

“Acting Our Color”: Racial Re-Construction and Identity as Acts of Resistance

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Mari Matsuda begins an essay titled *Critical Race Theory* with a story from her own childhood.

I was one of a group of nine-year-old girls sitting on a bench out on the hot, treeless playground of Queen Anne Place Elementary School in city-center Los Angeles. We were sitting and waiting—maybe for a bell to ring, maybe because a playground supervisor had “benched” us. Meaningless waiting was not something we questioned. A Black girl at the end of the bench was acting silly, jostling and shouting. We were sitting close on that bench, so another Black girl decided to take on the part of grownup. She said in a slow, wise commanding voice, “Girl, stop acting your color.” The words struck me, a child raised to watch for racism, like a truck.¹

Matsuda closes the story telling us how it felt—as if a truck had hit her. Why do these words feel like an assault? How must they feel to her black friends? She asks, “How could children, so young, know there is such a thing as acting one’s color, that it is bad, that it is the opposite of waiting quietly, that calling attention to oneself is dangerous, that color carries the burden of correct behavior and risk of judgment by another, more powerful world?”² In one elegant sentence, Matsuda interrogates this text from her childhood memory to teach us that race is real, even more so because it is constructed. “Acting your color” is acting black—acting loud, ignorant, sexual, clownish, unruly and undisciplined. This is how white supremacy’s narrative has constructed us. We have believed this narrative, even as we have resisted it, and so we instruct our children to distance themselves from our blackness, to act against the narrative of black savagery and inferiority, to sit quietly and behave.

Matsuda teaches other lessons with this story’s text. She feels the power of patriarchy intersecting with racism to tell her young black girlfriends how they must behave.³ She knows that more than ideology silences her friends—that

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¹ Mari J. Matsuda, *Critical Race Theory*, in *WHERE IS YOUR BODY?: AND OTHER ESSAYS ON RACE, GENDER, AND THE LAW* 47, 47-48 (1997).

² *Id.* at 48.

³ Critical race feminists have employed the idea of intersectionality to theorize the subordination of women of color by interconnected ideologies and structures of white supremacy and patriarchy. Matsuda writes:

material and physical violence enforces racism and the intersecting narratives of sexism and homophobia. She knows that when we tell the “acting your color” story about her black girlfriends, it constructs and disciplines young Asian girls as well.

Of course Matsuda tells this story to do more than observe and deconstruct these intersecting oppressive injuries. The narrative also becomes an occasion for imagining counter-narratives of resistance, for talking back, reconstructing and healing. How might we understand “acting our color” as an act of liberation? This essay explores Mari Matsuda’s invitation to us to hear her childhood friend’s bossy admonition as a call to name and identify ourselves with a progressive politics of antisubordination, to understand racial identity as both constructed by power and chosen as a political position.⁴ I ask how Matsuda’s teaching on identity informs the current discourse on race as a constructed category and responds to those who seek to employ racial construction theory to support the “Big Lie” of post-racialism.⁵ Throughout the essay I tell stories. Within these narratives, Matsuda and her critical race collaborators discover and unearth lived experience, feeling, understanding, and meaning that fill the gaps in traditional legal scholarship and further our ability to know ourselves and discover our interrelationship with others.

Kimiko Matsuda-Lawrence, Mari Matsuda’s and my daughter, was born in Washington, D.C., a city affectionately known by its African American inhabitants as “Chocolate City.”⁶ Metropolitan D.C., especially its Virginia and Maryland suburbs, has become increasingly multiracial in recent years, including growing

The way I try to understand the interconnection of all forms of subordination is through a method I call “ask the other question.” When I see something that looks racist, I ask, “Where is the Patriarchy in this?” When I see something that looks sexist, I ask, “Where is the heterosexism in this? When I see something that looks homophobic, I ask, “Where are the class interests in this?”

Mari Matsuda, *Standing Beside My Sister, Facing the Enemy*, in *WHERE IS YOUR BODY?*, *supra* note 1, at 61, 64-65 [hereinafter Matsuda, *Standing Beside My Sister*]; see also Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 *STAN. L. REV.* 1241 (1991).

⁴ “Finally my position is explicitly left and political. My teachers are those who engaged in struggle, those who work to understand their own position in structures of domination and oppression, and those who act to dismantle those structures.” MARI MATSUDA, *WHERE IS YOUR BODY?*, *supra* note 1, at xxi.

⁵ I have used the term “Big Lie” to name the way that the law uses the intent requirement to deny the existence of past and ongoing racism. Charles R. Lawrence III & Mari J. Matsuda, *The Big Lie: Colorblindness and the Taboo Against Honest Talk About Race*, in *WE WON’T GO BACK: MAKING THE CASE FOR AFFIRMATIVE ACTION* 67 (1997). As Kimberlé Crenshaw notes, “post-racial discourse today operates not only to de-historicize race in American society, but also to reframe the contours of this contemporary moment as constituting the opposite of what preceded it. By these lights, a post-racial America is a racially egalitarian America, no longer measured by sober assessments of how far we have come, but by congratulatory declarations that we have arrived.” Kimberlé Williams Crenshaw, *Twenty Years of Critical Race Theory: Looking Back To Move Forward*, 43 *CONN. L. REV.* 1253, 1314 (2011); see also Mario L. Barnes, Erwin Chemerinsky & Trina Jones, *A Post-race Equal Protection?*, 98 *Geo. L.J.* 967 (2010); Ian F. Haney López, *Post-racial Racism: Racial Stratification and Mass Incarceration in the Age of Obama*, 98 *CALIF. L. REV.* 1023 (2010).

