Angela Harris: The Person, the Teacher, the Scholar

Rachel F. Moran*

Angela Harris has written eloquently about the creative tensions that define her as a person, a teacher, and a scholar. She has explored the challenges of maintaining a private identity when called upon to share her life experience with a public audience, whether in the classroom, at a conference, or in an essay. She has reflected on the ways in which legal teaching privileges reason over emotion, wondering whether this dynamic impoverishes the exchange of ideas and undervalues the joy that can motivate a caring advocate. And, she has explored the dialectic between identity politics and the structural forces that entrench inequality. Angela argues that whatever post-modern doubts critical race theorists may harbor about the utility of law in effecting change, they must act as pragmatic modernists who strive to combat injustice. In all of this work, Angela demonstrates the creativity, candor, courage, and compassion that inspire all of us to dedicate ourselves to making a difference.

Introduction .................................................................................................... 1016
I. The Person: Facing the Challenges of Maintaining a Private Life While in the Public Eye .................................................................................. 1016
II. The Teacher: Navigating Tensions Between Reason and Emotion in the Classroom .................................................................................. 1019
III. The Scholar: Exploring the Relationship Between Identity Politics and Structural Subordination .............................................................. 1022
Conclusion ...................................................................................................... 1026

Copyright © 2014 Rachel F. Moran
* Dean and Michael J. Connell Distinguished Professor of Law, UCLA School of Law. These remarks were first presented at a Festschrift for Angela Harris at Berkeley Law on September 27, 2013. I appreciate helpful comments that I received from my colleague Laura Gomez, and I am grateful to Tim Beasley Henderson for his able research assistance in gathering Angela’s extensive publications for review.
INTRODUCTION

It is a privilege to pay tribute to my long-time colleague Angela Harris’s life, teaching, and scholarship. Her career has been a highly fruitful one, filled with fresh ideas expressed in fluent prose. So, the challenge is really one of how to do justice to her many contributions in this brief foreword.

There is something quite engaging about reading research that spans the arc of a career. In writing this piece, I took the opportunity to reread Angela’s early articles and to acquaint myself with her more recent pieces. Through this process, I came to appreciate the trajectory of Angela’s writings in a new—and I like to think deeper—way.

I will share some of what I have gleaned from this retrospective by focusing on three areas: the autobiographical elements of Angela’s writing, her reflections on teaching, and her scholarship on inequality and the quest for justice. In each area, Angela identifies the tensions that shape her work, grapples with them, and strikes a different balance in reconciling them over the course of her career. Although my framework is necessarily an oversimplification of a complex body of research, I look at the public/private tensions in Angela’s autobiographical accounts; the dialectic between reason and emotion in her discussions of teaching; and the complicated relationship between identity politics and structural subordination in her work on discrimination, inequality, and the possibilities for transformative change.

I.
THE PERSON: FACING THE CHALLENGES OF MAINTAINING A PRIVATE LIFE WHILE IN THE PUBLIC EYE

Let me begin with glimpses of Angela’s life story as seen through her work. These elements are important because it is clear that her own personal history, though never fully revealed, has been a driving force in shaping her commitments as a teacher and her contributions as a scholar. She has struggled with just how much of her autobiography to share in explicating her choices about scholarship and teaching. This dilemma began shortly after Angela arrived at Berkeley Law, when she was invited to contribute essays on her experience as a woman of color at an institution only beginning to pursue diversity in the ranks of the professoriate. Still untenured and finding her way, Angela chafed at the presumption that she should engage in very public acts of self-revelation. In her 1990 article entitled On Doing the Right Thing: Education Work in the Academy,1 she adopted a strategy similar to that of Philip Roth, who observed that he could be more honest in his fiction than in his autobiography.2 In particular, the narrative of an imagined life liberated him

from the constraints of loyalty and discretion, the protective impulses that can veil hard truths. Angela, too, created fictive encounters “to protect the innocent”\(^3\) as she explained the special burdens that diverse faculty face in educating colleagues about the thorny realities of race, power, and inequality.

