

# Two Life Stories:

## *Reflections of One Black Woman Law Professor*

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The dispute at Harvard Law School over the absence of Black women from the faculty is disturbing.<sup>1</sup> Particularly distressing is the use of the term "role model" as the articulated rationale for hiring a Black woman law professor.<sup>2</sup> The term "role model" seems soft, unlike the word "mentor." A role model is a person whose "behavior in a particular role is imitated by others."<sup>3</sup> Most often a "role model" is passive, an image to be emulated. On the other hand, a mentor is more aggressively involved with her protégé. The word "mentor" has an intellectual connotation which the term "role model" generally lacks. Because mentors provide some intellectual guidance, they also must be respected intellectually.

Good law teachers are intellectually challenging and aggressively involved with students. Thus the need for Black women mentors/intellectuals is a better justification for hiring Black women as law teachers than is the need for role models. Law faculties may not take this argu-

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<sup>1</sup> In April, 1990, Harvard Law Professor Derrick Bell, a Black man, announced that he was taking a leave of absence without pay until the law school appointed a tenured Black woman to its faculty. Professor Bell said that he could not in "good conscience" continue to serve as a "role model" for both Black men and Black women. Fox Butterfield, *Harvard Law Professor Quits Until Black Woman Is Named*, NY Times A1 (Apr 24, 1990).

<sup>2</sup> Not only did Professor Bell use the term "role model," but the New York Times quoted one Black first-year woman student as saying "we need black women role models." Fox Butterfield, *Harvard Law School Torn By Race Issue*, NY Times A20 (Apr 26, 1990). The term "role model" was then used by some detractors to suggest that both Professor Bell and his supporters simply wanted any Black woman appointed without regard to her scholarship and teaching. See, for example, Jonathan Yardley, *The Case for Merit at Harvard Law*, Wash Post B2 (Apr 30, 1990); George F. Will, *Academic Set-Asides*, Wash Post A27 (May 17, 1990). Little attention was paid to the words of another Black woman law student quoted in the New York Times article as saying: "They [the law faculty] have had years to find a black woman, but they just want to keep the status quo, what they call the comfort level of white men. The fact remains that we are getting only a white male corporate view of the law. We need black women *mentors* to tell us what it is like out there when we join a firm and start trying to get clients." Butterfield, NY Times A20 (Apr 26, 1990) (emphasis added).

<sup>3</sup> *A Supplement to the Oxford English Dictionary* 1021 (Clarendon, 1982).

ment seriously because of the societal bias against all women (and Black men) as intellectuals and leaders. Today there still are teachers at prominent colleges and universities who openly espouse the intellectual inferiority of Blacks and all women.<sup>4</sup>

Arguments challenging the legitimacy of nonwhite intellectuals presuppose the correctness of a cultural imperialism based on male-defined eurocentric norms. This unicultural perspective sees different and complex human experiences as weakening rather than enriching the whole intellectual community.<sup>5</sup> My argument for the inclusion of more Black women law teachers to serve as mentors/intellectuals goes beyond role modeling arguments to the very nature of the scholarly dialogue.

In arguing for the inclusion of Black women on law faculties, I cannot pretend that there is a single set of common experiences that defines all Black people or Black women. Nor do I contend that any single Black woman can capture the complexities, varied lifestyles, and ways of approaching legal issues of concern to all Black women. However, our varied life experiences of being Black and female in a White male dominated society affect our individual perspectives.<sup>6</sup> Thus, the absence of Black women from the legal landscape—especially as legal academics—impoverishes the imagination of law students and other legal academics.