⁶ For a celebratory musical discussion of this appellation for the nation’s capital, see *PARLIAMENT, CHOCOLATE CITY* (Casablanca Records 1975).

numbers of Latino, African, and Asian immigrants.⁷ However, historically, race in D.C. has been defined by the Black and white paradigm of slavery and segregation; a city whose mostly chocolate inhabitants are taxed by, but not represented in, the mostly vanilla Congress on Capitol Hill. Kimiko and her brother Paul attended public schools in this Black and white city. Our neighborhood elementary school was ninety-five percent Black. There were four other hapa-Asian⁸ children in the entire school.

When Kimi arrived at kindergarten—a bright-eyed, light brown-skinned girl in pigtails—she is raced as Black. The other children in her kindergarten class see that her mother is Asian.⁹ They notice that Kimi’s Asian mother speaks to them, as the other Black mothers do—that is, like family, as if they were her own children. They see that her father is Black, as is her younger brother, Paul.¹⁰ Kimi’s classmates have nothing else to tell them that Kimi is Japanese American (*Yonsei*¹¹), the granddaughter of Kimiko and Don Matsuda; her grandmother the daughter of immigrant laborers who traveled from Japan to work on a sugar plantation on the island of Kaua’i in Hawaii; her grandfather the son of an Okinawan father and Japanese mother who loved and married across the color line constructed by Japanese colonizers in Okinawa. Kimi’s classmates later learn these parts of her identity when she brings *musubi* to school in her lunch box and when her second grade teacher invites her mother to speak to them at circle time.

At circle time, Mari tells the children about her family, about how Japanese Americans have known a brand of American racism not so different from what their families have experienced. She brings a copy of the *Rafu Shimpō*¹² to show them what a newspaper for Japanese Americans looks like, with all the stories written from front to back and from back to front in both Japanese and English. A little boy points to a photograph of a shirt with an ugly stereotyped caricature of an Asian man and asks Mari, “What is that about?” The article is about the Japanese American community’s boycott of a chain of stores selling this racist

⁷ According to the 2010–2012 American Community Survey 3-Year Estimates, Washington, D.C. is 51.4 percent Black or African American, and only 9.5 percent Latino and 4.5 percent Asian. However the Washington-Arlington-Alexandria Metropolitan Area is only 27.2 percent Black or African American, 14.2 percent Latino, and 10.9 percent Asian. *ACS Demographic and Housing Estimates: 2010-2012 American Community Survey 3-Year Estimates*, UNITED STATES CENSUS BUREAU, http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_12_3YR_DP05&prodType=table (last visited Feb. 16, 2014).

⁸ Hapa is a term used to refer to a person of mixed ethnic heritage. The term originates from the Hawaiian word for “part” or “mixed.” Thus, Kimiko, whose mother is Asian American and whose father is African American, is referred to as hapa-Asian or hapa-black. See KIP FULBECK & PAUL SPICKARD, *PART ASIAN, 100% HAPA* (2006).

⁹ They do not wonder whether she is Chinese, Korean or Japanese. In their black-white world, these ethnic sub-categories are irrelevant.

¹⁰ Mari and I adopted Kimi’s brother Paul. The state of Louisiana, where he was born, identified both of his biological parents as African American. In D.C., his dark brown complexion and tightly curled hair identified him as Black.

¹¹ *Yonsei* refers to fourth generation Japanese Americans.

¹² *The Rafu Shimpō* (羅府新報 *Rafu Shinpō*) is a Japanese-English language daily newspaper published in the Little Tokyo neighborhood of Los Angeles that has been in circulation since 1903. It is currently accessible at www.rafu.com.

shirt. Mari explains why the community objects to the shirt and holds the picture of the caricature up beside her face. "Do I look like this?" she asks. The little boys and girls all shake their heads, "No." Then a little boy raises his hand and asks. "Ms. Matsuda, how come white people hate us so much?"

In this class of seven-year-old children, Mari Matsuda does the work she always does. She sits in front of us and says, "This is who I am. Look at me. Listen to me speak and to the stories I tell of what I see and feel. Tell me if I am like this picture of me that white supremacy's narrative has painted. Do the stories you have heard about me, and about my people, sound like my stories?"

One of Kimi's classmates answers her question with one of his own. "How come white people hate us so much?" He understands that Ms. Matsuda's question is more than a question about her. He knows that she is also asking about them, asking, "Does this picture remind you of pictures and stories that they tell about you and your people?" and "How do those pictures make you feel?" He has also heard the theory question embedded in her pictures and stories: "Why would they need to paint these pictures of us?" And he asks the question back to Matsuda.

This is how Mari Matsuda does theory. She begins with her own identity, asking who she is and where she stands in the world, and then she asks each of us to do the same. She asks us: "*Where is Your Body?*" This question, which titles her much read and influential book of essays,¹³ challenges us to examine our own lived experiences and listen to each other's stories to understand the historical forces that shape and constrain our choices, our options, our imagination, and our humanity. When Mari Matsuda asks where we stand in relation to structures and ideologies that distribute power and privilege, we know she challenges us to do much more than understand, deconstruct or explain. The identity she claims proclaims her politics. She tells us, "I speak from my position as a *Sansei* feminist, committed to ending all forms of subordination."¹⁴ When Matsuda asks us, "Where is your body?," she stakes a moral claim. She challenges us to choose the side of the least powerful. She invites us to join a joyful struggle. She teaches theory.

Our family has moved from Washington D.C. to Hawai'i, and Kimiko is writing a journal entry for her ninth grade English class. She has chosen to tell the story of her great-great-grandfather, Job Lawrence, a man born into slavery, to an enslaved mother and her master, in eastern Tennessee. When Job's father and master lost everything he had in a card game, he sold Job to settle the gambling debt. After the Civil War, Job attended Maryville College in Tennessee. He married Kimiko's great-grandmother, Missouri Anne. Missouri Anne was the illegitimate child of a prominent young Tennessee politician and the daughter of the president of Maryville College. The two white families seeking to avoid the shame that news of this illegitimate birth might bring to them, secretly gave the baby away to a kindly old enslaved woman who raised Missouri Anne as her own.