Just a year later, in *Women of Color in Legal Education: Representing La Mestiza*,\(^4\) Angela could be more direct about her reservations, beginning the piece by noting that:

> Writing a personal essay to be published in a public journal is a peculiar enterprise. It is that much stranger when you are a black woman law professor, asked to reflect on “the distinctiveness of our contributions to our students, colleagues, and institutions.” My computer screen is blank, the cursor blinking amber. The color of caution and danger. What should I write about? Which self should I (re)present?\(^5\)

Here, Angela openly acknowledges the difficulties of preserving a sense of herself as a private person while satisfying the public’s curiosity. She resists the temptations of self-justification, self-promotion, and “just so” stories that have nothing to do with the verities of her life and everything to do with the predilections of the reader.

In *La Mestiza*, Angela no longer relies on the comforting elision of fiction to navigate the tensions between the public and the private. Instead, she insists that she “ha[s] not come to testify,”\(^6\) nor to deliver a “whispered confessional,” nor even to submit a lawyerly amicus brief for the Supreme Court.\(^7\) No, she writes, “[i]n the absence of an authentic truth accessible through experience or logic, in the presence of both familiarity and distrust, let me tell you some lies.”\(^8\) This is a powerful statement about her refusal to make all that is private a matter of public record. It is, in fact, a way of suggesting that truth is elusive and that evasiveness only grows as a story is appropriated for general consumption. Ironically, these purported lies prove to be an important source of insight as we try to understand Angela’s early history and the ways that it has informed her work and given her a mature voice.

Angela describes how writing became a refuge from the dismissiveness of her classmates at school and how she loved the privacy and freedom that came with the stories she wrote.\(^9\) Initially, these acts of imagination had “very little color in them.”\(^10\) Only when she arrived as a graduate student at the University

---

3. Harris, *supra* note 1, at 128 n.11.
5. *Id.* at 107 (footnote omitted).
6. *Id.* at 108.
7. *Id.* at 109.
8. *Id.*
9. *Id.*
10. *Id.*
of Chicago did she come to appreciate the patterns of race and privilege that often made her invisible as others jostled her on the sidewalk.\(^\text{11}\)

These experiences, in turn, shaped Angela’s decision to become a law professor, a person who could convert the formerly invisible into something noteworthy. This life would give her the liberty to speak and to write, and with that came a newfound prominence that would further complicate the boundary between public and private.\(^\text{12}\) Angela writes: “You get used to being The Professor. You get used to the small catch in their breath at parties. The private elevator key. You get to like the power even as you see it inscribing itself in your body: your posture, your carriage, your tone of voice.”\(^\text{13}\) A high-profile position can intrude on the private self, but that bully pulpit can also be used to challenge the conventional wisdom. These tensions in turn unleash her potential as “la mestiza,” a person who embraces her capacity for “[r]estlessness, ambiguity, disruption”—the liminal traits that lie at the root of “[c]reative chaos.”\(^\text{14}\)

Nearly two decades later, in *Teaching the Tensions*,\(^\text{15}\) Angela has become far more comfortable with acts of self-revelation. She admits that she “found [herself] in front of law students quite by accident.”\(^\text{16}\) Indeed, she confesses that “[m]y aspiration for myself was to write fiction, and it was not a commitment to defending the disempowered or a longing to make stirring closing arguments that took me to law school, but rather a chain of disappointments, frustrations, and, finally, a desire for more ‘options.’”\(^\text{17}\) She describes her arrival at Berkeley as similarly unexpected:

I was... the slightly stunned product of many converging forces: hand-to-hand combat by Boalt Hall’s student Coalition for a Diversified Faculty; the genteel patronage system of hiring developed by the national old boys’ network of white-guy law professors; federal and state affirmative action policies; and a bewildered and anxious faculty reluctantly convinced to “diversify” by threats, lawsuits, and demonstrations.\(^\text{18}\)

Angela is even comfortable enough to acknowledge that she has “never been a doctrine jockey” and that “case analysis kind of bored” her.\(^\text{19}\) Instead, she is drawn to the “slow, subtle currents of modern and post-modern culture moving below the surface of legal reasoning and the eddies they stirred on the

\(^{11}\) Id. at 109–10.

