

# Anti-Essentialism and Intersectionality:

## *Tools to Dismantle the Master's House*

Trina Grillo†

I am pleased to be here today to celebrate the tenth anniversary of the *Berkeley Women's Law Journal* ("BWLJ"). From its inception, the BWLJ has devoted itself to giving voice to underrepresented women and has continued this mission even through difficult times. In preparing for this talk I reviewed a number of past volumes of this journal. I was impressed with how often articles published in the BWLJ foreshadowed controversies that were later discussed in more traditional journals.

I want to begin my talk with a quote from the late poet Audre Lorde: "The master's tools will never dismantle the master's house."<sup>1</sup> I was asked to speak today about anti-essentialism and intersectionality. I am glad to do so, for I believe both concepts are indispensable tools for dismantling the master's house. I will begin by briefly describing these concepts to you. I will suggest that it is time to turn inward, to use the tools of intersectionality and anti-essentialism to guide our own academic, political, and spiritual work, and I will give you a few examples of how we might do so.

My thesis today is that sometimes the governing paradigms which have structured all of our lives are so powerful that we can think we are doing progressive work, dismantling the structures of racism and other oppressions, when in fact we are reinforcing the paradigms. These paradigms are so powerful that sometimes we find ourselves unable to talk at all, even or especially about those things closest to our hearts. When I am faced with such uncertainty and find myself unable to speak, anti-essentialism and intersectionality are to me like life preservers. They give me a chance to catch my breath as the waves come crashing over me and they

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† Professor of Law, University of San Francisco School of Law; J.D., University of Minnesota Law School, 1974; A.B., University of California at Berkeley, 1969. My thanks to Stephanie Wildman, Catharine Wells, Adrienne Davis, and Marian Shostrom.

<sup>1</sup> AUDRE LORDE, *SISTER OUTSIDER* 110, 111 (1984).

help me sort through my own confusion about what work I should be doing and how I should be doing it.

The basis of intersectionality and anti-essentialism is this:

Each of us in the world sits at the intersection of many categories: She is Latina, woman, short, mother, lesbian, daughter, brown-eyed, long-haired, quick-witted, short-tempered, worker, stubborn. At any one moment in time and in space, some of these categories are central to her being and her ability to act in the world. Others matter not at all. Some categories, such as race, gender, class, and sexual orientation, are important most of the time. Others are rarely important. When something or someone highlights one of her categories and brings it to the fore, she may be a dominant person, an oppressor of others. Other times, even most of the time, she may be oppressed herself. She may take lessons she has learned while in a subordinated status and apply them for good or ill when her dominant categories are highlighted. For example, having been mistreated as a child, she may be either a carefully respectful or an abusive parent.<sup>2</sup>

I am going to talk now about intersectionality and anti-essentialism and will begin by talking about them separately. I believe these two concepts embody what is essentially the same critique, but made from two different starting points. For simplicity's sake, as I continue I am often going to talk about them together.

### INTERSECTIONALITY

Above, I described a single, whole woman. Yet if we turn the traditional tools of legal analysis upon this woman, we find she is someone entirely different. She is fragmented, capable of being only one thing at a time. For example, under a traditional legal approach, when her situation is analyzed as a woman, it is not analyzed as a Latina. She is a mother or a worker, but never both at the same time. Her characteristics are not connected one to the other; instead, they exist separately, suspended in time and space. This fragmenting of identity by legal analysis, a fragmenting entirely at odds with the concrete life of this woman, is the subject of the intersectionality critique.

The intersectionality critique is described succinctly in the title of a book on Black women's studies: *All the Women Are White, All the Blacks Are Men, But Some of Us Are Brave*.<sup>3</sup> Kimberlé Crenshaw explodes the discussion of race and gender discrimination in her work on intersectional-

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<sup>2</sup> In 1992 Adrienne Davis, Stephanie Wildman, and I co-authored *Categories and Koosh Balls: Rendering Privilege Visible and Other Subversive Practices* (unpublished manuscript, on file with author). Much of the first section of this talk is based on ideas we developed in that paper. In particular, the discussion of categories, *id.* at 3-10, was inspired by the thoughts and writing of Adrienne Davis.

