

Critical Race Theory and Autobiography: Can a Popular "Hybrid" Genre Reach Across the Racial Divide?

BOOK REVIEW

Notes of a Racial Caste Baby, Colorblindness and the End of Affirmative Action

by Bryan K. Fair
New York University Press, 1997

**How Did You Get To Be a Mexican?
A White/Brown Man's Search for Identity**

by Kevin R. Johnson
Temple University Press, 1998

To Be an American: Cultural Pluralism and the Rhetoric of Assimilation

by Bill Ong Hing
New York University Press, 1997

Reviewed by Sylvia R. Lazos Vargas*

In recent years, the university presses have increasingly welcomed personal narratives that interweave race topics. Patricia J. Williams's *The Alchemy of Race and Rights*¹ is among

*Associate Professor of Law, Missouri-Columbia School of Law. J.D. 1986, University of Michigan. The financial assistance of Missouri-Columbia School of Law helped to make this work possible. I acknowledge the valuable suggestions made by Henry Chambers, Jr., Martha Dragich and Jean R. Sternlight.

1. PATRICIA J. WILLIAMS, *THE ALCHEMY OF RACE AND RIGHTS, DIARY OF A LAW PROFESSOR* (1991). Professor Williams has been highly influential and remains respected in fields outside of the law. See, e.g., PAMELA BRANDWEIN, *RECONSTRUCTING RECONSTRUCTION* (1999) (applying, from a historian's perspective, theoretical works by Williams and others to study how race was "reconstructed" during the post-Civil War era); *RACE IS—RACE ISN'T: CRITICAL RACE THEORY AND QUALITATIVE STUDIES IN EDUCATION* (Laurence Parker et al. eds., 1996) (studying application of work by Patricia Williams, Richard Delgado and Derrick Bell to race conflicts in primary education); SHARON D. WELCH, *SWEET*

the most successful of such "crossover" books. Like Williams's book, the three works reviewed herein can be viewed as forming part of the burgeoning corpus of critical race theory (CRT) scholarship.² They take on three topics that currently occupy a central place in CRT discourse, the importance of racial caste, the multiplicity of racial identities and how such a construction conflicts with assimilation values, and the politics of multiculturalism. In this Review Essay, I examine how the books contribute to these central issues and also investigate this surging hybrid genre as legal methodology.

Critical race scholarship, and more specifically the use of personal narrative, has been under siege since its inception. As of late, however, such scholarship seemed to be gaining greater acceptance as public critiques from respected scholars appeared less frequently. Farber and Sherry's *Beyond All Reason*³ made clear that CRT is still regarded as suspect. Their effort has sparked a second round⁴ of spirited debate.⁵ Given these

DREAMS IN AMERICA: MAKING ETHICS AND SPIRITUALITY WORK (1999) (applying Williams's and others' theoretical approaches to rethinking a religious ethic of progressive social change and current issues of multiculturalism). Other successful books in this genre include STEPHEN CARTER, REFLECTIONS OF AN AFFIRMATIVE ACTION BABY (1991); HARLON DALTON, RACIAL HEALING: CONFRONTING THE FEAR BETWEEN BLACKS AND WHITES (1995).

2. Defining any jurisprudential movement is a risky proposition, but a necessary venture in order to understand what it can accomplish. I define CRT more broadly than many theorists, as involving four premises. First, CRT posits that different racial groups experience and understand race in different ways, and that this is largely a social experience. Second, CRT theorizes that experiences of racial minority groups are subordinate relative to a White experience. These are constant social and personal experiences that, by and large, minorities cannot avoid. Third, CRT theorizes as to what causes and maintains a racial group's subordination, and uses such varied approaches as discourses of knowledge, historical memory, economic self-interest, class conflict, and analyses of social structures, power, and culture. Fourth, CRT endeavors to show the many ways in which laws are not neutral and disadvantage members of racial minorities. See e.g., CRITICAL RACE THEORY: THE CUTTING EDGE xiv-xv (Richard Delgado ed., 1995); CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT xiii-xxxii (Kimberle Crenshaw et al. eds., 1995); MARI J. MATSUDA ET AL., WORDS THAT WOUND: CRITICAL RACE THEORY AND THE FIRST AMENDMENT 7 (1993); ERIC YAMAMOTO, INTERRACIAL JUSTICE 393-94 (1999).

3. DANIEL A. FARBER AND SUZANNA SHERRY, BEYOND ALL REASON: THE RADICAL ASSAULT ON TRUTH IN AMERICAN LAW (1997). See also Richard A. Posner, *The Skin Trade*, THE NEW REPUBLIC, Oct. 13, 1997, at 40 (reviewing FARBER & SHERRY; calling CRT the "lunatic core").

