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THE SHIFTING RACE-CONSCIOUSNESS MATRIX AND THE MULTIRACIAL CATEGORY MOVEMENT: A CRITICAL REPLY TO PROFESSOR HERNANDEZ

REGINALD LAMON ROBINSON*

In this article, the author posits that race as an idea begins with consciousness that reinforces that race is real and immutable. The Multiracial Category Movement can shift our race consciousness away from traditional ways of thinking, talking, and using race. The Movement moves us beyond binary race thinking, and this new thinking shifts the extant race consciousness matrix. It also frees our consciousness so that we can personally and politically acknowledge our biracial and multiracial identities, and it perforce alters the traditional political meaning of race. Legal scholars like Professor Tanya Hernandez argue for the political meaning of race against a remediating balm against the color-blind jurisprudence, weakening of civil right protections, and pigmentocracy. While these new identities can promote color-blind jurisprudence by conservatives and pigmentocracy by those fleeing the oppressive constraints of traditional racial categories, the author argues against Hernandez and for the Movement’s paradigm shifting possibilities.

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The Matrix—the combined current energy field within any given parameter—is a powerful vibe. It can directly impact, affect, and create physical objects and events.

("Wherever two or more are gathered in My name . . .")

Your popular psychology has termed this energy Matrix the "Collective Consciousness." It can, and does, affect everything on your planet: the prospects of war and the chances for peace; geopolitical upheaval or a planet becalmed: widespread illness or worldwide wellness.

All is the result of consciousness.¹

INTRODUCTION

Although we socially, historically, and psychologically co-create racism and white supremacy,² race is not biologically factual. It is not

¹ 2 Neale Donald Walsch, Conversations with God: An Uncommon Dialogue 83 (1997). Cf. Carl Jung, The Concept of the Collective Unconscious, in The Portable Jung 59, 60 (Joseph Campbell ed. & R. F. C. Hull trans., Penguin Books 1976) (1971) ("In addition our immediate consciousness, which is of a thoroughly personal nature and which we believe to be the only empirical psyche (even if we tack on the personal unconscious as an appendix), there exists a second psyche system of a collective, universal, and impersonal nature which is identical in all individuals. This collective unconscious does not develop individually but is inherited. It consists of pre-existent forms, the archetypes, which can only become conscious secondarily and which give definite form to certain psychic contents.").

² By co-creation, I mean that each of us has been socially conditioned, principally in our primary environments, to accept that race, race consciousness (i.e., thinking of ourselves in racial terms), racism, and white supremacy are naturally occurring (i.e., human nature) and socially inevitable. See, e.g., Peter L. Berger & Thomas Luckmann, The Social Construction of Reality: A Treatise in the Sociology of Knowledge 19–20 (Anchor Books 1967) (1966) ("The world of everyday life is not only taken for granted as reality by the ordinary members of society in the subjectively meaningful conduct of their lives. It is a world that originates in their thoughts and actions, and is maintained as real by these."). Once we accept that this inevitable social reality is upon us, we consciously and unconsciously focus our minds on race. This focus alone is sufficient to create and maintain race and race consciousness. See Richard Delgado, Legal Storytelling: Storytelling for Oppositionists and Others: A Plea for Narrative, in Critical Race Theory: The Cutting Edge 64, 65 (Richard Delgado ed., 1995) ("[Narratives] are nearly invisible; we use them to scan and interpret the world and only rarely examine them for themselves. Ideology—the received wisdom—makes current social arrangements seem fair and natural."). However, despite this focus, each of us experiences race and race consciousness differently. Cf. W. Brugh Joy, Joy's Way: A Map for the Transformational Journey 196 (1979). Joy writes:

Albert Einstein posited that two individuals observing the same event from two different points in space do not experience the same reality. Going even further than Einstein, I would state that two people who observed the same
As such, race does not have any meaning that survives its social and historical context. Race exists, if ever, in our individual and cultural consciousness. If we do not constantly and consciously meditate on it, race cannot exist. Unfortunately, we fuel this social construct with our mental kindling and intellectual logs. Race, racism, and white supremacy exist because we—individually and collectively—event from the same point in space at the same point in time (if it were physically possible) would not experience the same reality... [because each person’s focus of awareness is different.]

Id. It is this difference that creates the opportunity for new thinking with each generation on race and race consciousness, and it is this difference that will eventually give so-called black people the courage to think of themselves without any veil of race and without any overlay of race consciousness. See id. ("There are, therefore, as many different realities occurring as there are foci of awareness.")

5 See generally Doe v. Louisiana, 479 So.2d 369 (La. 1985) (unsuccessful action seeking mandamus to compel Department of Health and Human Resources to change deceased parents’ racial classification from "colored" to "white."); see also Michael Omi & Howard Winant, Racial Formation in the United States: From the 1960s to the 1990s, at 53-54 (1995).


5 See, e.g., Anthony Appiah, The Uncompleted Argument: Du Bois and the Illusion of Race, in "Race," Writing, and Difference 21-37 (Henry Louis Gates ed., 1986) (arguing that race does not have a biological genesis but rather a sociological origin); Michel Marriott, Multiracial Americans Ready to Claim Their Own Identity, N.Y. Times, July 20, 1996, at A1 ("The very existence of multiracial people ... challenges this nation’s traditionally rigid notions of race."); Doe, 479 So.2d at 372 ("Individual racial designations are purely social and cultural perceptions, and the evidence conclusively proves those subjective perceptions were correctly recorded at the time appellants’ birth certificates were issued.").

6 See John a. powell, The "Racing" of American Society: Race Functioning as a Verb Before Signifying as a Noun, 15 Law & Ineq. J. 99, 104-05 (1997); see generally Berger & Luckmann, supra note 2. powell observes:

Racing is largely a top-down process where the more powerful group first degrades the racial Other of its self-definition. This is often done by denying the racial Other its language and culture and then assigning a set of characteristics to this group that are beneath those of the more powerful group. The dominant group becomes the invisible norm by which all others are unfavorably measured.

powell, supra (footnote omitted); see also Robert V. Guthrie, Even the Rat Was White: A Historical View of Psychology 3-46 (1976) (discussing not the biological or scientific basis for racial categories and measurements, racism, and white superiority, but the intellectual and academic commitment by early white anthropologists and psychologists who furthered the notion that American and European whites were superior to non-white races).
create it, enforce it, and sustain it. Thus, it is our race consciousness and its attendant behavior that remain the apt locus for racism and white supremacy. We consciously create race by externalizing what we think about, for example, blacks. This race-thinking—or externaliz-

7 See Clarence Page, Showing My Color: Biracial Kids Face Burden of Two Worlds, Hous. CHRON., Mar. 14, 1996, at 1 ("Black Americans who have internalized white supremacist attitudes and values become agents of those attitudes and values, enforcing them in others and passing them on to new generations more effectively than the Ku Klux Klan ever could."); Jones v. Alfred Mayer Co., 392 U.S. 409, 445 (1968) (Brennan, J., concurring).

8 See, e.g., Jones, 392 U.S. at 445 (Douglas, J., concurring). Justice Douglas argued that:

Negroes have been excluded over and again from juries solely on account of their race, or have been forced to sit in segregated seats in courtrooms. They have been made to attend segregated and inferior schools, or been denied entrance to colleges or graduate schools because of their color. Negroes have been prosecuted for marrying whites. They have been forced to live in segregated residential districts, and residents of white neighborhoods have denied them entrance. Negroes have been forced to use segregated facilities in going about their daily lives, having been excluded from railway coaches, public parks, restaurants, public beaches, municipal golf courses, amusement parks, buses, and public libraries.

Id. at 445-46 (citations omitted).


Consider the myth first as a projection, to use the conventional psychoanalytic term. I would prefer the term "externalization," for I do not refer solely to the tendency to project outward simulacra only of those impulses that we cannot accept in ourselves. . . . And when we are painting a picture or writing a poem or constructing a scientific theory, there comes a moment when "it," the product we are producing, takes over and develops an autonomy of its own, an external existence. It is now the theory that requires the revision, not the theorist, the picture that needs this line here, and not the painter's whim.

Id. Although I agree with Bruner's basic argument, I think he has reduced the theorem to too fine a point. This reduction limits the inquiry solely to the theory, but in the case of racism, race consciousness, and white supremacy, the theory and the theorist continue to undergo construction, deconstruction, and reconstitution. See Jay P. Moran, Postmodernism's Misguided Place in Legal Scholarship: Chaos Theory, Deconstruction, and Some Insights From Thomas Pynchon's Fiction, 6 S. CAL. INTERDISC. LJ. 155, 167 (1997) ("Neopragmatists, on the other hand, agree with poststructuralists that language mediates our understanding of the world, but they emphasize the contingent character of knowledge and language. Represented most notably by Stanley Fish and Richard Rorty, their approach is one of reconstruction: they are unmistakably optimistic that rhetorical exercises can achieve desirable social goals.") (footnote omitted). As such, by focusing solely on the theory, Bruner ignores without much explanation what role whites and blacks play in the maintenance of race and race consciousness. As Mary Dudziak and others have argued, race as a construct is dynamic, constantly shaped by exigent and emergent circumstances in the social, political, and economic fora. See, e.g., OMI & WINANT, supra note 3, at 17-18 ("[E]thnicity theory derived its agenda from the political imperatives of the period: to condemn in the liberal terms of the war years the phenomenon of racial inequality, which smacked of the kinds of
ing—constructs our liberal world,¹⁰ and this world in turn constructs us.¹¹ As Jerome Bruner would perhaps argue, race for all of us is the “out there” that first exists “in here.”¹² In this way, race is not only constructed but is also a consciousness matrix.¹³

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¹⁰ See, e.g., Plessy v. Ferguson, 163 U.S. 537, 551 (1896) (Justice Brown, in John Stuart Millian language, argued that “[w]hen the government, therefore, has secured to each of its citizens equal right before the law, and equal opportunities for improvement and progress, it has accomplished the end for which it was organized, and performed all of the functions respecting social advantages with which it is endowed.”); see generally Mary Dudziak, Desegregation as a Cold War Imperative, 31 STAN. L. REV. 61 (1988).

¹¹ See Bruner, supra note 9, at 277.

¹² Bruner, supra note 9, at 277. Bruner aptly argues:

What is the significance of this externalizing tendency? It is twofold, I would urge. It provides, in the first instance, a basis for communion between men. What is “out there” can be named and shared in a manner beyond the sharing of subjectivity. By the subjectifying of our worlds through externalization, we are able, paradoxically enough, to share communally in the nature of internal experience. By externalizing cause and effect, for example, we may construct a common matrix of determinism.

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¹³ See Reed, supra note 4, at 22. Adolph Reed argues that:

Racial difference is not merely reflected in enforced patterns of social relations; it emerges exclusively from them. . . . The hesitancy about accepting race’s contingency and fluidity shows just how thoroughly racist thinking—which isn’t just bigotry but all belief that race exists meaningfully and independently of specific social hierarchies—has been naturalized in American life, the extent to which we depend on it for our conceptual moorings. However, the conviction of race’s solidity is undone by the ephemerality of the very categories that support it.
Basically, if race arises from a consciousness matrix, does race necessarily have an essential meaning outside of how we think, use and talk about race? I think not! Thinking, talking, and using give race its life force, content, and meaning (e.g., racism). Without our thinking, talking, and using, race loses its practical, social function, and we need never experience the individual and collective pain that follows consciously or otherwise when we force people to separate unnaturally from each other. Unfortunately, if we continue to think, talk, and use race, we—blacks, whites, and others—co-create these venal experiences. And then we become drunk and sickened by the nasty mead we have created, and in this drunken stupor, we forget that we originated race and racism, proclaiming instead that race and racism not only reside in a great unreachable beyond but also remain external, objective, and real.

We rarely ask if race’s meaning exists beyond our consciousness, and we rarely ponder how absolutely central our role is in race’s oppressive meaning. Ultimately, then, it is as if we—blacks, whites, and others—walk into a well-lit room, turn out the lights, forget about the light switch, and then curse the darkness. Because we turned out the light, the idea of darkness must already have existed within our consciousness. By dimming the light, we sought the dark. After we create darkness, then we alienate ourselves from each other by becoming vested in our racialized roles, all the while blaming the liberal state

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Id.; see also Deshimaru, supra note 12, at 12 ("Everything in the universe is connected, everything is osmosis. You cannot separate any part from the whole: interdependence rules the cosmic order.")


16 See, e.g., Omi & Winant, supra note 3, at 55.

17 See generally Gary Zukav, The Dancing Wu Li Masters: An Overview of the New Physics (Bantam 1980) (1979) (referring to physicists who believe that they are influencing whether they can either locate a sub-atomic particle but not its speed, or its speed but not its location).

18 See, e.g., Peter Gabel, The Phenomenology of Rights-Consciousness and the Pact of the Withdrawn Selves, 62 Tex. L. Rev. 1563, 1581 (1984) ("We guard ourselves against the risk of taking existential action against our alienation by repeatedly telling ourselves that our alienation is inevitable, while at the same time denying that this alienation exists."). See generally Regina Austin, "The Black Community," Its Lawbreakers, and a Politics of Identification, 65 S. Cal. L. Rev. 1769 (1992) (discussing the politics of distinction as the source of alienation within the black "community").
for solely creating race and for deliberately giving race its particularly venal content. Hardly! For dark, fearful reasons, blacks and whites prefer a race consciousness. Why? I think blacks and whites prefer thinking, talking, and using race and race consciousness because each group seeks power, innocence, control, irresponsibility, etc. Worst of all, we foolishly believe that “blackness” or “whiteness” represents our true, spiritual identity and our true beingness.

What nonsense! Again, blacks and whites act as if they cannot respond to how they have allowed themselves to think, talk, and use race. In the end, we become the “blackness” or “whiteness” and its venal content. If we account for a given culture’s collective consciousness, no great, oppressive force exists beyond our own consciousness.

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20 See, e.g., Shelby Steele, I’m Black, You’re White: Which of Us is Innocent?, Seattle Times, June 19, 1988, at Al2; Reed, supra note 4, at 22 (arguing that “[w]hiteness became increasingly significant as a kind of safety net, providing a baseline of eligibility to rights, opportunities, and minimal social position. . . . By the turn of the current century, immigrants came quickly to understand the material advantages of being declared white. . . . It only made sense for immigrants to try to avoid being thus hampered [by the label “black”].”).

21 See Phyllis V. Schlemmer, The Only Planet of Choice 23 (Mary Bennett ed., 2d ed. 1996). Tom, the communicator for the Council of Nine, states:

[Humans] know they have come from the Creator. Therefore if you come from the Creator, are you not part of it? If a mother births a child, can you say that child does not contain part of that mother? Even a mother who is implanted, that child still has the blood supply of the implanted mother, is that not so? Then why is humankind not intelligent to understand that? That which Created did not remove intelligence. Does humankind prefer to remain ignorant, so there is no responsibility?

Id.


Derricotte writes:

I’m sure most people don’t go around all the time thinking about what race they are. When you look like what you are, the external world mirrors back to you an identity consistent with your idea of yourself. However, for someone like me, who does not look like what I am, those mirrors are broken, and my consciousness or lack of consciousness takes on serious implications. Am I not conscious because, like others, I am just thinking of someone else? Or is it because I don’t want to be conscious? Am I mentally ‘passing’?). By mentally “passing.”

Id. Derricotte impliedly confesses that she remains consciously focused on race all the time.

fools, and they are us.24 In this way, race’s meaning is always first “in here” (i.e., matrix consciousness).25

This matrix of race consciousness—race thinking and its meaning—comes under direct attack from the Multiracial Category Movement (MCM)26. With this MCM, we can weaken our narrow fixation on a singular racial identity, and by broadening our racial lenses, we can achieve at least five goals. First, we can shift our race consciousness. Second, we can destabilize racial categories completely. Third, we can think, talk, and use “race” categories toward a higher, Spiritual end. Fourth, we can eradicate all racial categories. Fifth, we can begin to relate to each other as Spirit beings, despite the different “color” garb we may choose in a given lifetime. In this critical essay, I evaluate Professor Tanya Kateri Hernández’s article, “Multiracial” Discourse: Racial Classifications in an Era of Color-Blind Jurisprudence,27 and I proceed in the following way. First, I briefly flesh out the problem of a race-consciousness matrix. Then, I argue that the MCM does not in and of itself privilege white over black. Third, the MCM creates a challenge and an opportunity for perhaps yet unimagined social liberty and le-

When I first read Ludwig Wittgenstein’s Philosophical Investigations, one way I explained it to myself was that for Wittgenstein context is everything, or at least that it is integral to the meaning of everything. That is what Jacques Derrida’s ‘there-is-nothing-outside-the-text’ means for me. We, words, laws, books, even (in my tradition) God incarnate, are all embedded in the texture together.

