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REVIEW ESSAY

A GOSPEL OF LAW

Gospel Choirs: Psalms of Survival in an Alien Land Called Home.
By Derrick Bell.[†] Basic Books. 1996. Pp. 228. \$23.00.

KEVIN L. HOPKINS*

INTRODUCTION

Derrick Bell is no stranger to civil rights activists, the Black community and the legal academy. Over the last three decades his involvement and participation in civil rights litigation and his numerous scholarship in the areas of Race and Constitutional Law have placed him in the forefront of Critical Race Theory.¹ In *Gospel Choirs: Psalms of Survival in an Alien Land Called Home*, Bell continues in his quest to explore, educate and, at times, even shock his readers to confront issues of racism in America.² It is the third book in a trilogy written by Bell where he blends fiction, law, religion and reality in exploring issues of race and politics.³ However, unlike Bell's previous books, *Gospel Choirs* contains very little, if any, direct discussions of the law.⁴ In fact, the Supreme Court and

[†] Visiting Professor of Law, New York University. Bell, the first Black tenured law professor at Harvard University, was dismissed from his position as Weld Professor of Law for refusing to end a two-year leave in protest of the absence of minority women on Harvard's law faculty.

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1. Critical Race Theory is a relatively new field of jurisprudence that explores the influences of racism and sexism in the law and its policies.

2. DERRICK BELL, *GOSPEL CHOIRS: PSALMS OF SURVIVAL IN AN ALIEN LAND CALLED HOME* (1996) [hereinafter *GOSPEL CHOIRS*].

3. To fully appreciate the allegorical messages and Bell's development of specific characters, the author of this Review Essay suggests the reading of the first two books in the trilogy: DERRICK BELL, *AND WE ARE NOT SAVED: THE ELUSIVE QUEST FOR RACIAL JUSTICE* (1987) [hereinafter *SAVED*]; DERRICK BELL, *FACES AT THE BOTTOM OF THE WELL: THE PERMANENCE OF RACISM* (1992) [hereinafter *FACES*].

4. See, e.g., *GOSPEL CHOIRS*, *supra* note 2, at 74-90. In Chapter 5 ("The

the lower federal courts are very seldom mentioned in Bell's stories. When the courts are mentioned, Bell refers to them as relatively passive institutions, unlike their predecessors during the 1960s.⁵ Yet, throughout the book, Bell raises and discusses current issues facing Blacks such as racism, economics and politics, by us-

Freedom of Employment Act"), Bell addresses a secret committee of influential Blacks working in traditional civil rights groups, government agencies and foundations and presents a strategy for attacking the pending "Freedom of Employment Act, a hypothetical law proposed to eliminate policies that further affirmative action programs. *Id.* In support of his strategy, Bell briefly discusses Title VII of the Civil Rights Act of 1964 and its inclusion of an amendment proposed by Southerners to extend to women the protection against job discrimination. *Id.* Although Bell continues to use metaphors and allegory to get his messages across, both *And We Are Not Saved* and *Faces At the Bottom of The Well* contain several significant discussions of Supreme Court precedent, specific constitutional amendments and federal statutes, and their applicability to civil rights challenges. See *SAVED*, *supra* note 3, at 34 (discussing and listing the direct and indirect accommodations to slavery found in the Constitution). Bell also discusses the Court's precedent on First Amendment Freedom of Association, Defamation, Voting Rights and other constitutionally protected rights influenced by civil rights actions. *Id.* at 64-68. Furthermore, Chapter 3, "The Racial Limitation on Black Voting Power," focuses on a discussion of constitutional amendments and precedent on the right to vote. *Id.* at 89-94. Chapter 5, "The Racial Barrier to Reparations," contains a historical discussion of Supreme Court precedent on reparations for American Indians and Japanese Americans. *Id.* at 130-31. In Chapter 7, "The Declining Importance of the Equal Protection Clause," Bell discusses the standards required under the 14th Amendment Equal Protection Clause. *Id.* at 167-75. Finally, in Chapter 9, "The Right to Decolonize Black Minds," Bell discusses the precedent on freedom of speech and association, and privacy. *Id.* at 224-30. See also *FACES*, *supra* note 3, at 24-25 (discussing the Emancipation Proclamation and the "all deliberate speed" language in *Brown v. Board of Educ.*, 349 U.S. 294, 301 (1955)). In Chapter 3, "The Racial Preference Licensing Act," Bell discusses the Civil Rights Act of 1964, its 1991 Amendments, and the 14th Amendment "strict scrutiny" standard for suspect classifications based on race. *Id.* 49-50. Finally, Chapter 5, "Divining A Racial Realism Theory," discusses the Court's precedents on Equal Protection and affirmative action measures. *Id.* at 101-03.

5. For example, in the Prologue of *Gospel Choirs*, Bell states that "[g]iven this environment of Black blame, the traditional sources of relief - the courts and the political process - are not likely to prove useful . . . [however] they are, of course, still worthy of attention and effort." *GOSPEL CHOIRS*, *supra* note 2, at 11. Further in *Gospel Choirs*, Bell, in defending an article he had written discussing the "Freedom of Employment Act," states that his intent in writing the article was to demonstrate "how much the pro-civil rights stance of the Supreme Court and the country has changed: now, rather than a shield against bigotry, the law has become a spear of justification for policies that undermine hard-won civil rights and threaten the jobs and well-being of Black people." *Id.* at 39. Bell also discusses how the courts might rule on the Act, stating that "given the anti-black atmosphere that exists generally in the country now; it is quite possible that the courts will find it constitutional. And that is a realistic, not pessimistic, assessment based on the unwillingness of the courts in recent years to recognize racism in its contemporary forms. . . ." *Id.* at 83.

ing metaphor and storytelling.⁶

According to Bell, gospel music is a powerful medium; one which contains a universality capable of touching all those who hear and need its comfort and consolation, and one which transcends barriers of race, color, class and creed.⁷ Gospel music has the potential to heal, touch and unite across barriers of race and class.⁸ Because of these attributes, Bell contends gospel music may be the "much-sought link that can unite the people of this nation across [these] barriers."⁹ More specifically, however, the optimism found in gospel music could "provide Black people with the insight [necessary] to comprehend, the courage to confront [and] the wisdom needed to find new solutions [for dealing with the] greatest crisis [facing them] since the end of Reconstruction."¹⁰ In light of this, Bell attempts to draft a written warning that is clear enough to challenge Black people to take action, yet not so pessimistic as to encourage either denial or surrender.¹¹ To do this, he

6. See *infra* notes 107-18 and accompanying text for a discussion of the use of storytelling as a tool of critical race theorists.

7. See GOSPEL CHOIRS, *supra* note 2, at 3.

8. *Id.* at 4. The popular success of contemporary gospel artists such as Kirk Franklin and BeBe and CeCe Winans illustrates this point. In gospel circles, Kirk Franklin is the "newest shining star" in gospel music. *Texas Music; Lone Star Sound Becoming More Eclectic*, DALLAS MORNING NEWS, Mar. 9, 1997, at 2J. In 1997, Franklin won a Grammy for the "best contemporary soul-gospel album." *Id.* He has also won Gospel Music Association awards and has performed nationwide. *Id.* Franklin's music borrows from both jazz and rhythm and blues. *Id.* His *Whatcha Lookin' 4* release is popular with both Rhythm and Blues and gospel audiences. See also Shirley Henderson, *Gospel Stars Remind Fans of Season's Glory*, CHI. TRIB., Dec. 16, 1996, at C2 (describing gospel dynamo Kirk Franklin and multiple Grammy winner CeCe Winans, as two of the biggest "crossover" gospel artists in the country); Robert K. Oermann, *Winans Taking Gospel To Top*, GANNETT NEWS SERV., Nov. 29, 1991 (stating "[t]he Grammy-winning brother-sister team's *Different Lifestyles* album made history as the first gospel album to hit No. 1 in the Rhythm and Blues category"). Gospel music is also becoming popular at the motion picture box office. See generally Fred Shuster, *Savoring the Moment at Oscar Luncheon; Academy Award Nominees Eat, Meet, Greet and Gauge Their Chances of Taking Home a Golden Boy*, L. A. DAILY NEWS, Mar. 12, 1997, at L10 (reporting the Preacher's Wife received an Academy Award nomination for "Best Original Musical or Comedy Score"); LEAP OF FAITH (Paramount 1992) (starring actor Steve Martin as an evangelist who performed fake miracles and Edwin Hawkins, a Grammy-winning gospel musician, composer and vocalist as associate producer and choirmaster); SISTER ACT (Touchstone 1992) (starring Oscar winner Whoopi Goldberg as a nun who leads a convent choir to fame); SISTER ACT 2: BACK IN THE HABIT (Touchstone 1993) (starring Whoopi Goldberg who returned back to the convent to teach and turns a classroom full of troublesome youths into a gospel choir); THE PREACHER'S WIFE (Touchstone 1996) (starring Grammy winning vocalist Whitney Houston as the wife of a preacher and soloist with the Georgia Mass Choir).