<sup>3</sup> *ALL THE WOMEN ARE WHITE, ALL THE BLACKS ARE MEN, BUT SOME OF US ARE BRAVE* (Gloria Hull et al. eds., 1982).

ity.<sup>4</sup> She notes that women of color stand at the intersection of the categories of race and gender, and that their experiences are not simply that of racial oppression plus gender oppression. One case she uses for her analysis says it all: When a group of Black women faced discrimination, they were held to have no legal cause of action because neither white women nor Black men were discriminated against in the same way.<sup>5</sup> Therefore, they were recognized as victims of neither race nor gender discrimination.<sup>6</sup> Makes perfect sense. And, of course, you have all seen the many newspaper articles talking about the progress of "women and Blacks"; Black women are completely lost in this description.<sup>7</sup>

An example of why the situation of Black women is not a composite of the situations of white women and Black men appears in a wonderful article by Paulette Caldwell in which she discusses restrictions on the rights of Black women to wear braided hairstyles.<sup>8</sup> She writes of the mixed shame and pride that many Black women feel about their hair, shame and pride shared neither by white women *nor* Black men.<sup>9</sup>

The intersectionality critique has been extended by both Stephanie Wildman and Elvia Arriola.<sup>10</sup> Both note that while Professor Crenshaw discusses a woman standing at the single intersection of race and gender,<sup>11</sup> in fact we all stand at multiple intersections of our fragmented legal selves. Professor Arriola notes that a single discriminatory act can be based on many characteristics of the victim and calls for a radical dismantling of the traditional analytical framework.<sup>12</sup> Professor Wildman supplies the necessary element for this dismantling. She explains why the "woman" experience of, for example, a woman of color is different from that of a white woman. In every set of categories there is not only subordination, but also its counterpart, privilege.<sup>13</sup>

The most vivid description of this interrelationship has been given by Adrienne Davis. Professor Davis has described privilege and subordination

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<sup>4</sup> Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139.

<sup>5</sup> *Id.* at 141-43 (discussing *DeGraffenreid v. General Motors*, 413 F. Supp. 142 (E.D. Mo. 1976)).

<sup>6</sup> *Id.* at 142.

<sup>7</sup> ELIZABETH SPELMAN, *INESSENTIAL WOMAN* 114 (1988).

<sup>8</sup> Paulette Caldwell, *A Hair Piece: Perspectives on the Intersection of Race and Gender*, 1991 DUKE L.J. 365.

<sup>9</sup> *See generally id.*

<sup>10</sup> Stephanie Wildman, *Language and Silence: Making Systems of Privilege and Subordination Visible*, in *CRITICAL RACE THEORY: THE CUTTING EDGE* (Richard Delgado ed., forthcoming 1995); Elvia Arriola, *Gendered Inequality: Lesbians, Gays and Feminist Legal Theory*, 9 BERKELEY WOMEN'S L.J. 103 (1994).

<sup>11</sup> Crenshaw, *supra* note 4, at 140.

<sup>12</sup> *See Arriola, supra* note 10.

<sup>13</sup> Wildman, *supra* note 10, at 52.

as a “double-headed hydra”: you cannot get rid of the subordination without eliminating the privilege as well.<sup>14</sup>

To look at white, middle-class women as subordinated *as women* is accurate as far as it goes, but their experience of oppression is not interchangeable with the oppression of non-white, non-middle-class women. The whiteness and middle-class status supply privilege even as the femaleness conveys oppression.

### ANTI-ESSENTIALISM

Essentialism is the notion that there is a single woman’s, or Black person’s, or any other group’s, experience that can be described independently from other aspects of the person—that there is an “essence” to that experience. An essentialist outlook assumes that the experience of being a member of the group under discussion is a stable one, one with a clear meaning, a meaning constant through time, space, and different historical, social, political, and personal contexts.

The perceived need to define what “women’s” experience is and what oppression “as women” means has prompted some feminists to analyze the situation of woman by stripping away race and class. To be able to separate out the oppressions of race and class (as well as sexual orientation and other bases of oppressions), the theory goes, we must look at someone who is not experiencing those oppressions and then we will see what oppression on the basis of gender alone looks like.<sup>15</sup> This approach, however, assumes that the strands of identity are separable, that the experience of a white woman dealing with a white man, or raising a white child, is the same experience that a Black woman has dealing with a Black man, or raising a Black child. But as the intersectionality critique has taught us, they are different and not just additively.

Race and class can never be just “subtracted” because they are in ways inextricable from gender. The attempt to subtract race and class elevates white, middle-class experience into the norm, making it the prototypical experience. As Elizabeth Spelman says in her thoughtful and far-ranging book, such essentialism “makes the participation of other women inessential to the production of the story. How lovely: the many turn out to be one, and the one that they are is me.”<sup>16</sup>

For a Black woman, race and gender are not separate, but neither are they for white women. White women often think of themselves as “without a race” rather than as white.<sup>17</sup> Thus, exploring white women’s experiences,

<sup>14</sup> Adrienne D. Davis, *Toward a Post-Essentialist Methodology or a Call to Countercategorical Practices* 35 (Sept. 1994) (unpublished manuscript, on file with author).

<sup>15</sup> SPELMAN, *supra* note 7, at 75, 166.

<sup>16</sup> *Id.* at 159.

