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Patricia Williams
University of Wisconsin School of Law

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THE OBLIGING SHELL: AN INFORMAL ESSAY ON FORMAL EQUAL OPPORTUNITY

*Patricia Williams**

I. INTRODUCTION

We live in an era in which women and people of color compose and literally define both this society's underclass and its most underserved population. Remedying this therefore ought to be, *must* be, this society's most pressing area of representational responsibility; not only in terms of fairly privatized issues like "more pro bono," or more lawyers taking on more cases of particular sorts, but in really examining the ways in which the law operates to omit women and people of color at all levels, including the most subtle — to omit them from the literature of the law, from the ranks of lawyers, and to omit them from the numbers of those served by its interests.

In this regard, I have been thinking a lot about the recent Supreme Court decision in *City of Richmond v. J.A. Croson Co.*,¹ which presented a challenge, as well as its own model of resistance, to the pursuit of "[p]roper findings . . . necessary to define both the scope of the injury [in race and gender cases] and the extent of the remedy."²

That case, if you will recall, involved a minority set-aside program in the awarding of municipal contracts. The city of Richmond, Virginia, with a black population of just over 50%, set a 30% goal in the awarding of city construction contracts, based on its findings that local, state and national patterns of discrimination had resulted in all but complete lack of access for minority-owned businesses. In fact, theretofore, only 0.67% of municipal contracts had been awarded to minority-owned businesses. The Supreme Court held:

We, therefore, hold that the city has failed to demonstrate a *compelling* interest in apportioning public contracting opportunities on the basis of race. To accept Richmond's claim that past societal discrimination alone can serve as the basis for rigid racial preferences would be to open the door to competing claims for "remedial relief" for *every* disadvantaged group. The dream of a Nation of equal citizens in a society where

* Associate Professor of Law, University of Wisconsin School of Law. B.A. 1972, Wellesley College; J.D. 1975, Harvard. — Ed.

1. 109 S. Ct. 706 (1989).

2. 109 S. Ct. at 730.

race is irrelevant to personal opportunity and achievement would be lost in a mosaic of shifting preferences based on *inherently unmeasurable* claims of past wrongs. "Courts would be asked to evaluate the extent of the prejudice and consequent harm suffered by various minority groups. Those whose societal injury *is thought* to exceed some *arbitrary* level of tolerability then would be entitled to preferential classifications. . . ." We think such a result would be contrary to both the letter and spirit of a constitutional provision whose central command is equality.³

What strikes me most about this holding are the rhetorical devices the court employs to justify its outcome:

(1) It sets up a "slippery slope" at the bottom of which lie hordes-in-waiting of warring barbarians: an "open door" through which would flood the "competing claims" of "every disadvantaged group." It problematizes by conjuring mythic dangers.

(2) It describes situations for which there are clear, hard statistical data as "inherently unmeasurable." It puts in the diminutive that which is not; it makes infinite what in fact is limited.

(3) It puts itself in passive relation to the purported "arbitrariness" of others' perceptions of the intolerability of their circumstances (*i.e.*, "those whose societal injury is thought to exceed some arbitrary level of tolerability."⁴)

These themes are reiterated throughout the opinion: societal discrimination is "too amorphous";⁵ racial goals are labelled "unyielding";⁶ goals are labelled "quotas";⁷ testimony becomes mere "recitation";⁸ legislative purpose and action become "simple legislative assurances of good intention";⁹ lower court opinion is disregarded as just "blind judicial deference";¹⁰ and statistics are rendered "generalizations."¹¹ This adjectival dismissiveness alone is sufficient to hypnotize the reader into believing that the "assumption that white prime contractors simply will not hire minority firms" is completely "unsupported."¹²

And as I think about the *Croson* opinion, I cannot help but marvel at how, against a backdrop of richly textured facts and proof on both

3. 109 S. Ct. at 727 (emphasis added; citation omitted) (quoting Regents of the University of California v. Bakke, 438 U.S. 265, 296-97 (1978) (Powell, J.)).

4. 109 S. Ct. at 723 (quoting *Bakke*, 438 U.S. at 296-97 (Powell, J.)).

5. 109 S. Ct. at 724.

6. 109 S. Ct. at 716 *passim*.

7. 109 S. Ct. at 719, 722, 724, 729.

8. 109 S. Ct. at 724.

9. 109 S. Ct. at 725.

10. 109 S. Ct. at 724.

11. 109 S. Ct. at 725.

12. 109 S. Ct. at 725.

local and national scales, in a city where more than 50% of the population is black and in which fewer than 1% of contracts are awarded to minorities or minority-owned businesses, interpretive artifice alone allowed this narrow vision that not only was 30% too great a set-aside, but that there was *no proof* of discrimination.

I think, moreover, that the rhetorical devices that accomplished this astonishing holding are comprehensible less from the perspective of traditionally conceived constitutional interpretive standards — whether rational relationship or strict scrutiny — than by turning to interpretive standards found in private law. The process by which the Court consistently diminished the importance of real facts, real figures, is paralleled only by the process of rendering “extrinsic” otherwise probative evidence under the Parol Evidence Rule.¹³

In particular, I am struck by the Court’s use of the word “equality” in the last line of its holding.¹⁴ It seems an extraordinarily narrow use of “equality,” when it excludes from consideration so much clear inequality. It, again, resembles the process by which the Parol Evidence Rule limits the meaning of documents or words by placing beyond the bounds of reference anything that is inconsistent, or, depending on the circumstances, even that which is supplementary. It is this lawyerly language game of exclusion and omission that is the subject of the rest of this essay.

II. A QUICK REVIEW OF THE PAROL EVIDENCE RULE

Before I went into teaching, I practiced consumer protection. I remember one trial in particular, a suit against a sausage manufacturer for selling impure and contaminated products. The manufacturer insisted that the word “sausage” meant “pig meat and lots of impurities.” Here are my notes from my final argument to the jury:

You have this thing called a sausage-making machine. You put pork and spices in at the top and crank it up, and because it is a sausage-making machine, what comes out the other end is a sausage. Over time, everyone knows that anything that comes out of the sausage-making machine is known as a sausage. In fact, there is law passed that says that it’s indisputably sausage.

One day, we throw in a few small rodents of questionable pedigree and a teddy bear and a chicken. We crank the machine up and wait to see what comes out the other end. (1) Do we prove the validity of the machine if we call the product a sausage? (2) Or do we enlarge and enhance the meaning of “sausage” if we call the product a sausage? (3)

13. RESTATEMENT (SECOND) OF CONTRACTS § 43 (1979); U.C.C. § 2-202 (1987).

14. 109 S. Ct. at 727.