9. GOSPEL CHOIRS, *supra* note 2, at 8.

10. *Id.* at 4.

11. *Id.* at 12. Bell implies that although many who read *Faces at the Bot-*

believes gospel music can be a foundation for the use of new civil-rights tactics that are capable of speaking directly to the current crisis and encompass the necessary "vehicles of faith and steadfastness" that have served Blacks successfully throughout history.¹²

This Review Essay is divided into three parts. Part I provides an overview of the structure and format of *Gospel Choirs*, Bell's thesis that Black Americans are in a crisis and his reasoning. This section also contains a brief synopsis of Bell's "interest-convergence" theory, a major and consistent theme discussed in each of the books in the trilogy. Part II begins by discussing Bell's solutions for black survival. It discusses Bell's underlying message that blacks can survive the crisis by strengthening the internal structure of their community through the elimination of sexism and notions of patriarchy. To do this, he challenges Black Americans to critically review current black male and female relationships and gender roles. He argues that the strengthening of the black community will place blacks at an optimal position for surviving the crisis. This section further fleshes out the intricacies of sexism and patriarchy in the black community.

Part III focuses on the effectiveness of Bell's use of narrative, storytelling and gospel music as mediums to convey his warning of the crisis facing blacks. Section A evaluates the critical race theorists' use of narrative and storytelling and argues that these are effective techniques to reach Black Americans. In doing this, section A presents and considers criticisms and limitations on the use of the literary tools of fiction, allegory and metaphor in discussing the sensitive issues of racism and sexism. Section B considers Bell's use of gospel music as a mechanism for providing inspiration to prevent black denial or surrender in light of the crisis. Bell argues that throughout history, gospel music has provided blacks with the inspirational foundation needed to transcend perilous situations such as slavery and Jim Crow. Therefore, he contends gospel music could provide blacks today with similar support.

Although Bell offers no logical explanation for this point, I agree with Bell that history and experience are sufficient to support this contention. I do not criticize this viewpoint, but rather I attempt to provide additional support to indicate the power of music to influence and alter human behavior. Finally, I argue that although the elimination of patriarchy and sexism are critical for strengthening the black community, a prerequisite for dealing with those issues is the consideration of the effects of racism on black self-esteem, specifically, the self-esteem of black males. I

tom of the Well interpreted his "permanence of racism" theme as a signal of surrender, the real point was to inform his readers of racism's deepest roots. *Id.*

12. *Id.* at 11.

conclude by suggesting that the improvement of black self-esteem is a necessary prerequisite to dealing with the issues of patriarchy and sexism in the black community.

I. PSALMS OF SURVIVAL: STRUCTURE AND FORMAT

Gospel Choirs is "atypical" of what one might expect a law professor, scholar and former civil rights litigator to write. It is not consumed with intensive detailed discussions of law and race or technical legalese as often found in scholarly writings. Rather, this book more closely resembles a novel than a legal or political science textbook.¹³ As its title indicates, it is a book that advocates what seems to be an "age old" remedy for Black Americans when confronted with issues of discrimination and barriers to "equal opportunity under the law": reliance on the "spiritual" as opposed to the law.¹⁴ More specifically, the book suggests that gospel music continues to remain a viable resource in helping to unify the Black community as well as providing a forum for potential expression, just as it did more than 200 years ago for African slaves.¹⁵ In essence, what Bell suggests is that Black Americans return to their roots and reconsider "tapping into" a power source that proved sufficient to sustain their forbears during slavery, the worst period in American history for Blacks.¹⁶

The Prologue of this book is very extensive and serves as the thread that weaves the chapters together. In this part of the book, Bell spends a considerable amount of time laying a foundation for a further development of his thesis. He discusses what gospel music is, the historical role it has played in the Black community and its potential for use during, what Bell believes, is "[Black America's] greatest crisis since the end of Reconstruction."¹⁷ He then shifts focus to further flesh out the reasoning behind his concern that the Black community is in a state of crisis.

Bell does not begin, as one might expect, with a simple and tangible definition of gospel music. He first considers the role of gospel singers and the effect their songs have on the listeners. To accomplish this, he uses an epigraph of a common and traditional greeting used and sung by gospel groups along with the biblical

13. Each chapter in *Gospel Choirs* is interdependent on, or an extension of, the previous chapter's theme. As a result, the reader is provided the opportunity to follow Bell's development of the three major characters: Bell (who portrays himself), Geneva Crenshaw and Jesse Semple. See generally GOSPEL CHOIRS, *supra* note 2 (following the development of these three characters).

14. For purposes of this Review Essay, the word "spiritual" will be used as a synonym for faith or trust in the Lord for sustenance and deliverance in times of trouble.

15. GOSPEL CHOIRS, *supra* note 2, at 1-4.

16. *Id.*

17. *Id.*

admonition to "make a joyful noise unto the Lord."¹⁸ He explains that in the eyes of Blacks, the admonition is much more than just a command; it is an "invitation to renew, through song, the faith of [Black] forebears."¹⁹ He then attempts to capture the essence of gospel music through the use and effect of metaphor.²⁰

To provide further context, Bell also explains the historical "dual role" gospel music has played in the Black community. "During the slave era, it helped bind the disparate peoples of Africa into a single community. While praising Jesus, the words of those songs also contained directions for those Black men and women planning to escape slavery and head for freedom in the North."²¹

Bell then offers three reasons to support his belief that Blacks are in a crisis. First, he argues the devastating effects of high unemployment coupled with long-term joblessness and an increased incarceration of Blacks provide many Whites with "sufficient proof of black sloth [and] black unreadiness."²² He believes such evidence provides the fuel for "racial rationalizations" that Blacks are unambitious, constant complainers of discrimination and receive most jobs because of the color of their skin rather than on the basis of merit.²³ Added to this fuel are "[t]he predictable results: drug-related crime that has filled the nation's prisons with record numbers of black men, disorganized families, derelict schools, teenage parents, [and] lifeless communities."²⁴ Bell concludes, however, these rationalizations are no more than "a convenient and comforting substitute for the economic well-being and social status most Whites lack."²⁵

Second, he strongly believes the economic distress that Blacks suffer is evidence of the emerging technological revolution that has eliminated not only employment opportunities for Blacks, but for all Americans, and discusses this theme throughout most of his book.²⁶ According to Bell, although many of the nation's largest

18. *Id.* at 1.

19. *Id.*

20. For example, to define gospel music, Bell paints a visual picture for the reader by referring to a quote from Bernice Johnson Reagon, the founder and lead singer of Sweet Honey and the Rock, a popular gospel singing group in the 1970s. GOSPEL CHOIRS, *supra* note 2, at 2. Ms. Reagon has stated that singing gospel music involves "[being] able to change the notes with feelings before the sound comes out of your body . . . [Y]ou are not singing notes and tones, [but] are giving out pieces of yourself, coming from places inside that you can only yourself visit in singing." *Singing for My Life, in WE WHO BELIEVE IN FREEDOM* 133, 141 (Bernice Johnson Reagon, ed. 1993).

