Minnesota Journal of Law & Inequality

Volume 4 | Issue 2 Article 1

June 1986

The Dilemma of the Responsible Law Reform Lawyer in the Post-Free Enterprise Era

Derrick Bell

The Dilemma of the Responsible Law Reform Lawyer in the Post-Free Enterprise Era*

Derrick Bell**

Even in contrast to the grey, early winter day, the Colored Crusader looked shabby. He held his weary figure erect with the help of a long staff that had once been a spear. He seemed oblivious to my presence though he had obviously watched as I followed the winding path up the hill on my early morning run past leafless trees that lined barren, frozen fields. None of the books extolling the virtues of running promised an encounter like this, but after an initial shock, I determined to find out how this battle-weary, Black veteran of some ancient war had escaped his classic age and entered our era.

Waiting for him to acknowledge me, I tried to imagine in which period he had fought and whose cause he had espoused. His dress and weapons provided no real clue. They were less an attachment to a time than a metaphor for a cause. After several minutes, the Colored Crusader turned from the empty landscape that so held his attention and focused his gaze on me.

The weariness of many battles showed in his well-weathered face and in the remains of his dented and worn armor. He was a relic, but a formidable one able to command respect with eyes that were as bright as the polished metal of his sword. And somewhere beyond the grime, deeper than the unhealed wounds, it was clear, his determination remained strong.

Even before he spoke, I sensed that he had wandered through the land for a long time, unseen while observing, monitoring, and assessing the status of his race. He had been a silent sentry to this longest crusade, but when he spoke his voice was strong and deep and seemed to emanate from beyond his spare figure.

"The racial crusades arise from the same causes and share the same ends. Each is born in the deep abuse and long suffering

---

* The Inaugural Presentation of the Charles H. Revson, Urban Law and Policy Lectures was made on November 21, 1985, on the Tenth Anniversary of the Urban Legal Studies Program of the Max E. and Filomen M. Greenberg Center for Legal Education and Urban Policy the City College of New York.

** Professor of Law, University of Oregon Law School.

borne by a people whose oppression is made worse because carried out in a land espousing equality. In each age, an unexpected occurrence engenders rage and inspires hope. The oppressed rise and rededicate themselves to the cause of freedom and equality. The struggles follow: there are victories, defeats, the inevitable casualties, and at last, the seeming victory that becomes over time the basis of a new subjugation."

Because I had discovered him or, more likely, the old warrior, having allowed himself to be discovered, he seemed anxious to talk. After my initial shock, I eagerly inquired what he might say that would point some new way for a people whose enslavement had taken so many forms while retaining its essential characteristic: subordination on the basis of race.

The old man did not answer. Rather, he raised his staff and with a grand, sweeping motion revealed for my vision a broad landscape of history upon which he had long fixed his gaze. There before me in panoramic presentation, I could see that the paradox of American history was true. Slavery had provided the wealth with which the nation gained its freedom.

For slavery provided the labor required to realize the wealth in the new country's natural resources, in clearing the forests, plowing the fields, cultivating and harvesting the crops. The emancipation, when it came, advanced the interests first of the northern emancipators and later provided indentured workers for the southerners who had enslaved or profited from the enslavement. Africans were free, but their status changed far more than the actual conditions of their lives.

Emancipation came first in the North. The Revolutionary War against England was won, and in many northern states, the virtues of slavery had worn thin. Abolitionists, seeing their chance, demanded its elimination. The response inevitably was, "Certainly, slavery is an evil, but who will pay the slave owners?" Eventually, a statutory scheme was devised which provided, in effect, that slaves purchase their own freedom.

Later, the change comes to the South. The Civil War ends, and those who as a matter of morality wish to truly emancipate the slaves, proclaim that "slavery was an evil, and the freedmen must be compensated for their years in bondage so that they can make their own way." Thaddeus Stevens and many others try for years to translate the dream of "40 acres and a mule" into law.[1] But this early attempt at affirmative action aimed at taking the

1. Ralph Korngold, Thaddeus Stevens: A Being Darkly Wise and Rudely Great (1st ed. 1955).

land from former slave owners is rejected. The nation cannot bring itself to require even identifiable wrongdoers to compensate Black people for this ultimate exploitation. Watching the tableau, I am reminded of the contemporary arguments against affirmative remedies for racial discrimination that rely on the claim that wrongdoers are not identifiable. Over time, the arguments shift. The outcomes do not change.