Or do we have any success in breaking out of the bind if we call it something different from "sausage"?

In fact, I'm not sure it makes any difference whether we call it sausage or if we scramble the letters of the alphabet over this . . . this thing that comes out, full of sawdust and tiny claws. What will make a difference, however, is a recognition of our shifting relation to the word "sausage," by either:

(1) enlarging the authority of sausage-makers and enhancing the awesome, cruel inevitability of the workings of sausage machines — *i.e.*, everything they touch turns to sausage or else it doesn't exist; or by

(2) expanding the definition of sausage itself to encompass a wealth of variation: chicken, rodent, or teddy bear sausage; or, finally, by

(3) challenging our own comprehension of what it is we really mean by sausage — *i.e.*, by making clear the consensual limits of sausage, and acquainting ourselves with the sources of its authority and legitimation.

Realizing that there are at least three different ways to relate to the facts of this case, to this product, this thing, is to define and acknowledge your role as jury and as trier of fact; is to acknowledge your own participation in the creation of reality.

(At this point there was an objection, overruled, from the sausage-maker's lawyer based upon too much critical theory in the courtroom.)

[Sausage-maker's] suit is an attempt to devour the meaning of justice in much the same way that this machine has devoured the last shred of common-sense meaning from sausage itself. But the ultimate interpretive choice is yours: will you allow the machine such great transformative power that everything which goes in it is robbed of its inherency, so that nonconformity ceases to exist? Or will you choose the second alternative, to allow the product to be so powerful, that "sausage" becomes all-encompassing, so engorged with alternative meaning as to fill a purposeful machine with ambiguity and undecidability. Or will you wave that so-called sausage, sawdust and tiny claws spilling from both ends, in the face of that machine and shout: this is not Justice! For now is the time to revolt against the tyranny of definition-machines and insist on your right to name what your senses well know, to describe what you perceive to be the limits of sausage-justice, and the beyond of which is this *thing*, this clear injustice.

(There was a spattering of applause from the gallery as I thanked the ladies and gentlemen of the jury and returned to my seat at counsel table.)

Since that time, I have used sausages to illustrate and illuminate a whole range of problems: I just substitute "Constitution" or "equality" or "black" or "freedom of speech" instead of the word "sausage." It helps me think about a whole range of word-entanglements, on theoretical as well as prosaic levels. For one thing, the three levels of meaning correspond to

(1) a positivist mode of interpretation in which the literal meaning of words is given great authority;

(2) a legal realist, as well as mainstream feminist and civil rights mode of interpretation (squeezing room into meaning for "me too"); and

(3) what is often (inaccurately) attributed to a "nihilistic" critical interpretive stance ("I don't know what it is, but I *do* know what it isn't"). I think a better way of describing this last category is that it is that part of interpretive discourse that explores the limits of meaning, that *gives* meaning by knowing its bounds. (I think, by the way, that an accurate understanding of critical theory requires recognition of the way in which the concept of "indeterminacy" questions the authority of definitional cages; it is not "nihilism," but a challenge to contextualize, by empowering community standards and the democratization of interpretation.)

It also corresponds to the three levels of "integration" of contracts under the Parol Evidence Rule: (1) Written contracts that are found by a judge to be "totally integrated" are limited to their "plain meaning,"¹⁵ just as the dominant social contract as understood by the Reagan Court is limited in its meaning and will not suffer any additions or variation of interpretation from evidence of prior or contemporaneous circumstances, events, or sources of meaning. (2) Contracts that are found to be only "partially integrated" allow for multiplicities of meaning and may have their terms supplemented by additional extrinsic evidence.¹⁶ (3) And contracts that are found "not integrated" at all may be altogether undone by a range of possible meaning that includes the wholly inconsistent.¹⁷

Law and life are all about the constant assessment of where on the scale one's words are meant; and by which level of the scale to evaluate and interpret the words of others. I think however, that the game is more complicated than choosing a single level in which to settle for all time. That truth exists on all three levels is the theme that I want to pursue from here.

III. THE TRUTH ABOUT EQUALITY

I think of situational sausage-machine analysis as a way of reexamining what is lost by too narrow interpretive ideologies, and of rediscovering those injuries made invisible by description of them beyond

15. RESTATEMENT (SECOND) OF CONTRACTS § 215 (1979).

16. RESTATEMENT (SECOND) OF CONTRACTS § 216 (1979); *see also* U.C.C. § 2-202 (1987).

17. *See* RESTATEMENT (SECOND) OF CONTRACTS § 215 (1979).

the bounds of legal discourse. For example, affirmative action programs, of which minority set-asides are but one example, were designed to remedy a segregationist view of equality in which positivistic categories of race reigned supreme. "White" had an ironclad definition that was the equivalent of "good," or "deserving." "Black" had an ironclad definition that was the equivalent of "bad," or unworthy of inclusion.

While the most virulent examples of such narrow human and linguistic interpretations have been removed from code books, much of this unconsciously filtered vision remains with us in subtler form. An example of this subtler manifestation may be found in the so-called "Ujamaa House incidents" that took place on Stanford University's campus last October.

A brief bit of background is in order first:

Ujamaa House is one of several "theme" houses at Stanford, set up with the idea of exposing students to a variety of live-in cultural and racial exchanges. There is an Hispanic theme house, a Japanese theme house; Ujamaa is the African-American theme house.

On the night of September 29, 1988, a white student, identified only as "Fred," and a black student, called "QC," had an argument about whether or not the composer Beethoven "had black blood." QC insisted that he did; Fred thought the very idea was "preposterous."

The following night, the white students said that they got drunk and decided to color a poster of Beethoven to represent a black stereotype. They posted it outside the room of [QC], the black student who had originally made the claim about Beethoven's race.

Later, on Oct[ober] 14, after the defacing but before the culprits had been identified, a black fraternity's poster hanging in the dorm was emblazoned with the word "niggers." No one has admitted to that act, which prompted an emergency house staff meeting that eventually led to the identification [of Fred as one] of the students who had defaced the Beethoven poster.¹⁸

In subsequent months, there was an exhaustive study conducted by the university, which issued a report of its fact findings on January 17, 1989.¹⁹ There were three things about Fred's explanation that I found particularly interesting in that report:

(1) Fred said that he was upset by all the emphasis on race, on difference. "He wanted others to 'relax and focus on the humanistic aspect of everyone' and could not see why race or diversity was such a

18. O'Toole, *Ujamaa Incident a "Gripping Study" in Race Relations*, Stan. Univ. Campus Rep., Jan. 18, 1989, at 1, col. 1, 19, cols. 1 & 2.

