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Stories of Teaching Race, Gender, and Class: A Narrative

Brenda V. Smith*

I. INTRODUCTION

This Essay arises out of the keynote speech that I gave at the New England Clinical Conference at Harvard Law School in November 2015. The conference theme was, “Teaching Race, Gender and Class: Learning from Our Students, Communities and Each Other.” The primary planners and hosts for the conference were clinical teachers and programs in the Northeast, but participants came from around the country to talk about the importance of addressing race, gender and class in this moment of black lives mattering. They wanted to talk about the way that these issues of race, gender and class had always been salient for the clients and communities they served. In particular, I felt that so much of the focus in the press and discourse had been about the experiences of black men and boys. When the President announced a “My Brother’s Keeper” initiative in 2014,¹ black feminists and others railed at the lack of comparable efforts to address the concentrated oppression and abuse of black girls and women.²

* Professor of Law, American University, Washington College of Law. I would like to thank the many colleagues I shared this essay with, Professor Susan Carle, Professor Binny Miller, and Sherry Weaver the Director of Diversity Services at the Washington College of Law. My thanks to my research assistants Emma Burgess Roy, Jordyn Coad, and Whitney Washington. My deepest thanks to Professor Dorcas Gilmore and Professor Chiseche Mibenge who listened to me read this essay and heard it in powerful and productive ways. Finally, thanks to my sister, Dr. Sandra Sessoms Penny who is a part of all my stories.

1. *My Brother’s Keeper*, WHITEHOUSE.GOV, <https://www.whitehouse.gov/my-brothers-keeper> (last updated Apr. 1, 2016).

2. Kimberle Williams Crenshaw, Op-Ed, *The Girls Obama Forgot*, N.Y. TIMES (July 29, 2014), http://www.nytimes.com/2014/07/30/opinion/Kimberl-Williams-Crenshaw-My-Brothers-Keeper-Ignores-Young-Black-Women.html?_r=0. In response to the critique voiced by Crenshaw and others, the White House convened meetings on the “sexual abuse to prison pipeline” and on women in the criminal justice system. See, e.g., *Second Chances for Success: Women, Girls and the Justice System*, UNITED STATE OF WOMEN (June 14, 2016),

In particular, I felt that women of color—black women especially—kept quiet in academic settings. I felt like we were hiding our rage, pain, and the injury that we experienced on a daily basis. That rage comes from many places: from students who presume we are less qualified or less influential than our male or female white colleagues;³ from conversations where we stand outside of our experience and talk about the death, destruction, despair, and disrespect black and brown people experience in our institutions, communities, and world on a daily basis. I felt like we—actually I—were (and was) hiding the deep wounds experienced from the constant barrage of shootings, killings, and occupations of black communities. Indeed, there is a “woundedness” that I see in my black, brown, and Muslim colleagues that comes from seeing our communities under siege while we are expected to opine, blog, and intellectualize those experiences.⁴ We are to footnote and reason through the unreasonableness. We are called to pretend that we are immune and not affected—that in some way we stand outside of those injuries. We are called to make others—students, colleagues, and institutions—feel better.⁵

So when Margaret Barry, an African American colleague, asked me to provide the keynote address at the Northeast Clinical Conference, I decided to take a risk and to talk about what it means to teach race, gender, and class when you teach from that intersectional space—when what you think, feel, and live is filtered through the prisms of gender, race and class. For example, my present privilege—employed, published and tenured—gives me access to this space to share my views and theories, unlike the many nameless and faceless women who share and articulate these same realities each day. I emphasize “present” because many women of color in the

<http://www.theunitedstateofwomen.org/summit-details>; *The White House Convening on Women and the Criminal Justice System*, JUSTICE ROUNDTABLE (Mar. 31, 2016), <https://justiceroundtable.org/resource/the-white-house-convening-on-women-and-the-criminal-justice-system/>.

3. See PRESUMED INCOMPETENT (Gabriella Gutierrez y Muhs et al. eds., 2012).

4. Monnica T. Williams, *The Link Between Racism and PTSD*, PSYCHOLOGY TODAY (Sept. 6, 2015), <https://www.psychologytoday.com/blog/culturally-speaking/201509/the-link-between-racism-and-ptsd> (describing the connection between microaggressions and PTSD in African Americans and postulating there are similar issues for other minorities).

