Tokens, Role Models, and Pedagogical Politics: Lamentations of an African American Female Law Professor

Linda S. Greene

Follow this and additional works at: https://scholarship.law.berkeley.edu/bglj

Recommended Citation

Link to publisher version (DOI)
https://doi.org/10.15779/Z38BC64

This Article is brought to you for free and open access by the Law Journals and Related Materials at Berkeley Law Scholarship Repository. It has been accepted for inclusion in Berkeley Journal of Gender, Law & Justice by an authorized administrator of Berkeley Law Scholarship Repository. For more information, please contact jcera@law.berkeley.edu.
Tokens, Role Models, and Pedagogical Politics: 
Lamentations of an African American Female Law Professor

Linda S. Greene†

"PROFESSOR: A PERSON WHO PROFESSES SOMETHING; . . . ONE WHO OPENLY DECLARES HIS SENTIMENTS"1

I. INTRODUCTION

In a world undivided along racial and gender lines, we would not have the occasion to ponder the relevance of race and gender to our role as professors of law. Instead, we might be freer to choose among a variety of responsibilities which ordinarily accompany our official titles without regard to the impact of our race/gender on our status. In an ideal world, a world untainted by slavery and subordination, we might take the podium without threatening the legitimacy of an academic world in which males—primarily white males—are hegemonic. But we live in a

† Professor of Law, University of Wisconsin Law School at Madison. J.D., University of California at Berkeley (1974).

Though this paper was initially written for a discussion among a small group of African American female law professors who are collectively known as the Northeast Corridor Black Female Law Professors group, I decided to allow its publication in this forum. I and others presented some of the papers published here at the Northeast Corridor Black Women Law Professors meeting on October 1, 1990 in Philadelphia, Pennsylvania. I wrote the paper after the group made a decision to devote at least one of our meetings to reflecting on our existence and "roles" as African American female law professors. I have experienced some ambivalence about this decision because I had to decide whether to change the voice, tone, and objective of the paper to accommodate its circulation to a wider audience. My decision not to make significant changes in these respects should not be interpreted as a decision to limit my audience. Rather, I view our decision to share the views we have expressed to each other with a wider audience. Most importantly, I view our decision to publish our discussions with each other as a collective decision not only to publicly affirm the importance of our own voices and experiences but also to affirm the importance of our decision to speak to each other in these voices.

But it should be noted that comments included in my short article as well as in the other pieces cannot rival the oral histories of our experiences which have been shared at many informal meetings over the past decade. The complete stories of our experiences cannot be fully understood from written comments because this form eliminates the variations in emotion, extemporaneousness, pitch, and gesture which are so much a part of African American storytelling traditions and which have been so much a part of our story sharing.

country which only recently repudiated our own *Plessy*-driven apartheid, in a world which clings stubbornly to comfortable notions of intellect, notions which seem inextricably, if unconsciously, bound to color and gender.

Against the background of this history, it is impossible for us to expect that our participation in the transmission and critique of legal culture will be apolitical. To the contrary, our participation is profoundly political and disturbing to many. Our scattered presence draws the attention of students and faculty alike to a past in which we were completely absent and to a present in which we are virtually absent. Our limited presence visually politicizes the past and present by reminding students, faculty, alumni, and others of the rationales for our historical and current exclusion. Our demand *to profess*, to authoritatively declare and critique society’s norms, is at odds with our historical roles and status. Until the moment of our appointment, faculty members wring their hands and commiserate (for attribution) about the “difficulties of the search process,” “the lack of qualified applicants,” and “the limited pool.” Immediately after our appointments, and often in press releases, faculties publicly announce our appointments and remind each other “how lucky we are to have her.” The ubiquitous white male law professor arouses no curiosity or attention based solely upon his presence. Yet we are the object of curiosity and scrutiny whenever we are present, and the subject of rationalizing explanations when we are not. In this context, the occasional African American female law professor becomes less an individual and more a symbol or a sign with ambiguous meaning. As a result, it is impossible to have any meaningful discussion of our roles and role choices without a careful analysis of the context in which we teach.