Id. Berger and Luckmann also write on this point:

I apprehend the reality of everyday life as an ordered reality. Its phenomena are prearranged in patterns that seem to be independent of my apprehension of them and that impose themselves upon the latter. The reality of everyday life appears already objectified, that is, constituted by an order of objects that have been designated as objects before my appearance on the scene.

Berger & Luckmann, supra note 2, at 21–22.

24 See Barbara Quint, Coopetition: Sleeping With the Enemy: Cooperating Rivals Could Make for a Stronger Information Industry, Info. Today, Jan. 1, 1997, at 7 (“Pogo knew best. How did that sage ‘toon put it? Ah, yes. ‘We have met the enemy and he is us.’ Actually, the sage behind the ‘toon was Walt Kelley, creator of the ‘Pogo’ comic strip.”).

25 See Derricotte, supra note 22, at 17 (“I feel deeply that we cannot think of racism as something ‘out there.’ It happens and is connected to the most profound and present shaping elements in our lives. The effects of the great social forces trickle down to the most vulnerable. Racism is a form of child abuse.”).


gal equality. Fourth, the MCM does not perforce invigorate color-blind jurisprudence and thus white supremacy.

I. RACE-CONSCIOUSNESS MATRIX

Blacks, whites, and others allow a race-consciousness matrix to powerfully control how they think about themselves and others. The words “allow” and “control” are crucial here. In the race game, these terms suggest that neutral energy flows both ways. First, “allow” suggests that blacks, whites and others actively participate in self-alienation, and second, “control” suggests that blacks, whites, and others consciously turn their power to discern over to other people or things. In this dynamic, then, blacks, whites, and others commit their energies to thinking, talking, and using race. Basically, then, each side needs the other. Together, blacks, whites, and others con-


I think one of the heaviest weights that oppression leaves on the shoulders of its former victims is simply the memory of itself. This memory is a weight because it pulls the oppression forward, out of history and into the memory of his oppression as through his experience in the present. What makes this a weight is that the rememberer will gird himself against a larger and formidable enemy than the one he is actually encountering. It was the intrusion of the enemy-memory that led me into an exaggerated and wasteful defensiveness.

Id. at 150. See generally, e.g., W.E.B. Du Bois, The Souls of Black Folks (Signet Classics 1995).

29 See Michael Omi & Howard Winant, On the Theoretical Status of the Concept of Race, in RACE, IDENTITY, AND REPRESENTATION IN EDUCATION 3, 5 (Cameron McCarthy & Warren Crichlow eds., 1993) (referring to “W. I. Thomas’s famous dictum that if people ‘define situations as real they are real in their consequences.’”) (citation omitted).

30 See Lillian Smith, Killers of the Dream 69 (1994). Smith writes:

We whites have a color glaze on our imaginations that makes it hard to feel with the people we have segregated ourselves from. But I think, as they watched the signs go up, and saw wall after wall built by the law to shut them out from the life of their nation, that many of them blocked it off just as did white people. I think maybe they drew a little circle around their small personal lives and tried not to look beyond, for there were sinister sounds and shadows outside.

Id.
tribute such intense energy to race-thinking that they underwrite race at conscious and unconscious levels. By consciously or otherwise focusing mental energy on race, blacks, whites, and others create the individual and collective consciousness that forms a race-consciousness matrix.

To this extent, a race-consciousness matrix is a "pre-given form of life." This form of life literally awaits all of us. We are born into it and become imprinted with racial symbols, codes, and language (e.g., culture). Before too long, we variously adopt these symbols, codes,

31 See Omi & Winant, supra note 29, at 5 ("At the level of experience, of everyday life, race is an almost indissoluble part of our identities. Our society is so thoroughly racialized that to be without racial identity is to be in danger of having no identity."); Smith, supra note 30, at 68–69 ("For we used those lynchings as a symbolic rite to keep alive in men's minds the idea of white supremacy and we set up a system of avoidance rites that destroyed not bodies but the spirit of men.").


33 See, e.g., Joseph Boskin, Sambo: The Rise & Demise of an American Jester 15 (1986). In describing how different types of buffoonery were used to describe blacks, Boskin writes:

Little attention has been directed to the extensive role of the image and its fact and form throughout the culture and its connection to stereotyping. Fewer still have wrangled with the intricacies of humor in this instance and its relationship to an American iconical type. Sambo's reach was extraordinary, affected other minority images, and to a degree still lingers in the contemporary period.

34 See John O. Calmore, Critical Race Theory, Archie Shepp, and Fire Music: Securing an Authentic Intellectual Life in a Multicultural World, in Key Writings, supra note 9, at 315, 319. Discussing John Brenkman favorably, Calmore writes:

[Brenkman] sees culture as constituting the forms of symbolization, representation, and expression through which a group secures its identity and solidarity. Culture enables a group to situate reciprocal relationships and mutual understandings while simultaneously differentiating itself from other groups with which it is interdependently linked, whether as a matter of cooperation or of antagonism.

and language, and we live as if we have never been without them. With cultural practices, then, we have a "mind-set," one which takes inalterably to rigid race-thinking. With race-thinking, we internalize race's limitations—self-hatred, alienation, and segregation. Although each new generation alters how it race-thinks, the father's

We choose racism and racial depiction as our principal illustration... Each of these [museum] collections depicts a shocking parade of Sambos, mam­mies, coons, uncles—bestial or happy-go-lucky; watermelon-eating—African-Americans. They show advertising logs and household commodities in the shape of blacks with grotesquely exaggerated facial features. They include minstrel shows and film clips depicting blacks as so incompetent, shuffling, and dim-witted that it is hard to see how they survived to adulthood. Other images depict primitive, terrifying, larger-than-life black men in threatening garb and postures, often with apparent designs on white women.

Id. at 1259–60 (footnotes omitted).


36 Calmore, supra note 34, at 325 ("It is through dominant cultural understandings, then, that whites act out and reinforce racism as it is found in social relations, institutional arrangements, and personal behaviors. Generated through culture, racism is self-generative, and thus change is difficult because the appearance of change often substitutes for substantive change.").

37 Lawrence, supra note 35, at 829–30.

People of color are taught to hate themselves in a white supremacist culture. White racism is internalized. We straighten our hair and bleach our skin. We pay plastic surgeons to make our eyes look round. We use the white man's words to demean ourselves and to disassociate ourselves from our sisters and brothers. And then we turn this self hate on other racial groups who share with us the ignominy of not being white. When we do this we borrow a lexicon of racism that originates in white supremacy.


Citing a series of reports on attitudes of white Americans toward black Americans appearing in Scientific American between 1956 and 1978, Charles E. Case and Andrew M. Greeley conclude that "there has been a continuous increase in the percent of whites who favor equal treatment for blacks in all areas of American society" since 1942. Furthermore, responding to commentaries suggesting a resurgence of racism in the late 1980s, Charlotte Steeh and Howard Schuman reviewed surveys conducted between 1984 and 1990 on young white adults and concluded that the survey data show that there is "no widespread, systematic decline in liberal racial attitudes among those people entering adulthood from 1960 to 1990."
sins visit the children. And although children can change how they race-think, they still exist within a race-consciousness matrix. For example, in the late 1800s, whites used lynching as official and unofficial violence against blacks, whites, and Asians. Today, society publicly rejects racial violence. At the same time, most white Americans quietly fear blacks and other minorities and unconsciously


But members of the so-called Generation X say they still can find personal meaning in King’s crusade for social justice, and for a still-unfulfilled dream of racial equality.

“Dr. King’s dream for peace, racial equality and harmony offers us hope for the future,” said Stephen Thomas, 19. “Our generation can use his non-violent philosophy so we can come together. So we can make sure the progress continues.”

Id.

See Larry Muhammad, Hip to Be Hybrid: Multiracial Young People Find Growing Pride in Their Heritage, COURIER-J. (Louisville, Ky.), Aug. 8, 1999, at 1H. (“It is the children of these couples who are demanding acceptance and bridling at the identity choices forced on them by race-conscious society.”). One college student explained his situation: “I fill out ‘black’ on forms, and I do feel like I’m slighting my mother’s heritage. But I can’t put ‘white,’ because they’d look at me and say, ‘No, you’re black.’ And I can’t put ‘other.’ It just makes me feel like nothing.” Id.

See Jeff Dickerson, Hardening of Attitudes: A True Social Disease, ATLANTA J., Nov. 4, 1997, at A6 (“Are we creating a new generation of racists? Quite clearly, we are. The way we raise our kids—even some social policies—are creating new rounds of racial resentment among all classes and races.”). See generally Lilia I. Bartolome & Donaldo P. Macedo, Dancing with Bigotry: The Poisoning of Racial and Ethnic Identities, 67 HARV. EDU. REV. 222 (1997) (arguing that by looking critically at mass media and the popular press, politics of racism and racial divisions operate as part of America’s mainstream ideology, affecting thus not only racist hate groups but also every citizen).


One of the [Ku Klux Klan] movement’s principal instruments was lynching. Whites whipped and even killed blacks for often trivial reasons. A “nigger hunt” in Louisiana’s Bossier Parish that took 120 lives in 1868 was only the most extreme example of a phenomenon which became widespread during Reconstruction. . . . The epidemic of extralegal executions which began during Reconstruction grew worse in the 1880s, . . . reach[ing] a peak in the 1890s.


See generally Fair Housing Act, 42 U.S.C. § 3631 (1997) (prohibiting racial violence and discrimination through acts that coerce, interfere, or intimidate citizens who exercise their rights under Title VIII or who are protected under the Fair Housing Act).

practice racial exclusion.\textsuperscript{44} Although our society gradually improves on the race question, why then do blacks, whites, and others still prefer to think, talk, and use language within a race-consciousness matrix? I would argue that we wish to end not a race-consciousness matrix but nasty displays of racism.\textsuperscript{45} As such, we would prefer not the end of race consciousness but the privileging of racial tolerance.\textsuperscript{46} I think this point holds because blacks, whites, and others cannot imagine a Self outside of a race-consciousness matrix.\textsuperscript{47} As such, this matrix functions as an institutional form of life through which we "know" ourselves and limit others,\textsuperscript{48} and unfortunately, under this form of life

\textsuperscript{44} See, e.g., Faynese Miller Xae et al., The Contextualization of Affirmative Action: A Historical and Political Analysis, 41 AM. BEHAV. SCIENTIST 223 (Oct. 1, 1997); Michael Meyers, The Color of Change: Two Books Take Different Approaches to Examining America's Oldest Dilemma, BOSTON GLOBE, Nov. 9, 1997, at L1 (reviewing STEPHAN THERNSTROM & ABIGAIL THERNSTROM, AMERICA IN BLACK AND WHITE: ONE NATION, INDIVISIBLE (1997); JONATHAN COLEMAN, LONG WAY TO GO: BLACK AND WHITE IN AMERICA (1997)) ("By most measures, blacks are still second-class citizens in terms of housing, income, jobs, education, and their treatment when shopping or even traveling in white sectors."); see also Hous. Opportunities Made Equal, Inc. v. Cincinnati Enquirer, Inc., 943 F.2d 644 (6th Cir. 1991).


\textsuperscript{46} See, e.g., Penni Roberts, Controversy Surrounds March into Grays Ferry, PHILA. TRIB., Mar. 21, 1997, at 1A ("We confess and recognize that racism has been a sin in our community for years. It is our hope and prayer, however, as leaders of our religious community, that we will work together to confront these issues. We hope that our united efforts will effect racial tolerance and sensitivity and replace deep seated racial disharmony."); UN Secretary-General Calls for Twenty-First Century Free of Racism, M2 PRESSWIRE, Mar. 21, 1997, available in 1997 WL 8032040 ("Racial tolerance remains a global imperative.").

\textsuperscript{47} See Karl N. Llewellyn, A Realistis Jurisprudence—The Next Step, 30 COLUM. L. REV. 431, 453 (1930) (stating that categories that obscure data and observations are "peculiarly troublesome in regard to legal concepts, because of the tendency of the crystallized legal concept to persist after the fact model from which the concept was once derived has disappeared or changed out of recognition."); Introduction: Critical Legal Studies, in JURISPRUDENCE: CONTEMPORARY READINGS, PROBLEMS, AND NARRATIVES 213, 214 (Robert L. Hayman, Jr. & Nancy Levit eds., 1994) ("Current legal theory also constrains thought by treating existing doctrines, rules, and categories as necessary and inalterable. This keeps people from imagining alternative visions or social roles or dispute resolution mechanisms or tests of discrimination."); see generally Smith, supra note 30.

called a race-consciousness matrix, any limitation on blacks by necessity also imprisons whites. 49

This race-consciousness matrix deeply concerned William Du Bois, and I think he understood how deeply connected it was to black and white identities. In Souls of Black Folks, Du Bois observed that:

the Negro is a sort of seventh son, born with a veil, and gifted with second-sight in this American world,—a world which yields him no true self-consciousness, but only lets him see himself through the revelation of the other world. It is a peculiar sensation, this double-consciousness, this sense of always looking at one’s self through the eyes of others, of measuring one’s soul by the tape of a world that looks on in amused contempt and pity. One ever feels his twoness,—an American, a Negro; two souls, two thoughts, two unreconciled strivings; two warring ideals in one dark body, whose dogged strength alone keeps it from being torn asunder. 50

Du Bois’s observation captures a race-consciousness matrix, and few of us would doubt his words. Du Bois’s double consciousness reveals itself in two specific ways. First, Plessy v. Ferguson’s 51 white America must imprint blacks with a deep sense of inferiority. 52 As such, America reminds blacks that they can never truly be sons and daugh-

49 See DERRICOTTE, supra note 22, at 26-27. Derricotte writes:

The first day out [on a cross-country train trip], a young white man sat in the seat beside me. We had had a very pleasant conversation, but at night, when I grew tired, I asked him if he would go back to his seat so that I could stretch out. He said, “If you saw what’s sitting in the seat beside me, you’d know why I can’t go back.” Of course, I knew without looking back what he meant, and as I stood up and turned around to see . . . , sure enough, there was young black man, a soldier, sitting in the seat. I said, very softly, “If you don’t want to sit next to him, you don’t want to sit next to me.” I had hoped he’d be too stupid or deaf to understand. But he grew very quiet and said, after a few minutes, in an even softer voice than mine, “You’re kidding.” “No,” I said. “You’re kidding,” he said again. “No,” I said. “You’re kidding.” Each time he said it, he grew quieter. He excused himself. He may have slept in the bathroom. Every other seat was taken, and when I looked back to see if he was sleeping beside the soldier, the seat was empty.

Id.

50 Du Bois, supra note 28, at 45.

51 163 U.S. 537 (1896).

52 Du Bois, supra note 28, at 87-89 (discussing what blacks have lost as a consequence of white supremacy and Booker T. Washington’s social theory and economic development philosophy).
ters to the Founding Fathers. In reacting to this lesson, blacks who sought integration were rebuffed by the truly inherited and distrusted by black Africans. Second, while thinking of themselves as Americans, blacks simultaneously accepted that they are indeed less than whites. Blacks thus were Americans and Negroes. With a dogged will, blacks sought “self-conscious manhood, to merge his double self into a better and truer self.” This deep desire to reach her “latent genius” did not require that blacks reject their cultural heritage for “white Americanism.” In order to aid all citizens in finding their essential selves, merging the double self—or consciousness—became Du Bois’s obsession. Like Du Bois, blacks lived with the tragic irony of this double consciousness. For example, America would patriotically call her darkies to war, but she would also obsessively instill a superior racial identity in her whites. Day by day, whites valorized practices on which the double self depended, and by the by, blacks internalized this double consciousness.

As such, a double consciousness becomes a racial identity that undermines self-awareness, true freedom. If blacks internalize a double consciousness, they must perforce think against a backdrop of white supremacy in which they are inherently inferior. This thinking suggests that blacks have a racial identity that rejects their essential selves. With this existential crisis, blacks cannot know themselves, except within this double consciousness—e.g., a race-consciousness matrix. As a result, blacks race-think. They become their race and its

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53 See generally, e.g., Dred Scott v. Sandford, 60 U.S. 393 (1854) (Taney, J.).
54 See Manning Marable, Black Leadership 43 (1998) (arguing that black nationalists identified with people of African descent, opposed blacks who sought integration, and advocated blacks’ educational, economic, and cultural self-reliance).
56 See, e.g., Kenneth B. Clark, Dark Ghetto: Dilemmas of Social Power 65 (1967). To the Negro child the most serious injury seems to be in the concept of self-worth related directly to skin color itself. Because school is a central activity at this age, his sense of inferiority is revealed most acutely in his lack of confidence in himself as a student, lack of motivation to learn, and in problems with behavior—a gradual withdrawal or a growing rebellion. . . . In addition, there is the possibility that poor teaching, generally characteristic of the ghetto schools, tends to reinforce his sense of inferiority and to give it substance in the experience of inferior achievement.
57 Id.
58 Art Berman, From the New Criticism to Deconstruction: The Reception of Structuralism and Post-Structuralism 74–75 (1988) (“Anguish, according to the existentialists, arises in the face of an experience that creates dilemmas, incongruities, and
inherent limitations. By limitations, I mean that they cannot imagine an essential Self that lives without racial isms. Race-thinking declares war on true freedom, and it denounces spiritual liberty. If we weaken a race-consciousness matrix and if we strip away its meaning, people who were once categorized as “black” can seek comfort in their essential self. In this way, we attain freedom and liberty by questing for a self awareness, a true self-consciousness that cannot only be mediated by race. For Du Bois, a people’s true self-consciousness rested in culture or aesthetics (e.g., art). By using aesthetics, blacks could rise above how dominant institutions had constructed them and whites. Unfortunately, aesthetics may prove useless in dialectically yielding an epistemological knowing that frees blacks to acquire true self-consciousness—not as African Americans but as divine humans. For uncertainties that no accumulation of knowledge or fact can ultimately resolve yet that nevertheless require human action.

