy in legal academia.

On the first day I talked briefly about Derrick Bell's action in my first-year constitutional law class and noted how the issues he raised at Harvard paralleled our own at Stanford.<sup>26</sup> That afternoon, when I returned from lunch, there were a dozen students sitting on the floor in front of my office. They had come to ask if I would participate in a rally to support Professor Bell and confront the Stanford faculty about their equally dismal record in the appointment of women of color. They had come to enroll in Derrick Bell's master class. They had answered his invitation to act in the world in order to intelligently reflect on that action. From the dozen messages on my voice mail, I knew that colleagues and students across the nation were signing up with them.

In the next several days, these students, and dozens more who joined them in organizing the rally, learned much from Professor Bell's master class. They learned the history of race and gender exclusion in the Stanford faculty appointments process, including unfulfilled commitments made to earlier generations of students. They learned the

25. Kenneth Emerson, *When Legal Titans Clash*, N.Y. Times, Apr. 22, 1990, § 6, at 26, 63, col. 1 (Magazine Desk).

26. At the time of this speech, Stanford Law School, like Harvard, had never had a woman of color on its full-time faculty. Six women of color had been visiting professors at Stanford since the fall of 1988. All of them are scholars and teachers whom any law school should feel privileged to have as full-time members of its faculty.

In the spring of 1991, Stanford Law School made its first appointment of a woman of color to a full-time tenure-track position. An African-American woman was appointed to an entry-level tenure-track position of assistant professor. She will begin teaching in the fall of 1991. There are still no tenured women of color on the Stanford Law School faculty.



story of Derrick Bell's own horrible humiliation at the hands of Stanford's racism,<sup>27</sup> of how Dean Paul Brest, as part of his apology to Professor Bell for that injury, had made further commitments to change but was unwilling to promise results.<sup>28</sup> They learned about their own talents and skills as historians, organizers, and speakers, and about the breadth of support for their cause among their classmates. They learned about coalition building and the interrelationship of subordinations. They learned about the nature of the institutional, structural, and attitudinal racism and sexism that denied them the gifts that Professors Patricia Williams, Mari Matsuda, and Blanca Silvestrini had brought and shared during their too-short visits to Stanford.<sup>29</sup> They learned about backlash, about how, when they challenged the status quo, those with race and gender privilege would become angry and resistant. They learned that this too must be understood, fought, and survived. Derrick Bell and the students at Harvard were living through this real-life chronicle even as we were, and all of us were teaching and learning from one another.

### THE TEACHER AS FAMILY AND VICE VERSA

Finally, I want to talk about that part of Professor Bell's teaching that is the hardest, most important, most radical, most rewarding, (though it often seems the least) part of liberationist pedagogy. This is the teaching that goes on among fathers, mothers, daughters, sons, sisters, and brothers.

Subordinated communities of color have relied upon our strong sense of family in our struggles. The shared experiences of oppression, and, perhaps more important, the shared experience of fighting side-by-side against that oppression, have created real bonds of intimacy that

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27. See Bell, *The Price and Pain of Racial Perspective*, *supra* note 7. Professor Bell was a Visiting Professor of Law at Stanford Law School in the spring of 1986. Some students in his constitutional law class, offended by Professor Bell's emphasis on obstacles confronting minorities, and claiming that his teaching was inadequate, colluded with faculty and administrators to provide a special series of lectures on basic constitutional law, designed to supplement Professor Bell's teaching. Once Professor Bell discovered the purpose of the lectures, and following student protest, they were canceled.

28. On November 20, 1987 Dean Brest read a statement apologizing to Professor Bell for the incident that had occurred during his visit. "Whatever its motivation, the supplemental lecture series was an affront to Professor Bell; and I join my predecessor, John Ely, in deeply regretting and sincerely apologizing that it happened." Members of the Multicultural Council, a coalition of student groups seeking increased diversity in the law school faculty and student body, had called upon the Dean to demonstrate the sincerity of his apology by a commitment to fill two-thirds of all available tenured positions with women and people of color. The Dean responded, "I can only commit to an imaginative, aggressive, and good faith search, and not to particular results." See *Brest: 'The incident may have led to something positive'*, *Campus Report*, Dec. 2, 1987, at 15, 18.

29. In a recent statement by the Stanford Coalition for a Diverse Faculty, students criticized the Stanford Law School ("SLS") Dean and faculty for its record of failing to make tenured offers to highly qualified women of color. "SLS only compounds the difficulties of tokenism by developing a reputation for having a revolving door for women of color. Some of the leading women of color scholars in the country have taught at SLS recently. . . . Yet so far, no permanent appointments have been made." *Justice Delayed is Justice Denied*, Position paper of the Coalition for a Diverse Faculty (Dec. 1990) (on file with author).

give the familiar titles, "brother" and "sister" meaning within our communities. But all of us have lived in families and we know that intimate relationships are hard work.

