



University of San Francisco School of Law

University of San Francisco Law Research Paper No. 2010-14

TOWARD AN INTEGRAL CRITICAL APPROACH TO THINKING,
TALKING, WRITING, AND TEACHING ABOUT RACE

Rhonda V. Magee

Toward an Integral Critical Approach to Thinking, Talking, Writing, and Teaching About Race

By RHONDA V. MAGEE*

Prologue

AS I SIT DOWN AT MY DESK to read a draft of the essay submitted to our law review for this issue by Professor Dan Subotnik, the odd but well-understood phrase “beside myself” comes to mind. A surge of negativity runs through me, so intense it hurts from within. It is as if my body, all ninety-seven pounds of it, has just been hit with a vein-deep infusion of deflating toxins, leaving a one-dimensional shell in its place. The author whose work I am to review wrote a book, of which he is apparently quite proud, titled Toxic Diversity. To think, to speak, or to type this title makes my shoulders and jawline tense, my arms tight and tingly. Because I have read as much of the book as I can take, and attended a presentation by Professor Subotnik at our school a few months back—a presentation sponsored by the University of San Francisco’s (“USF”) student chapter of the Federalist Society—I know that the essay I am about to read will very likely be an attack on critical race and gender theorists in the legal academy. It will, therefore, be an attack on me—and it will feel like one.

I look away from the essay in an effort to ground myself more fully in the present moment. It is a Sunday morning in the Spring semester of another year of my life as a law professor. With regard to my own scholarly agenda, I am plodding through research on the intersection of chattel slavery and immigration law, continuing a tradition I began in my own law review days of bringing the legacies of slavery into the light of day and examining their

* Professor of Law, University of San Francisco; J.D., M.A., University of Virginia. With gratitude to Professor Richard Delgado, for writing the piece that inspired Professor Subotnik’s response; to Professor Subotnik, for writing the essay that inspired mine; to the editors of the University of San Francisco Law Review, for their solicitation of this response, and for their support in its editing and publication; and to David Carico, for an energizing conversation following his review of a draft, and for his support and love.

In addition, I thank the members the USF faculty who participated in a brown bag discussion of a draft of this paper for their comments, and Dean Jeff Brand, for his encouraging response to an early draft and his constant support of scholarly efforts at USF.

*consequences for contemporary law and policy.*¹ *The topics I choose to research and write about reflect my values, my commitments, my sense of purpose as a teacher in the world, and my experiences and those of the people whose lives touched mine in the flatlands of North Carolina where I was born. Though this morning's work is not a project I conceived of on my own, writing a response to Professor Subotnik's essay is in line with what I view as my purpose in life—to teach with and through ever-widening circles of love and compassion, even in the face of fear and oppression.*

With a mixture of humility and pride I understand my place in a long and distinguished line of scholars who have approached their work with a commitment to education for social change. I am aware not only of the ways in which scholarship has itself been the location of many a battle in the revolutionary war against white supremacy and patriarchy in the West, but also of the critical importance of challenging conventional wisdom regarding the limits of acceptable scholarship as a strategy of that war. As one who self-identifies as a critical legal scholar with a focus on the legal and theoretical underpinnings of race in America, I am among the minority at my school. But I do know I am in good company in the legal academy in my commitment to infuse my scholarship and teaching with the insight that experience powerfully shapes perception and understanding. And I know this approach has had value to the many law students I have been privileged to teach over the years.

I was reminded of this just last night. I gave the keynote address at the Asian Pacific American Law Student Association end-of-the-year banquet, and took in, as fully as I could, the extraordinary nature of this community of students' journey toward acceptance in a discipline in which they have not traditionally been welcome. Though we on the Appointments Committee are doing our best, USF presently has no full-time Asian or Asian American law professor.² My own understanding of the legacies of exclusion leaves me feeling a deep sense of obligation to stand up for this group of students when asked. It is not uncommon that I feel such obligations as a Black woman³ law professor

1. See Rhonda V. Magee, *The Master's Tools, from the Bottom Up: Responses to Reparations Theory in Mainstream and Outsider Remedies Discourse*, 79 VA. L. REV. 863 (1993) [hereinafter Magee, *The Master's Tools*].

2. "Full-time" here means tenured or tenure track. "Asian" means East or Southeast Asian, and includes Pacific Islanders. We are fortunate to have among our tenure-track faculty a woman of South Asian descent. In a recently concluded hiring round, the faculty extended an offer to a professor of Asian American descent.

3. "Black woman" is a label I assume here as I do in my daily life in accordance with convention. It is the label most often placed on me in the conventional society and culture in which I spend my daily life, and as a statement of political commitment in light of that reality. I am aware, however, that both race and gender are socially constructed figments of the cultural imagination with references and correlates to certain very real world bodies and physical characteristics. See, e.g., JOE R. FEAGIN & CLAIRECE BOOHER FEAGIN, *RACIAL AND*

on a predominantly white, male, and almost exclusively straight faculty.⁴ This sort of work has been derided by some as cheerleading. Fortunately for me, for the professors at USF and elsewhere who share my commitment to supporting all of our students in ways that honor their particular needs, and for the students whose experiences of law school have been positively impacted over the years as a result, I have a different point of view.

I turn to the work at hand. I close my eyes and take a deep breath. I recognize the sensations and feelings running through me. I have been here before. I am experiencing the fight-or-flight response that, psychologists say, arises naturally when a human being senses danger or threat.⁵ I sense that beneath the anger I am deeply afraid. Flight is not an option. I write as a component of my work as a law professor, and I have agreed to read Subotnik's essay and to write this piece in response. And so it is with some chagrin that I notice the disposition that has arisen in me as I sit down to read this piece would be more appropriate for a neighborhood brawl than for communicating in the manner appropriate for the traditional law review audience that may read this piece.

I take another deep breath and determine to look within. Why this feeling of fear? Why does it have such intensity? I've not read the first word of the essay, after all, so this kind of reactivity is something worth checking out. My fight-or-flight reactions threaten to get in the way of much good work that my privileged position as a law professor might otherwise allow me to do. This time, I want to address it straightforwardly as part of my process of dealing with the

ETHNIC RELATIONS 6–9 (1995) (“Indeed, there is no distinctive biological reality called ‘race’ that can be determined by objective scientific procedures. The social, medical and physical sciences have demonstrated this fact.”). To maximize the chances of being understood by a readership whose members may remain more committed to less critically examined notions of race and gender, I use here the terms conventional to our society’s most common construction of my particular body and physical features. I am aware not only of the constructed nature of these, but also of the higher and the deeper dimensions of what it means to be a human being, and therefore, of whom I am. See Rhonda V. Magee Andrews, *The Third Reconstruction*, 54 ALA. L. REV. 483 (2003) [hereinafter Magee Andrews, *The Third Reconstruction*]; see also Rhonda V. Magee Andrews, *Racial Suffering as Human Suffering: An Existentially-Grounded Humanity Conscious Approach to a Fourteenth Amendment Reborn*, 13 TEMP. POL. & CIV. RTS. L. REV. 891 (2004) [hereinafter Magee Andrews, *Racial Suffering as Human Suffering*]. But see generally KEN WILBER, *INTEGRAL PSYCHOLOGY: CONSCIOUSNESS, SPIRIT, PSYCHOLOGY AND THERAPY* (2000) (describing an integral approach to psychology that would “endeavor to honor and embrace every legitimate aspect of human consciousness” and include the best of premodern, modern, and postmodern understandings of human existence).

4. As this article goes to press, USF has one openly gay faculty member who is tenured or tenure-track. This professor joined the faculty in Fall 2008.

5. See DANIEL GOLEMAN, *EMOTIONAL INTELLIGENCE* 60 (1997) (reporting psychologist Dolf Zillman’s finding that “a universal trigger for anger is the sense of being endangered,” and including symbolic threats to self-esteem or dignity).

task I've agreed to—responding to Subotnik's essay "Are Law Schools Racist?" in a way that reframes the way we generally think about these kinds of discussions. And I want to do it in writing as a testimony to my own experience, and as an example of the kind of work with these difficult issues I believe must be done if we are ever truly to get anywhere across lines of difference and through clouds of bias in legal education, law practice, and the world at large.

The deep breaths wear off too quickly. I meditate on the question why. And once again, into my mind pops the title of Subotnik's book: Toxic Diversity.⁶

TOXIC . . . Diversity.

Together these two words strike an emotional and psychological blow—a spirit injury⁷—that nearly incapacitates me. It is a searingly and unmistakably assaultive title, calculated to strike at the hearts of the adherents of the diversity movement that is the wounded legacy of the civil rights movement of the 1960s,⁸—itself the legacy of a history of oppression of minority voices in institutions of power in this country since its founding.⁹ And the calculated effort pays off. It physically hurts to read or to think the title of the book which provided the frame and starting point for Subotnik's presentation at USF, which, in turn, provided a frame for his submission to our law review.

But as I take a look at page one of Professor Subotnik's submitted essay,¹⁰ I can readily see that it is not what was presented orally at USF. Bits and pieces of his presentation several months ago float up into my conscious mind. What did he say that afternoon, when he had the podium all to himself? I recall that for all that appeared to have been promised by the attack of diversity and Critical Race Theory in his above-mentioned book, his actual presentation was surprisingly tepid. Veiled. Vague and substantively sparse. "White men are not allowed to say what they think on this topic," I recall him saying, a statement which rang true to me because I have participated in and led many a stifled mixed-race dialogue on these issues; and, "we need honest dialogue." Again,

6. DAN SUBOTNIK, *TOXIC DIVERSITY* (2005).

7. Magee Andrews, *Racial Suffering as Human Suffering*, *supra* note 3, at 905–08 (describing racial suffering and injury as spirit-injury leading to an "unseen spiritual crisis" and conceiving of the racial justice movement as a universal human awakening with spiritual aims).

