

BOOK REVIEWS

THE POWER OF NARRATIVE IN EMPATHETIC LEARNING: POST-MODERNISM AND THE STORIES OF LAW

A REVIEW-ESSAY BASED ON PATRICIA J. WILLIAMS'S *THE ALCHEMY OF RACE AND RIGHTS: DIARY OF A LAW PROFESSOR*. Cambridge, Mass. and London, England: Harvard University Press, 1991. Pp. 263.

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INTRODUCTION: SOME CRITICAL AND TERMINOLOGICAL PROBLEMS

How can a white girl review the writings of a black woman?¹ Though we are members of the same profession and have shared some similar experiences, we are separated by the significance of

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1. How can a white female law professor choose her terms? Here I describe myself as a girl, though I am a woman, and I describe Patricia Williams as a black, rather than as an African-American. All of these somewhat arbitrary choices function as markers, dividing what we are, to some, from what we are not. The theme of this Essay is that how we choose to describe and name things can both separate and connect us, and we can affect how we are and what we do by what language we use. I differ from Pat Williams in color and in some experiences, but we share similarities of gender, profession, and some other experiences. As a reader of her work, I learn from both the connections I feel with her and from the ways I learn about her differences from me. I aim in this Essay to explore the power of both words and experience to enable us to transcend our differences and gain human empathetic understanding.

race and color in our society.² Patricia Williams³ powerfully explores that significance, interwoven with the experiences of gender and class as expressed through the harshness of patriarchal legal categories. Through a multi-faceted, post-modern journey of language, experience, and social criticism, Pat Williams enables the reader to learn about the world that both reader and author inhabit by asking the reader to experience the world from the perspectives of others — many others — and to learn from sharing their pain, their strength, their struggle, and their wisdom.

The Alchemy of Race and Rights (hereinafter *Alchemy*) is alchemical in many respects — it transforms the “base metals” of everyday experience to the “gold” of learning and understanding across the differences of race, class, and gender and enriches the reader in the process. It “transmutes the common into the precious”⁴ and reminds us often that the common (as in commonplace, common law) is where we live and is the locus of most of our learn-

2. To say we are “separated” does not mean we stand on completely opposite sides of a polarity. As the great-great-granddaughter of a white southern lawyer, Pat Williams is at least partially “white,” as I too am of mixed heritage (which could also be considered “racial” to the extent that being of Jewish heritage is considered “racial” by some). Thus, I have trouble with the current usage of “African-American” since it homogenizes the diversity and richness of multiple African cultures and heritages, just as I cannot see myself as a “European-American” (even though I am only one generation away from a European country, which, in turn, attempted to narrow its definition of nationality to exclude my forebears). As a resident of the West Coast and teacher at an increasingly diverse university, I am similarly troubled by the false homogenization of “Asian-American.” See Patricia Williams’s own views on this subject in *A Word on Categories*. (pp. 256–57).

I am not arguing here for more particularity of description of who we are, based on where our forebears came from, nor am I suggesting we are all equal or the same in the “human race,” but I do want to argue that we learn most about our common humanness from the kind of rich and particularistic descriptions provided by Pat Williams. Not all “otherness” or “outsider” experiences are the same, but it is in the flicker of recognition that we share some aspects of these human exclusions that we can reach across the arbitrary divides of our separateness.

3. Given Professor Williams’s attention to naming and language, I am in a real quandary about how to address her or speak of her. Given her expressed desire for the respect of formality and all she is as a law professor (see pp. 148–65), I am inclined to call her Professor Williams; yet her own given name, Patricia, meaning “patrician, noble, lofty, elite, exclusively educated and well-mannered” (p. 233), conveys the person I know. At the same time, Professor Williams has always been Pat Williams to me as I have known her, yet the conventions of law review book reviewing will not allow me to show (heaven forbid!) that we know each other and my review might be less “neutral” if I called her Pat. So, in the self-consciousness of language use that *Alchemy* causes us to pay attention to, I revert, most of the time, to the conventional, almost de-humanizing last name, “Williams” — in this case all the more painful because Professor Williams tells us that Williams is the second most common surname in the United States (p. 233), but she is far from common.

4. WEBSTER’S COLLEGIATE DICTIONARY 21 (1961).

ing. Pat Williams's project is to remind us that law and language create boundaries and spaces that do not map our experiences as they happen. Her reflections on life, language, and law show us the "seamless web of law" in a manner more convincing to some readers than more traditional and conventional treatments of things legal.

I aim in this Essay to do three things. First, I will explore the richness of Williams's method from several perspectives; as an example of post-modern consciousness and writing taken to law, as an illustration of black feminist epistemology, and as an exemplar of how stories can teach us to learn law⁵ in a different, more empathetic way. Second, I will describe some of the specific stories Pat Williams tells us, in order to explore the significance both author and reader attach to race, gender, and class in our legal epistemology. Finally, I hope to trace, through my own learning by reading *Alchemy*, ways in which we can broaden how we come to learn about law and its relationship to particular human beings and particular human institutions.

I. THE METHOD OF ALCHEMY: POST-MODERN STORYTELLING AND THE LAW

Patricia Williams has subtitled her book "diary⁶ of a law professor," letting us know that we are about to understand the phenomena she describes from her perspective. But the book is both more and less than a diary. We get no daily accounting of her life, much is left out of the quotidian of *her* life, but we get stories about some things that have happened to her and reflections on and essays about things that have happened to others. We also get legal exegesis of cases, statutes, and journalistic accounts of significant events in the outside world that touch Williams's inner life. We are often

5. Robert Coles has beautifully illustrated the use of stories in the teaching of professional students in his book, *THE CALL OF STORIES: TEACHING AND THE MORAL IMAGINATION* (1989). Recently, Kathryn Abrams has attempted to show several ways in which feminist narratives in particular should enrich both our descriptive and prescriptive understandings of how law affects women's lives. Kathryn Abrams, *Hearing The Call of Stories*, 79 CAL. L. REV. 971 (1991).

6. In using this genre Williams joins a group of distinguished women writers who employ the diary form to tell us about a wide range of activities and lives that women have engaged in and lived. See, e.g., the works of ANAIS NIN, *THE EARLY DIARIES OF ANAIS NIN* (1978); VIRGINIA WOOLF, *A WRITER'S DIARY* (Leonard Woolf ed., 1954); and especially the works of other oppressed women, using the diary form, to tell the world of their difficult conditions. See, e.g., ANNE FRANK, *THE DIARY OF A YOUNG GIRL* (1967) and HARRIET A. JACOBS, *INCIDENTS IN THE LIFE OF A SLAVE GIRL* (Jean Fagan Yellin ed., 1987).

told how she came to write a particular piece and where she is at the time of writing — in her bed for the opening chapter (p. 3), on a train between New York and California for a speech (p. 15) — because, as she puts it, “subject position is everything in my analysis of the law.” (p. 3). Her diary-like positioning of herself while writing recalls for me the work of many philosophers whose great insights derived from their commonplace locations.⁷

This use of a diary-like form challenges conventional legal writing and attempts an interdisciplinary genre of narrative, essay, social criticism, and legal exegesis that raises, by its own methods, several important epistemological issues about how we come to know things in the intersections of law and life. Here I review three aspects of the method of this book that require us to reevaluate how we can know what we know about legal categories. I want to argue that this method, alien to some readers of conventional legal scholarship, is at the same time post-modern,⁸ feminist, and likely to produce more empathetic learning about the interrelationship between the categories of law and life.