<sup>17</sup> Wildman, *supra* note 10, at 54. See also Martha Mahoney, *Whiteness and Women, In Practice and Theory: A Reply to Catharine MacKinnon*, 5 *YALE J.L. & FEMINISM* 217 (1993).

although a worthy task, does not produce a picture of a raceless "essential woman." Spelman urges us to think of white slaveowners and their wives: "the meaning of the sexual difference between them was constructed in part by the alleged contrast between them as whites and other men and women who were Black; what was supposed to characterize their relationship was not supposed to characterize the relationship between white men and Black women or white women and Black men."<sup>18</sup>

John Powell—a former colleague of mine and also the legal affairs director of the ACLU—tells a story of going to a Thanksgiving dinner with his son, Fon. John and Fon are vegetarians. The host said to Fon, "This is the regular dressing and the other is the vegetarian dressing." John said to his host, "No, there is vegetarian dressing and there is meat-eater's dressing, but neither one of them is regular dressing."<sup>19</sup> In the world of feminism, the white, middle-class experience is considered the "regular" dressing; the lesson John taught his host was that of anti-essentialism.

In a thoughtful and at times devastating critique, Angela Harris has shown how essentialism in feminist legal theory has betrayed feminism's promise to listen to the experiences of real women.<sup>20</sup> Her suggestion is that we focus on the notion of multiple consciousness as an appropriate way "to describe a world in which people are not oppressed only or primarily on the basis of gender, but also on the bases of race, class, sexual orientation and other categories in inextricable webs."<sup>21</sup> Those of us who are outsiders or who do not fit neatly within standard categories have various voices within ourselves. We speak partly with one voice and partly with another, going back and forth, a process that Mari Matsuda has said can lead to genius or madness or both.<sup>22</sup>

But remember, we speak with multiple voices only because we have categories that describe these voices as separate from one another. Let's think for a minute about something that is in truth impossible to imagine—that the Latina mother I first described was the definer of categories. She would not have to speak with multiple voices, because once she said she was, for example, Latina (or lesbian, or a woman), we would automatically know she was these other things. In fact, a whole different set of categories would exist. We cannot even begin to speculate what these categories might be because we are all still ordering our world by the categories given us by the dominant culture. We have no words and perhaps no circuits in our brains for thinking about these other categories.<sup>23</sup> But suppose my

<sup>18</sup> SPELMAN, *supra* note 7, at 104-05.

<sup>19</sup> This story also appears in Charles Lawrence III, *If He Hollers Let Him Go: Regulating Racist Speech on Campus*, 1990 DUKE L.J. 431, 473.

<sup>20</sup> Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581, 587 (1990).

<sup>21</sup> *Id.*

<sup>22</sup> Mari Matsuda, *When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*, 11 WOMEN'S RTS. L. REP. 7, 8 (1989).

<sup>23</sup> See generally Davis, *supra* note 14. See also Harris, *supra* note 20, at 589.

Latina mother (by this shorthand, I identify what are for me her most salient qualities) was the definer. We could then leave it to those whose wholeness was not included in her described categories to say, “Wait, I need to add my voice to this. When you talk about women, why are you automatically assuming they are Latinas, lesbian, and working class? Why does woman, unmodified, have to mean that? Don’t make me fragment parts of my identity by talking about women and whites as if they were mutually exclusive categories; after all, it *is* possible to be a woman and be white at the same time.” And then the Latina mother could say, “Well, I appreciate what you’re saying and I think we need to take into account your differences. Perhaps we can give you ten minutes at the end of the program. And next time we’ll make sure we have a white face on the panel. But, we’re all in this together, and by putting forth your separate identity you’re making it hard for us to fight the patriarchy.”<sup>24</sup>

Some have described the anti-essentialism and intersectionality critiques as dangerous in that, if carried to their furthest conclusions, they make it impossible to talk of any oppression. If each woman, if each Black, has a different experience, how can one say that women as women, or Blacks as Blacks, are oppressed? How can we use the feminist method of paying attention to our experience, without being essentialist ourselves? Elizabeth Spelman asks whether it is “possible to give the things women have in common their full significance without thereby implying that the differences among us are less important.”<sup>25</sup> If we emphasize our differences, then do we not risk losing all credence *as women*? We have seen something similar happen in academic circles with respect to scholars of color. The argument goes: If these voices are very diverse, and if conservatives of color differ with critical race theorists, then why should we, the hiring committee or the bestower of other goodies, listen to any of you? Why shouldn’t we just anoint those who are most comfortable for us to listen to? Of course, if the “insiders” were listening to the lessons of anti-essentialism, they would know that the voices they need to listen to are precisely those that make them most uncomfortable.