\(^{12}\) Id. at 110–11.

\(^{13}\) Id. at 111.

\(^{14}\) Id. at 112.

\(^{15}\) Angela P. Harris, *Teaching the Tensions*, 54 St. Louis U.L.J. 739 (2010).

\(^{16}\) Id. at 740.

\(^{17}\) Id. at 741.

\(^{18}\) Id.

\(^{19}\) Id.
With this present ease about telling her story, Angela can embrace tensions and contradictions, recognizing that ambiguity and ambivalence are not merely evasions of the public eye but the natural state of any thinking person. She acknowledges that unresolved conflicts have shaped her life and her work in ways that are essential to her creative process.

II. THE TEACHER: NAVIGATING TENSIONS BETWEEN REASON AND EMOTION IN THE CLASSROOM

In grappling with her role as a law professor, Angela realized early on that the problem of deciding what should remain private and what should become public also played itself out in the classroom. In a remarkable meditation on teaching entitled “A(nother) Critique of Pure Reason”: Toward Civic Virtue in Legal Education, which she co-authored with her colleague Marjorie (Marge) Shultz, Angela describes her reaction to a student’s request that she reveal more of herself in the class discussion. The very “idea fills me with dread,” she notes, because of her sense of herself as “a reserved person” who is “attached to the notion of a strict line between ‘public’ and ‘private’ life.” Angela’s need for this boundary is all the greater because she feels vulnerable about opening herself up when she is one of the few faculty of color at the law school. Yet, Angela also worries that her reserve comes at a price: “When the teacher feels disempowered, her last resort may be distance and formality. This strategy may buy respect, but at the expense of honesty and depth. And so my Boalt student’s plea, ‘Give us more of yourself,’ stays with me.” In fact, Angela realizes, her retreat into formalism may be part of a broader pattern—the tendency to repress the personal and emotional in the service of the impersonal and rational.

Angela worries that classroom conventions that reinforce these dynamics can cripple the robust exchange of ideas. In particular, the law’s monolithic commitment to reason and analysis can marginalize emotion—and the moral truths that come with it—as a legitimate object of inquiry and discussion. In “A(nother) Critique of Pure Reason,” she and Marge recognize that law schools have staked their claim to academic respectability on the Langdellian notion that law is a science predicated on principles of deductive reasoning. As a result, modern American law faculty and their students avoid emotion rather

---

20. Id.
22. Id. at 1800.
23. Id. at 1803.
24. Id. at 1776–77.
than engage with it, much to the detriment of both the evolution of substantive law and the experience of learning it.25

According to Angela and Marge, the results of this dynamic are “[p]ersonal alienation and poverty of thought.”26 When suppressed, emotion does not go away; instead, it moves underground and can explode onto the classroom scene.27 To illustrate the point, Angela recalls her own experience as a law student:

Another vivid memory . . . is the free-floating hostility that often swept through a classroom, particularly in the first year. No one ever missed the chance to sneer. Our class took our anger out on one student in particular—one of those people, usually white guys, who always had their hands in the air. Halfway through the quarter, people took to setting off the beepers on their digital watches whenever he spoke. Three or four times during the hour he would raise his hand, the teacher would call on him, and the beeping would begin. The student speaking would look around, bewildered, and the rest of us would mutter angrily or suppress titters. The professor tried to ignore the whole situation, which only intensified the rage welling up in us, a rage out of all proportion to its ostensible provocation.28

Although Angela and Marge believe that classroom discussion can be enriched by appropriately acknowledging emotion, they also have witnessed the fallout that occurs when class sentiments take a negative turn. Angela herself admits with disarming honesty that “[w]hen a class goes sour, the management of emotion faces its ultimate test.”29 Still untenured and teaching criminal law as a visiting professor at Stanford in the early 1990s, she recalls that:

Two students in the class, one a white man and one a white woman, challenged me day after day—questioning my facts, misunderstanding my points, clearly feeling uncomfortable and clearly holding me responsible. When I talked to the woman in my office, she freely admitted that she “hated” my class. She didn’t like the way I sought to present criminal law as having no firm answers and as being inextricably intertwined with larger social issues of race, class, and gender. “If I wanted to take a sociology class, I would have gone to graduate school,” she said.30

25. Id. at 1778–79.
26. Id. at 1781.
27. Id. at 1779–80.
28. Id. at 1780.
29. Id. at 1801.
30. Id.
Midterm evaluations showed that the majority of the students were satisfied, but a distinct minority complained that Angela focused too much on race, feminism, and politics and did not spend enough time on law.31

Angela vividly recollects how:

In my office, I agonized. Should I acknowledge the tension that was now apparently widespread, or should I pretend it didn’t exist? Too afraid to precipitate an explosion at a strange school, I acted as if nothing was wrong until the last day of class, when I made a few wry remarks about Stanford students’ reputation for being hostile to visitors. I later found that my course had been the catalyst for an angry and racially polarized student brouhaha about the meaning and value of faculty diversity.32

Upon reflection, Angela concludes that she was not able to act on her pedagogical commitments because, although she had power in the classroom, her status as an untenured visitor left her powerless within the institution. She writes, “I did not feel safe enough myself to help my students feel safe from me, and an opportunity for both sides to learn from each other was lost.”33 This type of admission—so rare in academic literature—is a breathtaking glimpse of a teacher’s soul laid bare.

In her recent article, Teaching the Tensions,34 it is clear that early setbacks never dissuaded Angela from maintaining fidelity to her ideals. Here, she returns to the complicated relationship between reason and emotion by exploring how those who come to law school committed to social justice can find their experience disillusioning and disheartening. She contends that a sensitivity to the role of emotion can advance rather than impede a commitment to the law’s promise of effecting change. Drawing on Antonio Gramsci’s declaration of “pessimism in my intelligence and optimism in my will,”35 she urges her students to cultivate compassion and humility as a foundation for the resiliency to persist against long odds. The use of these emotional strategies, she argues, can make the struggle for justice a joyful and sustaining one that leads to a far more enduring career than one fueled by outrage and anger alone.36 Angela concludes: “If I have a pedagogical slogan, it is the one taken from journalism: the injunction to comfort the afflicted and afflict the comfortable. That includes self-affliction as well as self-comfort. I have learned to feel at home in the law by not feeling at home in it.”37 We are very glad that

31. Id.
32. Id. at 1801–02.
33. Id. at 1802.
34. Harris, supra note 15, at 739.
35. Id. at 753 (citing ANTONIO GRAMSCI, 2 LETTERS FROM PRISON 299 (Frank Rosengarten ed., Raymond Rosenthal trans., Columbia Univ. Press 1994) (1965)).
36. Id.
37. Id. at 754.
Angela has made the law her home and that she has taught generations of students that this is a worthy place to spend a life.

III.
THE SCHOLAR: EXPLORING THE RELATIONSHIP BETWEEN IDENTITY POLITICS AND STRUCTURAL SUBORDINATION

In 1990, Angela burst onto the scholarly scene with her justly famous and seminal piece Race and Essentialism in Feminist Legal Theory. The paper is an exploration of the ways in which feminist legal theory has essentialized gender by excluding black women from the archetype of the female. Angela urges feminists to abandon the easy and emotionally comforting illusion that white women’s experience is representative of all women’s experience. She goes even further, warning that essentialism lies at the heart of a power game in which white women control the agenda by insisting that they speak for all women. To avoid this trap, Angela exhorts feminist theorists to consider the multiple consciousness that characterizes the experiences of women of color, and, perhaps most provocatively, she insists that “black women can help feminist movement move beyond its fascination with essentialism through the recognition that wholeness of the self and commonality with others are asserted (if never completely achieved) through creative action, not realized in shared victimization.”