The pageant-like presentation continues to unfold. In the post-Reconstruction era, the Emancipation Proclamation in a hostile land that denies the freedmen both reparations for the past and economic opportunity for the future becomes, to put it inelegantly but accurately, the largest unemployment act in history. The enslavement of Africans as practiced in the North American continent was abominable, but close to that awful state was the resistance to allowing the former slaves to work and earn their way. Indeed, the difference between the pre-Civil War years and the post-Reconstruction decades was more in degree than in kind. Here before me, there is visual proof of how short the long-sought emancipation was to be.

In the South, after a brief period of Reconstruction-sponsored economic growth and political influence, the freedmen are reduced through threat and violence to a subjugated serfdom. Many midwest and even far west states had earlier barred both slaves and free Blacks, fearing the economic competition of the former, and abhorring the physical presence of the latter. Finally, the North, as a sign that the Civil War enmity is ended, withdraws its protection and renounces its concern for a race whose soldiers in the hundreds of thousands had fought to gain a freedom they had hardly experienced.

To their credit, the betrayed millions survive. Generations continue to hope, though by law they are excluded here, or separated there, and exploited wherever they go. The constitutional amendments, enacted to provide and protect their rights, are crippled by judicial interpretations that combine hypocrisy with meanspiritedness. In this, the judiciary manages to equal the cruel mockery of the founding fathers who sought to disguise the constitutional slavery they provided by not mentioning the word "slave" in the document.

The "separate but equal" standard,[2] suspect on its face, is administered across the land as a total denial of the "equal," and a cruel enforcer of the "separate." And it is against this inequity that leaders of this benighted group begin a new crusade. Working

2. Plessy v. Ferguson, 163 U.S. 537 (1896).

with those of the oppressor class who are friendly to their cause, they plan over many years still another campaign to overthrow the old judicial interpretations and establish the equal protection of the laws incorporated long ago in the fundamental law.

That campaign seemed vindicated on May 17, 1954, when the Supreme Court recognized at last what so many of its victims had long known. It was not the first, but the decision in *Brown v. Board of Education* [3] sparked perhaps the most stirring of the periodic awakenings that, as the Colored Crusader put it, "inspire hope, and a rededication to the cause of freedom." There followed again "the struggles, the victories, the defeats, the inevitable casualties, and at last, the overthrow of the old order that became over time the basis of a new subjugation."

The panorama of history fades, and the image of the old Crusader returns. He seems ready to return to his lonely vigil, but asks me in a stern voice:

"You have now seen what you have long known. Is it clear what you and others must do?"

It was anything but clear. I struggled to restate the question, then remembered a letter from a former civil rights lawyer, Geneva Crenshaw, who had phrased my question far better than I ever could.[4] I had been carrying her letter with me everywhere hoping for some sudden inspiration that would enable me to explain the strange mixture of success for some and abject hopelessness for so many others that characterize the Second Reconstruction era. Geneva had observed:

> [W]e have made progress in everything, yet nothing has changed. It is incredible that our people's faith could have brought them so much they sought in the law and left them with so little they need in life.
>
> It is unfair. Like the crusaders of old, we sought our Holy Grail of "equal opportunity," and having gained it in court decisions and civil rights statutes, found the quest to be for naught. Equal opportunity, far from being the means of achieving racial equality, has become yet another device for perpetuating the racial status quo. Our cause was righteous, but who can claim that we have prevailed?

I shared this letter with the Colored Crusader, and asked for his counsel on where we might go from here. His response was brief and more encouraging than enlightening.

"Go forward," he urged, "but do not advance without keeping

---

3. 347 U.S. 483 (1954).

4. Derrick Bell, *Foreword, The Civil Rights Chronicles*, 99 Harv. L. Rev. 4, 15-16 (1985).

clearly in mind the mistakes of the past. It is foreordained that much that you accomplish will further the interests and well-being of your opponents, but you should push on, trying to sustain some gains for your people and never forgetting that the right does survive and will eventually prevail."

