

## **Breaking Silence with Ourselves: Stepping out of Safe Boundaries**

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Richard Delgado & Jean Stefancic, *Failed Revolutions: Social Reform and the Limits of Legal Imagination*. Boulder, CO: Westview Press, 1994. xix+207 pages. \$55.00 cloth; \$22.95 paper.

*You don't know, do you?  
... Privilege is like that.*<sup>1</sup>

This book, as the authors say, is about “the array of preconceptions, meanings and habits of mind that limit and frame our possibilities” (p. xvi). It is about how law and social institutions define the frameworks and create the limitations against which reformers struggle. It is also about confronting privilege, its illusions and seductions and curses, in a personal as well as in a public way. Methodologically, what Delgado and Stefancic do is tell readers what they see and invite them to join in the quest for explanations; they suggest theories about the origins and continuing spread of social injustices and then challenge readers to respond. Theirs is a simple strategy, but one of the reasons it is successful in provoking reader response is that the authors bring to the task uncommon powers of observation. We catch glimpses of what they have discovered as they paused in their unconventional wanderings, peering between cracks in the marble of long-standing “progressive” institutions, sifting through the dumpsters behind the stately academic facade, sneaking a peek or two under the welcome mats of liberals’ residences. For those who by inheritance or drift find themselves trusting in the security of grand institutions, beliefs, or self-esteem, *Failed Revolutions* is a reminder that a movement requires movement and that change will hurt; for those who have lived in the shadows of grand institutions, ideologies, and egos, *Failed Revolutions* is an affirmation

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<sup>1</sup> Sedillo Lopez (1994), “On Privilege.” Portions of Professor Sedillo Lopez’s poem appear throughout this review with the author’s permission. The poem is reprinted in its entirety as an appendix to this essay.

of struggle, knowledge, community, and hope. Despite its sometimes sprawling character, the book, on the whole, achieves at least one of its intended purposes: to demonstrate that once the dirt and the garbage, the structural weaknesses, and the pestilent infestations are exposed, we can never look at even the oldest and most imposing institutions in quite the same way again.

Delgado and Stefancic divide their book into four parts. Part 1 deals with failures of imagination or, perhaps more accurately, failures of expression. The three chapters in part 2 address problems associated with the failure to listen to outsider voices. Parts 3 and 4 explore what happens when reforms begin to gain momentum and fear sets in. Each chapter in the book looks at a particular barrier to the achievement of social reforms. To varying degrees and with varying persuasiveness, the authors rely on case studies, statistical analyses, secondary resources, and anecdotal evidence to support their hypotheses.

In this review, I follow the book's organization and examine each of the four parts in brief, focusing, as the authors do, on both text and subtext. This has not been an easy task. The diversity of subject matter and unconventionality of style in the book defy simple description and analysis along traditional lines; moreover, and perhaps more important, the nature of the challenge posed by *Failed Revolutions* demands more from a reviewer than conventional description and analysis. The challenge is to see what is often invisible, to communicate in unfamiliar languages and styles, to recognize the true significance of both silence and screaming, and to do something with the knowledge gained through these experiences. In an effort to respond to that challenge, in this review I interweave personal reflection with analysis and description.<sup>2</sup> My goals in doing so are, first, to provide motivation to readers to explore the book and second, to encourage readers, by first attempting myself, to break with academic traditions and push beyond the barriers of cultivated understandings and assumptions about difference, justice, and reformative action.

*Can't see the pain—  
of demeaning, humiliating shame—you ask,  
why are they so angry?*

Delgado and Stefancic take a look at the roles speech and linguistic classifications have had in reform movements. Specifically, they focus in chapter 1 on popular images of American cultures of color, in chapter 2 on some of the more "shocking" opinions to have issued from the U.S. Supreme Court, and in chapter

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<sup>2</sup> A byproduct of this effort has been that at times it is difficult to separate out in the text, or even in my mind, what the authors have said in their book, explicitly or implicitly, from what I have inferred or learned from their writing. This, for me, creates the interweaving effect in the review.

3 on legal-academic indexing systems. While giving the First Amendment's guarantee of freedom of expression its due (p. 3), the authors point out both its limitations and the dangers of expecting too much from its protections. In essence, they state, the "belief that we can enlarge sympathies through linguistic means alone," that we can "think, talk, read, and write our way out of bigotry and narrowmindedness," is dangerously naive (p. 4).