¹³ MARI J. MATSUDA, *WHERE IS YOUR BODY?*, *supra* note 1.

¹⁴ *Id.* at xi. *Sansei* refers to third generation Japanese Americans.

Job's marriage to Missouri Anne was illegal under the Tennessee anti-miscegenation law that prohibited marriage or cohabitation between white persons and those who were not white. But Kimiko's great-great-grandmother had been raised in a Black family and community, and the larger community had always treated her as Black. So when she happily accepted this fine upstanding Black man's proposal of marriage, no one objected.

Kimiko has heard this family lore before, but as she writes her journal entry, she asks me to tell it to her again. I am delighted for this opportunity to talk with her about what the story means—how the laws that defined and named her great-grandparents by calling them "colored" or "Black" shaped their lives, not only by restricting what they could and could not do, but by defining who they were, by telling the world a story about Black people that was also a story about them.

The law that allowed Job's father to sell his son to pay a gambling debt contains a narrative that made Job less than human, measuring his worth as one would value property in livestock or land. The stated purpose of the anti-miscegenation law that forbade his marriage to Missouri Anne was to "prevent a comingling of the races" and the "corruption of blood."¹⁵ The law named him "untouchable"—an unclean contaminant to the purity of white blood. The anti-miscegenation law's story was part of a larger story that justified Job's enslavement by his father and his father's rape of Job's mother. When the white community allowed Job and Missouri Anne to transgress this law it was only because they considered Missouri Anne already contaminated by the Black family who had taken her in as a baby and made her one of their own; because they already saw her as Black.¹⁶

Retelling this family story to my daughter—talking with her about its meaning, how it makes us feel, and what it makes us think about—becomes a lesson for both of us in the theory and praxis of racial construction and reconstruction. For us this is not an academic exercise. The stories that American law told about her great-grandparents, the names those stories gave them persist, and now they are stories about us. We tell and listen to the story, hearing the racist constructions of the master's narrative,¹⁷ understanding its purpose and import and talking back, reconstructing the racist constructions. We retell the story to make it our own, to hear the story of Job and Missouri Anne's resistance to the names that white supremacy's story gave them. Kimi's diary entry will continue the reconstruction project. She will teach her classmates about how the core of white supremacy lives in the paradigmatic Black/white story of slavery, property, white purity, and

¹⁵ *Loving v. Virginia*, 388 U.S. 1, 4 (1967) ("Punishment for marriage.—If any white person intermarry with a colored person, or any colored person intermarry with a white person, he shall be guilty of a felony and shall be punished by confinement in the penitentiary for not less than one nor more than five years." (quoting VA. CODE ANN. § 20-59 (1960))).

¹⁶ For a full account of this family history, see SARA LAWRENCE-LIGHTFOOT, *BALM IN GILEAD: JOURNEY OF A HEALER* (1988).

¹⁷ "I use 'master narrative' to describe white supremacy's prescriptive, conflict-constructing power, which deploys exclusionary concepts of race and privilege in ways that maintain intergroup conflict." Lisa C. Ikemoto, *Traces of the Master Narrative in the Story of African American/Korean American Conflict: How We Constructed "Los Angeles,"* 66 S. CALIF. L. REV. 1581, 1582 (1993).

contamination. She will help them no longer see her in the image that story creates, nor as an exception—as not like other Black folks¹⁸—but as a person who names herself Black and becomes a narrator of the story that reconstructs all of us.

The late Chris Iijima, our brilliant and loving colleague, comrade, and friend, opens an essay on racial construction and Asian American identity with a story about his own family:

My six-year-old half-Asian son has just had his first “Ching Chong Chinaman” taunting in school. I was expecting it, but it threw me off-balance nevertheless. He said it hurt his feelings and asked me for answers. I, of course, had none. I thought about what the appropriate response was for a six-year-old whose new consciousness of racism had begun to alter his vision of himself and the world around him irrevocably and forever.

What struck me was that the continuum of possible motivations of the other taunting children—maliciousness, ignorance, imitation—was at that moment irrelevant. At that moment it did not seem appropriate to want my son to understand why some people would make him feel bad. That was not his responsibility. I merely wanted to comfort him and to strengthen him, and all I could do was prepare him for the possibility of more.¹⁹

Iijima begins his essay with this story of the pain and powerlessness he felt as a parent to remind himself and us that when we engage in scholarly discussions about race and the law, there is always a “highly charged political dynamic, sometimes irrational and always emotional, pulsating at the core of the discussion.”²⁰ He understands that we cannot confine these discussions to discourse in academic journals when race-based injuries are reenacted constantly in infinite ways for children and their parents across America. Iijima’s story reminds us that our children’s and our own world “continue to be constructed in terms of

¹⁸ In the prologue to *The Id, the Ego, and Equal Protection: Reckoning with Unconscious Racism*, I tell a story from my first year in college:

Again I am a token black presence in a white world. A companion whose face and name I can’t remember seeks to compliment me by saying, “I don’t think of you as a Negro.” I understand his benign intention and accept the compliment. But the knot is in my stomach again. Once again I have betrayed myself.

Charles R. Lawrence III, *The Id, the Ego, and Equal Protection: Reckoning with Unconscious Racism*, 39 STAN. L. REV. 317, 318 (1987). This story is an example of unconscious racism. The unintended meaning of my classmate’s compliment, “I don’t think of you as a Negro,” constructed all other black people as other and inferior. My acceptance of the “compliment,” albeit with a knot in my stomach, was an indication of my own internalized racism. But this “compliment” might also be understood as an offer to pass for white, to deny my kinship with my race and participate in the master narrative that constructs us as inferior.