8. See Rhonda V. Magee Andrews, *Affirmative Action After Grutter: Reflections on a Tortured Death, Imagining a Dignity-Affirming Afterlife*, 63 LA. L. REV. 705, 709–10 (2003) (discussing the view of Justice Thurgood Marshall, civil rights pioneers and advocates, and critical race theorists that "integration and remedying societal discrimination must be among the legitimate aims of affirmative action").

9. See Magee Andrews, *The Third Reconstruction*, *supra* note 3, at 490–92; Magee, *The Master's Tools*, *supra* note 1, at 883–85, 897 (discussing the failures of civil rights law and the consequent calls for societal redress and reparations).

10. See Dan Subotnik, *Are Law Schools Racist?: A "Talk" with Richard Delgado About Race and Racism*, 43 U.S.F. L. REV. 227 (2008) [hereinafter Subotnik, *Are Law Schools Racist?*]

true. But I sat through the nearly hour-long presentation and came away thinking I had not heard a single word of these much promised unspoken truths about what white men really think. And I certainly did not hear much revealing testimony about what Subotnik—the white man with the microphone and unfettered opportunity to speak—truly thought, believed, and least of all, felt.

Suddenly I am aware that my deepest fear is that of being unable to sustain the vulnerability that comes with speaking truthfully about these difficult and emotionally charged matters. I am afraid of falling into the same trance that seemed to fall on Subotnik that day, and not saying what needs to be said. I am also afraid of being hurt by others' responses, of having my own presence in legal academia publicly called into question and de-legitimized, and of letting the wounds of having to meet such challenges again and again cut a new hole deep within.

With the writing of this prologue, my anger and my fear subside. I know from experience that respectfully speaking what is true for me, however awkwardly and incompletely, will be its own salve. And I know that I have something worthy to say. But first, I must listen—that is to say, I must read what Subotnik has written. I take up the essay titled “Are Law Schools Racist?” and begin.

I. Introduction

To write and to speak about race and racial justice in the United States is to position oneself for battle in an ongoing cultural and political war. Embedded in the idea of race is a socially constructed debate over what it means to be a human being; embedded in the idea of racism is a debate over what it means to be a just democratic community. Hence, argumentation and debate over racial justice and remedy, including debates over affirmative action in the legal academy, ultimately represent the clash of competing visions of the causes and effects of racially (and gender) disparate outcomes in the world, and of narratives of the good and just response to those disparities under the rule of law.

Law is a central vehicle for the articulation of the terms and methods of debates on these important issues. And yet, as a means of addressing emotionally charged social issues, law has its limits. Indeed, a generation ago, critical legal scholars noted the alienative conse-

quences of all of law and its traditional norms and processes.¹¹ These alienating consequences may operate with particular intensity when it comes to discussing issues of racial and gender injustice and the role of law.

Two developments within the past generation offer means to address these consequences, and provide approaches to law which both bring people together and permit a closer engagement with ourselves. First, a subfield has emerged within law which aims to promote awareness of the role of law as a potential source of both healing and wounding. "Therapeutic jurisprudence" highlights the capacity of law (law practice, legal scholarship, the application of law, etc.) for both wounding and healing. It seeks to highlight its potential for the latter and minimize the potential for the former.¹² The therapeutic justice model dovetails with restorative justice approaches to law, which see conflict as a call for healing and restoration of interrelated members of community. Second, a growing body of work within contemporary psychology affirms these trends by underscoring the connection between affective and emotional experience and our intellectual and academic outcomes. Gathering under the headings of social and emotional intelligence and learning,¹³ these new approaches demonstrate the need for a paradigm shift in the way we approach emotionally charged issues, such as those dealing with race and gender, in the law and the legal academy.

Against this backdrop, in this Article I argue that the time has come to rethink the way we approach the analysis and discussion of legal matters dealing with fundamental cultural and political conflicts. We must recognize the aspects of differential power, the historical and political context, and the potential for wounding re-enactment of those manifestations of power that inhere in traditional analysis and debate. We must commit to minimizing the wounding potential of

11. See, e.g., Peter Gabel, *The Phenomenology of Rights Consciousness and the Pact of the Withdrawn Selves*, 62 TEX. L. REV. 1563, 1590 (1984); Duncan Kennedy & Peter Gabel, *Roll Over Beethoven*, 36 STAN. L. REV. 1, 34 (1984).

12. See, e.g., MARJORIE A. SILVER, *THE AFFECTIVE ASSISTANCE OF COUNSEL: PRACTICING LAW AS A HEALING PROFESSION* (2007); DAVID B. WEXLER & BRUCE WINICK, *LAW IN A THERAPEUTIC KEY: DEVELOPMENTS IN THERAPEUTIC JURISPRUDENCE*, at xxvii (1996); see also Susan Daicoff, *Law as a Healing Profession: The "Comprehensive Law Movement"*, 6 PEPP. DISP. RESOL. L.J. 1 (2006).

13. See, e.g., Howard Gardner, *Foreword* to *EDUCATING MINDS AND HEARTS: SOCIAL EMOTIONAL LEARNING AND THE PASSAGE INTO ADOLESCENCE*, at ix (Jonathan Cohen ed. 1999) (describing social and emotional learning as the outgrowth of the contemporary call for educative models that include "social learning, emotional learning, training in conflict resolution and intergroup relations").

legal discourse, to minimizing the alienative potential of our work, and to maximizing our students' intercultural communicative capacities as lawyers and leaders as well as our own as scholars and teachers. Toward these ends, scholars interested in the legal and political impact of difference and hierarchy should incorporate the research-driven insights of social and emotional intelligence into their work. More specifically, legal scholars generally, and race and gender scholars in particular should learn and incorporate the skills and insights of these new psychologies into their writing and speaking about issues of inclusion and exclusion. I call for the development of approaches to law which incorporate the insights of these new psychologies toward a more fully human engagement with these difficult conflicts, one more conducive of both stronger student performance and greater scholarly effectiveness, and one with a greater potential for healing than for wounding in the process. I offer an Integral Critical approach as one such orientation and methodology.

Professor Subotnik's response to Professor Delgado's *Rodrigo's Riposte* provides one example of a piece of scholarship that reflects the alienating and wounding potential of mainstream and even critical race approaches to law. In "Are Law Schools Racist?," Subotnik uses Delgado's essay as an exemplar and criticizes the storytelling methodology employed by Delgado¹⁴ and the substantive merit of critical race and gender scholarship in particular, and women and minorities in the legal academy in general.¹⁵ In an essay that touches upon much ground, Subotnik argues critical race and gender theorists have,

14. There are few more widely published and respected critical race scholars than Professor Richard Delgado, who until recently, was the University Distinguished Professor of Law and Derrick Bell Fellow at the University of Pittsburgh. He is currently a Professor of Law at the University of Seattle. See Press Release, *Seattle University School of Law Welcomes Richard Delgado and Jean Stefancic to Faculty*, <http://www.law.seattleu.edu/x2676.xml> (last visited Jan. 5, 2009). Professor Delgado has rightly been lauded for his great contributions to the founding and development of the field of critical race study. See, e.g., Kimberlé Williams Crenshaw, *The First Decade: Critical Reflections, or "A Foot in the Closing Door,"* 49 UCLA L. REV. 1343, 1350 (2002) (naming Richard Delgado a "central figure" in Critical Race Theory); Roy L. Brooks, *Critical Race Theory: A Proposed Structure and Application to Federal Pleading*, 11 HARV. BLACKLETTER L.J. 85, 90-91 (1994) (describing Professor Delgado's definition of racism as "the most complete definition"). His numerous books have garnered eight national awards and a nomination for a Pulitzer prize. University of Pittsburgh Law, Richard Delgado Biography, <http://www.law.pitt.edu/faculty/profiles/delgado/> (last visited Jan. 5, 2009). He has also edited a leading casebook, see RACE AND RACES: CASES AND MATERIALS FOR A DIVERSE AMERICA (Juan Perea, Richard Delgado, Angela Harris, Jean Stefancic & Stephanie Wildman eds., 2d ed. 2007), and an anthology in the field. See CRITICAL RACE THEORY: THE CUTTING EDGE (Richard Delgado & Jean Stefancic eds., 2d ed. 2000).

15. Subotnik, *Are Law Schools Racist?*, *supra* note 10, at 228-29, 232-33.

among a host of other transgressions, “convinced most whites to play—and stay—dead.”¹⁶ Thus one might argue that the revivification of at least one white man, albeit with only as much flesh and blood as one might find in the pages of a law review, is what Subotnik leads his readers to expect by the end of his essay. One expects this new, “live” version of a white male professor, speaking candidly about race and gender, will have something to say that advances the dialogue he wants to advance. Unfortunately, Subotnik’s essay fails to deliver.

In this essay, I describe how Subotnik fails to meet these expectations. I then suggest an approach to preparing and framing such conversations, whether in writing or orally, which may heighten our capacities to reach common ground on the matters of wrong and redress around which we so often divide. Following a situated content analysis and critique of Professor Subotnik’s response to Professor Delgado (Part II), I suggest we can advance our efforts to discuss matters dealing with race and gender in the legal academy by personal and institutional commitments to a deeper kind of discourse, one that integrates the best in contemporary understanding about the way in which human beings respond to conflict holistically, and one which takes as its goal not mere adversarial debate, but restorative justice and healing. I suggest that effective communication about these difficult issues requires mutually respectful engagement and compassionate listening—requiring skills that most of us have never intentionally sought to develop and rely on explicitly in the framing of public dialogue. I suggest here that to avoid replicating patterns of domination, emotional injury, and alienating despair within the discussion itself, those of us committed to better understanding one another across the divides of race, gender, and the like must develop and draw on communication and emotional awareness skills to deepen our capacity to communicate with mutual respect about difficult issues such as those raised by Subotnik’s critique before we may expect to be able to *work together* to resolve issues of accountability and redress in ways that might benefit us all. In Part III, I demonstrate this approach.