In drawing attention first to some blatant examples of stereotyping<sup>3</sup> and then to Supreme Court decisions that are almost universally condemned,<sup>4</sup> Delgado and Stefancic prod us to pledge allegiance to our liberal ideals and enlist our sympathies in the "good" fight for justice and equality for all. When they demonstrate how difficult it is for lawyers to perform so routine a task as legal research because the very categories under which cases are indexed exclude relevant topics and meaningful words,<sup>5</sup> they gain our assent to the cause of expanding consciousness. The strong ego-protective desire to say, "I am not a bigot, I didn't do that; not me, never me," is what assures this.

Yet it is this same self-protective urge that is the real target of Delgado and Stefancic's crusade. They suggest that if we, in our pride, subscribe too easily to the notion that "they" are stuck in their perspectives, that "they" are creating language, stories, and categories to delimit and devalue others, then *we* are probably stuck as well. Our pride and fear, masked as enthusiasm for reform, are what lead us to insist that we are among those who can now see. Like the emperor with his new clothes, we long to cover our shame, to look good in the eyes of others, but to do so with minimal self-reflection. Thus, we make claims to change without ever really moving, or even noticing, boundaries, engaging in no effort to seek out different stories, and all the while using words—the very words that could transform—merely as decorative diversions.

Delgado and Stefancic diagnose this as a failure of imagination. What they note is the apparent inability of people to detect what is there to be sensed, to overlook the smooth brass lamp buried in the dust. At the same time, they decry our failure to identify covert harmdoing and, accordingly, our tendency to allow hate and injustice to thrive. One reason this happens, they aptly demonstrate, is that most cannot see beyond the crude con-

<sup>3</sup> Among the images in popular culture noted by the authors are black males portrayed as beasts in such films as *The Birth of a Nation*, Native Americans portrayed as "noble savages" in movies and television shows, Asians depicted as inarticulate and bumbling, and Mexicans depicted as cruel and thieving (pp. 5–13).

<sup>4</sup> The cases (discussed on pp. 25–35) include *Dred Scott v. Sanford* (1856), *Korematsu v. United States* (1944), and *Buck v. Bell* (1927).

<sup>5</sup> One example explored by the authors (p. 46) is the situation in which a lawyer seeks to research an issue of discrimination against a black woman; two categories (race discrimination and gender discrimination) are available, but there is no category dealing with the particular (or any specific) intersections of race and gender.

tours that time and culture erect. The conceptualization of the Anglo woman as weak and dependent, for example, gets touted in popular drama, or in an advertising scheme, and quickly gets adopted by the commonweal as a thing worth striving for. Or images of powerful people show them to be in possession of truth or unassailable logic or strong words, and viewers of the images thereafter long to possess those same things, the symbols of belonging or success. Not too surprisingly, Delgado and Stefancic report, academics, professed social reformers, and judges are no more immune to the inclination to dream the common dream than is anyone else. They—and we—neither imagine anything different nor recognize the readily available images as being themselves products of imagination, products that have the backing and stability of powerful investors.

The problem is probably not solely, however, as the authors suggest, complete lack of imagination. It is also, to some extent, misdirected or undeveloped imaginations and, to an even greater extent, obstructed imaginations. Initially, what fires the imagination may be the bright and shining object, the thing that we want to touch or have; but what ultimately stimulates creative imagination is the desire to be this person or that person, to assume an identity that turns the *self* into a bright and shining object. Imagination is thus tied into ego. Curiosity about the thing may pique interest, but it is not simply a desire for the thing, but a desire to be *the holder* of the thing that motivates action. For that we need role models, people who show us how to achieve and how to behave. The impact of what we see in others on what we imagine our future selves to be is enormous. Diversity is thus essential to insure a wide range of desirable images with which people can identify and from which they can choose to emulate. Counternarratives perform the reality-testing function and are equally important. Without them, a creatively formed ego develops unchecked and acts without regard to anything approximating the truth.

When Delgado and Stefancic speak of the failure of imagination, therefore, the failure must be ascribed primarily to the powered and privileged who have the resources to manufacture and mass-market imagery in the social realm. However great and inspired the imaginations of subordinated people, the ability of those subordinated people to realize the ambitions of their imaginations will be, to some degree, frustrated by the overwhelming presence of the culturally constructed power dome. While imagination can serve the oppressed, for example, by sculpting alternative role models or generating counterstories and thereby allowing partakers to transcend cultural constructions, this is no ultimate solution. Transcendence does not signify acceptance. Creative activity serves to illuminate the ways in which restrictive boundaries are both real and imagined, and the boundaries—

whether imagined or not—will disappear only when those inside as well as out are willing and able to transcend. It is thus little wonder that “they,” the tellers of counternarratives, the purveyors of underrecognized behavioral models, are so angry.