I want to talk about how the liberationist teacher, how Derrick Bell, teaches by making us family.<sup>30</sup> Mentoring has always been an important part of academia. It has been and is a mechanism for the reproduction of elites. It is an aspect of education from which women and people of color have been excluded for the most part. Derrick Bell has been a mentor to most of the Black people in this room<sup>31</sup> and to many others who are not here. That's a big family. We are cared for, given special attention, pushed out into the world, sponsored and supported. We are also subjected to a higher level of criticism and judgement, the kind of criticism and judgement that comes only from a caring critic and only when we care about what the critic thinks of us. I have never told Derrick Bell this, but it took me some time to recover, after I sent him a draft of my first article, and he only mildly praised it, then made several, not minor, suggestions about how it could be improved. I am still ecstatic when I hear from someone else that Professor Bell has given high praise to something I have written or when he quotes me in his work.

Mentoring, particularly that aspect of mentoring that involves a mixing of personal and professional relationships, is complex and sometimes problematic. It is particularly problematic when the privilege of status, seniority, gender, or all of these combine to confuse caring and custody, fathering and patriarchy. The traditional white-male model for mentoring is designed to pass the mantle of power, of race and gender privilege, from father to son. It involves a discourse, a ritual of relationships that serves the purpose of electing new elites. But this model disserves the cause of liberation. Our goal is not to maintain a privilege that was never ours. Nor is our goal to create new elites. We are not in the business of holding on to what we've got. We are about the business of sharing our gifts in ways that create new spaces for an ever greater number of gift givers.<sup>32</sup>

The liberationist teacher must create new paradigms for this most important part of teaching: the giving of self. We must find new ways of speaking to one another, ways that do not reflexively employ the oppositional stance that has so often been necessary to our survival in the white world,<sup>33</sup> ways that allow us to demonstrate the depth of our

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30. I do not know the answer for the problem I am about to pose. As I write I am not even certain how best to pose the problem. But I have said that the liberationist teacher must dare to sit beside his students and ask their help in doing the work he cannot do alone. So I will ask you to bear with me while I practice what I have preached. See Charles Lawrence, *A Dream: On Discovery the Significance of Fear*, 10 NOVA L.J. 627 (1986).

31. Professor Lawrence refers to the Black scholars in attendance at the Bell Symposium and at his presentation.

32. See "The Child that's Got His Own:" Legal Education and the Culture of Gift Exchange, John Bingham Hurlbut Address, Stanford Law School commencement (June 17, 1990) (unpublished manuscript on file with the author).

33. See Mari Matsuda, *Standing By My Sister: Legal Theory Out of Coalition*, 43 STAN. L. REV. (1991) (upcoming volume).

respect and love for one another by open and honest face-to-face discussions about those issues that divide us.<sup>34</sup>

On October 6 and 7, 1990, the Stanford Law School was transformed. Over 600 people had gathered for the Third National Conference on Women of Color and the Law. It was a wonderful conference. The speeches were informative, insightful, and inspirational. There was hard work being done in the workshops. The discussions were serious, spirited, and purposeful. I looked around that room filled with brilliant, beautiful women of every hue, and I thought about my colleagues who talk about the "pool problem."<sup>35</sup> I knew that the "pool" was here and the "problem" was theirs.

Most of the women who had organized the conference had been in my Racism and the Law class the previous spring. Throughout the semester they had gently, and not so gently, reminded me of my inattention and insensitivity to the intersection of racism and patriarchy, an experience that my colleague Professor Crenshaw's pathbreaking article had helped them name and know.<sup>36</sup> I had tried to listen, to learn, to recognize my limitations, and encourage them to find their own way in this gender/race-biased wilderness that they knew better than I. And I was thankful for the wisdom of Mari Matsuda, Stanford's visiting "colored lady" that year,<sup>37</sup> even as I had been thankful for Patricia Williams' brilliance and care the year before.<sup>38</sup>

I know that Professor Bell has shared this experience of being in over one's head, of being asked to teach what one can never adequately know. This is why he demands that his sisters be made his colleagues. He knows that we cannot begin to take care of family business when they are not here to help us learn. Derrick Bell does not have the arrogance of his colleagues who think that they can teach anything, who would have us believe that the oppressor can teach about liberation. He cares too much about us to allow his colleagues' arrogance to go unchallenged.

Professor Derrick Bell has meant a great deal to those of us who have followed in his footsteps. He has been a pathfinder and barrier-breaker—an advocate and a source of inspiration and support for scores of individuals who have sought to integrate what was once an exclusive club for upperclass white males. We thank you, Derrick Bell, teacher extraordinaire and loving brother. You're still looking good!

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34. See bell hooks, *Liberation Scenes: Speak This Yearning* in *YEARNING: RACE, GENDER, AND CULTURAL POLITICS* 1 (1990).

35. See Randall Kennedy, *Racial Critiques of Legal Education*, 102 *HARV. L. REV.* 1745 (1989).

36. Kimberle Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 *U. CHI. LEGAL F.* 139 (1989). See also Angela Harris, *Race and Essentialism in Feminist Legal Theory*, 42 *STAN. L. REV.* 581 (1990).

37. Professor Mari Matsuda was a Visiting Professor at Stanford Law School during the 1989-90 academic year.

38. Professor Patricia Williams was a Visiting Professor at Stanford Law School during the 1988-89 academic year.