There is, however, an important but subtle difference between opening the legal landscape to Black women and attempting to discover, prove, and legitimate their intellectual worth.<sup>7</sup> In opening the legal landscape to Black women, generally perceived as being at the bottom of the

<sup>4</sup> See, for example, *Campus Is Split Over Statement By a Professor*, NY Times 28 (Dec 23, 1990) (tenured University of California anthropology professor makes statements which suggest that women have smaller brains than men and that race makes a difference in academic ability). Cornel West writes that the Black intellectual is burdened by charges of intellectual inferiority which then generate anxieties for those intellectuals seeking legitimization through the academy. Cornel West, *The Black Intellectual*, 1 Cultural Critique 109, 116-17 (Fall 1985). Stephen Carter's essay, *The Best Black, And Other Tales*, is the best current example of West's point. Carter's essay graphically illustrates the notion that despite one's achievements, Whites, and too often Black intellectuals, buy into the notion that Blacks are intellectually inferior or perceived as such. Stephen L. Carter, *The Best Black, And Other Tales*, 1 Reconstruction 6 (Winter 1990).

<sup>5</sup> Some scholars are beginning to discuss this concern. See, for example, Mari J. Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 Harv CR-CL L Rev 323 (1987); Mari Matsuda, *Affirmative Action and Legal Knowledge: Planting Seeds in Plowed-Up Ground*, 11 Harv Women's L J 1 (1988); Mari J. Matsuda, *When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*, 11 Women's Rts L Rptr 7 (Spring 1989). See also Kimberle Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, U Chi Legal F 139, 152-60 (1989); Richard Delgado, *Storytelling for Oppositionists and Others: A Plea for Narrative*, 87 Mich L Rev 2411 (1989); Gerald Torres and Kathryn Milun, *Translating Yonondio by Precedent and Evidence: The Mashpee Indian Case*, Duke L J 625 (1990).

<sup>6</sup> For a more complete discussion of this point see Crenshaw, U Chi Legal F 139 (1989) (cited in note 5).

<sup>7</sup> Hazel Carby faults Black feminist criticism, along with the Women's and Black Studies movements, for accepting in large part the prevailing paradigms of academic scholarship. Hazel Carby, *Reconstructing Womanhood: The Emergence of the Afro-American Woman Novelist* 15-16 (Oxford U Press, 1987).

American hierarchy, it is possible to open the legal landscape to all members of American society. However, any attempt to justify the inclusion of Black women law professors based on some assertion of a special perspective of all Blacks, or all Black women, may be both difficult to make and politically risky—although ultimately right.<sup>8</sup> If not carefully crafted, these arguments can be distorted by opponents simply to legitimate further charges of our intellectual inferiority.

As it is, Black women academics/intellectuals already occupy a precarious position in legal education. We are misfits, not fully accepted by the Black or White community, and as women, we still are not full members of the feminist community. We are, as Harold Cruse characterized Black intellectuals almost thirty years ago, a “rootless class of displaced persons”<sup>9</sup>—outsiders even within our own communities. Thus my struggle as an academic is to teach and write truthfully and accurately despite the feeling that I fit into no world.

Truth-telling for me is easier for some issues, notably race, than others, especially class. I still have some discomfort with my own class background. Only lately have I come to accept that I am a third-generation college teacher. All of my grandparents attended college and both my parents have doctoral degrees. This part of my background is unusual, even among most of my White colleagues. Although not wealthy, I grew up middle class in Black Washington, D.C., a community infamous for its class and color, literally shades of skin color, consciousness. In these respects, my background is different from many other Black women law teachers.

As with all people, there are degrees of difference among Black women academics. We are part of multiple cultures based on gender, race, class, region, and for some, ethnicity and sexuality. Unfortunately, the nature of traditional legal dialogue within law schools and legal education devalues life experiences. Instead it favors the notion that bland, so-called “objectively reasoned” arguments, often devoid of any humanistic concern, are the only way to convey important legal ideas. This is a one-dimensional scholarly dialogue, a cerebral discussion of law. The body of legal scholarship should be more diverse, since the law, at the very least, is two-dimensional.