*Can't hear the voices—  
of others who are different from you  
they don't make sense.*

The favorite joke of my mother, an Irish Catholic, was about a Baptist who had just arrived in heaven and was being shown around by an angel guide. “The cloud formation over here is a children’s playground,” said the angel, “and around this sunbeam you can see the Heavenly Theater. Down that windy tunnel is where you’ll go to get fitted for wings. The starway on your right leads to God’s castle.” “Amazing,” said the new arrival, “and so beautiful. I’m sure I’ll be very happy here.” The angel and the dearly departed then continued along in silence, until they came upon a huge stone enclosure. “What’s that?” asked the Baptist. “Oh, that’s where the Catholics stay,” said the angel. “They think no one else is up here.”

In part 2, Delgado and Stefancic draw a picture of people gathering together with others who are in some way like them, joining together first perhaps to share, but ultimately forming tight circles as if to forestall invasion. As a result, the members of the circle, like the Catholics in my mother’s story, hear and speak only to each other and become prone to the illusion that no one else inhabits the world. Chapter 4 is Delgado’s “The Imperial Scholar,” a painful critique of legal academic scholarship revisited (originally published in Delgado 1984). In the years since he first documented the propensity of the legal academy’s white, male inner circle to rely on and cite almost exclusively to each other, it appears little has changed. The number of outsider voices has increased, the appearance of outsider jurisprudence in leading journals has become fairly commonplace, yet the evidence suggests that the work of feminists, critical theorists, and different-perspectives authors is “still not being integrated fully or easily into the colloquies, exchanges, and dialogues of legal scholarship” (pp. 64–65).

Similarly, law journal symposia, which have proliferated in the last decade, are, according to Delgado and Stefancic, demonstrably exclusionary. Bearing the insignia both of philosophically synchronized bands of adherents and of communities of experts, symposia authors possess and control a particularly vigorous brand of authority. They are perceived as being—and hence often are—at the forefront of struggles to determine commonly accepted meanings and values.<sup>6</sup> The segregation of different,

<sup>6</sup> Delgado and Stefancic see symposia as part of a “quest for order, for agreement—for communities of meaning” (p. 72). The image of solidarity that emerges from sympo-

though not necessarily conflicting, viewpoints stabilizes the existing configurations of margins and center.

Finally, Delgado and Stefancic confront the conflicts over pornography, using them as a way of demonstrating how “prophets” often are not heard or are misunderstood. They theorize that because we are steeped in our inherited rhetoric and understandings, we fail to see the evidence pointing to other understandings, label what we do by happenstance see as “bizarre,” or translate unfamiliar language and logic into familiar patterns and meanings (pp. 86–89).

The point the authors make in this section is that the human tendency to create community is also the human tendency to resist opening the gates of a community, once formed, to outsiders.<sup>7</sup> Even when those knocking at the gates or shouting from the parapets are noticed, they are ignored. It is easier and feels safer to live with one language, one inalterable set of standards, one “correct” interpretation of a given text. We don’t have to respond to what we don’t hear. Nonsense, moreover, however loud or poetically styled, is still nonsense, and merits no response. Insiders, preferring the calm of predictability to the moodiness of challenge, can protect themselves by building bigger and better enclaves, by activating white-noise mechanisms to keep distracting background voices out of consciousness, and by projecting confusion onto any system of language or logic that does not conform to existing, if badly outdated, operations.<sup>8</sup>

The idea of insider oblivion that the authors develop has a comfortable ring to it. It bears examination, however, not because it is wholly untrue but because it is itself a product of our cultural intellectual habits. The message implicit in the metaphors of insiders, outsiders, barred entryways, and knocking at the gates is that there is a safe and comfortable inner circle which those inside do not want to leave and those outside are clamoring to get into. While Delgado and Stefancic’s explorations of academic and social institutions make it hardly debatable that

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sia which include the same voices over and over and only occasionally voices representing new or different perspectives reinforces the exclusion of other perspectives.