What indeed is the law reform lawyer to do with our history and the Colored Crusader's advice? Our task is no longer the comparatively straightforward one of securing for all regardless of race, color, and creed, those rights protected by the Constitution. We have come to see, tardily but no less clearly, that the disadvantages wrought by injustice, unfairness, and powerlessness, include long-ignored economic components, and that meaningful reform of any of these problems becomes ever more difficult as the imbalance in the distribution of income grows larger and larger.

According to one study,[5] the distribution of income to American families in 1983 provided the wealthiest two-fifths of those families with 67.1 percent of the total national income received (the highest since 1947, the year such data were first obtained). At the other extreme, the poorest two-fifths of American families earned only 15.8 percent of the national income. The poorest one-fifth earned but 4.7 percent of the national income, in comparison to the one-fifth at the top who earned 42.7 percent. The middle one-fifth earned 17.1 percent.

For those lawyers with a special commitment to alleviating racial injustice, these figures are particularly sobering. Nearly one-half of all Black families have incomes that place them in the bottom one-fifth (the group now receiving only 4.7 percent of the national income).[6] Despite the growing affluence of some, the number of American families that have fallen into poverty has increased since 1980, and 22 percent of those families are Black[7]—even though only 12 percent of the population is Black.[8]

I need not recite for this audience the dire significance of Black and Brown unemployment on the structure of family life. As another study defined the problem:

> [T]he economic status of black adult men is the other, largely unnoticed, side of the troubling increase in single-parent black families. The absence of black men may be the key to the tremendous growth in black female-headed families in recent

---

5. Center on Budget and Policy Priorities, Falling Behind: A Report on How Blacks Have Fared Under the Reagan Policies 3 (1984).

6. *Id.*

7. *Id.* at 4.

8. *Id.*

> years and the accompanying rise in poverty among black families.[9]

This study found that of the Black male population between the ages of sixteen and sixty-four, nearly half are either unemployed, out of the labor force, in prisons, or their labor force status cannot be determined by available data.[10] On the other hand, of white men in the same group, twenty-three percent are in a similar situation.[11] The study prefaces the unemployment rate for white males with "only." In the world's richest nation, the fact that almost one-quarter of its working age men, not burdened by the discrimination and stigma of race, are not gainfully employed should constitute a problem of major importance.

History suggests that the white male unemployment rate would be viewed as a crisis but for the presence of Blacks and Browns who are measurably worse off. From an early time, poor and working class whites have determined their status not in relation to upper-class whites, but in comparison with the great mass of Blacks. Without this commitment to racial chauvinism, the subordination of Blacks and the less-well-off whites would not be possible.

The meager forces still fighting the ongoing evil of racism should not expect a new enlightenment among those whites who would gain most from a cooperative effort with the people of color they now despise and fear. But for the odd and continuing allure of racial superiority, they would see themselves as they are, exploited and subjugated Blacks with white skins. One may hope that the enlightenment comes, but in the meantime, we must press on to help save those poor Blacks and Hispanics drowning in economic hard times despite the presence on the books of more civil rights laws than have ever existed in our history. As we aid people of color by pushing for social reforms in the economic area, similarly situated whites will also be helped, despite their resistance to our efforts.

Society is so unbalanced as to opportunity, resources, and wealth that any effort to bring about racial equality and justice for a long-disadvantaged group collides with what Professor Martha Minow calls the "dilemma of difference."[12] That is, "relief" for one unjust system often leads to the advocacy of another that con-

---

9. The Center for the Study of Social Policy, The Flip-Side of Black Female-Head Families: The Economic Status of Black Men, introduction (1984).

10. *Id.*

11. *Id.*

12. Martha Minow, *Learning to Live with the Dilemma of Difference: Bilingual and Special Education*, 48 Law & Contemp. Probs. 157 (1985).

tains important elements of disadvantage perhaps different in kind, but no less damaging than those under the rejected structure.[13] For example, advocates of teaching handicapped children in classes with normal children, while recognizing the interactional advantages of such "mainstreaming," quickly realize the loss of specialized techniques and equipment available in the special classroom.

Those who argued the school segregation cases took the position that the first Justice Harlan was right, that the Constitution was, in fact, "colorblind;"[14] as the appellants' brief put it in 1953, "Any distinction based upon race was understood as constituting a badge of inferiority."[15] NAACP lawyers argued to the Supreme Court that racial distinctions in and of themselves are invidious. But in the matter of remedy, the long generations of systematic exclusion from opportunities no longer barred by law, posed the dilemma of difference in a particularly cruel form:

—If racial equality advocates settled for the removal of formal racial barriers, the dead hand of past exclusion, combined with the still strong desire to retain old, exclusionary results through new and subtle practices, would perpetuate much of the racial status quo.