¹⁹ Chris K. Iijima, *The Era of We-Construction: Reclaiming the Politics of Asian Pacific American Identity and Reflections on the Critique of the Black/White Paradigm*, 29 COLUM. HUM. RTS. L. REV. 47, 47-48 (1997) [hereinafter Iijima, *Era of We-Construction*].

²⁰ *Id.* at 48.

hurt and resistance, self-doubt and affirmation"²¹

There is another reason that Iijima begins his essay with this story. He begins in the primal place where he sees and shares his child's hurt because now he must understand the source of the hurt and how to resist it. Now he sees he must prepare his son for the inevitability of more. Analysis, understanding, and theory begin in this place where we are constructed by hurt and must find the way to resist.²²

I have begun this essay in the same manner as Iijima—retelling Matsuda's childhood story and the stories of our daughter Kimiko's great grandparents—stories that prepare our children for the hurt that white supremacy's racial construction will surely inflict, and teaching them the habit and practice of resistance and reconstruction. Like Iijima and Matsuda, I use these texts as a starting place for analysis. Iijima, Matsuda, and I share an analysis and a position on racial construction and identity: we stand in the same place in the academic and political discourse.²³ I want to set out the central elements of this position and then return to our stories, because I believe the stories can help us understand the complexity and truth of the position.

Our position makes the following affirmations: 1) We engage in the discourse of racial construction not primarily as an investigation or intellectual inquiry but as a political act; 2) the political act of engagement in this discourse must include more than an understanding or deconstruction of how we are racially constructed by the dominant narrative. It must also entail an examination and appreciation of how we construct or racially identify ourselves; 3) our acts of engagement in the discourse—of deconstruction and racial self-identification—must always be about the conscious and explicit rejection of white supremacist ideology; 4) the political act of racial self-identification is collective. Because all people of color are constructed by white supremacy, we must hold each other and ourselves responsible for our racial identification.²⁴

I return to the stories. My story and Chris Iijima's story share something else. Each tells a story of a father constructed as mono-racial by America's dominant

²¹ *Id.*

²² Charles R. Lawrence III, *The Word and the River: Pedagogy as Scholarship as Struggle*, 65 S. CALIF. L. REV. 2231, 2278-91 (1992) (discussing the use of narrative in critical race theory). See also Charles R. Lawrence III, *Listening for Stories in All the Right Places: Narrative and Racial Formation Theory*, 46 LAW & SOC'Y REV. 247 (2012).

²³ In naming this position as shared by Matsuda, Iijima and me, I do not suggest that this is ours alone. I believe that this position is shared by many progressive scholars. See, e.g., Ian F. Haney-López, *The Social Construction of Race: Some Observations on Illusion, Fabrication, and Choice*, 29 HARV. C.R.-C.L. L. REV. 1 (1994); Nancy K. Ota, *Paper Daughters*, 12 WASH. & LEE J. CIV. RTS. & SOC. JUST. 41 (2005). I chose Iijima here because I believe his analysis most closely parallels Matsuda's and because I want to make a point here about the source of his insight.

²⁴ These principles that form the foundation of our work as scholars and activists suffuse the entire body of our work. For examples of work articulating these affirmations in the context of the discourse on racial construction and identity, see Iijima, *Era of We-Construction*, *supra* note 19; Mari J. Matsuda, *Why Are We Here? Thoughts on Asian-American Identity and Honoring Asian Americans in Congress*, in *WHERE IS YOUR BODY?*, *supra* note 1, at 171, 173 [hereinafter Matsuda, *Why Are We Here?*]; Charles R. Lawrence III, *Listening for Stories*, *supra* note 22.

racial narrative: Chris as Japanese, me as Black. The father speaks with his child, whom the contemporary American racial narrative constructs with more fluid and rapidly changing meanings: Black, Asian, biracial or without race, depending on the specific context of the racial struggle. When Chris Iijima tells us he wants to comfort his son and strengthen him in preparation for the inevitable future taunting assault, he says: "At that moment it did not seem appropriate to want my son to understand why some people would make him feel bad. That was not his responsibility. I merely wanted to comfort him and to strengthen him."²⁵ But Chris also knew at that moment that the best strength against the assaults of racism comes from understanding its origin and meaning and taking responsibility for joining the collective struggle against white supremacy.

He knew, as well, that the racial project of white supremacy raced his child with meanings that are more complex and less transparent, if no less injurious, than those he learned to understand when he was six years old. Iijima grew up in an America before the civil rights movement, before the Civil Rights Act made segregation and intentional discrimination illegal. In that time the narrative that constructed us was clear. Iijima was almost twenty in 1967 when the anti-miscegenation statutes of sixteen states still made it a crime for him to marry his wife, Jane, who is white.²⁶ Whites were superior and pure and all other non-white persons were potential corruptors of that purity. The rule of hypodescendancy made clear that Japanese Americans were raced for the same purpose as Blacks.²⁷ Iijima understood the meaning of the "Ching Chong Chinaman" taunt. It did not matter that he was Japanese. Nor did the race of the taunter matter. What mattered was whiteness, "the positive mirror image to the explicit negative identities imposed on non-Whites. . . . Whiteness is the norm around which other races are constructed."²⁸

Iijima's son hears the racial taunt in a different world. The U.S. Supreme Court declared the Constitution "colorblind."²⁹ In law and in American political and popular culture discourse, this has come to mean much more than a normative aspiration to treat each individual without racial bias. Rather, it is an assertion that America and Americans are no longer racists; we do not see race, or, if we see it, it does not matter; we have already overcome and won the war against

²⁵ Iijima, *Era of We-Construction*, *supra* note 19, at 47-48.

