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Personal Narratives and Racial Distinctiveness in the Legal Academy

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PERSONAL NARRATIVES AND RACIAL DISTINCTIVENESS IN THE LEGAL ACADEMY

The Alchemy of Race and Rights. By Patricia J. Williams. Cambridge: Harvard University Press. 1991. Pp. 263. $24.95.

*Reviewed by Maria O'Brien Hylton**

INTRODUCTION

A small group of legal academicians is embroiled in yet another debate that, to the uninitiated at least, appears to have little or nothing to do with "the law."[1] This time the issue is the ideology of legal writing style—that is, does a growing, unique body of legal scholarship that draws on the personal experiences of minority faculty and, arguably, reflects the racial oppression these scholars have suffered, produce "distinct normative insights?"[2] Professor Patricia Williams of the University of Wisconsin clearly believes that it does.

In her new book, *The Alchemy of Race and Rights*,[3] which is essentially a collection of twelve essays described in the jacket as "autobiographical," she discusses an extraordinarily wide range of subjects, including student evaluations, antisemitism, maternity leave, and the Howard Beach incident. The essays are united by Williams' conscious attempt to distance herself from traditional legal scholarship as she discusses the many ways in which race, class, and sometimes gender intersect and affect an almost bewildering

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1. I use this phrase here in the way that many of my first-year students do—to refer with almost worshipful respect to the rules, statutes, and other clear-cut statements about what is and is not "legal" that are commonly found in the study aids law students use to prepare for examinations.

2. *See, e.g.*, Mari J. Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 HARV. C.R.-C.L. L. REV. 323, 324-26 (1987) (suggesting that "the actual experience, history, culture, and the intellectual tradition of people of color" provide a source of knowledge for scholars).

3. PATRICIA J. WILLIAMS, THE ALCHEMY OF RACE AND RIGHTS (1991).

variety of issues. She states at the outset that her work is an "intentional departure"[4] from a "traditionally legal black-letter[] vocabulary."[5]

She explains:

> I am trying to create a genre of legal writing to fill the gaps of traditional legal scholarship. I would like to write in a way that reveals the intersubjectivity of legal constructions, that forces the reader both to participate in the construction of meaning and to be conscious of that process.[6]

Thus, one must evaluate Williams' work both in terms of this new style and, of course, in terms of the substantive positions she takes on the various problems she tackles. I consider first the question of style.

I. SPEAKING WITH A UNIQUE VOICE MEANS SPEAKING ONLY FOR ONESELF

The effectiveness of the stylistic task Professor Williams has set for herself—writing in a new and highly personal way about legal problems—is hindered by a writing style that is at times extremely abstract and multireferential. While her anecdotes and stories do indeed "highlight[] factors that would otherwise go unremarked,"[7] one is sometimes forced to read and reread certain passages in order to grasp her meaning. For example, in spite of her stated desire to get away from "insights [that] have been buried in relatively arcane vocabulary and abstraction"[8] she states:

> The propagated mask of the imagined literary critic, the language club of hyperauthenticity, the myth of a purely objective perspective, the godlike image of generalized, legitimating others—these are too often reified in law as "impersonal" rules and "neutral" principles, presumed to be inanimate, unemotional, unbiased, unmanipulated, and higher than ourselves.[9]

> The fundamental isolationism of individual preference as an arbiter is quite different from the "neutrality," the "blindness," and the "impersonality" used to justify the collectivized convenience of standardized preference.[10]

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4. *Id.* at 7.
5. *Id.* at 6.
6. *Id.* at 7-8.
7. *Id.* at 7.
8. *Id.* at 6.
9. *Id.* at 11.
10. *Id.* at 102.

> Breaking out of this, they say, is something we all suffer as pawns in a hierarchy, but it is particularly aggravated in the confusing, oxymoronic hierarchic symbology of me as black female law professor.[11]

> S. as "transsexual," S. as "not homosexual," thus became a mere floating signifier, a deconstructive polymorph par excellence.[12]

Who, one may well wonder, does Williams imagine her intended audience to be? However, in spite of the occasional failure to keep in mind her own professed dislike of arcane language, Professor Williams' personal narrative is generally interesting and, I think, does contribute to the reader's appreciation of Williams' life and experiences. Certainly, to the extent that the debate about the personal work of certain minority scholars is simply about "voice, about making everybody speak one language," as Professor Richard Delgado has suggested,[13] it is hard to argue with Williams' approach. On the contrary, it is positively helpful to know something about her experiences and biases as one tries to evaluate her substantive positions.

