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# Teaching the Retrenchment Generation: When Sapphire Meets Socrates at the Intersection of Race, Gender and Authority

**Pamela J. Smith**

Boston College Law School

**“While many women of color have written about their experiences and the experiences of other women of color in academia, my article is different in that it looks not only at the historical barriers to entry and success, but also the current barriers to entry and success, namely retrenchment and retrenchment denial.”**

My work in progress explores three societal sociological phenomena impacting the perception of Black women as Sapphires. These perceptions determine whether a Black woman will survive and excel in academia. The article is not legal in the sense that it does not cite a case, statute or a regulation. Rather, it looks at the presumptions and societal barriers that impact whether Black women will face and survive discrimination, be it Title VII "sex plus race" or "race plus sex," Equal Protection clause violations, sexual harassment, or hostile workplace environment clauses of action, among others. The three societal sociological that are discussed in this article are:

1. Racial isolation that impacts education
2. Retrenchment and retrenchment denial
3. Presumptions of competence/incompetence and the stereotypes that feed the presumption

The article itself is theoretical in that it sets forth the theories, but it also applies theories to my experiences as a new law professor and to the experiences of other Black women.

For Black women the most powerful barrier to success is the presumption of incompetence that attaches to every Black woman, regardless of color, socioeconomic class, education, religion, sexuality, height, weight, geographic background, prestige, field of endeavor and experience. This presumption of incompetence does not diminish because Black women work within the powerful confines of academia, educating the next generation of workers; the lawyers, teachers, doctors, sociologists, historians, politicians, philosophers, artists, etc. Rather, the presumption of incompetence is exacerbated due to the phenomena that result from it, namely the phenomena of indifference, hostility and invisibility.

As a result of the feeling that the Black female is "out of place" in academia, the presumption of incompetence and resulting phenomena thwarts her efforts to succeed. They will affect what classes she teaches, what evaluations she receives, what committees she will be assigned to, what service she will be able to perform for students and the institution, and whether she will ever be placed in leadership positions. In essence, the presumption of incompetence, determines whether a Black woman will be retained, be promoted and awarded tenure.

My paper and presentation, therefore, will explore the presumption of incompetence,

its origins, and the resulting phenomena. It also sets forth strategies that Black women in academia can use to survive and excel.

While many women of color have written about their experiences and the experiences of other women of color in academia, my article is different in that it looks not only at the historical barriers to entry and success, but also the current barriers to entry and success, namely retrenchment and retrenchment denial.

**PRESENTER:**

**Pamela J. Smith** is an assistant professor of Law at Boston College of Law School. She received a Bachelor of Science, magna cum laude, from DeVry Institute of Technology (Chicago, Illinois), a Masters of Business Administration from the University of St. Thomas (St. Paul, Minnesota) and a Juris Doctor, magna cum laude, from Tulane University College of Law (New Orleans, Louisiana). After graduating from law school in 1992, she clerked for the Honorable Robert H. McWilliams of the United States Court of Appeals for the Tenth Judicial Circuit, sitting in Denver, Colorado. Thereafter, Professor Smith became associated with the Dallas, Texas, law firm of Thompson & Knight, where she practiced civil litigation, intellectual property and computer law. She became affiliated with Boston College of Law as an assistant professor of Law in 1995. In 1998, she became a 1998 Visiting Law Fellow at St. Hilda's College of Oxford University, spending the trinity term of 1998 in Oxford. In 1998 she was also selected as a Visiting Fellow at Durham University (England). Professor Smith teaches Property Law, Introduction to Intellectual Property, Patent Law & Policy, and Computer & Cyberspace Law. Professor Smith will also be teaching a class entitled Race, Education and Technology in the Fall of 1999. Her scholarship centers around recognizing and redressing barriers for white women and people of color, especially Black children, regardless of whether the barriers are economic barriers, technological barriers, educational barriers or barriers caused by the presumption of incompetence that negatively impacts Black people, especially those working in academia.