I think it is important to emphasize that essentialism is not always a bad thing; however, unconscious, self-protective, self-advancing essentialism is. The question is whether the essentialism, which is sometimes unavoidable, is explicit, is considered temporary, and is contingent.<sup>26</sup>

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<sup>24</sup> Cf. LORDE, *supra* note 1, at 110-13 (setting forth the irony of such a hypothetical situation).

<sup>25</sup> SPELMAN, *supra* note 7, at 3.

<sup>26</sup> See DIANE FUSS, *ESSENTIALLY SPEAKING* 20 (1989) (saying the question is not whether the text is essentialist but, if it is essentialist, how, where, and by whom it is being deployed). Adrienne Davis has urged that this concept of strategic essentialism be imported into feminist legal theory. Davis, *supra* note 14, at 38. See also Harris, *supra* note 20, at 586 (“Even a jurisprudence based on multiple consciousness must categorize . . . . My suggestion is only that we make our categories tentative, relational and unstable.”).

In the end, the anti-essentialism and intersectionality critiques ask only this: that we define complex experiences as closely to their full complexity as possible and that we not ignore voices at the margin. The fact is, the choice with which we seem to be presented is either to accept a white, middle-class woman's view of the world or to talk explicitly about different types of women. No one is trying to make it appear as though our Latina mother's experience can represent that of all women. Spelman describes a group of pebbles on the beach; they are all pebbles, but they are all shaped and colored in different ways.<sup>27</sup> Essentialist feminist theory has picked one pebble and asked it to represent all.

### LESSONS TO BE LEARNED FROM THE ANTI-ESSENTIALISM AND INTERSECTIONALITY CRITIQUES

Now that I have summarized the anti-essentialism and intersectionality critiques of feminist legal theory, I want to talk about at least three lessons they bring to our own work.

#### Lesson One

The anti-essentialism and intersectionality critiques teach us to look carefully at what is in front of our faces. When things are being described in ways contrary to our sensory experiences, we must pay particular attention. We must look at the evidence of our bodies, and we must believe what our bodies tell us. They teach us to check for the deep, internal discomfort we feel when something is being stated as gospel but does not match our truth. Then they teach us how to spin that feeling out, to analyze it, to accept that it is true but to be able to show why that is so. They also teach us to be brave.

My father was born in Tampa, Florida of Cuban Black parents. Much of his life was spent firmly claiming his place among American Blacks. My mother was the daughter of Italian immigrants. I was born in 1948 and soon thereafter moved to the San Francisco Bay Area. There were four children in my family. At times it seemed to me that we were half the biracial population of the Bay Area. We were stared at wherever we went, although it took me awhile, probably until I was five, to realize that the stares were not always ones of admiration. Of course, we did not define ourselves as biracial then. Instead, we were considered, and considered ourselves, Black, or Negro as we then said. Still, our skin color and our parents' interracial marriage were always causes for comment. My race and my skin color have been issues that have preoccupied me for a good part of my life, and I see little prospect of this changing anytime soon.

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<sup>27</sup> SPELMAN, *supra* note 7, at 1-5.

When I began teaching at Hastings Law School in 1977, I knew that I wanted to write about multiraciality. I did a little research, and proceeded to write—nothing. At that time there was little interest in the popular culture in that subject, and virtually nothing in the legal literature, so it is easy to see why I gave up on my project. Multiraciality did not seem to matter to anyone but me.

But now I cannot turn on “Oprah” without seeing a segment on multiraciality, right in between the shows on incest and the shows on weight loss. There is a movement (I think a misguided one in the particular form it takes) on the part of some people of mixed race to have a separate census category.<sup>28</sup> We are everywhere, in numbers hard to ignore. But one thing has not changed. No one knows how to talk about us.

I looked at two newspapers yesterday, and saw the racial descriptions of the jurors in the O.J. Simpson trial. One paper said there were “eight Blacks, one Anglo, one Hispanic and two persons of mixed race.”<sup>29</sup> The other paper said there were eight Blacks, two Hispanics, one Anglo, and one person who identified himself as half white and half American Indian.<sup>30</sup> There were four items about each juror described in the paper: gender, age, occupation, and racial background.<sup>31</sup> From a more complete description of the racial backgrounds of the jurors, I found out that one of the Hispanics was a Hispanic/Black, classified as mixed race by one paper and as Hispanic by another.<sup>32</sup> Interestingly, neither paper classified this juror as Black, although that would be my “first” classification of myself.

So we have no stable conventions for describing multiracial persons, at least none that match what we perceive to be reality. However, that someone is of mixed race is a fact now being noted and thought to be of enough importance to be mentioned separately in a news story.