This second dimension, the inclusion of multiple life experiences, is missing from the legal scholarly dialogue. These excluded or devalued life experiences raise legal, social, and moral issues that are worthy of discussion and should be addressed by legal scholars because they reflect

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<sup>8</sup> Patricia Williams captures my feelings when she writes: “I do believe that the simple matter of the color of one’s skin so profoundly affects the way one is treated, so radically shapes what one is allowed to think and feel about this society, that the decision to generalize from such a division [between ‘black’ and ‘white’] is valid.” Patricia Williams, *The Alchemy of Race and Rights* 256 (Harv U Press, 1991).

<sup>9</sup> Harold Cruse, *The Crisis of the Negro Intellectual* 454 (William Morrow, 1967).

law as it operates. This second dimension is missing from classroom discussions as well. For example, my presence in the classroom and the academic community creates a potentially richer learning experience because I bring a whole segment of life experiences related to law that is missing from the legal landscape. Law teachers, like scholars, tend to ignore or minimize these experiences because they are unaware of the negative consequences of exclusion. They are unaware because law faculties are so homogenized, especially as to race and gender.<sup>10</sup>

I will use two stories to illustrate how my life experiences affect my point of view. The first story looks at my perceived position in American society. The second story shows how my experiences influence the way I view legal issues. Recently, I discovered that most of my conversations with friends are a series of stories we tell each other. Through these stories we indirectly learn much about each other's lives unhindered by modesty or shame. Sometimes standard English words just strung together in logical straightforward sentences are not always the best way to convey important legal ideas.

My first story relates an experience common to almost all Black people. It illustrates how Black people who are unknown to Whites are categorized by them, only by color.

### THE ELEVATOR

One Saturday afternoon I entered an elevator in a luxury condominium in downtown Philadelphia with four other Black women law professors. We were leaving the apartment of another Black woman law professor. The elevator was large and spacious. A few floors later, the door opened and a White woman in her late fifties peered in, let out a muffled cry of surprise, stepped back and let the door close without getting on. Several floors later the elevator stopped again, and the doors opened to reveal yet another White middle-aged woman, who also decided not to get on.

Following the first incident we looked at each other somewhat puzzled. After the second incident we laughed in disbelief, belatedly realizing that the two women seemed afraid to get on an elevator in a luxury condominium with five well-dressed Black women in their thirties and forties.<sup>11</sup> Our laughter, the nervous laugh Blacks often express when

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<sup>10</sup> Richard Chused's 1987 study of law faculties found that women occupy 15.9% and Blacks 3.7% of all tenured or tenure-track positions at the American Association of Law School member institutions participating in the survey. Richard H. Chused, *The Hiring and Retention of Minorities and Women on American Law Faculties*, 137 U Pa L Rev 537, 540 n19, 548 (1988).

<sup>11</sup> In all fairness I later learned that the first woman refuses to get on an elevator with *anyone*, but that still does not adequately resolve my feelings about the second incident.

faced with the blatant or unconscious racism of White America, masked our shock and hurt.

The elevator incident is yet another reminder that no matter how well-educated, well-dressed, or financially secure, we are Black first and thus still undesirable "others" to too many White Americans. It reminds me that no matter what my accomplishments, I am still perceived as less than equal—and even dangerous!

The elevator incident is a painful reminder that White attitudes about race have not changed and that too often we "assimilated" Blacks buy into these White attitudes. I used to think that Whites were only afraid of Black men, and I felt safe from that form of racism due to my gender. Now, I realize any Black person is threatening. Groups of Black women are very threatening even to their White "sisters." We are threatening even when encountered during the day in a security building complete with doorman.

We should not have been surprised by the White women's fear because of the dominance of fear in women's lives generally. As women we fear rape, assault, and harassment in the street or workplace. Feminist writers point out that the dominance of fear as a part of women's life experience is one way our experiences differ from men's, at least White men's.<sup>12</sup>

On the other hand, we tend to think that only Black men's lives are dominated by the experience of "being feared." But in this instance, by virtue of color alone, we too were feared. Thus being feared is not simply a Black male experience, it is part of the Black experience.<sup>13</sup>

However, I think some of us were surprised that we were not insulated by gender (and perhaps class) from the fear Whites have of Blacks.