One of the most important factors in our professional lives is tokenism. Tokenism masks racism and sexism by admitting a small number of previously excluded individuals to institutions. At the same time, a system of tokenism maintains barriers of entry to others. Tokenism is therefore a symbolic equality. Our own role options are limited by the high visibility and symbolic significance of our token presence. These conditions make it difficult, if not impossible, for African American women to enjoy significant control over the roles we play in law teaching and a significant measure of professional privacy. The only way in which we can effectively reduce the impact of tokenism is to collectively repudiate it and to demand that our law schools do the same. It is only through these efforts that we can move beyond tokenism’s sham equality to a meaningful equality in which we truly have a choice of roles.
II. LAMENTATIONS OF A TOKEN AND SOME REFLECTIONS ON THE SYSTEM OF TOKENISM

After a few years of teaching law, it occurred to me that the hostility and bitterness that I and other African American female law teachers experienced might be related to the scarcity of our presence and the ambiguity surrounding the legitimacy of our presence. The year was 1983; I had been teaching since 1978, and by this time I had had numerous conversations with the small number of African American women teaching law. Many reported experiences in the classroom and with colleagues which resembled verbal lynching and rapes. More than one of my African American female colleagues reported being shouted down in the classroom by white males, being shunned by colleagues, having her teaching qualifications openly challenged in the classroom, receiving anonymous and detailed hate notes critical of her teaching style, syntax, and appearance, and learning of colleagues who had encouraged students to act disrespectfully toward her.

My early experiences were an intellectual version of a nighttime ride through the deep South countryside: I had a constant awareness of racist and sexist danger, both real and imagined. I never knew when a student's seemingly innocuous response to my questions would slide into a challenge to my right to profess. I came to fear this almost daily assault on my psyche. Had I not received significant support and encouragement from several other African American professors, I would not be teaching today.

I was not prepared to relive Jackie Robinson's 1947 experiences 30 years later. Little did I know about the phenomenon—and the politics—of tokenism. Little did I know that I was one of about a dozen African American women law professors in the United States, a fact which obscured my individuality and made my teaching controversial. My opportunity to be heard, understood, and accepted was severely limited by this statistical fact. I was a smart, savvy, hardworking, articulate woman. Or so I thought. My self-doubt grew with my negative experiences. The indulgent reactions of faculty "colleagues" to the virulent criticism of students, the readiness of students to judge and dismiss my decisions in the classroom, the insistence of alumnae that I must be a student after I'd been introduced as "Professor," as well as hundreds of

\[\text{\footnotesize 2 Denise Carty-Bennia was one of the people who supported me during these dark times. She was always there to say something clear about the racism and sexism manifested in these experiences and to encourage me to keep teaching.}\]

\[\text{\footnotesize I wrote about these experiences contemporaneously. I did not share them then, nor did I share my conceptualization of the problem of tokenism because I believed the incorporation of my personal experiences into my analysis of racism-sexism would have been scorned. But for the path my colleague Pat Williams broke by writing in her own voice (rather than in a "neutral" voice), we might have reserved these words for the most private of conversations among sisters and dared not to write them down, even to each other.}\]
other experiences, suggested to me that my modest aspiration to teach law threatened deeply-held notions about who ought to exercise this authority.

Though these experiences were painful ones, I continued to search for some framework or perspective which might give them meaning and coherence. The fact that so many of us told each other similar stories suggested to me that our individual characteristics did not necessarily create the faculty and student responses we endured. I speculated that the skepticism, hostility, and isolation directed toward us were less a matter of our own characteristics than a concomitant of the context in which we taught. I concluded that context was tokenism—a regime in which the number of African American women teaching is extremely limited. This limitation occurs against a background of historical exclusion based on arguments of inferiority and unsuitability.

Limited inclusion of persons visibly different from the dominant group is the essence of tokenism. In the regime of tokenism, “the continuation of segregation . . . occurs against an ideological background of equality fostered both by legal changes as well as by the cultural unacceptability of overt racism and sexism. . . . Total exclusion . . . give[s] way to token inclusion.”

The work of Rosabeth Moss Kanter and others confirms that the effect of tokenism is to distort the manner in which members of the dominant group perceive the “token” individual. In an institutional culture, changes result which profoundly affect the conditions under which tokens live and work.