A. *Post-modern Storytelling*

Williams combines the self-consciousness of a modern writer of literature with the self-critical epistemological stance of a post-mod-

7. I think here of Pascal's *Pensees*, Descartes' *Discours de la Methode*, and Kant's, *The Foundation of Morals*, in *ETHICS AND METAETHICS: READINGS IN ETHICAL PHILOSOPHY* (Raziel Abelson ed., 1963). See also ERIK ERICKSON, *YOUNG MAN LUTHER* (1962).

8. “Post-modern” is used here in the sense of the critique of the modern belief in linear narratives and progressive social forces leading to the ever-improving progress of humankind. Post-modern critics question the unity of linear, all encompassing world views that presume coherence and clear boundaries between phenomena, as well as disciplines. Some date the end of “modernism” with the atrocities of World War I, others with the end of World War II, and still others with all that went between the wars, when it was difficult to believe in the unilinear progressivity of human history. Dating of post-modernism varies somewhat depending on whether it is being defined by art or cultural critics or social or epistemological critics. For an excellent review of the definitional and developmental issues of post-modernism, see PAULINE M. ROSENAU, *POST-MODERNISM AND THE SOCIAL SCIENCES* (1992). Central to the writings of most post-modernists is whether any categories have coherence, including those of the law and the self. See, e.g., Mary Jo Frug, *Law and Post-Modernism: The Politics of A Marriage*, 62 U. COLO. L. REV. 483 (1991); Jennifer Wicke, *Postmodern Identity and the Legal Subject*, 62 U. COLO. L. REV. 455 (1991). Note also how post-modernists differ among themselves about the significance of the signifying hyphen between post and modern. See ROSENAU, *supra*, at 18–19.

ern social scientist⁹ who understands that the reality we describe is always our own, no matter how neutrally or objectively we try to tell it. Her storytelling method evokes the lessons we learn from great literature and the non-linearity of her language in many places resonates with poetry, as it does with life.

In explaining her project to her sister, Williams tells us why she has chosen the stories, language, and positions she has:

I am trying to create a genre of legal writing to fill the gaps of traditional legal scholarship. I would like to write in a way that reveals the intersubjectivity of legal constructions, that forces the reader both to participate in the construction of meaning and to be conscious of that process. Thus, in attempting to fill the gaps in the discourse of commercial exchange, I hope that the gaps in my own writing will be self-consciously filled by the reader, as an act of forced mirroring of meaning-invention. To this end, I exploit all sorts of literary devices, including parody, parable, and poetry. (pp. 7-8).

Thus, Williams employs methods that combine storytelling, poetic and elliptical language, legal analysis, feminist theory, and literary deconstruction — all while inviting the reader to participate in her work, both by empathizing with her “characters” and by engaging in interpretive understanding.

Juxtaposing the abstract with the concrete, Williams utilizes a post-modern device of demonstrating that *things are defined only in relation to other things*.¹⁰ By telling us that her book is about “autonomy, community and order” (p. 6) at the same time that it is also about “Howard Beach, polar bears, and food stamps,” (p. 6) Williams demonstrates that we can only understand abstractions in their concrete forms and that in our everyday world, events, people, and things that are juxtaposed against one another have no obvious relationship to each other. In that sense, modern life (or should I say “post-modern” life) is about the kind of “unexpected” or “ox-

9. See PETER L. BERGER & THOMAS LUCKMANN, *THE SOCIAL CONSTRUCTION OF REALITY* (1966). As an example of self-reflective and self-critical narrative sociology, see JUDITH STACEY, *BRAVE NEW FAMILIES* (1990).

10. This is the concept of *différance* as explored by the French critic Jacques Derrida who tells us that meaning changes over time as words are placed in relation to other words in any particular text. Each word obtains a positive or negative valence only in reference to that which it is juxtaposed. JACQUES DERRIDA, *OF GRAMMATOLOGY* (1976); *WRITING AND DIFFERENCE* (1978). For an eloquent application of the concept of *différance* to the American legal concept of difference (in the context of equality), see MARTHA MINOW, *MAKING ALL THE DIFFERENCE: INCLUSION AND EXCLUSION IN AMERICAN LAW* (1990).

ymoronic" relationships of such things as "black, female, commercial lawyer and law professor"¹¹ that force us to confront more complex meanings across boundaries and social and conceptual categories that disrupt "conventional" understandings. Williams is interested in the way "in which legal language flattens and confines in absolutes the complexity of meaning inherent in any given problem," (p. 6) so she dislocates legal language by using literary language to describe the complexities of human life that are often flattened by legal categories.

Yet Williams's work goes further than a traditional "law and literature"¹² telling of stories with legal significance, though her stories do have legal significance as "stories" of real life problems. Williams's post-modern method is to rupture legal discourse with stories and disrupt the telling of stories with legal exegesis and deconstruction. Thus, as a contracts teacher, she tells of her fascination with the contract of the purchase of her great-great grandmother into slavery and probable rape (pp.17-19, 216-17) as a way to ponder the meaning of law for descendants of slaves, as well as to question the commercial meaning of value. She relates the retelling of the famous property case, *Pierson v. Post*,¹³ from the perspective of the hunted fox, not the battle of the hunter versus the neighbor as we know it.¹⁴ These examples demonstrate that who we are in the story may determine how we read it or what gives it legal significance. Williams's interruptions of legal stories to remind us who

11. Speaking as a black, female commercial law professor has caused Professor Williams to be rendered "universal, trendy, and marginal." (p. 7).

12. See, e.g., RICHARD A. POSNER, *LAW AND LITERATURE: A MISUNDERSTOOD RELATION* (1988); RICHARD H. WEISBERG, *THE FAILURE OF THE WORD* (1984) *Symposium on Narratives and Legal Storytelling*, 87 MICH. L. REV. 2073 (1989); Robin West, *Law and Literature and the Celebration of Authority*, 83 NW. U. L. REV. 977 (1989).