<sup>12</sup> For example, Robin West points out that patriarchy as experienced by modern women is profoundly negative and pervasively violent. Robin West, *Feminism, Critical Social Theory and Law*, 9 U Chi Legal F 59, 61 (1989) (citations omitted). She notes that fear, specifically of sexual violence, is a defining role in women's lives. *Id.* at 62-63. See also Christine Littleton, *Equality and Feminist Legal Theory*, 48 U Pitt L Rev 1043, 1043-44 (1987); Kristin Bumiller, *Rape as a Legal Symbol: An Essay on Sexual Violence and Racism*, 42 U Miami L Rev 75, 76, 91 (1987).

<sup>13</sup> Robin West uses the term "ethical fear" to describe "a fear so pervasive that it forces [those who have it] to adapt continually to its pressures and begins actually to determine their personality and character." Robin West, *The Supreme Court 1989 Term; Foreword: Taking Freedom Seriously*, 104 Harv L Rev 43, 91 (1990). West takes the term "ethical fear" from Czechoslovak President Vaclav Havel, but uses it in a different context. Havel uses the term to describe "the pervasive threat of official violence engendered by a police state." *Id.* at 91-92 n209 (citing V. Havel, *Letter to Gustáv Husák*, in J. Vladislav, ed., *Vaclav Havel, or Living In Truth* 3, 5 (Muelenhoff [Amsterdam], Faber [London], 1986)). But West uses the term to describe the consequences of living with the threat of violence from other citizens, a fear she characterizes as common to both women (fear of rape) and residents of crime-ridden neighborhoods (fear of violent crime). *Id.* However, the Black experience in America includes both Havel's and West's "ethical fear." We have adapted to the threat of official violence and we adapted to the threat of random violence (lynching). Starting with the slave experience, Black women have adapted to the fear of sexual violence. But in addition, Black men and women are forced to adapt to another "ethical fear," the fear of being feared and the dangers implicit in generating this fear.

We were instantly categorized, stripped of our individuality, before those women waiting for the elevator had a chance to know us. We were deprived of our community of gender (and perhaps class) simply because we were classified Black at birth. It is an experience that can happen to any Black woman and in this way Black women's experiences are not simply sometimes Black and sometimes female. Our experiences as Black women fit neither paradigm. In the elevator we were feared, but not because of being Black *and male*.<sup>14</sup>

Nevertheless, as a Black academic woman in America, I am constantly asked to fit within only one paradigm at a time. I am categorized as being part of a Black world, or a White world, or a female world, or a world of poverty and cultural deprivation. Being so variously categorized often causes me to think about all of these worlds collectively when viewing common life experiences. My second story illustrates how this kind of thinking operates and how it can operate in a law classroom.

### THE TRAIN RIDE

I always enjoy the train because it is pleasant, reasonably comfortable, usually efficient, and safe. Recently as the train pulled out of Wilmington, Delaware heading south, I glanced across the aisle and noticed that a man now occupied the window seat. I looked again because there was something about this man which set him apart from the usual train passenger. Finally, I realized that it was his dress. He had a double hood pulled over his head and that hungry and scared look I see on the faces of some homeless people I pass daily on my walk to work. The man glanced furtively at me, smiled, and seemed to relax as he removed his hood, revealing close-cut salt-and-pepper hair and a stubby white hint of a beard.

I resumed reading, still vaguely discomfited by the passenger across the aisle—he had no baggage—and alternately chastising myself for some subconscious class bias. Suddenly, I felt someone staring at me. I looked up and glanced across the aisle. I was sickened when I saw the man smiling at me as he wiggled his naked penis. Determined to stop this man from disturbing other passengers,<sup>15</sup> I started to get up to find a

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<sup>14</sup> There is an even more insidious aspect to this story. Its underlying theme is the continuing lack of racial equality, but implicit in this quest for equality is the desire for acceptance. Having lived in America for so many years, we should have realized that Black people will never be accepted as equals by many Whites. Thus any quest for an equality based on a notion of acceptance is doomed to failure because acceptance can always be withheld by those from whom we seek it. We must first free ourselves of the need to be accepted before we can create and write about a theory to liberate people of color. Intellectually I know all of this, but it is hard to kill the demon—the need for acceptance in a culture you do not dominate or control. Christine Littleton wrote about this problem, which she termed “equality as acceptance,” in the context of gender oppression. Littleton, 48 U Pitt L Rev at 1052 (cited in note 12).

