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### Si Se Puede, but Who Gets the Gravy Symposium: Going Back to Class - The Reemergence of Class in Critical Race Theory

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# SI SE PUEDE, BUT WHO GETS THE GRAVY?

Richard Delgado \*

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## INTRODUCTION: CRITICAL RAP THEORY

Brothers and sisters, do me the honor, of taking part in the birth of a new academic genre.<sup>1</sup> The first part of my title means “You can do it, it

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\* University Distinguished Professor of Law & Derrick Bell Fellow, University of Pittsburgh. J.D., University of California-Berkeley, 1974. I gave earlier versions of this talk at the Second National People of Color Legal Scholarship Conference at George Washington School of Law in October 2004 and at the 2005 conference at University of Michigan that gave rise to this special issue. I gratefully acknowledge the encouragement and suggestions of both audiences, as well as the willingness of the *Michigan Journal of Race & Law* to work with the experimental form in which this short Essay proceeds.

1. To the author’s knowledge, this is the first law review article to proceed, if only partially, in the form of original rap. One of my objectives in publishing this piece is to encourage other writers to experiment with earthier, more popular forms of legal writing, including Critical Rap Theory. See Richard Delgado, *Storytelling for Oppositionists and Others: A Plea for Narrative*, 87 MICH. L. REV. 2411 (1989) [hereinafter *Oppositionists and Others*]. See also text and note 12 *infra*. Such writing, I hope, can help erase the distinction between academic discourse and the people whose lives, problems, fears, and joys ought to occupy the center of our concern.

Recently, legal writers have been cautiously moving in this direction. Paul Butler recently published an article urging that the legal community, in crafting a new and more humane approach to criminal punishment, heed the voice of the people, manifested in hip hop songs. See Paul Butler, *Much Respect: Toward a Hip Hop Theory of Punishment*, 56 STAN. L. REV. 983 (2004). And a quick search of the Lexis law-review database discloses an increasing number of references to hip hop music in general or to specific hip hop artists in particular. Yet, no legal scholar, to my knowledge, has attempted to use original hip hop, with its rhyme, slammed rhyme, metrical variation, sharp images, word play, mild profanity, or bilingual puns on the way to making a serious point about law and politics.

What advantages might such a voice offer? First, it might further the objectives of critical scholarship, including concreteness and an emphasis on voice and perspective. See, e.g., RICHARD DELGADO & JEAN STEFANCIC, *CRITICAL RACE THEORY: AN INTRODUCTION* 9, 87–88, 91–91 (2001) [hereinafter *INTRODUCTION*]. It might help mitigate the growing disjunction between critical discourse and the analysis of material conditions. See Richard Delgado, *Crossroads and Blind Alleys: A Critical Examination of Recent Writing about Race*, 82

can be done”—a sort of Latino “We shall overcome.” But read by me with irony. Not the usual lunch-talk role.<sup>2</sup> Of the neatly dressed judge, corporate diversity fool—or member of the . . .

*Administra-shun,  
trying to jazz you up with their ministrations*

*The broker class.*

*My ass.*

*Our communities don't need no sideline cheer.*

---

TEX. L. REV. 121 (2003) [hereinafter *Crossroads*]. It could advance some of the functions of “counterstorytelling,” including mocking, jarring, and displacing comfortable majoritarian myths and tales. See, e.g., *Oppositionists and Others, supra*; THE DERRICK BELL READER (Richard Delgado & Jean Stefancic eds., 2005) [hereinafter READER] (excerpting articles in which Bell employs parables, chronicles, and stories to cast doubt on received wisdoms such as the myth of Black progress or the efficacy of *Brown v. Board of Education*). See also Mary Jo Frug, *A Postmodern Feminist Legal Manifesto*, 105 HARV. L. REV. 1045 (1992) (post-humorous article employing quotations from popular culture, including songs, to explain the perspective of a radical feminist).

Rap writing might also encourage stylistic improvements in legal scholarship, including immediate and direct writing, less reliance on footnotes, and a more audience-friendly approach.