21. GOSPEL CHOIRS, *supra* note 2, at 3.

22. *Id.* at 5.

23. *Id.*

24. *Id.* at 6.

25. *Id.* at 5.

26. *Id.* at 6.

corporations have undergone significant downsizing in order to maintain or to enhance profitability, not all corporate downsizing is benevolent.²⁷ He contends that in recent years, many corporations have increasingly relied on automation, the importation of cheap foreign labor, and the deportation of work to third-world countries as ways to insure even greater profitability.²⁸ Bell is quick to attribute most, if not all, of the economic distress facing Blacks, as well as Whites, to "corporate greed."²⁹

Finally, Bell argues that history demonstrates that in "periods of severe economic distress, the rights of Blacks are eroded and the lives of Blacks endangered."³⁰ He contends that Blacks are condemned to suffer for economic conditions they have not created, and that blacks bear the "brunt" of unemployment and the rage of Whites who are fearful for their own jobs and livelihoods.³¹ Bell believes that given the right circumstances, such fears could "exacerbate the current hostility into major violence and bloodshed."³² He concludes that with the current atmosphere of "black blame," the traditional avenues of relief, such as the courts and the political process, are not likely to be helpful for Blacks during this crisis.³³

The book revolves around three central characters: Bell, Geneva Crenshaw and Jesse Semple. Bell's role, for the most part, is autobiographical, mirroring his career and experiences as a civil rights attorney during the 1960s and his current position as a law

27. GOSPEL CHOIRS, *supra* note 2, at 6-7.

28. *Id.* at 7. Evidence of this is demonstrated by the fact that "[b]etween 1977 and 1990, salaries of top executives in American corporations rose by 220 percent" despite corporate downsizing. *Id.* at 7.

29. *Id.* at 10-11.

30. *Id.* at 9. In *Faces at the Bottom of the Well*, Bell explains his reasons behind this argument. See *FACES*, *supra* note 3, at 7. Bell contends that in almost all situations, "the injustices that dramatically diminish the rights of blacks are linked to the serious economic disadvantage suffered by many whites who lack money and power." *Id.* Lower-income Whites, rather than acknowledging the similarities they share with others in similar economic stratas, are "easily detoured into protecting their sense of entitlement vis-à-vis blacks for all things of value." *Id.* As a result, the racial preference becomes "hypnotic"—preventing many Whites from either seeing or resenting the much more significant differential between their own status and that of the upper-class. *Id.* See also *SAVED*, *supra* note 3, at 40 (depicting a fictional discussion between Geneva Crenshaw and the framers of the United States Constitution where a delegate to the Constitutional Convention of 1787 informs Geneva that the "creation of a black subclass [through slavery] enabled poor whites to identify with and support the policies of the upper class. [Because of] the safe economic advantage provided by their slaves, large land-owners were willing to grant poor whites a larger role in the political process").

31. GOSPEL CHOIRS, *supra* note 2, at 10.

32. *Id.* at 11.

33. *Id.*

professor in New York.³⁴ Geneva Crenshaw, a fictional civil rights attorney and one of Bell's close personal friends, is the heroine.³⁵ Jesse Semple is Bell's personal limousine driver.³⁶

The fourteen chapters that follow the prologue reveal insight into the reasons for the crisis facing Blacks. The chapters then provide solutions or additional considerations for eradicating some of the bases for racial rationalizations and the distressful economic conditions Blacks face. Several of the chapters explore such current issues as: the Bell Curve;³⁷ the Republican Party's "Contract With America;"³⁸ Affirmative Action;³⁹ the media's coverage and

34. See generally *id.* (showing that throughout the book, Bell is sometimes portrayed as a passive observer who narrates what he has just witnessed (Chapters: 1, 11, 13-14) or an active participant in the specific story at-hand (Chapters: 2-10, 12)).

35. Geneva was first introduced in *And We Are Not Saved*, where Bell discusses the circumstances of their meeting, Geneva's physical appearance and her tragic car crash during a trip to the South to help in a voters registration drive. *SAVED*, *supra* note 3, at 18-19. Their friendship dates back to the civil rights era when both worked as attorneys in the South. *Id.* Geneva was a highly respected civil rights advocate and was well known for her willingness to travel to the South to represent Blacks in rural settings. *Id.* at 18. She was injured in a car wreck when she came head-to-head with some "good ol' boys" who followed and forced her off a Mississippi road during "Freedom Summer." *Id.* at 19-20. Although Geneva survived the car crash, she never fully recovered. *Id.* at 21. During the last decade, Geneva and Bell have collaborated on a series of stories Geneva envisioned during her "years-long recovery from a near-fatal auto crash in Mississippi." *GOSPEL CHOIRS*, *supra* note 2, at 12. It is not clear whether Geneva is still alive or whether Bell, throughout the remainder of his previous books and *Gospel Choirs*, only interacts with her on a supernatural or spiritual level through visions and dreams. For example, it is common for Geneva to "simply appear[], rather than phon[e] ahead or even just ring[] [the] bell like a normal person." *Id.* at 13. However, as in Bell's previous works, she is an omnipresent Black woman with god-like powers, often taking Bell's views and concerns on racism and transforming them into allegories that address current issues. *Id.* at 12. Once she has transformed Bell's views into allegories, she gives the stories to Bell for inclusion in his books. *Id.* at 16.

36. Jesse Semple was first introduced in *Faces at the Bottom of the Well*, where he picks up Bell and transports him to a college in West Chester County, New York, for a lecture on Dr. Martin Luther King, Jr.'s Birthday. *FACES*, *supra* note 3, at 16-17. Semple often engages in conversation with Bell as he transports Bell to and from meetings or lectures. *Id.* He is a fan of Langston Hughes and was named after a character in a series of short stories written by Hughes. *Id.* at 17. Although a member of the Black working-class, Jesse Semple is well-versed in Black history and literature and has a keen "ability to cut through the verbiage of politicians and academics" to get straight to the heart of an issue. *GOSPEL CHOIRS*, *supra* note 2, at 65. The "Simple" character first appeared in Langston Hughes' columns in the *Chicago Defender* and the *New York Post*, and after 1950, the character appeared in books. See LANGSTON HUGHES, *THE BEST OF SIMPLE* (1961) (tracking and discussing the development of the "Simple" character).

37. *GOSPEL CHOIRS*, *supra* note 2, at 65-71 (discussing the Bell Curve).

38. *Id.*

portrayal of Black males;⁴⁰ and the "secret" strength and value of Black women.⁴¹ However, in *Gospel Choirs*, Bell takes his thesis to the next level by suggesting possible solutions, resources or considerations in developing a strategy of attack.⁴² Bell begins each chapter with an epigraph of a verse of either a traditional hymn or a contemporary gospel song that has gained popularity in Black churches.⁴³ He also incorporates gospel music and singing within specific stories or at the end of a story as a comfort to the characters when a situation has become unbearable or desperate.⁴⁴

As in Bell's previous works, the chapter themes in *Gospel Choirs* subtly revert back to Bell's "interest-convergence" theory which contends that Whites will only advance racial equality when doing so is consistent with their own self-interest.⁴⁵ Bell first developed this theory through Geneva Crenshaw's civil rights chronicles in *And We Are Not Saved*. In this book, Bell and Geneva debated the effectiveness and limitations of traditional civil

39. *Id.* at 74-90.

40. *Id.* at 49-59.

41. *Id.* at 152-73.

