

BLOGGING AT BLACKPROF

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This conference occurs at Harvard Law School in the year of the twentieth anniversary of my graduation and I am remembering what the world looked like back in 1986. Ronald Reagan was president, AIDS was killing thousands of people, and the *Village Voice* still felt like a counterculture newspaper. Around this time I read in its annual “Queer” issue a short essay, almost like a blog post, from a black lesbian. She said, “This is a good time to walk up to the world and slap it in the face.”

I hope you’ll excuse the violence of the metaphor but it seems like a good model for the relationship that we are thinking about today. Blogs are walking up to legal scholarship and slapping it in the face. Blogs say to legal scholarship: “How dare you! Evolve or die!”

The papers by Doug Berman and Lawrence Solum described this effect very well. Both articles attributed some responsibility to blogs for the trend toward shorter articles and the declining role of editors. We would regret these developments only if there was anything that was intrinsically valuable about longer articles and intermediation. There is, however, an important relationship between the length of law review articles and the fact that so few people read them.

The relationship of blogs to legal scholarship is like the relationship of music videos to real movies. Videos made movies faster, flashier, less meditative, and more attention grabbing. Tastes great, less filling. Still, one did not replace the other.

To comment seems like an invitation to be a critic, and that’s a difficult task with respect to the Berman and Solum papers because I agree with most of their points. I think, however, that both authors have an attitude problem. Their papers have dour looks on their faces. Doug said that focusing on the influence of blogs on legal scholarship is a “silly debate.” Lawrence said blogs are nothing special, just another way to get information.

“Nothing special?” Come on now! Blogging is way cool! It’s easy, fun, powerful, and relatively inexpensive—attributes that make this new form of communication an occasion for joy. We saw a sense of the play that is one of blogging’s best features in the content of the papers, if not their tone. The medium is the message. So when we look at the form of the

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papers by Professors Berman and Solum, they mainly look like law review articles. But, every now and again, a post breaks out. Doug, for example, calls one of his sections about the pitfalls of blogging “Time Suck and Addiction.” It reminds me of a wonderful difference between blogs and law review articles. With the former there is a broader sense of audience. One communicates more clearly and directly.

If blogging is, in Doug’s delightful phrase, a “time suck,” teaching is the more likely victim than scholarship. How many mornings have I found myself sitting in front of the computer screen logged on to Moveable Type? I should be preparing for my noon class except that I had this great idea for a post and it’s taking a little longer than I expected and . . . man I hope my class notes from last year are legible because I am going to be winging it at noon!

Students read my blog (during class I sometimes fear) and they see a different Professor Butler than the one who shows up in the classroom—you know, the All Knowing One with the Socratic Method of Death. Now when students stop by office hours sometimes they bring up my posts rather than the Model Penal Code. It’s tentative at first, because unlike the usual office chat, it’s more about the teacher than the student. It feels a little risky, like a veil is being pierced. It’s a new part of my job, a fun new part that we—students and teachers—are making up as we go along.

Kate Litvak’s paper made me think of my blog, Blackprof.com. Most of our contributors are African American professors. Like most bloggers, we came together because we were looking for both forum and community. My blog mates are incredibly diverse, which means we probably all don’t agree on anything. But what some of us would say to Kate is that we are not persuaded by her fantasy about the water cooler.¹

We never trusted the water cooler. We always knew it was bugged. Searching for the illusion of safety we ran from this law school to that People of Color Conference, hoping at some point we would locate the one group of really cool people who we could trust with our stuff. At some point before we arrived at Blackprof, we realized we were never going to be able to be safe. And Blackprof is helping us become okay with that.

The African proverb says that the poet who is not in trouble with the king is in trouble with her work.² We are people of color who get paid to think and if we are doing good work we are going to be in trouble with somebody somewhere. Whispering at the water cooler seemed both too

1. Kate Litvak, *Blog as a Bugged Water Cooler*, 84 WASH. U. L. REV. 1061 (2006).

2. See Chinua Achebe, *Informal Address Following the Publication of Anthills of the Savannah*, Delivered at Guild Books, Chicago, Illinois (1987).

much work and ultimately futile. So blogging became a way of saying to the naysayers, “You don’t scare us.” It is the high-tech version of the song we sang as children: “This little light of mine, I’m gonna let it shine.”

I am sounding a little too macho here. Sometimes before I press that “save” button and send a barely formed idea out there into the universe it is really scary. But it is also empowering.

In 1986 when I was a law student at Harvard, the big issues on campus were integrating the faculty and divestment in South Africa. Sometimes we had these big protests about one or the other and we’d chant: “The whole world is watching!” I think we meant that as a warning to the people whose actions we were trying to change. But when we yelled, at the top of our lungs, “The whole world is watching,” I felt intoxicated with our own fabulousness. The idea that my crew and I could help focus the attention of the world on our complaints was empowering.

Now we do that when we blog. Ours is the first blog of minority law professors, and one of the first group blogs of any academics of color. When we first started, our posts tended to be longer and more op-ed—like than those on other legal blogs. We were more careful than the white academics who were dominating the legal blogosphere. It felt like more of a risk for us.

But our posts are changing now—becoming shorter and more playful, less certain and more opinionated. We did cost-benefit analysis. On the one hand, we could keep our ideas in our cell for the illusion of safety. On the other hand, we could take our mission of being public intellectuals to a whole other level. Most of us made the second choice—it was a little brave, a little full of ourselves, and a lot responsible to the extraordinary people who sacrificed so that nine overeducated black folks could spout off about whatever strikes their fancy. Just like the white boys.

I started with one quote from a black lesbian and I will end with another. It’s from the writer Audre Lorde, who said “poetry is not a luxury.”³ Blogging is not a luxury. At its best it’s a way of bringing power to the people. I don’t know if it matters that probably more people have read my posts than all of my articles combined. (What if law review articles had site meters?) What matters is that we at Blackprof have a new way to connect with, teach, and learn from many people who don’t know or care what a law review is. It matters that our mothers log on, and my friend from high school who was locked up for a little while, and the undercover black nationalist who’s an associate at the big New York law

3. AUDRE LORDE, *Poetry is Not a Luxury*, in *SISTER OUTSIDER* 36–39 (1984).

firm, and it's a helluva chaotic, careening, rambunctious, and high-spirited mix. Our blog may not change legal scholarship, but it has helped nine African American legal scholars talk to, and learn from, the communities we serve.