<sup>15</sup> This was not the first time that a man had exposed himself to me and I think that fact caused me to take some action. Twenty-two years earlier, a Black man exposed himself as I sat in my

conductor. The man, sensing I was about to betray him, also got up and mumbled something inaudible as he passed me. Like someone in a grade B movie I shouted, "Stop that man! He just exposed himself." The cashier behind the refreshment counter looked up and I repeated my alarm. A conductor met the man and escorted him to the rear car.

Feeling relieved, I resumed reading until the conductor approached and asked what happened. I related the events and he asked what I wanted him to do with the man. It was an annoying question since it seemed obvious that the man had committed a criminal offense—indecent exposure.<sup>16</sup> It also was a typical response to a victim of a wrong which society does not take seriously. It was the same question posed to me by colleagues who heard that a White student told classmates that he asked to be transferred to another class because he was too prejudiced to be taught by a Black woman. My immediate thought in that case was, how could a Black person understand how to reach a White person who obviously believes and openly espouses an ideology of White supremacy? I had a similar thought when the train conductor posed the same question—how can a woman understand how to stop a man who feels compelled to expose himself to women in public places? In each instance, the question seemed both inappropriate and insulting, or at the very least, insensitive.

The conductor seemed appropriately indignant. He expressed a desire to beat the man and also offered to scare him. Intellectually, I realized that neither action would solve the problem because obviously the man was sick, so I asked what options were available. The conductor replied that I could press charges. I was noncommittal and the conductor left.

Subsequently, the conductor returned with a second conductor who informed me that the man, probably homeless, had no ticket or money. The first conductor apologized and explained that there had never been such an incident on his train. (But was this because no other woman had protested?) Once again they asked me what I wanted done with the man. This time I quickly replied that I would be willing to press charges. There seemed no other way to stop this man from exposing himself to other women. They left only to return shortly with a third conductor. Together they explained that the law required them to put a person with-

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car in the parking lot of a Jackson, Mississippi public library. I remember feeling shocked, scared, and then sickened, but I never told anyone about it for almost fifteen years. However, I never forgot the incident or my feelings.

<sup>16</sup> Indecent exposure is defined in section 213.5 of the Model Penal Code, to wit: "Indecent Exposure: A person commits a misdemeanor if, for the purpose of arousing or gratifying sexual desire of himself or of any person other than his spouse, he exposes his genitals under circumstances in which he knows his conduct is likely to cause affront or harm." 2 *Model Penal Code and Commentary*, § 213.5 at 405 (ALI, 1980).

out a ticket off the train at the next station.<sup>17</sup> No one was listening to what I wanted. When I inquired whether riding on a train without paying the fare was a crime, they responded that it was, but that the police would probably release the man and bar him from the train station. They said that the same thing would happen if I tried to press charges against the man for indecent exposure. As an alternative, they offered to hold the man until I was off the train and safely in a cab, leaving him free to expose himself to other women in my hometown or board another train and expose himself to other women passengers, who might not openly object.

During the forty-three minute ride from Wilmington to Baltimore many things went through my mind. Only now do I wonder if the outcome would have been different had I been a White woman. Perhaps not; after all, I am just a woman. From a feminist perspective, I viewed this man's exposed penis directed toward me, a woman unknown to him, as a sexual assault.<sup>18</sup> However, it would be difficult to argue that the man was attempting a sexual battery and it is doubtful that he intended to create apprehension in my mind of an immediate sexual battery. The man was simply displaying his naked penis, perhaps as an invitation.

