POETIC REFLECTIONS ON LAW, RACE AND SOCIETY

Michele Goodwin*

This essay explores how both the creative word and legal analysis can merge to explore, reflect and discuss race in the twentieth century. Within the realm of literature, the law lives. As subjects of the law, we too dwell in that sacred space. Social understanding of the law and its operations is enhanced by reflecting on the stories that retell events, encounters, quarrels, agreements, births, deaths and the myriad of ways in which people live. From this, certain truths are translated to readers in the present. Literature provides a voice to those who have been legally and socially silenced.

Those who were once legally banned from telling their stories or being heard within the judicial system could nevertheless articulate their stories to others either broadly or within the more discreet confines of community. For Blacks in the Americas, these narratives have proven invaluable in retelling history, resuscitating the dead and reclaiming a collective voice. While it is not to say that the voice speaks with uniformity, Black Americans have used literature to inform not only their local communities, but also the world at large about their legal and social conditions. Often these articulations emerged when Blacks lacked legal recognition or full participation within the legal system.

For purposes of this creative prose, poetry shall supply much of the voice in this project. Prolific poets such as Phillis Wheatley, Paul Lawrence Dunbar, Langston Hughes, Gwendolyn Brooks, Richard ES Toomey and Benjamin Franklin Wheeler inform this po-essay, along with the author's own poetic contributions.

Introduction: Where the Law Lives

Within the realm of literature, the law lives. As subjects of the law, we too dwell in that sacred space. In that space, histories are affirmed and truths may emerge. Social understanding of the law and its operations are enhanced by reflecting on the stories that retell events, encounters, quarrels, agreements, births, deaths and the myriad of ways in which people live. From this, certain truths are translated to readers in the present. Often these truths relate to perceptions of how the law has operated, indicating how race, class, gender, religion and other social constructs affect legal notions of fairness, justice, equity and equality.

Assistant Professor of Law, DePaul University, Chicago, USA and a published poet.

It is here that many scholars have found literature to be an invaluable tool in reflecting on social justice. Literature provides a voice to those who have been legally and socially silenced. Those who were once legally banned from telling their stories or being heard within the judicial system could nevertheless articulate their stories to others either broadly or within the more discreet confines of community. For Blacks in the Americas, these narratives have proven invaluable in retelling history, resuscitating the dead and reclaiming a collective voice. While the voice does not necessarily speak with uniformity, Black Americans have used literature to inform not only their local communities, but also the world at large about their legal and social conditions. Often these articulations emerged when Blacks lacked legal recognition or full participation within the legal system.

These narratives translate into oral history, journal entries, poetry, music and the novel. The telling of stories was a figurative and spiritual

Recently a number of scholars have commented and written on the value of using literature to reflect upon law and society. See generally, Turano (2000); Williams (1981); Bell (1992); Montoya (1994); Kupenda et al (1998); and Goodwin (1999).

² See, for example, Goodwin (1999), pp 610–628.

³ See Jacobs (1987 [1861]).

Jacobs (1987 [1861]). In *Incidents in The Life of a Slave Girl*, Harriet Jacobs describes in chilling detail how she was sexually abused and tormented by her slave owner's father. It is worthy to note that Jacobs herself had been bequeathed to a toddler upon the death of her original owner (along with a dressing table). Jacobs' autobiography informs contemporary legal theorists and those interested in feminist jurisprudence. Particularly informative about Harriet Jacobs' life is the intersection of race, gender and class.

Among the many prolific Black novelists who have shaped contemporary understanding of law and society are James Baldwin, Toni Morrison, Richard Wright, Zora Neal Hurston, Maya Angelou, Alice Walker, Ralph Ellison and Ntzoke Shange. The list of Black authors who have provided insight into law's operation within society is truly exhaustive. However, there are those who stand out and whose work has stood what Richard Posner would call 'the test of time'.

Black Americans were never fully engaged with all of the necessary benefits of power and citizenship. Moreover, they lacked recognition in the American legal system. Only after the passage of the Thirteenth, Fourteenth and Fifteenth Amendments did a modicum of respect to Black Americans' legal rights become a reality. However, even basic rights associated with voting were a contentious issue throughout the 1960s and 1970s. Fair voting practices continue to be an issue in the United States and are further discussed by Professor Anthony Paul Farley (2001).