59 See Robinson, supra note 37, at 407-18 (discussing the epistemic search for an identity beyond that which is socially and consciously mediated by race).

60 MARABLE, supra note 52, at 46-47. On this point, Du Bois wrote:

Thus it is the bounden duty of black America to begin this great work of the creation of beauty, of the preservation of beauty, of the realization of beauty, and we must use in this work all the methods that men have used before. And what have been the tools of the artist in times gone by? First of all, he has used the truth—not for the sake of truth, not as a scientist seeking truth, but as one upon whom truth eternally thrusts itself as the highest handmaid of imagination, as the one great vehicle of universal understanding. The apostle of beauty thus becomes the apostle of truth and right not by choice but by inner and outer compulsion. Free he is but his freedom is ever bounded by truth and justice; and slavery only dogs him when he is denied the right to tell the truth or recognize an ideal or justice. Thus all art is propaganda and ever must be, despite the wailing of the purists. I do not care a damn for any art that is not used for propaganda.

Id. (citing W.E.B. Du Bois, Criteria of Negro Art, CRISIS, Oct. 1926, at 290-92.) In effect, then, Du Bois recognizes that white superiority fatally injures blacks. Yet, he rejects a pursuit of true self-consciousness, an essential self, that so-called blacks could use to destroy a consciousness that depends for its existence on a racial identity.

61 Cf. MARTIN HEIDEGGER, HEGEL’S CONCEPT OF EXPERIENCE 7-8 (Kenley Royce Dove trans., 1989) (quoting W. Hegel’s Phenomenology of Spirit).

It is a natural assumption that, in philosophy, one must first come to an understanding concerning the nature of knowledge before taking up the real subject matter, namely, the actual knowledge of what truly is. Knowledge, in turn, tends to be regarded as the instrument with which one takes hold of the absolute or as the medium through which one discovers it. The concern that there may be various kinds of knowledge, of which one might be better suited than another for attaining the end in view, seems moreover legitimate, for by making an erroneous choice among them one will thus grasp clouds of error instead of the heaven of truth; and when knowledge is taken to be a faculty of
tunately, aesthetics (e.g., multiracial categories) tear race-thinking's thin fabric, and it could shift a double consciousness—i.e., a race-consciousness matrix. In so doing, if blacks use aesthetics to pursue a true self-consciousness, they could take precious steps toward self-awareness, true freedom.\(^{62}\)

In weakening a race-thinking and in pursuing self awareness, blacks must recognize that a double consciousness also affects whites. When we account for white racial identity, Du Bois's double consciousness (e.g., race-consciousness matrix) remains incomplete. He failed to note that whites operate within, and are limited by, this double consciousness, too.\(^{63}\) Whites only "know" they are "superior" if

\[\text{a determinate kind and scope, the concern once again seems legitimate that error will be grasped instead of truth unless the nature and limits of this faculty are still more precisely determined.}\]

\(\text{Id.}\)

\(^{62}\) Cf. \textit{id.} at 8–9. Hegel argues:

For if knowledge is the instrument to take hold of the absolute essence, one is immediately reminded that the application of an instrument to a thing does not leave the thing as it is, but brings about a shaping and alteration of it. Or, if knowledge is not an instrument of our activity, but a more or less passive medium through which the light of truth reaches us, then again we do not receive this truth as it is in itself, but as it is in and through this medium. In both cases we employ a means which immediately brings about the opposite of its own end; or, rather, the absurdity lies in our making use of any means at all. To be sure, it does seem that an acquaintance with the way the instrument functions might help us overcome this difficulty. For then it would seem possible to get the truth in its purity simply by subtracting from the result the instrument's part in that representation of the absolute which we have gained through it.

\(\text{Id.}\)


[Whites] invest huge sums of psychic energy not in fulfilling their soul's desire for True Liberty but in denying blacks and other people of color their equal place in the world. As James O'Fallon and Cheyney Ryan would argue, when these whites fail to recognize blacks as equals, they only succeed in repressing their own humanity. Later, some whites may make the rude discovery that they have only a few degrees more liberty and perhaps far less humanity than do blacks or the socialized Other. By working to hold blacks back, whites have had to sacrifice their deep desire for true recognition by staying behind to guard America's socio-psychological internment camp called \textit{Black Oppression}.

\(\text{Id. at 33 (footnote omitted) (citing James M. O'Fallon & Cheyney Ryan, Finding a Voice, Giving an Ear: Reflections of Masters/Slaves, Men/Women, 24 GA. L. REV. 883, 884 n.6 (1990)).}\)

\textit{See CLARENCE PAGE, SHOWING MY COLOR: IMPOLITE ESSAYS ON RACE AND IDENTITY 45} (1996) ("African Americans can ill afford to paint too broad a brush of condemnation and
This gaze literally means heightened police presence and mandates naturally housing segregation. In this way, white racial cultural practices obsess over blacks and other racial minorities. Ever vigilant, whites must ensure that blacks accept their wise, among whites in Detroit who said they would leave if blacks moved into their neighborhoods, 40% believed that property values would decrease after black entry, and 17% believed that the crime rate would rise.

68 Cf. Calmore, supra note 34, at 318. Calmore writes:

[Jazz critics sought to devalue the music of [Archie] Shepp and other blacks who had departed from the mainstream. These critics argued that jazz is not primarily an African-American art form because anyone can learn to play it; jazz has no particular social content—"specifically, it in no way pertains more closely to black experiences, perceptive modes, sensibilities, and so on, than it does to white."

69 See, e.g., Rex W. Huppke, Racism "Not a Closed Story"—Goes in Cycles: Recent Events Demonstrate Battle Is Far From Over, S. BEND TRIB., May 26, 1998, at A1 ("In January, about 20 black law students at Indiana University-Purdue University at Indianapolis received threatening racist letters."); Joseph A. Kirby, NAACP Conclave Re-Examines Police Brutality, CHI. TRIB., July 16, 1997, at 4 ("Blacks and minorities here and all over the country are in danger of losing their lives to police brutality. It's a fact of our lives."); Alvin Peabody, Black Press Urged to Explore Issue of Police Brutality, WASH. INFORMER, Feb. 4, 1998, at 1 ("Anthony 'Van' Jones is the 29-year-old founder and director of the Bay Area Police Watch/Ella Baker Center for Human Rights in San Francisco. Since his graduation from Yale Law School, Jones said he has been bombarded with complaints about police brutality on area residents.").


Much of the continuing residential exclusion of Blacks can be attributed to personal prejudice, as documented by a recent study on housing segregation in the Los Angeles area. According to the study, 'The comfort level (with a racially mixed neighborhood) dropped sharply for Asians and Latinos if hypothetically more than a third of their neighbors were to be black.' White respondents to the survey shared this sentiment, although to a lesser degree.

71 See, e.g., Martha R. Mahoney, Segregation, Whiteness, and Transformation, 143 U. PA. L. REV. 1659, 1664 (1995) ("Ruth Frankenberg divides whiteness into a set of 'linked dimensions': a location of structural advantage and race privilege; a 'standpoint' from which white people look at ourselves, at others, and at society; and a set of cultural practices that are usually unmarked and unnamed."). Mahoney writes that:

Rosaldo describes "culture" as something perceived in someone else, something one does not perceive oneself as having. . . . What we ourselves do and think does not appear to us to be 'culture,' but rather appears to be the definition of what is normal and neutral, like the air we breathe, transparent from our perspective.
inferiority. For example, *Hopwood v. Texas* and *Adarand v. Peña*\(^\text{72}\) can be viewed as white, middle-class attacks on black access to lucrative, perhaps historically white, market opportunities,\(^\text{73}\) and this attack perhaps serves to reveal how whites need the myth\(^\text{74}\) of racial superiority so that they can function in a world where race constantly faces not only critical reading but also deconstructive analysis.\(^\text{75}\) Another example occurs in legal academe. Critical Race Theory suffers attack within law schools\(^\text{76}\) because whites wish to reassert their privileged role in


\(^{73}\) See, e.g., Louis Freedberg, *Clinton to Spotlight Minority Law School Admissions/Big Drop Without Affirmative Action*, S.F. CHRON., June 13, 1997, at A5 ("The number of black students offered admission at Boalt Hall School of Law at UC Berkeley declined from 75 last year to 14 this year, less than 2 percent of the 792 students accepted at the state's most prestigious law school.").

\(^{74}\) See *Rollo May, The Cry for Myths* 20 (1991). Rollo May correctly argues:

> Myths are our self-interpretation of our inner selves in relation to the outside world. They are narrations by which our society is unified. Myths are essential to the process of keeping our souls alive and bringing us new meaning in a difficult and often meaningless world. Such aspects of eternity as beauty, love, great ideas, appear suddenly or gradually in the language of myth.

\(^{75}\) See *Rollo May, The Cry for Myths* 20 (1991). Rollo May correctly argues that "[e]very individual who needs to bring order and coherence into the streams of her or his sensations, emotions, and ideas entering consciousness from within and without is forced to do deliberately for himself what in previous ages had been done for him by family, custom, church, and state." *Id.* at 21.

controlling how blacks, for example, use critical theory to "trash" legal doctrine and its racist implications. In this way, whites exist within a double consciousness, and they too deny themselves a "true self-consciousness." Whatever whites know about themselves, they derive it from what they are not. Whites have not been enslaved. Whites have not been Niggers, Negroes, Colored, Blacks, or African Americans. In any event, "blackness" and "whiteness" purport to connote distinct racial categories. Regardless, blacks and whites suffer similarly miserable and dysfunctional lives in a white racist America, and they both function within a race-consciousness matrix.

In this way, Du Bois's double consciousness likens itself to his "color-line" problem, and this problem too constitutes a race-consciousness matrix. Du Bois posited that in the twentieth century, the "color line" would divide blacks from whites. Since he made these prophetic remarks, whites have defined themselves by their racist claims against blacks and others with more melanin. And despite civil rights gains, blacks still define themselves by how whites think, talk, and use words like "Nigger." As such, even though he did not look critically at blacks and what role they played in their own oppres-


77 See, e.g., Robinson, supra note 63, at 35–36.

[A] host of dialectically critical movements have formed within the academy from legal realism to postmodernism and Critical Race Theory. Subsequently, these white males are realizing, in fits and starts, that Feminists and Race Critics have found a critical methodological tool to undermine what must be their false recognition, and to expose the empty content (save for brute power) of the methodology on which a white law professor’s racial and institutional privileges have been based. The methodology of traditional legal scholarship rests on a fount of racism, sexism, and the generalized oppression of the Other.

Id.

78 See Du Bois, supra note 28, at 45; Joe R. Feagin & Hernán Vera, White Racism: The Basics 173 (1997) (“Most research on whites’ racial attitudes is focused on how whites see the ‘others.’ The question of how whites see themselves as they participate in a racist society has been neglected. A recent article in a leading counseling journal has criticized models of white racial identity, such as they are, for being based on white views of minorities and on minority models of racial identity.”).

79 See generally, e.g., Doe v. Louisiana, 479 So.2d 369 (La. 1985); United States v. Bhagat Thind, 261 U.S. 204 (1923).


81 Du Bois, supra note 28, at 54 (“The problem of the twentieth century is the problem of the color-line,—the relation of the darker to the lighter races of men in Asia and African, in America and the islands of the sea.”).
sion, Du Bois's color-line problem stems from both blacks and whites. That is, blacks and whites become their racial categories, even though "black" or "white" are purely arbitrary labels. Neither blacks nor whites have empowered themselves to reclaim their true self-consciousness, and as I have already argued, blacks and whites use the color line, which they collectively built and consciously maintained, to avoid weakening the manner in which a race-consciousness matrix denies them what they truly seek—a spiritual life in which they can experience their true self-consciousness. To this extent, the color-line problem not only wrongly divides us but also neurotically imprints us with a dysfunctional and limited imagination. This limitation warns us away from challenging the sanctity of race. As one of my colleagues recently proclaimed, "You may not think you're black; but I know I'm a black man." At the very least, this declaration suggests that the speaker adheres rigidly to structuralist notions of race.

82 See generally Jacques Derrida, MARGINS OF PHILOSOPHY (Alan Bass trans., 1982).
83 I Neale Donald Walsch, CONVERSATIONS WITH GOD: AN UNCOMMON DIALOGUE 16 (1996) ("Yet, if you know Who You Are—that you are the most magnificent, the most remarkable, the most splendid being God has ever created—you would never fear. So who can reject such wondrous magnificence? Not even God could find fault in such a being.").
84 For example, the right to attend public, private and professional schools with white citizens required blacks and other minorities to expand their minds beyond the limited legal imagination that obviously operates in legal doctrines like Bradwell v. Illinois, 83 U.S. 130 (1872); The Civil Rights Cases, 109 U.S. 3 (1883); Plessy v. Ferguson, 163 U.S. 537 (1896).
85 See generally, e.g., Rick Bragg, Racism Wins in Small Town in Texas, ST. PETERSBURG TIMES, Aug. 15, 1993, at 1A.

Vidor's facade of racial moderation melted. Simpson and DecQuir received death threats. The town received threats that the housing project would be firebombed and the mayor killed if the black men didn't leave.

It was too much for DecQuir. He started making plans to leave in late July. That left Simpson, who felt he had a moral obligation to stay. But things just got worse.

Id.
86 See Berman, supra note 58, at 3 ("Language is viewed as the systematic integrity of a structure of phonetic differences, rather than as an aggregation of terms (words) each corresponding to a component of objective reality (things."); Gayatri Chakravorty Spivak, Translator's Preface, in 4 JACQUES DERRIDA, OF GRAMMATOLOGY (Gayatri Chakravorty Spivak trans., 1976). Derrida writes:

Structuralism is an attempt to isolate the general structures of human activity. Thus, the structuralism I speak of is largely the study of literature, linguistics, anthropology, history, socio-economics, psychology. A structure is a unit composed of a few elements that are invariably found in the same relationship within the 'activity' being described. The unit cannot be broken down into its single elements, for the unity of the structure is defined not so much by the substantive nature of the elements as by their relationship.
and thus he disdains any deconstructive projects that might unsettle apparently stable unitary and meaningful racial categories.\textsuperscript{87} Perhaps blacks and whites fear risking madness\textsuperscript{88} if they venture beyond, for example, the sexual color line,\textsuperscript{89} beyond a raced Self, thus experiencing a spiritual life beyond a race-consciousness matrix—an essential Self.\textsuperscript{90} If true, then blacks and whites not only vest themselves in a color line but also commit themselves to a race-consciousness matrix.\textsuperscript{91}

\textit{Id.}

\textsuperscript{87} See Allan C. Hutchinson, \textit{Inessentially Speaking (Is There Politics After Postmodernism?)}, 89 MICH. L. REV. 1549, 1550 (1991) ("Deconstruction is an unforgiving and remorseless taskmaster.").

\textsuperscript{88} Cf. CHRISTOPHER NORRIS, \textit{DECONSTRUCTION: THEORY AND PRACTICE} 62 (rev. ed. 1991). Norris discusses the unwillingness to challenge categorical thinking or dialectical thinking as a category in order to protect its sovereignty: "[b]ut that way lies madness." \textit{See id.} Norris also refers to Phaedrus, who, to avoid revealing his discovery about the limits of dialectical thinking, "leaves the university and suffers (like Nietzsche) a collapse into silence and neurosis." \textit{See id.}


\textsuperscript{90} \textit{See ROLLO MAY, THE DISCOVERY OF BEING: WRITINGS IN EXISTENTIAL PSYCHOLOGY} 16 (1983) (discussing being and non-being). Rollo May argues:

\[ \text{[A true sense of being is] the individual's "pattern of potentialities." These potentialities will be partly shared with other persons but will in every case form a unique pattern in each individual. We must ask the questions: What is this person's relation to his own potentialities? What goes on that he chooses or is forced to choose to block off from this level of awareness something which he knows, and on another level knows that he knows?} \]

\textit{Id.} at 17.