There have also been hundreds of articles and a number of books on multiraciality written in the past five years.<sup>33</sup> This is an important topic to me, one that affects my life, and the lives of my children every single day. Still, seventeen years after I first decided to write in this area, I am silent. My one, feeble attempt to write about issues of multiraciality was abandoned the first time my tentative musings (which, now that I think of it, were actually put to paper by one of my co-authors, such was my state of

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<sup>28</sup> See Lawrence Wright, *One Drop of Blood*, THE NEW YORKER, July 25, 1994, at 46.

<sup>29</sup> Thomas D. Elias, *12 Jurors Sworn in For O.J.'s Trial; 8 Women and 4 Men to Hear Murder Case*, ARIZ. REPUBLIC, Nov. 4, 1994, at A1.

<sup>30</sup> Kenneth B. Noble, *A Jury is Chosen to Hear The Simpson Murder Case*, N.Y. TIMES, Nov. 4, 1994, at A18.

<sup>31</sup> Elias, *supra* note 29.

<sup>32</sup> Compare Elias, *supra* note 29, with Noble, *supra* note 30.

<sup>33</sup> See, e.g., F. JAMES DAVIS, *WHO IS BLACK?* (1991); *RACIALLY MIXED PEOPLE IN AMERICA* (Maria P.P. Root ed., 1992); PAUL R. SPICKARD, *MIXED BLOOD* (1989). There are also several magazines devoted specifically to issues of multiraciality, interracial relationships, or both. See, e.g., *INTER-RACE MAGAZINE*, and *BIRACIAL CHILD*.



paralysis) were criticized. And I am not alone; I have talked to two multiracial colleagues who have described to me similar experiences.

I explained yesterday to my friend Catharine Wells that I had abandoned my original plan to talk a little bit today about multiraciality. "It is too much," I said, "to describe anti-essentialism and intersectionality and also get into this other complicated terrain. I feel so unsure about what I think anyway. Besides, there really just isn't time. They only gave me an hour." She saw right through my excuses, and convinced me that I would be lacking in courage if I spoke about intersectionality and anti-essentialism and yet was unwilling to speak about the place in my life where these concepts have the most meaning. She also convinced me that my example is a good one for showing the silencing effect of essentialism and the role that an intersectional, anti-essentialist analysis can have in permitting us to talk. She told me that it would be enough to just tell you about the problems I am having figuring this out and that I didn't have to provide you with any conclusions.

To begin with, we must fully understand that race is not a biological concept, but a social and historical construct.<sup>34</sup> The reason that I grew up considering myself, as we then said, Negro, is that a racist system described me in that way. Most Blacks in the United States are persons of "mixed blood," if such a thing can be said to exist, and have both white and Black ancestors. If there were such a thing as a biological white, I would be at least half that, and so would many other Blacks. However, the fact that race is an historical and social construct certainly does not mean that it does not exist. Experiences, histories, and communities have all developed around this concept; so if we abandon race, we abandon communities that may have been initially formed as a result of racism but have become something else entirely.

All the scientific literature says that biological races do not exist. Instead, races were created as a mechanism for the oppression of certain groups of people. But once created, they remain. We are then left with these questions: How should we regard people of mixed race? How is it possible to take our experiences seriously without having them turned into a means of separating ourselves from other Blacks or into a means of ranking people of color, with those of mixed race given more power than other Blacks? (I should say that my focus is on mixtures which include Black because that is the experience with which I am familiar; because the history is different, the issues are surely different for persons of mixed race who are, for example, Asian and white).

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<sup>34</sup> This proposition has been discussed at length in both legal and scientific literature. See, e.g., Neil Gotanda, *A Critique of "Our Constitution is Color-Blind"*, 44 STAN. L. REV. 1 (1991); Jayne C. S. Lee, *Navigating the Topology of Race*, 46 STAN. L. REV. 747 (1994); Ian F. Haney López, *The Social Construction of Race: Some Observations on Illusion, Fabrication, and Choice*, 29 HARV. C.R.-C.L. L. REV. 1 (1994).

If we accept the definition of Black which we have been given—a definition which historically defined anyone with “one drop of Black blood” as Black—we ignore the existence of multiracial people. We ignore people whose experiences may be different from those experiences which have been defined as constituting the Black experience—that is, the “essentialized” Black experience. By so essentializing, we assume that the taxonomy of race proposed by nineteenth-century white supremacists—that human beings can be classified into four races and everyone fits neatly into one slot—is a valid one. On the other hand, if we do classify multiracial people as Black, the potential for group solidarity is much greater. “We are all Black,” we say. “You cannot divide us.”