19. Board of Trustees, Stanford Univ., Final Report on Recent Incidents at Ujamaa House (1989).

'big deal.'"²⁰ I was struck by the word boxes by which "race," "difference," and "humanity" were structured to be inconsistent concepts.

(2) Fred was a descendant of German Jews, and was schooled in England. Fred described incidents of what he referred to as "teasing" — and what I would call humiliation, even torture — by his schoolmates about his being Jewish. They called him miserly, and his being a Jew was referred to as a weakness. Fred said that he had learned not to mind it and indicated that the poster defacement at Ujamaa House had been in the spirit of that teasing. He wondered that the black students couldn't respond to it in the "spirit" in which it was meant — nothing serious, just "humor as a release." It was just a little message, he said, to stop all this divisive black stuff and be human.²¹ In these facts, Fred appeared to me to be someone who was humiliated into conformity, and who in the spirit of the callousness and displaced pain which humiliation ultimately engenders, passed it on.

(3) Fred found the assertion that Beethoven was black not just annoying but preposterous. In the wake of the defacement, he was assigned to do some reading on the subject and found that indeed Beethoven *was* mulatto. This discovery upset him deeply, so deeply, in fact, that his entire relation to the music changed:²² "Fred said that 'before [he] knew Beethoven was black he had had a certain image of Beethoven and hearing he was black changed his perception of Beethoven and made him see Beethoven as the person he drew in the picture.'"

Ultimately, Stanford's Disciplinary Board found no injury to QC and recommended no discipline of Fred because it was felt that would victimize him, depriving him of his first amendment rights. As to this remedy, I was struck by the following issues:

- (1) The privatization of remedy to QC alone;
- (2) The invisibility of *any* injury to anyone, whether to QC or to the Stanford community, whether to whites or to blacks; and
- (3) The pitting of the first amendment *against* other forms of injury — *i.e.*, if it's speech then there *can't* be any harm emanating from it.²³

As in *Croson's* definition of "equality," I think that the resolution

20. *Id.* at 2.

21. *Id.* at 2.

22. *Id.* at 5.

23. This is always such a hard point to make without being misunderstood: I am not arguing against the first amendment; what I am insisting upon, however, is some appreciation for the power of words and for the other forms of power abuses that may be lurking behind the "defense" of free speech.

of the Ujamaa House incident rested on a definition of “harm” that was so circumscribed in scope as to conceal from any consideration — legal or otherwise — a range of serious but “extrinsic” harms felt by the decisionmakers to be either inconsistent with the first amendment, or beside the point (“additional to,” according to the Parol Evidence Rule). To illustrate this point, I will try to recount my own sense of the injury in this case.

I relate to the Beethoven injury in the following way: Personally. I am the first black female [lots of things] [in lots of circumstances]. I am a first black pioneer just for speaking my mind. The only problem is that every generation of my family has been a first black something or other, an experimental black, a “different” black — a hope, a candle and a credit to our race. Most of my black friends’ families are full of generations of pioneers and exceptions to the rule. (How else would we have grown up to such rarified heights of professionalism? Nothing is ever really done in one generation, or alone.) It is not that we are that rare in time, it is that over time our accomplishments have been co-opted and have disappeared; the issue is when can we stop being perceived as “firsts”? I wonder when I and the millions of other people of color who have done great and noble things and small and courageous things and creative and scientific things — when our achievements will become generalizations about our race and seen as contributions to the larger culture, rather than exceptions to the rule, as privatized and isolated abnormalities. (If only there were more of you! I hear *a lot*. The truth is, there are *lots* more of me, and better of me, and always have been.)

The most deeply offending part of the injury of the Beethoven defacement is its message that if I ever manage to create something as significant, as monumental, and as important as Beethoven’s music, or the literature of the mulatto Alexandre Dumas or the mulatto Aleksander Pushkin — if I am that great in genius, and perfect in ability — then the best reward to which I can aspire, and the most cherishing gesture with which my recognition will be preserved, is that I will be remembered as white. Maybe even a white man. And perhaps my tribe will hold a candle in honor of my black heart over the generations — for blacks have been teaching white people that Beethoven was a mulatto for over a hundred years now — and they will be mocked when they try to make some piece of a claim to me. If they do press their point, the best that they can hope for is that their tormenters will be absolved based on the fact that it was a *reasonable* mistake to assume that I was white: they just didn’t *know*. But it is precisely the appropriation of knowledge, the authority of creating ca-

non, revising memory, of declaring boundary beyond which lies the "extrinsic" and beyond which ignorance is reasonably suffered, that is the issue. It is not only the individual and isolating fact of that ignorance: it is the violence of claiming in a way that denies, of creating property that fragments and dehumanizes.

This should not be understood as a claim that Beethoven's music is exclusively black music, or that white people have no claim to its history or enjoyment; it is about the ability of black and brown and red and yellow people to name their rightful contributions to the universe of music or any other field. It is the right to claim that we are, after all, part of Western Civilization. It is the right to claim our existence.

The determination that Beethoven was not-black is an unspoken determination that he was German and therefore he could not be black. To acknowledge his mulatto ancestry is to undo the supposed purity of the Germanic empire. It is the sanctification of cultural symbols that are rooted in notions of racial purity. I think that one of the most difficult parts of the idea that Beethoven was not pure white has to do with the implication that this has for notions for the words of the purity of all Western civilization: if Beethoven, that most Aryan of musicians, is not really Aryan, if the word "German" also means "mulatto," then some of the most powerfully uplifting, inspiring, limbically unifying of what we call "Western" moments come crashing down to the aesthetic of vaudevillian blackface. The student who defaced the poster said that "before [he] knew Beethoven was black he had a certain image of Beethoven and hearing he was black changed his perception of Beethoven and made him see Beethoven as the person he drew in the picture."²⁴

All of this is precisely the reasoning that leads so many to assume that the introduction of African-American, or South American, or feminist literature into Stanford's curriculum is a threat to the very concepts of what is meant by "Western" or "Civilization." It is indeed a threat. The most frightening discovery of all will be the eventual realization of the degree to which people of color have always been part of Western Civilization.

