

PATRICIA WILLIAMS AND *THE NATION*

PAULA J. GIDDINGS*

A public place to speak, and speak again? I think I'd like that after all. The chance to speak about this or that, deadline after wonderful deadline. What will do the trick, I wonder?—some complexity, some history, some law and some politics, some sense and sensibility. Who knows?

—Patricia Williams, upon accepting the invitation to write the *Diary of a Mad Law Professor* column for *The Nation*.¹

Obviously, Patricia Williams brings to The Nation her extraordinary depth of knowledge—about law, history, race, gender, science and culture. But what has really distinguished Pat's columns is her concern for the HOW of politics. Whether writing about the criminal justice system or mass media or electoral politics, she brilliantly illuminates the unseen cognitive associations that structure the very way we think about a problem. And through the precision of her writing, Pat forces us to challenge them, or to break from them. She is a true public intellectual of the highest order.

—Katrina vanden Heuvel, Editor and Publisher of *The Nation*.²

Patricia J. Williams has been widely admired in legal and academic circles for her role as a critical race theorist; less examined, and what I would like to talk about today, is her work as a journalist and commentator. Few are more skilled in making the tenets of a theory legible to broader audiences—or more deeply felt—than Pat.

I first came to fully appreciate this aspect of Pat's work when I served as an editor for the anthology: *Burning All Illusions*.³ Subtitled *Writings from The Nation on Race*, my task was to select articles and essays that exemplified *The Nation* magazine's writings on

* Elizabeth A. Woodson Professor of Afro-American Studies, Smith College.

1 Patricia J. Williams, *Postcard from Heathrow: Diary of a Mad Law Professor*, *THE NATION*, May 5, 1997, at 8.

2 Email from Katrina vanden Heuvel, Editor and Publisher, *The Nation*, to author (February 25, 2013) (on file with author).

3 *BURNING ALL ILLUSIONS: WRITINGS FROM THE NATION ON RACE* (Paula J. Giddings ed., 2002).

the subject between 1866 and 2002. Two of those selections were written by Williams, and reflecting back on them for this conference gave me a new appreciation as to how interdisciplinary her work is, as well as how supple. Her essays seamlessly reflect both traditional and innovative modalities of expression that can speak to readers outside of the academy as effectively as to scholars within it.

The Nation was founded in 1865 by anti-slavery men (including co-founder Frederick Law Olmstead) who sought to sustain the abolitionist spirit after the Civil War. Indeed, the publication has a storied history in this regard: it was later purchased by Oswald Garrison Villard, grandson of William Lloyd Garrison and a founder of the NAACP.

The magazine's political aspirations were one organizing principle; another was that, from its earliest incarnations, it brought on editors with a decidedly literary bent. Henry Wadsworth Longfellow, James Russell Lowell, and Anatole France were among them, and the result was a magazine that not only published traditional political and journalistic commentary, but also essays on race and life by keen observers with an artist's sensibility. Sherwood Anderson, Langston Hughes, James Baldwin, Claude McKay, and Faith Adams, among others, wrote first-person anecdotes about their encounters with racial subjects. After reading hundreds of pieces, published from the 1860s onward, I realized that generations of *Nation* editors and writers understood something important: that ultimately, race retains its power through how it is imagined and rendered through the art of narrative and representation.

Both the substance and style of Williams, whose stylistic influences include Italo Calvino, Jeremy Bentham, Jean Jacques Rousseau, and James Baldwin, fit squarely into *The Nation's* political/literary tradition. At the same time, her columns enrich that tradition—which historically did not include many women, much less women-of-color—with her gendered critical race perspective.

One of Williams' writings I chose for *Burning All Illusions* is a case in point. Entitled *Among Moses's Bridge-Builders*,⁴ the column was written on the occasion of the fortieth anniversary of the *Brown v. Board of Education*⁵ decision.

4 Patricia J. Williams, *Among Moses's Bridge-Builders*, in *BURNING ALL ILLUSIONS: WRITINGS FROM THE NATION ON RACE*, *supra* note 3, at 174 [hereinafter Williams, *Bridge-Builders*].

5 *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954).

The essay begins with her response when *The Nation* asked her to write the piece. “I felt as though I were being called to the grandest project of my career,” Williams wrote.⁶ “This is the case, after all, that shaped my life’s possibilities, the case that, like a stone monument, stands for just about all the racial struggles with which this country still grapples.”⁷

I remember being so struck by the first sentence that I picked the pages up from my desk, piled high with 150 years’ worth of essays, and took them to the room where my most comfortable chair was located and continued to read. The writer, in Baldwin-like terms, had put her core values, her sense of self, before the reader in a very personal way. By using the first person, Williams also utilizes a central tenet of critical race theory (CRT): the autobiographical intervention that brings to the fore the relationship between legal discourse and its subject, form and content.⁸ Williams goes on to tell us that *The Nation* editors also suggested that a conversation with the Brown family might be the focal point of the essay.