Sociological and psychological research reveals that group membership affects the perception, cognition, and judgment process, often unconsciously. More important, however, is the suggestion of a prominent social psychologist that perceptual and judgmental distortion serve to cognitively and practically preserve a social world consistent with the power held by dominant groups in the society. [footnote omitted]

See also id at 611 (“[P]erception research suggests that group membership has an important influence on judgments, and that skewed groups generate perceptual dynamics that render fair perception—and equal opportunity—less likely, if not impossible.”).
Rosabeth Moss Kanter argues that tokens and tokenism are prevalent in "skewed groups"—groups which are dominated by one type of individual. These groups control the institutions' culture. Those outside the dominant groups are "tokens."

Three perceptional tendencies reinforce tokenism: visibility, contrast, and assimilation.

The visibility phenomenon is self-explanatory—tokens are highly visible because their physical features set them apart from the dominants. Contrast, the second perceptional tendency, results when dominant group members exaggerate the differences between themselves and the token as a defensive measure to maintain and guarantee their commonalities. Assimilation is the increased use by the dominant group of generalizations with respect to the token individual. In effect, the dominant group distorts its perception of the token individual in order to maintain the stereotypical generalizations it holds as to the token group. The assimilation phenomenon insures that the token's "true characteristics" are dominated—and overshadowed—by those stereotypes which are believed to identify the group to which the token belongs.

The result of these phenomena is that the token is highly visible, yet not perceived as an individual. The dominant group merges her true individual characteristics with the stereotypes it applies to her group. Because the token is highly visible, she bears more performance pressure than members of the dominant group.

The dynamics created by a skewed group context are exacerbated in the case of the African American female law professor. There are probably less than 100 tenure track African American female law professors in the entire United States. There are few institutions which have more than one African American female law professor, if they have one teaching at all. These stark numbers cry out for explanation and tar those of us in teaching with implicit and explicit questions about the legitimacy of our presence.

The short story is that the scarcity of African American female law professors is the product of both our past exclusion from certain prestigious law schools which have traditionally supplied law professors as well as historically held pre- and post-Brown assumptions about the suitability of certain groups for certain roles. Though this history is as recent as the late sixties, many deny its current relevance and urge new reasons and rationales for our absence. Notwithstanding this "plausible deniability"
approach to past racism, the fact that there are so many "first" African American female law professors at law schools brings to the fore both the past and present exclusion. In the past, the dominant group rationalized exclusion based on a belief in its intellectual superiority and a belief in the intellectual inferiority of people of color. After the passage of civil rights legislation forbidding racial discrimination in institutions receiving federal financial assistance, our law schools formally embraced new norms to govern inclusion and exclusion. In spite of this normative flexibility—in spite of the admission of African American law students—faculty ranks remain virtually devoid of African American female professors. The recent segregative past and the current scarcity of African American female professors causes others to perceive our presence as an unusual event—an occurrence, a symbol, a sign.

The Oxford English Dictionary gives several meanings for the word "token": "something that serves to indicate a fact, an event, an object; a token is a sign or symbol." In token of means "as a sign, as a symbol or evidence of." What does our limited presence as professors indicate? One inference is that our limited presence indicates the overall inferiority of our group in general. Another inference which may be drawn from our limited presence is that our group is not suited to teach: it is inappropriate for us to profess. Our limited presence also permits inferences about the overall superiority of the dominant group.

Our limited number also encourages others to draw negative inferences about the qualifications of individual members of our group. The dominant group historically justified our exclusion based on our "inferiority" as a group. These justifications, when coupled with our limited presence, invite a searching scrutiny designed to answer the question whether a particular African American woman ought occupy the role of law professor. Can the performance of a particular woman rebut all the presumptions of inferiority attributed to our group? No. The paradox of tokenism is that it admits the possibility of individual success without

---

10 According to a Society of American Law Teachers (SALT) survey, the percentage of African American law professors in white-run institutions rose from 2.8% in 1980-81 to 3.7% in 1986-87. See Richard H. Chused, The Hiring and Retention of Minorities and Women on American Law School Faculties, 137 U Pa L Rev 537, 538 (1988). In 1986-87, one-third of these law schools had no African American faculty members, one-third had one, and less than a tenth had more than three. Id at 539.