See, for example, Harris (1917 [1881]). Nights with Uncle Remus was literally that. On slave plantations, Black elders often entertained children through evening stories. Uncle Remus's stories were transcribed by Joel Chandler Harris (who was not his nephew, but his owner's son), who later published them and presumably kept most of the profits. These stories were as much about lessons in life, humanity, civility and respect for others as they were about sharing humour. Their most famous character, the clever Brer Rabbit, is fixed in the imaginations of generations of Black and White Americans across generations.

emancipation from the literal chains of racism and social subjugation. In expression of events through words, the experiences themselves were acknowledged, affirmed and brought out of darkness. Of course, there is credibility given to things noticed and then affirmed through written statement (as well as oral statement). In fact, this is an essential element of our legal system — allowing witnesses to testify as to their experiences and observations. While Black Americans were generally denied this opportunity and process in the United States judicial system until the early twentieth century, literature and music (most notably spirituals, blues and jazz) provided at least an outlet for expressing truth.

The use of literature in exploring the human condition is not new. To the contrary, exploring literature to better grasp law in society is well documented. Nevertheless, its growing popularity and significance in legal discourse could perhaps be attributed to critical legal theorists shedding light in the darkened well, diversifying what is taught and exposing the legal academy to overlooked socio-legal experiences found within non-legal texts such as the novel, narratives, documentary, music and poetry. In this reclaimed space for creative texts, legal theorists are suggesting that human experiences deserve consideration wherever they are centred — which may not be in a court transcript or captured by deceased white men.

When recently offered the opportunity to more generously explore culture and the law through a creative lens, I eagerly accepted the opportunity. I hope not to disappoint the reader in my attempt to challenge the margins and use

See, for example, Douglass (1993 [1845]). Douglass's letters to newspapers, presidents, politicians and others provide a rich resource for contextualising the slave experience as well as that of the escaped slave.

⁹ See, for example, Sherman (1974); Kennedy (1975).

See Katz (1969)(providing an anthropological and historical analysis of Black music). Katz describes the multi-dimensional aspects of early Black music, particularly its political and social dimensions during the antebellum period. Here he quotes Sarah Bradford, the biographer of Harriet Tubman, who is best known for her courageous and successful efforts to free slaves:

^{&#}x27;Slaves must not be seen talking together, and so it came about that their communication was often made by singing, and the words of their familiar hymns, telling of the heavenly journey, and the land of Canaan, while they did not attract the attention of the masters, conveyed to their brethren and sisters in bondage something more than met the ear': Katz (1969), p xvi.

See Styron (1994). Styron provides an example of fiction speaking actual events. The novel is set in a Virginia gaol cell where Nat Turner awaits death for leading a slave revolt. The novel was met with praise and success, but also controversy as it is the retelling of the Black slave experience, and Turner's in particular, from a white Southern man.

See, for example, Gest (1913); see also Anita Allen (1992), articulating that the jurists and scholars over generations have turned to creative literary texts, including John H Wigmore, Roscoe Pound and Benjamin Cardozo, who each explored the intersections between literature and law.

¹³ See Goodwin (1999), pp 613–614.

poetry to a vehicle for expression. This essay explores how both the creative word and legal analysis can merge to explore, reflect and discuss race in the twentieth century. Thus, for the purposes of this creative prose, poetry shall supply much of the voice in this project. Prolific poets such as Phillis Wheatley, Paul Lawrence Dunbar, Langston Hughes, Gwendolyn Brooks, Richard ES Toomey and Benjamin Franklin Wheeler inform this po-essay, along with the author's own poetic contributions.

Racially Bound and Attempting to Go Free?

The United States is bound. As its citizens, we too are bound, wrapped in a history that is tragic and heroic, mystifying and disgraceful, savage and yet hopeful. On our ground, blood is continuously spilt; we have never been entirely free. What we claim as ours belongs to generations long deceased or removed, now chained under the weight of oppression found in 12 ounce tin cans or empty bottles. The irony, one might say, is that we are all equally caught; oppression leaves no room for colour, gender, ethnicity or other social distinctions, only some do not realise this yet.

