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Derrick Bell, Law Professor and Rights Advocate, Dies at 80

By FRED A. BERNSTEIN

[Derrick Bell](#), a legal scholar who saw persistent racism in America and sought to expose it through books, articles and provocative career moves — he gave up a [Harvard](#) Law School professorship to protest the school's hiring practices — died on Wednesday in Manhattan. He was 80 and lived on the Upper West Side.

The cause was carcinoid cancer, his wife, Janet Dewart Bell, said.



Derrick Bell walking with a group of Harvard law students after taking a voluntary unpaid leave of absence to protest the lack of tenured minority female professors.

Mr. Bell was the first tenured black professor at Harvard Law School and later one of the first black deans of a law school that was not historically black. But he was perhaps better known for resigning from prestigious jobs than for accepting them.

While he was working at the Civil Rights Division of the Justice Department in his 20s, his superiors told him to give up his membership in the [N.A.A.C.P.](#), believing it posed a conflict of interest. Instead he quit the department, ignoring the advice of friends to try to change it from within.

Thirty years later, when he left Harvard Law School, he rejected similar advice. At the time, he said, his first wife, Jewel Hairston Bell, had asked him, “Why does it always have to be you?” The question trailed him afterward, he wrote in a 2002 memoir, “Ethical Ambition,” as did another posed by unsympathetic colleagues: “Who do you think you are?”

Professor Bell, soft-spoken and erudite, was “not confrontational by nature,” he wrote. But he attacked both conservative and liberal beliefs. In 1992, he told The New York Times that black Americans were more subjugated than at any time since slavery. And he wrote that in light of the often violent struggle that resulted from the Supreme Court's 1954 desegregation decision, *Brown v. Board of Education*, things might have worked out better if the court had instead ordered that both races be provided with truly equivalent schools.

He was a pioneer of critical race theory — a body of legal scholarship that explored how racism is embedded in laws and legal institutions, even many of those intended to redress past injustices. His 1973 book, [“Race, Racism and American Law,”](#) became a staple in law schools and is now in its sixth edition.

Mr. Bell “set the agenda in many ways for scholarship on race in the academy, not just the legal academy,” said [Lani Guinier](#), the first black woman hired to join Harvard Law School's tenured faculty, in an interview on Wednesday.

At a rally while a student at Harvard Law, Barack Obama compared Professor Bell to the civil rights hero [Rosa Parks](#).

Professor Bell's core beliefs included what he called “the interest convergence dilemma” — the idea that whites would not support efforts to improve the position of blacks unless it was in their interest. Asked how the status of blacks could be improved, he said he generally supported civil rights litigation, but cautioned that even favorable rulings would probably yield disappointing results and that it was best to be prepared for that.

Much of Professor Bell's scholarship rejected dry legal analysis in favor of stories. In books and law review articles, he presented parables and allegories about race relations, then debated their meaning with a fictional alter ego, a professor named Geneva Crenshaw, who forced him to confront the truth about racism in America.

One of his best-known parables is "The Space Traders," which appeared in his 1992 book, "Faces at the Bottom of the Well: The Permanence of Racism." In the story, as Professor Bell later described it, creatures from another planet offer the United States "enough gold to retire the [national debt](#), a magic chemical that will cleanse America's polluted skies and waters, and a limitless source of safe energy to replace our dwindling reserves." In exchange, the creatures ask for only one thing: America's black population, which would be sent to outer space. The white population accepts the offer by an overwhelming margin. (In 1994 the story was adapted as one of three segments in a television movie titled "Cosmic Slop.")

Not everyone welcomed the move to storytelling in legal scholarship. In 1997 [Richard Posner](#), the conservative law professor and appeals court judge, wrote in *The New Republic* that "by repudiating reasoned argumentation," scholars like Professor Bell "reinforce stereotypes about the intellectual capacities of nonwhites."

Professor Bell's narrative technique nonetheless became an accepted mode of legal scholarship, giving female, Latino and gay scholars a new way to introduce their experiences into legal discourse. Reviewing "Faces at the Bottom of the Well" in *The New York Times*, the Supreme Court reporter [Linda Greenhouse](#) wrote: "The stories challenge old assumptions and then linger in the mind in a way that a more conventionally scholarly treatment of the same themes would be unlikely to do."

Derrick Albert Bell Jr. was born on Nov. 6, 1930, in Pittsburgh, to Derrick Albert and Ada Elizabeth Childress Bell. After graduating from Schenley High School near Pittsburgh's Hill District, he became the first member of his family to go to college, attending Duquesne University in Pittsburgh. He received his bachelor's degree in 1952.

A member of the R.O.T.C. at Duquesne, he was later an Air Force officer for two years, one of them in Korea. Afterward he attended the University of Pittsburgh Law School, where he was the only black student, earning his degree in 1957.

After his stint at the Justice Department, he headed the Pittsburgh office of the NAACP Legal Defense and Educational Fund, leading efforts to integrate a public swimming pool and a skating rink. Later, assigned to Mississippi, he supervised more than 300 school desegregation cases.

In 1969, after teaching briefly at the University of Southern California, he was recruited and hired by Harvard Law School, where students were pressuring the administration to appoint a black professor. Mr. Bell conceded that he did not have the usual qualifications for a Harvard professorship, like a federal court clerkship or a degree from a top law school.

In 1980 he left Harvard to become dean of the University of Oregon School of Law, but he resigned in 1985 when the school did not offer a position to an Asian-American woman. After returning to Harvard in 1986, he staged a five-day sit-in in his office to protest the school's failure to grant tenure to two professors whose work involved critical race theory.

In 1990 he took an unpaid leave of absence, vowing not to return until the school hired, for the first time, a black woman to join its tenured faculty. His employment effectively ended when the school refused to extend his leave. By then, he was teaching at New York University School of Law, where he remained a visiting professor until his death. Harvard Law School hired Professor Guinier in 1998.

Mr. Bell said his personal decisions took a toll on his first wife, Jewel, who had cancer when he left Harvard in 1990 and died that year. In 1992 he began a correspondence with Janet Dewart, who was the communications director of the National Urban League. Ms. Dewart proposed marriage before the couple even met. A few months later, Mr. Bell accepted.

In addition to his wife, he is survived by three sons from his first marriage, Derrick A. Bell III and Douglas Dubois Bell, both of Pittsburgh, and Carter Robeson Bell of New York; two sisters, Janet Bell of Pittsburgh and Constance Bell of Akron, Ohio; and a brother, Charles, of New York.

In "Ethical Ambition," Mr. Bell expressed doubts about his legacy: "It is not easy to look back over a long career and recognize with some pain that my efforts may have benefited my career more clearly than they helped those for whom I have worked."

But Professor Guinier, who continues to teach at Harvard, differed with that view. "Most people think of iconoclasts as lone rangers," she said on Wednesday. "But Derrick was both an iconoclast and a community builder. When he was opening up this path, it was not just for him. It was for all those who he knew would follow into the legal academy."

This article has been revised to reflect the following correction:

Correction: October 6, 2011

An earlier version misstated the surname of Mr. Bell's wife. She is Janet Dewart Bell, not Dewart.

This article has been revised to reflect the following correction:

Correction: October 11, 2011

An obituary on Friday about Derrick Bell, the legal scholar and civil rights advocate, erroneously attributed a distinction to him. He was one of the first black deans of a law school that was not historically black; he was not the first.