II. Taking Subotnik Seriously? A Situated Review of His Methodological and Substantive Critique

As a Black woman who has lived at widely disparate points along the spectrum we call “class” in America, and who now teaches courses on critical legal theories at a United States law school, what white

16. *Id.* at 246.

American men have to say about race and gender has always struck me as something I want and need to hear. So Professor Subotnik's project hits quite close to home. Indeed, it feels personal. It feels personal because I have personal experience on the receiving end of bias since my days as a student bussed to integrate a number of public schools in Virginia through my life in the academy as a Black woman professor. It feels personal because my life's work is about doing my part to reconstruct legal education in the post-integration world, to dismantle the legacies of entrenched differential access and power that are the legacies of our country's past explicit commitments to white male dominance. It feels personal because, since my earliest published legal writings, I have included and relied upon the insights of critical legal scholars—men and women of color and white men and women as well—in analyses of the law and its lived implications that have been strengthened by them.¹⁷ It feels personal because I have spent the past nine years teaching a course in which I regularly invite all students—men and women of every stripe and color—to study, reflect on, and discuss the historical intersections of race and law, and to thereby become more comfortable talking about and working with these difficult issues as lawyers and leaders. Because I know what it is like to be regularly discouraged from speaking the truth to those who would, if they could, literally and figuratively place a hand across my mouth, I am inspired by the critical legal scholarly tradition, even when and where I disagree with some of its adherents' writings, as I often do.

Members of the academy who write about race, including those who consider themselves Critical Race Theorists, are by no means monolithic in precise theoretical viewpoint, substantive emphasis, or methodological approach. By every conceivable measure, we are a vast and diverse bunch. We include people of every racial background and both genders, and we see vastly different means of addressing the problems we see at the intersection of race and law.¹⁸ Some hold views more essentialist or fundamentalist than my own race-sensitive *and*

17. See, e.g., Magee, *The Master's Tools*, *supra* note 1.

18. See Crenshaw, *supra* note 14, at 1343–44; see also Ilhyung Lee, *Race Consciousness and Minority Scholars*, 33 CONN. L. REV. 535, 568–69 (2001) (describing the “racial fundamentalism” versus race consciousness debate among scholars of color, and raising the underlying question of the debate between integrationism and segregationism that is often under-acknowledged in scholarship concerning race); see also Magee, *The Master's Tools*, *supra* note 1, at 868–70 (arguing that the debate between integrationism and separatism is key to understanding nuanced differences of opinion among advocates of racial remedies).

spiritual-humanistic Humanity Consciousness¹⁹ view—an ultimately universalist approach which some might characterize as a progressive (and perhaps unworkable or even naive) version of the much-maligned colorblind doctrine.²⁰ I am therefore greatly troubled by the ease with which Subotnik seems to dismiss, as singular and unified, the broad, noisily diverse category of critical race and gender theorists.

However they might be labeled or categorized, my writings over the past several years readily reflect that I am committed to bringing a sense of common ground to the fore in discussing typically divisive matters. Thus, I reflect in this moment on my awareness that being discouraged from speaking the truth is by no means an experience limited to people of color and women. No doubt Professor Subotnik has at least some personal experience with feeling marginalized and shut down in his efforts to speak about this issue, which no doubt animates his ostensibly objective, logically derived views.²¹ Thus, I am shocked to find that nowhere in his response to Delgado does Subotnik throw off the sort of veil behind which he suggests *Professor Delgado* hides,²² and step up in a way that might demonstrate a grappling with all the relevant partial facts and emotions that animate his scholarship the way it consciously animates mine.

Throw aside his own veil Subotnik does not. Instead, he purports to use the fictionalized storytelling method made famous by Delgado and others to convey a critique of that method which hints, we are left to assume, at his own views of what is to be done.²³

As a preliminary matter, and substantive differences aside, one cannot but explicitly criticize as highly inappropriate the tenor and overbreadth of many of Subotnik's assertions and claims. Global or caustic attacks in an article submitted as legal scholarship must be acknowledged for what they are—uncivil, offensive, and demeaning of the presumption of mutual respect psychologists suggest may be an

19. See *infra* note 82 and accompanying text (discussing humanity consciousness as a goal of simultaneously appreciating the particularities of one's radicalized experiences, and at the same time underscoring our common humanity).

20. See generally Darren Lenard Hutchinson, *Progressive Race Blindness?: Individual Identity, Group Politics, and Reform*, 49 UCLA L. REV. 1455 (2002) (describing and critiquing progressive colorblindness approaches among scholars of race and racism); see also sources cited *supra* note 18.

21. See SUBOTNIK, *TOXIC DIVERSITY*, *supra* note 6, at xiii–xiv.

22. Subotnik, *Are Law Schools Racist?*, *supra* note 10, at 250–51.

23. See, e.g., *id.*

essential predicate for mutual empathy.²⁴ Such comments hardly deserve a response that would accord them undeserved legitimacy.²⁵

Leaving aside, for the moment, the problematic tone and style (we return to this matter in Part III), we might as well ask: *what* are the “truths” (opinions) to which Laz/Subotnik gives voice? They are these:

(1) that the poor performance of Black students relative to others in law schools, or the underperformance of Blacks in these environments according to predictors weakens the case for affirmative action, and that racism plays no significant role in this underperformance;²⁶

(2) that the author/character has reservations and concerns about the “unfairness to white students” and the “social tensions that ignoring these students’ needs exacerbates”;²⁷

(3) that he/the character *might* (who knows?) be able to accept affirmative action if Delgado argued that “conditions for black people have made it impossible for black students as a group to catch up for the foreseeable future, and that at all cost American society has to do something about it”;²⁸

(4) that white men are insecure²⁹ and should nevertheless be as encouraged as anyone to devote themselves to the study of race;³⁰

(5) that because Dr. Martin Luther King, Jr., became, well, Dr. Martin Luther King, Jr., the fact that he “flunked” the GRE should not give rise to a critical evaluation of that examination with a view towards determining whether it was biased in a way that unfairly deprived King of becoming a professor of sociology, should he have so chosen;³¹

24. See *HOW CONNECTIONS HEAL: STORIES FROM RELATIONAL-CULTURAL THERAPY* 10 (Maureen Walker & Wendy B. Rosen eds., 2004) [hereinafter *HOW CONNECTIONS HEAL*].

25. Indeed, disagreement and incivility among scholars of color who focus on race has garnered its own critical commentary and concern. See Lee, *supra* note 18, at 535 (describing the emotionally charged nature of dialogue regarding race, even among scholars of color); *id.* at 588 (speaking of the uncivil tone among scholars discussing race in a recent law review colloquy and expressing his dismay that “[h]owever broad the reaches of academic freedom, such rhetoric is the sort that the legal academy should not encourage”); *id.* at 590 (querying “whether uncivil dialogue . . . is not only unnecessary but unscholarly”).

26. Subotnik, *Are Law Schools Racist?*, *supra* note 10, at 239–46.

27. *Id.* at 241.

28. *Id.*

29. *Id.* at 230.

30. *Id.*

31. *Id.* at 243–45.

(6) and finally, that if we read between the lines we can see what minority and women scholars who employ the narrative format really mean—despite their use of these insidious narrative formats—and see that what they mean is simply to beat up on white people,³² and to privilege, self-promote, and self-aggrandize themselves.³³

Putting words into the mouth of the character Laz, Subotnik appears to call for a simple solution to at least this last point—that is, minority and women academics must be held to the same standards as white males when they “weigh in on race and gender.”³⁴ However, just how women and minorities in legal academia are *not* held to the same standards as white men in legal academia when they weigh in on race and gender Laz/Subotnik does not clearly say. Subotnik is certainly aware of the fact that scholarship on race, including critical legal scholarship focusing on race and gender issues in a way consistent with my own, is spiritfully engaged in and produced by men and women of every socially constructed color, including white men—who raise no such complaints.³⁵ Subotnik fails to explain what standards should govern scholarship regarding race and gender that do not already apply. Instead, here as elsewhere in his essay, Subotnik is content to do that which he alleges against the scholars whose work *he* appears to find disrespectful—he makes assertions without substantiation.³⁶ Indeed, Professor Subotnik seems to be content to engage in all of the sins he claims against these women and minorities. He claims that “minority and feminist scholars are saying horrendous things about white males—and mostly with impunity,”³⁷ and then he goes on to say horrible things about minority and feminist scholars.³⁸

32. *See id.* at 250–51.

33. *Id.*

34. *Id.* at 230.

35. Critical legal scholarship was developed primarily by white male scholars, including, notably, Duncan Kennedy, Peter Gabel, and Michael Fischl. *See* DUNCAN KENNEDY, *LEGAL EDUCATION AND THE REPRODUCTION OF HIERARCHY* (2004); Gabel, *supra* note 11; Michael Fischl, *The Question that Killed Critical Legal Studies*, 17 *LAW & SOC. INQUIRY* 779 (1992); *see also, e.g.*, JOEL KOVEL, *WHITE RACISM: A PSYCHOHISTORY* (1970); TIM WISE, *WHITE LIKE ME: REFLECTIONS ON RACE FROM A PRIVILEGED SON* (2004); T. Alexander Aleinikoff, *A Case for Race Consciousness*, 91 *COLUM. L. REV.* 1060 (1991); Gary Peller, *Race Consciousness*, 1990 *DUKE L.J.* 758 (1990); Noel Ignatiev, *How to Be a Race Traitor: Six Ways to Fight Being White*, in *CRITICAL WHITE STUDIES: LOOKING BEHIND THE MIRROR* (Richard Delgado & Jean Stefancic eds., 1997).