—On the other hand, to urge remedial policies that take cognizance of both the long-suffered disadvantages based on race as well as the known but hard-to-prove devices by which discriminatory practices are maintained, the greater or lesser reliance on race that such classifications require is attacked as "reverse discrimination" that will do harm to "innocent whites."

I wonder whether affirmative action opponents who so strenuously assert the protection of rights of innocent whites recognize the logical inconsistency in their positions that casts in doubt precisely those they are attempting to defend. In the standard for proving discrimination set out by the Supreme Court almost a decade ago in *Washington v. Davis*,[16] no relief would be available in the absence of a strong showing that the defendant's policy adversely affected Blacks (fairly easy to do), and that the defendant invidiously intended the policy to have that result.[17] Where proof of intentional discrimination was lacking, even a quite disparately adverse impact of the policy on Blacks was insufficient to gain re-

13. *Id.* at 159, 202.
14. Plessy v. Ferguson, 163 U.S. 537, 559 (1896) (Harlan, J., dissenting).
15. Brief for Appellant at 34, Brown v. Board of Educ., 347 U.S. 483 (1954).
16. 426 U.S. 229 (1976).
17. *Id.* at 239.

lief.[18] Whites who benefited from the policy, at least when compared to Blacks and Browns, continued to do so. Where proof of intentional discrimination was provided, a remedy was appropriate even when it interfered with rights or expectations of "innocent whites."

Thus, under settled civil rights doctrine, so-called innocent whites are either left as they are, or experience harm or disappointment of expectations based entirely on the fortuities of proof of wrongdoing by defendants, third parties over whom they have no control. It is, moreover, entirely fanciful to suggest that these whites are wrongfully benefiting from challenged policies when proof of intentional discrimination is proved, but that their benefit is merely coincidental when plaintiffs are unable to meet the stiff proof standards now required by the Court.

But, you will say, the identification of such inconsistencies is an interesting and totally predictable phenomenon in a system espousing equality as ideology and practicing economic exploitation of a character that each year places more and more of the nation's wealth in fewer and fewer pockets. The question is, what, if anything, can lawyers do to bring about real reform working through courts and the Constitution?

Following the old Colored Crusader's advice to learn from history, we know that public interest lawyers sought through test litigation to establish constitutional protection for a broadened list of fundamental rights including educaton,[19] decent shelter,[20] and adequate welfare payments.[21] Each of these efforts ended in defeat. In *Dandridge v. Williams*,[22] the welfare payments case, the Supreme Court in refusing to invalidate a state-imposed maximum grant limit on the amount of AFDC program aid a family could receive, despite family size, distinguished state regulation in the social and economic field from those affecting freedoms guaranteed by the Bill of Rights.[23] In tones of utter self-righteousness, Justice Stewart promised not to repeat the erroneous forays into economic interests that earlier had brought the Court to grief during the *Lochner* [24] era. He explained:

> For this Court to approve the invalidation of state economic or social regulation [here] would be far too reminiscent of an era

18. *Id*. at 244-45.
19. San Antonio School Dist. v. Rodriquez, 411 U.S. 1 (1973).
20. Lindsey v. Normet, 405 U.S. 56 (1972).
21. Dandridge v. Williams, 397 U.S. 471 (1970).
22. 397 U.S. 471 (1970).
23. *Id*. at 484.
24. Lochner v. New York, 198 U.S. 45 (1905).

> when the Court thought the 14th Amendment gave it power to strike down state laws "because they may be unwise, improvident, or out of harmony with a particular school of thought."[25]

The Court's intentions may have been honorable, but its understanding of what its half-century of economic support for big business had achieved was amazingly shallow. For it was the Supreme Court that in the 1880's, accepting the arguments of corporate lawyers that the fourteenth amendment, enacted intitially to provide citizenship and basic rights to those humans long enslaved, interpreted the fourteenth amendment to provide protection to corporations that were to be deemed "persons."[26]

With their new-found constitutional status, the nation's largest business enterprises were able to read the economic theories of capitalism into the Constitution, fending off under the maxim of "freedom of contract" the efforts by states to protect workers against the often inhuman factory conditions under which they labored long hours for little pay.