The world is my representation: this is a truth valid with reference to every living and knowing being, although man alone can bring it into reflective abstract consciousness. \ldots Therefore no truth is more certain, more independent of all others, and less in need of proof than this, namely that everything that exists for knowledge and hence the whole of this world, is only object in relation to the subject, perception of the perceiver in a word, representation. Naturally this holds good of the present as well as of the past and future, of what is remotest as well as of what is nearest; for it holds good of time and space themselves, in which alone all these distinctions arise. Everything that in any way belongs and can belong to the world is inevitably associated with this being-conditioned by the subject, and it exists only for the subject. The world is representation.

\textit{Id.} at 3.
In this way, our race-consciousness matrix informs how we race-think.92 Recently, I called this consciousness a *white cultural matrix*.93 If we intend to combat a white cultural matrix, then radicals, liberals, and Race Crits must willingly acknowledge that each of us has been reared in a racist culture, and that we have likewise been imbued with racist thinking and consciousness. As such, we, including those who advocate for social justice and equal rights, engage in race-thinking.94 To this extent, we all reinforce race-thinking, and we unwittingly give

92 See Joel Kovel, *White Racism: A Psychohistory* 26 (1970) ("O]ur racism can be considered a kind of bounding process that goes on in American culture as it grows. As we grew more powerful, complex, and variegated, so did we become more racist, the race fantasies serving to define and control what might otherwise have gotten out of hand. Racism belongs then, for all its destructive irrationality, to the regulative aspects of our culture."); Reginald Leamon Robinson, *The Racial Limits of the Fair Housing Act: the Intersection of Dominant White Images, the Violence of Neighborhood Purity, and the Master Narrative of Black Inferiority*, 37 WM. & MARY L. REv. 69, 72–73 (1995). I stated:

The master narrative of black inferiority means the absolutely dominant or privileged story that defines how blacks win or lose, succeed or fail. This story depends on social mythology and has been previously defined as a 'preexisting narrative.' Taking the myth and the story together, the master narrative of black inferiority is a systemic story, whether openly spoken or silently acted upon, that describes, solely on racial terms, how and why whites legitimately hold power over blacks.

Id. (footnotes omitted); Reginald Leamon Robinson, "The Other Against Itself": Deconstructing the Violent Discourse Between Korean and African Americans, 67 S. CAL. L. REv. 15, 18 n.4 (1995).


The one certainty about racism is that it has represented something of extreme importance to Americans. The racial turmoil in our time attests to this, as does the racist thread that is woven into virtually every aspect of American history. . . . Although each person in a society is unique in the detail and fine structure of his life, all share in certain common styles of action or forms of knowing—in this case, certain patterns of racist belief or action. To see culture as the organic total of these shared qualities is to give it a psychological definition. . . . Culture is multi-dimensional and must be seen as the integral of all of the separate points of view that enter into our understanding. . . . [I]n principle no aspect of culture operates independently of any other.


energy to racism and white supremacy. Race-thinking represents the old logic of Plessy's American Apartheid, and this old logic reifies the great lie about how the so-called races have found sexual union with each other and have continued the human family since they perhaps first encountered each other. Race-thinking confuses us into believing that race will forever be a permanent feature of American life.

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95 Cf. Hernández, supra note 27, at 155–61 (arguing that the color-blindness advocates—e.g., multiracial category proponents—in constitutional jurisprudence undermine the quest for racial justice.).
96 163 U.S. 557 (1896).
97 See, e.g., Herndon, supra note 89, at 6. Herndon writes:

The sexualization of racism in the United States is a unique phenomenon in the history of mankind; it is an anomaly of the first order. In fact, there is a sexual involvement, at once real and vicarious, connecting white and black people in America that spans the history of this country from the era of slavery to the present, an involvement so immaculate and yet so perverse, so ethereal and yet so concrete, that all race relations tend to be, however subtle, sex relations.

Id.; Smith, supra note 30, at 127–28. Smith aptly states that:

They existed because there was rich psychological soil for them to grow in. In the old days, a white child who had loved his colored nurse, his “mammy,” with that passionate devotion which only small children feel, who had grown used to dark velvety skin, warm deep breast, rich soothing voice and the ease of a personality whose religion was centered in heaven not hell, who had felt when mind is tender the touch of a spirit almost free of sex anxiety, found it natural to seek in adolescence and adulthood a return of this profoundly pleasing experience. His memory was full of echoes . . . he could not rid himself of them. And he followed these echoes to back-yard cabins, to colored town, hoping to find there the substance of shadowy memories. Sometimes he found what he sought and formed a tender, passionate, deeply satisfying relation which he was often faithful to, despite cultural barriers. But always it was a relationship without honor in his own mind and region, and the source of profound anxiety which seeped through his personality. Yet the old longing persisted, the old desire for something he could not find in his white life.

Id.; see also Page, supra note 63, at 287 (discussing the increasing pattern of interracial unions out of which children are born).

98 See Smith, supra note 30, at 124 (“Regardless of statistics, this every one knows: Whenever, wherever, race relations are discussed in the United States, sex moves arm in arm with the concept of segregation. There is a union in minds, however unreal in terms of today’s facts, that makes us know that the secret history of race relations in the South, the fears and the dreads, are tied up with the secret habits of southerners. We know too, that there are more than six million people of mixed Negro-white blood in our country and most of us are fairly certain that the stork did not bring them to little cotton field cabins.”); see generally Palmore v. Sadoti, 466 U.S. 429 (1984); Loving v. Virginia, 388 U.S. 1 (1967).

and thus we accept the false notion that we should not, or can not, change our race-consciousness matrix.

Although blacks, whites, and others have committed themselves to a race-consciousness matrix, we have gradually changed how we think, talk, and use race and its meaning.\textsuperscript{100} Basically, race and its meaning are not immutable forms of life. We alter them slowly and culturally, sometimes invisibly or imperceptibly.\textsuperscript{101} This slow change suggests that we can shift our thinking, our consciousness. For example, during the Jim Crow era, so-called blacks and whites individually and collectively participated in open displays of racial violence.\textsuperscript{102}

\textsuperscript{100} See Cheryl Russell, \textit{Middle-Aged Boomers Poised to Clean Up the Mess; Blacks and Whites Work Together in L.A.}, \textit{4 The Boomer REP.}, June 15, 1992 ("As recently as the early 1960s most Americans thought whites had a right to keep blacks out of their neighborhoods. Today, the proportion of Americans holding these overtly racist attitudes has fallen to a tiny minority. Sociological studies show that behind changing racial attitudes is a changing of the guard. Older generations with racist beliefs have been replaced by younger, more tolerant generations.").

\textsuperscript{101} See Michael K. Frisby, \textit{Black, White or Other}, \textit{EMERGE}, Jan. 31, 1996, at 48. Fribsy writes that:

Undeniably, recent years have brought new levels of racial and ethnic diversity. In fact, according to 1995 census figures, the number of non-Whites now stretches to 27 percent of the population and is rapidly growing. The once illegal unions between the races have spread like wildfire—in 1960 approximately 149,000 interracial marriages existed; by 1990 there were almost 964,000, a 547 percent increase. And who can miss the Calvin Klein ads with a bare-chested, white male embracing a nappy-haired, dark-hued woman, or the Guess clothing ad that shows a brother with his hands around the waist of a blond White woman, or the television cameras at the U.S. Open tennis match frequently panning Boris Becker's wife, Barbara Feltus, who is Black, among spectators in the stands.


Jim Crow segregation was sustained not merely by specific laws mandating particular forms of discrimination, but by the more general control whites had over governmental power: 'the ballot, the police force, the courts, and the other instruments of state domination.' In addition, the white majority wielded the threat of private violence against those who threatened the discriminatory norm.

\textsuperscript{Id.} (footnote omitted); F. JAMES DAVIS, \textit{WHO IS BLACK?} 51–80 (1991); \textit{Id.} at 53 ("The system was enforced both by law . . . openly acknowledged."); John E. Nowak, \textit{The Rise and Fall of Supreme Court Concern for Racial Minorities}, 36 WM. & MARY L. REV. 345, 360 (1995) ("From the 1870s until the 1930s, the Supreme Court actively protected the interests of those who sought to suppress racial minorities through Jim Crow laws and outright violence. In \textit{United States v. Cruikshank}, the Supreme Court held that Congress was without constitutional authority to criminalize the assault or murder of African Americans by private individuals.") (footnote omitted); Robert J. Cottrol & Raymond T. Diamond, \textit{The Sec-
Whites mostly played the role of violent haters; blacks mostly played the role of violated victims. Today, we reject violent displays of racial violence. What has changed? How we think! Although blacks and whites still believe in race and racism, they have shifted their consciousness about how effectively to deal with each other. At present, blacks talk about how whites subtly practice their racism. They call it "unconscious racism." Likewise, whites talk about how affirmative action unduly burdens their life chances and unnecessarily benefits blacks. If we have changed our minds about how to construct race and how to practice racism, then have we decided that racial oppression is bad? Have we re-

On the other hand, e.g., Ralph Ginzburg, 100 Years of Lynchings (1988).

Following the passage of the historic Civil Rights Acts in the mid-1960s, discrimination began to take on new and more subtle forms, and overt or blatant racial classifications gradually became the exception rather than the rule in legal challenges involving allegedly discriminatory conduct. As a result, since the early 1970s the Court has consistently acknowledged the increasingly subtle nature of discrimination and stated that its task is to remain vigilant in identifying even the most subtle acts of discrimination.

Id. (footnote omitted); see also Robinson, supra note 93, at 122 ("Beneath the friendly façade[,] . . . [t]hey say many whites don’t see the subtle racism they feel.") (citing Patrick Boyle, Racial Barriers Beneath Surface, WASH. TIMES, Sept. 22, 1991, at A17).


See, e.g., Jennie Kennedy, Lino Graglia of the UT Law School Defends the Hopwood Decision During a Press Conference in the Asian Culture Room of the Texas Union Building, DAILY TEXAN, Sept. 12, 1997, at A5; DYSON, supra note 99, at 3–7 (discussing a white man’s letter about life, race, and affirmative action).

See generally, e.g., Adarand Constr. Co. v. Peña, 515 U.S. 200 (1995); Croson v. City of Richmond, 488 U.S. 469 (1989); Regents of Univ. of Cal. v. Bakke, 438 U.S. 265 (1978); see also Why the Legal Services Corporation Must Be Abolished, HERITAGE FOUND. REP., Oct. 18, 1995, at 1 ("Applicants who scored higher than minority applicants on the civil service exam but were rejected sued the city for reverse discrimination. A U.S. Court of Appeals agreed with the Legal Aid Society of Cincinnati’s position and ruled that the white applicants’ constitutional rights were not violated.").


Under Hegel’s ethical life, it is our ‘natural essence, aim, and object’ to actualize our freedom. This actuality of freedom is not what distinctive human personalities have but is rather what they are. Irrespective of physical traits
jected a race-consciousness matrix? Or, have we decided that we can only find a solution to race and racism by gradually, with each successive generation, locating new, socially grounded ways to weaken how we think racially about ourselves and others? These questions suggest that we know in our hearts that we wrongly divide ourselves with race-thinking, and that we unnecessarily injure ourselves with racial violence, regardless of what form such violence takes. As such, we can change how we think about race, and in this way, we can also change how we think about ourselves. Keep in mind that whites cannot act racially "superior" unless blacks accept consciously or otherwise that they are racially "inferior." If true, race and racism amount to a game of thinking, talking, and using. In short, it is a race-con-

and prior social conditioning, each person deserves mutual recognition which negates racism. In this sense, Hegel's ethical life could actualize Title VII's stated goal.

Id. (footnotes omitted).

109 See, e.g., PATRICIA WILLIAMS, THE ALCHEMY OF RACE AND RIGHTS 44-48, 55-79 (1991) (discussing her experience of being denied access to a store and arguing that a white racist society spiritually murders blacks with a variety of violent and non-violent practices); see generally MARI MATSUDA ET AL., WORDS THAT WOUND: CRITICAL RACE THEORY, ASSAULTIVE SPEECH, AND THE FIRST AMENDMENT (1993).

110 See James R. Hackney Jr., Derrick Bell's Re-Sounding: W.E.B. Du Bois, Modernism, and Critical Race Scholarship, 23 LAW & SOC. INQUIRY 141, 147-48 (1998) (describing W.E.B. Du Bois's idyllic countryside setting being disrupted by the racial reality that he was treated differently, thus making him aware of his difference, thus causing him to become different, when a little white girl refused his card "peremptorily, with a glance." (citing W.E.B. DU BOIS, THE SOULS OF BLACK FOLKS 44 (New American Library 1969)); Richard Delgado, Words That Wound: A Tort Action for Racial Insults, Epithets, and Name-Calling, in CRITICAL RACE THEORY: THE CUTTING EDGE 159, 160 (Richard Delgado ed., 1995) [hereinafter THE CUTTING EDGE] ("Kenneth Clark has observed, 'Human beings ... whose daily experience tells them that almost nowhere in society are they respected and granted the ordinary dignity and courtesy accorded to others will, as a matter of course, begin to doubt their own worth.").

111 See BERGER & LUCKMANN, supra note 2, at 129 (Objective and subjective reality "receive their proper recognition if society is understood in terms of an ongoing dialectical process composed of the three moments of externalization, objectivation, and internalization."); ABRAHAM H. MASLOW, THE FARTHER REACHES OF HUMAN NATURE 155 (1971) ("As George Lichtenberg said of a certain book, 'Such works are like mirrors; if an ape peeps in, no apostle will look out.'"); ABRAHAM H. MASLOW, TOWARD A PSYCHOLOGY OF BEING 7 (2d ed. 1982) ("What kind of world will such [self-fulfilling] people create? Sick people are made by a sick culture; healthy people are made possible by a healthy culture. But it is just true that sick individuals make their culture more sick and that healthy individuals make their culture more healthy."); cf. Immanuel Kant, Critique of Pure Reason, in THE PHILOSOPHY OF KANT 24, 24 (Carl J. Friedrich ed., 1977). Kant states:

There is no doubt that all our knowledge begins with experience. . . . Therefore in the order of time we have no knowledge antecedent to experience, and with experience all our knowledge begins. Although all our knowledge
With the advent of the Multiracial Category Movement, we have also implicitly announced that we wish to change our race-consciousness matrix. It appears that we have frustrated ourselves with limited, unitary race-thinking. If true, then are we prepared to shift our consciousness from the old matrix to a new one? Yes, absolutely! For too long, we have practiced the old race paradigm. By thinking of ourselves through newly “discovered” racial categories, we shift our race-thinking (matrix or paradigm), and we thereby create crises not only for the old logic but also for new racial practices.

begins with experience, it does not follow that it all arises out of experience. For it may well be that even our empirical knowledge is made up of what we receive through impressions and of what our own faculty for knowing . . . supplies from itself.

See Steele, supra note 20. Steele argues that if blacks still suffer decline and demoralization while opportunities have increased, then perhaps racial victimization is not “our real problem.” Rather, blacks victimize themselves, and yet blacks cannot admit their role in their own oppression because “we would jeopardize the entitlement we’ve always had to challenge society. . . . So we have a hidden investment in victimization and poverty. These distressing conditions have been the source of our only real power, and there is an unconscious sort of gravitation toward them, a complaining celebration of them.” Perhaps, blacks or other oppressed minorities who cannot imagine themselves ever escaping from poverty or abject inner city life, who associate their experiences with the “white” system, and who have a deep commitment to their racial categories and its accumulated experiences of racial injustice have unconsciously bonded with their oppressors and thus actively co-create an ism-based society even though they openly demand an end to white supremacy. Cf. Kovel, supra note 92, at 191–211 (discussing the ways in which aversive (unconscious) racism operates within the human psychology of whites); Frantz Fanon, The Wretched of the Earth 249–310 (Constance Farrington trans., 1963) (describing the manner in which colonialism and its varied forms of violence and oppression impacted on the psychology of Algerians and Europeans using the theory of reactionary psychosis).

powell, supra note 6, at 102. powell writes:

It is this metamorphic realm of everyday experience in which race primarily operates. Thus, attempts to establish and define the total reality or unreality of race via quantitative scientific analysis will necessarily fail—race is an experiential truth and it is a categorical error to attempt to reduce the meanings and functions of race to scientifically verifiable measurements.

See Thomas S. Kuhn, The Structure of Scientific Revolutions 11 (1996) (“Because he there joins men who learned the bases of their field from the same concrete models, his subsequent practice will seldom evoke overt disagreement over fundamentals. Men whose research is based on shared paradigms are committed to the same rules and standards for scientific practice.”).

See id. at 52–65.