36. Subotnik, *Are Law Schools Racist?*, *supra* note 10, at 232–33.

37. *Id.* at 228.

38. *Id.* at 229 (blaming eighty-eight faculty members, including forty-six women and a good number of members of the African and African American Studies Program, for “sign[ing] a statement denouncing racism and sexism on campus, thus . . . upending the lives of three young white students”); *id.* at 232 (describing de-contextualized statements by

Subotnik claims minority and women critics attempt to interpret stories so as to reflect ill on white men, and yet the bulk of his essay misrepresents the work of women and minority critics apparently in an effort to reflect ill on women and minority critics.³⁹ And so on.

(*Sigh.*) Sadly, some of these attacks have become rather standard fare in the legal academy in this era of colorblind constitutionalism, and the claims of reverse discrimination that have characterized the backlash against affirmative action. They have been set forth and refuted by scholars much more deft and capable than either Subotnik or myself. In keeping with my stated objective of arguing for a more intentionally self-reflective frame for discussions of issues such as this, I do not intend to go claim by claim into responses to the substance of these multiple and widely varying assertions. Each of these would be better addressed and discussed via direct, self-aware, and personal communication, rather than in the format adopted here by Subotnik, and I return to this claim by way of partial illustration, in Part III. In the balance of this section, I demonstrate a few of the ways in which Subotnik's critique of both the substance and the methodology of the critical analysis represented by Delgado's *Rodrigo's Riposte* lack merit.

By even the most generous standards, acquitting oneself well as a race law scholar adequate to the task of critiquing the entire field of critical race and gender scholarship would require at least a cursory degree of engagement with the core elements and themes of Critical Race Theory ("CRT")—even if only to prepare oneself to dismiss them.⁴⁰ But rather than engage the relevant theory, Subotnik ignores the core elements of the theory he not only critiques, but has also sought to teach.⁴¹

To take one of the most obvious and troubling examples, Subotnik's purported favorite choice of definition for the concept of racism is drawn from none other than the Oxford dictionary.⁴² This definition may be perfectly appropriate for use in general, lay conversation. But as a foundational element in the field he seeks to engage

MacArthur Genius Award winners and Distinguished Professors Patricia Williams, Professor Derald Wing Sue, and Michael Eric Dyson as "grandiose and silly"); *id.* at 248 ("The race theorist will create or accept any argument to take the onus off the students themselves, or their parents, and drops it on whites.").

39. *Id.* at 228–29.

40. See generally KIMBERLEÉ WILLIAMS CRENSHAW ET AL., CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT (1995) (discussing the core elements of Critical Race Theory through the movement's most important historical essays).

41. See SUBOTNIK, TOXIC DIVERSITY, *supra* note 6.

42. See Subotnik, *Are Law Schools Racist?*, *supra* note 10, at 235 ("A belief in the superiority of a particular race; prejudice based on this.").

and explicate, a minimum standard would demand at least a passing consideration of a more technical definition. The dominant definitions of the term employed by race scholars today elaborate “racism” as susceptible of both personal/individualized operation and manifestation, as well as impersonal or unconscious racism and systemic or institutionalized racism. Yet, Subotnik makes only a throwaway reference to impersonal forms of structured subordination, such as institutionalized racism.⁴³ Informed by an interdisciplinary appreciation of the nature of embedded hierarchy, critical race theorists have demonstrated that the inability to conceive of racism as anything but a personalized form of bigotry or bias is a signal barrier to effective understanding of the nature of racism today.⁴⁴ An observer at this distance cannot know, and I do not want to be read as having suggested so, but such treatment of a core term in the field indicates Professor Subotnik *may* be contemptuous not only of the academic field of study to which he claims qualification and desire to contribute—i.e., the theory and operation of race and racism—but also perhaps, even, of the students who would most likely seek out this field of study under his tutelage.⁴⁵

Whatever the extent to which this is or is not true, the possibility of it troubles me. Moreover, I am troubled because I see in Professor Subotnik’s piece a great missed opportunity: in all this effort, and despite being given many chances to do so, Subotnik contributes painfully little to the advancement of dialogue about race, gender (or class, or sexual orientation on any other vector of marginalization in the history of legal academia) and the consequences of these for the legal academy today—or for the operation of other institutions from which women and/or minorities have typically been excluded and in which straight white males continue to predominate and disproportionately influence and rule.

Moreover, Subotnik’s attacks on the substantive claims of race scholars are simply not well-founded. Take, for example, his discus-

43. *Id.* at 237.

44. See, e.g., STEPHANIE WILDMAN, PRIVILEGE REVEALED: HOW INVISIBLE PREFERENCE UNDERMINES AMERICA 11–13 (1996); Linda H. Krieger, *The Content of Our Categories: A Cognitive Bias Approach to Discrimination and Equal Employment Opportunity*, 47 STAN. L. REV. 1161, 1164–65 (1995); Charles R. Lawrence III, *The Id, the Ego, and Equal Protection: Reckoning with Unconscious Racism*, 39 STAN. L. REV. 317 (1987), reprinted in A READER ON RACE, CIVIL RIGHTS AND AMERICAN LAW: A MULTIRACIAL APPROACH 127–30 (Timothy Davis et al. eds., 2001).

45. By Subotnik’s own testimony, a former Dean, after considering his proposal for teaching a course in race and law, summarized Subotnik’s message to people of color as “[g]et over it.” SUBOTNIK, TOXIC DIVERSITY, *supra* note 6, at xiii.

sion of one of the most important concepts in the founding of Critical Race Theory, the concept of double consciousness.⁴⁶ Subotnik correctly cites W. E. B. Du Bois as the progenitor of the notion of the double consciousness of Blacks, but he mischaracterizes it, describing in instrumental terms the crucial existential, situational underpinnings from which Du Bois suggested it naturally emerges. For Subotnik, double consciousness appears as little more than a self-aggrandizing way of describing a skill Blacks claim to have developed because they needed it “to survive in America.”⁴⁷ A reasonably close reading of the original source of this idea—Du Bois’ seminal and lyrical collection of essays, *The Souls of Black Folk*—yields an understanding that Du Bois meant that such double consciousness arose naturally out of the experience of being cast as both Negro and American, while being denied the privileges of first class American citizenship associated with whiteness, within the early twentieth century, deeply segregated America in which Du Bois lived and wrote.⁴⁸ A lengthy quotation seems most necessary here to justly convey Du Bois’ illuminating insight:

[T]he Negro is . . . born with a veil, and gifted with second-sight in this American world,—a world which yields him no true self-consciousness, but only lets him see himself through the revelation of the other world. It is a peculiar sensation, this double-consciousness, this sense of always looking at one’s self through the eyes of others, of measuring one’s soul by the tape of a world that looks on in amused contempt and pity. One ever feels his two-ness,—an American, a Negro; two souls, two thoughts, two unreconciled strivings; two warring ideals in one dark body, whose dogged strength alone keeps it from being torn asunder.

The history of the American Negro is the history of this strife,—this longing to attain self-conscious manhood, to merge his double self into a better and truer self. In this merging . . . [h]e would not Africanize America, for America has too much to teach the world and Africa. He would not bleach his Negro soul in a flood of white Americanism, for he knows that Negro blood has a message for the world. He simply wishes to make it possible for a man to be both a Negro and an American, without being cursed and spit upon by his fellows, without having the doors of Opportunity closed roughly in his face.⁴⁹

46. The concept figures prominently in the work of Mari Matsuda, who is a widely-acknowledged founder of the Critical Race Theory movement and scholarly tradition. See Mari Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 HARV. C.R.-C.L. L. REV. 323, 325 (1987).

47. Subotnik, *Are Law Schools Racist?*, *supra* note 10, at 232 n.23 (citing W. E. B. DU BOIS, *THE SOULS OF BLACK FOLK* 19 (Fine Creative Media, Inc. 2003) (1903)).

48. See W. E. B. DU BOIS, *supra* note 47.

49. *Id.* at 9.

The concept of double consciousness as framed by Du Bois is thus both a call for appreciation of context, and an example of the analytical insights that derive from a deep consideration of a subject's experience while situated in a given sociopolitical position and historical-cultural context, and of the impacts of these on a subject's worldview. Nothing in Du Bois' essay on the matter suggests that Blacks develop double consciousness intentionally, or out of "need." Although Du Bois employs the classical allusions to racialized blood that were characteristic of the heuristics of his time, few critical race theorists today would suggest that Blacks, or people of any color, are privileged with any particular degree or quality of consciousness *by virtue of their skin color alone*. In fact many, if not most who would consider their work to fit within Critical Race Theory, would emphatically reject such an essentialist view of the meaning of race.⁵⁰ Thus, although his criticism of alternative methodologies and unsupported analyses⁵¹ leads one to suspect *he* might do better, Subotnik himself fails to consider with adequate care classics among at least two generations of scholarship that might assist him in a fuller understanding of the underpinnings of the methods and substance of the critical race and gender project.