13. 3 Cai. R. 175 (N.Y. Sup. Ct. 1805); see also JESSE DUKEMINIER & JAMES E. KRIER, *PROPERTY* 15 (2d ed. 1988). This classic first-year property case involves the ownership of a fox and damages for its destruction. The fox was being chased by the hounds and dogs of one man, but was killed by another man. Most first-year students encounter this case in the role of critical case reader, being outside of the case, as a judge. "Was this case decided correctly?" is the kind of question a first year teacher might put to a class. So the student's perspective is that of judge, or perhaps as one of the parties or lawyers.

14. Actually, Williams reports that a student's six year old child rewrote the story from the fox's perspective, illustrating the multiple authors and readers of legal stories and how who we are as readers affects the meaning we see in the story. As explored more fully in the text, identification is one of the ways we learn. Thus, it should come as no surprise that a child should identify with the hunted fox. The child, the fox, and Williams's great-great grandmother were all "either owned or unowned, never the owner." (p. 156).

she is as an "author(ity)" of her stories and who we are as readers illustrate the "positionality" of both writers and readers of modern law stories.

The self-conscious "rupture" of the legal story by Williams is both post-modern because it reminds us of the limitations of universalistic and objective knowledge¹⁵ and feminist because its assertions are "positioned"¹⁶ and spoken from her own angry, though at the same time, tentative, standpoint.¹⁷

As a post-modernist storyteller, Williams employs several important epistemological strategies. First, she avoids the "meta-narratives"¹⁸ of global truth claims, using instead the "mini-or local narratives"¹⁹ that characterize post-modernism skepticism about universal truth. The reader may judge these "mini-narratives" by their own resonances to the reader's experience,²⁰ or as more fully

15. See ROSENAU, *supra* note 8.

16. See Katherine T. Bartlett, *Feminist Legal Methods*, 103 HARV. L. REV. 829 (1990).

17. See SANDRA HARDING, *THE SCIENCE QUESTION IN FEMINISM* (1986). See also Howard Lesnick, *The Wellsprings of Legal Responses to Inequality: A Perspective on Perspectives*, 1991 DUKE L.J. 413. I am tempted to go out on a limb here and suggest that Williams's work is feminist in part because I have labeled it "tentative." I do that because of its tone in comparison to other self-revelatory texts of recent male lawyers and law professors who have similarly tried to analyze legal phenomenon by telling stories from their own experiences. Compare Williams with STEPHEN L. CARTER, *REFLECTIONS OF AN AFFIRMATIVE ACTION BABY* (1991) and DAVID HEILBRONER, *ROUGH JUSTICE: DAYS AND NIGHTS OF A YOUNG D.A.* (1990) (one black, the other white, men who seem to draw universal generalizations from their own experiences, in contrast to Williams's more personal and self-deprecating accounts, even when taking on the big subjects of slavery and homelessness). Whether one can tell a "female" text from a "male" text is a controversial subject in literary theory, see, e.g., Joyce Carol Oates, *Is There A Female Voice?*; Stephen Heath *The Sexual Fix*, both in *FEMINIST LITERARY THEORY* (Mary Eagleton ed., 1986); TORIL MOI, *SEXUAL/TEXTUAL POLITICS: FEMINIST LITERARY THEORY* (1985); SANDRA GILBERT & SUSAN GUBAR, *THE MADWOMAN IN THE ATTIC* (1979); *FEMINIST CRITICISM: WOMEN, LITERATURE & THEORY* (Elaine Showalter ed., 1985), as it is becoming in law, see, e.g., Mary Jo Frug, *Rescuing Impossibility Doctrine: A Postmodern Feminist Analysis of Contract Law*, 140 U. PA. L. REV. 1029 (1992); Mary Jo Frug, *Re-Reading Contracts: A Feminist Analysis of a Contracts Casebook*, 34 AM. U. L. REV. 1065 (1985).

18. "Meta-narratives" are global, universalistic statements that assume their own truth. "Micro or local narratives" are contextually detailed and particularistic stories that make no universalistic truth claims. See ROSENAU, *supra* note 8, at xii-xiii. Much of the discussion in the text accompanying notes 16-30 is indebted to Rosenau for an extremely lucid and recommended exposition of the significance of post-modernism for both theory and research in the social sciences.

19. *Id.*

20. This corresponds to the way "truth" is elaborated in the feminist way of knowing of the "consciousness-raising" group. See, e.g., CATHARINE A. MACKINNON, *FEMINISM UNMODIFIED* (1987); ANITA SHREVE, *WOMEN TOGETHER, WOMEN ALONE* (1989).

elaborated below, the reader may learn from another's experiences by empathizing with the stories of these mini-narratives, crossing experiential boundaries. Second, Williams creates "writerly" texts, where the reader is invited to join in the interpretation of the "open" text, as contrasted with the more familiar "readerly" text of law, where the reader passively takes up a specific message created by the dominant writer.²¹ Thus, Williams participates in the literary exercise of examining the relationship of the reader and writer — not assuming any clearly determined role or relationship.²² Third, as she invites the reader in,²³ she also crosses disciplinary boundaries, demonstrating the post-modernist's contempt for artificial boundaries²⁴ and the feminist's belief in multi- or trans-disciplinary knowledge.²⁵ Law is informed by literary theory and poetic writing, as powerful images of "crazy" polar bears (pp. 202–03) create meanings about rationality, categories, and color. When helpful to her argument, Williams uses social science to generate the aggregate horror of the depressing times in which we live.²⁶

Though Williams does not utilize the post-modernist strategy of completely de-centering or eliminating the subject (since she remains an authorial presence throughout), the combination of her story fragments and non-linearity of her chapters does suggest a de-centering of subject, author, and "plot." More critical reviewers have asked what this book is "about."²⁷ For me, the book unfolds

21. See ROSENAU, *supra* note 8, at xiii and xiv.

22. RACHEL BROWNSTEIN, *BECOMING A HEROINE* (1982); JUDITH FETTERLEY, *THE RESISTING READER* (1978); MARY JACOBUS, *READING WOMEN* (1986).

23. In writing this I am mindful that other reviewers have criticized Williams's use of post-modern, litcrit, jargon as a way of excluding the reader, especially the reader not versed in the debates of post-modern literary or critical theory. See, e.g. Wendy Kaminer, *Citizens of the Supermarket State*, N.Y. TIMES, May 26, 1991, § 7 (Book Review), at 10; Jonathan Rieder, *Tawana and the Professor*, THE NEW REPUBLIC, Oct. 21, 1991, at 39; Book Note, *The Stories of Law*, 105 HARV. L. REV. 779 (1992); Judy Scales-Trent, *Expanding the Contract*, 8 (No.9) WOMEN'S REV. OF BOOKS 1 (June 1991). I write this review as one well-versed in those languages and find Williams's writing clearer than most. I suspect her text(s) would be quite accessible to a "lay" audience. I prefer to see her as using what one author has called "an audacious and provocative form of delivery . . . to shock, startle and unsettle the . . . reader." ROSENAU, *supra* note 8, at 7.