In the following piece, the author writes in two alternating voices: the voice of rap and the voice of standard academic discourse. The rap passages are rude, direct, even raunchy, while the prose passages are rendered in academic English. This dichotomy is intentional: Rap represents the voice of the people, the voice from below, the voice of those who live in neighborhoods filled with broken glass, an impatient, insurgent voice that bears little in common with the complex, jargon-filled sentences of most contemporary left discourse. The latter voice, in my view, has become too detached from that of our many constituents who worry about their children turning to gangs and drugs and dropping out of school, about police harassment, and where their next paycheck is coming from.

This short piece, then, is a plea for the civil rights community to “get real,” see, e.g., Derrick Bell, *Racial Realism*, in READER, *supra*; Richard Delgado, *Toward a Realist View of the First Amendment*, 113 HARV. L. REV. 778 (2000) (book review), and to put some of its efforts into reforming the actual conditions under which many of the least fortunate live. Legal storytelling and legal rap follow in the footsteps of a long tradition of indigenous voices of color, including slave narratives, Latino *corridos*, *carpas*, and *cuentos*, and social satirists including Voltaire, Swift, and, in our time, Russell Baker and Calvin Trillin, who mocked the high, the mighty, the puffed-up, and those who abused power at the expense of the people they served. See *Oppositionists and Others, supra*; Richard Delgado & Jean Stefancic, *Scorn*, 35 WM. & MARY L. REV. 1061 (1994); *id.*, *Imposition*, 35 WM. & MARY L. REV. 1025 (1994).

2. This Essay originated in two talks, one given during a lunch, the other just before dinner. The reference is to the usual upbeat, Panglossian tone most such talks take on, in which the speaker praises the gathering, the organizers, and the host institution, then proceeds to review how much progress the law has made in the area in question, while conceding that much room for improvement still remains. This improvement is sure to accrue, the speaker adds to solemn looks, if we only try harder.

*The streets are littered with broken glass.  
And the corner store has lots of beer.*

And, of course, the second part of my title highlights the “who benefits?” question that crits are constantly posing: who gets the gravy?

*Friends and neighbors,  
listen up to Part One of my story.  
Take heed, though, so you won't be sorry,  
of the second part where it gets more gory.*

*Tiger, tiger, burning bright, in the forest of the night,  
UH-OH! What immortal hand or eye  
Could frame thy fearful symmetry?<sup>3</sup>  
Why don't we try?*

### I. SYMMETRY

Beginning around 1970, a group of smart lawyers and scholars around the country realized, at about the same time, that the heady gains of the Civil Rights era had stalled and in many cases were beginning to be rolled back.<sup>4</sup> New, better tools were needed to confront the types of subtle, institutional, or latter-day racism that were beginning to appear and that were not so easy to pinpoint as a blow to the head or a bite from a police dog.

As Alan Freeman once put it, if you are up a tree and a flood is coming, sometimes you have to climb down and seek shelter in a taller, safer one.<sup>5</sup> Derrick Bell, fresh from receiving tenure at Harvard, wrote about the conflict of interest inherent in much law reform litigation<sup>6</sup> and, a little later, about *Brown v. Board of Education* as an interest convergence case.<sup>7</sup>

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3. WILLIAM BLAKE, *The Tiger*, in *THE OXFORD BOOKS OF ENGLISH VERSE: 1250–1900*, 459 (Arthur Quiller-Couch ed., 1919) (asking the same question in a metaphysical poem).

4. See *CRITICAL RACE THEORY: THE CUTTING EDGE* xvi (Richard Delgado & Jean Stefancic eds., 2d ed. 2000); Derrick Bell, *Who's Afraid of Critical Race Theory*, in *READER*, *supra* note 1 (both sources detailing movement's origins and principal themes).

5. See, e.g., Richard Delgado, *Brewer's Plea: Critical Thoughts on Common Cause*, 44 *VAND. L. REV.* 1, 6 (1991) (quoting Alan Freeman).

6. Derrick Bell, *Serving Two Masters: Integration Ideals and Client Interests in School Desegregation Litigation*, 85 *YALE L.J.* 470 (1976).

7. Derrick Bell, *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 *HARV. L. REV.* 518 (1980) [hereinafter *Interest-Convergence*].