42. *Id.* at 91-102 (discussing discrimination within the Black community towards homosexuals and the need for Blacks to "save [their] energies for [their] true enemies"). In Chapter 9, "Racial Royalties," Bell discusses racial royalties as a remedy for exploitation of contributions to society by people of color. *Id.* at 141-51. In Chapter 10, "Women to the Rescue," Bell discusses sexism in the Black community. *Id.* at 152-63. In Chapter 11, "The Electric Slide Protest," Bell describes the "secret strength" of Black women. *Id.* at 164-73. In Chapter 12, "Equality's Child," Bell describes symbols of equality and the need for channeling energies towards activities that encompass the "essence of human need." *Id.* at 174-87. In Chapter 13, "The Entitlement," Bell focuses on Black sexuality, including: myths, perceptions and expectations. *Id.* at 188-202. Finally, in Chapter 14, "The Gospel Light," Bell highlights the inspirational and unifying effect of gospel music. *Id.* at 203-14.

43. Bell's use of an epigraph to preface his stories is analogous to the Sunday morning worship experience in many Black churches where the choir sings a hymn of inspiration and preparation immediately before the delivery of the sermon by the minister. In essence, the epigraphs in Bell's stories are the literary equivalent of the "sermonic hymn."

44. See generally *GOSPEL CHOIRS*, *supra* note 2 (describing instances in which Bell incorporates epigraphs of songs into the text of his stories as sources of comfort for the characters or victims of dilemmas). The epigraph is sometimes quoted or sung by the characters or discussed openly as its own topic. *Id.*

45. See Derrick Bell, *Brown v. Board of Educ. and the Interest Convergence Dilemma*, 93 HARV. L. REV. 518, 523 (1980); see also *SAVED*, *supra* note 3, at 51-74 (giving a detailed discussion of a review of Supreme Court precedent and areas of the law that have been affected by the gains of the civil rights movement). In *Gospel Choirs*, Bell's "interest-convergence" theory surfaces when Bell, while stuck in an elevator and after reflecting on the short-lived gains of the civil rights movement, considers an earlier conversation with Jesse Semple where Semple, in a simplistic manner stated: "[t]he law works for the Man most of the time. It works for us in the short run only as a way of working for him in the long run." *GOSPEL CHOIRS*, *supra* note 2, at 54-55.

rights strategies.⁴⁶ Reflections on the limited success of these strategies in the context of school desegregation and affirmative action prompted Bell and Geneva to consider such radical alternatives as mass protests and emigration.⁴⁷ Although often frustrated and disillusioned with the failure of the traditional efforts to eliminate racial discrimination, a pragmatic review and evaluation of those failures, along with a recognition of the role racism plays in American society, ultimately led Bell back to a limited faith in reform efforts.⁴⁸

In *Faces at the Bottom of the Well*, however, a seemingly more pessimistic Bell provided additional insight into this theory. Bell recognized the critically important "stabilizing" role that racism plays in our society and the major barriers it has created in preventing racial equality.⁴⁹ He argued that the racial barriers that "dramatically diminish the rights of Blacks are linked to the serious economic disadvantage suffered by many Whites who lack money and power."⁵⁰ At the close of the introduction, Bell cautiously reminds the reader of the "ever-present" possibility that "an unexpected coincidence of events . . . like those that occurred in the past . . . will persuade [W]hites to reach a consensus that a major benefit to the nation justifies an ultimate sacrifice of Black rights—or lives."⁵¹

In *Gospel Choirs*, Bell once again attempts to convey this warning to the public, and more specifically, Black Americans. In Chapter One ("Redemption Deferred: Back to the Space Traders")⁵² and Chapter Eight ("Nigger Free"),⁵³ he provides two shocking, yet thought provoking examples of the extremes of the possibilities that could occur in a climate where racial rationalizations are rampant and severe economic distress is high.

In Chapter One, Bell answers the question left open in the final chapter of *Faces at the Bottom of the Well*: what happened to the Black Americans who entered the alien space ships when the

46. *SAVED*, *supra* note 3, at 51-74.

47. *Id.* at 59-70.

48. *Id.* at 70.

49. *FACES*, *supra* note 3, at 8. Bell states:

[B]lack people will never gain full equality in this country. Even those Herculean efforts we hail as successful will produce no more than temporary 'peaks of progress,' short-lived victories that slide into irrelevance as racial patterns adapt in ways that maintain white dominance. This is a hard to accept fact that history verifies. We must acknowledge it, not as a sign of submission, but as an act of ultimate defiance.

Id. at 12.

50. *Id.* at 7.

51. *Id.* at 13. To illustrate this possibility, Bell concludes the book with "The Space Traders," an allegorical tale in which "Space Traders" visit the United States and barter for Black Americans. *Id.* at 159-60.

52. *GOSPEL CHOIRS*, *supra* note 2, at 17-28.

53. *Id.* at 115-40.

United States government accepted an offer to trade Blacks for enough wealth to pay off the national debts, the resources to cleanse the environment, a safe nuclear power source, and fuels to replenish the diminishing supply of fossil fuels.⁵⁴ These resources were sufficient to ensure the country's prosperity for the next century.⁵⁵ Bell, an observer and passenger on the ship, discusses the dialogue between the Space Traders and their passengers.⁵⁶

Approximately two months after leaving earth, circumstances made it necessary for the Traders to inform the Black passengers of their reasons for taking them from America.⁵⁷ The Traders had been observing the earth and its people for a long time.⁵⁸ They were quite interested in the country's "experiment with democracy" and the "blot" on the experiment—the country's refusal to afford "full human rights" to Blacks.⁵⁹ Although the Traders' society was more "technologically advanced" than the United States, it lacked the element of humanity that was evident in Blacks.⁶⁰ Despite the Traders' attempts to replicate this element, they were unsuccessful in recreating the "emotional and spiritual strength" that Blacks have sustained throughout their struggles.⁶¹ The Traders believed that if they offered the United States enough wealth, it might be persuaded to part with the "human treasure" of the Black race.⁶²

During the two month journey, the Traders "monitored the thoughts" of their passengers in order to detect signs of sickness or distress.⁶³ Ironically, they found many Blacks wanted to go back to the land they called home, even though the United States was a land that practiced the most "pernicious racism anywhere in the universe" and had callously traded them to "an unknown fate."⁶⁴ Because it was necessary that the Blacks voluntarily enter the Traders' world, the Traders gave the Blacks the opportunity to vote on whether they wanted to return to America.⁶⁵

However, before the vote, the Traders informed them that the resources America received during the trade had depleted through

54. *Id.* at 17. See also *FACES*, *supra* note 3, at 158-94 (giving a full development of "The Space Traders" theme). Bell's Space Traders story was recently made into an HBO film. Nate Guidry, *Rhythms Nation: The Beat of Racism Goes On*, *PITTSBURGH POST-GAZETTE*, Sept. 1, 1996, at F-10.

55. *GOSPEL CHOIRS*, *supra* note 2, at 21.

56. *Id.* at 17-28.

57. *Id.* at 19.

58. *Id.*

59. *Id.*

60. *Id.* at 20.

61. *Id.*

62. *Id.*

63. *Id.*

64. *Id.* at 20-21.

65. *Id.* at 21.

a series of "fraudulent corporate and government transactions."⁶⁶ The Traders also allowed two passengers with divergent interests to address the Blacks on whether to return to America: Gleason Golightly,⁶⁷ a conservative and former advisor to the President, and Geneva Crenshaw.⁶⁸ Although acknowledging that the history for Blacks in America has been one of "suffering and sacrifice," Golightly attempted to appeal to the Black Americans' need for a sense of homeland by reminding them that their ancestors helped to build America.⁶⁹

Geneva, on the other hand, informed the group of the current economic state of the United States.⁷⁰ She suggested that with the current problems, the leaders might accept Blacks back as a diversion from their current crisis.⁷¹ She requested that Blacks consider the sincerity of any promise of racial justice which, throughout history, were always empty.⁷² Geneva suggested that if they return, and as soon as the "welcome parties" were over, the nation would, once again, blame the Black race for the problems created in their absence.⁷³

In the end, the Blacks vote despite having mixed feelings on the issue.⁷⁴ By monitoring their passengers' thoughts, the Traders learn that Blacks were more influenced by the person who addressed the group last, rather than by the content of the message.⁷⁵ Perplexed by the Blacks' indecisiveness and their commitment to the land of their enslavement, the Traders turned back and circled the earth's atmosphere while deciding what to do.⁷⁶

Chapter 8 offers an equally alarming, but more pragmatic example of the erosion of Black rights and the endangerment of Black lives as Bell finds himself in the middle of a modern-day race riot in New York City.⁷⁷ After reading through a student re-

66. *Id.*

67. GOSPEL CHOIRS, *supra* note 2, at 22. See FACES, *supra* note 3, at 163-78 (giving a complete development of the Gleason Golightly character and his role in the negotiation of the Space Trader's offer).