When Fred's whole relationship to the music changed once he discovered that Beethoven was black, it made me think of how much my students' relationship to me is engineered by my being black; how much I am marginalized based on a hierarchy of perception, by my relation to definitional canons which exercise superhuman power in my life. When Beethoven is no longer *Übermensch*, but real and really

24. Board of Trustees, Stanford Univ., *supra* note 19, at 5 (bracketed material in original).

black, he falls to debasement beneath contempt; for there is no racial midpoint between the polarities of adoration and aversion. When some first-year law students walk in and see that I am their contracts teacher, I have been told that their whole perception of law school changes. The failure of Stanford to acknowledge this level of the harm in the Ujamaa House incident allows students to deface *me*. In the margins of their notebooks, or unconsciously perhaps, they deface me; to them, I “look like a stereotype of a black [person]”²⁵ (as Fred described it), not a black academic. They see my brown face and they draw lines “‘emphasizing [enlarging]’ the lips, and coloring in ‘black, frizzy hair.’”²⁶ They add “red eyes, ‘to give . . . a demonic look.’”²⁷ In the margins of their notebooks, I am obliterated.

IV. THE TRUTH ABOUT NEUTRALITY

The Beethoven controversy is an example of an analytic paradigm in which “white = good and black = bad.” While that paradigm operated for many years as a construct in United States law, it cannot be said to exist as a formal legal matter today.

Rather, an interpretive shift has occurred, as though our collective social reference has been enlarged somewhat, by slipping from what I described above as the first level of sausage analysis to the second: by going from a totally segregated system to a “partially integrated” one. In this brave new world, “white” still retains its ironclad (or paradigmatic) definition of “good,” but a bit of word-stretching is allowed to include some few consistent additional others: blacks, whom we all *now* know can be good too, must therefore be “white.” Blacks who refuse the protective shell of white goodness and insist that they are black are inconsistent with the paradigm of goodness, and therefore they are bad. As silly as this sounds as a bare-bones schematic, I think that it is powerfully hypostatized in our present laws and in Supreme Court holdings: this absurd type of twisted thinking, this racism-in-drag is propounded not just as a theory of “equality” but as a standard of “neutrality.” (I also think that this schematic is why equality and neutrality have become such constant and necessary companions; they are two sides of the same coin. “Equal . . .” has as its unspoken referent “. . . to whites”; “neutral . . .” has as its hidden subtext “. . . to concerns of color.”)

Consider, for example, the case of the Rockettes. In October 1987,

25. *Id.* at 2.

26. *Id.*

27. *Id.*

the Radio City Music Hall Rockettes hired their first black dancer in the history of that troupe. Her position was “to be on call for vacancies.” (Who could have thought of a more quintessentially postmodern paradox of omission within the discourse of omission?) As of December 26, 1987, she had not yet performed, but, it was hoped, “she may soon do so.”²⁸ Failure to include blacks before this was attributed not to racism, but to the desire to maintain the aesthetic of “mirror image” uniformity and precision.²⁹ I read this and saw allegory — all of society mirrored in that one statement.

Mere symmetry, of course, could be achieved by hiring all black dancers. It could be achieved by hiring light-skinned black dancers, in the tradition of the Cotton Club’s grand heyday of condescension. It could be achieved by hiring an even number of black dancers and then placing them like little black anchors at either end; or like hubcaps at the center; or by speckling them throughout the lineup at even intervals, for a nice checkerboard, melting pot effect. . . . It could be achieved by letting all the white dancers brown themselves in the sun a bit, to match the black dancers — something they were forbidden to do for many years, because the owner of the Rockettes didn’t want them to look “like . . . colored girl[s].”³⁰

There are infinite ways to get a racially mixed lineup to look like a mirror image of itself. Hiring one black, however, is not the way to do it. Hiring one and sticking her third to the left is a sure way to make her stick out. She will stand out like a large freckle and the imprecision of the whole line will devolve upon her. Hiring one black dancer and pretending that her color is invisible is the physical embodiment of the sort of emptiness and failure of imagination that more abstract forms of so-called neutral or “color-blind” remedies represent. As a spokeswoman for the company said: “[Race is not] an issue for the Rockettes — we’re an equal opportunity employer.”³¹

An issue that is far more difficult to deal with than the simple omission of those words which signify racism in the law and in society is the underlying yet dominant emotion of racism — *i.e.*, the feeling,

28. Lambert, *Rockettes and Race: Barrier Slips*, N.Y. Times, Dec. 26, 1987, at 25, col. 6.

29. As recently as five years ago, the director of the Rockettes, Violet Holmes, defended the all-white line on artistic grounds. She said that the dancers were supposed to be “mirror images” of each other, and added: “One or two black girls in the line would definitely distract. You would lose the whole look of precision, which is the hallmark of the Rockettes.”

Id. at 27, col. 1.

30. Russell Markert, the late founder of the Rockettes, “acknowledged before his death that he . . . forbade suntans for a white dancer because ‘it would make her look like a colored girl.’” *Id.*

31. *Id.* at cols. 1 & 2.

the perception that introducing blacks into a lineup will make it ugly (“unaesthetic”), imbalanced (“nonuniform”) and sloppy (“imprecise”). The ghostly power of this perception will limit everything the sole black dancer does — it will not matter how precise she is in feet and fact, her presence alone will be construed as imprecise; for it is her inherency which is unpleasant, conspicuous, unbalancing.

The example of the Rockettes is a lesson in why the limitation of original intent as a standard of constitutional review is problematic, particularly where the social text is an “aesthetic of uniformity” — as it appears to be in a formalized, strictly-scrutinized but color-blind, liberal society. Uniformity nullifies or at best penalizes the individual. Noninterpretive devices, extrinsic sources and intuitive means of reading may be the only ways to include the reality of the unwritten, unnamed, nontext of race.

In *Croson*, the Supreme Court responded to a version of this latter point by proclaiming that the social text, no matter how uniform and exclusive, could not be called exclusionary in the absence of proof that people of color even *want* to be recipients of municipal contracts,³² or want to be Rockettes, or whatever.

But the nature of desire and aspiration as well as the intent to discriminate are quite a bit more complicated than that, regulated as they are by the hidden and perpetuated injuries of racist words. The black power movement notwithstanding, I think many, many people of color still find it extremely difficult to admit, much less prove, our desire to be included in alien and hostile organizations and institutions, even where those institutions also represent economic opportunity. I think, moreover, that even where that desire to be included is acknowledged, the schematic leads to a simultaneous act of race-abdication and self-denial.

