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Generations: Nanook of the Law School Library and the Classroom

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GENERATIONS:
NANOOK OF THE LAW SCHOOL LIBRARY
AND THE CLASSROOM

A PERSONAL INTRODUCTION

*Rennard Strickland**

Many of the essays in this symposium are rooted in the Western Law Professors of Color Conference held in Oregon in the Spring of 1998. My University of Oregon minority colleagues, as faculty of one of the co-sponsoring law schools, were charged, among other tasks, with the selection of the conference theme and tee-shirt design.¹

We chose the title “Generations” to focus on the challenges across the years for law faculty of color. For the tee-shirt we selected a famous cross-generational poster of a mother and child from the 1922 historic silent film documentary *Nanook of the North*.² We invited, as our guests, distinguished faculty of color, several of whom had been in legal education for three decades or more. This was a unique and powerful gathering of teachers and scholars with a strong sense of shared values and visions that crossed three generations.

We learned a great deal about generations, about continuity and change, about how much things can remain the same while changing dramatically. Professor James E. Jones, Jr. of the University of Wisconsin recalled what it was like to leave the Kennedy administration as a primary author of the concept of “affirmative action” and find oneself in the strange world of the legal academy. Michael Olivas told us about the origins of “the dirty dozen” faculty recruitment campaign which produced the emergence of a substantial body of truly productive scholars and teachers. Stories were shared about John Morris, the first faculty member, not just the first faculty member of color, hired by Dean Willard Pedrick at the new Arizona State University Law School. And others recalled the time when we could count on the fingers of one hand the tenure track law faculty of color. As Charles Cantu, the senior Hispanic law professor in America, often reminds me, “Back when we started, there weren’t many of us and we really didn’t think of ourselves as ‘us.’”

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1. This planning group included Ibrahim Gassama, Keith Aoki, Robin Morris Collin, Dennis Greene, Steve Bender and Rennard Strickland.

2. For discussion of *Nanook*, see generally ANN FIENUP-RIORDAN, FREEZE FRAME: ALASKA ESKIMOS IN THE MOVIES 47-55 (1995).

Surely no group understands generations better than people of color, including those of us who have ended up professing about law. We are a people to whom grandmothers and grandfathers and their stories matter deeply. Much of what motivates us is the sense of what our parents and grandparents and their parents and grandparents did to help get us where we are now. We are equally committed to making sure that our children and their children have these same opportunities. I often think of my Osage and Cherokee forbearers who sat in tight shoes in strange classrooms listening to lessons in a foreign tongue when they would much rather have been outside and barefoot, running with the wind. It is these memories for all of us that make generations such a poignant theme.

The Spanish philosopher Ortega y Gasset wrote of "the concept of generations" in his book *The Modern Theme*.³ As he notes, the generations flow one from another, building on the strengths and the weaknesses of those who have come before. Generations follow upon each other and society depends, in the final analysis, upon generational transfer.

Minority faculty scholarship, one of the looming issues for earlier generations of law professors of color, seems strangely dated to us today. This symposium stands as evidence of the generational passing of the question of whether or not minority law professors should be asked to write, and proof of the creativity and originality in this scholarship. From the distance of a quarter of a century, it seems a little like the academic and ecclesiastical debates following the European discovery of the new world. The question then was "Are Natives really humans possessing a soul?"⁴

The question in the 1970s in the legal academy was, "Would minority faculty be productive scholars? Could, or should, law professors of color be expected to write?" Indeed, racist as it may sound, the question was being asked, "Were we capable of engaging in or producing serious scholarship?" Faculties debated the question, "Ought the academy maintain the 'same standards' for newly hired minority academics?" Indeed, Marilyn Yarbrough and I appeared together on two or three occasions at AALS conferences to argue the proposition that substantial and significant scholarship would emerge from our minority community. Today, one is justified in saying "We told you so!"⁵ This symposium is but one example of the emergence of breakthrough scholarship among faculty of color.

3. JOSÉ ORTEGA Y GASSET, *THE MODERN THEME* (James Cleugh trans., 1961).

4. See generally RENNARD STRICKLAND, *TONTO'S REVENGE: REFLECTIONS ON AMERICAN INDIAN CULTURE AND POLICY* 122-126 (1997).

5. Rennard Strickland, *Scholarship in the Academic Circus or the Balancing Act at the Minority Side Show*, 20 U.S.F. L. REV. 491 (1986).

In addition to the availability of the Nanook madonna and child portrait as a tee-shirt design, we chose the “Nanook of the Library and the Classroom” as a title because of the sense that over the last three decades or so, faculty of color have been seen in the law school in much the same way as documentary filmmaker James Flaherty saw Nanook and his fellow Arctic survivors. We have been seen as strange and exotic, best kept in single numbers or one of each species. Our story has been told in much the same stereotypic and idealized way as Flaherty’s historic documentary. We are often seen as “transitional professors” on the way from a primitive, aboriginal state to a state in which we are just like our White colleagues, only in a different shelf color. While it was acknowledged that this “wouldn’t happen overnight,” it was expected that within a generation or two that minority academics would be parsing cases with the best of our mainstream colleagues. As the most perceptive film historians and critics have noted about *Nanook*, the film is not so much about the Native’s struggle; the film is about the world of the filmmaker himself. The question is how White society can face otherness—especially an otherness that does not want to change.

The scholarship of a new generation represented in this symposium is exciting, challenging, and disturbing. It is the scholarship of warriors who are thoughtfully assaulting long-held assumptions of the courtroom, the library and the classroom. This scholarship is a cause for great celebration. Ironically, this is happening as diversity in the classroom is being challenged in court and in state propositions across the country. In the face of these challenges, understanding the concept and obligations across generations is crucial. The Iroquois, the northern cousins of my Cherokee people, tell us to make decisions not for this generation or even the next, but for seven generations to come. That is the true challenge to each new generation, to the coming Nanooks of the courtroom, the classroom and the library.