At one level I have great difficulty viewing the man's action as a simple misdemeanor. Exposing one's naked body in a public setting—nudity per se—is not offensive or threatening. However, the man's conscious sexual actions directed toward me left me shaken and repulsed, and invaded my sense of privacy and safety. But at another level, a pure feminist analysis does not fully convey my feelings.

The man was old and Black, and as a Black person I had mixed emotions about filing a complaint against him for a sex offense. Perhaps the conductors, all White men, would have reacted differently had I been a White woman and the man Black. I am keenly aware of the historical misuse of sex crimes to oppress Black men in the United States.<sup>19</sup> After all, I rationalized, most social science studies indicate that men who expose themselves seldom commit a more serious sex offense like rape.<sup>20</sup>

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<sup>17</sup> Homeless people know about this law and sneak on trains gradually working their way up and down the east coast.

<sup>18</sup> A traditional criminal law definition of an assault is either an attempt to commit a battery or an intentional placing of another in apprehension of receiving an immediate battery. Rollin M. Perkins and Ronald N. Boyce, *Criminal Law* 159 (Foundation, 3d ed 1982).

<sup>19</sup> See Gerda Lerner, ed, *Black Women In White America: A Documentary History* 193-215 (Vintage, 1973) (documenting Black women's efforts to challenge the myth of the Black rapist by proving the falseness of the accusation, the disproportionate punishment for the crime where the defendant is Black, and the use of the myth to justify lynching); Angela Y. Davis, *Women, Race & Class* 172-201 (Random House, 1981) (discussing the unwillingness of White women to help dispel the myth and its connection to the rise of lynching).

<sup>20</sup> See, for example, J.W. Mohr, R.E. Turner and M.B. Jerry, *Pedophilia and Exhibitionism* 118 (U Toronto Press, 1964) (exposure is the final act and the exhibitor does not seek any further relationship with the victim); Ellen F. Berah and Robert G. Myers, *The Offense Records of a Sample of Convicted Exhibitionists*, 11 Bull Am Acad Psychiatry Law 365 (1983) (Australian



People who expose themselves in public are sick, and punishing sick people seems inherently unjust. I questioned the use of criminal sanctions against a mentally ill person who, theoretically, posed no "real" danger to society. But my feminist voice whispered, he does pose a real danger, look at how his actions affected you.

However, I bring still another life experience to this incident which further complicates my analysis. I fear this disclosure will trouble some of my family members, but more perceptive readers might have sensed some connection anyway. My uncle, a quiet and kind man, has been mentally ill for more than twenty-five years. Except for a short time at the onset of his illness, he has lived at home with his sister. How different his life might have been had no family member been willing to care for him. His presence in our family has affected us all. But for my family, my uncle might be a homeless man.

The analysis of my experience on the train could be easily transferred to my criminal law class. Even raising the issue of indecent exposure in a criminal law class would be novel since most casebooks omit "minor" sex offenses.<sup>21</sup> I might ask students how society should treat, as opposed to categorize, a man who intentionally exposes his genitals to an unwilling onlooker in public. We could discuss how race and class often impact the ways such a law is enforced against sex offenders, or whether the victim's gender makes a difference in criminalizing conduct and in the seriousness assigned the crime. We might also explore whether women and men differ in their reaction to such conduct, and if so, whether the law recognizes that difference, especially since women are almost exclusively the victims of indecent exposure.<sup>22</sup>

I might ask students whether, even if they believe the act should not be criminalized, it would be kinder to file charges against the man. After all, at least he would get some meals and have a warm place to sleep for a few days. However, students might note that jails and prisons are not safe places, and argue that providing food but unsafe shelter is not a kind act. We might decide that even if jails and prisons were safe, it seems unjust and unconstitutional to deprive an individual of liberty for an act which is not criminal merely because American society is unwilling to feed and shelter all of its members.<sup>23</sup>

In my seminar on disability law I might ask students whether, assuming the man is mentally ill, institutionalization and treatment

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study finds that the vast majority of exhibitionists were unlikely to proceed to more serious sexual offenses).