The debate, however, about a "unique" minority scholarship[14] has not been limited simply to the desirability of more diversity in legal scholarship. On the contrary, Professor Mari Matsuda and others[15]

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11. *Id.* at 97.

12. *Id.* at 123.

13. Jon Wiener, *Law Profs Fight the Power*, THE NATION, Sept. 4/11, 1989, at 246, 248. Delgado stated: "Certain cries of pain lose a lot in the translation. The whole idea of the dominant legal discourse is to limit the range of what you can express, the range of argument you can make. It requires that everything be butressed by authority, by looking to the past." *Id.*

14. It is important to note that there exist so-called minority legal scholars who, for any number of presumed reasons, do not produce the kind of personal, experiential work that Williams, Delgado, and others champion. In addition to myself, the following come to mind: Robert Belton, *Causation and Burden-Shifting Doctrines in Employment Discrimination Law Revisited: Some Thoughts on* Hopkins *and* Wards Cove, 64 TUL. L. REV. 1359 (1990); Stephen L. Carter, *Constitutional Improprieties: Reflections on* Mistretta, Morrison *and Administrative Government*, 57 U. CHI. L. REV. 357 (1990); Pat K. Chew, *Competing Interests in the Corporate Opportunity Doctrine*, 67 N.C. L. REV. 435 (1989); Keith N. Hylton, *Costly Litigation and Legal Error Under Negligence*, 6 J.L. ECON. & ORGANIZATION 433 (1990); Alex M. Johnson, Jr., *Racial Critiques of Legal Academia: A Reply in Favor of Context*, 43 STAN. L. REV. 137 (1990); Randall L. Kennedy, *Racial Critiques of Legal Academia*, 122 HARV. L. REV. 1745 (1989); Harold Honju Koh, *Why the President (Almost) Always Wins in Foreign Affairs: Lessons of the Iran-Contra Affair*, 97 YALE L.J. 1255 (1988); Richard L. Revesz, *Specialized Courts and the Administrative Lawmaking System*, 138 U. PA. L. REV. 1111 (1990).

15. *See* Matsuda, *supra* note 2, at 324; Derrick A. Bell, *A Question of Credentials*, HARV. L. REC., Sept. 17, 1982, at 14; Jerome M. Culp, Jr., *Autobiography and Legal Scholarship and Teaching: Finding the Me in the Legal Academy*, 77 VA. L. REV. 539 (1991); Richard Delgado, *The Imperial Scholar: Reflections on a Review of Civil Rights Literature*, 132 U. PA. L. REV. 561, 566-73 (1984).

have argued that *because* of their race and their unique, racially influenced perspective, minority scholars doing the kind of work that one finds in *Alchemy* speak with "a special voice to which we should listen."[16] Williams, though, does not make this claim for herself in any of the twelve essays. She does, however, hint (unwittingly, I think) at a fundamental problem implicit in her own personalist approach. In her first essay, "The Brass Ring and the Deep Blue Sea," she relates a story she uses "to illustrate the rhetoric of power relations"[17] to her students. The story involves a couple walking down Fifth Avenue in New York with their young son who is explaining that he is afraid of big dogs. The parents ask him why he is afraid of big dogs and he says, "Because they're big."[18] The parents then go on to explain to the little boy that there is no difference between a big, menacing dog and a little Pekinese. "They're all just dogs,"[19] his father says.

Williams explains that she uses this story in class to

> illustrate[] a paradigm of thought by which children are taught not to see what they see; by which blacks are reassured that there is no real inequality in the world, just their own bad dreams. . . . The story also illustrates the possibility of a collective perspective or social positioning that would give rise to a claim for the legal interests of groups. In a historical moment when individual rights have become the basis for any remedy, too often group interests are defeated by, for example, finding the one four-year-old who has wrestled whole packs of wolfhounds fearlessly to the ground; using that individual experience to attack the validity of there ever being any generalizable four-year-old fear of wolfhounds; and then recasting the general group experience as a fragmented series of specific, isolated events rather than a pervasive social phenomenon ("You have every right to think that that wolfhound has the ability to bite off your head, but that's just your point of view").[20]