A conversation—as opposed to an interview for example—not only opens up discursive possibilities for a broad array of readers, it is a perfect framing device to further the CRT project of making “visible the missing racial subjectivities that structure legal discourse,” as one critic put it.⁹ As we will see with the further reading of the essay, listening to and better understanding the realities of the Browns and others makes for a revisionist interpretation of the Civil Rights Movement. It also reveals the CRT prerogatives that constitutionalism both enables and limits the possibilities for articulating claims and producing meanings;¹⁰ that, relatedly, liberal legal models only offer partial liberation to formerly disadvantaged groups; and finally, the legacy “of *Brown* is as much tied up with this sense of national imagination as with the pure fact of its legal victory.”¹¹

Early in the essay, Williams introduces us to Cheryl Brown Henderson, the youngest daughter of the family, whose name is affixed to the court decision. Their conversation begins with a caveat. “‘Don’t make icons of us,’” she tells Williams, who has left a number

6 Williams, *Bridge-Builders*, *supra* note 4, at 174.

7 *Id.*

8 Richard Schur, *Critical Race Theory and the Limits of Auto/Biography: Reading Patricia Williams’s The Alchemy of Race and Rights Through/Against Postcolonial Theory*, 25 *BIOGRAPHY* 455, 455 (2002).

9 *Id.*

10 *Id.* at 460.

11 Williams, *Bridge-Builders*, *supra* note 4, at 181.

of self-described “gushy” messages for her.¹²

Refusing to let her famous name be held on a pedestal, Henderson insists that neither the historic court decision nor the movement itself should be understood through “a few lionized personalities.”¹³ The statement reflects a central concern of Williams: the impact of the media—another institution—that structures discourse. “The Hollywood obsession with individual charismatic personalities diminishes the true heroism of the multiplicity of lives and sacrifices that make for genuine social change,” she writes.¹⁴

Instead of letting the media structure the reality of the movement through individuals or highly publicized moments, Henderson’s words tell us that it is, instead, a “historical stream of events”¹⁵: public school cases had been brought as early as 1849 on the national stage, and in Kansas, such cases had been brought since 1881. Williams goes on to share the conversation with the Browns about how the family came to Kansas in 1923 because of the Santa Fe railroad, which had its headquarters in Topeka, and the family’s subsequent activity with the NAACP there. They became involved in the organization not because of any great event but because of “all of the ordinary daily grinding little events that made life hard in the aggregate.”¹⁶ As Cheryl’s Savannah-born father, Oliver Brown, notes: A black person had “to be careful of white people; you got out of the way, or you’d get hurt, immediately,” he said. “If you saw a white person coming, you got off of the sidewalk.”¹⁷

Indeed it was such micro-aggressions, so common and so collectively experienced, that make this story become “‘our’ story,” as Williams tells us through an unnamed veteran of the Civil Rights Movement:

The civil rights movement was all about ordinary people who weren’t necessarily on the road to Damascus. It was these ordinary people who deserve credit for many of the movement’s successes. They are the bridge-builders working hard to keep Moses’ back covered—just people, just working and thinking about how it could be different, dreaming big, yet

12 *Id.* at 174.

13 *Id.* at 175.

14 *Id.* at 180.

15 *Id.* at 175.

16 *Id.* at 176.

17 Williams, *Bridge-Builders*, *supra* note 4, at 176.

surprised most by the smallest increments, the little things that stun with the realization of the profundity of what has not yet been thought about.¹⁸

Logically, those thoughts, rising to the surface with the *Brown* decision, should have facilitated fruitful conversations about race across racial lines. Yet, ironically, the fact that the conversations could be “more and more straightforward,” also meant that “the pain of it all, the discomfort, has been accompanied by the shutting down, the mishearing, the turning away from the euphoria of *Brown*.”¹⁹

I don’t “think that anybody anticipated the country’s response,” observed another member of the Brown family, Mrs. Leola Brown Montgomery.²⁰ “The attorneys, the parents, we didn’t really understand the insidious nature of discrimination and to what lengths people would go to not share educational resources, including leaving neighborhoods en masse.”²¹ Williams then quotes a Duke University Professor who names three things that many thought would come to pass, which didn’t:

(1) that good liberals would stand by their commitment to black equality through hard times; (2) that blacks and whites could come to some kind of agreement about what was fair and just . . . (3) that if you just had enough faith, that if you just wished racism away hard enough, it would disappear.²²

The legal decision was only partially liberatory. Law in and of itself is not a prescription for social justice. Nevertheless, *Brown* creates a myriad of new possibilities, new meanings of freedom. “Perhaps the legacy of *Brown*,” notes Williams,

is as much tied up with this sense of national imagination as with the pure fact of legal victory; it sparkled in our heads, it fired our vision of what was possible. Legally it set in motion battles over inclusion, participation and relocation of resources that are very far from resolved. But in a larger sense it committed us to a conversation about race in which all of us must

18 *Id.* at 176, 181.

19 *Id.* at 181.

20 *Id.* at 179.

21 *Id.*

22 Williams, *Bridge-Builders*, *supra* note 4, at 179.

join—particularly in view of a new rising Global Right.²³

The words, written nearly 20 years ago, are no less prescient today.

23 *Id.* at 181–182.