In short, one might be forgiven for concluding that Subotnik "doth protest too much,"⁵² to borrow a phrase from a white man whose writings I much admire. From both a methodological and a substantive standpoint, critical race and gender theorists have long been committed to setting forth alternative methods of accessing and reporting what we consider to be reliable knowledge.⁵³ A more sedulous consideration of CRT scholarship would provide a basis for understanding not only its core terms and founding tenets but also its grounding in an ethic of interconnection and theory drawn from the lived experience of each and all which supports the privileging of storytelling and narrative as epistemological sources of the first order.⁵⁴

50. See, e.g., Angela Harris, *Race and Essentialism in Feminist Legal Theory*, in *CRITICAL RACE FEMINISM: A READER* 348–58 (Adrian Wing ed., 2d ed. 2003) (discussing how women of color have been influenced by a legacy of racism and sexism that is neither linear nor logical).

51. Subotnik, *Are Law Schools Racist?*, *supra* note 10, at 232–33.

52. WILLIAM SHAKESPEARE, *Hamlet*, in *THE RIVERSIDE SHAKESPEARE* 1189, 1212 (G. Blakemore Evans ed., 1997).

53. See Harris, *supra* note 50, at 79 (discussing the "border-crossing" methods of Anna Julia Cooper).

54. See, e.g., Matsuda, *supra* note 46, at 325; see also VIVIAN M. MAY, *ANNA JULIA COOPER: VISIONARY BLACK FEMINIST* 118 (2007) ("[A] foundational assumption shaping Cooper's

Turning to Subotnik's critique of this narrative-based methodology, I find it comes up short of expectations here as well. The storytelling embraced by Delgado, among others (most prominently Derrick Bell⁵⁵) demands, on its face, better than the sort of ridiculing treatment Subotnik serves up in his essay. However, it may well be that the debate Subotnik seeks to inspire over the value of storytelling as a method is largely a thing of the past. Storytelling, narrative, and reflective writing "across the curriculum has been widely embraced by law professors and is gaining ground in law schools at an impressive rate."⁵⁶ To the extent Subotnik seeks to portray storytelling as pedagogically unhelpful, his effort fails to grasp and contend with an emerging reality: that mainstream scholars, aware that all law is storytelling of a sort, appear to be lining up in robust disagreement.

A moment's reflection suggests why this might be so. Preliminarily, I note that there are at least two kinds of narrative found in CRT scholarship. The type of narrative employed by Delgado and Derrick Bell, and apparently mocked here by Subotnik, is what I refer to as "fiction-based" narrative or storytelling. Another type might be called "true story" or nonfiction narrative. Fiction-based narrative relies on characters created by the authors to present compelling narrative discussions of issues in a life-like contextualized setting. For scholars who rely on it, like Bell and Delgado, fiction-based storytelling captivates

research is that there is no intrinsic hierarchy among humans, no natural rank order of cultures or nations: those that exist, past and present, are socially created and maintained, not innate or immutable."); *id.* at 187 (describing the work of Cooper and other feminist theorists as "[c]onceptualizing the self as inherently connected to others and therefore arguing for an ethic of reciprocity and collective accountability").

55. See, e.g., DERRICK BELL, *FACES AT THE BOTTOM OF THE WELL* (1992).

56. See Nancy Levit, *Legal Storytelling: The Theory and Practice of Reflective Writing Across the Curriculum* 8 (June 12, 2008) (unpublished manuscript, on file with author) ("Despite some contentious debate in the early 1990s about whether storytelling constituted credible legal scholarship, storytelling has become firmly entrenched not only in jurisprudence, but more fundamentally, in the ways we think about teaching and practicing law." (internal citations omitted)); see also Derrick Bell, Visiting Professor, New York University School of Law, *Writing Across the Curriculum*, Remarks at the Association of American Law Schools Annual Meeting (January 4, 2008) (personal notes on file with author). Despite these hopeful signs, the debate will go on among traditional scholars of every color and gender and their progressive counterparts, as the bitter difference of opinion between traditionalists and those who embrace alternative forms of scholarship will likely always find clamorous new participants. *Cf.* Lee, *supra* note 18, at 579 (quoting Professor Jim Chen as provocatively distinguishing among "the storytellers and the serious scholars," even as Chen later admits his own use of narrative in the same article to bolster its rhetorical and persuasive appeal).

and informs in ways that have transformative potential that traditional legal scholarship does not.⁵⁷

I have never employed fiction-based storytelling in my own published work. I have, however, often relied on *nonfiction* narrative and reflective writing as one tool among many in my teaching and scholarship toolbox. I often include a bit of such narrative in my own scholarship, in conjunction with more traditional legal analysis.⁵⁸ For me, these more personally revealing and reflective first person “true-story” narratives are more effective than their fictional counterparts. They fall in line with my training in qualitative research methods as a sociologist, serving as anecdotal sources of qualitative empirical data of the sort (albeit lacking the attention to guidelines appropriate to generally accepted qualitative research) quite often relied upon by social theorists in the development of quantitative research questions and grounds the building of theory.⁵⁹ And they strike me as yielding more genuinely productive and deeply transformative responses—i.e., *truly* revealing disclosures from one’s heart have the potential to touch and transform the heart of another in ways that stories using fictionalized characters typically do not. Thus, and like many others in the academy,⁶⁰ I see storytelling as an inevitable aspect of law, law-making, and the practice of law, and I therefore see tremendous value in storytelling within legal writing and pedagogy.⁶¹

Moreover, critical scholars see narrative as legitimate, alternative approaches to traditional legal scholarship with the potential for fur-

57. See Levit, *supra* note 56, at 6 (reflecting on Derrick Bell’s simple observation that “People are moved by stories more than by legal theories.” (internal quotation marks omitted)).

58. See Magee, *The Master’s Tools*, *supra* note 1, at 864 (discussing the author’s experience in a history of law class that failed to address slavery); see also Magee Andrews, *Racial Suffering as Human Suffering*, *supra* note 3, at 891, 912 (recounting stories about a delivery man and a law firm diversity committee).

59. See, e.g., THE SAGE HANDBOOK OF QUALITATIVE RESEARCH METHODS (Norman K. Denzin & Yvonna S. Lincoln eds., 3d ed. 2005) (defining and discussing the role of qualitative research methods, including first person interview, or narrative). Social scientists have coined the term “autoethnographic” to describe these methods.

60. For a classic and still germinative discussion of law as narrative, see Robert M. Cover, *Nomos and Narrative*, 97 HARV. L. REV. 4 (1982) (describing law as a vehicle through which narratives of right and wrong are set forth and disseminated). See also *id.* at 4 (“No set of legal institution or prescriptions exists apart from the narratives that locate it and give it meaning.”).

61. Indeed, I encourage students in my race-related seminars to use nonfiction narrative to contextualize their analyses of legal claims. Furthermore, to aid them in practicing the skill of deploying this technique effectively, I require these students to keep journals recording their thoughts.

thering the anti-subordination goals of critical theory and teaching.⁶² For notwithstanding the gains that have been made since the civil rights movement of the twentieth century, and the consequent lessening of racism and sexism within American life, racism and sexism continue to plague us in society generally, and in the legal academy specifically.⁶³ Thus, engagement in critical discourse within the halls of academia continues to be an act of courage against institutionalized power. As feminist theorists have noted, “[p]olitical struggle, cognitive resistance, and corporeal revaluation affect [one’s] arguments and shape [one’s] sentences.”⁶⁴ Such engagement in critical discourse thus has always demanded and continues to demand alternative methods of research, reportage, and analysis. Again, recognizing (as have so many in the academy) that all law is storytelling,⁶⁵ critical storytelling is an effective way of reaching people in ways that legal theory and argument cannot. Critical legal scholars have not only relied on narrative to further the objectives of the critical theory project, but they have also led and participated in the broader movement toward increasing the role of narrative and the skill of narration and reflection among law students generally for more effective lawyering.⁶⁶

Professor Delgado effectively demonstrates these methods in a fraction of his vast scholarly output over the years, using this method as one among many ways of advancing the broad project of critical

62. See Charles R. Lawrence, III, *THE WORD AND THE RIVER: PEDAGOGY AS SCHOLARSHIP AS STRUGGLE*, in *CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT* 336, 343–49 (Kimberlé Crenshaw, Neil Gotanda & Kendall Thomas eds., 1995).

63. I understand that Professor Subotnik doubts the continuing prevalence of racism (and, one might venture, sexism). A wide body of evidence from the qualitative to the quantitative confirms that various forms of racism and sexism continue to impact people in our culture. See *Poll Shows Democrats’ Racial Views Could Hurt Obama in Close Election*, STAN. STORY BANK (2008), <http://storybank.stanford.edu/stories/poll-shows-democrats-racial-views-could-hurt-obama-close-election>. Such a fundamental difference in understanding is the sort that critical legal theory and Critical Race Theory would predict to result from our fundamentally different experiences as socially and racially constructed white man and black woman. It confirms the value of including within legal scholarship and practice the perspectives and voices of those whose experiences fundamentally differ, and theory building aimed at explaining those differences. In other words, Professor Subotnik’s dismissive views on the continuing significance of race and gender exemplify the continuing importance of the critical race and gender and storytelling project in legal scholarship, teaching, and practice.

64. May, *supra* note 54, at 79 (speaking about the effect that political engagement through scholarship had on the analytical writing of early critical race feminist Anna Julia Cooper).