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16. *See* Matsuda, *supra* note 2, at 324. For an excellent discussion of the importance of appreciating the experience of others (what Charles Black has called "the humane imagination"), see CHARLES L. BLACK, JR., THE HUMANE IMAGINATION 6 (1986). Black writes:

> [R]acism, our bitter curse, has many roots and manifestations. One of the chiefest roots and, in turn, manifestations, has been the blank failure of white people to imagine black people anywhere near rightly. A more correct imagination of the inner life of black people, living in an insultingly racist regime, might not at once have brought much change; evil can remain evil, even when it can no longer say with a straight face that it knows not what it does. But it is at least possible that a shift toward humaneness might have started sooner had the humane imagination sooner been put to work on this problem in more minds.

Id.

17. WILLIAMS, *supra* note 3, at 12.

18. *Id.*

19. *Id.*

20. *Id.* at 13.

What Professor Williams does not address is how one ought to deal with the existence of the wrestling, fearless four-year-old. Are *his* story and experience any less valid than those of the little boy who remains afraid? How is one to decide? If the brave boy's experience is also real, what are its implications for the legal interests of the rest of the group?[21] Do we not have to assume (or at least investigate whether) the "collective perspective" may, in fact, consist of nothing more than a hodgepodge of differing encounters with wolfhounds? Herein lies a basic problem with legal scholarship that comes to conclusions based, even in part, upon personal experience. It is hard to know whether the experience being related is typical of the group or simply an outlier,[22] like that of the fearless, dog-wrestling child. So few legal scholars feel obliged to do anything more than assert their views[23] (with or without the aura of "objectivity") that I am loathe to criticize Williams for the same sin. However, reading page after page of assertions about the experiences of blacks, buttressed by nothing more than personal anecdotes (or those of friends and colleagues), leaves the reader hungry for a simple statistic or two, or a reference to the work of, say, a Professor William Julius Wilson, the eminent sociologist.[24]

In the end, Williams does not accomplish the first task she set for herself—the creation of a useful, stylistically unique method for examining legal problems. Her failure to execute, though, does not necessarily mean that the enterprise has no validity. It just makes finding an appropriate application a bit tougher.

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21. The controversy over the significance and effect of Justice Clarence Thomas' impoverished background and experiences of racial discrimination are a fine example of this problem. *See, e.g.*, Haywood Burns, *Clarence Thomas, a Counterfeit Hero*, N.Y. TIMES, July 9, 1991, at A19 ("But Judge Thomas is no role model for poor youth. If he has 'made it,' he has at the expense of betraying those from whom he has come. He has appropriated the values and philosophy of those responsible for the vertical relationship of white over black, rich over poor . . . ."); *see also* Dinesh D'Souza, *Clarence Thomas on Law, Rights and Morality*, WALL ST. J., July 2, 1991, at A10 (" 'I have felt the pain of racism as much as anyone else . . . [y]et I am wild about the Constitution and about the Declaration . . . . I believe in the American proposition, the American dream, because I've seen it in my own life.' " (quoting then-Judge Thomas)).

22. VIC BARNETT & TOBY LEWIS, OUTLIERS IN STATISTICAL DATA 4 (1978) (defining an outlier as "an observation . . . which appears to be inconsistent with the remainder of that set of data" which "may frustrate . . . attempts to draw inferences about that population").

23. A notable exception is, for example, JULIUS G. GETMAN ET AL., UNION REPRESENTATION ELECTIONS: LAW AND REALITY (1976). *See also* John J. Donohue III, *Prohibiting Sex Discrimination in the Workplace: An Economic Perspective*, 56 U. CHI. L. REV. 1337 (1989) (utilizing surveys and statistical data to support his positions).

24. *See* WILLIAM J. WILSON, THE TRULY DISADVANTAGED (1987); WILLIAM J. WILSON, THE DECLINING SIGNIFICANCE OF RACE (2d ed. 1980).

II. DISCRIMINATION IN BRAZIL, NASTY STUDENTS, AND ABORTION: BUT, WHAT TO DO?

Substantively, Williams' discussion of various problems, from homelessness to obnoxious law students, varies widely in quality. For example, her essay "Teleology on the Rocks" includes a very thoughtful analysis of the Howard Beach incident, in which a black man was killed when he was struck by a car as he fled from a group of white youths who were beating him and his companions. She reviews the positions staked out by the various players as the New York drama unfolded. In particular her analysis of the behavior of the public officials in question, specifically then-Mayor Ed Koch, makes clear what more recent incidents[25] and the film maker Spike Lee[26] have also demonstrated: An irrationally intense sense of neighborhood boundaries, *fostered* by certain public officials, tends to shift guilt from the assailants to the victims by asking the question, "What were they doing there anyway?"