Caught, in between Stars and god Faith and bluegrass, redemption, And holiness Snakes and bibles Spirits

Souls tugging reigns Black, white and red Old Virginia and new commonwealth Angels of the bluegrass

Close and precious,
Caught in between
Northern lights, and southern soil
Knowing neither east nor west
But simply being
In the center of all,
At the bottom of nothing
Coyly teasing the Mason Dixon,
Left hand breaking free, right hand holding strong
Welcome to Kentucky

Mountains and rivers separating freedom from bondage
Sexual subjugation from free relations?
Your muddled skin, muted and mixed
You are clay, brick, snow, and mountain coal, blended
A house with many rooms, and as many shades,
Freedom in the front parlor, but slavery in your kitchens,
While salvation is prayed for over your dining room meals,
Holding one hand while blessing another, and yet cursing all around

you

Our strange land, where your children have masters and not fathers Fathers of the bluegrass, pioneers and savages, Cast out and welcoming Courageous and cowards, Confused and knowing As you look at your children in the fields

The price of slavery, the cost of your dignity, surely you weep as generations forth
Struggle to understand...
And your mountain cousins, trapped in coal, disowned by families dining with red on
Tips of fingers
Black lungs and mining songs,
Such sorrow and sadness

ii
Touch the hem of her dress
The daughter of princes and mistress of kings
The daughter of slave mamas, those who could run, and those
Who kept, delivered, and wept over the babies of the bluegrass
Holding out for understanding, knowing that no one knows,
But all understand if beyond the pain and suffering
They open the door and enter her old Kentucky home.

iii.
my old home,
white with black shutters and red doors
it is the Kentucky of now ...
white neighbors
black horses kept on farms ...¹⁴

Racial oppression is a double-bladed reality: like a child's seesaw, ¹⁵ what was once up shall at some point come down and when it falls it is in a shared space, meaning that at some point each is affected.

I had to kick their law into their teeth in order to save them. However I have heard that sometimes you have to deal Devilishly with drowning men in order to swim them to shore Or they will haul themselves and you to the trash and the fish beneath

¹⁴ See Goodwin (2000).

The teeter-totter is also widely known as the seesaw and has a number of regional names with New England having the greatest variety in the smallest area. It is also known as a tilt or tilting board, or even a teedle board.

(When I think of this, I do not worry about a few Chipped teeth.)¹⁶

The power of retribution found spiritually, psychologically and in a call to arms can be observed in early Black American thought as expressed in poetry. Observe here the prophetic tone of Frances Ellen Watkins Harper's most widely recognised poem, *To the Union Savers of Cleveland:*

There is blood upon your city, Dark and dismal is the stain; And your hands would fail to cleanse it, Though Lake Erie ye should drain.

There's a curse upon your Union, Fearful sounds are in the air; As if thunderbolts were framing Answers to the bondsmen's prayer.

Ye may offer human victims, Like the heathen priests of old; And may barter manly honor For the Union and for gold.

But ye can not stay the whirlwind, When the storm begins to break; And your God doth rise in judgment, For the poor and needy's sake.

And, your sin-cursed, guilty Union Shall be shaken to its base, Till ye learn that simple justice Is the right of every race ¹⁷

Joan Sherman notes in her monumental anthology and study on Black poetry in the nineteenth century that Ms Harper's poem was inspired by outrage at citizens of Cleveland, Ohio returning a young fugitive girl to slavery. ¹⁸ It was suggested at the time that the act would preserve and restore the Union. ¹⁹ Of course, this inhumane act was facilitated at the cost of the young woman's freedom and autonomy — which at the time were not legally recognised.

The outrage given literary voice by Black Americans about their social conditions is almost palpable. One can sense the irony and hypocrisy elucidated in their literature about liberty, freedom, justice, and human dignity.

¹⁶ See Brooks (1963).

Harper (1860). Presented here are the last five of eleven stanzas.

¹⁸ See Sherman (1974).

¹⁹ Sherman (1974).