24. See Williams's "epilogue" — *A Word About Categories* (pp. 256–57).

25. See Carrie Menkel-Meadow, *Durkheimian Epiphanies: The Importance of Engaged Social Science in Legal Studies*, 18 FLA. ST. U. L. REV. 91, 108 (1990).

26. See, e.g., data on minority educational and professional achievement rates (pp. 103–04), data on number of minority police officers (p. 138), data on Tuskegee syphilis experiment (p. 161), numbers of black men in U.S. penal system (p. 189), statistical probabilities for marriage of black women professionals (p. 195), and a qualitative "content analysis" of law schools exams (pp. 85–97).

27. See *supra* note 23.

the post-modern story of the fragmentation of our lives, the implausibility of our multiple identities, and the failure of legal categories to remedy the ongoing inequalities of racism, sexism, and classism. In a sense, these are "subject-less" stories as modern urban and mobile life have distanced us from clear answers and policy choices, and only occasionally can we point a finger at the specific "spirit murderer" (p. 55) as now required by our need to prove specific "intent."²⁸

Post-modernism has been "accused" of a nihilism or skepticism about whether we can do anything about our deconstructed selves when there is no absolute truth.²⁹ Some might read Williams as depressed, demoralized, and skeptical about whether justice is possible when homelessness exists, black women are not believed, and equal employment opportunity has not fulfilled its promise. Instead, I see her as remaining hopeful, fully engaged in her effort to help others reach greater human understanding by entering into the world of her stories and experiencing some of her pain, rage, helplessness, power, and eloquence at the same time. Williams is not ambiguous or equivocal about what she thinks is wrong. When she sees racism, she names it, calls it wrong, and tells the world about it.³⁰

B. *Black Feminist Epistemology*

Williams's storytelling, though fractured through a post-modernist skepticism, is also rooted, through its political activism, in her own social location — that of a black feminist. Thus, I read her post-modern stories, through the lens of a feminist, and specifically a black feminist, epistemology³¹ that tells us through experience, stories, and narratives we can learn to understand and do something about race, gender, and class inequalities. We can learn especially well from those who are subordinated, those both like us and different from us, to see the world through a greater number of eyes

28. See Williams's discussion of *City of Richmond v. J.A. Croson*, 109 S. Ct. 706 (1989) (pp. 104–08); see also *Washington v. Davis*, 426 U.S. 229 (1976).

29. See, e.g., Pauline Rosenau's discussion and contrast of skeptical post-modernists with affirmative post-modernists. ROSENAU, *supra* note 8, at 14–17.

30. Williams's posting of a protest notice on the window of Benetton after being barred from the store is an example of this. As Catharine MacKinnon notes in her comment on the back of *Alchemy's* jacket cover, read this story and "see if you can ever shop at Benetton again." Williams has used her writing to create a political boycott.

31. See, e.g., PATRICIA HILL COLLINS, *BLACK FEMINIST THOUGHT: KNOWLEDGE, CONSCIOUSNESS AND THE POLITICS OF EMPOWERMENT* (1990).

which should increase not only our understanding, but hopefully, also our ability to act.³²

Without essentializing black or African-American women any more than claims about "a" feminist epistemology essentialize white women, several black feminist scholars have identified patterns of knowing that resonate with Williams's work. Because black women live within the borders of at least two forms of oppression, race and gender³³ (and some add a third form of class), they "know" from the position of subordination in the way that the oppressed must know the system of the oppressor as well as their own in order to survive. Thus, Williams can "master" commercial law as she also learns about the laws that allowed her great-great grandmother's master to rape with impunity. Even though Williams is a successful law professor, she still imagines that a homeless black man sleeping over a heating vent might be her "lost mate" (p. 195) as she makes the statistical and human connections attributed to the ratio of black professional women to black "underclass" men. Black women's knowing is wider and deeper because it must, due to its material conditions, bridge class, race, and gender divides. Professional status may grant middle class "knowing," but the effects of racism in our society result in trans-class identification and other forms of knowing.

Patricia Hill Collins identifies other characteristics of black feminist thought that apply to Williams's method: concrete experience as a criterion of meaning, the use of cross generational dialogue³⁴ in assessing knowledge claims, an ethic of care for others (including both kin and "fictive kin"³⁵), and personal accountabil-

32. I have begun to explore elsewhere the relationship of empathy, "fellow-feeling," and altruistic acts. See Carrie Menkel-Meadow, *Is Altruism Possible in Lawyering?*, 8 GA. ST. U. L. REV. 385 (1992).

33. The borders may create multiple oppressions, each experienced separately or jointly as the particularistic oppression of black womanhood. See Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Anti-Racist Policy*, 1989 U. CHI. LEGAL F. 139; Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581 (1990); Judy Scales-Trent, *Black Women and the Constitution: Finding Our Place, Asserting Our Rights*, 24 HARV. C.R.-C.L. L. REV. 9 (1989).

34. Ongoing dialectical dialogue is part of the feminist method, see MACKINNON, *supra* note 20, but Collins and other black feminists refer as well to mother-daughter dialogues and other ways in which knowledge is handed down among those who may be excluded from traditional institutions of learning. MARY HELEN WASHINGTON, *MEMORY OF KIN* (1991). See also MARY BELENKY ET AL., *WOMEN'S WAYS OF KNOWING: THE DEVELOPMENT OF SELF, VOICE AND MIND* (1986).

35. CAROL B. STACK, *ALL OUR KIN: STRATEGIES FOR SURVIVAL IN A BLACK COMMUNITY* (1974).

ity.³⁶ Black women seek to develop the capacity for empathy, both as an adaptation to their world and in the hope that empathy can be used actively for change. In the words of one black woman quoted in John Langston Gwaltney's *Drylongso: A Self-Portrait of Black America*:³⁷ "Some things in my life are so hard for me to bear, and it makes me feel better to know that you feel sorry about those things and would change them if you could."³⁸

C. *Knowledge Through Empathetic Understanding*

Thus, it is in this spirit of telling stories to remember the past, deal with the sorrow, and move other people to feel the pain, that I read Williams's narratives as hopeful and empowering. She tells sad and depressing stories of slavery, homeless people, disempowered students, victims of rape and violence, silenced women of both working and professional classes. But while these stories make one sad and discouraged, I have no doubt that Williams seeks to reach her black sisters (and brothers) as well as her white sisters³⁹ who have experienced oppression, subordination, or exclusion⁴⁰ through her stories so that we can all "feel sorry and try to change these things." The power of Williams's stories to "puncture self-serving majoritarian myths"⁴¹ about the law and to move the reader to get under the skin of those about whom Williams writes⁴²

36. Patricia H. Collins, *The Social Construction of Black Feminist Thought*, 14 SIGNS 745 (1989).

37. JOHN LANGSTON GWALTNEY, *DRYLONGSO: A SELF-PORTRAIT OF BLACK AMERICA* (1980).

38. *Id.* See also Collins, *supra* note 36, at 766-67.