Williams notes that when Koch asked a group of churchgoers in Jamaica, Queens, a predominantly black neighborhood, to try to appreciate why the residents of Howard Beach were unhappy about an interracial march through their neighborhood, "[h]e asked them how they would feel if fourteen hundred white people took to [their] streets."[27] Williams is on target when she explains why Koch's question is so offensive:

> This question, from the chief executive of New York City's laws, accepts a remarkable degree of possessiveness about public streets—possessiveness, furthermore, that is racially and not geographically bounded. Koch was, in effect, pleading for acceptance of the privatization of public space. This is the de facto equivalent of segregation; it is exclusion in the guise of deep-moated property "interests" and "values." Lost is the fact that the object of discussion, the street, is public.[28]

In addition to the excellent Howard Beach discussion, several of Williams' anecdotes about her teaching experiences ring very true,

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25. *See* Sarah Lyall, *Atlantic Beach Struggles To Explain Attack on Black Youth*, N.Y. TIMES, June 7, 1991, at B1 (four white men charged with attempted murder); Craig Wolff, *Three Arrested in Beating of Black*, N.Y. TIMES, June 6, 1991, at B1 (black youth beaten by white youths).

26. JUNGLE FEVER (Universal City Studios 1991) (in which the director explicitly takes the position that racial incidents like Howard Beach and the murder of Yusef Hawkins (to whom the film is dedicated) occur because of interracial disputes about turf and sexual mythology).

27. WILLIAMS, *supra* note 3, at 69.

28. *Id.*

although I do not know whether this was due to the fact that she and I are among the small handful of black female law professors[29] or whether, as I strongly suspect, these stories will resonate with a great many of our white male (and female) colleagues as well. In either case, several of her anecdotes about teaching reminded me of uncannily similar experiences (which I wrote off as "outliers"). In "Gilded Lilies and Liberal Guilt," she recites the truisms that her students trot out whenever she tries to discuss economic rights and poverty with them. She writes: "[They tell me] 'I know a black family and they're making it'; 'My grandfather came to this country with nothing,' " and so forth.[30]

Williams' attempts to raise these questions in her classes lead, inevitably it seems, to complaints by the students—both directly to her Dean and in the form of anonymous written evaluations. Many professors will, I think, sympathize with her dismay at students who, for no apparent reason, comment on her clothing and her hairstyle in assessing her class.[31] (As I read this, I cannot help but glance over at my own most recent evaluations; the one on the top of the stack says "Please DO NOT get pregnant and have a baby during the middle of the semester" in the section devoted to ways in which the professor could improve the class. That is one of the kinder ones.)

Finally, several nasty antisemitic incidents she describes are powerful and moving. While some readers may find these stories harder to identify with, again, I found myself nodding as she describes how unpleasant and paralyzing it can be when people are "so *open* about their antisemitism."[32] (Indeed, they reminded me of a recent phone

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29. *See Compilation of Responses from 175 A.B.A. Approved Law Schools in the United States, Table B-6: Minority Women Faculty Teaching Members 1990-91*, A.B.A. Sec. of Legal Educ. and Admissions to the Bar (March 25, 1991) (121 faculty members were full-time, black, and not of hispanic origin); *see also A Review of Legal Education in the United States—Fall 1990—Law Schools and Bar Admission Requirements*, A.B.A. Sec. of Legal Educ. and Admission to the Bar 66 (1991) (according to the responses, there are approximately 5366 faculty teaching members). Thus, 2.3% of faculty teaching members were full-time, black, and not of hispanic origin.

30. WILLIAMS, *supra* note 3, at 28.

31. *Id.* at 95. For an intelligent and engaging discussion of the ways in which law school student evaluations are subject to error and bias, see Richard L. Abel, *Evaluating Evaluations: How Should Law Schools Judge Teaching?*, 40 J. LEGAL EDUC. 407 (1990). Abel notes that "[student] [s]atisfaction is not synonymous with quality." *Id.* at 418. He also states that "[t]he very behavior that is praised in scholarship as original, bold, or provocative frequently leads to negative evaluations of teaching." *Id.* at 452.