America, it is to thee
Thou boasted land of liberty —

It is to thee I raise my song,
Thou land of blood, and crime, and wrong.²⁰

Sherman comments on Whitfield's America, noting that the poet describes a land drenched with tears of Black women and blood of Black soldiers shed 'in freedom's cause', but their patriotic sacrifices are repaid with deceit, shame and slavery.²¹ Harriet Jacobs also captured the immorality and degradation of slavery in prose of poetic measure:

What does he know of the half-starved wretches toiling from dawn till dark on the plantations?

Of mothers shrieking for their children, torn form their arms by slave traders?

Of young girls dragged down to moral filth? Of pools of blood around the whipping post? Of hounds trained to tear human flesh? Of men screwed into cotton gins to die?

The slaveholder showed him none of these things, and the slaves dared not tell of them if he had asked them. ²²

Jacobs here declares the laws of man and also the church impotent in recognising the immorality of slavery. Here she decries the incompetence of ministers and priests to properly survey the human conditions on slave plantations. Moreover, her verse and voice are instructive on describing conditions that traditional historians have overlooked in the 'telling' of history. Indeed, heard from Jacobs' voice, eighteenth and nineteenth century America seems less dignified, honorable and noble. Rather, through her lens or gaze — or that of Harper or Whitfield — America is seen as bestial, depraved and savage. How can this be reconciled? Can there be one America in which justice reigns for all — which means some, while others suffer the indignities of slavery? They answer is of course, yes, except that slavery compromises the oppressor as well, as heard in the prophetic voice of Frances Ellen Watkins Harper.

These poems not only illume double standards within the law and the social constructions within which they operated, but also convey sadness, discontent, resistance, warning and bitterness. Resistance captured multiple meanings in Black society, for even spirituals sung while picking cotton carried multiple meanings, including insurgency, insubordination, race pride and hope.²⁴ Race pride and revolt were neither unreasonable nor unusual

Whitfield (1853). Whitfield is highly regarded for 'America' in complete form (160 lines) and 'How Long?' (238 lines).

²¹ See Sherman (1974), p 47.

²² See Jacobs (1987 [1861]), p 74.

²³ Jacobs (1987 [1861]), p 74.

See, for example, Kofsky (1970), capturing more generally the political urgency in Black music in the United States.

sentiments expressed in early Black American poetry, and continue to be expressed today. Observe Charles Douglas Clem's appeal to racial and social integrity in *The Jim Crow Negro*:

What is a Jim Crow Negro? It is one who never demands What is his by right, for fear that a fight Will be upon his hands; Who cringes and fawns at insults; Who submits to a coward's blow; Who kisses the foot that kicks him, — This cur is the real Jim Crow.

Away with the Jim Crow Negro; The race needs stalwart men Men who will fight for what is right With hand and tongue and pen.²⁵

Notice, however, that resistance is a theme carried in Black American literary thought, moving beyond the slave experience, and captured in twentieth century literary expression and contemporary poetry. Here Brooks, Hughes and Shange capture three overlapping generations of resistance:

Well, life has been a baffled vehicle And baffling. But she fights, and Has fought, according to her lights and The lenience of her whirling-place.

She fights with semi-folded arms, Her strong bag, and the stiff Frost of her face (that challenges 'when' and 'if') And altogether she does Rather Well.²⁶

(Brooks)

The bees work.
Their work is taken from them.
We are like the bees —
But it won't last
Forever²⁷

(Hughes)

²⁵ Clem (nd).

²⁶ See Brooks (nd).

²⁷ See Hughes (1933).

Listen, Revolution,
We're buddies, see —
Together,
We can take everything:
Factories, arsenals, houses, ships,
Railroads, forests, fields, orchards,
Bus lines, telegraphs, radios,
(Jesus! Raise hell with radios!)
Steel mills, coal mines, oil wells, gas,
All the tools of production,
(Great day in the morning!)
Everything —
And turn 'em over to the people who work.
Rule and run 'em for us people who work.

(Hughes)

dark phrases o womanhood of never havin' been a girl half-notes scattered without rhythm/no tune distraught laughter fallin' over a black girl's shoulder it's funny/it's hysterical the melody-less-ness of her dance don't tell nobody don't tell a soul she's dancin on beer cans & shingles²⁹

(Shange)

Mutual Oppressions

How we, differing by ethnic, gender and religious markers, come to understand our mutual oppression under racism may be very different.³⁰ Blacks, on one hand, may see themselves as the targets of white supremacy and racial violence:³¹

I have learned this winter that, yes, I am *afraid* to die, Even if I do it gently, controlling the rage Myself.
I think of our first week here,

²⁸ See Hughes (1932).