39. I am not sure what her intent is with respect to white men. One reader of her work sees her as totally discouraged with white liberalism and "altruism." See Richard Delgado, *Enormous Anomaly? Left-Right Parallels in Recent Writing About Race*, 91 COLUM. L. REV. 1547, 1557 (1991). For me, the inclusion of white men would depend on their ability to empathize with the subordinated, oppressed, and excluded. This will be easier for some white men than others.

40. I view all of these as different levels of experience. Slaves were clearly oppressed, many minorities and all poor people are subordinated, and even white middle class women have been excluded. See Carrie Menkel-Meadow, *Excluded Voices: New Voices in the Legal Profession Making New Voices in the Law*, 42 U. MIAMI L. REV. 701 (1987). See also MINOW, *supra* note 10.

41. Delgado, *supra* note 39, at 1557.

42. I mean this literally. Williams's narrative allows me, as a white woman, to get under her skin and experience her exclusion from Benetton, her arguments with law review editors, at least for the moments I am locked in her words. Clearly, it is easier for me to get under her skin than Tawana Brawley's (given our similar professional statuses and similar exclusions) and certainly my experience of "empathetic" understanding is not the same as being black or being Pat Williams. But, it is certainly better than reading abstracted accounts of racial inequalities.

to understand their experiences (if only for the moments of reading) demonstrates the capacity that great literature has to make us forget ourselves and move into someone else's reality. Thus, Williams teaches us that we can know and learn from an emotional connection to her stories.⁴³ Williams intends to communicate a specific kind of knowledge with her stories — affective, as well as cognitive knowing. If we feel for her and her other "characters," we may understand people and legal phenomena in a different way.

II. THE STORIES OF ALCHEMY

Professor Williams has woven many stories into both this book and her many law review articles,⁴⁴ but several have become especially well-known. Indeed, some of these "stories" may well make their way into the legal canon. In several of the essays that comprise *Alchemy*, Williams recounts the story of her great-great grandmother's purchase into slavery and then rape into motherhood at eleven years old, by her master, a white lawyer named Austin Miller.⁴⁵ In one of the most telling ironies of both American and personal history, Williams's mother tells her she "has law in her blood" when she begins Harvard Law School, referring not only to the mixed blood and racial heritage of so many Americans⁴⁶ but also to the force of law that has circumscribed the history of the

43. A growing and controversial body of feminist work has explored ways in which learning may be gendered. See, e.g., BELENKY ET AL., *supra* note 34. Women are more likely to learn from "connected knowledge" — a capacity to learn from actual observation or shared experiences with others. *Id.* at 113–18. Others refer to this as contextual knowing, see CAROL GILLIGAN, *IN A DIFFERENT VOICE* (1982), or caring knowledge, see NEL NODDINGS, *CARING: A FEMININE APPROACH TO ETHICS AND MORAL EDUCATION* (1984).

44. See, e.g., Patricia J. Williams, *The Obliging Shell: An Informal Essay on Formal Equal Opportunity*, 87 MICH. L. REV. 2128 (1989); *Alchemical Notes: Reconstructing Ideas from Deconstructed Rights*, 22 HARV. C.R.-C.L. L. REV. 418 (1987); *Spirit-Murdering the Messenger: The Discourse of Fingerprinting as the Law's Response to Racism*, 42 U. MIAMI L. REV. 127 (1987).

45. This story is also recounted in Patricia Williams, *On Being the Object of Property*, 14 SIGNS 5 (1988).

46. I began to say black Americans here and then realized that most of us Americans, whatever our skin color or racial heritage, are "mixed"; that is the significance of the social constructions of race markers that still plague us today. The U.S. Census categories could never capture the richness of ethnic and racial "mixing" that occurs in my home city of Los Angeles where a black-Japanese woman may marry an Irish-Hispanic man producing a child that will not fit the categories of census cards or school admissions applications.

In her own family Williams reports that her great-Aunt Mary was so white she "passed" and married a white man, while sending her blacker daughter to live with her darker relatives. (p. 22). Williams poignantly explores this heritage as well by telling us that thirty years later she "grew up under the rather schizophrenic tutelage" of both

Williams family. Williams “reclaim(s) her disinheritance,” (p. 217) not only by becoming a lawyer, but by becoming a commercial lawyer who can then deconstruct and write about the contract of sale that brought her great-great grandmother to “her” lawyer — the man who owned and raped her. Whatever the ravages of slavery and its legacies on the national historical level, there is much in Williams’s story to speak personally to us about the effects of race and gender in the particularities of her own family. Some readers will focus on the present “success” of Williams’s own reclamation project. Other readers will mourn, grieve, and feel guilt about the number of generations it takes to achieve such “success,” while some never “make it” at all. As lawyers and law students, this story must remind us of the violence of law and its limits as well as the lack of promise it has offered to those oppressed by it.⁴⁷ To have been “property” or to have “come from property” gives one a perspective on the law different from that contemplated by the drafters.⁴⁸

Probably Williams’s second most well known story (and one that continues to evolve as real life stories do) concerns her being shut out of a Benetton clothing store⁴⁹ at Christmas time. Williams had gone there to buy her mother a sweater, but the white employees would not admit her, a black woman, when she rang the buzzer.⁵⁰ Not only does Williams engage in social action (by posting a notice of protest on the store) but she tells the story far and

these aunts — one a charwoman at Harvard, while the other lived well with one of the university’s major donors.

47. See Kimberlé Crenshaw, *Race, Reform and Retrenchment: Transformation and Legitimation in Antidiscrimination Law*, 101 HARV. L. REV. 1331 (1988).

48. This is what is meant by analyzing law from the perspective of “outsider jurisprudence” — being outside of lawmaking and legal interpretation. See Mari Matsuda, *When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*, 11 WOMEN’S RTS. L. REP. 7 (1989). Yet in an ironic way the “outsiders” are those who are outside the stories (and real life) and making the laws for those who are inside. I read Williams’s stories as a plea for letting those “inside” the story (the slaves who were property) make the laws about themselves. Self-determination means taking the power to make laws away from those who are outside of the problem.

49. The supreme irony of this story of racism, of course, is that Benetton’s advertises itself as “The United Colors of Benetton” with colorful pictures of children and adults from our multicultural world posing in all their own hues, in clothes of all hues. See BENETTON CATALOGUE (1991 Christmas issue).