32. WILLIAMS, *supra* note 3, at 127.

call I received from a colleague of mine at another institution who wanted to discuss how to deal with a student in a seminar who referred to a section of Chicago as "Jew Town" and suggested that good bargains could be had there.)

Ultimately, though, a great many of the questions Williams raises via the device of personal anecdote and reflection are unsatisfactory because she does no more than identify a problem and indicate her displeasure with the status quo. This would not be so vexing if she gave some indication that she understood the tremendous complexity of some of the social phenomena she describes. But this is not the case. In one essay, for example, she explains that new legislation in Brazil, which requires employers to grant pregnant women four months of maternity leave, is triggering requests for proof of sterilization from prospective female employees by employers. Williams disapproves of this response to the legislation, but she does no more than condemn the "brutal directness of such bargains."[33] She makes no effort to assess the desirability of this kind of mandated benefit, or to propose an alternative solution.[34] The simple truth is that mandated benefits can have disastrous consequences for poor women; the hard question is whether the state ought to mandate such a benefit in spite of the "brutal" bargains it may engender. Williams' analysis is of no help here. She is critical, but aside from identifying the issue she apparently feels no obligation to contribute to its resolution.

Williams also writes about the wages of child care workers in the same vein. She describes black female help in New York City as "grossly underpaid."[35] She hastily characterizes these employee-employer relationships as "exploitation"[36] in a way that leaves the reader wondering whether she is even remotely familiar with the work of her own colleagues about the creation of markets.[37]

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33. *Id.* at 32.

34. For a discussion of mandated benefits generally and parental leave in particular, see Maria O'Brien Hylton, *'Parental' Leaves and Poor Women: Paying the Price for Time Off*, 52 U. PITT. L. REV. 475 (1991).

35. WILLIAMS, *supra* note 3, at 20.

36. *Id.*

37. There is, for example, the work of Professor Palay of the University of Wisconsin. Thomas M. Palay, *A Contract Does Not a Contract Make*, 1985 WIS. L. REV. 561; *see also* Donohue, *supra* note 23; Douglas L. Leslie, *Labor Bargaining Units*, 70 VA. L. REV. 353 (1984); Richard A. Posner, *Some Economics of Labor Law*, 51 U. CHI. L. REV. 988 (1984); Michael L. Wachter & George M. Cohen, *The Law and Economics of Collective Bargaining: An Introduction and Application to the Problems of Subcontracting, Partial Closure, and Relocation*, 136 U. PA. L. REV.

The explanation for this unfortunate treatment of a complex subject lies, I think, in her essay entitled "On Being the Object of Property." There, Professor Williams says "[m]arket theory always takes attention away from the full range of human potential in its pursuit of a divinely willed, rationally inspired, invisibly handed economic actor."[38] "Divinely willed?" You may well wonder what she is talking about; whose work is she referring to? Unfortunately, her disdain for "market theory" (read "economics generally," I think) is so pervasive that she was unable to bring herself to cite a single source to support this assertion. Instead, she says, "The experiential blinders of market actor and slaver go in different directions, yet the partializing ideologies of each makes the act of not-seeing an unsocializing, if unconscious, component of seeing."[39] Hmmm . . . OK.

As for topics that Professor Williams purports to treat in a personal way, such as adoption and abortion, the result is equally unsatisfying in that she refuses to retreat from her now-standard formula of identify, criticize, and move on. She tells the reader that she has no children of her own[40] and does not feel compelled "to have children just because engineering social statisticians say I am 'better able' to parent than the vast majority of black women who, being lower-class, are purportedly 'least able' to parent."[41] Defensive? I think so. Who would want to force her to have children just because she is middle-class? I think she reveals the source of some of her discomfort when she wonders why she has not tried to adopt one of the many "black and brown children who languish in institutional abandon."[42] Here, I very much wanted to know the answer to the question she has raised, but she quickly moves on to another topic. At this point, the reader who has accepted her "new genre" of legal writing in the hope that she will reveal something truly personal and grapple honestly with problems like adoption is bound to be very disappointed.

Her treatment of the relationship between a woman and a fetus is even more peculiar and unsatisfying:

1349 (1988).