5. See Sherre Wilson, *They Forgot Mammy Had a Brain*, in PRESUMED INCOMPETENT, *supra* note 3, at 65.

academy experience a level of insecurity and threat, notwithstanding tenure or security of position, that silences them.⁶ So I took a risk in my keynote: to speak truthfully and personally about race, gender, and class and how I approach understanding those concepts. In Parts II and III, respectively, I discuss the risk I took in giving the speech. While I imagine that most will read this essay to themselves, there is a different experience and power in reading or saying words out loud.⁷

II. KEYNOTE SPEECH TO THE NEW ENGLAND CLINICAL CONFERENCE

Thank you for inviting me here to deliver the keynote for the conference. I was thrilled to be asked. I have an exceedingly soft spot for Margaret Barry, who can get me to do just about anything. I was also excited because of the theme of the conference: “Teaching Race, Gender and Class—Learning from Our Students, Communities and Each Other.”

The invitation came at an opportune moment. Some of you know that for many years I have been involved in work to address institutional and community violence against women and girls. A great deal of that work has been in the criminal justice system—in prisons, jails, and juvenile and immigrant detention facilities.

Of late, I have become discouraged and disenchanted about the potential for justice for vulnerable people in this country. Race, gender, and class are sites of vulnerability and threat for men, women, and children of color. Every day we experience injury and trauma—and I say “experience” because we feel wounded—by reports and images of senseless and hateful injuries, each more unimaginable than the next, to black and brown people.

We see police shooting unarmed black boys and men; young men and women arrested for minor incidents who die in police custody either at the hands of police or because of their neglect; and children being beaten, shackled, and handled in the community, in their homes, and in their schools by state actors.

6. *See id.*

7. Like poetry, words read out loud achieve a different meaning with the tone or interpretation of the reader.

It is such a dismal set of circumstances that it is hard to know what to do as teacher, as a clinician, and as an advocate.

So I write. I have spent most of my life writing. If one is fortunate, from time to time what you write engenders dialogue and action. Of late, I have become tired of footnoting and documenting and referencing everything I think, believe, experience, and feel.

And I sense that the movements that have emerged in response to the intense sense of threat that black people experience in this country have emerged not so much from the issues that I have shared or statistics that chronicle the burden of poverty, imprisonment, and disease of poor people and people of color. These movements have emerged from peoples' lived experience, from things that news stories don't capture or fully relate—hence the potency of #BlackLivesMatter and the discourse on whether it is just black lives or all lives. Really, that debate is about whether a group can tell its story without mediating that story in reference to others' experience—whether their story is important in and of itself.

As clinicians, we know that stories are important. We teach our students about the power of narratives—about the importance of client, group, and community stories and how by listening closely to our clients' stories we can often gain understanding, craft solutions, and provide remedies that are not immediately apparent.

Sometimes that remedy is the client simply telling her story and being heard, without interruption. . . .

Other times it is having people who have done injury to the client hear about their pain, struggle, and victory: “How they got over”; in the black church vernacular, “how my soul looks back in wonder how I got over.”⁸

These “telling” strategies have been very powerful in post-conflict societies: Gacaca in Rwanda;⁹ Truth and Reconciliation Commissions

8. CLARA WARD, *HOW I GOT OVER* (1951).

9. TONY KARBO & MARTHA MUTISI, BUREAU OF CRISIS PREVENTION & RECOVERY, UNITED NATIONS DEV. PROGRAM, *PSYCHOLOGICAL ASPECTS OF POST-CONFLICT RECONSTRUCTION: TRANSFORMING MINDSETS: THE CASE OF THE GACACA IN RWANDA*, (2008), available at <http://unpan1.un.org/intradoc/groups/public/documents/UN/UNPAN032152.pdf>

in South Africa,¹⁰ Canada,¹¹ and Liberia;¹² oral histories of African Americans who escaped slavery;¹³ or stories of formerly interned Japanese Americans.¹⁴

Other times, it is helping clients tell a story or part of one that a court or other tribunal recognizes and validates with a finding in their favor.

Given everything that is happening in our communities, what seems to be most powerful are the stories—not the remedies, but the stories. Why?

It is because there are some harms that even money or justice cannot recompense.

Only the telling and hearing of the experience is sufficient. And the hearing is important because it can evoke a response or an insight that transforms reality and creates new and deeper understandings, commitments, and actions.

I would like to share a story that I wrote, because I am seeking a deeper understanding of the trajectory of my own justice journey and where it will lead me.

