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Recommended Citation

Angela Onwuachi-Willig, *Silence of the Lambs*, 29 Berkeley Journal of Gender, Law & Justice 204 (2014).

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**University of Iowa
Legal Studies Research Paper**

Number 14-26

September, 2014

**REFLECTIONS ON PRESUMED INCOMPETENT:
THE INTERSECTIONS OF RACE AND CLASS FOR WOMEN
IN ACADEMIA SYMPOSIUM - THE
PLENARY PANEL**

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Reflections on *Presumed Incompetent: The Intersections of Race and Class for Women in Academia* Symposium—The Plenary Panel

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ACKNOWLEDGMENTS

Maritza I. Reyes: It has been a privilege to be a part of this *Presumed Incompetent* symposium and to work with a group of renowned scholars and law professors in preparation for the plenary panel and for this Article. I thank Professor Angela Mae Kupenda, Professor Angela Onwuachi-Willig, Professor Stephanie M. Wildman, and Professor Adrien Katherine Wing for sharing their experiences and perspectives. I learned much through reading their stories, listening to their words of wisdom, and collaborating with them prior to, during, and after the panel. I was surprised when the group decided that my name should be listed as the first co-author of this Article and humbly accepted the group's decision with much gratitude. I thank Professors Angela P. Harris and Carmen G. González for selecting me to moderate the plenary panel. I also thank Professor González for her continued encouragement and support. I honor God and my ancestors (dead and alive) for giving me the fortitude to remain true to my convictions. Like bell hooks, since childhood, I fed “the indomitability of

speechless, averting my eyes from his deeply reddened face. Later that evening, I recounted this meeting to a close friend. My friend said I should have told my dean, “You’re right; there are no spooks behind the door because right now the spooks are staring me in the face.”²⁴ I now know most definitely: my friend was correct—yes, the spooks were out in the open and they often bring their relatives out, too. Throughout my academic career, I have been haunted by these spooky ghosts. “[T]he ghosts of Jim Crow; the goblins of slavery-like, [W]hite, presumed superiority; and ghouls of sexism, racism, and classism just will not leave me alone!”²⁵ My chapter considers the spooks from times past that continue to haunt us, even in the law’s hallowed ivory tower. My chapter reflects on the terrifying “I want My Mammy” ghosts; frightening experiences flying with the White female ghosts and their disappearing acts; and bloodcurdling “Just Be Our Negro” ghosts.

When I have been scared by these ghosts that won’t just go and rest in peace, I was often rendered speechless, or I just refused to open my eyes and see them. The last story in my chapter tells how my dear mother, Mama, taught me to deal with them. Mama’s lesson for me came as I was in a very racially oppressive work environment, and I was also troubled during this time by nightmares of ghost-like figures chasing me. These spooks disturbed my sleep, and I was dealing with racially oppressive ones at work. Therefore, I was in a state of exhaustion. I confessed my nightly, and daily, troubles to my mother. Mama told me that the next time I dream about these scary creatures, I should “make myself acutely aware of their presence, stop running, turn around, and face them down.”²⁶ I did so, and the nightmares in my sleep went away. And, I followed this same advice at work. Facing down the spooky oppressive daytime circumstances diminished their control over me and enlarged my power and freedom.

So, women faculty of color must be more aware of injustice, stop running, turn around, and, like the woman’s face on the book cover, with courage and eyes wide open face down these spooks of injustice.

B. Silence of the Lambs—Professor Onwuachi-Willig

On occasion, people ask me about the title of my chapter in *Presumed Incompetent*.²⁷ My chapter has the provocative title, *Silence of the Lambs*.

24. *Id.*

25. *Id.*

26. *Id.* at 28.

27. For example, in preparation for the plenary panel, Professor Reyes sent me the following questions about my title:

What do you mean by *Silence of the Lambs*? How did you choose the title? I do not assume that it was the movie. If it was the movie, was it the torture that the women endured? If it was the movie, does the lamb go quietly to the slaughter house? Or, does the lamb make noise on her way to the slaughter house? Is the outcome

Readers often ask me, “What did you mean by your title? What meaning were you trying to convey with it?” A small part of me always wants to say, “Well, it was just wordplay, a riff off of a popular movie title.²⁸ It was just a cute and funny name.” To some extent, that response is true.