65. See, e.g., Levit, *supra* note 56, at 4–5.

66. See *id.* at 5. Indeed, even the most ardent race scholars have underscored that narrative is *not* the exclusive domain of outsiders. See, e.g., Lee, *supra* note 18, at 580.

legal theory and scholarship of dismantling structures which permit systematized marginalization within law.⁶⁷ And this, too, is consistent with the objectives of critical scholars across a number of disciplines. Indeed, the work of expanding the acceptable means of dismantling subtle hierarchies in and through scholarship has long been the work of scholars aimed at inclusion of traditionally marginalized voices.⁶⁸ For example, early critical race and woman's studies scholar Anna Julia Cooper had to develop "a particular set of political, rhetorical, and philosophical techniques to negotiate her different audiences' investment(s) in . . . epistemologies of ignorance" and "structured opacities built into their knowledge practices, such that evasion and self-deception about privilege, power and inequity become the de facto norms, even as truth, objectivity, and transparency are the *declared* epistemic norms."⁶⁹ It is, thus, *our collective conditioning not to know* that critical scholarship, using a methods such as the narrative format Subotnik ridicules, aims to dislodge.⁷⁰

In short, whatever may be the merits and demerits of storytelling as an anti-hegemonic device within legal scholarship, and the wisdom of ongoing debate on this issue, storytelling has served to broaden the range of acceptable epistemic sources and ontological forms within legal scholarship, and thus has advanced the cause of critical legal scholarship in ways we can see and in ways that we cannot.

I note with some dismay that the sort of argument in which I am presently engaged is what is expected, more or less, in the pages of a law review. And yes, it can be, and arguably I have sometimes been downright uncivil here.⁷¹ I am aware as I write this that *argument* on

67. Much of Professor Delgado's prolific scholarship in the area of Critical Race Theory uses a method other than the storytelling method. See, e.g., Richard Delgado, *Affirmative Action as a Majoritarian Device: Or, Do You Really Want to Be a Role Model?*, 89 MICH. L. REV. 1222 (1991); Richard Delgado, *Campus Antiracism Rules: Constitutional Narratives in Collision*, 85 NW. U. L. REV. 343 (1991); Richard Delgado, *First Amendment Formalism is Giving Way to First Amendment Legal Realism*, 29 HARV. C.R.-C.L. L. REV. 169 (1994); Richard Delgado, *Words that Wound: A Tort Action for Racial Insults, Epithets, and Name-Calling*, 17 HARV. C.R.-C.L. L. REV. 133 (1982).

68. See MAY, *supra* note 54, at 79–106 (discussing Cooper's efforts to publish relevant insights on race and gender against a scholarly tradition prone to marginalizing views of women of color).

69. *Id.* at 89 (internal quotation marks omitted) (citing noted philosopher Charles W. Mills).

70. *Id.* at 91.

71. See Lee, *supra* note 18, at 536 ("[L]egal scholarship, which calls for reasoned analysis of fact and doctrine, has fared no better in the conversation over the difficult subject of race. There is growing incivility in legal scholarship generally, and when the subject of the discourse has a racial component, the tone becomes sharp, biting, and sometimes per-

these points is exactly what apparently has not moved Professor Subotnik to date. And so, consistent with my own brand of critical pedagogy and analysis,⁷² I turn to an effort to employ a more consciously self-reflective, mutually empathic approach.

III. On the Pulse of an Integral Approach to Conversations About Race⁷³

In the following few paragraphs, I demonstrate an Integral Critical approach to responding to the challenge to critical scholarship,

sonal. As a result, even (and perhaps especially) in legal academia, much of what is written about race in legal academia can be dishonest, confused, ill-informed, unhelpful." (internal citations omitted)).

72. See May, *supra* note 54, at 85 (discussing Cooper's "more holistic epistemology in which feelings and thoughts together are recognized as epistemologically significant").

73. Cf. Maya Angelou, *On the Pulse of Morning, Remarks at the Presidential Inauguration of William Jefferson Clinton* (Jan. 19, 1993), available at <http://gos.sbc.edu/a/angelou.html>. It is a call to hope in celebration of diversity that is the great web of life.

A Rock, A River, A Tree

Hosts to species long since departed,

Mark the mastodon.

The dinosaur, who left dry tokens

Of their sojourn here

On our planet floor,

Any broad alarm of their of their hastening doom

Is lost in the gloom of dust and ages.

But today, the Rock cries out to us, clearly, forcefully,

Come, you may stand upon my

Back and face your distant destiny,

But seek no haven in my shadow.

I will give you no hiding place down here.

You, created only a little lower than

The angels, have crouched too long in

The bruising darkness,

Have lain too long

Face down in ignorance.

Your mouths spelling words

Armed for slaughter.

The rock cries out today, you may stand on me,

But do not hide your face.

Across the wall of the world,

A river sings a beautiful song,

Come rest here by my side.

Each of you a bordered country,

Delicate and strangely made proud,

Yet thrusting perpetually under siege.

Your armed struggles for profit

Have left collars of waste upon

My shore, currents of debris upon my breast.

Yet, today I call you to my riverside,

If you will study war no more.
Come, clad in peace and I will sing the songs
The Creator gave to me when I
And the tree and stone were one.
Before cynicism was a bloody sear across your brow
And when you yet knew you still knew nothing.
The river sings and sings on.
There is a true yearning to respond to
The singing river and the wise rock.
So say the Asian, the Hispanic, the Jew,
The African and Native American, the Sioux,
The Catholic, the Muslim, the French, the Greek,
The Irish, the Rabbi, the Priest, the Sheikh,
The Gay, the Straight, the Preacher,
The privileged, the homeless, the teacher.
They hear. They all hear
The speaking of the tree.
Today, the first and last of every tree
Speaks to humankind. Come to me, here beside the river.
Plant yourself beside me, here beside the river.
Each of you, descendant of some passed on
Traveller, has been paid for.
You, who gave me my first name,
You Pawnee, Apache and Seneca,
You Cherokee Nation, who rested with me,
Then forced on bloody feet,
Left me to the employment of other seekers—
Desperate for gain, starving for gold.
You, the Turk, the Swede, the German, the Scot . . .
You the Ashanti, the Yoruba, the Kru,
Bought, sold, stolen, arriving on a nightmare
Praying for a dream.
Here, root yourselves beside me.
I am the tree planted by the river,
Which will not be moved.
I, the rock, I the river, I the tree
I am yours—your passages have been paid.
Lift up your faces, you have a piercing need
For this bright morning dawning for you.
History, despite its wrenching pain,
Cannot be unlived, and if faced with courage,
Need not be lived again.
Lift up your eyes upon
The day breaking for you.
Give birth again
To the dream.
Women, children, men,
Take it into the palms of your hands.
Mold it into the shape of your most
Private need. Sculpt it into
The image of your most public self.
Lift up your hearts.

and to race-conscious remedies such as affirmative action, posed by the Subotnik critique. I begin by reference to the approach I set forth several years ago called "Humanity Consciousness."⁷⁴ Humanity Consciousness calls for a privileging of human dignity through the four practices of: (1) raising awareness of the interconnectedness of all humankind; (2) acknowledging the emotional impact of injuries to human dignity; (3) making ethical judgments in favor of protecting human dignity; and (4) taking action necessary to make these practices real in the world.⁷⁵ I intend to show here that Humanity Consciousness approach may be deepened by the incorporation of techniques grounded in the growing field of study referred to as Emotional Intelligence and supported by trainings in Interpersonal Dynamics, including techniques which can assist us in reaching common ground in discussing so-called "divisive" issues, while maintaining a sense of mutual empathy and respect. Because these new insights broaden the scope of Humanity Consciousness and critical legal theories by calling for a more holistic engagement with the embodied self and other in dialogue and conversation aimed at restorative justice and healing, I coin the phrase "Integral Critical" to refer to this more comprehensive approach.⁷⁶

Each new hour holds new chances
 For new beginnings.
 Do not be wedded forever
 To fear, yoked eternally
 To brutishness.
 The horizon leans forward,
 Offering you space to place new steps of change.
 Here, on the pulse of this fine day
 You may have the courage
 To look up and out upon me,
 The rock, the river, the tree, your country.
 No less to Midas than the mendicant.
 No less to you now than the mastodon then.
 Here on the pulse of this new day
 You may have the grace to look up and out
 And into your sister's eyes,
 Into your brother's face, your country
 And say simply
 Very simply
 With hope
 Good morning.

74. Magee Andrews, *The Third Reconstruction*, *supra* note 3, at 489.

75. Magee Andrews, *Racial Suffering as Human Suffering*, *supra* note 3, at 894.

76. *But see* WILBER, *supra* note 3, at 2 ("The endeavor to honor and embrace every legitimate aspect of human consciousness is the goal of an *integral psychology*.").

First (in accordance with the second prong of the Humanity Consciousness approach noted above), I acknowledge my own feelings after working through the Subotnik piece thus far. I come away from the reading of it feeling less angry now than offended, disappointed, and troubled. There remains anger, an energetic mask for the hurt I feel at the seemingly bitter and disrespectful nature of much of Subotnik's piece. I am offended because the tone of much of Subotnik's mock narrative is indeed simply unkind, unfair, overly reactive, and inappropriate. I am disappointed because the piece itself does not reflect Subotnik's obvious potential as a student and scholar of the race theory he would like to teach, insofar as he lobs criticism supported by citations which reflect only a cursory read of the works he has cited and uses rhetorical tactics that seem calculated to shut down those with whom he disagrees. I am troubled because Subotnik chooses to see his own troubles through the lens of what amounts to a standard claim of reverse racism, rather than as indicative of the substantive appeal of what he (white man or purple) in fact has to say, and because this kind of attack on the kind of scholarship I am affiliated with leaves me feeling defensive and devalued.

In what is admittedly a bit of a digression, but perhaps one that serves to alleviate some of my own distress, I find myself wondering what Subotnik would have done if invited to write a private letter directly to a minority women professor (let's say, for example, to me), perhaps even a letter that would convey, in terms chosen to maximize the likelihood of being fairly heard, what he really thinks. Maybe such an invitation would have yielded more of the kind of frank disclosure that he says he wants to make. Instead of the more typically personal expression that one would expect in such an epistolary exchange (even one crafted for public dissemination),⁷⁷ we have his rather mocking essay. For someone who wants his own voice to be heard, this is regrettable, leaving me with some sadness for, and curiosity about, the plight of Professor Subotnik.