It is part of a project that I am working on with a group that includes female professors, advocates, and clergy. The rules are simple: write a story of self and share that story with the group. The group will read the story and respond. That response can be: “I hear you,” “I want to hear more,” “This story reminds me of,” “This story made me think of,” or “I have a question about your story.”

Here is my story of self:

Growing up as a girl in Fort Pierce, Florida, I felt an intense sense of threat. That threat could come from home, from the community, or

10. LYN S. GRAYBILL, TRUTH AND RECONCILIATION IN SOUTH AFRICA: MIRACLE OR MODEL 81 (2002).

11. Lorenzo Cherubini, *The Whispers in the Untold Stories: ‘Honouring the Truth, Reconciling for the Future’*, 4 INT. J. CURR. ACA. REV. 18, 21 (2016).

12. PAUL JAMES-ALLEN ET AL., INT’L CTR. FOR TRANSITIONAL JUSTICE, BEYOND THE TRUTH AND RECONCILIATION COMMISSION: TRANSITIONAL JUSTICE OPTIONS IN LIBERIA 26 (2010), available at <https://www.ictj.org/sites/default/files/ICTJ-Liberia-Beyond-TRC-2010-English.pdf>.

13. *Born in Slavery: Slave Narratives from the Federal Writer’s Project, 1936–1938*, LIBRARY OF CONGRESS (last accessed Sept. 24, 2016), <https://memory.loc.gov/ammem/snhtml/snhome.html>.

14. *Japanese Americans Interned During World War II*, TELLING THEIR STORIES, <http://www.tellingstories.org/internment/index.html> (last viewed Sept. 24 2016).

from nature. It was common for people I knew to lose a family member to a gunshot in a weekend brawl or to have fights between families about some perceived slight; hence the hostile home and community. There were threats in nature as well: water, snakes, or even lightning took people away.

So I grew up wary and vigilant. I always had a back up plan—if this, then that. If my father hit my mother, I would call the police. If the police didn't arrest him, then we—my sister, mother, and I—would all sleep together until things cooled down.

Communities were unsafe as well. As a child, my sister opened the door to a man who claimed to be a friend of my father's one night when we were at home alone. He wasn't a friend. He pushed into the house, put an arm around my sister's neck and asked, "Where is the money? Where is it hidden?"

I can remember the smell of sweat and salt and fear. He held my sister close to him in the kitchen with a knife near her throat. He ignored me because he thought I was too young to be a threat. I was eight. My sister was twelve. I remember looking up at the man holding my sister with fear and anger and possession. *My sister*. I grabbed an ice pick out of our kitchen drawer and stabbed him. He let go. My sister ran out the open front door down the dirt road in front of our house. He ran after her. I ran behind him. He ran into the dark.

We never knew who he was. Was he my father's friend? Had he come looking for money, or for "Money," which was my father's nickname. Would we have recognized him if we saw him again? Did he continue to socialize with us and we never knew it? I could not remember his face that night. I cannot remember it now. All I remember is my anger and my will.

While I feared nature, I also loved it. I even loved nature when I worked in the fields and groves with my mother, her six sisters and three brothers, and my forty or so cousins. I loved the symmetrical rows of tomatoes and cucumbers and oranges that seemed to stretch to infinity. I loved the rhythm of the pickers who bent over as they picked row crops, their hats and mix-match clothes moving in the hot wind. I loved the salt and sweat and dirt and field songs and talk. I took it as a part of work that there would be bugs and heat and critters—snakes, raccoons, opossums, rabbits, and wild pigs. Some of the critters ended up as dinner. The bugs and heat were to be endured.

The water that the water boys in the fields gave us from the metal dippers tasted like life on my lips.

But water was also threat. I lived on the coast of Florida in a landscape formed by canals, rivers, lakes, swamps, bogs, and the ocean, but we couldn't swim. Black people didn't swim. The public pools were only for whites, so we learned to swim in canals, creeks, rivers, lakes, and the ocean. Because we couldn't swim, we drowned. Every year, children and adults drowned, taken down by mysterious things. We never knew exactly how or why people drowned. Was it a manatee, an alligator, a shark, or a cramp?

My father was not afraid of the water. He swam but my mother couldn't. She learned to swim and received her high school diploma the same year she divorced him. Growing up in the Bahamas, my father learned to swim in oceans and free dive for food and money that tourists threw at him. So he never feared the water.