However, my title also has deeper meaning. When I chose the title, I also wanted to signal to readers that the experience of women in academia, and in particular of women of color and working-class women, can be a form of torture. It is a type of killing, not like in the movie, of course, but a slow killing of sorts—the type that occurs as a result of the everyday negation and microaggressions²⁹ felt by us on the job. If you consider the premature deaths of many women of color in academia, the title of my chapter, and this particular meaning of my chapter, loses its cuteness and wit. Instead, it reminds us of the very real consequences of such day-to-day harms for outsiders in the academy.

My title is also meant to communicate the fragility of untenured faculty. We think of lambs as soft, fragile creatures that need to be protected and may not cry out on their way to the slaughterhouse. In a sad way, untenured female faculty—and particularly women of color and women of lower socioeconomic backgrounds—are that way—scared, frightened, and unable to speak, even when being led to their slaughter.

Although my chapter does not focus on a wide range of gender- and race-based challenges in academia, my title, and more importantly, my text are also meant to highlight the vast array of challenges that women of color face in the classroom and the way in which those challenges are distinct from those that their White male peers, and even their White female peers, may encounter. In my chapter, I speak briefly of one experience I encountered in teaching a case in one of my Employment Discrimination courses, a case involving a Black woman who filed a lawsuit alleging race and sex discrimination against an employer

different based on what she does: silence versus noise? Is the ultimate outcome the same—the killing of the lamb? What type of killing in academia? The death of her voice during the pre-tenure years? Or the failure to get tenure, which may provide a permanent silencing? Would you consider explaining this in your 5-minute introduction?

E-mail from Maritza Reyes, Associate Professor of Law, Florida A&M University, to Angela Onwuachi-Willig, Professor of Law, University of Iowa, (Mar. 5, 2013, 10:57 EST) (on file with author).

28. In 1991, Orion Pictures released the movie *SILENCE OF THE LAMBS*, starring Anthony Hopkins and Jodi Foster. The plot in the movie concerns the relationship between an FBI cadet, played by Foster, who seeks the advice of an imprisoned serial killer, Hopkins, in order to capture another killer who is targeting overweight women and then skinning them to make purses and other items. *SILENCE OF THE LAMBS* (Orion 1991).
29. Dr. Derald Wing Sue of Columbia University defines microaggressions as “the brief and commonplace daily verbal, behavioral, and environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative racial, gender, sexual-orientation, or religious slights and insults to the target person or group.” *DERALD WING SUE, MICROAGGRESSIONS IN EVERYDAY LIFE: RACE, GENDER, AND SEXUAL ORIENTATION* 5 (2010).

who prohibited employees who had customer contact from wearing all-braided hairstyles. In that instance, I remained silent, failing to push and probe my students as I normally would have done with other cases because of how I, a Black woman with locks, feared being both subject and object in my own classroom.³⁰

As the many narratives in *Presumed Incompetent* have shown us, such experiences are not uncommon for outsider-teachers in academia. We, as outsiders, often encounter the challenge of having to figure out exactly when to focus on and address issues that implicate race, racism, sex, sexism, class, classism, and other marginalized identity categories and the –isms that flow from them in the classroom.³¹ We do so while also trying to minimize the negative impact of the racialized and gendered stereotypes that our students are likely to impose upon us, both consciously and unconsciously, but primarily unconsciously.³² For women of color in the academy, some roles are simply viewed as unacceptable for them to adopt, while others are expected as a matter of course. For instance, within the classroom, women of color faculty are expected to teach with a smile—what Professor Kupenda referred to as teaching with the “mammy ghost.”³³ For women of color professors, teaching without a smile often results in students’ perceptions of them as hostile or unapproachable—the angry Black woman, the fiery Latina, the Asian American woman who confusingly is not conforming to the image of the model minority, or the savage American Indian woman. As the editors of *Presumed Incompetent* asserted in their introduction, students want women, particularly women of color, to be soft and caring—to be like the nannies or other caretakers whom they recall warmly holding them to her bosom.³⁴ Or they expect us to be like the

30. Angela Onwuachi-Willig, *Silence of the Lambs*, in PRESUMED INCOMPETENT, *supra* note 2, at 145-48 (discussing and referring to Paulette M. Caldwell, *A Hair Piece: Perspectives on the Intersection of Race and Gender*, 1991 DUKE L.J. 365 (1991)).