²⁶ *Loving v. Virginia*, 388 U.S. 1 (1967).

²⁷ The anti-miscegenation law struck down in *Loving v. Virginia* made it unlawful for any white person in the state "to marry any save a white person or a person with no other admixture of blood than white and American Indian." *Id.* at 5 n.4. Notably the statute did not prohibit the intermarriage of Negroes with Asians or non-whites. Although the Virginia Supreme Court of Appeals upheld the statute in *Naim v. Naim*, concluding that the State's legitimate purposes were "to preserve the racial integrity of its citizens" and to prevent "the corruption of blood, a mongrel breed of citizens and the obliteration of racial pride," the only blood that was protected from corruption was white. *Naim v. Naim*, 87 S.E.2d 749,756 (Va. Ct. App. 1955), *vacated*, 76 S.Ct. 151 (1955).

²⁸ IAN F. HANEY LÓPEZ, *WHITE BY LAW: THE LEGAL CONSTRUCTION OF RACE* 118, 132 (10th anniversary ed. 2006).

²⁹ *See, e.g.*, *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701 (2007); *Grutter v. Bollinger*, 539 U.S. 306 (2003); *Gratz v. Bollinger*, 539 U.S. 244 (2003).

racism; and we live in a postracial world.³⁰ Iijima's son and my daughter are raced in a country that claims there is no race. They and we know this is a lie because we experience racism's injury. We can feel it. Our job, our responsibility is to understand how this happens so we can fight back.

Critical race theorists have employed racial construction theory to explain why our children face a differently constructed racial world than we did. The phenomenon of race is a social and legal construction—a conceptual mechanism, ideology and political device to keep people of color subordinated and to justify that subordination.³¹ The social meanings of race are complex and unstable³² because political actors create and contest those meanings.³³ Although the specific meanings of Black, white, Asian, Japanese American or biracial change, these meanings are shaped by history and by the contemporary political agendas of those with an interest in the maintenance, or in the demolition, of racial subordination.

Michael Omi and Howard Winant gave the name "racial projects" to the discursive and cultural initiatives that contest, organize, and explain the distribution of political and material resources along racial lines.³⁴ The dominant racial project in America is the project of white supremacy, and this project's paradigmatic narrative is the story of white superiority and Black inferiority.³⁵ The

³⁰ "By fixating on the formal classifications of race rather than the functions of race, color-blind theorists fail to comprehend, or choose to ignore, the fact that access to opportunities in our society is very much conditioned on one's racial grouping. Thus, this decontextualized view of race portrays racial differences in the distribution of opportunities and benefits as either the aberrant result of irrational discriminatory individuals or as the result of individual failure on the part of minorities. In doing so, this mode of analysis actually serves the ends of racial domination because de facto racial segregation, our racial history and hierarchy are ignored, and race-based remedial efforts, such as affirmative action, are considered to be irrationally tainted as programs and practices that maintain White privilege." John A. Powell, *The "Racing" of American Society: Race Functioning as a Verb Before Signifying as a Noun*, 15 *LAW & INEQ.* 99, 117 (1997) [hereinafter Powell, *The "Racing" of American Society*]. See also Kimberlé Williams Crenshaw, *Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law*, 101 *HARV. L. REV.* 1331 (1988); Neil Gotanda, *A Critique of "Our Constitution is Color-Blind"*, 44 *STAN. L. REV.* 1, 2-3 (1991); Ian F. Haney-López, "A Nation of Minorities": *Race, Ethnicity, and Reactionary Colorblindness*, 59 *STAN. L. REV.* 985 (2007); Ian Haney-López, *Intentional Blindness*, 87 *N.Y.U. L. REV.* 1779 (2012); John A. Powell, *An Agenda for the Post-Civil Rights Era*, 29 *U.S.F. L. REV.* 889 (1995).

³¹ "The defining of racial categories in our society has concurred with the distribution of the right to participate in the body politic and access opportunity structures. Racial minorities have simultaneously been defined as the racial Other and denied the benefits of membership in American society. This concurrent racing and excluding has caused the adverse effects of exclusion to be manifest along racial lines so that the White majority is then able to use these effects to justify the original definition and exclusion." Powell, *The "Racing" of American Society*, *supra* note 30, at 105.

³² MICHAEL OMI & HOWARD WINANT, *RACIAL FORMATION IN THE UNITED STATES: FROM THE 1960 TO THE 1990S* 55 (1994) [hereinafter OMI & WINANT, *RACIAL FORMATION*].

³³ Howard Winant notes that interpreting the meaning of race is "a multidimensional process in which competing 'projects' intersect and clash. These projects are often explicitly, but always at least implicitly, political." HOWARD WINANT, *RACIAL CONDITIONS: POLITICS, THEORY AND COMPARISONS* 24 (1994). Angela Harris has argued that race signifies "a certain set of political and moral rights and obligations that are argued to arise from a certain history." Angela P. Harris, *The Unbearable Lightness of Identity*, 2 *AFR.-AM. L. & POL'Y REP.* 207, 212 (1995).

³⁴ OMI & WINANT, *RACIAL FORMATION*, *supra* note 32.