On the Fourth of July, black people in Fort Pierce went to the segregated beach; we knew it as Fredrick Douglass Beach. It is now called Jack Island State Park. Most people stayed close to shore and only dipped their toes in the water. The more courageous of us would go waist-deep and jump the waves. We never walked into the ocean until it covered our heads or set out away from shore.

But my father did. One of my most vivid memories is of my father, post-divorce, walking on the crowded beach in very small swimming trunks and dark sunglasses, dropping his towel with a pretty young woman and walking out to the water. He knew that we were watching him. Actually everyone watched to see what Money would do. My father walked with confidence—certain of his beauty, muscular from years of construction work, ruddy from the sun, and with curly black hair. He walked into the ocean until he couldn't stand up, and then he swam and kept swimming. We all watched. My mom sucked her teeth and pretended to ignore him, and then because she couldn't help herself, she watched. The white lifeguards kept calling to him: "Come back! Come back!" He kept swimming until he was just a head bobbing in the water, and then he wasn't anymore. People on the beach speculated that he had drowned. My mother disputed that, saying he was so evil that even the devil didn't want him. As far as we could tell, it was fifty-fifty; maybe he'd survive, maybe not. Hours later, we saw a figure walk up the beach. I

recognized the turned-out gait and the body. It was my father. He picked up his towel and left.

That summer I learned to swim. I wanted choices. I wanted to choose to stay on the shore because of desire rather than fear. So at twelve, when schools and other public facilities desegregated, I learned to swim at the community college with my younger cousins. I learned to swim well enough to do synchronized swimming in college. But I have always been afraid of deep water, of the ocean, of not being able to touch bottom, even if the bottom is only several feet down. I have always been afraid of not knowing where the bottom lies, because then I couldn't calculate the risk.

When I talked to my father about my fear, he said, "The water is always rougher near the shore. You don't hit smooth water until you get farther out, and then it's like swimming in a pool." I ask about the risks. "Sharks?" "They're not interested in you unless you look like a fish." "What about whirlpools?" "Don't panic. Go down with the whirlpool and let it spit you back out." "What about undertows?" "Just swim across them rather than through them. You may get off track, but eventually you end up in smooth water and can find your way back."

So it seems that facing fear and resistance at home, in the community, and in nature is like facing the fear of water. Knowing the contours of the threat is key. Is it turbulence? Is it a vortex that sucks you down? Is it conflicting currents? And strategy is critical. Apparently, fighting back is dangerous and risky. Patience, perseverance, avoidance and strategy seem to be more successful. But not nearly as satisfying as going head-to-head with the threat.

So far I have shared my story with seven people: six colleagues and my sister. Now I share it with all of you. I have received three responses, not counting my sister. My "faculty wife,"¹⁵ a white woman, said, "What struck me most was your description about how and why you learned to swim." She hadn't understood that Florida

15. See Laura Ann Rosenbury, *Work Wives*, 36 HARV. J.L. & GENDER 346, 349 (2013) (theorizing that "[t]he concept of marriage at work may . . . permit different performances of gender than those found within traditional marriage, providing both women and men with forms of support, connection, and intimacy that escape gender hierarchy without eschewing gender altogether."). See also Liz Krieger, *Why You Need a Work Wife*, THE CUT (Nov. 12, 2015), <http://nymag.com/thecut/2015/11/why-you-need-a-work-wife.html>.

didn't desegregate until 1970. She shared that she feared deep water as well.

Another black woman, a clinician, understood how I felt this constant sense of threat and shared, "Black women live with a feeling of threat every day."

The most surprising response was from a sister colleague from Zambia, and I will end by sharing it, with her permission, and reflecting on it.

She writes:

Hello Brenda—

I read [this as] an 'origin story'. It's got a distinct 'in the beginning there was' ring, and it brings to mind a phrase I keep hearing in women's empowerment circles: "Write your own myth, create your own legend." In creating my own myths, with my creative non-fiction writing, usually, I create myths around my mother and father. When I make presentations on gender, race and sexuality to students, I always start with stories about my Mom and Dad and their youth in colonial Zambia. My Mom was destined for an early marriage but a doting grandfather intervened and she was sent off to school, and she excelled beyond her dream of being a nanny for a white lady.

I think myths are not fictions, but they are visual, powerful, enactments and interpretations of our roots, origins/foundations—and we deserve them—these myths of ourselves as much as the Greek gods, colonisers, imperialists, great men, etc.