According to the American Association of Law Schools, there are 6,162 people teaching in the AALS- and ABA- accredited law schools. Of these, 1,347 are women, and 122 are African American women. American Association of Law Schools Statistical Profile of all Female Full-Time Law Teachers for 1990-91 (on file at Berk Women’s L J).


12 Id.

13 We are, of course, disproportionately represented in certain occupations, but the nature of those occupations still confirms the primary proposition of presumptive inferiority. Those occupations are always low-status, low-paying, low-power occupations. Our disproportionate inclusion in these groups also implicitly asserts our inferiority and creates conscious and unconscious presumptions against our suitability for different roles.
giving ground on the question of group inferiority. Thus, even if one African American female succeeds in rebutting the presumptions of group inferiority, or successfully bears the burden of historically ascribed inferiority, other African American women do not necessarily benefit. Rather, as an individual, she has simply demonstrated that she does not possess the characteristics attributed to the group. There is no group victory in the achievement of one, no triumph over this permutation of racism-sexism which relegates us to the margins of intellectual authority while our token presence serves to shield law schools against accusations of racism-sexism.\textsuperscript{14}

In a regime of tokenism, there can be no group victory if one accepts, as certain of our colleagues do both openly and silently, the proposition that the remainder of our African American sisters are simply unqualified to profess. Our presence as token individuals masks racism and sexism. This presence serves two inconsistent purposes: it "proves our law schools' commitment" to equality while illustrating the overall inferiority of our group.

III. Tokens, Roles, and Role Models

In the earnest path of duty
With the high hopes and hearts sincere,
We, to useful lives aspiring,
Daily meet to labor here.

But, with hope of aiding others,
Gladdly we perform our part;
Nor forget, the mind, while storing,
We must educate the heart.

\textsuperscript{14} Each group and subgroup on a law school faculty is affected differently by tokenism. White males, who are the predominant members of law school faculties, are the beneficiaries of a culture in which it is presumed that their exercise of intellectual authority is legitimate. African American males have told us their own stories of humiliation; they too have suffered from tokenism's paradox of inclusion and exclusion. But some African American males have different experiences than we have because they are males. Students and faculty can more easily imagine them in the dominating, if often caricaturist, roles male law professors often play. Some of this imagining likely has its source in popular sport images which reinforce traditional and often negative notions about African American male intellect and African American male physicality. My point is that, while African American males have been the victims of tokenism, they also may be the beneficiaries of a shared male culture in which assumptions about male authority and the appropriateness of aggressive behavior may benefit them in the law school culture—especially in the classroom.

White women also have experienced tokenism, but their experiences are different from ours in kind and degree. They have not suffered the stereotype that they are intellectually unfit, but rather that it is somehow inappropriate for them to exercise a "male" role. Also, they have benefitted from the decision of law faculties to admit large numbers of white female law students. Thus, the presence of a white female is not necessarily an occasion for notice. In addition, white females are now less likely to be the only white female on a faculty or the first white woman to teach at a particular law school. Nonetheless, white female law professors do suffer burdens as a result of tokenism, but they are different in kind and degree from those we experience.
Knowing this, we toil unwearied,
With true hearts and purpose high; —
We would win a wreath immortal
Whose bright flowers ne'er fade and die.
Charlotte Forten [Grimké] 1839-1914

Should we be “role models,” and take on the duties Grimké’s poem suggests?

A. Tokens and Role Choices

In a regime of tokenism, the symbolic aspects of our presence often dominate our experiences as professors and limit our own role choices. Because our token presence simultaneously symbolizes inclusion and virtual exclusion, we must bear extraordinary performance burdens to rebut the presumptions of inferiority which accompany token status. Moreover, law schools use us in a variety of symbolic roles. Among other goals, law schools want to provide “role models” for their current students of color, to invite reluctant students of color to apply and enroll, and to convince the community that they are not “Shoal Creeks.” While many law schools rationalize the continued maintenance of virtually all-white institutions, they display their one or two professors of color as evidence of a commitment to equality. These symbolic dimensions of our existence create many expectations about our roles as law professors.