The original purpose of the fourteenth amendment, the granting of citizenship rights to Blacks, was abandoned in order, as Yale professor Boris Bittker put it, to nurture "railroads, utility companies, banks, employers of child labor, chain stores, money lenders, aliens, and a host of other groups and institutions . . . leaving so little room for the Negro that he seemed to be the fourteenth amendment's forgotten man."[27]

It required a major depression—one that threatened to destroy the country's economy—before the Supreme Court renounced its long commitment to the *Lochner* model. After all, the Court finally realized, perhaps the wage earner did not stand on parity with the factory owner when crucial matters of pay and hours were negotiated.[28] In fact, the Court and the country's industries discovered (though they did not admit) that corporate-based wealth would be better protected if government were permitted to play a regulatory as well as a subsidizing role. Thus it was that a consensus was formed around the proposition that workers should be protected as well as exploited under a system where equality is a symbol and class-based privilege is a fact.

In determining that it would not in the future substitute its

---

25. Dandridge v. Williams, 397 U.S. 471, 484 (1970) (citing Williamson v. Lee Optical Co., 348 U.S. 483, 488 (1955)).

26. Santa Clara County v. Southern Pac. R.R., 118 U.S. 394, 396 (1886).

27. Boris Bittker, *The Case of the Checker Board Ordinance: An Experiment in Race Relations*, 71 Yale L.J. 1387, 1393 (1962).

28. *See, e.g.*, West Coast Hotel Co. v. Parrish, 300 U.S. 379 (1937); Nebbia v. New York, 291 U.S. 502 (1934).

judgment for the legislature's beyond determining that the objects of challenged enactments were reasonable, the Court did assure "discrete and insular" minorities that it would scrutinize more carefully state laws that allegedly infringed on civil rights protected by the Constitution.[29]

For the most part, the Court has kept this promise. During the years when the racial violations brought to the Court for redress were overt and blatant, we did not notice that the Court's decisions would maintain the economic status quo. But judicial recognition and enforcement of rights to nondiscriminatory treatment served to entrench economic disparities in wealth and power—in ways less direct, but no less effective than the Court's post-*Lochner* decision to permit government to curb the worst abuses of big business.

Consider the economic status quo-maintaining effect of the desegregation decisions. To be sure, the Court's action lifted the burden of official racial stigma from the backs of the nation's Black and Brown people. As a result, in schools, job opportunities, and politics, some Blacks, by combining talent, hard work, and luck, are better off. But we cannot ignore the fact that the elimination of formal segregation alleviated the most openly grievous aspect of the system without doing very much at all to enable the victims of the segregation era to recover and make their way. The "colored" or "white" signs have been gone so long that most students, even law students, have never seen them, but except in minimal and grudging ways, there has been no modern equivalent of 40 acres and a mule.

Today, as you wander through the lobby of a better hotel or are ushered to your table in a restaurant other than the fast food category, how many Black and Brown faces do you see either seated or serving? It is no different in corporate offices, banks, government agencies, and institutions of higher education. People of color are represented but in percentages far below even the most conservative estimates of those NAACP delegates who gathered in New York City for their national convention in 1959 under the motto, "Free by 1963."

We were naive in those days. It could not have been many years later when then-Governor Nelson Rockefeller brought a group of civil rights workers to our feet cheering when he announced his commitment to open housing by proclaiming that

29. *See, e.g.*, Williamson v. Lee Optical Co., 348 U.S. 483, 488 (1955); United States v. Carolene Prods. Co., 304 U.S. 144 (1938).

every person should be able to live where his heart desires and his pocketbook permits.

Talk about the Lord gives, and the Lord taketh away. In those days, our focus was on achieving heart's desires. We looked on equal opportunity as our forebears had relied on the opportunity inherent in 40 acres and a mule. Like them we assumed the promise meant someone had answered the contemporary equivalent of the old question: "And who will pay the slave owner?" In fact, the question is still open.

As long as it remains unanswered, even those committed to the traditional goals of civil rights lawyers and public interest litigators will gain no more than short-term relief as they strive to use the law and test cases as vehicles of social reform. Predictably, whatever victories they achieve for their clients, the long-term results will serve the needs of the upper classes for stability, regularity, and acceptance of the status quo by the poor.