See id. at 66–76.
Nevertheless, the new racial practices herald a new logic, proverbial biblical end times for race and perhaps racism. With this new logic, we will experience some political and social difficulties, and we must acknowledge that new racial categories may not only liberate but also entrap us. To avoid this iron cage, we must constantly and mercilessly kill new race categories just like old ones; we, like water, must learn naturally to spill over artificially confining banks. In the meantime, I and other spiritual beings can choose to live beyond the limits of the old race-consciousness matrix. We can embrace new experiences, which were not embraced under the old matrix. As spiritual beings, I, and perhaps others, can acknowledge that God is the "color of water," and the MCM proffers a chance to reclaim not our normal, raced selves but our natural spiritual beingness. In this way, the MCM shifts us from the old race-consciousness matrix to a new, potentially liberating one.

However, this MCM will co-exist with the old race-consciousness matrix. That is, people who cannot think beyond a unitary racial category need their race lenses. With them, people have certainty in a powerful social mythology. Without them, people would feel lost, afraid. Without this mythology, blacks and whites will suffer an

117 See, e.g., Llewellyn, supra note 47, at 453 ("to classify is to disturb. It is to build emphases, to create stresses, which obscure some of the data under observation and give fictitious values to others—a process which can be excused only insofar as it is necessary to the accomplishing of a purpose."); Carl M. Cannon, Census Faces Racial Issue, BALT. SUN, Jun. 29, 1997, at 1A ("The proposed addition of a multiracial category threatens the accuracy, quality and utility of all federal race and ethnic data-collection efforts and would undoubtedly hinder civil rights," said Eric Rodriguez, an official with the National Council of La Raza, a liberal Latino organization.").

118 Llewellyn, supra note 47, at 453 ("a realistic approach rests on the observation that categories and concepts, once formulated and once they have entered into thought processes, tend to take on an appearance of solidity, reality and inherent value which has no foundation in experience.").


120 See, e.g., Reginald Leamon Robinson, Teaching From the Margins: Race As A Pedagogical Subtext, 19 W. NEW ENG. L. REV. 151, 158 (1997) ("Alas, I shiver at the thought that I am only a black man. Do I have a 'race'? I don't think so! It's all a big joke.") (footnote omitted) (emphasis removed).

121 powell, supra note 6, at 102 ("Although not susceptible to quantified measurement, race nevertheless shapes our social world in the same real way that experience shapes our perceptions of self and reality.").

122 See MAY, supra note 74, at 20 ("Myths are our self-preservation of our inner selves in relation to the outside world. They are narratives by which our society is unified. Myths are essential to the process of keeping our souls alive and bringing us new meaning in a difficult and often meaningless world.").
identity crises. As such, "blackness" and "whiteness" ground a person to a limited social and spiritual identity, and to this extent, race has three dimensions like "five red apples." Who determines what "blackness"—or "whiteness"—means?

If "blackness" means "Nigger," and if "Nigger" denotes a person unworthy of living, do I have a right to murder that person physically, emotionally, or spiritually? Although whites will still think and speak of blacks as "Niggers," I would prefer to ignore such tripe, but if such old logic practices become intrusive, then those to whom such intended insults are directed ought to have social and legal remedies.

Regardless of such intended insults, I would rather define myself, and I would have the State (e.g., the Census Bureau) issue new racial categories so that my self identity can have public, if not legal, expression. Thus, while competing matrices will operate within the same space, I choose to focus not on a constrained idea of a person but on a much more liberating one. To be sure, I am not suggesting that the MCM permits its supporters to bury their heads in the social and political sandbox. What I am saying is that while we admit that whites have, can, and will hurt blacks physically, emotionally, and spiritually by using actual and symbolic violence to deny them human dignity,

123 See Wittgenstein, supra note 32, at 2e-3e, §§1–2. Consider Wittgenstein's critique of "five red apples."

Now think of the following use of language: I send someone shopping. I gave him a slip marked "five red apples." He takes the slip to the shopkeeper, who opens the drawer marked "apples"; then he looks up the word "red" in a table and finds a colour sample opposite it; then he says the series of cardinal numbers—I assume that he knows them by heart—up to the word "five" and for each number he takes an apple of the same colour as the sample out of the drawer.—It is in this and similar ways that one operates with words.—"But how does he know where and how he is to look up the word 'red' and what he is to do with the word 'five'?"—Well, I assume that he acts as I have described. Explanations come to an end somewhere.—But what is the meaning of the word "five"?—no such thing was in question here, only how the word "five" is used.

124 See, e.g., 1 Theodore W. Allen, The Invention of the White Race: Racial Oppression and Social Control 21-24 (1995) (discussing biological nature of "race" and the social invention of whites); Omi & Winant, supra note 3, at 55 ("[T]here is no biological basis for distinguishing among human groups along the lines of race. Indeed, the categories employed to differentiate among human groups along racial lines reveal themselves, upon serious examination, to be at best imprecise, and at worst completely arbitrary.").

125 See generally, e.g., Patricia Williams, Spirit-Murdering the Messenger: The Discourse of Fingerpointing as the Law's Response to Racism, 42 U. Miami L. Rev. 127 (1987).
and while we acknowledge that blacks will deeply resist new racial identities that dilute their African heritage, we must focus our minds, nay, our consciousness, on a practical spiritual ethic of freedom. How we focus our minds determines what we see. If I believe in an idea, I see the idea at work all around me. I know that the MCM does not vanquish racists and white supremacists. I also know that if we—blacks, whites, and others—intend to alter our race-consciousness matrix, we must intend to broaden our views of ourselves and others. It takes courage. Although this society reinforces a limiting idea of human beings (e.g., race) through our thoughts, words, and deeds, we also must embrace new, expansive ideas. We must let these ideas into our individual and collective consciousness. And while for a time the old will co-exist with a new race-consciousness matrix, the MCM’s dialectics move us not only toward “racial” justice but also toward spiritual awareness.

126 Cf. Marriott, supra note 5, at A1. Marriott states that:

[i]ncreasingly, multiracial people are arguing—and many scientists agree—that race is a social construct, not a biological absolute. Many historians and social scientists, said Steven Gregory, a professor of anthropology and Africana studies at New York University, believe that the notion of race was largely invented as a way to assign social status and privilege.


A paradigm is a shared set of assumptions about the world, by which individuals define the parameters of their reality and their investigation of this reality. Problems and methods outside the paradigm are denied or explained away. A paradigm gains acceptance when it solves problems more readily than competing paradigms. However, a paradigm can insulate a community from problems outside the paradigm, simply because these problems cannot be stated in the terms the paradigm supplies.

According to Thomas Kuhn, paradigm shifts exhibit the following steps: awareness of anomaly, observational and conceptual recognition, and finally, change of paradigm categories and procedures, often accompanied by resistance. Kuhn found that those who challenge the old paradigm are either young or new to the field. Being uncommitted to the traditional rules of the old paradigm, they are more “likely to see that those rules no longer define a playable game and to conceive another set that can replace them.”

128 But see Hernández, supra note 27, at 139-40 (“In fact, multiracial category proponents and the Supreme Court both view the eradication of racial classification as an end in and of itself, rather than a means for achieving racial justice. ‘The truth, however, is that racial justice and colorblindness are not the same thing.’”)(footnote omitted) (citing
In this critical reply to Professor Tanya Hernández, I argue that the MCM shifts our race-consciousness matrix, and it is this paradigm shift that could eventually undermine our collective race consciousness which makes racial dualism possible and which thus provides the seed for racism and racial injustice. With legally recognized bi-racial and multiracial identities, we can create a vital opportunity to heal the pain that perforce follows when so-called blacks and other minority groups not only allow whites to define their life chances but also participate in their own marginalization, oppression, and silence by subscribing to terms that delimit their spiritual, social, and political road to Absolute Liberty. By honestly acknowledging our genetic


129 See Stephen Barr & Michael A. Fletcher, *U.S. Proposes Multiple Racial Identification for 2000 Census*, Wash. Post, July 9, 1997, at A1 ("The Clinton administration yesterday proposed that Americans for the first time be allowed to choose more than one racial category when identifying themselves for the census and other government programs.").


Thus consciousness on its onward path from the immediacy with which it began is led back to absolute knowledge as its innermost truth. This last, the ground, is then also that from which the first proceeds, that which at first appeared as an immediacy. This is true in still greater measure of absolute spirit which reveals itself as the concrete and final supreme truth of all being, and which at the end of the development is known as freely externalizing itself, abandoning itself to the shape of an immediate being—opening or unfolding itself [sich entschliessend] into the creation of a world which contains all that fell into the development which preceded that result and which through this reversal of its position relative to its beginning is transformed into something dependent on the result as principle.

Id.; see also Sheldon H. Nahmod, *Artistic Expression and Aesthetic Theory: The Beautiful, the Sublime, and the First Amendment*, 1987 Wis. L. Rev. 221, 232. Nahmod argues that:

Hegel resurrects the Platonic ideal in the concept of Absolute Spirit but with the crucial difference that Hegel’s Absolute Spirit operates through history. Thus, history itself is moving inevitably toward the ideal of absolute mind. Hegel’s views are a good example of the narratives of the liberation of humanity and the unity of all knowledge.

Id. Absolute spirit and absolute liberty parallel each other. It is the end of all spiritual beings to live unmediated lives, thus knowing themselves through the enlightened moments of Zen’s satori. See EUGEN HERRIGEL, *THE METHOD OF ZEN* 45 (R.F.C. Hull trans. & Herman Tausend ed., 1960) ("Satori is a sort of inner perception—not the perception, indeed, of a single individual object but the perception of Reality itself.").

If a person subscribes to a racial identity on which her sense of being depends, she denies herself a chance to know her true self, a self that defies socially constructed categories, a self that transcends human language, and a self that becomes itself best not by limiting words but by self-evident experience. See DRUCILLA CORNELL, *THE PHILOSOPHY OF THE
heritage,\textsuperscript{131} we can stop hating that part of ourselves that is black, white, or other,\textsuperscript{132} and we can stop separating ourselves emotionally, psychologically, and physically from others because they appear to fall within a particular racialized space.

II. **SHIFTING RACE CONSCIOUSNESS MATRIX TO HUMAN EQUALITY: CRITIQUING HERNÁNDEZ’S RACE-ORIENTED PROPOSAL**

A. **A Race-Conscious Approach—The Sole Solution**

In *The “Multiracial” Discourse,*\textsuperscript{133} Hernández advances a race-consciousness approach as an alternative to the MCM, and in so doing she argues two vital points. First, she critiques how this MCM negatively impacts federal civil rights laws. For Hernández, if Congress adopts multiracial categories, whites will perniciously use these categories to destroy nondiscrimination principles. According to Hernández, these whites will also become ever more emboldened in their push for color-blind laws so that they effectively promote a white supremacy agenda. Thus, for Hernández, we could blame the MCM for providing whites, who are consciously or unconsciously racist, with a “counter-egalitarian” tool to oppress minorities. Why blame the MCM? It destroyed the “socio-political meaning of race.” Hernández argues that without this meaning, we cannot use race-conscious tools.

\textsuperscript{131} See PAGE, *supra* note 63, at 285 (“That was the story of Tiger [Wood]’s life; either he was too black or he was not black enough. But in the spring of 1995 when he became, at age nineteen, the fourth ‘black’ golfer to play the Masters Tournament in Augusta, Georgia, while still enrolled in Stanford, he refused to settle for that label. It was an injustice to all of his other heritages, he said, to call him simply ‘black.’ He was not ashamed to be black. But it was not all that he was proud of, either.”).

\textsuperscript{132} Cf. Perez v. G.W. Sharpe, 198 P.2d 17, 26 (1948). The court stated:

> Respondent maintains that Negroes are socially inferior and have so been judicially recognized . . ., and that the progeny of a marriage between a Negro and a Caucasian suffer not only the stigma of such inferiority but the fear of rejection by members of both races. If they do, the fault lies not with their parents, but with the prejudices in the community and the laws that perpetuate those prejudices by giving legal force to the belief that certain races are inferior.

\textit{Id.}

\textsuperscript{133} See generally Hernández, *supra* note 27.
to end discrimination.\textsuperscript{134} Second, she questions whether the MCM's goals will eliminate racial categories and promote racial justice.\textsuperscript{135}

In advancing her thesis and in raising this question, Hernández proceeds in five steps. First, she critically analyzes what forces motivate this MCM, and she concludes that white mothers of biracial children propose multiracial categories not only because they fear languishing in genetic obscurity but also because they believe that without these categories their black children will not enjoy the privileges of their white heritage.\textsuperscript{136} Second, she asserts that society has always valued whiteness, and if the MCM succeeds, people who self identify as multiracial will be viewed as "white" by society. She argues that the privileged role of whiteness basically explains why this MCM has vitality.\textsuperscript{137} Third, she links the MCM to the Supreme Court's color-blind jurisprudence because under a multiracial social order, "whiteness" still wins especially where the state and its courts apply race-neutral tests to social disputes.\textsuperscript{138} Fourth, she supports a race-conscious approach to end race discrimination because this approach does not permit society to ignore race and to forget that a race-neutral social order leaves in place and unchecked the historical privileges which whites have always enjoyed.\textsuperscript{139} Lastly, Hernández proposes two approaches. First, we ought to adopt a race-conscious census classification because it acknowledges the political meaning of race (e.g., the one-drop rule), and second, the government should modify its data collection forms by removing biologically determined race categories. Instead, data collection should use a race-conscious approach that would be sensitive to the political meanings society imposes on race categories.\textsuperscript{140} Ultimately, Hernández concludes that the MCM fails to achieve racial equality precisely because it does not adopt a race-conscious approach, and that her approach succeeds because it "forthright[ly] ... [deals with] this [racial] complexity and [it] encourages society . . . to . . . grapple with the discomfort of acknowledging racial prejudice and disadvantage."\textsuperscript{141}

\textsuperscript{134} See id. at 101–03.
\textsuperscript{135} See id. at 103–04.
\textsuperscript{136} See id. at 106–15.
\textsuperscript{137} See id. at 115–39.
\textsuperscript{138} See Hernandez, supra note 27, at 139–56.
\textsuperscript{139} See id. at 156–61.
\textsuperscript{140} See id. at 161–71.
\textsuperscript{141} Id. at 171.
It is my view, however, that we cannot end a race-consciousness matrix through laws that have racial constructs as their central feature. If whites commit themselves immorally to racist practices and if blacks internalize these practices and refuse to imagine themselves beyond their race, we cannot legislate morality.\textsuperscript{142} And especially when society deeply connects itself to a racist Manifest Destiny, "moral" laws do not change our immoral hearts, and morality has nothing to do with whiteness, blackness, and otherness.\textsuperscript{145} Rather, we must "raise" or alter our consciousness, and as Professor Ronald Dworkin argues, we must develop an integrated community\textsuperscript{144} in which citizens express publicly an inner faith in an ethical life. Without this ethical life, whites who consciously and unconsciously view their world in racial terms can use rights-based claims—radical egalitarianism—to challenge affirmative action programs.\textsuperscript{145} Since the Civil War Amendments, the federal government has used a race-conscious approach,\textsuperscript{146} and this approach has not ended race, racism, and white supremacy. As such, Justice Brown in \textit{Plessy v. Ferguson} aptly noted that racial supe-

\textsuperscript{142} See \textit{Plessy v. Ferguson}, 163 U.S. 531, 551–52 (1896). Justice Brown asserted that:

\begin{quote}
[legislation is powerless to eradicate racial instincts, or to abolish distinctions based upon physical differences, and the attempt to do so can only result in accentuating the difficulties of the present situation... If one race be inferior to the other socially, the constitution of the United States cannot put them upon the same plane.]
\end{quote}

\textit{Id.}


\begin{quote}
[h]e will count his own life as diminished—a less good life than he might have had—if he lives in an unjust community, no matter how hard he has tried to make it just. That fusion of political morality and critical self-interest seems to me to be the true nerve of civic republicanism, the important way in which individual citizens should merge their interests and personality into political community.
\end{quote}

\textit{Id.}

\textsuperscript{145} See \textit{Omi & Winant}, supra note 3, at 20 ("[B]eginning around 1970, ethnicity theorists developed a conservative egalitarian perspective which emphasized the dangerous radicalism and (in their view) antidemocratic character of 'positive' or 'affirmative' antidiscrimination policies. State activities should be restricted, they argued, to guarantees of equality for individuals.").

priority and inferiority turns on how we think (e.g., our consciousness).147 For example, our most progressive statutes, often born out of necessity,148 like the Civil Rights Act of 1991,149 have not ended racial discrimination and sexual harassment in the workplace.150 Before that 1991 Act, Congress touted the Fair Housing Act151 as the statutory juggernaut that would end racial segregation,152 and today we are not just racially segregated in our residential housing patterns153 but

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147 See 163 U.S. 537, 551 (1896). The Court stated that:

[i]f the two races are to meet upon terms of social equality, it must be the result of natural affinities, a mutual appreciation of each other's merits, and voluntary consent of individuals. ... "This end can neither be accomplished nor promoted by laws which conflict with the general sentiment of the community upon whom they are designed to operate."