And what of Professor Subotnik's plight? What have been *his* experiences of and around his own race and gender, taken as a whole? Has he carefully considered them from the standpoint of the privileges he has enjoyed, as well the disadvantages? I actually want to

77. See, e.g., Adrienne D. Davis & Robert S. Chang, *The Adventure(s) in Blackness in Western Culture: An Epistolary Exchange on Old and New Identity Wars*, 39 U.C. DAVIS L. REV. 1189 (2006) (examining the politics of positionality in law and literary criticism through an exchange of letters, and drawing on the insights of critical race and critical gender theory to formulate some thoughts on the future of critical race feminism).

know. Assuming that his essay gives us a sense of what Subotnik feels and has experienced by reading between the lines in the way that the narrative structure he uses and criticizes would suggest that we must, Subotnik himself has experienced marginalization in the discourse on race in America, has been angered and hurt by it, and believes that many white men share his pain. One wonders what else he might say of his own experience of race, and whether he has experienced the privileges associated with his race, gender, heterosexual orientation, and citizenship status, etc., routinely chronicled by whites and others who have written holistically and self-reflectively of their own racial experiences with privileges of various sorts.⁷⁸

Unfortunately, however, Subotnik does not take this opportunity to speak plainly of his own personal experience of the disadvantages or the advantages of his own race and gender identity, and to elaborate what he does unquestionably know—for example, that even as he grapples with privileged positions relative to others in a society systematically structured to grant unearned privilege to whites, to men, to heterosexuals, to full citizens, and so on, he, along with perhaps many white men, in fact does feel isolated and marginalized in discussions about gender bias and racism, is hurt by this isolation, wants to be heard, and longs to be connected and not feared or derided by others, and so on. Instead, he ends up denigrating entire fields of critical scholarship by reference to a few arguably misread pieces, discounting without serious consideration the merit of critical pedagogy and theory for law students,⁷⁹ and leaving anger, division, and demoralization in his wake.

Here I resist the impulse I can sense rising within me again (*breathe!*)⁸⁰ to lash out: to accuse Subotnik of all sorts of nefarious motives in the way that he accuses minority and women scholars, or to offer up a similarly vituperative measure of disrespect for the approaches he prefers.⁸¹ Instead, I choose a different approach. I choose to presume that, despite our differently diverse identities, de-

78. See, e.g., WILDMAN, *supra* note 47, at xi–6 (examining how privilege of all forms manifests itself and how we can, and must, be aware of invisible privilege in our daily lives); WISE, *supra* note 35 (examining the ways in which racial privilege shapes the lives of most white Americans, overtly racist or not, to the detriment of themselves, people of color, and society).

79. See Subotnik, *Are Law Schools Racist?*, *supra* note 10, at 232–34.

80. See Rhonda V. Magee, *The Mindful Lawyer and the Challenges of Diversity: The Benefits of Mindfulness in Differently Diverse Practice Settings* (2008) (unpublished manuscript, on file with author) (discussing the benefits of the meditative perspective in dealing with issues of diversity and difference) [hereinafter Magee, *The Mindful Lawyer*].

81. Subotnik, *Are Law Schools Racist?*, *supra* note 10.

spite our different locations along axes of power and access, we are at the same time inevitably interconnected in a single web of human community and desired well-being. My welfare is bound up with his. I seek again and to find those aspects of his narrative that promote the linking of his story with mine.⁸² After all, when considered over the years and across their own diverse articulations, this is just what critical legal studies, including critical race and critical gender theory, inspires me to do. This is what Humanity Consciousness suggests is necessary: to begin with the view that most respects the human dignity of those whose points of view and experiences differ markedly from my own but without whom I cannot hope ever to experience a truly just and Beloved Community.⁸³ Perhaps we do have different views of the best approach to the common good, animated by different internalized meta-narratives. Still, Dan Subotnik, being human, wants to be heard; so, being human, do I.⁸⁴ He believes the methods with which he is most comfortable afford the best methods for getting at the truth. I favor the methods which are most comfortable for me in getting at my story, too. That said, might we, as two human beings with similar desires and emotional needs (which cannot be left outside the door) be able to structure a *conversation* that would be more likely to advance our mutual objectives of truth-telling and inclusion? Can we,

82. This is a central object of both relational cultural theory and of the humanity consciousness approach. In this section, the author applies the techniques and insights of relational cultural theory, interpersonal dynamics theory, and her own humanity consciousness approach to legal praxis, presenting an integral (or holistic) written response to Professor Subotnik's essay. Relational cultural theory is an approach to psychology grounded in the sociopolitical realities of the culture in which it arises. The theory is premised on the theses that people grow through action in relationship to others, that mutuality and shared power are markers of mature functioning, that mutual empathy is essential to healing, and that authenticity is essential to the development of such empathy. Interpersonal dynamics research posits that the key to developing relationships that permit sustained, authentic, and mutually intimate communication is the will to be responsible for acknowledging emotional responses within ourselves, and to holding the reactions of others with nonjudgmental awareness. See *HOW CONNECTIONS HEAL*, *supra* note 24 (describing the central role of mutual empathy in effective, healing (therapeutic) relationships); see also Magee Andrews, *Racial Suffering as Human Suffering*, *supra* note 3, at 894 (describing the Humanity Consciousness approach and its foundation in the presumption of universal interconnectedness among human beings).

83. For more on the concept of "Beloved Community," set forth by Dr. Martin Luther King, Jr. as the objective of the civil rights movement, see MARTIN LUTHER KING, JR., *WHERE DO WE GO FROM HERE: CHAOS OR COMMUNITY* (1967).

84. Cf. Magee Andrews, *Racial Suffering as Human Suffering*, *supra* note 3, at 906 (citing philosopher Martin Buber and discussing the importance of genuine dialogue to the experience of ourselves as fully human); see also Joshua D. Rosenberg, *Interpersonal Dynamics: Helping Lawyers Learn the Skills, and the Importance, of Human Relationships in the Practice of Law*, 58 U. MIAMI L. REV. 1225, 1249-53 (2004).

in other words, structure an approach to dialogue on these difficult issues which consciously aims at transcending the pull to division *and* attending with compassion to one another's real experiences and including their pain?⁸⁵ Can we do so even as we agree to work together toward some notion of just results?

Critical race and gender theory, coupled with my own deepening study of practices supportive of compassionate communication, have left me hopeful that we can do just that. We can structure a conversation—not a debate, and not a display of parallel rhetorical and analytical skills—that would enable us to better hear and understand what each has to say about our experiences of race and gender and the relevance of such experience on the work we seek to do as members of the academy. I imagine that such a conversation would need to be as inwardly focused as possible, would not only permit but would encourage the revelation of emotions and undercurrents that lead one to one's thoughts, and give those emotions, at least, a full and non-judgmental hearing. It would be characterized by mutual respect. What would be the essential predicates to such a potentially transformative effort to address these issues with the care and deftness that they inherently deserve?

As I have often written, we are not well served by a critical discourse put forth by *anyone*, of whatever color or academic sect, that does not always and everywhere underscore our common humanity, and seek first and foremost to find the common ground that always exists between people.⁸⁶ Humanity Consciousness—a reorientation of the critical legal project which aims to support the deployment of law in the service of progressive justice while undermining the tendency of the law and adversarial practice to reproduce patterns of alienation and hierarchy—rejects the typical categories of race and gender as essential or inherently determinative, and embraces a radical simultaneity in the experience of race and gender, and of multiple “races,” vectors of privilege, and aspects of both genders, in all of us.⁸⁷ It aims

85. Such an approach is the heart of Humanity Consciousness. See Magee Andrews, *The Third Reconstruction*, *supra* note 3, at 489 (describing the dual race and universal human dignity stance as the core humanity consciousness gaze).

86. Magee Andrews, *The Third Reconstruction*, *supra* note 3, at 538.

87. *Id.* at 544–45. But see DUNCAN KENNEDY, *LEGAL EDUCATION AND THE REPRODUCTION OF HIERARCHY* 7 (2004) (“An essential preliminary is to work against the sense that each of [a variety of identities commonly found within contemporary legal education and law practice] is uniquely victimized, uniquely isolated, unintelligible to all the others. In other words, I’m for some postmodernism-inspired rebellion against identity politics, not in the name of assimilation to the mainstream but in the name of a large countercultural project—cosmopolitan and original rather than inward-turning or backward-looking.”).

at creating spaces large enough to embrace cynicism and despair without losing hope in the possibility of humankind to reconstruct the world.⁸⁸ Thus, from the Humanity Consciousness perspective, one can acknowledge that each of us may be privileged in certain ways while at the same time being disadvantaged or oppressed in others.⁸⁹ One can begin to see clearly that “refusing to acknowledge areas of overlap and complexity undermines efforts at social change because the operational ‘either/or’ theories of oppression and privilege, or of atomized identities, are not only too narrow but also false.”⁹⁰

Grappling with complex and shifting realities of race and gender in our lives as we seek an end to patterns of bias, as well as with accountability for wrongdoing and redemption for wrongdoers, requires that we become expert in seeing and expanding common ground. Yet experience proves it can be difficult to hear another person well enough to find the always present common ground without making several commitments regarding the way we enter into dialogue with one another. Based on my experience teaching hundreds of students in seminar-sized classes dealing with these issues, certain basic ground rules appear especially to help, and two keys seem to be critical: (1) we must develop within ourselves the capacity to establish and re-establish trust; and (2) we must make a personal commitment to a thoroughgoing self-awareness along the way. In addition, certain deep communication skills are necessary, including: the capacity to listen without interruption, and with as little judgment as possible, that another might be fully heard to respond without unwarranted interpretation of the other, blaming or analysis, but rather from the unarguable truth of one’s own feelings, to stay present with what is arising within. These are not easy capacities to develop, but research in the emerging fields of Emotional Intelligence and Interpersonal Dynamics tells us that they can be learned.⁹¹ If we want to produce lawyers and law

88. Angela Harris & Donna Maeda, *Power and Resistance in Contemporary Legal Education*, in KENNEDY, *supra* note 87, at 173.