³⁵ Much of Iijima's discussion in *The Era of We-Construction* responds to Asian American scholars who have critiqued the Black/white paradigm as an inadequate framework for analyzing racial issues in an

new narrative of white supremacy that our children hear is less transparent than the old. The new narrative claims that race has no meaning, or that each of us may race his or her self with any meaning that we choose. This story is the "Big Lie" because its claim that we are colorblind denies the continued existence of racism. White supremacy requires this new version of the old story because antiracist movements have achieved significant successes in contesting the narrative that justified racial subordination by the slaver's lash and the colonizer's gun. The master's method has shifted, if only in emphasis, from domination to hegemony.³⁶ The new story must enlist the minds and voices of some of us who are racially subordinated. White supremacy's new story consists of a confidence game that seduces us by offering us a share of white privilege if we join racism's project.

One way to think about how the con works is to consider the idea and practice of passing. My great-great-grandfather, Papa Anne, had a brother who lived in Richmond, Virginia and passed for white. This meant that the laws of Virginia defined him as Black because he had some Black ancestor (more than one drop of Black blood),³⁷ but he appeared sufficiently Caucasian to pass for, or pretend he was white; and he did. As such, he was socially and legally constructed as white and given all of the privileges that white supremacy gave to a white man.³⁸ Of course, he had to leave his Black family, deny any relationship with them, and be sure that he was never seen associating with them. This was a very common story.³⁹ Most important for my analysis is that when my uncle passed and accepted the privileges of whiteness, he was also required to participate in the narrative that constructed the family he had left behind as Black and inferior.

increasingly multiracial nation. Iijima, *The Era of We-Construction*, *supra* note 19; see, e.g., TOMÁS ALMAGUER, *RACIAL FAULT LINES: THE HISTORICAL ORIGINS OF WHITE SUPREMACY IN CALIFORNIA* (1994); Robert S. Chang, *Toward an Asian American Legal Scholarship: Critical Race Theory, Post-Structuralism, and Narrative Space*, 81 CALIF. L. REV. 1241 (1993); Frank H. Wu, *Neither Black Nor White: Asian Americans and Affirmative Action*, 15 B.C. THIRD WORLD L.J. 225 (1995); Stanley Crouch, *Race I Over*, N.Y. TIMES MAG., Sept. 6, 1996, <http://www.nytimes.com/1996/09/29/magazine/race-i-over.html>. Iijima reminds his Asian American colleagues that "Asian Pacific Americans have been taught about how to defend ourselves as a racialized minority by the experience of other racialized people, particularly that of the African American community." Iijima, *Era of We-Construction*, *supra* note 19, at 56. He argues that in deconstructing the paradigm we must be careful to keep our focus on the effects of white supremacist ideology at the core of the analysis. *Id.* at 87.

³⁶ See HOWARD WINANT, *RACIAL CONDITIONS: POLITICS, THEORY COMPARISONS* 29-32 (1994) (describing how the move from racial subordination through domination to racial subordination through hegemony requires a new narrative).

³⁷ Under the rule of hypodescent, any fraction of "black blood" rendered an individual black. See Michael Omi, *Racial Identity and the State: The Dilemmas of Classification*, 15 LAW & INEQ. 7, 8 (1997). The hypodescent method of classification was adopted because it allowed white slaveholders to increase the number of slaves they owned. See Cheryl I. Harris, *Whiteness as Property*, 106 HARV. L. REV. 1709, 1719 (1993) ("The cruel tension between property and humanity was also reflected in the law's legitimation of the use of Black women's bodies as a means of increasing property.").

³⁸ The question of who is considered white in America has always signified as who is entitled to privilege. "[I]n any mixed community, the reputation of belonging to the dominant race, in this instance the white race, is 'property,' in the same sense that a right of action or of inheritance is property." *Plessy v. Ferguson*, 163 U.S. 537, 549 (1896).

³⁹ See Randall Kennedy, *Racial Passing*, 62 OHIO ST. L.J. 1145 (2001).

If we think about passing-for-white as a metaphor, it helps us understand how the story of Asian American identity and the Asian American project of racial construction is informed by the Black-white paradigm, the African American project, and the insights and voices of progressive Asian American scholars who have helped us all in the work of resistance to white supremacy and racial reconstruction.

Progressive Asian American scholars recognized the ways that their communities have been particularly susceptible to the con game of hegemonic racism. They have provided the acute analysis and powerful political voice that has helped not just their Asian brothers and sisters, but all of us, to resist. Matsuda's iconic essay, *We Will Not Be Used*,⁴⁰ exemplifies this work that teaches us how white supremacy seeks to enlist one oppressed minority in the subjugation of others and even of themselves.

It is the spring of 1990. I am standing at the back of a packed banquet hall. Mari Matsuda is the dinner speaker at a fundraiser for the Asian Law Caucus, the first public interest law firm serving the Asian American community. She is speaking to her own people and she begins, as Chris Iijima does, listening to and speaking of her own discomfort and unease. She tells her audience that she wants to talk with them about “something that has been bothering me and that I need your help on.”⁴¹ The worry that she speaks of is her fear that Asian Americans are in danger of becoming the racial bourgeoisie.⁴² Her theoretical analysis draws upon lessons she learned from her father, Don Matsuda, a Marxist and a labor organizer. Marx's economic bourgeoisie, the wannabes of capitalism, “were deeply confused about their self-interest.”⁴³ In their emulation of the manners and ideology of big time capitalists, Marx's economic bourgeoisie participated in the oppression of the working class and ultimately in their own subordination.⁴⁴ “I fear there is a racial equivalent of the economic bourgeoisie,” Matsuda says, “and I fear it may be us.”⁴⁵ The texts of Matsuda's analysis are her mother's stories and her own—stories that are shared by the families of the people in her audience. The Portuguese Luna who rode the horse on the plantation in Kauai'i where her mother grew up thinks that he is better than the Japanese and Filipino workers. He does not realize that the plantation owner considers him subhuman just like the other workers. Today the *Sansei* in Hawai'i are the new Lunas, sitting behind a small desk at the bank, hotel or in the Department of Education looking down on the brown people who make the beds and serve the food and who must send their children to the failing public schools where they will no longer send their own children. Matsuda points to the many ways that Asian Americans have played the role of racial bourgeoisie. Chief among them are the racial narratives that use

⁴⁰ Mari J. Matsuda, *We Will Not Be Used: Are Asian Americans the Racial Bourgeoisie?*, in *WHERE IS YOUR BODY?*, *supra* note 1, at 149.