50. It is one of Williams’s endearing qualities that she proudly proclaims often in this book that she likes to shop — an admission of stereotypic female behavior that demonstrates her honesty, spunk and probably, another of the roots of her interest in commercial and consumer law. As the theme of this Essay hopefully makes clear, we learn best from our experiences, and Williams does a masterful job of finding and creating lessons from all of her experiences, which she then shares with us.

wide, including at academic conferences. When she commits the tale to paper in the form of a law review article, the editors change her words, perhaps to put her actual rage and experience in the flattened language that only law understands. As Williams herself puts it, "the active personal had been inverted in favor of the passive impersonal." (p. 47). The name of the store, Benetton, was removed from the law review article because of fear of a defamation suit,⁵¹ and any reference to her race was removed (that was, after all, the point of the story) because it was "against editorial policy to permit descriptions of physiognomy." (p. 47). No wonder Williams needs literary forms to publish the truth; the scholarship of our law reviews has had the editorial guts and truth red penciled out of it. Furthermore, and most characteristic of the sad state of affairs in our law review literature, the editors informed her that her personal experience at Benetton is not "verifiable." After another telling of her story at a law school conference on equality and difference, Williams discovers her speech has been reported in the newspaper. She now realizes that "the article in the newspaper will have more authoritative weight about me, as a so-called 'primary source' than I will have; it will take precedence over my own citation of the unverifiable testimony of my speech." (p. 50). Anyone who has felt unseen, unheard, or disembodied by the conventions of dominant culture can resonate to this story. That the major point of Williams's story, exclusion based on race, could be removed by an editorial board of another underclass — students, though primarily white males⁵² — demonstrates this society's troubled relationship with the racial divides it has created. The symposium at which the story was told was about racial (and other) exclusions. Race was recognized as significant, particular, and real. To think that in this context one could do anything about the exclusions and inequalities

51. One is intrigued here to know why Harvard Press which published the full account in *Alchemy* seems less fearful of the possibility of litigation than the University of Miami Law Review editors.

52. The editorial board was not exclusively white male—indeed the organizer of the symposium in which Williams's article appeared was organized by a black woman, Benita Ramsey; but the major decision-makers seemed caught up in the most ridiculous aspects of dominant legal culture (the "blue book," among other conventions). I know because I experienced this as well. I had an article published in the same issue from speaking at the same conference, and the editors tried to eliminate "personal, anecdotal" material that was not "empirical or documented authority." This included my personal reactions to my own scholarly work. See Menkel-Meadow, *supra* note 40. This is a fine example of one underclass (students) seeking to enhance its status at the expense of another oppressed class (black women). I do not mean here to equalize the oppressions.

of race by erasing any mention of it from the words of law review pages (as policy makers seek to erase race from employment, school admissions and other important decisions⁵³) by imposing a neutrality of words demonstrates how empty is the thinking that produces such eviscerated language.

In another telling example from her own experience, Williams explores how her need for a formal lease differed from her white male colleague's desire for an informal lease arrangement with total strangers. For Peter Gabel, her colleague at CUNY Law School, similarly in search of an apartment in New York, a formal lease would "introduce distrust into his relationships and he would suffer alienation, leading to commodification of his being and the degradation of his person to property."⁵⁴ For Williams, the lack of a lease would leave her "estranged," as she would be seen, in her black femaleness, as "unreliable, untrustworthy, hostile, angry, powerless, irrational and probably destitute." (pp. 147-48). In this chapter Williams explores a tale (that of getting an apartment in New York) with "two stories" — the same story, different experiences for a white male and a black female. In her words, "our experiences of the same circumstances may be very different; the same symbol may mean different things to each of us." (p. 149). Thus, she speaks in post-modern language of "floating signifiers" — symbols that have no determinate meaning without the experience of the particular experiencer. Yet the strength of this story is that it helps those outside of the story to understand power differences that color (pun absolutely intended) our experience of the same thing — a lease.

Here Williams finds law empowering: "to show that I can speak the language of lease is my way of enhancing trust of me in my business affairs." (p. 147). That "one's sense of empowerment" defines one's relation to the law, in terms of trust/distrust, formality/informality, or rights/no rights ("needs") means that Gabel can reject formal legal entitlements because he is so sure he has them, while Williams needs them to establish her legal personhood in our society. Another black feminist writer has observed similar differences of experience in observing that some women need to cling to rights analysis to afford them a modicum of privacy in a world in

53. See Neil Gotanda, *A Critique of "Our Constitution is Color-Blind,"* 44 STAN. L. REV. 1 (1991).

54. Peter Gabel is one of the founders of, and currently president and professor at, New College of Law in San Francisco. Gabel is also one of the founders and a well published writer of the Critical Legal Studies movement. See, e.g., Peter Gabel, *The Phenomenology of Rights Consciousness and the Pact of the Withdrawn Selves*, 62 TEX. L. REV. 1563 (1984).

which they are granted little.⁵⁵ The irony here is that the disempowered need the rhetoric of rights, while at the same time Williams critiques the rhetorical emptiness of the words of the law in other settings.⁵⁶

In other stories, Williams explores the experiences of others to demonstrate how law and our society have created categories that deny the realities and injustices of race, gender, and class exclusions. A transsexual law student cannot use a bathroom because both men and women fear rape or are homophobic, and the Dean won't allow the student to use his bathroom because that would transgress the lines of class. (pp. 122–24). The Rockettes, who claim to be an “equal opportunity employer,” failed to hire any black dancers until 1987 because to do so would disrupt the aesthetic of uniformity, symmetry, and precision — an aesthetic that Williams compares to the constitutional standard of original intent where the society pretends colorblind neutrality and uniformity but the reality is different. (pp. 116–17). Neutrality and uniformity (but not equality) is seen in the all white line, rather than positioning black women in symmetrical positions to preserve the aesthetics of uniformity, while recognizing the variations inherent in equality. The Rockettes are thus, not unlike our Constitution, which in its originalism speaks of citizenship in its uniformity of whiteness, rather than the equality of variegated symmetry.

Williams reports and comments on the stories of two now-famous New York black women abused by the dominant forces of law and order — Eleanor Bumpurs, a 270-pound arthritic, sixty-seven year old woman, shot to death by police officers during an attempt at eviction (pp. 136–45), and Tawana Brawley, a fifteen year old black girl, missing for four days, who, when found in a

55. ANITA L. ALLEN, *UNEASY ACCESS: PRIVACY FOR WOMEN IN A FREE SOCIETY* (1987). Allen, a lawyer and a philosopher, argues against a backdrop of Gilligan's “ethic of care,” that some women care too much and lose their selves in their care of others. Legal rights are one way to frame their demands for more privacy. For another discussion of what legal rights mean to “ordinary” women, see Adelaide Villmoare, *Women, Differences, and Rights as Practices: An Interpretive Essay and a Proposal*, 25 L. & SOC'Y REV. 385 (1991).