Indeed, Angela issues a call to action, making clear that “bridges between women are built, not found.” At the same time, she is brave enough to confront the unsettling fact that solidarity itself is a struggle: “The discovery of shared suffering is a connection more illusory than real; what will truly bring and keep us together is the use of effort and imagination to root out and examine our differences, for only the recognition of women’s differences can ultimately bring feminist movement to strength.”

By 1994, Angela had begun to consider the structural forces that shape identity politics. In The Jurisprudence of Reconstruction, she examines the tension between modernist and postmodernist narratives in critical race theory, a scholarly movement that she helped to found. She notes that “[p]ostmodernism’s strength is in its corrosiveness,” its power to unmask the

39. Id. at 588–89.
40. Id. at 606–07.
41. Id. at 608–09.
42. Id. at 612.
43. Id. at 615.
44. Id.
46. Id. at 748.
illusory nature of conventional truths and common knowledge. She finds that postmodern critique is always “congenial to race-crits, who ha[ve] already drawn from history the lesson that ‘racism’ is no superficial matter of ignorance, conscious error, or bigotry, but rather lies at the very heart of American—and western—culture.” 47 Angela acknowledges that this unmasking can produce a profound pessimism, as racism appears to be ever more deeply entrenched in American law and culture. 48

Angela points out, however, that this pessimism has been counterbalanced by a strong strain of modernism in critical race theory—a commitment to antiracist practice that is rooted in the possibility of liberation from racial oppression. 49 A reformist agenda bespeaks hopefulness and faith in law and reason, a stance that appears at odds with postmodern skepticism. 50 Angela recognizes that an uneasy coexistence is likely necessary and inevitable, and it can produce a reconciliation of sorts. In the words of Derrick Bell, critical race theorists must embrace “[b]oth the recognition of the futility of action—where action is more civil rights strategies destined to fail—and the unalterable conviction that something must be done, that action must be taken.” 51

In her 2000 piece, Equality Trouble: Sameness and Difference in Twentieth-Century Race Law, 52 Angela revisits these issues, this time using a historical lens to put antidiscrimination law into the larger context of race law (including, for example, immigration law and federal tribal policy). 53 She reaches a sobering conclusion: both race as difference (that is, color-conscious laws) and race as sameness (that is, colorblind laws) can advance structures of racial dominance. 54 During the latter part of the nineteenth century and the first part of the twentieth century, Angela observes, the federal government withdrew from enforcing equality by narrowly interpreting civil rights statutes and deferring to states’ rights. 55 At the same time, the federal government exercised its plenary power to rely on racial classifications that restricted nonwhite immigration and limited possibilities for full citizenship for people living in the American territories of Puerto Rico and the Philippines. 56 According to Angela, these developments reinforced the ongoing relevance of racial distinctions and made it plausible for officials to distinguish between

47. Id. at 749.
48. See id. at 743, 749.
49. See id. at 750.
50. See id. at 753–54.
51. Id. at 784 (quoting DERRICK BELL, FACES AT THE BOTTOM OF THE WELL: THE PERMANENCE OF RACISM 199 (1992)).
54. Id. at 1929–30, 2014.
55. Id. at 1961–62.
56. Id. at 1943–48, 1956–57.
legal and social realms in mandating norms of equality. In particular, courts justified de jure segregation as a reasonable regulation that reflected customary private practices without undermining a wooden notion of formal public equality. Angela asserts that the culmination of the divides between legal and social, public and private, and white and nonwhite was state complicity in acts of racial violence, ranging from race riots and lynchings in the South to forcible expulsions of Chinese workers in the West.

The habit of stratification, honed in the crucible of race, had implications for other groups as well. As Angela explains, state and local governments took steps to punish those suspected of disloyalty to the American creed. Germans, though white, were targeted during and after World War I along with Japanese Americans. The 1924 Immigration Act restricted not just nonwhite immigration, but also immigration from eastern and southern Europe, out of fears that whites from these areas of the world were not of the highest caliber. Finally, states enacted laws regulating sex and procreation not only to deter interracial relationships but also to prevent childbearing by the feeble-minded and unfit. Sterilization mandates extended to white as well as nonwhite women. Challenges to these state actions often sounded in liberty rather than equality claims, but all of these statutes and regulations were, as Angela puts it, rooted in an “assumption of inequality, not mere pluralist ‘difference.’”