Last January, for example, on the day after Dr. Martin Luther King's birthday, the *New York Times* featured a story that illustrates as well as anything the paradoxical, self-perpetuating logic of this form of subordination and so-called neutrality. In Hackensack, New Jersey, African-American residents resisted efforts to rename their street after Dr. King because it would signal to “anyone opening up the Yellow Pages” that it was a black neighborhood. It was feared that no white person would ever want to live there, and that property values would drop. “It stigmatizes an area.”³³

The Hackensack story struck a familiar chord with me. I grew up

32. See *City of Richmond v. J.A. Croson Co.*, 109 S. Ct. 706, 729-30 (1989).

33. Winerip, *A City Struggles Over an Honor for Dr. King*, *N.Y. Times*, Jan. 19, 1988, at B1, col. 1.

among the clutter of such opinions, just such uprisings of voices, riotous, enraged, middle-class, picky, testy, living and brash. Our house was in Boston on the edge of the predominantly black section of Roxbury; for years the people on my street fought and argued about whether they were *really* in Roxbury or whether they were close enough to be considered part of the (then) predominantly white neighborhood of Jamaica Plain.

It seems to me that the “stigmatum” of “Dr. Martin Luther King Boulevard” or “Roxbury” is reflective of a deep personal discomfort among blacks, a wordless and tabooed sense of self that is identical to the discomfort shared by both blacks and whites in even mentioning words like “black” and “race” in mixed company. Neutrality is from this perspective a suppression, an institutionalization of *psychic* taboos as much as segregation was the institutionalization of *physical* boundaries. What the middle-class, propertied, upwardly mobile black striver must do, to accommodate a race-neutral world view, is to become an invisible black, a phantom-black, by avoiding the *label* “black” (it’s OK to *be* black in this reconfigured world as long as you keep quiet about it) because the words of race and the knowledge and controversy they bear are like windows into the most private vulnerable parts of the self; the world looks in, and the world will know by the awesome, horrific revelation of a name.

I remember with great clarity the moment I discovered that I was “colored.” I was three. I already knew that I was a “negro”; my parents had told me to be proud of that. But “colored” was something else; it was the totemic evil I had heard my little white friends talking about for several weeks before I finally realized that I was one of *them*. I still remember the crash of that devastating moment of union, the union of my joyful body and the terrible power-life of that devouring symbol of negritude. I have spent the rest of my life recovering from the degradation of being divided against myself, within myself; I am still trying to overcome the polarity of my own vulnerability. The tense poised trembling whirling joy of my mortality. The immortal unrelenting finality of my dangerous bottomless black fate.

Into this breach of the division-within-ourselves falls the helplessness of our fragile humanity. Unfortunately, the degree to which it is somewhat easier in the short run to climb out of the pit by denying the mountain labelled “colored” than it is to tackle the sheer and risky cliff that is our scorned mortality, is the degree to which blacks internalize the mountain labelled colored. It is the degree to which blacks remain divided along all sorts of categories of blackness, including class, turning the speech of helplessness upon ourselves like a fire hose.

We should *do* something with ourselves, say the mothers to the daughters and the sons to the fathers, we should do something. So we rub ointments on our skin and pull at our hair and wrap our bodies in silk and gold. We remake and redo and we sing and we pray that the ugliness will be hidden and that our beauty will shine through like light and be accepted. And we work and we work and we work at ourselves. Against ourselves. In spite of ourselves, and in subordination of ourselves.

And we resent those of us who do not do the same. We resent those who are not well-groomed and well-masked, and have not reined in the grubbiness of their anger, who have not sought the shelter of the best assimilation we know how, the most decorative denial-art forms. So confusing are the "colored" labels, so easily do they masquerade as real people, that we frequently mistake the words for one another.

When segregation was eradicated from the American lexicon, its omission led many to actually believe that racism therefore no longer existed. Race-neutrality in law was the presumed antidote for race bias in real life. With the entrenchment of the notion of race-neutrality came attacks on the concept of affirmative action and the rise of reverse discrimination suits. Blacks, for so many generations deprived of jobs based on the color of our skin, are now told that we ought to find it demeaning to be *hired* based on the color of our skin. Such is the silliness of simplistic either-or inversions as remedies to complex problems.

What *is* truly demeaning in this era of double-speak-no-evil is going on interviews and not getting hired because someone doesn't think *we'll* be comfortable. It is demeaning not to be promoted because we're judged "too weak," then putting in a lot of energy the next time and getting fired because we're "too strong." It is demeaning to be told what we find demeaning. It is very demeaning to stand on street corners unemployed and begging. It is downright demeaning to have to explain why we haven't been employed for months and then watch the job go to someone who is "more experienced." It is outrageously demeaning that none of this can be called racism, even if it happens to disproportionately large numbers of black people; as long as it's done with a smile, a handshake and a shrug; as long as the phantom-word "race" is never used.

The image of race as a phantom-word came to me after I moved into my late godmother's home. In a respectful attempt to make it my own, I cleared the bedroom for painting. The following morning the room asserted itself, came rushing and raging at me through the emptiness, exactly as it had been for twenty-five years. One day filled with

profusion and overwhelming complexity, the next day filled with persistently recurring memories. The shape of the past came to haunt me, the shape of the emptiness confronted me each time I was about to enter the room. The force of its spirit still drifts like an odor throughout the house.

The power of that room, I have thought since, is very like the power of racism as status quo: it is deep, angry, eradicated from view, but strong enough to make everyone who enters the room walk around the bed that isn't there, avoiding the phantom as they did the substance, for fear of bodily harm. They do not even know they are avoiding; they defer to the unseen shapes of things with subtle responsiveness, guided by an impulsive awareness of nothingness, and the deep knowledge and denial of witchcraft at work.

The phantom room is to me symbolic of the emptiness of what formal equal opportunity as promised has actually turned out to be. It is the creation of a space that is filled in by a meandering stream of unguided hopes, dreams, fantasies, fears, recollections. It is the presence of the past in imaginary, imagistic form. What is required in the law of opportunity is some acknowledgement of the room as an empty room before we can stop filling the void with the perpetuated racism of the past. The law must see the room for its actuality as an empty room before we can stop filling it with unfulfilled promises of the future. The real room must be filled with the actuality of our vision, and our wisdom — not the phantom-roomed exile of our longing.

My dispute is perhaps not with formal equal opportunity at all. So-called formal equal opportunity has done a lot but misses the heart of the problem. It put the vampire back in its coffin, but it was no silver stake. The rules may be color-blind but people are not. The question remains, therefore, whether the law can truly shed, or exist apart from the color-conscious society in which it exists, as a skeleton is devoid of flesh; or whether law is the embodiment of society, either the creation or the reflection of a particular citizenry's arranged complexity of relations.