<sup>7</sup> Delgado and Stefancic seem to make this assertion with regard to a community of power elite, but a similar claim could be made with respect to outsider communities. The reasons various groups have for closing off entryways may be different, or they may be the same. As one of my friends asked after reading my mother’s Catholic joke, in the parlance of Delgado and Stefancic, are the Catholics insiders or outsiders? I have no good answer to this question, not knowing, in a context that is imagined and therefore unfamiliar, who has the power over and access to things of value, or even whether such concepts have any meaning in the context of “heaven.”

<sup>8</sup> In chapter 4, the authors identify a number of ways in which mainstream scholars dismiss or shout out nonconforming perspectives, from ignoring new scholarship to crediting insiders with new theorists’ ideas. The law review symposia discussed in chapter 5 are a good example of how “imperial scholars” create new havens when former ones have been opened to too many newcomers. Using the example of pornography, the authors show how facts can be constructed and arguments can be built to compete with newer voices and to distract the attention of potential listeners.



there exists a fortress of dominance occupied by a privileged few, it would be erroneous to assume that all insiders are content and longing to stay or that the goal of all outsiders is to be accepted into the bosom of this most visible and well-resourced community.

Although not the position that Delgado and Stefancic take, this merits some clarification. The problem they most clearly identify is that insiders, the people who get the invitations to write and speak, and have the language of law and logic under control, are blind to their own situation. For those of us who have lived with financial security, whiteness, physical ease, the keys to schools, courts, and health care facilities in our pockets, and who have been surrounded by images of experiences roughly similar to our own, the walls of the fortress are as much a part of the landscape as the rivers and the stars. If we stop to ask why they are there, the question is often a metaphysical musing, evidence more of leisurely time for reflection than of any need to claim identity or the right to prosper or even survive. Delgado and Stefancic capture this view of insiderness quite well.

Less clearly drawn in the authors' portrait of dominance and exclusion are the images of people outside the central structure who live in highly developed communities of their own, who contribute to the greater community and may be seeking recognition for that. There are other outsiders who sing in affirmation of their achievements or demand only to be left alone. There are, in addition, insiders who feel confined by their particular brand of privilege, who may be keenly aware of the sufferings and struggles of those on whom the inner circle imposes its will, who value the skills and talents of those who have been excluded from the dominant circle, and who want to learn. The present system will be maintained not only if the gates to the fortress prohibit outsiders from entering but also if they lock insiders in.

The roles and actions of these other players, although not the primary focus of this section, are important to the discussion Delgado and Stefancic have begun. Assuming, as the authors do, that reforms involve both insiders and outsiders, that the distinctions between outsiders and insiders are not always clear,<sup>9</sup> and that neither group, however distinct, is homogeneous, a preliminary question is, What is the aim of social reform? For some, on the outside, the goal is to be accepted by the inner circle; for others, the goal is recognition of other communities and a redistribution of resources to allow for their development. Some of

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<sup>9</sup> The authors assume an audience with common intentions and thus, when looking at institutions like the courts and the mainstream media, use "we/they" language. At the same time, they recognize that their constituency of readers represents many communities, some of which are privileged and some of which are not. Thus "we" may well be struggling to dismantle the same external barriers, but each of us engages in an individual struggle to recognize and break through personal, internalized barriers.

those securely housed on the inside want out; they may want to feel a part of other, less powerful communities, or they may seek the decomposition of all boundaries. What is important is that these groups represent some of the many perspectives *Failed Revolutions* begs us to see; and the multiple perspectives are important because they direct us to clarify goals and functions, a clarification that is essential to the work of social reform.

Even when goals of reformers are the same, the barriers faced by insiders and outsiders are not generally the same. Reformers of traditional privilege who confront their own privileged countenances are dealing with a different kind of demon than reformers who come face to face with their oppressors; the struggle to break out of the naiveté of privilege has a very different character than the struggle to break out of the experience of deprivation. In both situations, the aim may be to cross boundaries, but the particular tools and skills needed to do that are not the same, and the risks are not the same.

This, of course, merely underscores the point Delgado and Stefancic are trying to make. The conflicts inherent in boundary crossings, fortress stormings, and community building are many. They note both that “All discourse marginalizes” (p. 65) and that “Perhaps community and exclusion are inextricable” (p. 80). Despite the coping mechanisms they identify that result in resistance to change, however, they obviously see enough hope to find it worthwhile to expose those mechanisms and entreat us to be wary.