68. GOSPEL CHOIRS, *supra* note 2, at 21-22. See *supra* note 14 for a complete development of the Geneva Crenshaw character and her relationship with Bell.

69. GOSPEL CHOIRS, *supra* note 2, at 22. See FACES, *supra* note 3, at 30 (portraying a discussion between Jesse Semple and Bell regarding the lack of and the need for a symbol of a homeland for Blacks).

70. GOSPEL CHOIRS, *supra* note 2, at 24.

71. *Id.*

72. *Id.* at 23.

73. *Id.* at 24.

74. *Id.* at 26.

75. *Id.*

76. GOSPEL CHOIRS, *supra* note 2, at 26-28.

77. *Id.* at 115-40. Although it may seem hard for some to believe that a race riot could occur in the largest city in the United States, the author of this Review Essay refers the reader to the recent race riots in Los Angeles, Cali-

search paper addressing the topic of race riots and "whether the slaughter of uncounted numbers of Blacks during [those] riots constituted a form of racial genocide," Bell learns that a race riot has broken out in New York City and mobs of Whites were breaking windows, overturning cars, carrying guns and randomly shooting.⁷⁸ Ironically, to insure the well-being of buildings and property, and their occupants, property owners throughout the city posted signs stating "Nigger Free."⁷⁹

To secure the safety of Black students, faculty and administrators, Bell's university organized a fleet of buses to transport them outside the City to New Jersey.⁸⁰ Initially, Bell refused to leave his office; however, after considering the risks involved if the mob should find him in the law building, he eventually decides to leave the building.⁸¹ The chapter progresses with a vivid account of Bell's journey by foot, from his office to his uptown apartment, which had posted a "Nigger Free" sign, and later to Harlem, a recognized haven for Blacks.⁸² Upon reaching safety in Harlem, Bell joins his wife among a crowd of survivors and finds himself listening and reflecting on the exchange of "war stories."⁸³ Before the chapter closes, a Black female who had taken one of the signs with her when she left her building, lifts the sign over her head and exclaims the sign has a new symbolic meaning for Blacks: "Nigger Free tells us we are niggers no more."⁸⁴

Both "Redemption Deferred: Back to the Space Traders" and "Nigger Free," although fictional, graphically illustrate the most drastic outcome that could occur under Bell's "interest-convergence" theory given the current nationwide climate of racial rationalizations and severe economic distress.⁸⁵ By using the alle-

ifornia (the second largest city in the United States) immediately following the acquittal of the White police officers accused of beating Black motorist Rodney King, which was videotaped by an amateur photographer and shown on television throughout the United States and the world. See generally Susan Elliott and Geordie Greig, *Bonfire of Insanities*, TIMES OF LONDON, May 3, 1992 (reporting the death toll and estimated property damage made the 1992 Los Angeles riot "the worst race riot in 20th-century America").

78. GOSPEL CHOIRS, *supra* note 2, at 115, 130-40.

79. *Id.* at 134. Bell notes the words "Nigger Free" contained an "ironic ambiguity." *Id.* Not only was it used by angry mobs of Whites "roving the middle-class urban areas and suburbs of New York City that they need not invade any structure or area bearing the sign 'Nigger Free,'" it prevented the attack of the buildings' occupants. *Id.* Bell viewed the sign as "a frightening symbol of [W]hites' historic willingness to sacrifice [B]lack interests, rights [and Black]lives, to protect and advance themselves." *Id.*

80. *Id.* at 132.

81. *Id.*

82. *Id.* at 132-40.

83. *Id.* at 139.

84. *Id.* at 140.

85. A recent Gallup Poll showed a continued "split" between Blacks and Whites in their perceptions about race relations in the United States. Haya

gorical account of the New York City race riot in "Nigger Free," Bell effectively challenges the reader to consider this outcome as a viable possibility.⁸⁶ In light of a national trend towards a conservative enforcement of civil rights and abolishment of affirmative action, Bell's concerns are realistic and worthy of consideration. Interestingly, Bell does not leave Black Americans with the "bleakness" of this warning, but, instead, he challenges them to consider strategies for surviving what he considers the inevitable.

II. THE GOSPEL LIGHT: THE GOOD NEWS ACCORDING TO BELL

As one might expect, Bell does not retreat from his earlier premise of the "permanence of racism" nor from his belief that given the current conditions of the economy and its direction, the ultimate extension or application of his "interest-convergence" theory awaits the fate of Black Americans.⁸⁷ Bell remains firm in his belief that these are perilous times for Blacks and relief seems nowhere in sight. Therefore, searching for the "good news" in light of Bell's premises seems inconsistent, or more specifically, an oxymoron. Many of the stories in *Gospel Choirs*, although at times shocking and provocative, do no more than illustrate these concerns.⁸⁸

El Nasser, *Poll: Whites Increasingly Accept Blacks*, USA TODAY, June 11, 1997, at 1A. The survey consisted of 1,269 Blacks and 1,680 Whites (an unusually high number of Blacks). *Id.* Most Whites polled believe Blacks are not discriminated against and have "as good a chance as Whites of getting jobs." *Id.* They also want affirmative action programs to either decrease or stay the same. *Id.* Finally, the survey indicated most Blacks and Whites concur that racial tensions will always exist in the United States. *Id.* Experts attribute this division to: the Rodney King beating in 1991, the 1995 O.J. Simpson trial, welfare reform and reduced affirmative action programs. *Id.*

86. See GOSPEL CHOIRS, *supra* note 2, at 115-40. See *supra* note 28 for a discussion of the possibility and reality of race riots in the United States.

87. See GOSPEL CHOIRS, *supra* note 2, at 14-15.

88. *Id.* at 65-68 (describing Bell unloading his frustrations on Jesse Semple after an unsuccessful attempt to educate a fictional talk show host and his audience of racism and its effects). During his conversation with Semple, Bell dismisses the authors' thesis in *The Bell Curve* that Blacks are genetically inferior to Whites as demonstrated on their performance on I.Q. tests, as no more than just another basis to support the racial rationalizations of Whites. *Id.* See also Richard J. Herrnstein & Charles Murray, *THE BELL CURVE: INTELLIGENCE AND CLASS STRUCTURE IN AMERICAN LIFE* (1994) (giving a complete discussion of the authors' findings on I.Q. testing). Furthermore, in *Gospel Choirs* Chapters 3, "Living With the Specter of Calhoun," 5, "The Freedom of Employment Act," and 7, "The Mentality of Race," Bell explores and illustrates racial rationalizations. See GOSPEL CHOIRS, *supra* note 2, at 49-59, 74-90, 103-14. Additionally, in Chapters 2, "Trying to Teach the White Folks," and 4, "Staying No Ways Tired," Bell discusses the Republican Party's "Contract With America" and explores and illustrates the effects of economics on the working-class and corporate America's role in creating the current economic distress. *Id.* at 29-48, 60-73.