All this is to say I strongly believe in the efficacy not just of programs like affirmative action but affirmative action as a socially and professionally pervasive concept. Not because blacks or women — or anyone — can prove we are holy in our suffering, but because black individuality is subsumed in a social circumstance — an idea, a stereotype — that pins us to the underside of this society and keeps us there, out of sight and out of mind — out of the knowledge of mind which is law. Blacks and women are the objects of a constitutional omission which has been incorporated into a theory of neutrality. It is thus that

omission is really a form of expression, as oxymoronic as that sounds: racial omission is a literal part of original intent; it is the fixed, reiterated prophecy of the Founding Fathers. It is thus that affirmative action is an affirmation; the affirmative act of hiring — or hearing — blacks is a recognition of individuality that re-places blacks as a social statistic, that is profoundly interconnective to the fate of blacks and whites and women and men either as subgroups of each other or as one group. Affirmative action in this sense is as mystical and beyond-the-self as an initiation ceremony. It is an act of verification and of vision; an act of social as well as professional responsibility.

V. THE TRUTH ABOUT TRUTH

In the last ten or fifteen years, there has been increasing movement to expand racial paradigms beyond what has been discussed in the first parts of this essay. A standard allowing increased differentiation, and celebrating “difference,” is more frequently touted as a desirable social norm. This is, I think, very much like yet another shift in the sausage-machine analogy, from the second level of “partial integration” to the third level, where whole new worlds of meaning are allowed to coexist, and to contradict one another. In this happily cacophonous universe, white is white and white is good, and black is good and black is really black.

I think that it is this paradigm that has given us so many of the instructional and cultural diversity experiments, in academia as elsewhere — such as Stanford’s theme houses. Soul food nights. Salsa dances. Or, at one institution with which I was associated, even Real White Men’s Day, celebrated on the occasion of the first blizzard of the season. (Real White Men would go out to the parking lot, set up grills, and barbecue Real Red Meat in their shirtsleeves. We, the rest of the community, would be there rooting them on from the warmth of the cafeteria, always ready to acknowledge anyone’s difference, but most particularly theirs.)

All of this is good, with the possible problem that in the exclusive celebration of difference, difference becomes a property launching us back into a complicated version of the first level of parol-evidence-sausage, so that: if white is good and black is good and white and black are different, then goodness must be different for each — or goodness becomes a limited property which is the subject of intense competition, as though it were some physical thing, a commodity or object whose possession can know only one location.

I think, by the way, that this latter is pure silliness — goodness, like humanity, is a concept full of generosity and delights in its multi-

plicity of voice, and grows strong with each different manifestation. But silly though it may be, it is, again, an attitude that is quite powerful and very pervasive in law, and in society.

Let me give you an example, shifting from race to gender, of how this third-level “difference” can get complicated and overlap with first-level exclusion of the “extrinsic.” Once upon a time, when I was living in California, I had a student, S., who was very unhappy being a man. S. came to me and informed me of his intention to become a woman. He said he wanted to talk to me before anyone else at the school because I was black, and that as a black person, I might be more understanding. I had never thought about transsexuality at all;³⁴ I remember finding myself at a complete loss for words.

After the sex-change operation, S. began to use the ladies room. There was enormous outcry from women students of all political persuasions, who “felt raped” — in addition to the more academic assertions of some, who “feared rape.” In a complicated blizzard of homophobia, the men of the student body let it be known that they too “feared rape,” and vowed to chase her out of any and all men’s rooms. Ultimately, the oppositional forces of men and women reached a compromise. S. should use the dean’s bathroom. Alas, in the dean’s bathroom, no resolution was to be found, for indeed the suggestion had not been an honest one, but merely an integration of the fears of each side. Thus, in his turn, the dean, circumspection having gotten him this far in life, expressed polite, well-modulated fears about “the appearance of impropriety” in having “students” visit his inner sanctum, and a bunch of other things that I think were related to fear of a real compromise of hierarchy.

I remember thinking about how peculiar and revealing were the scripts that people shook in the face of poor S. Gender as property. Gender as privilege. Hierarchy as sexualized oppression. “I am not a homosexual,” I remember S. crying out at one point in the middle of all that mess.

Those words echo in me still. She was “not homosexual” first and foremost as to her best friend, a man with whom she was in love and for whom she had had the operation. She was not homosexual as to the women, whose outcry she took for fear of lesbianism. She was not homosexual as to the men, for this would have been an ultimate betrayal of her bitter, hard-won love. She was not homosexual as to the

34. I have tried to do a fair amount of reading on the subject since. I by no means want to imply, in my recounting of S., any implication that this was all there was to her story, or that her story explains transsexuality. I want most explicitly to acknowledge a range of transsexuality beyond S. herself, as well as an S. who exists beyond my limited characterization or experience of her.

dean, as though this bit of clarity would save him from some embarrassment, or reassure him that his power or status would not be lowered by the ambivalence of her identity.

At the vortex of this torment, S. as human being who needed to go to the bathroom was lost. Devoured by others, she carved and shaped herself to be definitionally acceptable. She aspired to a notion of women set like jewels in grammatical mountings, fragile and display-encased. She had not learned what society's tricksters and dark fringes have had to, in order to survive: to invert, to hollow and to stretch meaning, rather than oneself. She to whom words meant so much, was not given the room to appropriate them into warm skins and protective shields. S. as "transsexual," S. as "not homosexual," thus became mere floating signifier, a deconstructive polymorph par excellence.

In retrospect, I see clearly the connection between S.'s fate and my being black, her coming to me because I was black. S.'s experience was a sort of Jim Crow mentality applied to gender.³⁵ Lots of men, women, blacks and certainly anyone who self-identifies with the term "white" are caught up in the perpetuation and invisible privilege of this game; for "black," "female," "male," and "white" are every bit as much "properties" as the buses, private clubs, neighborhoods and schools which provide the extra-corporeal battlegrounds of their expression. S.'s experience, indeed, was a reminder of the extent to which property is nothing more than the mind's enhancement of the body's limitation. (This is true to some extent in all cultures, I think, but particularly in ours, where our possessions become the description of who we are and the reflection of our worth; and where land usually

35. When they changed trains in Birmingham for the last leg of the trip, they discovered what luxury they had been in through Kentucky and Tennessee, where the rest stops had all had colored toilets. After Birmingham there were none. Helene's face was drawn with the need to relieve herself, and so intense was her distress she finally brought herself to speak to a black woman with four children who had got on in Tuscaloosa:

"Is there somewhere we can go to use the restroom?"

The woman looked up at her and seemed not to understand. "Ma'am?" Her eyes fastened on the thick velvet collar, the fair skin, the high-tone voice.

"The restroom," Helene repeated. Then, in a whisper, "The toilet."

The woman pointed out the window and said, "Yes, ma'am. Yonder."