The move for a “multiracial” category, both on census and other forms, and in terms of how we talk in daily life, is in part an attempt to recognize what is in fact the case—that some people have parents of two races, that even people who have parents of the same race may have other ancestors of a different race.<sup>35</sup> A multiracial category would permit children to claim a racial relationship to both, or all, their parents, rather than being forced to choose. Moreover, even though over the years many Black leaders have been biracial,<sup>36</sup> today some multiracial people, especially those with very light skin or who have been raised only by a white parent, may not feel completely comfortable or accepted in Black groups.

But the move to define people as multiracial has serious risks. How would we distinguish between those who are multiracial because they have one white parent, such as myself, and the general Black population of the United States, many of whom in one way or another have a similar amount of white ancestry?<sup>37</sup> Why would we *want* to make such a distinction? Ech-

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<sup>35</sup> Much of the formal racial classification in the United States has been in recent years shaped by a 1977 Office of Management and Budget directive, controlling the racial and ethnic designations on all federal forms. This directive acknowledges four racial groups: American Indian or Alaskan Native, Asian or Pacific Islander, Black, and White. Ethnicity is divided into “Hispanic Origin” and “Not of Hispanic Origin.” These categories now appear not just on census forms, but on school enrollment forms and applications for jobs, schools, and scholarships. Each person is expected to choose one category. The categorizations are used to enforce civil rights legislation and entitlement and set-aside programs. See Wright, *supra* note 28, at 46. These categories have also begun to have a life of their own, shaping the self-definitions of individuals and groups. *Id.* at 52-53. At present there is no multiracial category. The Office of Management and Budget is considering whether it needs to create new categories that take into account “respect for individual dignity,” including a new “multiracial” category. Cindy Skrzycki, *The Regulators: Classifying Race and Ethnicity*, WASH. POST, June 17, 1994, at F1. Such a category is supported by a number of organizations in the “mixed race” movement. Opponents of the multiracial category argue that such a category will devastate programs designed to enforce civil rights and lead to the political abandonment of dark-skinned Blacks by light-skinned Blacks. Wright, *supra* note 28, at 54. With respect to the problem of colorism in the African-American community, see KATHY RUSSELL ET AL., *THE COLOR COMPLEX* (1992).

<sup>36</sup> Indeed, many of the most famous African-American leaders have been persons with substantial amounts of white ancestry, including Booker T. Washington, Frederick Douglass, and W.E.B. DuBois. Wright, *supra* note 28, at 48. A recently published book by the Delaney sisters, members of an exceptionally prominent African-American family, includes a family tree which shows mostly white ancestry. SARAH DELANEY ET AL., *HAVING OUR SAY* (1993).

<sup>37</sup> Kwame Anthony Appiah, whose mother is English and father Ghanaian, states that the multiracial category is not aimed at people of mixed ancestry (because most Americans are products of

oes of the way people in "colored" categories have been used in other countries—as mediators, enforcers, the secret police—make many Blacks fear that the multiracial movement has to do with establishing a higher category in the social hierarchy for multiracial people than for Blacks. There is a fear that multiracial people want to "get out of" being Black, that it is a new form of passing. The history in this country of colorism—the discrimination even within communities of color against those with darker skins—makes the attempt by multiracial persons to leave the Black category more stinging still.<sup>38</sup>

The multiracial movement is not helped by the fact that some of those pressing most vigorously for a multiracial category are the white mothers of children whose fathers are Black. I went to a conference on multiraciality a few years ago that included time for discussion in small groups. There were a number of white mothers of biracial children in my group. The refrain I heard from these mothers was this: "My child is not Black. My child is *golden*." So it is not simply because of paranoia that some members of the multiracial movement are perceived as wanting to dissociate from Blacks. (Other members of the movement, of course, have a completely different set of motivations.) We have to acknowledge that if we count people as mixed race rather than Black when the census is taken, it is going to mean that social services to Black communities will be decreased even further than they have been already.

What does anti-essentialism teach about this situation? Does it help me struggle with my dilemma? Perhaps. The confusion that a biracial child feels does not derive from being classified as Black, but from essentialist notions that being Black is one particular experience, and that this experience is not hers or his. Take for example a family, my family in fact, where one child appears so essentially "Black" that he sees no reason to look further for an identification, and the other is so fair, and so blond, that identity issues for her are a constant struggle. Some of her Black friends are bothered if she presumes to call herself Black and suspicious if she does not. Given the history, this is a perfectly coherent reaction on their part, but it is a hard one for her to deal with. Of course, multiracial people will try to find a place to call home if they cannot be at home being Black.

At the conference I previously mentioned, a Black man chastised those in the group pressing for a multiracial designation. "Black," he said in a booming voice, opening his arms wide, "is the ocean into which all rivers flow."

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mixed ancestry), but rather at "people who have parents who are socially recognized as belonging to different races." Wright, *supra* note 28, at 47. He describes multiraciality as "an interesting social category" but wonders how the children of multiracial people might be categorized. *Id.* He adds that the multiracial category, "which is meant to solve anomalies, simply creates more anomalies of its own, and that's because the fundamental concept—that you should be able to assign every American to one of three or four races reliably—is crazy." *Id.* at 49.