56. Compare Williams's defense of formal legal rights in Chapter 8, *The Pain of Word Bondage* (the tale of two leases) with her treatment in Chapter 6, *The Obliging Shell*, of the emptiness of the protections of formal equal opportunity as interpreted by the Supreme Court in *City of Richmond v. J.A. Croson*, 109 S. Ct. 2180 (1989). This difficulty of criticizing, yet embracing, the law is found in a number of women's issues in the law. Incest survivors who formally felt unprotected by the law (in the lack of prosecution of offenders) now use civil tort actions to try to reclaim their “rights.” In doing so they are like rape victims who have to lose their privacy in court hearings in order to regain some sense of personal bodily integrity.

vacant lot, clothed in a plastic garbage bag, was marked with cigarette burns, dog feces, and "KKK" and "Nigger" written on her body. (pp. 169–78). In both these cases (and others like the Howard Beach incident (pp. 58–72) and the Bernhard Goetz shooting in New York (pp. 72–8)), Williams examines the confrontations of "black manhood and white justice" (p. 173) as she explores the persistence of racial stereotypes in our society.

"Who will believe a black woman who has been raped by a white man" she asks, (p. 174) as we currently contemplate the rash of recent events that have paraded these stereotypes before our eyes.⁵⁷ What do we make of the fact that a black professional woman did not seem to be believed when accusing a black professional man of sexual harassment, while at the same time a black woman beauty queen is believed in her accusations of rape against a black prize fighter? Can these cases be individually distinguished, as we say in the law, or do they represent structural accounts of class, gender, and race in our legal system? Williams's forceful cultural criticism in analyses of the political language of ex-New York Mayor Koch and the photographs of Tawana Brawley demonstrates that the "real" stories in these "real" events lie behind the rhetoric. As Williams deconstructs Tawana's images in a series of photographs, using the positioning of her closed mouth to help us see her silencing by those, mostly men, around her who seek to use her for their purposes, we see the universality of some aspects of the human condition written in a simple image.⁵⁸

Thus, by personalizing, concretizing, and making real the stories of people who have experienced the racism, classism, sexism and homophobia of our society, Williams does more to expose the failure of our laws than many of the more arid and abstracted

57. At the time of this writing, we have witnessed the confirmation of a black Supreme Court justice (Clarence Thomas) over objections by those who believed a black woman's charges of sexual harassment (Anita Hill), the acquittal of a well-known white man (William Kennedy Smith) of rape, as accused by a white woman, and the conviction of a black male celebrity fighter (Mike Tyson) for rape, as accused by a young black female beauty queen. I anxiously await the stories and analysis of race, gender, and class that Patricia Williams could tell with these constellations of "facts."

58. My own favorite image of modern woman's condition is illustrated by one of the final scenes of the movie based on Nora Ephron's (true-to-life) story, *HEARTBURN* (1986). The modern woman boards an airplane, with one baby and a toddler as she returns to the womb of her parents, after her husband has deserted her for another woman. Though the imagery is modern — airplanes, Snugglies, and general yuppiehood — the condition of a woman, with children, left by man, is sadly timeless and universal.

By getting us to focus on these images, good writers, like Williams, and movie makers, get us to see the universal in the particular and motivate us, through our emotional connections, to do something with what we see.

presentations in our law reviews have done. For many readers, not all, these stories create an emotional connection that enables learning to proceed from affective, as well as cognitive, sources. It is that source of learning to which I now turn.

III. THE LEARNING OF ALCHEMY: THE POWER OF EMPATHETIC LEARNING

Professor Williams is certainly not the first to use narrative form to tell us something about the law and legal institutions. She joins an ever growing group of legal scholars who employ narrative, stories, and literature⁵⁹ to illustrate points, to explore new readings of old texts, to argue about proper modes of interpretation⁶⁰ and to simply make our reading more enjoyable. Yet, I believe that Williams's *Alchemy* can teach us more about law, legal education, legal scholarship, and life than many other narrative works in the law and literature tradition. For me, Williams writes in the (new) tradition of "empathetic narrative."⁶¹ As one reviewer has put it, Williams writes "in an effort to help her readers learn to unthink racist thoughts."⁶² By taking us down the fragmented paths of the post-modern lives of individuals from all classes (from successful law professors to welfare mothers to teenage girls and boys), Williams shows the power of race in our society and enables us to imagine the lives of others we may or may not know.

As a white professional woman who shares Williams's profession I can most clearly appreciate where we have commonality. Yet she moves me from our similarities to our differences⁶³ so that I can see the pain and irony of her position — a woman who decries the commodification of her great-great grandmother and sees her own position as the "oxymoronic black female commercial law profes-

59. See, e.g., Abrams, *supra* note 6; Richard Delgado, *When A Story is Just a Story: Does Voice Really Matter?*, 76 VA. L. REV. 95 (1990); Gerald Lopez, *Lay Lawyering*, 32 UCLA L. REV. 1 (1984); *Symposium, supra* note 12; Carol Weisbrod, *Divorce Stories: Readings, Comments and Questions on Law and Narrative*, 1991 B.Y.U. L. REV. 143; Lucie White, *Subordination, Rhetorical Survival Skills, and Sunday Shoes: Notes on the Hearing of Mrs. G.*, 38 BUFF. L. REV. 1 (1990).

60. See, e.g., *Interpretation Symposium*, 58 S. CAL. L. REV. (1985).

61. See Toni M. Massaro, *Empathy, Legal Storytelling and the Rule of Law: New Words, Old Wounds?*, 87 MICH. L. REV. 2099 (1989) and Lynne Henderson, *Legality and Empathy*, 85 MICH. L. REV. 1574 (1987), for some descriptions and illustrations of this genre.

62. Delgado, *supra* note 39, at 1550.

63. I was struck by her powerful phrase that must haunt every female professional (and especially women of color): "the acquisition of professionalism is sexualized — its assertion masculinizes as well as whitens." (p. 198).

sor” who also seeks some comfort in the promised equality, distance, and fairness in the formal commodification of a lease. As a former New York resident I am shamed by the residents of Howard Beach and the ex-Mayor, at the same time I recall similar events in my own present hometown.⁶⁴ As a civil rights lawyer I am depressed at the lack of progress, both material and spiritual, that the last twenty-five years have brought for racial and gender equality that her stories reveal. Who can look at a homeless person again in the same distance-seeking way after recalling Williams’s description of a “mate” or “statistical companion?”

In short, her images cause us to confront our mutual humanity — to see that “but for the grace of . . . go I.” We see the difficulties that all of us have getting through the chaos of our daily lives, because her words make us feel. Thus, for traditional law readers who have learned to block feelings, analyze intellectually, and deal with abstractions, Williams pulls us back to confront the world we have created and in which we seem to be living, if not all flourishing.