*Can't feel the sun—  
of knowing your presence will never be questioned  
you belong.*

The three chapters that comprise parts 3 and 4 of *Failed Revolutions* examine the fear factor in reform movement resistance. The theme of chapters 7 and 8 is that those we hail as “saviors,” more often than not, dictate a course of moderation that inhibits the very progress they claim to be pushing for. As an example of this, the authors describe an environmental reform movement which in the late 1960s had reached a point of public acceptance and whose proponents were fumbling for direction. It was then that an influential article on the public trust—the holding of lands by governmental agencies—came into vogue. The article came to be seen by many as the salvation of the environmental movement. Delgado and Stefancic argue that although the public trust “solution” prevented a wholesale repeal of advancements in the environmental movement, it also stalled the progress of the movement to a near standstill (p. 103).

In the next chapter, the authors go on to discuss more generally the dangers of resorting to and relying on “objectivity” as a standard of review. They identify the seductive illusion of objec-



tivity, well documented in critical theory, as a primary tool in the marginalization of reformers and in the compromise of ideals. The last chapter of the book focuses on what happens at the highest levels of power and authority when, despite the many efforts to squelch change, a reform movement continues to gain momentum. Here, the authors track increasingly hostile forms of critique that parallel advancing strides in reform movements, beginning with mildly humorous scorn and culminating in personal attacks on the movement's participants. The examples given of carefully sculpted yet abusive language appearing in the pages of court opinions and of the nation's eminent newspapers and magazines reinforce other images in the book of deeply embedded hierarchy.<sup>10</sup>

In these three chapters, the authors capture the flavor of some common defensive reactions, specifically, condescension, patronization, and hostility. The discussion about objectivity implies that there has been some acknowledgment of exclusion and thus the need to justify that. Delgado and Stefancic use three examples to make the point that it is people in power who invoke an "objective standard," but the language of neutrality and fairness convinces not only the power elite themselves, but the people against whom such words discriminate, of the correctness of decisions favoring the more powerful.<sup>11</sup>

A second reaction to social reform the authors describe is, in its best light, a compromise and, in a less flattering light, a form of patronizing. The enthusiastic reception given to a moderate solution is a "partial revolution" (p. 103) that satisfies those in power and those who want what's "right" but don't want to get caught in the waves of change. Returned to the comfort of a justice-conscious identity and a familiar, if slightly modified, citadel, wanna-be reformers are quick to grasp what Delgado and Stefancic term the "'once-done' fallacy—the belief that a problem once addressed is solved, and that once solved is solved forever" (p. xvii).

The authors leave us in the last chapter with a view of the nastiness of power feeling cornered. When a movement, despite everything, begins to make inroads, walls of reason-speak tend to erode and emotions—anger, fear, and even hate—emerge. The examples of scorn in this last chapter show thinly veiled hostility and demonstrate more clearly than any other part of the book the "fear of extinction" that Delgado and Stefancic hypothesize is the motivation for resistance to reform.

<sup>10</sup> Justice Holmes's infamous statement relating to the mandated sterilization of the mentally disabled that "Three generations of imbeciles is enough" (*Buck v. Bell* 1927:205) is cited as one example (p. 120). Many insults to attorneys filing civil rights claims are reported (p. 123), as are many more subtle criticisms. The authors also include a number of quotes from publications like the *New Republic* and *Commentary* to illustrate their point.

<sup>11</sup> In fact, the terms Delgado and Stefancic employ are considerably stronger than this suggests: they claim that we are being "gulled, manipulated and duped" (p. 105).

The fears that are described in these last two sections of the book thus have a particular character to them. They are fears associated with power and status; either, and most often, people are afraid of losing the privileges they now have, or people fear the loss of the opportunity to possess them. The message that is sent repeatedly to reformers is: We understand your feelings/concerns/needs, but since they are subjective/extremist/idiotic, We cannot (although We feel sorry for/sympathize with/pity you) allow you to prevail. It is, however, more than the content of the message that reinforces the very notion of hierarchy and hierarchy's existing configuration; it is the fact that the message springs not only from the courts and the media but from our appointed saviors and from our own ambivalent other-selves. We hear, and often resist, the impositions from without but too often ignore the voices of hierarchy and prejudice from within.