Other scholars wrote works of revisionist history and added to the repertoire of material determinism.<sup>8</sup> Drawing on the ideas of American radical figures such as Sojourner Truth, Frederick Douglass, W.E.B. Du Bois, César Chávez, Oscar Zeta Acosta, and Martin Luther King, as well as Continental scholars Antonio Gramsci, Michel Foucault, and Frantz Fanon, the movement developed such ideas as internal colonialism, hegemony, and the pedagogy of the oppressed.<sup>9</sup> They also put forward the notions of racism as ordinary and natural, color-blind legalism as a conceptual impossibility, and race as a social construction, not biological reality.<sup>10</sup>

The movement borrowed racial realism and critiques of legal determinacy from our CLS brothers, and of essentialism and patriarchy from our feminist sisters.<sup>11</sup> It criticized cautious liberalism for its unswerving faith in progress and the rule of law.<sup>12</sup>

It developed new modes of legal analysis, including storytelling, chronicles, and an insistence that context and point of view matter.<sup>13</sup>

After an initial organizing conference held in a convent outside Madison, Wisconsin in the summer of 1989, a number of annual workshops and large public conferences followed.<sup>14</sup> Then, the movement splintered, with LatCrits and Asian American scholars pursuing topics such as the Black/White binary of race, the role of immigration law in regulating the contours of American society, official English, and the model minority myth, all the while maintaining relations with the umbrella organization over the years.<sup>15</sup>

At first the movement met with favorable reception. Then, critics like Dan Farber, Suzanna Sherry, Jeff Rosen, Richard Posner, and Randall Kennedy weighed in. Were the stories critical race scholars told true?

8. See DELGADO & STEFANCIC, *supra* note 4, at 1–40, 93–126; DERRICK BELL, *RACE, RACISM, AND AMERICAN LAW* (5th ed. 2004) (1973).

9. See DELGADO & STEFANCIC, *supra* note 4, at xv–xix; INTRODUCTION, *supra* note 1, at 4–11, 15–35; JUAN F. PEREA ET AL., *RACE AND RACES: CASES AND RESOURCES FOR A DIVERSE AMERICA* 13, 92, 106–07, 126–29, 133–39, 152, 156, 162, 469, 960, 1099–1104, (2000).

10. See DELGADO & STEFANCIC, *supra* note 4, at xvi–xvii; INTRODUCTION, *supra* note 1, at 7, 8.

11. DELGADO & STEFANCIC, *supra* note 4, at xi–xviii; INTRODUCTION, *supra* note 1, at 3–8, 16–20, 56–58, 152; PEREA ET AL., *supra* note 9, at 835, 895 (discussing realist critiques and challenges to patriarchy).

12. DELGADO & STEFANCIC, *supra* note 4, at 1–40; INTRODUCTION, *supra* note 1, at 21–25.

13. DELGADO & STEFANCIC, *supra* note 4, at 41–92, 262–63, 313–16; INTRODUCTION, *supra* note 1, at 9, 37–46, 87–88, 91–92; *Oppositionists and Others*, *supra* note 1.

14. INTRODUCTION, *supra* note 1, at 4.

15. *Id.* at 6.

Typical? Were their authors obsessed with race? Was there really a unique voice of color? Only one?<sup>16</sup>

Soon thereafter, the movement's scholarship took a turn toward discourse and analysis of text, culture, and mindset, and away from interest convergence and similar material forces responsible for the rise and fall of minority fortunes.<sup>17</sup> We became more interested in the complexities of identity, intersectional personalities, passing, and race as personal choice<sup>18</sup> than in:

*Who got the gravy and who joined the Navy?  
Who went to Dartmouth and who got smashed in the mouth.  
Who watched Bell's back when he got attacked?*

*Obsessed with our personal syllogism,  
we fretted about essentialism,  
and silently hoped for the next big schism.*

*We worried about our personal psyches,  
but our kids went out and got their Nikes.*

*While we tried to get straight in our heads,  
Jose, back in the hood,  
got his head full of lead.*

Still lacking in any coherent theory of praxis or social change,<sup>19</sup> the movement nevertheless caught on around the world. Critical Race Theorists taught courses to interested audiences in Canada, England, South Africa, and Australia.<sup>20</sup> Its texts and ideas found their way into schools of education, which used them to critique hierarchy in the schools, the Western canon, school discipline, tracking, and standardized testing.<sup>21</sup> James M. Jones applied critical race theory ideas to psychology and

16. *Id.* at 87–99; DELGADO & STEFANCIC, *supra* note 4, at 553–89.