38. WILLIAMS, *supra* note 3, at 220.

39. *Id.* at 220-21.

40. *Id.* at 195.

41. *Id.*

42. *Id.*

> I don't believe that a fetus is a separate person from the moment of conception; how could it be? It is interconnected, flesh-and-blood-bonded, completely a part of a woman's body. Why try to carve one from the other? Why is there no state interest in not simply providing for but improving the circumstances of the woman, whether pregnant or not?[43]

Why try to carve one from the other? (This is a serious question?) And then: "I'm not sure I believe that a child who has left the womb is really a separate person until sometime after the age of two."[44] What does this mean? Is she joking, or is she making a cryptic suggestion about abortion rights? Who has argued that the fetus is a "separate person" from the moment of conception?[45] The reader who thought that the endless pro-choice/pro-life bickering was really about when life begins and on the alleged importance of complete female bodily autonomy will find Williams' treatment here at once self-righteous and confusing.[46]

Just what is Williams' position on abortion? Why has she considered (and rejected) the possibility of adopting a needy black child? Expectations to the contrary, her anecdotal writing style does not reveal much truly personal information, especially with respect to some of the toughest personal questions: lifestyle and procreative choice.

III. CONCLUSION

In spite of all the hoopla about the anecdotal work of certain minority scholars,[47] the stylistic diversity that Williams and others are struggling to bring into the legal academy cannot possibly do too

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43. *Id.* at 184.

44. *Id.*

45. The preamble to Missouri's constitution does state, however, that life begins at conception.

46. For a good summary of pro-choice and pro-life views, see Laurence H. Tribe, *Will the Abortion Fight Ever End? A Nation Held Hostage*, N.Y. TIMES, July 2, 1990, at A15. Tribe relates the pro-choice argument as follows: "[F]orcing a woman to remain pregnant and become a mother is a grave assault. To conscript a woman to carry a fetus to term within her, to force upon her the physical and psychological bonds of motherhood, is a unique and most fundamental invasion of her constitutional liberty." *Id.* The pro-life argument is: "The fetus is alive. It belongs to the human species. It elicits sympathy and even love, in part because it is so dependent and helpless. . . . [A] human fetus deserves protection." *Id.*

47. *See* Milner S. Ball, *The Legal Acadamy and Minority Scholars*, 103 HARV. L. REV. 1855 (1990); Robin D. Barnes, *Race Consciousness: The Thematic Content of Racial Distinctiveness in Critical Race Scholarship*, 103 HARV. L. REV. 1864 (1990); Scott Brewer, *Introduction: Choosing Sides in the Racial Critiques Debate*, 103 HARV. L. REV. 1844 (1990); Richard Delgado, *Mindset and Metaphor*, 103 HARV. L. REV. 1872 (1990); Leslie G. Espinoza, *Masks and Other Disguises: Exposing Legal Academia*, 103 HARV. L. REV. 1878 (1990); Kennedy, *supra* note 14; Matsuda, *supra* note 2; Wiener, *supra* note 13.

much harm and may even do some good. Certainly the promise of increased accessibility/sensitivity that the personal narrative method brings with it remains an attractive goal. The single biggest drawback to *Alchemy*, however, has nothing to do with the new genre Williams believes she is developing, but with an astonishing refusal to follow through and share truly personal, distinctive information about her life as a black female law professor. While many of her stories about the academy are consistent with my own experiences, she does not make good on her promise to "fill the gaps of traditional legal scholarship"[48] with respect to many important sociolegal questions like abortion. Indeed, in her section on abortion, Williams reveals less about her substantive views than some so-called traditional scholars.[49]

Of course, for other minority scholars in the legal academy, her stories about treatment at the hands of students and racism in the academy will come as something of a relief because, I think, they will lessen the excruciating sense of isolation so many experience. Reading Professor Williams' work is a good reminder not only that there *are* African-American women law teachers, but also that in spite of ridiculously low numbers they are doing legal scholarship on their own terms and taking a few chances along the way. One only wishes that, besides breaking stylistic ground, Williams would have taken a few more substantive chances and committed herself on the really hard issues.

48. WILLIAMS, *supra* note 3, at 7.

49. *See, e.g.*, LAURENCE H. TRIBE, AMERICAN CONSTITUTIONAL LAW 1354-59 (2d ed. 1988) (expounding the author's pro-choice views on abortion).