The fear, therefore, does not get identified as such because, for many, that would invite a search for its source, a search that could transport us inside ourselves. Insiders who are blind to the existence of an enclave of privilege and outsiders to whom that enclave is highly visible are perhaps equally likely to internalize it as a paradise of self-worth. These are family secrets that few have the will to hear and fewer have the courage to speak of. Closer examination of the structure that so dominates our lives, our identities, and our expectations can be terrifying because it can lead each of us to question whether there is *any* place where the sun is sure to shine. Furthermore, too much contemplation might shake our belief that we can guarantee ourselves a space there, either by right or by merit, through hard work or by magic token.

*You only notice privilege  
when you don't have it.*

In their introduction, Delgado and Stefancic identify as the problem they want to address the failed efforts of well-meaning and motivated social reformers to accomplish real reform. They identify as their audience the frustrated agents of social change, and despite some skepticism about its feasibility, they identify as a goal social change itself (pp. xv–xvi). The authors conclude that the only real solution to injustice is a “change in consciousness—in the way we look upon self, risk and reform” (p. xvii). This, they allege through the examples and stories that fill the book, is precisely what most of us say we want but don't.

A book like this can be picked apart fairly easily. The questions the authors pose—questions such as, How could they do that? Why should I change? What can we do?—are often too big to be answered. They give what could be considered surface treatment to some very complex subjects like pornography, objectivity in analysis, and the public trust doctrine of environmen-

tal law. Too often, they make arguments by assertion, with less than exhaustive detail to support their positions. Experienced activists, especially outsider activists, may discover new information here but little that sparkles with new insights. Thus, substantively, on law and social analysis, the book might best be used as a primer in law and social theory for undergraduates or first-semester law students.

But criticisms of this nature both miss the point of the book and fall into the very traps the authors seek to expose. There is much here for the more experienced, more critical, more sophisticated reader if the discussion is accepted for what it is: a series of provocations that induce in response little acts of courage and great commitments. The provocations are scattered like needles throughout the book: "Racism is not a mistake, not a matter of episodic, irrational behavior," the authors assert, for example (p. 20). "Characterizing the outsider group as imposing allows us to feel justified in rejecting their claim. . . . As victims, we are entitled . . . to tell the world how unfair and unprincipled they are," they state at a later point (p. 139). Statements like these push buttons, demand notice.

For the frustrated social reformer who wants to hear more, who is willing to act, small steps are suggested. We can seek out and read the counternarratives and experiential literature. We can raise the ghost of History Future when the pragmatic and the ideal are in conflict. We can choose to rely on the past for evidence of injustice, recognizing that the injustice of the present may be invisible.

True transformation is likely to occur only when there are great commitments, however. To extrapolate from what Delgado and Stefancic have written, those commitments include decisions to lay down our shields as well as our swords, to let go of attitudes of superiority like pity and guilt, and to receive as much as we give. In addition, we need to be willing to step out of the confines of our privileged situations, and not only when given a guarantee that we can go back when life gets too difficult. It is, of course, the hallmark of privilege to have that choice, and to retain it means that there has been no stepping out of privilege at all. Thus, the biggest commitment of all for those who hail from privilege and power is to give up the claim to a place in the sun, a place which is, after all, with all its guises of security, only a temporary haven. Unless we see that much, we have seen nothing.

In the end, the arguments the authors make, and the discussions their work engenders, like confessions and apologies, like stories and counterstories, like speeches and laws, are, at some level, just words. It is where the words end that commitment begins, and that is the real message of this book.

## Appendix

*"On Privilege" by Antoinette Sedillo Lopez*

You don't know, do you?  
with your frosty skin . . .  
Privilege is like that.

Can't taste the sugar—  
of knowing that your children will never be taunted  
never be tracked.

Can't feel the sun—  
of knowing your presence will never be questioned  
you belong.

Can't smell the fragrance—  
of clean, fresh courtesy and respect  
invisible to you.

Can't hear the voices—  
of others who are different from you  
they don't make sense.

Can't see the pain—  
Of demeaning, humiliating shame—you ask,  
why are they so angry?

You only notice privilege  
when you don't have it.

## References

- Delgado, Richard (1984) "The Imperial Scholar: Reflections on a Review of Civil Rights Literature," 132 *Univ. of Pennsylvania Law Rev.* 561 (1984).  
Lopez, Antoinette Sedillo "On Privilege," 2 *American Univ. J. of Gender & the Law* 217 (1994).

## Cases

- Buck v. Bell, 274 U.S. 200 (1927).  
Dred Scott v. Sanford, 60 U.S. 393 (1856).  
Korematsu v. United States, 323 U.S. 214 (1944).