17. See *Crossroads*, *supra* note 1, at 122–31; Richard Delgado, *Two Ways to Think About Race: Reflections on the Id, the Ego, and Other Reformist Theories of Equal Protection*, 89 GEO. L.J. 2279 (2001).

18. See, e.g., *Crossroads*, *supra* note 1, at 127, 131–35.

19. See *Crossroads*, *supra* note 1 (criticizing the movement on this ground); Harold A. McDougall, III, *For Critical Race Practitioners*, 46 HOW. L.J. 1 (2002) (advancing similar criticisms).

20. See, e.g., Richard Delgado & Jean Stefancic, *Critical Race Theory: Past, Present, and Future*, 51 CURRENT LEGAL PROBS. 467 (1998); Richard Delgado & Jean Stefancic, *Bibliographic Essay: Critical Race Theory*, SAGE RACE REL. ABSTRACTS, 3 (1994); see also LatCrit, Inc. Home Page, <http://personal.law.miami.edu/~fvaldes/latcrit/> (LATCRIT website listing Critical Global Classroom and other activities with an international focus).

21. See *Introduction*, *supra* note 1, at 3, 137.

sociology.<sup>22</sup> President Bill Clinton's race commission cited a Critical Race theorist,<sup>23</sup> and one of Derrick Bell's books made it briefly onto the *New York Times* best-seller list.<sup>24</sup>

Though its theoretical core was stagnating:

*In an academic kind of karma,  
A dying movement lived on and onward  
In other precincts by a kind of instinct  
Different folks spoke the same kind of words—  
STOP!  
Before we're through, consider Part II.*

★ ★ ★ ★ ★

*I start with a question,  
in the form of a confession.  
Those of us in the Ivory Tower,  
Who want to fight and fight the power  
Really don't know what to do.  
Not me, not you.  
The opportunities seem so very few.  
We can run, but we can't hide.  
Consider, now, the other side.*

## II. THE RIGHT GATHERS FORCE

Around the very same time that Derrick Bell and other early Critics were developing their tools and theories, a group of scholars on the political right were gathering.<sup>25</sup> Feeling on the outs, much as the Race-Crits once did—remember, right around this time, someone you know wrote an article entitled *The Imperial Scholar*<sup>26</sup>—

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22. See JAMES M. JONES, *PREJUDICE AND RACISM* (1997); Daniel Zwerdling, *Racism in America a Subtle but Pervasive Influence*, NAT'L PUB. RADIO, OCT. 15, 1996.

23. THE PRESIDENT'S INITIATIVE ON RACE, REPORT: ONE AMERICA IN THE 21ST CENTURY, 45, 109 nn.50, 52 (2002) (citing Critical Race Theorist Richard Delgado).

24. See READER, *supra* note 1.

25. See RICHARD DELGADO & JEAN STEFANCIC, *NO MERCY: HOW CONSERVATIVE THINK TANKS AND FOUNDATIONS CHANGED AMERICA'S SOCIAL AGENDA* 3-4 (1996) (describing the early origins of the right-wing surge).

26. See Richard Delgado, *The Imperial Scholar: Reflections on a Review of Civil Rights Literature*, 132 U. PA. L. REV. 561, 563 (1984) (explaining how an inner circle including Laurence Tribe, Bruce Ackerman, Paul Brest, and others dominated civil rights scholarship).

*Which argued that dollar for dollar,  
A cite to a brother meant less than a White,  
So they all gave up without a fight*

*Paul Brest cited Brother Ackerman, who cited Lawrence Tribe  
And all the rest of that pale-faced tribe.<sup>27</sup>  
If knowledge was a kind of power,  
Said Foucault, Fuck, Yo don't need no enemy  
You've got your internal hegemony.<sup>28</sup>*

At any rate, about the very time that the civil rights era was ending and Critical Race Theory was beginning, the right wing started meeting in small groups around the country to plan a long-range agenda and decide what to do when they returned, as they knew they would one day, to power.<sup>29</sup> Early conservative think tanks sprang up and began seeking support among the faithful.