²⁹ See Shange (1975).

See, for example, Marable (1995).

For an historical analysis of racial hatred and the Black community, see, for example, Fogel and Engerman (1974); Blassingame (1972); Roberts (1997); and Gamble (1989).

When we bought the rifle to use
Against the men
Who prowled the street
Glowering at this house.
Then it seemed so logical to shoot to kill. The heart, untroubled;
The head, quite clear of thought.
I dreamed those creatures falling stunned and bloody
Across our gleaming floor,
And woke up smiling
At how natural it is
To defend one's life.

(And I will always defend my own, of course.)³²

(Alice Walker)

The oppressed can point to specific, often subtle, incidents in the common day where White privilege operates to their detriment. However, we are not removed from the more overt contemporary displays of racial hatred as seen in the beheading of an older Black man by young White men in Jasper, Texas who had offered him a ride home, the gunning down of a young Black immigrant by New York City police officers in his apartment vestibule, or the numerous examples of racial profiling³³ in Chicago, Philadelphia, Los Angeles, Newark, Cincinnati and other cities.

Of course, history is also blanketed with the more direct, insidious examples of racism such as slavery, eugenics, sterilisation of thousands of Black women, the Tuskegee Experiments, lynchings and police brutality. The softer (though equally traumatising to its targets), more mundane examples of racism (in historical context) would likely include denial of service at restaurants, hotels and gas stations, unwarranted incarcerations, denial of appropriate educational services and opportunities for Black children.

Did you ever walk into a firehose With the water turned up full blast? Did you ever walk toward police guns When each step might be your last? Did you ever stand up in the face of snarling dogs And not move as the dogs came?

³² See Walker (1971).

At the 26th International Congress on Law & Mental Health, highly regarded professors in law, education, medicine and psychiatry presented papers on the devastating affects of racial profiling in the United States. Their papers ranged in focus from the over-identification of students of colour in special education to targeting Black babies for White adoption, and emotional warfare on the Black mind. For further discussion on racial profiling beyond the criminal stop, see works in progress by Professor Camille A Nelson, Julie Kailin, Frank Rudy Cooper, Rhonda Magee Andrews, Fon Louise Gordon, Rene Bowser and John Walton.

Did you ever feel the tear gas burn Your day, your night, your dawn?

Your dawn

When the water's a rainbow hue,

Your dawn

When the guns are no longer aimed at you,

Your dawn

When the cops forget their jails,

Your dawn

When the police dogs wag their tails,

Your dawn

When the tear-gas canisters are dry,

Your dawn

When you own the star in the sky,

Your dawn

When the atom bomb is yours —

Your dawn

When you have the keys to all doors —

Your dawn

Will you ever forget your dawn?³⁴

(Langston Hughes)

Blacks understand this history as not only lessons about humanity, civility, and sanity, but also about Whiteness and the disease of White supremacy.

Whites, on the other hand, may not understand what a racialised history means to those that have been 'othered' or positioned as the collective social inferior. Racism has come to be interpreted as a series of events that happen(ed) to the invisible 'them'. In this way, racism is treated as legend, a 'part fantasy, part real' aspect of time long gone, but never quite verifiable. The witnesses are dead.

I sit for hours staring at my own right hand Wondering if it would help me shoot the judge Who called us chimpanzees from behind his bench And would it help to pour sweet arsenic Into the governor's coffeepot Or drop cyanide into yours. You don't have to tell me; I understand these are the cliched fantasies Of twenty-five million longings That spring spontaneously to life Every generation. It is hard for me to write What everybody already knows; Still, it appears to me

See Hughes (1966).

I have pardoned the dead Enough. 35

(Alice Walker)

Racism is mysterious, lingering and yet perceived as far removed from the daily experiences of 'White life' in the United States. Yet racism plagues us all. The fear of the other, the desire to mark the other and ignoring the plight of the other bleed into one's emotional and psychological health, causing what could be best described as cultural paralysis.