31. See Robert S. Chang & Adrienne D. Davis, *An Epistolary Exchange—Making Up Is Hard to Do: Race/Gender/Sexual Orientation in the Law School Classroom*, 33 HARV. J.L. & GENDER 1, 34-41 (2010).

32. *Id.*

33. Kupenda, *supra* note 15, at 22.

34. Harris & González, *supra* note 9, at 3; see also Pamela J. Smith, *Teaching the Retrenchment Generation: When Sapphire Meets Socrates at the Intersection of Race, Gender, and Authority*, 6 WM. & MARY J. WOMEN & L. 53, 125 (1999) (“By being Black and female, students demand and expect that I be Mammy for them at a moment’s notice. After all, in ‘the 1990s [Black women] still are expected by White people to behave like Mammy in many institutional settings (university classrooms where the professor is a Black female and corporate boardrooms where the board member is a Black female).’ Students are not shy in asking for, and indeed demanding in word and deed, their Mammy. Students also are not shy in penalizing those who refuse to be Mammy for them.”); Bernice R. Sandler & Roberta M. Hall, *Campus Climate Revisited: Chilly for Women Faculty, Administrators, and Graduate Students* (1991), at 4, available at https://www.hws.edu/offices/provost/pdf/campus_climate2.pdf (asserting that “we expect women to be nurturing, passive, accommodating,” and “‘motherly’ to students and colleagues”).

entertainers of color, who frequently may be the only people of color they “know”—the rappers, singers, dancers, and comedians who put on a good show.³⁵ The last thing they want is what they perceive to be an agenda-driven woman of color, who too frequently raises concerns about biases related to race, gender, sexuality, and class in the classroom.

Female faculty members of color also encounter frequent challenges to their abilities as scholars, despite their often stellar credentials.³⁶ And, if they write scholarship that addresses issues of race, gender, sexuality, and/or class, people may even question whether they are real scholars. It is not uncommon for academics to question whether race and gender scholarship is “real” scholarship to begin with. Is it rigorous enough? And, aren’t those women of color just cheating by writing about what they just naturally know (as if being born in Cleveland, for example, automatically makes one a natural historian of the city)? After all, the knowledge comes with the identity, right?

Furthermore, because many individuals who challenge race and gender scholarship often have the privilege of not having to think of such issues, they fail to appreciate that women of color often choose to study such matters, not simply out of interest, but out of a desire to push society further toward equality. For some, the focus of their research is hardly a choice at all.

The sad news is that these challenges to scholars of color look much like those described by the late Professor John Hope Franklin in 1963. Describing the dilemmas of early Black scholars, he wrote the following:

[These early Negro scholars] had faced their dilemma, and they had made their choice. They *had* to combat the contentions of Negro inferiority. They *had* to demonstrate that Negroes were capable of assimilating ideas and of contributing to mankind’s store of knowledge. They made their argument simply and directly. It was as though Whites had said they could not count, and

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35. Professor Fred Bonner II explained how minority faculty face the pressure to entertain, asserting:

I had listened to my nonminority colleagues in nearby offices as they engaged in similar conversations with students. Their discussions centered on issues of academic expectations and rigor. Not once had I heard their students talk about the enjoyability of courses. It was as if they could satisfy students by providing knowledge, while for me the bar was raised. Not only was I to convey academic content, but I also had to entertain students.

One of my colleagues echoed my feeling: “I don’t have the luxury of coming to class with just a book and a smile, like some of my nonminority colleagues. I have to ‘flash and dash’ them with media and PowerPoint, lest they view me as lazy and incompetent.” Another said ruefully, “It would be nice to sit back and just enjoy teaching without all of the extra pressures of trying to be an entertainer, but I guess this is not my lot.”

Fred A. Bonner II, *Black Professors: On the Track but Out of the Loop*, CHRON. HIGHER EDUC., June 11, 2004, at B11, available at <http://chronicle.com/article/Black-Professors-On-the-Track/26193>.