⁴¹ *Id.*

⁴² *Id.* at 150.

⁴³ *Id.* at 149.

⁴⁴ *Id.*

⁴⁵ *Id.* at 150.

Asian American success to deny racism and put down African Americans, Latinos, and poor whites, and the way that narrative of success erases the history of Chinese exclusion laws and internment camps as well as racism's many continuing injuries to Asian Americans—the drug use, high school drop-outs, the victims of hate crimes, and AIDS. The model minority myth is an offer to pass as white—a con game that promises the privileges of whiteness in return for participation in the white supremacy's project of racial construction. At the front of the ballroom, Mari Masuda tells her brothers and sisters: “[R]emember where you came from, and take this pledge: ‘we will not be used.’”⁴⁶

Matsuda's notion of a racial bourgeoisie echoes the work of E. Franklin Frazier, an African American scholar who identified and named an analogous phenomenon operating within the Black community. In 1955, sociologist, Frazier wrote of a black racial bourgeoisie and documented the ways that middle class African Americans adopted beliefs and behaviors that mimicked and parroted white ways and participated in white supremacy's project.⁴⁷ Frazier argued that increasing numbers of middle class Negroes sought to escape identification with the Black masses by conforming to bourgeois ideals and standards of behavior and by deprecating the physical and social characteristics associated with Negroes.⁴⁸ Middle class Blacks, in their efforts to gain recognition in the white world by distancing themselves from the larger Black community, reinforced the narrative of Black inferiority in much the same way as the Asian American model minority. Black lawyers, doctors, teachers, and social workers become the new Lunas sitting behind the desk and looking down on their brothers and sisters who serve the food and make the beds.⁴⁹

We need not look far among today's Asian, Black, and Brown bourgeoisie to find the brother or sister who cannot resist the siren's song of the new colorblind narrative. “Come join us,” it calls. There is no need to look white like in the old days, although it might help if you bleach your skin, straighten your hair or get surgery to change the shape of your eyes. You only need to join us in our racial project, in helping us tell the Big Lie. Too many of our people join white supremacy's racial project out of private ambition and greed. They attack affirmative action and defend or excuse the injuries of structural and institutional racism.

Many more of us inadvertently join white supremacy's project because we are confused or seduced by academic arguments or theory that do not grow out of and

⁴⁶ *Id.* at 151.

⁴⁷ See generally E. FRANKLIN FRAZIER, *BLACK BOURGEOISIE: THE BOOK THAT BROUGHT THE SHOCK OF SELF-REVELATION TO MIDDLE-CLASS BLACKS IN AMERICA* (1957).

⁴⁸ See *id.*

⁴⁹ See *id.* Frazier finds the black bourgeoisie's efforts to become a model minority within a minority largely unsuccessful. *Id.* Frazier argued that the black bourgeoisie was haunted by feelings of inferiority and insecurity and that their failed attempts to escape racism's mark of oppression not only reinforced the master narrative of black inferiority but damaged their own self esteem. See *id.* at 25-26; cf. SARA LAWRENCE-LIGHTFOOT, *I'VE KNOWN RIVERS: LIVES OF LOSS AND LIBERATION* (1995) (arguing that while E. Franklin Frazier's analysis revealed important truths, his two dimensional description of black middle class life masked complex, nuanced diverse experiences within the African American community).

articulate specific political actions resisting racism. For example, opponents of affirmative action have argued that race consciousness and identity politics rests on an essentialist understanding of race that ignores the complexity of identities within groups and individuals.⁵⁰ They worry that racial identity politics strengthens the racist story that sees race as biology or essential identity.⁵¹ Post-modern scholars have suggested that race is performance and performing across the racial boundaries of constructed race can disrupt the racial narrative.⁵² College students join biracial clubs because they feel the Black or Asian student organizations do not fully honor or understand the experience of multi-ethnic identity.⁵³ Young people worry that special programs organized around race will stigmatize and confine them. They want to be thought of as individuals, not defined by their race. They want people to say, "She's a writer or a great writer," not, "she's a Black writer or an Asian writer." They want to be admitted to law school because they are smart, not because they are Black. I understand and empathize with these young people, but I worry that they do not see how their own desire to make their race irrelevant plays into the hands of those who would claim that white supremacy no longer races them.

The colorblind story that denies racism also relies on the anti-essentialist argument. The Black, Asian, or biracial scholar who laments the ways that affirmative action stigmatizes him and ghettoizes his work is presented as exhibit A by those who only see racism when Black or Asian students sit together in an otherwise all white dining room. I worry that the biracial child who says he is not Black because he wants to acknowledge his love for his white father as well as his Black mother does not see how this choice reinforces white supremacy's story.

Mari Matsuda teaches us that her Asian American identity is not natural.⁵⁴

⁵⁰ See generally NATHAN GLAZER, *AFFIRMATIVE DISCRIMINATION: ETHNIC INEQUALITY AND PUBLIC POLICY* (1975); T. SOWELL, *CIVIL RIGHTS: RHETORIC OR REALITY?* (1984); Lino A. Graglia, *Special Admission of the "Culturally Deprived" to Law School*, 119 U. PA. L. REV. 351 (1970); John Kaplan, *Equal Justice in an Unequal World: Equality for the Negro—The Problem of Special Treatment*, 61 NW. U. L. REV. 363 (1966); Richard A. Posner, *The DeFunis Case and the Constitutionality of Preferential Treatment of Racial Minorities*, 1974 SUP. CT. REV. 1.