Ironically, our enemies may be our liberators. Opponents to the legitimate goals of Black and Brown people may do more by their opposition to bring down the wrath of long-oppressed peoples of color than anything we, particularly those of us who work in the legal arena, can do through efforts linked to law and the judicial process.

Consider for a moment if our nation's mortal enemies were able to place an agent on the Supreme Court who would foment revolution among the masses. How might this be accomplished? Surely by waging a ceaseless campaign against the liberal orientation of civil rights and law reform decisions. The agent would oppose protections intended to shield the poor from the worst abuses of the system, and would strive to reduce access to the Court by those who lack the political and economic power required to have their problems heard.

Strange. I wonder whether you share with me the perverse sense that at least one member of the Supreme Court fits this template beautifully. The best part of the disguise is that those in the privileged classes who his judicial philosophy may bring down view him as a savior, while civil rights advocates see him as the enemy of the poor and the oppressed. Even so, the refusal to provide basic relief for serious misery may do more to provoke the oppressed classes into necessary revolt than any advocacy by we who espouse their cause.

Of course, neither the conservatives on the Supreme Court nor the legions of them in the current administration view themselves as agents of revolutionary reform. Their simplistic rhetoric

speaks in grand terms of a nation that never was and, if their plans all come to fruition, never will be. Alas, those of us who are thoughtful on the civil rights side are denied this bliss of ignorance.

Perhaps too late, we recognize now that the chanting of talismanic phrases like "free by 1963" will not produce racial equality. The legacy of the *Brown* decision has taught us that the exploited can never obtain true compensation without altering the status of those who exploit. Decrying the exploitation as evil and unconstitutional is not enough. Equality cannot be obtained merely by enacting civil rights laws or winning cases in the courts. We know that we will perpetuate rather than lessen injustice and deprivation if we do no better than offer social programs that provide food without nutrition, welfare without well-being, job training without employment opportunities, and legal services without justice.

This is not to say government does not have an important role in the future struggle for reform. Neo-conservative Blacks gain easy access to the media to proclaim that racism is dead and Blacks should make their own way without government help. They act as though they discovered "self-help" when in fact doing it on your own has long been the most important weapon in the survival arsenal of people of color.

Moreover, the Black camp followers of the Reagan administration have not read their history. The Black groups whose programs have most upset and threatened whites into vicious and often violent retaliation—the Marcus Garvey movement, the Black Muslims, and Black Panthers, the Republic of New Africa—all believed in self-help.

It is axiomatic in America that whites despise Blacks who, broken by the racial oppression that fills their lives, surrender hope and rely on welfare or crime to survive. But they fear those Blacks who renounce whites and militantly determine they will somehow make their way in this hostile land.

No, the government has a responsibility. As Diane Ravitch has suggested, at the least, "the role of government must be to provide Blacks with the opportunity and the means to make choices for themselves, because it was precisely this power to make decisions that was denied to Blacks in the past."[30]

The old Colored Crusader urged that we press on toward new crusades. Clearly, the challenge for the near future is to establish by political means if we can, by judicial interpretation if we must,

30. Diane Ravitch, *Desegregation: Varieties of Meaning*, in Shades of Brown: New Perspectives on School Desegregation 31, 44 (Derrick Bell ed. 1980).

a right to economic opportunity that guarantees a right to a job to all who are able and wish to work at a decent salary under humane conditions.

Predictably, the advocacy of this new right will encounter vehement opposition from those sources of wealth and power whose long-vested property interests will best be insured by sharing some of it with those who have nothing. They seem not to realize the oft-repeated history lesson that the more they increase their wealth at the expense of the poor, the greater the threat that they will lose it all.

Thus do we liberal reformers protect those at the top of our system from themselves. It is a high cost for the modicums of reform obtained. Crusades are not less crusades, however, when they do not travel in lines that are straight and with logic that is clear. We are foreordained to do harm when we think we do the most good, and from our failures may come long-delayed triumph. Thus, we must neither insist on victory nor fear defeat. Our duty is the struggle itself.

It is as if I hear the old Crusader's voice, still strong and deep, and emanating from somewhere beyond his weary figure. I cannot see him, but that is not important. For when I looked on his face back on that wintry hill, I saw my own. I suggest that if you see him, you too will also see yourselves.