The euphoria of being in air, over the other, temporarily omniscient, is temporarily lived:

Today, I am trampled by you You delight in the pain caused, Pleasure lingers on your lips, but What shall replace it at night? When demons awake and seek souls to take Tonight, shall you be first in line?³⁶

One's ability to remain on top is intrinsically connected to the will, spirit, strength and collective humor of those on the bottom, on whose shoulders the oppressors stand:

Black geisha girl
Flying through
Air, space and time
Making wishes come true
For hungry men, who soon forget?
With ravenous desires not soon quenched
By soulful thighs or honest heart, but by tedium
And toil, You are now Cat, purr

Unloosening ties, untying shoes, hanging slacks, rubbing Away their blues
One by one

Tender caresses and smiles in dark,
Probing and peeling
as if a new black fruit,
Touching her where promises are born or victims made
Gliding with trembling ease
As both wonder whether love could be made

On tips of toes to bathe the eaten flesh And goodnight geisha, its time to rest

³⁵ See Walker (1973).

³⁶ Goodwin (2001c).

wait for the next phone call³⁷

(Goodwin)

The less prepared one is for the reality that racism is not a victim's disease, the harder one's landing shall be when returned to Earth. Race- and gender-based discourse has mostly ignored the psychological neuroses and trauma associated with privilege, maleness, supremacy and Whiteness. Focus has, instead, been concentrated on the obviously and visibly oppressed:

Playing by the rules
Is a game without boundaries
It is the game of silence and darkness
Wherein screams are not heard
It is where laws are broken,
Where confusion reins, for
The rules remain

Once the door is open³⁸

(Goodwin)

There are silences that measure the various oppressions. For women of colour, the silence is long and deep; our daughters, mothers, sisters and aunts are forgotten. Their oppression is taken as a matter of course.

You were not just another girl,
Around the block. Or sadly, maybe you were ...
At nine, found
Dragged, and dumped
Smothered and choked
Horrors we politely attempt to forget
Abuses not talked about in polite conversation
Or even law school ... We teach about sex, but not Girl X

We must not forget
That on a cold Chicago day,
January 9, 1997, you cried
You were
raped
beaten
poisoned
and left to die.

Nor should we forget that Cabrini-Green claimed many black lives ... Perhaps years from now we will not even know that homes such as yours existed

³⁷ Goodwin (1999b).

³⁸ Goodwin (2001a).

That we sat by while boys were shot And little girls raped That people lived in squalor no longer stacked in hulls of ships But atop each other, separated by the veneer of concrete, And put aside.

Perhaps it will be all erased like the deeper social crimes Now carried only as cellular memory bound in the womb Forgiving those who have trespassed again and again They come in all shapes and colors against brown, red, and black bodies

But, Girl X survived Blind and paralyzed Weeping, but cannot speak.

How can we remember if we chose to forget?³⁹

(Goodwin)

The need to continually reflect on the insidious ways in which oppression binds those disenfranchised is apparent and must continue. However, a sophisticated discourse must also emerge that begins to explore the morality, ethical fibre and psychological underpinnings of power. Power must be deconstructed and analysed for its complexity and its multifarious meanings. Whether guilt, shame, malevolence or hatred — all equally serve as chains that bind those who oppress.

What is not visible and apparent will manifest itself beneath the surface and plague the soul. Indeed, this is the power of being bound and perhaps it may be worse than donning the robes of the oppressed. The oppressed are visible; their pain is worn on their faces and seen in their children's eyes. They live beyond compromised conditions, often lacking political, economic and social clout. Yet the oppressed can also be of clean spirit and settled soul, unlike their cousins who oppress, and must somehow contain the guilt and shame. Oppressors are trapped in privilege, denial and passive aggressivity sadly noticed even in children.

The oppressed can embrace hope, which perhaps is the most powerful tool for transformation. Hope inspires confidence, concentration, love, expectation, perseverance and determination:

I would give To the human race Only hope.

I am the woman With the blessed Dark skin I am the woman

³⁹ Goodwin (2001b).

With teeth repaired I am the woman With the healing eye The ear that hears.

I am the woman: Dark, Repaired, healed Listening to you.

I would give to the human race Only hope.