<sup>38</sup> See RUSSELL, *supra* note 35.

I wonder if it is possible for that to be true. Is it possible to create a Black-identified biracial identity? Can one be biracial or multiracial and also be Black? Or is the historical freight still too great for that to be possible? One thing I am sure of: The fact that a person is biracial is an important piece of who she is. It is something I would find of interest if I were reading her work or listening to her speak. We need a way to say that, a way which does not compromise the community of Black people.

### Lesson Two

Another way that anti-essentialism and intersectionality critiques help us is by keeping us from being diverted by what Regina Austin calls “the running of the oppression sweepstakes.”<sup>39</sup>

Oppression based on my race has always seemed closer to my rage and has reached a place more central to my being than oppression based on my gender or on other aspects of my self. For years I would have said without a doubt, without a moment’s hesitation, that for me, race came first; gender, though important, came second. In the oppression sweepstakes, I had my money on the “race” horse. If pressed, I would still say today that there is a way in which, in my heart, race trumps gender. But now I understand a little better the anti-essentialist lesson which says I should not permit myself to be pressed, to be made to choose which part of myself is most important to me. The lessons of anti-essentialism and intersectionality are that the oppressions cannot be dismantled separately because they mutually reinforce each other. Racism uses sexism as its enforcer. Homophobia enforces sexism by making people pay a heavy price for departing from socialized gender roles. And those of us who are middle-class, or members of otherwise privileged elites, can be used as unwitting perpetrators of the subordination of others.<sup>40</sup>

We have spent a lot of time arguing over whose pain is greater. That time would be better used trying to understand the complex ways that race, gender, sexual orientation, and class (among other things) are related.

A note: To say that the oppressions are related does not mean that they are the same. It is dangerous at the least to expect that experiencing one oppression means that one understands the others.<sup>41</sup> In fact, to expect so is disrespectful in that it wipes out the true, lived experience of that group in exchange for one’s own, self-serving fantasy.

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<sup>39</sup> Regina Austin, *Sapphire Bound!* 1989 Wis. L. Rev. 539, 546.

<sup>40</sup> *Id.* at 554.

<sup>41</sup> See Trina Grillo & Stephanie Wildman, *Obscuring the Importance of Race: The Implications of Making Comparisons Between Racism and Sexism (Or Other -isms)*, 1991 DUKE L.J. 397.

### Lesson Three

We all have the impulse to essentialize. It is built into our brains. This means it is important to remember who we are. Even though we may be “underrepresented” persons in many ways, many of us are living in this very master’s house that we are hoping to help dismantle. We may be living in the basement, and the others in the house are not always particularly nice to us, but our view is still shaped by where we are situated.

Think of the vast body of literature about the problem of women “being placed on pedestals.” Don’t you wonder what the authors could have been thinking when in front of their very eyes and, in fact, sometimes waiting on them, were women who not only were on no one’s pedestal, but whose lot in life was to scour those pedestals?<sup>42</sup> It’s scary to think that we could be, and no doubt are, doing the same thing in other contexts.

What this means in terms of process is that we should not deny this distance, but, as Regina Austin has advised, acknowledge it and attempt to bridge it.<sup>43</sup> What this means is that although our own experience is our touchstone, we must be careful about generalizing from that experience. In other words, we must be careful about essentializing the experiences of persons in the group to which we belong. I certainly cannot speak for all Black persons, Latinas, or women. What I can do is to pay careful attention to the lives and material conditions of women who are underrepresented in the law and to believe that their struggles have meaning and have much to teach me and the world. What I can also do is help their voices be heard, not by presuming to speak for them, but rather by doing what I can to put a microphone in front of them. What I can do is to work where I am today to make these changes.

What this means is that if I work in legal education, which I do, I can spend some of my time working in academic support programs, making it possible for students who otherwise would not be in law school to attend school, graduate, and get into positions in which their voices can be more easily heard. If I work in legal education, my scholarship, or some of it, can be a political act, bringing the lives of poor women, minority women, and other underrepresented women to the fore.<sup>44</sup> I can focus on how the law and the dominant culture structurally produce subordination. I know that laws and rules ignore the real lives of these women; I can do what I can to make ignoring them more difficult to do.

For example, wherever I work, I can begin to struggle against the tyranny we have permitted the Educational Testing Service, the Bar Examiners, and other such organizations—for the most part private, power-mad,

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<sup>42</sup> SPELMAN, *supra* note 7, at 9.

<sup>43</sup> Austin, *supra* note 39, at 545.