If we can empathize with her and her characters, we can experience their pain, which may in turn lead to some action (if only to unthink our racist thoughts).⁶⁵ Perhaps a few law professor readers will think twice about the stereotypes they create in the stories they write for their law school exams. Perhaps a few law students will come to understand better the multiple roles we increasingly diverse law professors must satisfy. Perhaps all of us will take some greater moral accountability for the world depicted in the pages of Williams’s book.

Several scholars have noted the particular importance of stories told by those who have been subordinated, both to get the rest of us to care a bit more and also to validate the experiences of suppressed discourses.⁶⁶ These stories disrupt the abstracted, need-for-

64. Faye Fiore & Phillip Gollner, *Video Showing beating by L.A. Officers Investigated*, L.A. TIMES, Mar. 5, 1991, at A28 (Rodney King beating); Doug Shuit, *Police Victim Hit by 8 Shots*, L.A. TIMES, Jan. 12, 1989, at A1 (killing of woman in south central Los Angeles over gas bill).

65. For a fuller discussion of the relationship of empathy to altruistic acts and the commitment to justice, see ALFIE KOHN, *THE BRIGHTER SIDE OF HUMAN NATURE* (1991) and ROBERT SOLOMAN, *A PASSION FOR JUSTICE: EMOTIONS AND THE ORIGINS OF THE SOCIAL CONTRACT* (1992).

66. See, e.g., Richard Delgado, *Legal Storytelling for Oppositionists and Others: A Plea for Narrative*, 87 MICH. L. REV. 2411 (1989); Mari Matsuda, *Looking To the Bottom: Critical Legal Studies and Reparations*, 22 HARV. C. R.-C. L. L. REV. 323 (1987). For another recent example of personal storytelling to help unravel the multiple dilemmas of race and gender, see Paulette Caldwell, *A Hair Piece: Perspectives on the Intersection of Race and Gender*, 1991 DUKE L.J. 365.

minor-reform stories that are most often told in legal circles. The particularized, concrete form of storytelling, now associated with feminist, contextualized learning,⁶⁷ causes us to examine our assumptions and to connect affective and emotional learning to the more cognitive ways in which we commonly learn law.⁶⁸ By focusing on how we generalize from the particular we may learn to be more sensitive to the realities of the other.⁶⁹ We may see that not all others are mirrors of ourselves.⁷⁰

I am not unmindful that many have critiqued the formlessness and standardlessness of the narrative strategy.⁷¹ After all, "there are many stories in the naked city" and at least two stories in every trial. We do have to make choices about stories and narratives. Yet I see stories, such as those told by Williams, as sources for motivation to learn.⁷² Williams's stories are punctuated by analyses of "real" law that undoubtedly make the legal concepts more understandable and knowable to the reader. Thus, stories are the beginning point, not the ending, as we test their meanings against our own experience and their own authenticity.⁷³ They help develop the dialogue of black feminist epistemology.⁷⁴ We all may not share

67. See BELENKY ET AL., *supra* note 34.

68. The obvious connections here are to experiential learning in law school clinical programs, but I think the power of narratives such as Williams's are easily used throughout the law school curriculum. Indeed, educators of professionals often discuss the importance of relating experience with theory, practice with framework, head work with "heart" work. See, e.g., DONALD A. SCHON, *THE REFLECTIVE PRACTITIONER* (1982). These connections are also important in the arguments for requiring students to do *pro bono* work.

69. How often do whites assume white experience, males male experience, married people with children, family experience, heterosexuals conventional sexual and emotive patterns in their everyday speech?

70. At a recent visit I made to another law school, a group of minority and economically disadvantaged students said that one of their problems in law school came from identifying with the defendants in their criminal law case books and not with the lawyers and law enforcement officials as contemplated in all of the hypos they were given by their teacher. Remember Williams's story of Pierson v. Post, *supra* note 13, told from the perspective of the fox. Those acted upon by law should have their stories told in law schools, just as much as those who do the law making and interpretation.

71. See POSNER, *supra* note 12, and Massaro, *supra* note 61.

72. Virtually every law student will tell you she was more motivated to learn something after experiencing a real case or some experience-based representation of legal principles (whether factual or fictional).

73. See Abrams, *supra* note 5, for an attempt to develop grounds for assessing and validating narratives as legal scholarship. Criticizing the false claims of "objectivity," Abrams argues for several forms of validation and interpretation of others' experiences as a form of legal scholarship, leading both to description and to prescription and normative ordering in the law.

74. See Collins, *supra* note 36.

our interpretations of stories⁷⁵ but the stories make clearer to us what our assumptions, values, and starting points are. They also elaborate the larger social web in which the deracinated stories of the legal hypothetical are embedded. As someone who teaches with stories,⁷⁶ I think we build better legal minds by broadening them with the social realities of stories, rather than narrowing them, by incisive, but abstracted, legal reasoning.

Patricia Williams's book is one of personal journey, informed by her profession, her race, and her gender. If her "takes" on race and gender relations as described in the stories form more of a quilt or pastiche than a unified and linear thesis, we must remember that hers are post-modern narratives — composed of the fragments and micro-moments⁷⁷ that comprise our lives. Nevertheless, for this reader, *The Alchemy of Race and Rights* provides the kinds of moments of insight, understanding, and empathy with other human lives that may not tell us everything about what the law should do, but help us try to live and be a bit better than we are. The use of these stories in teaching law school classes might make discussion of these difficult issues richer, deeper, and more human as several sides of a concrete reality can be explored simultaneously. For my taste, this book is an extraordinary statement of what a post-modern, black feminist can say about race, rights, and life.⁷⁸

75. One reviewer of *Alchemy* disagrees strongly with Williams's reading of the Tawana Brawley incident. See Rieder, *supra* note 23.

76. The stories of my Legal Profession course are taken from real world cases and are enacted by students to give us a shared experiential base from which to discuss legal ethics. See MURRAY SCHWARTZ, CARRIE MENKEL-MEADOW & ROY SIMON, SUPPLEMENT TO LAWYERS AND THE LEGAL PROFESSION (1991).

77. For a recent depiction in film of how micro-moments can change our lives, even across racial divides, see the movies GRAND CANYON (1991) and MISSISSIPPI MASALA (1992).

78. As one who has often been a critical book reviewer, I am struck by how little I have said that is critical of the book. If there is one complaint that this reader has it is simply that given Williams's poetic chapter headings and omissions in the index, the frequent reader or teacher of this book will find it hard to find particular moments to re-read and relive.

I hope that Professor Williams is continuing her diary. I look forward to her "readings" of the many more "texts" of race and gender relations that have been accumulating since the book was published.