89. See Magee, *The Mindful Lawyer*, *supra* note 80 (discussing invisible privileges of citizenship available to Blacks today that were not available to Blacks during slavery and in the generation following the civil war); cf. May, *supra* note 54, at 93 (“[Anna Julia] Cooper shows how one can be *both* subjugated *and* unjustifiably privileged at the same time. . . . For instance, although white women suffer from sexism, they also tend to benefit unduly from their race[,] . . . lead[ing] to limited concepts of who ‘women’ are and what ‘women’s issues’ should be.”).

90. May, *supra* note 54, at 93; see also Magee Andrews, *Racial Suffering as Human Suffering*, *supra* note 3, at 915–19 (lamenting the false-self identity that is racial identity as the “core alienation,” and calling for the experience Martin Buber labeled the “genuine We”).

91. GOLEMAN, *supra* note 5, at 261–87, app. F.

professors capable of dealing more competently with these issues, we need legal institutions dedicated to supporting efforts to do so and assisting in the development and application of the necessary skills.

The larger goal of transcending the divisions that we find ourselves tempted to recreate in dialogues like these requires that we think consciously and often about ways of speaking and listening that generate and seek to access available common ground, rather than presume its lack. We are not well served by dialogue that does not evidence a commitment to seeing the common humanity in each of us; we are also not well served by dialogue that does not always and everywhere recognize the importance, even where we do not have the mutual trust necessary to sustain it, of self-revealing, direct communication about the emotional and sensory experience that accompanies our efforts to talk about these difficult topics. When we develop this perspective, and use these skills, we cannot but speak from and to one another's hearts. It is the premise of this essay that no significant change happens around issues such as these where we are not able to meet one another at the level of the heart rather than (or, if you will, in addition to) at the level of the head. It is the thesis of this essay that we can draw on communication and emotional awareness skills not only to deepen our capacity to talk through difficult issues such as those at the intersection of race and gender in legal academia in the post-civil rights era, but also to deepen our capacity to write about these issues more genuinely and effectively, and that we must do so with mutual respect as we fight for just results.

Had Subotnik chosen an approach to responding to Delgado that spoke plainly and genuinely to the issues raised by Delgado's essay, acknowledging the feelings arising for him along the way, and dedicating himself to commentary founded upon the assumptions of interconnectedness and mutual respect, it would likely have encouraged moves toward more genuinely enlightening dialogue all around. Such disclosures might have been difficult to bear, as they have often been in my own life. But I believe they would provide a more promising starting point for the more challenging dialogue over the requirements of justice in a world in which race and gender too often continue to structure advantage and disadvantage. In the end, we might still be at odds in our thinking about how best to address the legacies of racism in legal academia. Such agreement is not uncommon where legitimate divergence of opinion reflects legitimate options in re-

sponse to the available perceptions of reality.⁹² Yet an Integral Critical approach promises to ground conversations about social justice in human to human authenticity, from which new capacities for understanding, and for action, might reasonably be expected to emerge.⁹³

IV. Conclusion

“Storytelling”—the use of both fiction-based and nonfiction narrative—is both an anti-hegemonic device *and* a time-honored and valuable communication skill available to *all* students of law. Yet in this essay I call for a commitment to engaging one another around difficult issues dealing with race and gender through direct communication that is sensitive to both the feeling and the sensory experience accompanying the conversation. I call for engagement with one another in that way whether we are communicating verbally or in writing, and I call for an inclusion of such sensitivity in ways that apply equally to all participants in dialogues about difficult issues—none of us is “off the hook”; each of us is responsible for doing what we can to address these issues with greater human capacity and care. It is an Integral Critical approach: an approach grounded in critical legal studies which integrates the highest and best thinking about all of the capacities and sensibilities of the human being, and calls upon us to draw on our highest and best as whole human beings as we struggle together through, and find just resolutions for, the most difficult issues of our time.

The skill set that such an approach demands—the capacity to ground oneself in personal awareness, active listening, facility with the emotional responses of oneself and those of others—are not regularly taught to students of law.⁹⁴ Yet, studies indicate that students who are taught the skills of emotional intelligence may perform better than those who are not, and indicate that success in life may well turn on their effective display. Regardless of their instrumental appeal, without such skills, conversations about the difficult legacies of racism in the law, whether in person, or buried within the pages of the law reviews, are bound to continue to promise much and deliver little. Hon-

92. Cf. E.F. SCHUMACHER, *A GUIDE FOR THE PERPLEXED* 121–28 (1977) (arguing that all human problems come down to determining whether the solution leads to convergence—recognizing that there is one best way to approach it—or divergence—recognizing that there are many, and counseling transcendence as to divergent realities).

93. See *HOW CONNECTIONS HEAL*, *supra* note 24, at 11–12.

94. Professor Joshua D. Rosenberg has pioneered the offering of such a course to law students at the University of San Francisco, titled “Interpersonal Dynamics for Lawyers.” See Rosenberg, *supra* note 84, at 1226.

est and undefended dialogue about racism, sexism, and other deeply seated structures of bias and preconditioning demand that we set the stage for such discussions by embracing an approach grounded upon the cutting-edge insights of the burgeoning fields of social science which take the whole of our human capacities and experiences beyond previous levels of common understanding. Such an approach takes work. It requires that we build the capacity to communicate respectfully from the unarguable truth—and the unarguable truth almost always begins with our emotional responses to what we hear, or those which are driving us when find ourselves with something we urgently must say.

We all know from experience that communication around the issues raised by the Delgado/Subotnik exchange is risky, emotionally challenging, and even politically threatening,⁹⁵ whether in mixed, homogeneous, among strangers or in intimate company. One cannot enter into genuine dialogue about these issues without the courage to be vulnerable. In the absence of the commitment to communicate in an integrally conscious way—i.e., not only with argument, and perhaps without argument at all; but instead with reflective self-awareness and self-revelation in a commitment to respect and dignity—dialogues about these issues may continue largely to serve as shields and hiding places, whether conveyed through the devices of fictionalized characters, or the more familiar personae, form and rhetoric of traditional legal analysis. Those of us bold enough and caring enough to desire to engage in dialogue about such issues owe one another, owe ourselves, owe the work to which we have committed the energies of our short lives, much, much better than that.

Epilogue

I have read Professor Subotnik's paper. It was an attack on an esteemed leader in the field of critical race scholarship in particular, and on critical race and gender scholarship generally—and hence, on me. It indeed did feel like one. And yet, with attention to the entirety of my experience, and with confidence that an approach which integrated my feelings and my thoughts together would best honor my own experience of this project, I completed my very rough first draft of this response to it this afternoon. It will take many hours of work to polish and strengthen it—to bolster it with additional citations, to smooth out the prose—but at least I have overcome the anxiety I felt before I began, and

95. See also Lee, *supra* note 18, at 535, 584 (noting the emotional and other difficulties attendant to such dialogue).

embarked upon the compassionate and healing work of allowing my whole self to speak its response.

Tapping out a response to this essay in a way that permitted me to bring the whole of my experience in, rather than be constrained by conventional takes on the tone, structure, and subject matter of legal scholarship, is an exercise for me in dealing holistically with the truly painful aspects of this project and work like it. I have practiced saying what I most needed to say in order to more fully respond, without permitting this project itself to leave yet another wound in my spirit and soul. This has been an exercise in responding to an abrasive essay with compassion towards myself, and, I hope, towards Professor Subotnik. This has been an exercise in healing the heart of justice.⁹⁶

My response may not be a perfect example of what I wish to call holistic or integral critical legal scholarship, but it's an effort consciously made in that direction, and there is some satisfaction in that. Indeed, I relish the search for a means of addressing the most difficult issues of our time with the care, sensitivity, and highest capacity for communicating about emotionally difficult matters that is their due. In so doing, I have reconnected with a deep sense of my own worth, of the value of the Humanity Consciousness perspective born of my early struggles, and articulated an Integral Critical approach that blends that perspective with insights emerging from cutting-edge social science. I am a more grounded human being in this moment than I was this morning when I began. And I am once again clear about why I do the work I have chosen to do. Communicating it in a way that does not simply invite conventional argument, but which aims at connecting one human being to another, is the goal of the scholarship and teaching I intend to extend into the world from this day forward.

I will turn off my computer now, and head home. Preparation for tomorrow morning's class from the comfort of my reading room couch will be my second shift. And yes, Professor Dan Subotnik, along the way of my short drive across town, a good bread must be picked up for dinner. The dawn of a new morning awaits.

96. Cf. Victor Lewis, *Healing the Heart of Justice, Creation Spirituality*, in BELL HOOKS, *BLACK LOOKS: RACE AND REPRESENTATION* 20 (1992) ("To value ourselves rightly, infinitely, released from shame and self-rejection, implies knowing that we are claimed by the totality of life. To share in a loving community and vision that magnifies our strength and banishes fear and despair, here, we find the solid ground from which justice can flow like a mighty stream. Here, we find the fire that burns away the confusion that oppression heaped upon us during our childhood weakness. Here, we can see what needs to be done and find the strength to do it. To value ourselves rightly. To love one another. This is to heal the heart of justice.").