Id. Although I observe this point, I disagree with the Plessy holding. My point, however, is simple: How we think, regardless of its underlying merits, informs how we understand ourselves and how we evaluate our experiences.

148 The major impetus for the Civil Rights Act of 1968, The Fair Housing Act, was the urban riots following the assassination of Martin Luther King, Jr. See Leland B. Ware, New Weapons for an Old Battle: The Enforcement Provisions of the 1988 Amendments to the Fair Housing Act, 7 ADMIN. L.J. AM. U. 59, 74 (1993) ("Dr. Martin Luther King, Jr.'s assassination on April 4, 1968, and the resulting wide-spread civil unrest, provided the final impetus needed to push H.R. 2516 out of the House Rules Committee.").


The data are clear: Tenure rates for women and minorities are much lower than those for white males. According to the annual report of the American Council on Education's Office of Minorities in Higher Education, in 1993 the tenure rate for white men in tenure track positions was 78 percent, compared with 61 percent for white women and 62 percent for all minority candidates. Women in all categories fared worse than men: African American men and women had tenure rates of 63 percent and 58 percent respectively; Hispanic men and women had tenure rates of 66 percent and 57 percent respectively; Asian American men and women had tenure rates of 67 percent and 52 percent respectively; and American Indian men and women had tenure rates of 72 percent and 49 percent respectively.

Id.. See generally Beth A. Bourassa, Small Businesses Need Policy Against Sexual Harassment, 25 CAP. DISTRICT BUS. REV. (ALBANY N.Y.) 38 (1998) (discussing the current court ruling on sexual harassment claims that were brought against small businesses).


153 See, e.g., MASSEY & DENTON, supra note 67; Galen Martin, Desegregation Project Links School Resegregation, Gov't Housing Policies, MICH. CITIZEN, Feb. 15, 1997, at B5 ("In February 1995, [Assistant Secretary Roberta] Achtenberg conceded that 'the federal government, including HUD, has a long history of having precipitated and perpetuated housing
clearly unable to force different racial groups to live in harmony.\textsuperscript{154} And while society may impose a cost for racially discriminatory acts,\textsuperscript{155} the law has not ended racial violence and oppression.\textsuperscript{156} Violence and oppression end when we have had enough, when we stop enacting law out of fear, and when we cannot stomach one more death. In this way, we deposit in the law our spirit for peace and love,\textsuperscript{157} and thus we make laws work. We create the mythology that makes effective, enforceable law. This depositing reflects our consciousness, and if we shift our race-consciousness matrix from race as person to person as person, then we cannot truly hold to the idea that blacks and whites differ fundamentally.\textsuperscript{158} Why? If we think of race as person, then we serve society to the point of racial tyranny. But if we think of people as (spiritual) persons, then we can create a new social mythology that discrimination.

She detailed the ways government programs had increased segregation and said, 'fair housing law has been weak and inadequate.'\textsuperscript{154} See, e.g., United States v. Gilbert, 884 F.2d 454, 455 (9th Cir. 1989) ("Gilbert told a college newspaper reporter that there were 'seventeen niggers' in Kootenai County, the county in which he resided, and that by the time his group was through there wouldn't be any."); Perez v. G.W. Sharpe, 198 P.2d 17, 25 (Cal. 1948) ("The effect of race prejudice upon any community is unquestionably detrimental both to the minority that is singled out for discrimination and to the dominant group that would perpetuate the prejudice. It is no answer to say that race tension can be eradicated through the perpetuation by law of the prejudices that give rise to the tension.").\textsuperscript{156}


\textsuperscript{156} See, e.g., Peter Noel, A Question of Murder, VILLAGE VOICE, Aug. 4, 1998, at 28 (describing the death of Rodney Williams, a black man, killed by white supremacists who "dragged [him] behind a pickup truck by his ankles until his arm and head were torn off.").\textsuperscript{158}

\textsuperscript{157} Cf. Oliver W. Holmes, The Path of the Law, 10 HARV. L. REV. 457 (1897).

\textsuperscript{158} See, e.g., Overton McGehee, Official's Bluster on Racial Labels Defined Life for Many Virginians, RICHMOND NEWS LEADER, May 12, 1991, at A1. McGehee interviewed Dr. J. David Smith who was writing a book on Dr. Walter Ashby Plecker, a leader in the eugenic movements. See id. From 1912 to 1946, Dr. Plecker was Virginia's Registrar of Vital Statistics and a founding member of the Anglo-Saxon Clubs of America, and he used Virginia's Race Integrity Act to enforce the "one-drop" rule, to protect the "purity" of the Caucasian race and to deny blacks or coloreds all the rights that whites enjoyed. See id. In this position, Dr. Plecker determined a person's racial classification. On one occasion, Dr. Plecker wrote:

This is to give you warning that this is a mulatto child and you cannot pass it off as white. A new law passed by the last legislature says that if a child has one drop of Negro blood in it, it cannot be counted as white. You will have to do something about this matter and see that this child is not allowed to mix with white children. It cannot go to white schools and can never marry a white person in Virginia.\textsuperscript{Id.}
destroys a race consciousness matrix and that builds a new human family.\textsuperscript{159} By thinking of ourselves as a human family, we can attain that which we so desperately seek—human harmony.\textsuperscript{160} At base, then, we must begin to shift how we think. A shift in this race matrix creates a window for change, for peace, for love. True peace and unconditional love will not embrace major social ills like racism. Therefore, not by relying on human laws but by shifting our race-consciousness matrix, we can gradually end race-thinking and racism. In short, a race-conscious approach fails to achieve Hernández’s mandate.

B. The Multiracial Category Movement: The Advent of an Unimagined Social Reality

Rather than focus only on the failed race-conscious approach that Hernández exclusively proposes,\textsuperscript{161} I suggest that we alter how we think, and in so doing, focus on an unimagined social reality, one in which race has all value as currency in the social marketplace. Basically, then, this unimagined social reality is a new race-consciousness matrix or, at least, its advent. How we think forms a matrix, a framework that reinforces a socially constructed “reality.” Accordingly, we must ask: does a race consciousness cure what ails me? I answer emphatically, no! I will argue that only by shifting how we think, our matrix, can we effectively weaken and then, after several generations, end race categories. Without race, we cannot have racism. For sure, I am not suggesting that without racism, we will not impose new socially constructed realities on ourselves, such as gender and class oppression.\textsuperscript{162} What I am arguing is that if we shift our race-consciousness

\textsuperscript{159} See Joseph Campbell with Bill Moyers, The Power of Myth 8 (Betty Sue Flowers ed., 1988) (“[Marriage is] primarily a spiritual exercise, and the society is supposed to help us have the realization. Man should not be in the service of society, society should be in the service of man. When man is in the service of society, you have a monster state, and that’s what is threatening the world at this minute.”).

\textsuperscript{160} See Laplace, supra note 152, at 212 (“Senator Mondale described the critical fair housing debate as an issue ‘whether there is any basic decency in white America and whether white America every really intends to permit equality and full opportunity to black Americans with all that equality and opportunity involves.’”).

\textsuperscript{161} See generally Adarand Constr., Inc. v. Peña, 515 U.S. 200 (1996) (overruling the intermediate scrutiny in Metro Broadcasting v. FCC, 497 U.S. 547 (1990) as inconsistent with the Court’s strict scrutiny standard of review where any remedial racial classification is used by the state).

\textsuperscript{162} See Alex M. Johnson Jr., Destabilizing Racial Classifications Based on Insights Gleaned from Trademark Law, 84 Cal. L. Rev. 887, 891 (1996) (“I contend that society should embrace, as a transitory vehicle, multiple racial categories that expressly recognize and acknowledge products of mixed-race unions as distinct from black and whites. I assert that
matrix, we will end what Du Bois acknowledged would be the problem of the twentieth century: the color-line. With the new millennium upon us, should we not begin to destroy one piece of false thinking that has prevented us from having truly authentic relationships with each other that we consciously and unconsciously desire?163

Unlike a race-conscious approach, the MCM explicitly answers the question I posed earlier: why race-thinking? It answers by declaring that race-thinking limits us. That is, even if we concede that society socially constructed race, we cannot step politically and safely outside of our race paradigm.164 In this way, black is black, white is white. How limiting?165 Race-thinking locks us into a cube as if race were truly biologically determined.166 We ought to know better. We know this will have the effect of creating a type of 'shade confusion' which will eventually destroy the black/white dichotomy that currently exists, ultimately reducing race to a meaningless category, as it should be."

See generally Derrick Bell, After We're Gone: Prudent Speculations on America in a Post-Racial Epoch, 34 St. Louis U. L.J. 393 (1990) (arguing that working class and poor whites will eventually understand that they have been distracted from dealing with class oppression by casting blacks as racial inferiors).

163 See Gabel, supra note 18, at 1567-68.

164 See Juan F. Parea, The Black/White Binary Paradigm of Race: The "Normal Science" of American Racial Thought, 10 La Raza L.J. 127, 128 (1998) (discussing how we are taught to think about race). Parea explains:

In particular, I intend to analyze the role of books and texts on race in structuring our racial discourse. I believe that much writing on racism is structured by a paradigm that is widely held but rarely recognized for what it is and what it does. This paradigm shapes our understanding of what race and racism mean and the nature of our discussions about race. It is crucial, therefore, to identify and describe this paradigm and to demonstrate how it binds and organizes racial discourse, limiting both the scope and the range of legitimate viewpoints in that discourse.

Id.


[I]t is difficult to know whether one would view AFDC recipients as equally deserving, sympathetic, and highly motivated if the predominant image of an AFDC recipient were white instead of black. We are so accustomed to certain racial groups occupying certain social positions that it is almost impossible to imagine what one’s attitudes would be in a world in which whites instead of blacks were disproportionately represented among the disadvantaged. Not only does the question require speculation, but again, like the Shelley and Roe questions, it requires us, to some extent, to break down the racial categories with which we are familiar.

Id.

166 See Lucinda M. Finley, Sex-Blind, Separate But Equal, or Anti-Subordination? The Uneasy Legacy of Plessy v. Ferguson for Sex and Gender Discrimination, 12 Ga. St. U. L. Rev. 1089, 1092 (1996) ("Plessy’s racial categorization and his legal classification as different from
from grown folks' kitchen talk that blacks have passed for white\textsuperscript{167} because they have white mothers or fathers.\textsuperscript{168} It is the fixed lore of our communities. If we privately acknowledge that black-white folks exist, then we cannot publicly deny that unitary race-thinking is purely political and ideological. It is about "keeping it real." It is about joining people with what Du Bois called a "common history."\textsuperscript{169} Or the belief in some black communities that whites are biologically, if not culturally, different from blacks. Professor Kwame Anthony Appiah rejects a "common history" model for race because it operates on false biological notions.\textsuperscript{170} Appiah argues:

To put it more simply: sharing a common group history cannot be a criterion for being members of the same group, for we would have to be able to identify the group in order to identify its history. Someone in the fourteenth century could share a common history with me through our membership in a historically extended race only if something accounts for their membership in the race in the fourteenth century and mine in the twentieth. That something cannot, on pain of circularity, be the history of the race.

\textsuperscript{167} See Cheryl Harris, Whiteness as Property, 106 Harv. L. Rev. 1707, 1712 (1993) ("Indeed, there are many who crossed the color line never to return. Passing is well-known among Black people in the United States and is a feature of race subordination in all societies structured on white supremacy.").

\textsuperscript{168} See generally Judy Scales-Trent, Notes of a White Black Woman: Race, Color, Community (1995).


What then is a race? It is a vast family of human beings, generally of common blood and language, always of common history, traditions and impulses, who are both voluntary and involuntarily striving together for the accomplishment of certain more or less vividly conceived ideals of life.

\textit{Id.} (citing W.E. Burghardt DuBois, Dusk of Dawn: An Essay Toward an Autobiography of a Race Concept 75–76 (1940)).

\textsuperscript{170} See id. at 1236–37 (arguing that Appiah rejects the idea that slavery and segregation can create a group).
Whatever holds Du Bois’s races conceptually together, then, it cannot be common history.171

It would appear that any answer to “why race-thinking?” cannot stand on historical and biological grounds. Rather, blacks like whites embrace unitary race-thinking because they cannot imagine themselves outside of traditional categories and because they cannot envision a politically safe vehicle for reimagining their future. This limitation clearly affects why Hernández consciously chose a race-conscious approach. As such, unitary race-thinking operates within a race-consciousness matrix, and the matrix questions the MCM because different thinking about race is too disruptive.

The MCM asks us to shift our race-consciousness matrix,172 and in so doing we can create space for human equality. This shift evidences itself because open-minded people, perhaps people who have talked about why “Auntie Ethel” has fair or brown skin, support the MCM. Within the MCM, blacks, whites, Latinos and others wish to destroy all racial classes,173 and what remains will perhaps be a variety of ethnicity or culture which, if we accept Appiah’s argument, any person can practice.174 Although I argue for ethnicity over race as we move toward a non-racial identity, I am aware that “ethnicity” as a socially constructed category must be thoroughly interrogated by critical theorists, so that we can publicly note how dominant social institutions have used “ethnicity” to shield darker Europeans from the stigma of “blackness.”175 By labeling darker Europeans as “white,” dominant social institutions prevented similarly situated citizens from recognizing common interests, thus undermining coalition politics or class solidarity.176 Although ethnicity has a checkered history and dubious origins, I think that, unlike race, ethnicity can be successfully coopted,

171 Hickman, supra note 169, at 1237 (citing Kwame Anthony Appiah, In My Father’s House 32 (1992)).

172 See Hernández, supra note 27, at 108 (citing Ramona E. Douglass, Multiracial People Must No Longer Be Invisible, N.Y. TIMES, July 12, 1996, at A26).

173 See id. at 108-09.


175 See Reed, supra note 4, at 22 (“Ethnicity—and its corollary, the expansion of whiteness as a generic category—is the result of similar efforts at successfully negotiating the bipolar racial system to avoid the stigma of blackness.”).

176 See id. (“White ethnicity emerged during the New Deal and immediate postwar period, and it reflects the incorporation of previously distinct racial populations into the safety net of whiteness.”).
principally because many different kinds of people with different racial heritage have already been included within its cultural boundaries.\textsuperscript{177} Regardless of its political origins, I think (perhaps wrongly) that ethnicity centers itself on cultural practices, especially because culture excuses phenotypical differences and racial pedigrees. It would appear that ethnicity then does not depend on apparent (racial) distinctions. Rather, ethnicity proffers the promised inclusion that we all ultimately seek.

Unlike broadly inclusive non-racial cultural practices, unitary race-thinking and racial classes wound a person’s spirit and humanity.\textsuperscript{178} Racial classes reduce a person simply to a racial caste,\textsuperscript{179} and they lock her in. How can we break this racial caste, a prison that prevents free, unbordered thinking about ourselves and others?\textsuperscript{180} First, we ought to recognize publicly that blacks and other so-called racial groups, such as Native Americans and Chicanos, have different “racial” heritages, and second, if we have biracial parents, we—offspring of the love—acknowledge both parents, not because we approve the racial group to which they claim membership, but because love truly

\textsuperscript{177} See Cannon, \textit{supra} note 117 (“‘The census is out to lunch,’ says San Francisco Bay Area lawyer Carlos A. Fernandez, a founder of the Association of Multi-Ethnic America. ‘Hispanics are not an ethnic group—they are a collection of ethnic groups.’”).

\textsuperscript{178} See Hernández, \textit{supra} note 27, at 107 n.44; \textit{see also} Drucilla Cornell, \textit{Toward a Modern/Postmodern Reconstruction of Ethics}, 133 U. Pa. L. Rev. 291, 339 (1985). In critiquing Unger, Cornell argues:

According to Unger, this means that human beings, considered objectively, are “not wholly natural being[s].” More importantly, the gift of consciousness, which Unger defines as “the ability to reflect on existence” means that we are separated from our surrounding environment. Here we return to one feature of Unger’s definition of human nature as a set of puzzles individuals confront in their relations to, among other things, nature. Because the individual is separated from nature and never has a fixed relationship to it, she confronts nature as a “problem to be solved.”

\textit{Id.}

\textsuperscript{179} See \textsc{Georg W.F. Hegel}, \textit{The Philosophy of Right} 37 (T.M. Knox trans., 1967) (“Personality essentially involves the capacity for rights and constitutes the concept and the basis (itself abstract) of the system of abstract and therefore formal right. Hence the imperative of right is: ‘Be a person and respect others as persons.’”); \textit{cf.} Robinson, \textit{supra} note 108, at 665 (“Mutual tolerance permits asymmetrical relations between an employer and employee, and thereby an employer often reduces his employee to her natural being (e.g., wage slave). Hegel eschews this denial of the other’s absolute free will.”).