However, the "good news" is that Bell devotes several of the remaining chapters of *Gospel Choirs* to discuss and explore possible solutions or considerations in preparing Blacks for the upcoming crisis.⁸⁹ Bell, once again, has taken the offensive. He has not surrendered, as many believed after reading *Faces at the Bottom of the Well*, but instead has taken his message outside of the walls of the "academy" and to the people.⁹⁰ If Bell is accurate in his predictions that interest-convergence will materialize and result in the "ultimate sacrifice of Black rights and endangerment of Black lives," then Bell's message for Blacks is clear: Blacks must work towards the reorganization and rebuilding of the Black communities.⁹¹ They must deal with issues of sexism and patriarchy in their communities before they can effectively address the continuing evils of racism on a more global scale.⁹²

Bell contends a critical step in this process must be a review of Black male and female relationships and a restructuring of current gender roles and perceptions of those roles by members of the Black community.⁹³ He believes the "restructuring of gender relations will lead to a stronger Black community, one better able to fend off the myriad manifestations of hostility [Blacks] will most certainly face during the transformation and possible destruction of our economy."⁹⁴ He further believes that a failure to achieve

89. See *supra* note 42 for a brief discussion of Chapters 6, 9, 10, 11, 12, 13, & 14.

90. GOSPEL CHOIRS, *supra* note 2, at 15. Bell states:

[b]ut surrender is not an option, and struggle may enable some of us to survive and maintain our humanity. If we are never more than, as Harriet Tubman put it, 'strangers in a strange land,' with all that land's dangers, still we have managed to salvage much of our strength as a people from facing those dangers while singing the songs of Zion.

Id.

91. *Id.* at 14.

92. *Id.* at 154-55.

93. *Id.* at 14, 152-63. In Chapter 10, "Women to the Rescue," Bell reacts defensively after Jesse Semple suggests and assumes that Bell and Geneva Crenshaw are romantically involved with each other. *Id.* at 153. During this conversation, Bell lectures Jesse on the need to "abstain from acting on the society's sexist and patriarchal assumptions and doing things that demean women." *Id.* at 155. Although Bell acknowledges that many Black males do not fit this pattern, the statistics and personal experiences suggest the criticisms are more than myth. *Id.* 157. Finally, he recognizes that "viewing women as sexual objects" is not a failure of Black men exclusively, but is a "deficiency in whatever man or community it occurs in." *Id.* at 160. Bell also raises the related issue of "sexual orientation" and the discrimination and treatment of homosexuals within the Black community. *Id.* at 92-102. He sees this as another factor of division that could undermine the efforts of Blacks to survive. *Id.*

94. *Id.* at 14-16. Bell also tells Jesse Semple that Black women are the Black community's greatest strength or hope for survival, and challenges Jesse to look at the Black woman's role in history and to compare it with what Black women are doing today in the poorest communities in the country. *Id.*

true gender equality could crucially undermine the efforts of Blacks to survive.⁹⁶

In other words, Bell really suggests no more than just a return to a simple solution found in a popular verse from a biblical parable: "if a house be divided against itself, that house cannot stand."⁹⁶ In *Gospel Choirs*, Bell acknowledges that while racism is an important issue affecting Blacks, it is not the only one. Bell begins the task of alerting and educating the reader of the problems resulting from the internal issues of sexism and patriarchy within the Black community as a prerequisite for successfully attacking the external issue of racism.⁹⁷ Bell's basic message of strengthening the Black community by working towards true gender equality and a recognition by Black males of the strength and value of Black females is merited and critical, not only for the creation of a force to weather the upcoming economic storms, but as Bell indicates, for the survival of the race. Bell is also correct in pointing out the value of the Black female and the crucial role of "provider" that many currently hold, and have held throughout history, as a result of an absence of the Black male in the household.⁹⁸

at 155-56. Bell notes that Black women, for the most part, are carrying this burden alone because Black men are either absent or have a "disruptive" presence. *Id.* See also *id.* at 164-73 (giving an allegorical discussion of the strength and value of Black women). In Chapter 11, Jesse Semple, in a telephone call to his brother who was outside of the country at the time of the protest, graphically explains to him the details of the Electric Slide Protest, where Black women all over the country and from all walks of life, organize and take action by dancing in the streets in protest of the proposed Freedom of Employment Act. *Id.*

95. *Id.*

96. *Mark* 3:25 (King James).

97. Cf. Tracy E. Higgins, *Derrick Bell's Radical Realism*, 61 *FORDHAM L. REV.* 683, 691 (1992) (reviewing DERRICK BELL, *FACES AT THE BOTTOM OF THE WELL: THE PERMANENCE OF RACISM* (1992)). The author suggested that Bell's criticism of Black female writers highlighted his "tendency to treat race (as opposed to gender or class) as the principal axis for the purpose of analysis, while at the same time treating the African American community itself as monolithic, despite gender and class differences within that community." *Id.*

98. See U.S. Bureau of the Census, *Statistical Abstract of the United States: 1996* (116th ed.) at 62 (No. 75. Family Groups with Children Under 18 Years Old, by Race and Hispanic Origin: 1970-1995). United States Census data indicates the magnitude and severity of the Black male's absence in the family. *Id.* In 1995, out of a total of 5,491,000 Black families with children under 18 years old, 3,197,000 (58%) were maintained by females with no spouse present. *Id.* Many believe the Black male has become an "endangered species." See *March is a symbolic show of strength*, *THE WASH. TIMES*, Oct. 12, 1995, at C2 (discussing Maryland Governor William Donald Schaefer's Commission on Black Male Achievement reference to the Black male as an "endangered species" and which also blamed the hardships of Black males on declining self-esteem). One explanation for the absence of the Black male in the household is the high rate of incarceration for Black males. See U.S. Dep't of Justice, Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statis-*

However, in a society where sex roles are clearly defined and deeply rooted, and when the majority also struggles with the tension between issues of sexism and patriarchy, a mere attempt to only raise the consciousness of Black males and females through education may be insufficient in making any real gains in this area.⁹⁹ First, institutionalized patriarchy in the majority society allows males of all races and classes to define their masculinity by committing acts of physical aggression, coercion and dominance towards each other, women and children.¹⁰⁰ As Bell indicates, Black males sometimes use force or violence against Black females as a way to vent their frustrations with society.¹⁰¹ Second, a destructive feature of institutionalized patriarchy is society's definition of the "acceptable household," one where the male is able to provide for his family.¹⁰² Because of the high unemployment rate for Black males and a deficiency in skills to meet the emerging technological changes in the job market, many Black males are

tics 1995, at 548 (Tables 6.11, 6.12). In 1994, 683,200 Black males (46% of the total number of individuals in custody) were in state or federal prisons, or local jails. Another equally compelling explanation is the high rate of homicide for Black males. *Id.* at 361 (Table 3.135). Homicide is the leading cause of death for Black males between the ages of 14 and 34. *Id.* The Justice Department estimates that one out of every twenty-one Black men in America can expect to be murdered. Robert Dole, *The full sentence serves the public*, THE BOSTON HERALD, Nov. 24, 1995, at 31 (noting the casualty rate for Black males is twice that of the American soldiers during World War II).

99. See GOSPEL CHOIRS, *supra* note 2, at 188-202. To further illustrate the division between Black males and females in their perceptions of sex roles and gender equality, Bell addresses the sensitive issue of Black sexuality, its myths and place in relationships. *Id.* He suggests the creation of educational programs in schools to inform young people about the principles of gender equality and prepare them for the demands and rewards of marriage. *Id.* at 199. Bell also suggests the dissemination of similar information through Black men and women support groups. *Id.*

100. bell hooks, *When Brothers Are Batterers*, ESSENCE, Sept. 1994, at 148. Recent FBI statistics indicate a woman is battered in the United States every nine seconds and nearly half of all women murdered are killed by their husbands. Nancy Cleeland, *Domestic Violence Issues Highlighted at Legal Workshop; Abuse: Law Students Hear from Those Who Deal With Victims and Perpetrators*, L. A. TIMES, Apr. 13, 1997, at B3. Approximately 3.3 million children are exposed to domestic violence every year. *Id.* According to the March of Dimes, domestic violence is the leading cause of birth defects. *Id.* Despite these statistics, domestic violence continues to remain unnoticed by society. For example, the repeated incidents of spousal abuse by O.J. Simpson during the period prior to the death of Nicole Brown Simpson attracted media coverage and public concern only upon the murder of Ms. Simpson. See Bentley Orrick, *Spouse abuse victims gaining clout in court*, THE TAMPA TRIB., July 17, 1995, at 1 (referring to the slaying of Nicole Brown Simpson as the "most celebrated case of alleged domestic violence in the nation's history . . .").