William Simon, treasury secretary during the Nixon administration, issued a call for a new conservative agenda in his book "A Time for Truth"<sup>30</sup> that urged conservatives to push beyond the worn-out clichés of classical liberalism and Goldwater-style conservatism, and forge a new set of ideas and institutions capable of leading America into a new era. He urged corporations, foundations, and wealthy donors to fund intellectuals willing to write about this new agenda and issues like supply side economics, deregulation, the flat tax, and small government.<sup>31</sup>

Later meetings filled in some of the details. Conservative policy groups would sponsor training seminars for judges and Congressmen willing to learn the new orthodoxy.<sup>32</sup> College students would receive scholarships to study law and economics or attend leadership training seminars.<sup>33</sup> Promising young conservatives like Dinesh D'Souza received help starting up alternative campus newspapers devoted to challenging liberal orthodoxy as well as assistance securing internships at leading newspapers or congressional offices, all designed to spruce up their credentials while letting them see how the levers of power worked.<sup>34</sup>

Conservatives learned how to co-opt liberal maxims like "the Constitution is color blind" or "I dream of the day when a child will be judged not by the color of his skin, but by the content of his character"

27. *Id.*

28. See MICHAEL FOUCAULT, *POWER/KNOWLEDGE* (1979) (calling attention to the omnipresence of power relations in society).

29. DELGADO & STEFANCIC, *supra* note 25, at 3–5.

30. WILLIAM SIMON, *A TIME FOR TRUTH* (1978).

31. DELGADO & STEFANCIC, *supra* note 25, at 3.

32. *Id.* at 54, 67, 94, 110–11, 114–15, 117–20, 143–45.

33. *Id.* at 110–11, 142–43.

34. *Id.* at 144–46.



and use them against affirmative action and social programs for the poor. They coined buzzwords like “politically correct” and even turned “hate speech,” one of the left’s signal achievements, 180 degrees around so that it came to mean making fun of George Bush’s poor vocabulary and range of thought. They coined terms like “welfare queen,” “interest group,” “innocent white victim,” and “culture of poverty” to keep the left off balance. Even the term liberal became the L word and fell into disrepute.<sup>35</sup>

Beginning around 1985, only a short time before CRT’s kick-off meeting in Madison, all the right wing’s planning and public relations began to pay off. One successful campaign followed another: Official English, immigration reform, welfare revisionism, attacks on affirmative action, rollbacks on women’s procreative rights, tort reform, even attacks on tenure and academic autonomy.<sup>36</sup> Today all three branches of the federal government are in conservative hands, the public identifies with conservative ideas over key liberal ones by a nearly two-to-one margin, and the trend shows little sign of abating.<sup>37</sup>

One might say that:

*While we whiled away our initial advantage,  
The right wing managed to catch us with our pants off,  
While we talked and wrote about essentialism  
They stole the patent on patriotism<sup>38</sup>*

*While we tried to get things straight in our heads,  
They got their program out of the red  
They went right out and cleaned our clock,  
While our kids went out and bought a Glock.*

### III. WHAT TO DO

Our disadvantage is that we are academics, caught up in institutions that reward mainly teaching and writing, not community organizing or leading marches in the streets. Like it or not, we live our lives in the ivory tower. So, how do we fight the proverbial power?

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35. *Id.* at 142–44 (detailing media manipulation by catch phrases and feedback loops).

36. *Id.* at 4.

37. Lydia Saad, *Label Warfare in the Election: GALLUP POLL TUESDAY BRIEFING*, Mar. 9, 2004, available at <http://brain.gallup.com/content/default>.

38. See USA Patriot Act, Pub. L. No. 107-56, 115 Stat. 272 (codified as amended in scattered sections of 18 U.S.C., 22 U.S.C., 31 U.S.C., 47 U.S.C., and 50 U.S.C.).