36. *Id.* (noting stories of how students question minority professors’ credentials).

Negroes then counted from one to ten to prove that they could. There were subtle, more sophisticated ways of proving their mental acumen, but if Negroes thought of them, they must have been convinced that such methods would have no effect on those whose arguments were not based on fact or reason in the first place. It must have been a most unrewarding experience for the Negro scholar to answer those who said that he was inferior by declaring: "I am indeed *not inferior*." *For such a dialogue left little or no time for the pursuit of knowledge as one really desired to pursue it.* Imagine, if you can, what it meant to a competent Negro student of Greek literature, W.H. Crogman, to desert his chosen field and write a book entitled *The Progress of a Race*. Think of the frustration of the distinguished Negro physician C.V. Roman, who abandoned his medical research and practice, temporarily at least, to write *American Civilization and The Negro*. What must have been the feeling of the Negro student of English literature Benjamin Brawley, who forsook his field to write *The Negro Genius* and other works that underscored the intellectual powers of the Negro? *How much poorer is the field of the biological sciences because an extremely able and well-trained Negro scientist, Julian Lewis, felt compelled to spend years of his productive life writing a book entitled The Biology of the Negro?*

Many Negro scholars, moreover, never entered any of the standard branches of learning. Perhaps they would have been chemists, geologists, essayists, critics, musicologists, sociologists, historians. But they never were. From the moment of their intellectual awakening they were drawn inexorably, irresistibly into the field that became known as Negro studies.³⁷

Finally, with respect to service, women of color find themselves overworked and underappreciated—appointed to every committee under the sun, which puts them at risk of not finishing the scholarship and teaching that form the basis for the award of tenure,³⁸ as well as the items that Professor Michael Olivas calls the merit badges of the academy.³⁹ At the same time, women of color struggle with saying no to these commitments, in part because the request comes from a higher-up—the Chair, the Dean, even the President, in some instances—and in part because some of them became professors precisely to fill in the gaps that existed at such institutions when they were students.⁴⁰ They want

37. John Hope Franklin, *The Dilemma of the American Negro Scholar*, in *SOON ONE MORNING: NEW WRITINGS BY AMERICAN NEGROES 1940-1962* 66-67 (Herbert Hill ed., 1963) (emphasis added).

38. See generally Devon W. Carbado & Mitu Gulati, *Tenure*, 53 J. LEGAL EDUC. 157 (2003).

39. Michael A. Olivas, *Reflections on Academic Merit Badges and Becoming an Eagle Scout*, 43 HOUS. L. REV. 81, 84 (2006) (contending that "the most exclusionary practices occur in the distribution of the highest level of prestige resources, those of the various merit badges earned or handed out in the daily business of academia").

40. See, e.g., Cheryl I. Harris, *Tributes in Memory of Professor Derrick Bell*, DERRICK BELL

to be the role model and the mentor to the students whom they know need to see them in their positions in order to know that the school belongs to them, too.⁴¹

Taking into account all of these factors, many of which were addressed and analyzed in chapters in *Presumed Incompetent*, plus the examples that I discussed in my own chapter, part of what I wanted to do with my piece is explain the silence by the young lambs in academia—to convey why they may not always speak when pain is being inflicted upon them. And, I did so through the telling of my two different experiences with pre-tenure meetings—one at my old institution and the other at my current home. In one instance, my Dean, a White male, let me know that he was aware of the classroom challenges that women of color often encounter, and he conveyed to me that those challenges would be acknowledged and accounted for in any evaluation of my teaching. The Dean, who had been advised by and informed by senior faculty of color, assured me that he knew that I, unlike my White male peers, am not presumed to be competent as a teacher and as a scholarly expert in the field who can impart lessons to my students, but instead am presumed to be incompetent in such a role. In the other instance, a senior, White male administrator, though not at all intending to be disarming, informed me that my past record of teaching did not matter—only my one year of teaching evaluations at my new school before I would come up for tenure would matter. The presumption here was that I was operating on a level playing field with my White male colleagues, despite the fact that students of color were and are nearly absent from my institution and that nearly all of my students have never even had a Black teacher of any kind in their lives. There, I stood disarmed, moving from a position of once relative comfort in the classroom to one of discomfort on each day that I walked into my classes with this new burden—this new knowledge of my new bosses' lack of awareness about implicit race and gender bias—on my back. Most of all, there I stood, silent, not raising my concerns about racial and gender bias in evaluations.⁴² The lamb on the way to a possible slaughter, I did not scream.