101. GOSPEL CHOIRS, *supra* note 2, at 157.

102. See Margaret B. Wilkerson and Jewell Handy Gresham, *Sexual Politics of Welfare: The Racialization of Poverty*, THE NATION, July 24, 1989, at 126 (discussing the effects of poverty and Black female-headed households).

automatically excluded from partaking in the benefits and rewards of the economic system, and are prevented from meeting this basic definition.¹⁰³ In reality, such deeply entrenched notions of the ideal family may not be as easy to eliminate, at least in the short run.¹⁰⁴

Finally, although the treatment of sexism and patriarchy is not a problem exclusive to Blacks, it is especially pertinent for consideration in building up the Black race. The elimination of sexism in the Black community will also be difficult. The national media continues to contribute to the prevailing misconceptions of sexism in its portrayal or downplay of the significance of females, their contributions to society and self-worth.¹⁰⁵ Black television sitcoms, the lyrics of rap music, and music videos also provide additional opportunities for sexism to thrive.¹⁰⁶ Unfortunately, any gains made internally by Blacks in the areas of gender equality are likely to be quickly engulfed by the magnitude of the problems of sexism and patriarchy in the majority population.

103. *Id.*

104. For example, there is a notion that Black female-headed households are "destined for poverty, not because of the absence of economic means but because of the absence of the male. (Unwed mothers who happen to be affluent are sometimes dubbed 'bachelor mothers' to distinguish them from this group)." *Id.*

105. Bell recognizes the power of the media as he discusses the NAACP and civil rights strategists' failed attempts to eliminate the "Spector of Calhoun," even after a successful campaign to have the "Amos 'n' Andy" radio and television show discontinued. *Id.* at 49-59. See also *Soapbox*, THE MONTGOMERY ADVERTISER, July 15, 1996, at 9A (where an Associated Press story in the July 7th Advertiser concerning the Huntsville Municipal Court repeatedly referred to presiding Judge Stephanie Wordahoff as "Ms. Wordahoff" instead of "Judge Wordahoff"). Evidence of sexism can also be found on the Internet. Frank Ruiz, *Breaking down the Internet's gender wall*, THE TAMPA TRIB., June 7, 1996, at 8. For example, model and television star Pamela Lee Anderson's photo is the most popular on the World Wide Web and two of the top twenty-five Web sites are home pages for Penthouse and Playboy magazines. *Id.*

106. The media has contributed in undermining attempts to eliminate notions of sexism by fostering the myth of the Black "superwoman." Heidi Mirza, *Superwoman Shot Down*, THE GUARDIAN, May 27, 1992, at 33. Implicit in this is the idea that Black females are more successful than Black males, when in reality, the myth is based on a failure to acknowledge that Black men are often locked into limited areas of the labor market where there is less opportunity for educational mobility than in the areas that are open to Black women. *Id.* Such myths continue to undermine the political and social cohesion of the Black community by suggesting one sex is superior to the other. *Id.* In 1994, Representative Cardiss Collins, D-Ill., chairperson for the House Subcommittee on Commerce, Consumer Protection, and Competitiveness, called for hearings before Congress to investigate the production, sale, and distribution in interstate commerce of rap music with offensive lyrics. Bill Holland, *House Panel to Examine Rap*, BILLBOARD, Feb. 19, 1994, at 1. During those hearings, she acknowledged that Black women are "infuriated by the demeaning lyrics of this music that glorify sexual harassment, sexual abuse, rape, and murder of women." *Id.*

III. LOOKING BEYOND THE MUSIC: THE VALUE OF A GOOD STORY

A. *Storytelling*

Bell is not the only law professor to use narrative or storytelling as a means for examining racial issues.¹⁰⁷ The narrative or storytelling approach has recently become popular through the writings of critical race theorists.¹⁰⁸ In the past decade, many professors have utilized storytelling as an appropriate medium to discuss racial issues and concepts that may not be as easily discernible through traditional conventions of legal analysis. In fact, several Black law professors in addressing issues of race, have used this medium of discourse as a means to reach an even broader audience than that for traditional legal scholarship.¹⁰⁹ Others have relied on storytelling because of its ability to transcend the barriers of "well-entrenched rules of form—rules which themselves are said to compliment well-entrenched rules of substance."¹¹⁰

Bell is no exception. In *Gospel Choirs*, Bell once again retreats from using complex legal analysis or jargon to using storytelling as a more flexible and appropriate medium for discussing issues involving racism and sexism. To illustrate his reasons why Blacks are in a crisis and some of the internal problems that divide the Black community, Bell combines his personal experiences, fictional situations, gospel music and a host of minor characters to take the reader through a non-traditional analytical process that ultimately leads back to a theme he has articulated in the Prologue.¹¹¹

A major criticism of the use of storytelling involves the use of fiction instead of facts, especially when the facts alone are deemed sufficiently alarming to alert the reader of the message.¹¹² This ar-

107. See, e.g., Richard Delgado, *Storytelling for Oppositionists and Others: A Plea for Narrative*, 87 MICH. L. REV. 2411 (1989) (examining racial issues through the use of storytelling).

108. See generally RICHARD DELGADO, *THE COMING RACE WAR?* (1996); RICHARD DELGADO, *THE RODRIGO CHRONICLES* (1995); PATRICIA WILLIAMS, *THE ALCHEMY OF RACE AND RIGHTS* (1991); Charles Lawrence, *The Word and the River: Pedagogy as Scholarship as Struggle*, 65 S. CAL. L. REV. 2231 (1992). But see Daniel A. Farber & Suzanna Sherry, *Telling Stories out of School: An Essay on Legal Narratives*, 45 STAN. L. REV. 807 (1993) (discussing criticism for the use of narrative by critical race scholars).

109. See generally JUDY SCALES-TRENT, *NOTES OF A WHITE BLACK WOMAN* (1995); WILLIAMS, *supra* note 108.

110. W. Frank Newton, *A Different View: An Invitation For Community Response to the Continuing Problem of Discrimination*, 24 TEX. L. REV. 1137, 1139 (1993).

111. See *GOSPEL CHOIRS*, *supra* note 2, at 1-16.

112. See Dennis Persica, *Sing It Loud, Sing It Strong*, TIMES-PICAYUNE, Aug. 18, 1996, at E6 (criticizing Bell's use of a fictional riot in modern-day

gument seems to really revolve around the establishment of credibility or a sense of legitimacy with the reader. It also revolves around the audience the author attempts to reach. If Bell's goal, as articulated in the Prologue, is to provide a clear warning to Black Americans, then the use of storytelling, a mode of discourse that is well-rooted in traditional African culture,¹¹³ is an appropriate and effective way of communicating.¹¹⁴ In contrast, if Bell is really concerned about broadening his constituency of readers, then a complete reliance on storytelling might lose those readers who are unfamiliar with its use and are expecting more traditional modes of discourse and scholarship. Also, an overuse of fiction may result in distracting the reader from the real theme. In *Gospel Choirs*, Bell tends to align more closely with the latter than the former.¹¹⁵ An equally effective approach might be to return to more of a balance of fiction and fact as was used in *Faces at the Bottom of the Well*.¹¹⁶

Furthermore, another critical factor associated with the use of storytelling is the relevance of the stories. Those stories that tend to be within the reader's intellectual and physical spheres of comprehension are likely to be the ones that are the most effective. For instance, Blacks and Whites tend to have different perspec-

New York City when the author believed the historical account of race riots in America would be "eye-opening enough"). See also Paul Reidinger, *Spinning Yarns: Academics Ponder What Trial Lawyers Already Know—The Value of a Good Story*, 82 A.B.A. J. 102 (June 1996) (where the author, in reviewing *Gospel Choirs*, states: "Putting a human face on a legal problem can breathe life into it. But the matter at hand is still reality, and our only hope of managing that is by way of reason").