\textsuperscript{180} See Lawrence, \textit{supra} note 35, at 826 (“If our bipolar, black/white model for thinking about racial inequality is dysfunctional in a multiracial society, it is because it is a model that never worked in the first place, even when most Americans who were not white were black. The law’s prevailing paradigm for achieving racial equality failed us then, and it fails us now, because it is not first about the eradication of white supremacy.”)
knows no such limitation, \textit{viz.}, race. As such, Hernández’s use of “symmetrical racial identity” is not a problematic “reality” of the MCM but rather a first crucial and critical step. If I can acknowledge my heritage on a census report, then the society learns how widespread biracial and multiracial identities are. This acknowledgment gradually undermines unitary racial thinking, and it weakens, and eventually ends, our historical and political commitment to a race-consciousness matrix. With the end of racial, and ultimately ethnic, categories, the MCM represents that “instrumental step toward the ‘dream of racial harmony,’” as opposed to the creation of ‘one more divisive category.’\textsuperscript{181}

If the MCM constitutes a radical shift in our racial consciousness, does it quite frankly matter that white mothers for example are key proponents of the MCM? Does it also matter that these white mothers might be motivated by a desire to be validated in their children’s identity? Does it matter to the MCM that these white mothers find traditional racial categories too constraining, too marginalizing? Basically, does it matter that the white mothers are narrowly driven by selfish motives?\textsuperscript{182} Hernández answers in the affirmative. For her, such motives more than suggest that the MCM uses new racial rhetoric to advance an old racist consciousness. I disagree, and I will present my counter argument shortly.

Specifically, Hernández asserts that the legal recognition of multiracial categories resonates with a color-blind society and its Supreme Court jurisprudence, and this approach prefers whites over blacks. Hernández thus suggests that white parents in their blind, narrowly rational, self-interested approach to self validation advocate for symmetrical identity. As such, biracial children will not have to choose one parent over another. However, Hernández argues quite rightly that historical whiteness has always been the preferred racial category.\textsuperscript{183} Thus, if symmetrical racial identity means that white and black


\textsuperscript{182} See \textit{Page}, supra note 97, at 283–84 (describing a personal relationship with an Irish-Catholic female from rural Wisconsin who believed in the “one-drop rule,” and who expressed deep concerns about having interracial children, proclaiming that “I would feel alone in the house.” He replied, “but they would be your children.” She in agreement retorted, “but they wouldn’t be white.”).

\textsuperscript{183} See \textit{Omi} & \textit{Winant}, supra note 3, at 54. Omi and Winant discuss the \textit{Phipps} case in which a plaintiff sued unsuccessfully to have her racial designation by the State of Louisiana changed. \textit{See id.} Because she had been raised as a white person, she preferred to be
genotypes attain legal recognition, then the white identity prevails over the black identity. Explicitly, then, symmetrical racial identity cannot succeed because such symmetry belies the realpolitik of racism and white supremacy. Hernández further suggests that the white mothers either know of this nation's preference for whiteness or prefer ignorance, and in this way, they simply achieve through the MCM what the hypodescent rule prohibits. That is, under the one-drop rule, which is for practical purposes still viable today, our society constructs a person as "black" if either parent passes a certain percentage of "black" blood to the child. Equally important, if the child looks black, society forces her into the "Nigger" category, and most importantly, if the child does not look black but in fact has received "black" blood, then society has an especially keen interest in determining that child's race, so that she does not blur the all-important racial divide and so that she does not attain social benefits to which whites are deemed specific heirs. In short, these white mothers are using the MCM not only to vitiate niggerization of their biracial children but also to confer upon them their birthright—the invisibility of white social privileges.

Let's assume that Hernández correctly captures the core factor behind the white mothers' impassioned pleas for a multiracial category. How does this assumption undermine the powerful shift in the race-consciousness matrix that we have used to create and maintain space between people of apparently different racial groups? For me, this assumption is not fatal to my argument. What Hernández has designated white and dispreferred having "to wrestle with her newly acquired 'hybridized' condition. She will have to confront the 'Other' within. See id.

184 See generally Hickman, supra note 169.
186 See Bijan Gilanshah, Multiracial Minorities: Erasing the Color Line, 12 LAW & INEQ. 183, 198-99 (1993). Gilanshah states:

Indeed, multiracials blur and erase color lines between phenotypically distinct racial groups and subgroups. With these lines erased, both separation and subjugation of minorities become increasingly difficult as "proper" targets of racial animus and become difficult to identify with confidence. . . . Finally, legal recognition would serve as a signal to minority racial groups and to society as a whole that the federal government has aborted attempts at maintaining a distinct color line—an line once adamantly maintained to legitimize suppression of "inferior" peoples.

Id.
missed in her argument is the historical irony that now plagues these white mothers who have not recognized the inherent injustice of the hyperdescent rule—the one-drop rule. Historically, during the Antebellum era, the child inherited the mother’s legal status. It mattered not if she were light, bright, and damn near white; if she had the proverbial one-drop of black blood, the child was socially doomed and spiritually pilloried. This rule served several purposes. First, the rule insured the relative stability of the racial color line. Second, this rule ensured that black slave females would not use their sexual appetites to corrupt free born, white Christian males into siring black babies in the far flung hope that the mulatto child would be birthed into a free legal status.\footnote{Cf. John Sullivan, For A “Multiracial” Identity, Christian Sci. Monitor, Mar. 11, 1996, at 20. Sullivan states that: The NAACP’s stance seems to be based on the “one-drop rule”: one drop of African-American blood is sufficient to render anyone African-American. This position is enormously ironic in light of the origin of the one-drop rule, which began in the antebellum South as a means of increasing the number of slaves by classifying the offspring and descendants of master-slave couplings, not as white or mixed, but as black. Id.} And equally important, if a child were enslaved illegally, she could point to the free mother, and on that basis she could attain her freedom. This cause was more likely advanced by black men and women who sought their freedom in a legal venue. Yet, in any venue, racial pedigree stood centerstage. Unless one is totally blind, the MCM is irony writ large.

Because I disagree with Hernández, I must ask: what if white mothers wish in reality to confer a social largess on biracial or multiracial children?\footnote{Cf. Robert J. Sickels, Race, Marriage, and the Law 35 (1972). Sickels states: Our main and fundamental object is the MAINTENANCE OF THE SUPREMACY OF THE WHITE RACE in this Republic. . . . If we were to admit persons of African race on the same level with ourselves, a state of personal relations could follow which would unavoidably lead to political equality. . . . The man who is good enough to be our familiar companion is good enough also to participate in our political government. Id. See generally Harris, supra note 166.} This effort too bespeaks irony. How do we as a society confer a property interest on a biracial or multiracial person’s whiteness without simultaneously benefiting her blackness?\footnote{See generally Hernández, supra note 27.} Is this question especially relevant if she has Negroid phenotypes? Rather than carving out a race-free space into which biracial and multiracial
children will now step, are we not equally exposing the folly that is the social construction of racial categories? And if it is possible to confer a benefit on a biracial or multiracial person’s whiteness without equally privileging her blackness, is Hernández prepared to argue that race is a unitary trait that survives its social construction? Basically, then, I do not think Hernández wishes to grant credence where it has never really existed. Ultimately, I think that Hernández, like others who reject multiracial categories, cannot imagine a social reality in which we bear a variety of hues and in which we no longer view these skin colors through the lenses of American Negro slavery, Jim Crow, and racial discrimination. To imagine this future reality, we must be prepared first to break free of our old race-consciousness matrix. For legal scholars like Hernández, they simply cannot imagine the unimaginable. In the end, the old race-consciousness matrix remains the house in which we live and call home and about which we complain.

C. Multiracial Category Movement and a Race Conscious Approach: Can Competing Paradigms Co-Exist?

Today, multiracial categories compete with unitary racial categories. Each category is a paradigm. Multiracialism argues for honest racial or ethnic hereditary, a temporary weigh station that ushers in the death of the race-thinking of the past 300 years. Uniracialism, or thinking in black and white terms, stands for ignorance, arrogance, oppression, violence, and murder, and it reinforces the narrow race-thinking of an increasingly bygone era. Basically, the MCM urges us to expand our consciousness; a race-consciousness matrix keeps us huddled en masse in a mental prison in which we experience strange comfort, in which we feel unnaturally confined, from which we hope to escape, and by which we fear a life without racial shackles. Together, the MCM and uniracialism constitute poignant dialectical moments. A race-consciousness matrix has revealed its limits, and out of its fissures, the MCM dialectically and rhetorically emerges not as a wholly new concept, but as a secret custom for which we now have a name—multiracialism. As such, in almost vulgar Marxist language, the proverbial seed that destroys the old paradigm of a race-consciousness matrix has always existed. In this way, the MCM and uniracialism—or a race-consciousness matrix—constitute paradigms, and they both can and must co-exist in the same social space because, except when we fail cataclysmically, a new paradigm always arises before its predecessor has been completely entombed. For example, Brown co-existed with Plessy’s final days. Given this maxim, I think that
we can recognize multiracial identities and adopt Hernández’s proposed race-conscious approach. Overlapping paradigms gradually permit us to shift our race-consciousness matrix, and they recognize that whites will resist this new shift in the race-consciousness matrix by discriminating against blacks and others.190

In critiquing the MCM, Hernández concedes no viable place for a multiracial paradigm. Her reasons are three-fold. First, the MCM paradigm represents a poor mechanism for assessing and eradicating racial discrimination.191 As I understand the MCM, the short-run goal is not eradicating racial discrimination but accounting accurately for one’s “racial” and ethnic identity.192 Second, the MCM gives cultural bullets to political conservatives who hate social programs like affirmative action. Those conservatives stand for color-blind social policies, an approach that discounts racial factors in political, social, and economic practices.193 Third, blacks will use this multiracial paradigm to deny their “blackness” or to purify themselves so that they do not have to suffer the lot in life doled out to the poor, unfortunate darkies.194 If our essential being is God or a spirited, race-less Self, why

190 See John Powell, Who Thought of Dropping Racial Categories, and Why?, POVERTY & RACE, Jan.-Feb. 1995, at 12, 13 (arguing that even if a black person marks a multiracial category, whites will only see his color and on that basis discriminate against him anyway.)

191 See Hernández, supra note 27, at 161 (“This Article seeks to clarify the way in which race-consciousness should emphasize the political aspects of race in legal analysis as opposed to more diffusive appeals for respect of cultural diversity. Although cultural diversity is a laudable societal goal, it is an imprecise mechanism for legally assessing discrimination.”).

192 See Frisby, supra note 101, at 48. Frisby writes:

[Taking pride in one’s heritage is] on the mind of 12-year-old Kaleena Crafton, of Redford, Mich. A year ago, she wrote a passionate plea to federal officials: “I find something wrong with how people define my racial category,” she said. “To them, I’m either ‘black,’ ‘white,’ or ‘Native American/Pacific Islander.’ Well, I’m really European, African and Native American. To me (and others), this is a problem. . . . When someone says I’m white or black, it is really lying about my heritage. Yes, lying. Because my race is not black, not white, and not Native American. It is multiracial. This category is important to me, so that I leave out none of my races.”

Id.

193 See Hernández, supra note 27, at 139-41; Frisby, supra note 101, at 48 (“[T]he nation puts a fresh spin on de-emphasizing race, as society denies its racism and spouts that skin color no longer makes a difference. The U.S. Supreme Court feeds this notion, repeatedly unleashing rhetoric about a color-blind society, moving affirmative action from chic to passe.”).

194 See Hernández, supra note 27, at 118-19. Hernández argues that:

This racial hierarchy, which denigrates all connections to blackness in order to maintain the White ideal, evidences itself perhaps most starkly in the selec-
should blacks not have the luxury that whites enjoy—not thinking of themselves in racial terms? How has thinking of ourselves strictly in racial terms made blacks healthier human beings? And why is self-conscious race-thinking a normal cognitive activity? In answering these questions, we can still pursue racial justice. For Hernández, however, by not taking into account how pigmentocracy will create new problems on America’s racial frontier, the MCM simply allows biracial and multiracial children a chance to “flee repression.” In short, Hernández rejects a multiracial paradigm because it vouchsafes racist policies, promotes pigmentocracy, and ignores “the political meaning of race.”

Although I argue that these paradigms must coexist if we are to struggle directly or indirectly for justice in a non-racial world, Hernández rejects the MCM paradigm because she believes that its success requires a color-blind platform. I disagree. How does mocking unitary racial categories through biracial and multiracial identities perforce lead to a color-blind world? I am not saying that political conservatives will not attempt to coopt the MCM. They have successfully used race-based social programs to create wedges between blacks and whites. To this extent, any good idea can come to a bad end. Rather, I am asking: does the MCM paradigm perforce lead to color-blind politics in and of itself? I think not.

Hernández resists this implication by arguing that white mothers simply wish to “extend the supremacist system privilege to those who are viewed as ‘practically-all-White’ without actually dismantling the racial hierarchy itself.” While Hernández has ample historical evidence for her position, I do not think she accounts for the impact of

Id. (footnotes omitted).

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195 See id. at 117–18 (“Thus, the ability of Whites not to think of themselves in racial terms at all is another benefit of whiteness, in that whiteness is cognitively viewed as the norm and hence not a race. This is, in effect, another benefit that multiracial-category proponents logically want to pass on to their children—the leisure of not having to think about race at all.”) (footnote omitted).

196 See id. at 119.


198 Hernández, supra note 27, at 121.
multiracial categories on children, on parents, and on society. Thus, I do not believe that the MCM paradigm must stand principally for "dismantling racial hierarchy itself" because its agenda, if successful, achieves that goal indirectly. While the MCM paradigm can be viewed by skeptics like Hernández with deep suspicion, I posit that the MCM paradigm challenges the old race-consciousness matrix not by directly confronting it but by gradually dismantling its features.

Hernández asserts that the MCM paradigm serves a color-blind agenda. He presents this argument syllogistically: the MCM wishes to have white parents genotypically recognized, and this recognition, especially in light of this nation's commitment to white supremacy, must privilege whiteness over blackness. This privileging avoids public scrutiny and outrage through a color-blind agenda, little different from the United States Supreme Court's jurisprudence which Justice O'Connor first advanced in City of Richmond v. J.A. Croson Company on the premise set forth in Justice Harlan's dissent in Plessy v. Ferguson. With a color-blind agenda, the MCM basically provides the legal and intellectual groundwork that renders antidiscrimination legislation a virtual nullity.

While this syllogism might prove persuasive to many, I take a different position. Any idea can be wrenched into an evil by people with dishonest designs. However, I think Hernández has conflated the MCM's agenda with color-blind jurisprudence, perhaps because civil rights statutes as they currently exist might be further undermined by insincere politicians, policymakers, and others who have always sought to roll back constitutional protections for minorities. While I ap-

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199 See, e.g., Page, supra note 7, at 1. Page quotes Professor Henry Louis Gates who argues that: "I want to be black, to know black, to luxuriate in whatever I might be calling blackness at any particular time, but to do so in order to come out on the other side, to experience a humanity that is neither colorless nor reducible to color." Id.


201 163 U.S. 537, 552 (1896) (Harlan, J., dissenting).


Their objection, spelled out in letters, public testimony and journal articles, is that the availability of a multiracial category would reduce the number of Americans claiming to belong to long-recognized racial minority groups, dilute the electoral power of those groups and make it more difficult to enforce the nation's civil rights laws.

Id.

203 See John J. Miller, Don't Court Race at All, USA Today, May 1, 1997, at A14 ("Today, federal bureaucrats routinely use racial data from the Census to gerrymander congres-
preciate this concern, and I accept that this potential reality exists, I am not prepared to argue, or to accept, that the MCM does not proffer great potential for radically shifting how we race-think. While we must concern ourselves with increasing the life chances of any group of people who have been historically denied access to the privileges that society has accorded to whites, I do not think that her attack encourages many of us to take responsibility for how we reinscribe ourselves as either "superior" or "inferior" racial groups. In short, I do not think a syllogism, even one that is as well argued as it is here by Hernández, truly responds to the potentially radical shift in our race-consciousness matrix that makes us all equal culprits in today’s existing paradigm of race, racism, and white supremacy.\textsuperscript{204}

Because blacks have uncritically committed themselves to a race-consciousness matrix, I think that the greatest resistance to the MCM paradigm will come from traditional civil rights groups.\textsuperscript{205} As John Sullivan states:

The only organized opposition to the multiracial option comes from black groups such as the National Association for the Advancement of Colored People. The NAACP knows that estimates of the percentage of blacks with mixed racial heritage range as high as 70 percent or more. It worries that many blacks will identify themselves as multiracial. If so, the decrease in the black group’s population could reduce its share of a wide range of benefits based on numbers, such as political districting under the Voting Rights Act.\textsuperscript{206}
Basically, then, the civil rights groups resist what the multiracial paradigm broadly implies because their proverbial "Ox" may get gored, and thus they reject any coexistence between a race-consciousness matrix and the MCM. By preferring the status quo racial paradigm, the groups argue that they prefer a paradigm where five racial categories are better than, say, twenty.\textsuperscript{207} It does not appear to matter that under the present paradigm, blacks and other marginalized racial groups still suffer in the labor market, in the workplace, in the mortgage lending market, and in public cultural consumption. At present, the census bureau catalogues us, all of us, into racial splits that benefit whites and blacks who profit from the insanity of racism and from a race-consciousness matrix in which we agree voluntarily to make ourselves prisoners of our own thinking. By resisting the MCM, these civil rights groups and scholars like Hernández are not prepared to free themselves, and for that matter the rest of us, so that each of us can individually experience the shift in race consciousness and so that we can liberate ourselves too.\textsuperscript{208} At base, I do not think that the MCM stands for the principle that any racial category is better than "blackness,"\textsuperscript{209} but I do think that civil rights groups would prefer that we

ranging from the shape of congressional districts to the percentage of federal contracts awarded to minorities to preferences in hiring. For that reason, the White House has been lobbied by civil rights groups who believe their constituencies might lose tangible benefits if their numbers are diluted in the next census.