We should start by reminding ourselves that the left enjoys an inherent advantage in terms of greater access to youth, workers, and students—and maybe, even, if we pitch it right, to corporate interests.<sup>39</sup>

Here are some things that, in my opinion, we should be working on:

### A. Teaching

We should make our classroom teaching “hot”—hotter, even, than that of the federalist professor down the hall who can get students a fancy judicial clerkship if they butter him up. In my case, I try to show how critical analysis explains things around the law school and in my students’ lives better than what the federalist professor has to offer, while being a whole lot more fun. I’m thinking of giving an entire class in rap one day—then going back to the other kind without any explanation.<sup>40</sup>

*All rap. No crap. Teaching territorial jurisdiction with a real mission  
To bring it home. Pennoyer’s politics, all in a poem  
Pendejo v. Necio, volume 95 Estados Unidos  
1865: Where did that Oregon land come FROMMMM?*

### B. Activist Scholarship

We should look for latter-day interest convergence. If, as early critics and historians have pointed out, people of color make their greatest gains during wartime and periods of Cold War (and similar) competition,<sup>41</sup> what opportunities offer themselves today? Consider two possibilities:

1. The U.S. population is aging rapidly, with an ever-diminishing base of workers. As recently as 1960, about five active workers supported one retiree on Social Security.<sup>42</sup> With the baby boomers retiring and the birthrate dropping, who will support future retirees? The pyramid is

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39. See, e.g., *Grutter v. Bollinger*, 539 U.S. 306, 332–33. (2003) (ruling that diversity is a compelling state interest for campus affirmative action programs in part because of the need to supply leaders equipped to work with diverse groups).

40. Consider, for example, the following short stanza which contains an ironic reference to *Pennoyer v. Neff*, 95 U.S. 714 (1877), and the rarely-asked question: why were the two disputants fighting over Oregon land that had, until recently, been in Indian hands? “Pendejo” (a take-off on “Pennoyer”) is a crude expression meaning “dummy” in Spanish. “Necio” means “dim,” intellectually speaking. “95 Estados Unidos” means volume 95 of the U.S. Supreme Court Reports.

41. See, e.g., *Interest-Convergence*, *supra* note 7; PHILIP A. KLINKNER & ROGERS M. SMITH, *THE UNSTEADY MARCH: THE RISE AND DECLINE OF RACIAL EQUALITY IN AMERICA* (1999); MARY L. DUDZIAK, *COLD WAR CIVIL RIGHTS: RACE AND THE IMAGE OF AMERICAN DEMOCRACY* (2002).

42. See Ken Fireman, *Crisis, or Crying Wolf?*, *NEWSDAY*, Feb. 2, 2005, at A6.

now down to barely three to one, with demographers predicting that before long it will be even narrower, with two workers contributing, at a higher and higher marginal rate, to support Grandpa and Grandma, who will probably be White.<sup>43</sup> If that isn't a potent argument for immigration, I haven't heard one. Who's going to empty those bed pans, anyway? Interest convergence?

2. The United States is currently in the early stages of what will probably be a prolonged campaign to strengthen the hand of the moderate democratic wing of Islam vis-à-vis the Sharia-embracing, female-oppressing, fundamentalist wing that perpetuates themselves by brainwashing the young in madrassas.<sup>44</sup> But as was true during the Cold War, if the U.S. suppresses its own population—women, for example, by denying them procreative rights; Brown and Black motorists, for simply driving while themselves; and imprisons a higher and higher percentage of people of color—do we not supply ammunition to the fundamentalist side of Islam, who can point out to the Arab street that we are hypocrites who preach one thing and practice another?<sup>45</sup>

### C. Legal Profession

Lawyers are unhappy professionals, with rates of depression, drug addiction, divorce, and suicide among the highest of any group.<sup>46</sup> Most authorities blame this or that feature of law firm life—competition, billable hours, insufficient opportunities for meaningful and pro bono work—for the misery that every poll shows.<sup>47</sup>

But law students are miserable, too,<sup>48</sup> so something else must be going on. Might the problem be the intense formalization of law that has taken hold in recent years, which excludes politics, social policy, literature, and the wisdom of the caring, thoughtful counselor, all in favor of

43. *Id.*

44. See *Crossroads*, *supra* note 1, at 121–22. Compare, with this suggestion, *Interest-Convergence*, *supra* note 7 (positing that civil rights advances arrive when White self-interest summons them).