Helene looked out of the window halfway expecting to see a comfort station in the distance; instead she saw gray-green trees leaning over tangled grass. "Where?"

"Yonder," the woman said. "Meridian. . . ."

. . . .

At Meridian the women got out with their children. While Helene looked about the stationhouse for a door that said COLORED WOMEN, the other woman stalked off to a field of high grass on the far side of the track. Some white men were leaning on the railing in front of the stationhouse. It was not only their tongues curling around toothpicks that kept Helene from asking information of them. She looked around for the other woman and, seeing just the top of her head rag in the grass, slowly realized where "yonder" was.

is referred to not for or by its use, but by the name of its owner (*i.e.*, Queens, Victoria, Washington, Pennsylvania) — as though the greater the expanse of an estate, the greater in personhood will its master become.)

Another dimension of my resistance was that, for me, the property of my blackness was all about my struggle to define myself as “somebody.” Into the middle of that struggle, S. was coming to me because others had defined her as “nobody.” Initially, it felt as though she were seeking in me the comfort of another nobody; I was a bit put off inside by the implication that my distinctive somebody-ness was being ignored; I felt in some way that I was being used, an apparency of me being rendered invisible through her refusal to see all of me. (In fact, in the suits and situations that give rise to the question of whether all-black and all-women’s organizations should admit whites and men, I often feel as though there is a good deal of just such “I’m lonely therefore I’m oppressed too” presumptiveness, that treats such organizations not just as access to power or collegiality, but as empty wilderness to be filled in by the mere comfort of belonging just for belonging’s sake; it is thus that the desire to become “one” often disguises appropriation for the mere sake of convenience and the denial of real difference; it is thus that this sometimes noble sentiment comes very close to perpetuating a quite demeaning form of paternalism.)

Very quickly, however, I realized that a literal designation of “black” in my self-definition was probably not appropriate in this situation. While all of the above may be true, I realized that a simultaneous truth existed also: that a discursive property of black somebody-ness was being part of a community of souls who had experienced being permanently invisible nobodies; that “black” was a designation for those who had no place else to go; that we were both nobody and somebody at the same time, if for different purposes.

This is not an easy concept, I think. I am *not* saying that my blackness is unimportant, or not different. Under other circumstances it might be presumptuous for S. to “become black” in effect, or for me to feel obligated to stretch the definition to include her.

What I *am* saying is that my difference was in some ways the same as her difference; and that simultaneously her difference was in some ways very different from my difference, and that simultaneously we were in all ways the same.

VI. CONCLUSION: IN WHICH ALL THINGS ARE ONE, THINGS FALL APART, AND NOTHING IS EVER THE SAME

Not long ago, a white acquaintance of mine described a boyfriend

of hers as "having a bit of the Jewish in him." She meant that he was stingy with money. I said, "Oh, don't talk like that! I know you didn't mean it *that way*, but I think that there are harmful implications from thinking *like that*." She responded with profuse apologies, phone calls, tears, then anger. She said repeatedly that she had no wish to offend me or anyone: that it was just a cultural reality, that there was no offense in it, and that she had heard Jewish people say the same thing, that it was just the way things were, just a group characteristic, nothing personal. There was an odd moment in all this at which I thought we were in agreement, when she said she was sorry, that it was "just cultural reality": I thought that she was referring to racism being so deeply imbedded in culture that it was unconscious, but what she meant was that stinginess was a Jewish "thing."

As we argued, words like "overly sensitive," "academic privilege," and "touchy" began to creep into her description of me. She accused me of building walls, of being unrealistic, of not being able to loosen up and just be with people. She did not use the word "righteous" but I know that that is what she meant. I listened and we talked; I tried to reassure her that I did not mean to put her on the defensive, that I had not meant to attack or upset her, and that I deeply valued her friendship. But I did not back down.

Eventually I felt our friendship being broken apart. She would be consoled with nothing less than a retraction of my opinion, an admission that I was wrong. She did not want me to understand merely that she meant no harm, she wanted me to confess ultimately that there *was* no harm. Moreover, I realized that she perceived the very raising of the subject matter as an act of hostility, while I perceived my mention of it as an attempt to take our friendship to newer and franker levels of conversation, risking showing what was truly important to me.

About this time, my sister sent me an article about the difficulties of blacks and whites discussing racial issues in social settings. It included warnings of Shelby Steele, a black professor of English at San Jose State University ("If you are honest and frank, then you may come to be seen as belligerent, arrogant, a troublemaker"),³⁶ and the advice of Harvard professor Dr. Alvin Poussaint ("Defuse the situation; devise a way of getting out of it very quickly. Develop some humorous responses . . . and take charge by steering the conversation in another direction.")³⁷

36. Williams, *Uneasy Mingling: When Small Talk at Parties Tackles Large Racial Issues*, N.Y. Times, Oct. 21, 1988, at A15, col. 1.

37. *Id.*

Not long after that, I went shopping for a sweatshirt in the emptiness of nearly-closing-time at Au Coton, a clothing store near my home. The three young salespeople told me that the waffle weave sweater would make me look “really fly.” I told them that I’m too old to be fly. The young woman closest to me persisted: “Well, all the really fly people are wearing waffle weave.”

As I continued to shop, I could hear them laughing among themselves. It wasn’t until I came closer to the counter that I realized that they were joking about Jews. They laughed about “princesses” and imitated “Jewish” accents — New Yorkers imitating other New Yorkers. To an outsider like me, they sounded like they were imitating themselves.

“Speak of the devil,” said one of them as four other young people came into the store. I don’t know why the three young salespeople had decided that the four newcomers were Jews — again, it was as though they were pointing fingers at themselves. They all wore waffle weave tops. They wore denim jackets with the collars turned up. They wore their hair in little moussed spikes and lacquered ringlets. Each and every one of them wore a colorful little kerchief knotted at their throats.

“Tell that girl to get a job,” murmured one of the salesgirls of one of the new girls. There was both playfulness and scorn in her voice. Her friends tittered.

The designated Jews wandered around the store, held clothes on hangers up to their chins, and generally looked as youthfully fly as could be.

One of the salesgirls said, “Can I help you guys?” Her voice was high-pitched and eager. Then she turned her head and, behind their backs, winked at her friends.

I didn’t say anything. I wanted to say something, and since I am usually very outspoken about these things, I was surprised when no words came out. It is embarrassing but worthwhile nonetheless, I think, to run through all the mundane, even quite petty components of the self-consciousness that resulted in my silence. I think such silence is too common, too institutionalized, and too destructive not to examine it in the most nuanced way possible.