<sup>44</sup> *Id.* at 543.

and secret—over decisions about who gets into school, who gets a job, who is thought of as smart, and who thinks well of herself once having arrived.

Leslie Espinoza, in an article on the LSAT, shows that test questions are often a form of what she calls, kindly, “subtle, unconscious” psychological warfare.<sup>45</sup> Let me give you one of the questions she uses by way of example.

In Evalsland, where it is legal to hold slaves, the guests at a dinner party get into a debate. One of the guests contends that slavery is a cruel institution. But the host contends that the slaves themselves like it. To prove his point, the host called in the household slaves, all of whom affirm that they do indeed find their condition not simply tolerable, but extremely pleasant. Which of the following would seriously weaken the host’s argument in the passage above?<sup>46</sup>

The question goes on to list four statements and then asks which combination of statements best answers the question.

Professor Espinoza comments, “As one African American student expressed, first the question reminds you that you are Black, then it forces you to try to divorce yourself from yourself, to pretend that you can look at the question without *you* looking at the question.”<sup>47</sup> Those of us in positions to do so must actively oppose these tests every single day.

I had lunch last week with Laura Nader who teaches at U.C. Berkeley. She said to me, “What can we do about these standardized tests?” I said to myself, “Do? I can’t do anything else about anything. I’m doing well to get up in the morning, take care of my kids and get to work.” And then I thought, well, there’s this little piece I can do, and that is to talk about what an outrage these tests are every chance I get. So I decided that if I give a talk, I’m going to talk about what an outrage they are. If I go to lunch, I’m going to talk about what an outrage they are. And if I meet someone on the street, I’m going to say, “Hello, and isn’t it terrible about the LSAT?” I urge you all to do the same so that we can challenge our own passive acceptance, our own assumption that this is how things must be.

Then we have the problem of determining which voices we need to help bring forward. When I told you about the Latina mother, I told you that in some situations she was dominant, privileged; in others, perhaps most, she was subordinated. The dangerous thing for her would be to go through life as if she were always subordinated, because she then might not notice situations in which she was ignoring someone else’s voice. We need to notice the areas in which we are privileged, and in those areas we need to be careful to listen to the concrete, lived experiences of those who are less privileged. Although I am always willing to talk to the very privileged, I generally assume, I think rightly, that I have heard their story.

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<sup>45</sup> Leslie Espinoza, *The LSAT: Narratives and Bias*, 1 J. GENDER & L. 121 (1993).

<sup>46</sup> *Id.* at 134.

<sup>47</sup> *Id.* at 135.

Anti-essentialism and intersectionality are checks on us; they help us make sure that we do not speak for those we cannot speak for or ask others to share our agenda while they patiently wait for their own. Pat Cain asks those of us who are heterosexual to *notice* that we are heterosexual and therefore privileged.<sup>48</sup> One of our privileges is to not notice that we are heterosexual, to assume that laws, customs, and habits should be, while non-discriminatory, based on the norm of our heterosexual lives. Cain asks us to think of our sexual identities as coming from choice, and to ask ourselves why we have chosen to be privileged in this way.<sup>49</sup> I think that the issue of choice obscures the true issue, which is one of privilege. Whether or not a person has chosen to be heterosexual, she has privilege based on that status; what she does about that fact is to my mind some measure of her moral worth.

Those of us who are part-time residents in the master's house have much to gain by taking this approach, which recognizes privilege. For our view may be in some ways more obstructed than the view of people who are comparatively less privileged. As Dorothy Roberts, who has done in a very short time a prodigious amount of work on Black mothers, in particular Black, single, teenage mothers, states: "Studying exclusively how the oppressed are defined by others is debilitating. It too often neglects how people resist these definitions and create their own concepts of justice, morality, and legality. It also ignores how imposed definitions and self-definitions shape each other."<sup>50</sup> Roberts asks "whether it is precisely in the lives of those most deviant that we will be able to discern a vision of liberation."<sup>51</sup> Of course, it is easy to romanticize the vision of the outsiders. Some acts labelled resistant actually reproduce and support the status quo. Still, I think it is important to accept what I view as fact: That each of us has a limited view of the world, that we have a better chance of forming a vision of a post-patriarchal, post-racist society both by trusting in our own experiences and by seeking out voices that are drowned out by essentialism in all its forms.

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<sup>48</sup> Patricia A. Cain, *Feminist Jurisprudence: Grounding the Theories*, 4 BERKELEY WOMEN'S L.J. 191, 209 (1989-90).

<sup>49</sup> *Id.* at 209 (quoting Marilyn Frye).

<sup>50</sup> Dorothy E. Roberts, *Deviance, Resistance, and Love*, 1994 UTAH L. REV. 179, 180.

<sup>51</sup> *Id.*