Any assessment of our roles, and any discussion of role choices—the choices that we make about the roles we are willing to play—and role modeling, must take into account the politics of tokenism and the foregoing layers of expectations. On one level, we cannot control the perception of ourselves as symbolic beings, as exemplars, as archetypes. In a system of tokenism, our roles are already written and we have little artistic control.

B. Tokenism and Role Models

A conscious decision to be a “role model” leads to a set of difficulties just as troubling as the involuntary assumption of the roles I have already described. How do we decide what “role” we are modeling? Does the assumption of the duty to provide “role models” imply that we have made conscious choices about who we are? Are we comfortable enough with those choices to assert that they ought to be followed?

And who do we “model” for? One theory suggests that we “model” for other African American women who need to see “high achievers”

like us to know that all things are possible for them.\textsuperscript{16} Another theory is that we "model" for all students, and for our colleagues, who must see African American female authority in concrete form in order to envision its legitimacy.\textsuperscript{17} Yet another theory is that we "model" for others looking at our institutions, to represent the openness and equality of our institutions. Should we embrace any of these roles? Do we have any choice?

Whatever justifications we accept for role modeling, it is both a seductive and debilitating business. It is seductive because the demands to serve as archetype or exemplar are forms of flattery that are difficult to resist. It is seductive because this flattery may be confidently perceived as the expression of a personal interest in the particular professor.\textsuperscript{18} It is debilitating because there is an inexhaustible demand for our presence, and because many of these contacts and responsibilities are symbolic and present little opportunity for us to demonstrate our knowledge and competency in our areas of expertise. Though we know how covert and overt sexism and racism affect all of our students, the task of mitigating the impact of these forces on others can consume many hours of the day. As much as others may need our assistance, each of these role-modeling, symbolic contacts minimizes the possibility that others will hear and see us as individuals.

These observations should not be construed as a rejection of our responsibility to nurture and mentor our own sisters as well as others. My concerns reflect my own sense that there is a difference between the symbolic and often involuntary "modeling" roles and voluntarily-assumed nonsymbolic roles. It is very difficult to draw this line in a regime of tokenism. Indeed, I would go further and say that the conscious embrace of "role modeling" in a token regime is acquiescence in racism-sexism. I do not think we can escape the symbolic dimension of our presence in the law schools without, at minimum, the elimination of tokenism. As long as so few African American women profess, our duties will include rebutting history as well as teaching law.

\section{Pedagogical Politics and Professional Privacy}

So far I have suggested that historical circumstances and perceptual distortion limit our choices of roles. A related issue is whether we have a legitimate expectation of some measure of professional privacy in

\textsuperscript{16} Perhaps it is important for us to model for our African American students our roles as "intellectual equals" and to demonstrate to them both the possibilities and pitfalls of that aspiration.

\textsuperscript{17} Is there a sacrificial analogy here?

\textsuperscript{18} Indeed, the requests for some types of services may in fact occur pursuant to the belief that the particular professor is the best person for the task. On the other hand, many requests are based upon the desire for a person of color to perform a symbolic role. Other times, there are mixed motives, as it were. "I just thought it would be good for her to talk to a black woman about this. And you seemed to be the best person." People mean well.
the vortex of the largely male and white legal academy. Ordinarily the intellectual professor has the option of a high or low profile existence. The white male intellectual's mere presence engenders no curiosity. Instead, he is the beneficiary of an assumption that his presence is ordinary—even comforting. He may choose to be a notorious celebrity by representing unusual and controversial clients or by engaging in prolific, unintelligible, or provocative scholarship. But there is no controversy or excitement generated as a result of his mere presence. In contrast, our presence as African American women law professors is inextricably bound up in the race and gender power politics of legal intellectual authority.

While it is legitimate to expect a measure of personal privacy during the performance of our roles, it is unreasonable for African American women law professors to rely on this expectation of personal privacy, because the assumptions surrounding our presence are entirely different. Because there are so few African American women law professors, the presence of one does not escape notice.