My self-consciousness, I think, was a powerful paralyzer. I was self-conscious about being so much older than they. I was afraid of sounding so maternally querulous that they would dismiss my words, not hear their substance.

I was self-conscious, too, about shopping in a store that had posters that said “As advertised in *Seventeen* magazine . . .” As old as I

was, I felt very young again — young in a sticky, tongue-tied awful adolescent way. In some odd way that is extremely hard to admit in print, I wanted their approval. I was on the edge of their group, the odd person out (as I always was as a teen — that time in one's life when one's attitudes about everything social, including race, are most powerfully reinforced). I did not want to be part of them, but I did not want to be the object of their derision, either. The whole room was filled with adolescent vanity, social pressure and a yearning to belong. The room was ablaze with the cross fire of self-assertive groupings. The four who wandered in, preening and posing and posturing, pretending self-confidence. The three who worked there, lounging and diffident, pretending they owned the place. It was like meeting up with a smoking gun; for those brief, childish, powerful moments, I wasn't sure I could survive being on the wrong side.

I was also caught short because they were so *open* about their anti-Semitism. They smiled at me and commented on the clothing I was looking at; they smiled and commented on the clothing being looked at by the others. Their anti-Semitism was smiling, open, casually jocular, and only slightly conspiratorial or secretive. They were such nice young people; how could they possibly mean any harm? This little piece of cognitive dissonance was aided and abetted by my blackness, by the fact that I am black: I grew up in a neighborhood where blacks were the designated Jews. I can think of few instances, therefore, in which I have ever directly heard the heart, the source, the uncensored, undramatic day-to-day core of it — heard it as people think it, and heard it from the position of an “insider.” And it was irresistible, forbidden, almost sexually thrilling to be on the inside.

I have, of course, heard the message too often to recount as an outsider, by words or acts ranging from hostile to insincere to unconscious. But this time, the salespeople drew their circle with me on the inside. I was “privileged” to hear what they really thought. I was earmarked as someone who would not reveal them; I was designated “safe.” I was also designated as someone who didn't matter.

What they had constructed around me was the architecture of trust. As strange as it sounds, I realized that breaking the bond of my silence was like breaking the bond of *our* silence, was like breaking the heart of a friend. At the same time, I realized that the very fact of their faith in me was oppressively insulting. I became an anti-Semite by the stunning audacity of their assumption that I would remain silent. If I was “safe” I was also “easy” in my desire for the illusion of inclusion, in my capitulation to the vanity of mattering enough even to be included. It did not occur to me that I was simply ignored. I could

have been Jewish as much as the four random souls who wandered into the store; but by their designation of me as "not Jewish" they made property of me, as they made wilderness of the others. I became colonized as their others were made enemies.

I left a small piece of myself on the outside, beyond the rim of their circle. I was those others on the other side of the store; as they made fun of the others, they also made light of me; I was watching myself be made fun of. I became "them." In this way, I transformed myself into the third person; I undermined the security of my most precious property, "I." It would be a long time before I would be able to trust "I" in the same way again; I would give much power to the wilderness of strangers, some few of whom I would feel as reflections of my lost property by being able to snare them in the strong bear traps of my own familiarizing labels.³⁸

I have thought a lot about this incident since. Part of my reaction was premised on the peculiarities of my own history. Although I was quite young, I remember the Woolworth's sit-ins; I remember my father walking trepidatiously into stores in Savannah, Georgia, shortly after desegregation, cautiously disbelieving of his right to be there, disproportionately grateful for the allowance to just be. Very much my father's daughter, I am always grateful when storekeepers are polite to me; I do not expect courtesy. I value it in a way that resembles love, that resembles trust. I value it in a way that is like finding shelter. I value it in a way that is frequently misleading, for it is neither love nor trust nor shelter.

I know that this valuing is a form of fear. I am afraid of being alien, of being suspect, of being thrown out at any moment; I am relieved when I am not. At the same time, I am enraged by the possibility of this subsurface drama-waiting-to-happen. My rage feels dangerous, trapped by necessity, full of physical violence, like something that will get me arrested. And at the same time I am embarrassed by all these feelings, ashamed to reveal in them, through their frequent disproportion, the truth of my insignificance.

All this impermissible danger floating around in me, so boiling, so exhausting. I can't kill. I can't teach everyone. I can't pretend it doesn't bother me; it eats me alive. There is no place to dump this toxic rage. So I protect myself. I don't venture into the market very

38. The corollary of historiographic metafiction's challenge to the realist assumption of the transitivity of language and of narrative as an unmediated way to represent history (or some reality that exists outside the discourse) is its challenge to the traditional transparency of the first-person pronoun as a reflection of subjectivity and of the third-person pronoun as the guarantee of objectivity.

L. HUTCHEON, *A POETICS OF POSTMODERNISM: HISTORY, THEORY, FICTION* 177 (1988).

often. I don't deal with other people if I can help it. I don't risk exposing myself to the rage that will get me arrested.

The dilemma, and the distance between the "I" on this side of the store and the me that is "them" on the other side of the store, is marked by an emptiness in myself. Frequently such emptiness is reiterated by a hole in language, by a gap in the law, or a chasm of fear.

I think that the hard work of a non-racist sensibility is the boundary-crossing, from safe circle into that wilderness: the testing of boundary, the consecration of sacrilege. The willingness to spoil a good party and break an encompassing circle, to travel from the safe to the unsafe. It is the courage to realize something beyond bounds. The transgression is dizzyingly intense, a reminder of what it is to be alive. It is a sinful pleasure, this willing transgression of a line, that takes one into new and heightened awareness, a secret, lonely and tabooed world — to survive that transgression is terrifying and addictive. To know that everything has changed and yet that nothing has changed; and in leaping the chasm of this impossible division of the self, a discovery of the self surviving, still well, still strong, and, as a curious consequence, renewed.

But as I said earlier, I think that the perspective we must learn to acquire is one beyond these three boxes that have been set up. It is a perspective that exists on all three levels and eighty-five more levels besides — *simultaneously*.

It is this perspective, the ambi-valent, multivalent way of seeing that is, I think, at the heart of what is called critical theory, feminist theory, and the so-called minority critique. It has to do with a fluid positioning that sees back and forth across boundary, that acknowledges that in certain circumstances I can be black and good and black and bad, and that I can also be black and white, male and female, yin and yang, love and hate.

Nothing is simple. Each day is a new labor.

Ursula Le Guin, in her novel, *The Lathe of Heaven*, writes that making love is like baking bread: each time it must be done with care and from the beginning.³⁹

Each day is a new labor.

39. U. LE GUIN, *THE LATHE OF HEAVEN* 158 (1971).