<sup>21</sup> Nancy S. Erickson, *Final Report: "Sex Bias in the Teaching of Criminal Law,"* 42 Rutgers L Rev 309, 384-86 (1990).

<sup>22</sup> Mohr, Turner and Jerry, *Pedophilia and Exhibitionism* at 115 (cited in note 20).

<sup>23</sup> In *O'Connor v Donaldson*, the United States Supreme Court said in dicta that institutional confinement is rarely, if ever, necessary to ensure a mentally ill person a decent living standard. 422 US 563, 575 (1975).

would be an appropriate means of minimizing the problem. We would discuss the constitutional restrictions on involuntary detention and treatment of mentally ill individuals. I would explain that twenty years ago many of today's homeless women and men would have been confined in mental institutions, where they would have been sheltered, fed, and clothed, although not equally. We would learn that a few received treatment, but too many were mistreated or neglected, and that as a result, deinstitutionalization proponents wanted to ensure a more humane and less restrictive environment for nondangerous mentally ill individuals by providing community-based treatment and, where needed, shelter in group homes.

I would ask students why the states failed to provide treatment and why community residents resisted efforts to place group homes in their neighborhoods. I would note that without either treatment or shelter, the mentally ill, who theoretically pose no danger to themselves or society (an assumption still open to question),<sup>24</sup> roam American city streets—starving and dying—as an indifferent public walks by wishing they would just disappear. Students would be asked to explore why American society feels no obligation to protect and provide for the mentally ill, unless they are institutionalized.

I would ask students whether the presence of this mentally disturbed penniless man reflects society's failure to help all homeless people, approximately one-third of whom suffer from serious mental illnesses. Students would be asked to look beyond the numbers to find out more about homeless women and men, look at their age, race, class, and quality of life. We would discuss why mentally ill people are appearing in growing numbers on the streets.

The presence of increasing numbers of homeless families on American streets also reflects the unwillingness of one of the wealthiest countries in the world to include food and shelter among those basic rights guaranteed by the Constitution, an issue for my constitutional law class. I would ask whether it matters that a disproportionate number of home-

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<sup>24</sup> In castigating New York state for abandoning mentally ill individuals, noted author and neurologist Oliver Sacks writes: "There are 80,000 desperately ill and wretched people on our streets, not only homeless and endangered, and perhaps dangerous to others, but often in a nightmare of their own psychoses." Oliver Sacks, *Forsaking the Mentally Ill*, NY Times A23, (Feb 13, 1991).

In addition, I am not sure that so-called nondangerous mentally ill homeless people do not pose some danger to society in the broader sense of the word. By allowing mentally ill homeless people, or any homeless person, to roam the streets we cause society to become more desensitized and dehumanized. We must take individual responsibility for all homeless people. Robin West, contrasting Vaclav Havel's "postdemocratic liberalism" to American liberal legalism, writes that individual "responsibility. . . is both a precondition and consequence of individual liberty [and] 'is not just the expression of an introverted, self-contained responsibility that individuals have to and for themselves alone, but responsibility to and for the world.'" West, 104 Harv L Rev at 66 (cited in note 13) (quoting V. Havel, *The Power of the Powerless*, in J. Vladislav, ed, *Vaclav Havel, or Living In Truth* 36, 103 (emphasis in original) (cited in note 13)).

less people are women, people of color, and children who are both female and Black, or whether society's indifference here reflects its indifference to important issues of race, gender, and class generally.

It is this frame of reference I bring into my classroom. My life stories influence my perspective, a perspective unable to function within a single paradigm because I am too many things at one time. My perspective often transcends race and gender and is sometimes fully or partially conscious of the complexities and intersection of race, gender, and class. It is a multiple perspective not represented in our casebooks or legal literature.