"Why her?"
"Why now?"
"Was this special treatment?"
"Wasn't there a white woman or white male more qualified?"
"Can she teach?"
"Will she write?"
"Is she too black?"
"Is she black enough?"
"We don't want to make a mistake! It wouldn't be fair to her or to the others."

And so on.

Our presence creates two perceptional effects which flow from the inclusion-exclusion dialectic of tokenism. On the one hand, our presence suggests the repudiation of the presumption against intellectual authority roles for African American women in historically white institutions. This presumption is especially strong in law schools, where the role of professor permits one to participate in the reproduction of legal culture and in a dialogue about the very allocation of private and public authority. On the other hand, our token presence continues to affirm the presumption against our participation in this process.

We have a legitimate longing for professional privacy and for freedom from the dialectic of tokenism. But we will not escape the effects of this new Jim Crow regime without exposing its essence and eliminating its epiphytic hold on our lives.

Though our efforts to strip away tokenism's equality mask are essential to our future enjoyment of some measure of professional privacy, we
may be reluctant to take drastic actions for many reasons. It is exceedingly difficult to address the elimination of racism-sexism, which manifests itself in invisible, structural terms. Indeed, exploring the manner in which new forms of racism and sexism manifest themselves is the key challenge of the post-civil rights era. A decision to work towards eliminating tokenism in law schools is a decision to undermine foundational assumptions about “merit” and the legitimacy of our “meritocracy.” It might also be a decision to reject the personal benefits of a tokenism regime. But it is not the sort of decision that will make one popular in the halls of important legal education institutions. There are indeed risks.

While tokenism continues, this generation of African American female law professors will probably not have the option of professional privacy. It is unlikely that in our lifetime our biological and color characteristics will be ignored as unrelated to the legitimacy of our presence and the legitimacy of the ideas we profess. The presence—and absence—of African American females symbolized by tokenism speaks volumes in a modernized whispering anthology of racism and sexism. If we remain silent about the equality sham of tokenism, we remain complicit in tokenism’s assertion that we should not teach law. On the other hand, if we decide to speak out against the sham of tokenism—and to work toward ending it—we take an important step in affirming our group consciousness and political consciousness. Such a decision would reflect our increasing sophistication and our understanding of the relationship between tokenism and the politics of intellectual authority.

More caveats. I decided to focus on issues which go to the very legitimacy of our presence as professors in law schools rather than to focus on our many contributions to the law schools. These issues transcend any discussion of what we might “profess” if we had the opportunity to do so, free of the perceptual constraints which accompany the state of tokenism.

I also want to say, very tentatively, that we should be careful not to rest the entire argument for our presence on the special content of our ideas or our commitment to convey to students the African American women’s perspective on law. It would be another form of discrimination to require that each African American female be capable of untangling the strangling threads of racism and sexism from the fabric of her life and the law; we should not all be required to be African American legal feminists.

As I clarify the meaning and effects of tokenism in response to questions from my dedicated editors, the mixed feelings I referred to above return to the surface. My mixed feelings about writing this for a larger audience stem from the requirement that I write about these intellectual-emotional experiences in a different way than I had intended. This was necessary because the audience was no longer my sisters in the Northeast Corridor Collective, but the world of law teaching generally. I also have mixed feelings about the value of sharing this with a wider audience. I was clear about the value of sharing my perspectives on our experiences with my sisters in the Collective, but I have some doubts about the value of sharing these reflections with the larger law school teaching community. Perhaps I am saddened as I near the end of my revisions and I begin to reflect less on my own feelings and more on the defenses which have and will be offered to justify the existing order. I also have begun to think about the blindness most law faculty members have had toward our experiences, and about the unpredictable uses to which these articles may be put.

But I decided to include my article in the first instance, and not to pull it during the editorial process. I did so because I believe that our decision to end our own silence about the veiled racism-sexism which shrouds our lives is an important first step in revealing the turbu-
lence which lies below the false racial peace of tokenism. I hope that this symposium will be a first step in our ongoing collective struggle to eliminate new forms of racism-sexism. In spite of all my lamentations, I do not refer to those relatively mild manifestations which we experience in the rarified and relatively privileged world of law teaching, but to those oppressive conditions which limit the lives of women of color far less fortunate than we.