Cannon, \textit{supra} note 117.

\textsuperscript{207} See \textit{Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity}, OMB (visited May 15, 2000) <http://www1.whitehouse.gov/OMB/fedreg/ombdir15.html>. The Office of Management and Budget accepted the recommendations of the Interagency Committee for the Review of the Racial and Ethnic Standards with two modifications: the "Asian or Pacific Islander" category will become two categories—"Asian" and "Native Hawaiian or Other Pacific Islander"—and "Hispanic" becomes "Hispanic or Latino." See \textit{id}. Under revised standards, five minimum categories for race data will be: "American Indian or Alaska Native," "Asian," "Black or African American," "Native Hawaiian or Other Pacific Islander," and "White." See \textit{id}. It will add two ethnic categories: "Hispanic or Latino" and "Not Hispanic or Latino." See \textit{id}. Under the revised standards, seven race or ethnic categories will govern the 2000 Census. See \textit{id}.

\textsuperscript{208} Cf. \textsc{Erich Fromm}, \textit{Escape From Freedom} 6 (1959). Fromm asks:

Is freedom only the absence of external pressure or is it also the \textit{presence} of something—and if so, of what? What are the social and economic factors in society that make for the striving for freedom? Can freedom become a burden, too heavy for man to bear, something he tries to escape from?

\textit{Id}.

\textsuperscript{209} See Mathews, \textit{supra} note 202. Mathews reports:
remain “black” even if such a false unitary racial category midgets us mentally, enslaves us intellectually, and bankrupts us spiritually.210

**Multiracial Categories and Interracial Families: The Impact of Living Deconstruction**

Although color-blind advocates and those seeking to exit the “black” category will certainly seize upon the MCM, Hernández denies that biracial child her role as a “subject/agent.”211 Regardless of

Gary L. Flowers, a spokesman for the Lawyers Committee for Civil Rights Under Law, said the multiracial debate was “a very big deal for us,” adding: “This multiracial hocus-pocus pleases only a relatively few individuals, and for everyone else, it’s dangerous. It contributes to the pigmentocracy that already exists in America, that says it’s better to be light-skinned than dark-skinned. Will it be better to be multiracial than to be black?”

*Id.*

210 Cf. Steele, *supra* note 20. Steele argues:

Now to be innocent someone else must be guilty, a natural law that leads the races to forge their innocence on each other’s backs. The inferiority of the black always makes the white man superior; the evil might of whites makes blacks good. This pattern means that both races have a hidden investment in racism and racial disharmony, despite their good intentions to the contrary. Power defines their relations, and power requires innocence, which in turn, requires racism and racial division.

But this formula carries a drawback that I believe is virtually as devastating to blacks today as victimization once was. It is a formula that binds the victim to his victimization by linking his power to his status as a victim. And this, I’m convinced, is the tragedy of black power in America today. It is primarily a victim’s power, grounded too deeply in the entitlement derived from past injustice and in the innocence that Western/Christian tradition has always associated with poverty.

*Id.*


The “I” is a principle of making expenditures precisely in order to gain a return. The agent, Aristotle said, always acts for its own good, even if it is sadly mistaken, and what it takes to be good turns out to be as bad as can be. . . . The agent always intends to act for its own good; otherwise, it won’t act at all. Making allowances for certain differences, that perfectly reasonable principle of “reappropriation” is what eudaemonistic Greeks like Aristotle and personal-salvation-seeking Christians in the middle ages mean by an “agent,” and it is also what modernity means by a “subject.” From Plato to Husserl, the subject/agent signifies a certain “intending,” a “vouloir-dire,” a wanting-to-say, a meaning-to-say, wanting, meaning, and willing well-being. Otherwise the subject/agent would never do a thing; nothing would happen or eventuate.
our racist history and a white supremacist paradigm, we must freely choose our identities, and self-autonomy requires no less. Under a subject/agency principle, a child must freely decide to honor his black mother and white father. Yet, the current paradigm denies her role as a subject/agent. Rather, she must choose white over black, or typically, given the one-drop rule, black over white. Should white mothers not resent a paradigm that denies their children this fundamental and personal agency? For Hernández, it is not about agency but race privileging. First, white mothers of biracial children seek multiracial categories because they have “the innate parental concern in having themselves publicly reflected in their children.”212 Second, these mothers wish to pass their inherited racial privilege on to the biracial child. Basically, these mothers would like their biracial child to live without self-consciously thinking that society has raced them.213 If we analyze these mothers uncharitably, then we can simply conclude that they are narrow-minded racists. Or, in a much more charitable light, we can conclude that they see hope for an America where biracial children can live without a racial identity, and they believe that they must start by weakening a racial paradigm that privileges white over black for goods and services and that pushes black under white for second-class citizenship.

I would not stretch credulity too much if I were to argue that interracial couples not only married for love, but also for conscious or unconscious political reasons. Are white and black mothers similar? Would a black mother work to ensure that society never forces her child to think of herself in negative racial terms? How does such work differ from a white mother who wishes that her biracial child consciously acknowledge her black-white genetic—and cultural—heritage?214 They do not differ at all. If white mothers recognize that the one-drop rule erases them biologically and socially, and if biracial children self-consciously acknowledge both parents on a census form, then we have already witnessed a shift not only in how we racially define families and ourselves but also in how we race-think.

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213 See id.

214 See Hernández, supra note 27, at 107 (“The initial impetus for the MCM was the discomfort many White-Black interracial couples felt when choosing racial classifications for their mixed-race children on educational data collection forms.”).
This shift becomes the new paradigm that destroys rigid racial classifications and that potentially leads to racial healing.215

Unfortunately, when Hernández applies her argument against multiracial categories to interracial families, she does so with heavy cynicism. In so doing, she denies biracial children their subject/agency that undergirds how she politically analyzes why we should continue to mark the five racial categories proffered by the Census Bureau. Even if we use race-conscious policies like affirmative action, and even if we mark traditional racial categories, we cannot ensure that we prevent racial discrimination, and we cannot end pig­mentocracy. Hernández’s proposal promises us liberal remedies while it robs us of rational subject/agency, a subject who wishes to break the race paradigm without creating a new one.216 I thus concede that this subject/agent would rely on multiracial categories that could undermine the justice she seeks in vitiating uniracial categories. Without this subject/agent, we remain fixed in an old race-consciousness ma­trix, principally because we fear the thorny discomfort and the exis­tential crisis that will attend an end to race and race consciousness.

In ending race consciousness through a shift in the old para­digm, we experience what I call “living deconstruction.” Decon­struction represents a form of reading that never ends. The reader con­stantly interrogates the text, an inquisition that involves both the reader and the language, a result that rewards and frustrates the reader. Basically, then, deconstruction rigorously acts as a “constant

215 See Hernández, supra note 212, at 34 (“Thus, interracial parents value the multira­cial category for its perceived shift away from the rigidity of racial classifications, which in themselves promote racial hostility.”).

216 See DECONSTRUCTION IN A NUTSHELL, supra note 211, at 147. John Caputo posits:

Derrida [in analyzing the gift] thus points to a double injunctive, which is a bit of a double bind . . . , both to give and to do commerce, to love God and mammon. He is saying at one and the same time: (1) Give, but remember how the gift limits itself. Because there never is a gift (don), the gift is the im­possible that we all desire; because it annuls itself the instant it would come to be, if it ever does, the gift is what we most want to make present. The gift is our passion and our longing, what we desire, what drives us mad with desire, and what drives us on. That means that we must keep watch over our gifts, which should be ways of exceeding and surpassing ourselves, emptying and divesting ourselves, lest they turn into something less than they (already) are, bits of self-aggrandizing selfishness meant to show the other what we can do, self-serving “presents” (présents, cadeaux) belonging to the sensible, rational circle of time in which we are not giving to the other but making a [sic] ex­hibit of ourselves.

Id.
reminder of the ways in which language deflects or complicates the philosopher’s project. Above all, deconstruction works to undo the idea . . . that reason can somehow dispense with language and arrive at a pure, self-authenticating truth or method.\textsuperscript{217} As an example, consider how deconstruction impacts a notion like justice, or a unitary notion of race, or a race-consciousness matrix. Jacques Derrida writes that:

justice . . . implied non-gathering, dissociation, heterogeneity, non-identity with itself, endless inadequation, infinite transcendence. That is why the call for justice is never, never fully answered. . . . A judge, if he wants to be just, cannot content himself with applying the law. He has to reinvent the law each time. If he wants to be responsible, to make a decision, he has not simply to apply the law, as a coded program, to a given case, but to reinvent in a singular situation a new just relationship.\textsuperscript{218}

Deconstruction implies not only searching for meaning in metaphors, rhetoric and language, but also destroying a race paradigm each time one engages or encounters it.

In this way, “living deconstruction” connotes not just the critical reading (and re-reading) of text. How we experience another person’s raced personality depends on whether she layers herself like text. Living deconstruction becomes how we think, act, and live day-to-day, existing beyond a fixed moment, in which many of us experience an existential crisis, a moment in which a racist paradigm prevents us from loving the biracial child in front of us. In effect, then, white mothers of biracial children survive this moment not by questioning the fullness of the paradigm, simply because this approach might deepen their crisis, but by desiring to care for her biracial and multiracial children through learned empathy and unconditional love.\textsuperscript{219} To this extent, white mothers of biracial children are less po-

\textsuperscript{217} NORRIS, supra note 88, at 19.
\textsuperscript{218} The Villanova Roundtable: A Conversation with Jacques Derrida, in Deconstruction in a Nutsheil supra note 211, at 3,19.
\textsuperscript{219} See McBride, supra note 119, at 31–32. On this point, James McBride writes:

As a boy, I often found Mommy's ease among black people surprising. Most white folks I knew seemed to have a great fear of blacks. Even as a young child, I was aware of that. . . . In fact I didn't even have to open the paper to see it. I could see it in the faces of the white people who stared at me and Mommy and my siblings when we rode the subway, sometimes laughing at us, pointing, muttering things like, “Look at her with those little niggers.” I re-
although some certainly have engaged the census issue directly, and more devoted to struggling with themselves and their children's experiences. While they cannot "know" how their biracial children immediately experience a racist world, they do sincerely commit themselves to successful parenting, itself a concept like justice that requires living beyond a priori concepts or mental calculations. With all of its marked failures, parenting sincerity stands behind multiracial categories, and this sincerity beckons the death of an old paradigm like unitary race-thinking. I suspect that many of these parents can ill afford moments to reflect on the grander movement of race history. They, like all parents, work in the moment, often while holding back their fears for their children's future well-being. Living deconstruction, while an incomplete answer to Hernández's cynicism and race-conscious proposal, might serve as a better basis for multiracial categories and a shift in our race-consciousness matrix.

**CONCLUSION**

In conclusion, I think that Hernández raises vitally important questions that bear directly on how this society ought to protect and advance a societal agenda that protects historically marginalized people. However, I think this vital point does not specifically challenge that broad and powerful shift in our race consciousness that the MCM offers. I think that the MCM presents itself as living deconstruction. It is deconstructive because biracial and multiracial children will admit openly and honestly to their genetic pedigree. Soon unitary racial categories will fade from our collective memories. We will wonder

member when a white man shoved her angrily as she led a group of us onto an escalator, but Mommy simply ignored him. I remember two black women pointing at us, saying, "Look at that white bitch," and a white man screaming at Mommy somewhere in Manhattan, calling her a "nigger lover." Mommy ignored them all, unless the insults threatened her children, at which time she would turn and fight back like an alley cat, hissing, angry, and fearless. She had a casual way of ignoring affronts, slipping past insults to her whiteness like a seasoned boxer slips punches.

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220 See id. at 27 (stating that while McBride watched a Black Panther rally on television in which the Panthers shouted "Black power," he became afraid for his Mommy whose refrain to such political matters was "If it doesn't involve your going to school or church, I could care less about it and my answer is no whatever it is.").

221 See WITTGENSTEIN, supra note 32, at 11e, § 23. Wittgenstein writes:

But how many kinds are there? . . . There are countless kinds: countless different kinds of use of what we call "symbols," "words," "sentences." And this
why we ever limited ourselves to such straitjacketed thinking. As such, people will appear different. Our children and our family will look differently not because they have radically altered their phenotypes, but because we have altered our beliefs in what these images must mean. Professor Alex Johnson aptly argues:

In order to deconstruct this harmful racial dichotomy that creates otherness and subordination, I contend that society should embrace, as a transitory vehicle, multiple racial categories and expressly recognize and acknowledge products of mixed-race unions as distinct from both blacks and whites. This, I argue, will create a type of “shade confusion” that will eventually—and it may be a long, arduous process—destroy the black-white dichotomy that currently exists, ultimately reducing race to a meaningless category, as it should be. I allege further that if racial categories are destabilized and destroyed, then ethnic categories, which should be viewed favorably when compared to racial categories because of their fluidity and positive attributes, will rush to fill the void created by the absence of racial categories. 222

To this extent, then, the MCM shifts individually and collectively our paradigm of race consciousness. Since the 1600s, this consciousness has constituted a matrix that binds us historically, socially, politically, and spiritually to the mental engines that create and maintain race, racism, and white supremacy. We have used this mental engine to construct and to define ourselves within a race-conscious, social development. At the very least, the MCM dangles an opportunity in front of us like a red flag (without a sword) to a bewildered bull. Through our bewildering experiences of racism, experiences which we have quite frankly forced on ourselves, we can charge with some hesitation forward with the full hope of discovering why we fear the red flag of biracial and multiracial categories, especially if we—or Critical Race Theorists—truly believe that race has never existed.

multiplicity is not something fixed, given once for all; but new types of language, new language-games, as we may say, come into existence, and others become obsolete and get forgotten. Here the term “language-game” is meant to bring into prominence the fact that the speaking of language is part of an activity, or of a form of life.

Id.

Now, it is not the case that like the bewildered bull in a bullring we will just die from the many swords plunged into our hearts. Unlike a bull fight, the matador, the bull, the red cape, and the audience really and simply represent us. We have constructed all of these forces to form a race-consciousness matrix out of which race, racism, and white supremacy have flowed in the first place.

In the end, we must step into the fear that the MCM creates not within our hearts (which can never truly know the evil of racism) but within our conscious minds where racism deliberately originates and our unconscious minds where racism often operates. (Did not ex-Governor George Wallace arrive at this very point in his life?) When so-called blacks and whites have found love between each other, they have married despite mounting pressure from some quarters to maintain the sanctity of the racial-color line. By stepping to the fear and thus passing through it, we—all of us—can learn to think without the iron cage of racial categories. Basically, then, the MCM offers us a chance to view ourselves, children, families, and communities differently. As Johnson argues: “The current racial typology, however, can and will be eliminated only if multiracial categories are recognized and allowed to flourish.”

Johnson’s point suggests that we can move beyond our traditional understandings of racial meaning. Race and racism correlate with our mental processes. As such, race cannot exist independent from our matrix of race consciousness, and we cannot rightly look to race as the impenetrable barrier that hinders peace within our minds and among each other. Rather, I maintain that it is our consciousness that determines who we really are and who we always really wanted to be. Therefore, I will place my faith in the MCM’s promise that I have been and can be a Free Soul, a raceless Spiritual being.

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223 Id. at 1046.
224 See WALSH, supra note 83, at 36 (“There is only one reason to do anything: as a statement to the Universe of Who You Are. Used in this way, life becomes Self creative. You use life to create your Self as Who You Are, and Who You’ve Always Wanted to Be.”). WALSH continues: “And know that what you do in the time of your greatest trial can be your greatest triumph. For the experience you create is a statement of Who You Are—and Who You Want to Be.” Id. at 34.