45. *Crossroads*, *supra* note 1, at 139–43.

46. See JEAN STEFANCIC & RICHARD DELGADO, *HOW LAWYERS LOSE THEIR WAY: A PROFESSION FAILS ITS CREATIVE MINDS* 62–72 (2005) (describing and analyzing the sources of this unhappiness).

47. *Id.* at 51–61.

48. *Id.* at 62–64.

50-page briefs with hundreds of footnotes drawn straight out of a narrow and result-oriented reading of precedent?<sup>49</sup>

Might regimentation of legal thought, in short, go along with regimentation of law practice, so that if you think like a machine, someone is likely to come along and make you work like one?<sup>50</sup> If so, broad interdisciplinary and critical thought, of the kind that older attorneys remember, may be the cure for an unhappy profession.<sup>51</sup> Besides, it's not difficult to show our students how good—not to mention intellectually satisfying—critique feels.

#### D. Consider Other Sources of Ideas and Theories

Ponder how post-colonial literature has been searching for ways to frame, understand, and oppose imperial forces in Africa, Asia, and Latin America.<sup>52</sup> This body of writing, which includes the work of Frantz Fanon, Antonio Gramsci, Edward Said, and Arundhati Roy, has developed at roughly the same time as U.S. civil rights theory did, but without much interchange between the two great traditions. Rodolfo Acuña used the notion of an internal colony to understand the situation of Chicanos in the Southwest.<sup>53</sup> Martin Luther King drew on Ghandi's and Thoreau's notions of civil disobedience.<sup>54</sup> Aside from them, few of us draw on anti-colonial sources, while globalization marches on, imposing corporate hegemony on the rest of the world. We should revisit the powerful works in the post-colonial literature and use them to illuminate the problems of domestic minorities and to see how an Indian farmer's effort to stave off a huge dam parallels the struggles of Black farmers in the U.S. to ward off corporate takeovers of their land.

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49. See generally *id.* (establishing the thesis that intense formalization lies at the root of modern problems in legal education).

50. See *id.* at 77–78.

51. See *id.* at 33–46, 77–85.

52. See, e.g., BILL ASHCROFT ET AL., *THE POSTCOLONIAL STUDIES READER* (1995); Chantal Thomas, *Critical Race Theory and Postcolonial Development Theory: Observations on Methodology*, 45 *VILL. L. REV.* 1195 (2000).

53. See RODOLFO ACUÑA, *OCCUPIED AMERICA: A HISTORY OF CHICANOS* (5th ed. 2004).

54. See ROBERT HAYMAN, JR. ET AL., *JURISPRUDENCE CLASSICAL AND CONTEMPORARY: FROM NATURAL LAW TO POSTMODERNISM* 41–54 (2002). See also Ali Khan, *Lessons from Malcolm X: Freedom by Any Means Necessary*, 38 *HOW. L.J.* 79 (1994) (showing relationships among the thought of these three figures and Malcolm X).

## CONCLUSION

*So much for left/right symmetry,  
 Hope you enjoyed the lemon meringue pie,  
 Save some for the ghetto mother who wants to cry.*

*Eschew the few: smiling, hand-shaking, networking  
 Community-shirking, dressed for SUCK-cess. "Hello, Dean Bess,  
 How nice of you to come." Sycophant.*

*Ignorant of their histories, full of lacunae,  
 "Who exactly is this fellow, Rudy Acuña?"  
 Is he the Dean of Admini-strashun?"*

*Identical six figure multi-dollar salaries,  
 Exercising on treadmills while counting calories,  
 José gets out on three years probation,  
 And our old 'hood' is a glorified shooting gallery.*

*The Chicana professor buys Oil of Olé  
 And catches a cab to her air-conditioned school  
 To teach her students about the Golden Rule.*

*Remember, instead, what Edward Said said!<sup>55</sup>  
 And keep his thoughts rattling around your head.*

*Muchas gracias.*

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55. See EDWARD SAID, *ORIENTALISM* (Vintage 1978) (calling attention to ways society fetishizes and marginalizes outsider groups in order to justify colonial exploitation).