I'm curious to know how your origin story informs your everyday classroom, advocacy, law school. Is it this origin story that kept you from specializing in tax law, or studying bio-chemistry, or nursing? Is this origin story and its emphasis on vigilance, negotiation, measuring risk an obstacle to your deepening relationships with/within institutions you work? Which part of this origin story keeps you invested in carceral spaces with marginalized/invisible people? I'd like to know when in your day to day, as an accomplished adult woman,

Brenda with the knife emerges, Brenda the black child that can swim, that CHOOSES to swim emerges.

I am tempted to end the story without trying to talk about why this story matters and to not answer the questions my colleague asked. I won't answer all of them, but I will answer some of them because they relate directly to what we are attempting to do over the course of this conference.

First, is this an origin story? In a sense, all narratives are "origin stories." There is always the beginning, the steady state, the trouble, the resolution of the trouble, and the moral.¹⁶ There are stock stories, of course, and often those stories are stock simply because they are powerful and efficacious. They do their work. We can all think of them: the black girl who would not give up her seat on the bus to a white person; the turtle who won the race; the boy who survived.

We all know that sometimes complicated stories don't work well in the law, simply because we—really, our clients—have limited time, space, and fora to tell them.

The second question is how do these stories—our own stories and our clients' stories—inform our daily life, advocacy, the classes we teach, and choices we make. That is a question that I know we all ask and sometimes answer. These stories affect how we address conflict, the causes we engage, our persistence and determination to fight injustice and that tingling, uncomfortable feeling—a sensitivity really—to seeing people wronged and being a bystander or spectator to hate, misogyny, and bigotry. Those back stories or origin stories also affect our trajectories in institutions and our students' trajectories: for whom and what we advocate, what we teach, and what we champion. And certainly those origin stories affect the stories our clients tell or think we want to hear; in other words, how much they engage with us, how much they tell us, and the stories we can hear or understand.

So in closing, I challenge you—I challenge us—to create our own justice stories. I challenge us to teach our students to hear and tell

16. IVOR GOODSON, *DEVELOPING NARRATIVE THEORY: LIFE HISTORIES AND PERSONAL REPRESENTATION* (2013) (advocating for the use of life histories and personal representation as important qualitative data in research, education and policy spheres).

complicated stories of race, gender, class, sexuality, and self. I challenge us to teach our clients to tell their stories and to understand that some of their stories will find a remedy in the law or elsewhere, and *that some stories just need to be told*.

Thank you.

III. POSTSCRIPT—AFTER THE KEYNOTE

My remarks at Harvard were well received. By the time I had given the remarks, I had moved beyond whether they would be well received. I was most concerned about getting through them without crying, either because of the emotion or self-disclosure. However, by the time I spoke I had practiced several times with colleagues; received permission to tell the story from my sister, mother, father and colleagues; addressed questions that the presentation might raise; and reconciled myself to the consequences of telling a story of self.

After I finished, there was silence for a moment and then affirmation and applause. I think the affirmation was about the power of truth-telling, story-telling, and risk-taking. I was relieved to have finished and lived to tell the tale. I invited questions. I sensed that my remarks spoke to the experiences of many people in that room, most of whom were not black. Many women of all ethnicities came over to speak with me about how the remarks had touched them. The experience left them thinking and feeling deeply about what I had discussed. The most awkward conversations I had were with men who I sensed felt the presentation deeply—through empathy, fear, shame, or discomfort—but did not know how to talk to me about those feelings.

In telling my story of self, I felt powerful and not fragile, mainly because I realized that few are willing to take the risk to tell their unique lived story. I sense that people are afraid of what they will disclose or discover, and that in some way, shared knowledge about themselves will diminish their power or give someone power over them. Only time will tell if that is true. In my view, stories of self are only a small part of who we are. Rather, they are more about why we are who we are. We are really works in progress. Who I am, who we are today is not who we were as children or as adolescents. Who I am, who we are is not even who we were last week or last year. We

are constantly becoming through our lived experiences, where we go, what we read, what we see, what we hear, who we work with and for, who we love, and what we hate. In the end, my keynote was a point on a very long ray that is my life—one that is lived as a black woman with deep roots in many places and with experiences that have been shaped by migration, poverty, and violence, for good and not. In the end, I hoped that in sharing my story of self—of race, gender and class—I intervened in the ray of the lives of my colleagues, their students, their clients, and ultimately in the trajectory of our communities.