In the end, my primary audience in *Silence of the Lambs* is senior—meaning tenured—female faculty and senior faculty of color. I am speaking

OFFICIAL SITE (Oct. 15, 2011), <http://professorderrickbell.com/tributes/cheryl-harris/>. In her tribute to the late professor Derrick Bell, Professor Cheryl Harris explained how the absences in her experiences during law school influenced her decision to teach:

So when a friend and colleague told me that I should consider going into law teaching I believed it was possible in part because Derrick had already made it seem possible. Indeed, though teaching law was something I had never contemplated because law school seemed hostile to my preoccupations, Derrick demonstrated that it was precisely because it had seemed so to me, that teaching law might be the right thing to do, IN ORDER TO CHANGE IT. And so, I opened myself to that possibility and shortly thereafter I became the first Black tenure track law professor at my school.

Id.

41. *Id.*

42. Onwuachi-Willig, *supra* note 30, at 149-51 (providing a longer version of this story).

mostly to this audience in my chapter about what their more junior peers learn from them and what they pick up from them by watching their actions and signals. For example, junior faculty may pick up the great value of certain silences, which I learned from watching one of my senior male colleagues of color at my first institution.⁴³ My main message to these faculty members is that they must speak up about their own challenges, past and present, instead of internalizing any shame from them. They must educate those with decision-making authority in their departments and others about such challenges and the means for addressing them, and they must continue to pave the way for those after them. They must speak for those with less of a voice, as the “silences of the lamb are no longer [their] own.”⁴⁴ They must speak to enable and help the young lambs avoid the slaughterhouse and eventually grow up, but not such that they become mere sheep in the academy. Instead, these senior colleagues must help their junior colleagues become strong ewes that can turn around to help others who come after them.

C. Working across Racial Lines in a Not-So-Post-Racial World— Professor Wildman

*Presumed Incompetent*⁴⁵ tells the mostly unheard story of women of color in the academy. I thank the book’s chapter authors and editors for telling this story, and especially Angela Harris and Carmen González for their encouragement and for believing that I had something to contribute to this project. So I do want to come out as a White person—not because I am particularly proud of that fact, but because I have had the experience of people assuming that I was NOT White because of the content of my scholarship about race, gender, social justice, and privilege.

My work tries to encourage us—Whites—to learn more about race and racialization in the United States and to provoke a greater consciousness of Whiteness and its role in this race story. This engendering is not a guilt trip, but rather a plea to notice White racial privilege—the benefits that we as Whites receive without our even realizing it.⁴⁶ While we may never be able fully to

43. *Id.* at 143-44 (describing how one colleague taught me, by example, about the power of silence); see also Margaret Montoya, *Silence and Silencing: Their Centripetal and Centrifugal Forces in Legal Communication, Pedagogy, and Discourse*, 5 MICH. J. RACE & L. 847, 852-63 (2000).

44. Onwuachi-Willig, *supra* note 30, at 151.

45. The insult of presumed incompetence directed at people of color in the academy is not new. Even iconic luminary Derrick Bell famously battled that presumption as a visiting professor. For one account of that episode see Andrew J. Bates, *Minority Law Professors: Will the Best and the Brightest Continue to Teach?* HARV. CRIMSON, Dec. 17, 1986, at 3, col. 1, available at <http://www.thecrimson.com/article/1986/12/17/minority-law-professors-will-the-best/>.

46. See Peggy McIntosh, *White Privilege: Unpacking the Invisible Knapsack*, 49 INDEP. SCH. 31 (1990); TIM WISE, WHITE LIKE ME: REFLECTIONS ON RACE FROM A PRIVILEGED SON (2011); FRANCES E. KENDALL, UNDERSTANDING WHITE PRIVILEGE: CREATING PATHWAYS