113. See HENRY LOUIS GATES, JR., *THE SIGNIFYING MONKEY: A THEORY OF AFRO-AMERICAN LITERARY CRITICISM* (1988) (discussing the relationship between the African oral tradition, the Afro-American vernacular and the Afro-American literary tradition).

114. Writer and poet, bell hooks, has articulated the frustration experienced by Black writers concerning White dominance of the recording of matters pertaining to race relations in the United States. BELL HOOKS, *YEARNING: RACE, GENDER, AND CULTURAL POLITICS* 11 (1990). She states:

[a]t times, even the most progressive and well-meaning white folks, who are friends and allies, may not understand why a black writer has to say something a certain way, or why we may not want to explain what has been said as though the first people we must always be addressing are privileged white readers . . . And [yet] every black writer knows that the people you may want to hear your words may never read them, that many of them have never learned to read.

Id.

115. See *supra* note 77 for an example of fiction becoming a reality. Chapter 8, "Nigger Free," is the only chapter in which Bell expressly combines historical facts and evidence with fiction to support his point. *Id.* Although he combines the two in many of the chapters, it may not be as obvious to the reader.

116. The reader is reminded, however, that one reason behind the use of narrative and storytelling is to reach an audience outside of the traditional realm of readers.

tives on issues involving race.¹¹⁷ Therefore, although the meaning of a story or narrative involving a common experience for Blacks may be easily discernible by Blacks, it may not be as easily decipherable by Whites.¹¹⁸ As a result, many non-Black readers may miss the significance. Once again, however, this will depend on the audience Bell intends to reach.

B. Salvation In Gospel Music

Finally, Bell suggests gospel music may be the "much-sought link" that can unite people of this nation across barriers of race, color, class and creed.¹¹⁹ He believes the optimism found in gospel music could provide Blacks with the insights to comprehend, the courage to confront and the wisdom needed to find new solutions.¹²⁰ Actually, Bell has questioned this and has found no "logical" explanation or facts to support it.¹²¹ Therefore, one could argue this premise is no more than "a simplistic and unrealistic solution that only fosters false optimism."¹²² However, Bell quickly retreats back to the "spiritual" and to a tool used by critical race theorists for the answer: "experience."

Bell contends gospel music has helped Blacks overcome the "most invidious system of slavery the world has ever seen."¹²³ He further asserts that if gospel music was able to sustain Blacks during that period, a valid deduction would be that it could certainly sustain Blacks during periods of severe economic distress.¹²⁴ In the Prologue, Bell develops a brief history of gospel music and the reliance on it by Black slaves for survival.¹²⁵ Bell's premise is correct to the extent that gospel music has a "transcending" power that cannot be explained through logic. History has indicated the reliance on the spirituals during slavery, and the hymns during the civil rights movement were critical in providing Blacks with

117. See *supra* note 85 for a discussion of the Gallup Poll highlighting the split between Blacks and Whites in their perceptions of racial issues.

118. See Oliver A. Smith, *Gospel Choirs: Psalms of Survival in an Alien Land Called Home*, N.Y. L.J., June 14, 1996, 2 (book review). Smith fails to see and appreciate the significance of Bell's use of the "Electric Slide" dance in Chapter 11 ("The Electric Slide Protest") and states: "[t]his premise . . . is stretching the imagination to a place where imagination is alien . . ." *Id.* This may also be a concern for those readers who are not familiar with gospel music and who may miss a subtle, yet implicit message through Bell's selection and use of specific epigraphs of gospel songs and hymns to begin the chapters.

119. See GOSPEL CHOIRS, *supra* note 2, at 203-16 (illustrating the healing, unifying and transcending power of gospel music).

120. *Id.* at 1-16.

121. *Id.* at 11.

122. See Smith *supra* note 118, at 2 (reviewing *Gospel Choirs*).

123. GOSPEL CHOIRS, *supra* note 2, at 11.

124. *Id.* at 1-5.

125. *Id.*

the courage and stamina to persevere.¹²⁶ Recent scientific studies and congressional inquiries also support Bell's view that music has the power to directly influence and alter human behavior.¹²⁷ Bell's message, although simple, is powerful. He envisions gospel music, or the faith inherent or created by it, as a form of inspiration that can be successful in helping Blacks overcome the perils ahead. Faith cannot be explained by logic, nor does it have to be. In short, "[t]he impossible [could easily become] another name for challenge."¹²⁸

CONCLUSION

Overall, Bell is effective in presenting and addressing very sensitive racial issues in a way that challenges the reader, while not being so devastating as to cause the reader to deny racism's existence or to surrender to its inevitability. Although Bell's message and use of gospel music are not novel, his advice is relevant not only to Blacks, but to society as a whole. Bell has begun to consider issues of sexism and patriarchy as ones that cannot be easily separated from race and must be dealt with before tackling the larger issue of racism. Bell, however, stops short of providing concrete ways, other than through education, for attacking these issues. Unfortunately, any attempt to educate Blacks of the divisive effects of sexism and patriarchy in the Black community will likely be undermined by the media's negative portrayal of women and its continual broadcasts of Black stereotypes.

Finally, although Bell limited the focus of *Gospel Choirs* to the rebuilding of Black communities through the elimination of

126. *Id.*

127. See Tim Wapshott, *Computer Games and Pastimes*, THE TIMES, Mar. 1, 1997 (discussing the effects of classical and pop music on intellectual ability). Dr. Gordon Shaw of the University of California's Physics Department has recently found college students who listened to classical music such as Mozart's sonatas for ten minutes prior to taking standardized I.Q. tests, scored higher than they had on previous I.Q. tests, as compared to those who were not exposed to the music. *Id.* Research also indicates listening to pop music can increase one's speed and quality of response to problem-solving. *Id.* Finally, a nationwide concern for the effects of the lyrics of "gangsta rap," on the country's youths have prompted special hearings before Congress. See Testimony by Congresswoman Maxine Waters Before the Subcommittee on Juvenile Justice of the Senate Judiciary Committee, Wash., D.C., Feb. 23, 1994. "Gangsta rap" is a form of rap music with lyrics that graphically depict sex and violence. See generally A. Phillips Brooks, *Pro-Family Group Wants Texas Education Fund To Divest of Disney Stock*, COX NEWS SERVICE, July 1, 1997 (discussing a recent state measure to prohibit state agencies or boards from investing in businesses that own ten percent or more of a company that records or produces gangsta rap). The music often glamorizes violence or street gang activities, and sexual assault. *Id.*

128. *Id.* at 183. See *supra* note 45 for a discussion of several possible solutions, resources and considerations in developing a strategy of attack.

sexism and patriarchy, an equally compelling issue to be considered is the "effect" of racism on Black self-esteem, and more specifically, the self-esteem of the Black male.¹²⁹ Critical to addressing this issue are the development of ways to reprogram how Blacks view themselves and their own self-worth. Although this was not a major concern of Bell's in *Gospel Choirs*, he alluded to it in *The Space Traders* sequel when Blacks, despite the country's abuse and discrimination against them, still remained committed to return to the United States. This is not a criticism, however. In fairness to Bell, the psychological effects of racism are too complex to be handled in a single chapter or narrative. Perhaps, Bell will further explore the "crippling" effects of racism on its victims and provide enlightenment on this issue as a prerequisite to even dealing with the issues of sexism and patriarchy that continue to divide the Black community.

129. The low self-esteem of Black males can be directly attributed to society's treatment of their foreparents as "property" during slavery and as second-class citizens immediately following the Reconstruction period. See e.g., *SAVED*, *supra* note 3, at 34 (discussing specific constitutional provisions that refer to the status of African slaves as property); *id.* at 89-94 (discussing societal limitations on Black suffrage).