⁵¹ See, e.g., K. Anthony Appiah, *Race, Culture, Identity: Misunderstood Connections*, in *COLOR CONSCIOUS: THE POLITICAL MORALITY OF RACE* (1996) (arguing that while there is a place for racial identities in a world shaped by racism, there is an ethical danger in making racial identities too central to our conceptions of ourselves; and that we cannot move beyond racism without moving beyond current racial identities).

⁵² See, e.g., JUDITH BUTLER, *BODIES THAT MATTER: ON THE DISCURSIVE LIMITS OF "SEX"* (1993); LET'S GET IT ON: *THE POLITICS OF BLACK PERFORMANCE* (Catharine Ugwu ed., 1995); *REPRESENTATIONS OF BLACKNESS AND THE PERFORMANCE OF IDENTITIES* (Jean Muteba Rahier ed., 1999); Minelle Mahtani, *Tricking the Border Guards: Performing Race*, 20 ENV'T & PLAN. D: SOC. & SPACE 425 (2002).

⁵³ Susan Saulny, *Black White? Asian? More Young Americans Choose All of the Above*, N.Y. TIMES, Jan. 29, 2011, at A1, <http://www.nytimes.com/2011/01/30/us/30mixed.html?pagewanted=all>. See also KIRSTEN A. RENN, *MIXED RACE STUDENTS IN COLLEGE: THE ECOLOGY OF RACE, IDENTITY, AND COMMUNITY ON CAMPUS* (2004); Kenneth E. Payson, Comment, *Check One Box: Reconsidering Directive No. 15 and the Classification of Mixed-Race People*, 84 CALIF. L. REV. 1233, 1258 (1996).

⁵⁴ Matsuda argues that understanding Asian American as political helps to counter racist narratives of essentialism. "Saying (Asian American identity) is not natural is important because the ideology of racism depends on naturalized notions of racial identity. 'Those Asians are just like that.' They are naturally greedy, bad drivers, nearsighted, inscrutable, math wizards. Born that way can't trust them." Mari J. Matsuda, *Why Are We Here?*, *supra* note 24, at 173. Iijima argues that there is no common Asian American

Rather, "Asian American identity is historically constructed by uniquely American circumstances and reinforced by the deliberate practice of pan-Asian American activism."⁵⁵ She argues that Asian American coalition is "defined by the struggle against racism."⁵⁶ Asian Americans learned to defend themselves as a racialized minority from a shared experience and in coalition with African Americans and Latinos. The construction of Asian American identity was itself a byproduct of political organizing in the 1960s and 1970s when "working-class Asian gang members started reading political tracts and painting murals of Malcolm X, Ho Chi Min[h] and Che Guevera . . . [and] Asian college students started sitting in, demanding power within the university"⁵⁷

Matsuda names this concept of racial identity, defined by a shared politics of antisubordination, "progressive essentialism."⁵⁸ This name reminds us that the problem lies not in embracing any essential identity. Rather, we must choose the essential identity of justice seekers. "[P]rogressive racial identity must be more than an acknowledgement of appearance and common ancestry. It must include a common political outlook and agenda based upon a shared worldview that seeks freedom from that subordinated condition."⁵⁹

When we study racial identity and racial construction theory without connecting our study to antiracist politics, we risk losing the progressive content of racial identity. As we engage in the project of understanding and constructing our own racial identities, we must remember that this project must explicitly oppose ideologies of white supremacy and it must do so in the context of specific political struggles. If we fail in this, our study of racial constructions may aid and abet the racist master narrative and be co-opted by those who seek to maintain the racial status quo.

Mari Matsuda challenges us to, "Act our color." "Where is your body?" she asks, promising to stand with us in this joyful struggle.⁶⁰ Who among us can listen to that brilliant, passionate, loving voice, and not stand beside her?

culture because Asian Americans have been given a common identity by "the fabric of white supremacist stereotypes of Asians." Iijima, *Era of We-Construction*, *supra* note 19, at 56.

⁵⁵ Matsuda, *Why Are We Here?*, *supra* note 24, at 176.

⁵⁶ *Id.*

⁵⁷ *Id.* at 175. See also Iijima, *Era of We-Construction*, *supra* note 19, at 54 (arguing that Asian American identity was not centered on questions of heritage or culture but on fundamental questions of oppression and power). Iijima wrote: "In essence, the recognition and proclamation of racial identity—at least in the contemporary context of Asian Americans—was originally a means to a political end and not the end in itself. Asian American 'identity' was not meant to be a synonym for 'heritage.' It was a means to identify with others who shared the experience of subordination." *Id.*

⁵⁸ MATSUDA, *WHERE IS YOUR BODY?*, *supra* note 1, at xii. Iijima gives the name "Strategic Essentialism" to this idea of identity defined by chosen political position and community. Iijima, *Era of We-Construction*, *supra* note 19, at 63 ("'Strategic essentialism' envisions a constructed unity assumed for political reasons for 'the purpose of contesting and disrupting discourses that exclude Asian Americans while simultaneously revealing the internal contradictions so as to insure that such essentialisms will not ultimately strengthen the apparatuses that Asians seek to dis-empower.") (citing Lisa Lowe, *Heterogeneity, Hybridity, Multiplicity: Marking Asian American Differences*, 1 *DIASPORA* 24, 39 (1991)).

⁵⁹ Iijima, *Era of We-Construction*, *supra* note 19, at 49.

⁶⁰ See generally Matsuda, *Standing Beside My Sister*, *supra* note 3, at 61-71.