I am the woman Offering two flowers Whose roots are twin

Justice and Hope Hope and Justice

Let us begin.40

(Alice Walker)

References

Secondary Sources

Anita Allen (1992) The Jurisprudence of Jane Eyre, 15 Harv Women's LJ 173 at 178 n 17.

Derrick Bell (1992) Faces at the Bottom of the Well. The Permanence of Racism, Third World Press.

John W. Blassingame (1972) The Slave Community: Plantation Life in the Antebellum South, Oxford University Press.

Gwendolyn Brooks (1963) 'Negro Hero' in Selected Poems, Third World Press

Gwendolyn Brooks (nd) 'Weaponed Woman' in A Catch of Shy Fish, Third World Press.

Frederick Douglass (1993 [1845]), Life and Times of Frederick Douglas, Gramercy Books.

Anthony Paul Farley (2001) Lacan & Voting Rights, 13 Yale J of L & Hum 283.

Robert William Fogel and Stanley L Engerman (1974) Time on the Cross: The Economics of American Negro Slavery, Little Brown Publishing Company.

Vanessa Northington Gamble (1966) Germs Have No Color Line: Blacks and American Medicine 1900–1940, Garland.

John M Gest (1913) The Lawyer in Literature, WW Gaunt.

Michele Goodwin (1999a) 'The Black Woman in the Attic: Law, Metaphor and Madness in *Jane Eyre*', 30 Rutgers LJ 597.

Joel Chandler Harris (1917 [1881]), Nights With Uncle Remus, Houghton Mifflin Company.

⁴⁰ Walker (1991).

Langston Hughes (1995 [1932]) 'Good Morning Revolution' in *The Collected Poems of Langston Hughes*, Knopf

Langston Hughes (1995 [1933]) 'Black Workers' in The Collected Poems of Langston Hughes, Knopf.

Langston Hughes (1995 [1966]) 'Demonstration, Negro Digest' in *The Collected Poems of Langston Hughes*, Knopf.

Harriet Jacobs (1987 [1861]), Incidents in The Life of a Slave Girl, Harvard University Press

Bernard Katz (1969) The Social Implications of Early Negro Music in the United States, Arno Press

Ellen Conroy Kennedy (1975) The Negritude Poets, Thunder's Mouth Press.

Frank Kofsky (1970) Black Nationalism and the Revolution in Music, Pathfinder

Angela Mae Kupenda et al (1998) 'Law, Life and Literature Using Literature and Life to Expose Transracial Adoption Laws as Adoption on a One-Way Street', 17 Buffalo Pub Interest LJ 43.

Manning Marable (1995) Beyond Black & White, Verso

Margaret E Montoya (1994) 'Mascaras, Trenzas and y Grenas' Unmasking the Self While Un/Braiding Latina Stories and Legal Discourse' 17 Harv Women's LJ 185.

Dorothy Roberts (1997) Killing the Black Body: Race, Reproduction, and the Meaning of Liberty Pantheon

Ntzoke Shange (1975) For Colored Girls Who Have Considered Suicide When the Rainbow is Enuf. Macmillan.

Joan R Sherman (1974) Invisible Poets, Afro-Americans of the Nineteenth Century University of Illinois Press.

William Styron (1994) The Confessions of Nat Turner, The Modern Library.

Margaret V Turano (2000) 'Moments of Grace' Lawyers Reading Literature' 72 NY St BJ 12

Alice Walker (1991) Remember in Her Blue Body Everything We Know Earthling Poems 1965-1990, Harcourt, Brace, Jovanovitch

Patricia Williams (1981) The Alchemy of Race and Rights, The Diary of a Law Professor, Harvard University Press.

Unpublished Poems

Charles Douglas Clem (nd) 'The Jim Crow Negro'.

Michele Goodwin (1999b) 'Black Geisha Gırl'.

Michele Goodwin (2000) 'My Old Kentucky Home'.

Michele Goodwin (2001a) 'Playing by the Rules'.

Michele Goodwin (2001b) 'Reflections on Girl X'

Michele Goodwin (2001c) 'Trampled'.

Frances Ellen Watkins Harper (1860) 'To the Union Savers of Cleveland'.

Alice Walker (1973) 'January 10, 1973'.

James Monroe Whitfield (1853) 'America'.