Chronicling the impact of World War II and the move in the second half of the twentieth century to a colorblind rationale that treats race as irrelevant, Angela argues that “this shift has not been as transformative as it might seem.” Admittedly, there were many triumphs: the end of de jure segregation in schools and other public places, the adoption of the Voting Rights Act to improve nonwhites’ access to the ballot box, and the elimination of racial restrictions in immigration law, to name but a few. Angela acknowledges these successes, but she also contends that these changes did not “bring about a truly integrated America” for several reasons. In particular, the economic recession that hit the United States in the mid-1970s created an “anxious class”

57. Id. at 1962–66.
58. Id. at 1966.
59. Id. at 1966–73.
60. Id. at 1976.
61. Id. at 1976–77.
62. Id. at 1978–79.
63. Id. at 1979–81.
64. Id.
65. Id. at 1981.
66. Id. at 1983.
67. Id. at 1990, 1994–96.
68. Id. at 1999.
that increasingly resisted affirmative action policies and fought culture wars over the meaning of our American heritage.\[^{69}\]

Angela contends that the law has played an integral role in squaring a formal assumption that race is irrelevant with a growing concern about the unequal landscape of opportunity in our country.\[^{70}\] By identifying discrimination as the behavior of individual wrongdoers, it has been possible to “leave[] untouched unconscious racism, everyday cognitive bias, and institutional structures that faithfully perpetuate patterns of racial subordination.”\[^{71}\] As a result, a colorblind regime has not necessarily eradicated the legacy of color-conscious laws that segregated and stratified the nation. Angela concludes that despite the sea change in race law that occurred in the United States in the twentieth century, “within the language of equality both sameness and difference frameworks can elide the question of power: Who is setting the standards by which sameness and difference are to be judged?”\[^{72}\]

In her recent work, Angela continues to train her keen analytical eye on questions of race, and with all of her penetrating insight, she remains at heart an optimist. In her 2012 essay, *Compassion and Critique*,\[^{73}\] she reminds us that “critical race theorists must walk a fine line between promoting a hermeneutics of skepticism under which racism is inevitable and everywhere, and insisting that racism can be eliminated—that ‘the arc of history is long, but it bends toward justice.’”\[^{74}\] She believes that pure philosophy and intellectual rigor are not enough; critical theory must be dedicated to promoting change.\[^{75}\] This dedication, in turn, must rest on a “commitment to caring.”\[^{76}\] As Angela explains:

Caring is occasionally a force for large-scale change; more often, it is a weapon of the weak, a small rebellion or an enlivening. Caring makes things possible; it also makes them meaningful. Perhaps most important from the standpoint of large and complex social projects, caring, when turned into compassion, has the potential to subvert the lines that ideologies of subordination draw between self and other.\[^{77}\]

Angela’s own life and career are a testament to the power of intellect when coupled with a commitment to caring. We are fortunate that she has cared for so long, that her tenure has been marked by passion and compassion, and that she has shared her brilliant mind and open heart with the colleagues and students who have been privileged to know and work with her.

---

69. *Id.*
70. *Id.* at 2002–04.
71. *Id.* at 2001–03.
72. *Id.* at 2014.
74. *Id.* at 349.
75. *Id.* at 328, 351.
76. *Id.* at 351.
77. *Id.*
CONCLUSION

Angela Harris has inspired many with her generosity of spirit, her keenness of intellect, and her dedication to the betterment of law and legal education. Her courage in telling her story, her boldness in pursuing new ideas, and her integrity in all that she does—these are the values that make a life worth living, a teacher who mentors the next generation, and a scholar who transforms the field. By doing justice to Angela’s contributions to our profession, we remind ourselves of the obligation to serve others by demanding the best in ourselves.