4. What I am calling the "first round" are a series of attacks leveled in the late 1980s and early 1990s by legal scholars Randall Kennedy, Richard Posner, and Mark Tushnet at the critical race writings of Derrick Bell, Jr., Richard Delgado, Mari Matsuda and Patricia Williams. See Randall L. Kennedy, *Racial Critiques of Legal Academia*, 102 HARV. L. REV. 1745 (1989) (critiquing CRT theorists' claim of a minority perspective and disputing how such a perspective should be presented);

challenges, these books tread on controversial ground. Many question whether this hybrid genre can be considered serious legal scholarship or is, rather, popular non-weighty fare.

This Review Essay examines the potential contributions each book makes to legal scholarship and the popular press. Part I describes how each author uses the autobiographical narrative and what these narratives accomplish.⁶ Part II examines each book's legal agenda and assesses how well each author achieves the scholarly purposes of his book. As well, this Essay explains how these books contribute to the rapidly expanding CRT project.⁷ Part III summarizes the contributions the books make to legal scholarship and offers a critical assessment of how the projects' individual accomplishments, as well as shortcomings, reach (or fail to reach) across the racial divide.⁸

Richard A. Posner, *The Ethical Significance of Free Choice: A Reply to Professor West*, 99 HARV. L. REV. 1431 (1986) (critiquing narrative as inimical to legal scholarship); Mark Tushnet, *The Degradation of Constitutional Discourse*, 81 GEO. L.J. 251 (1992) (criticizing CRT personal narratives as disconnected from legal points, and as advancing only the writer's viewpoint). These three critics are high profile legal academics, and therefore their criticism had a great impact within legal academia. Their critiques, in turn, generated responses. See, e.g., *Colloquy—Responses to Randall Kennedy's Racial Critiques of Legal Academia*, 103 HARV. L. REV. 1844, 1844-86 (1990) (containing commentary by Scott Brewer, Milner S. Ball, Robin D. Barnes, Richard Delgado, and Leslie G. Espinoza attacking Kennedy's critique from a variety of perspectives); Jerome McCristal Culp, Jr., *Posner on Duncan Kennedy and Racial Difference: White Authority in the Legal Academy*, 41 DUKE L.J. 1095 (1992) (attacking Posner and other White legal scholars as being dismissive of critical race scholarship and using their power and authority to marginalize this important work); Gary Peller, *The Discourse of Constitutional Degradation* 81 GEO. L.J. 313 (1992) (criticizing Mark Tushnet's attack of CRT and narrative, arguing that Tushnet's hostility to this new genre could be viewed as personal).

5. See, e.g., Kathryn Abrams, *How to Have a Culture War*, 65 U. CHI. L. REV. 1091 (1998) (criticizing Farber and Sherry for mischaracterizing CRT and feminist scholarship); Deborah C. Malamud, *The Jew Taboo: Jewish Difference and the Affirmative Action Debate*, 59 OHIO ST. L.J. 915 (1998) (commending Farber and Sherry for bringing up the issue of anti-Semitism but criticizing their analysis of Jews as essentialist and simplistic); Daria Roithmayr, *Guerrillas in our Midst: The Assault on Radicals in American Law*, 96 MICH. L. REV. 1658 (1998) (criticizing Farber and Sherry for mischaracterizing CRT scholarship); Edward L. Rubin, *Jews Truth and Critical Race Theory*, 93 NW. U. L. REV. 525 (1998) (commending Farber and Sherry for renewed interrogation of CRT but criticizing them for not taking a more tempered approach).

6. See *infra* notes 9-28.

7. See *infra* notes 29-135.

8. See *infra* notes 136-138

I. Personal Narratives: Establishing the Author and the Topic

Why do these authors choose to use the autobiographical essay? No single answer emerges because each author deploys narrative in a different way and for a different purpose. What all do well is to use the autobiographical narrative as a literary device to establish each writer's authority and engage the popular interest. Each author opens with an engaging and moving autobiographical tale. The immediate poignancy of each story and its readily apparent honesty make each author, even in a few brief opening pages, come through as truthful, caring and determined, someone who the reader comes to like almost immediately. These narratives serve the functions of both establishing literary intimacy with the reader and qualifying the author's experiential authority.

A. Fair: *Out of the Ghetto*⁹

Fair joins autobiography with legal analysis. By far, the best part of the book is his autobiographical tale, covering the first third of the book,¹⁰ where Fair tells us how far he has traveled. His narrative is about escaping the Black ghetto of Columbus, Ohio. His mother, a single parent in a household of ten, constantly worked multiple jobs as a cook, waitress, maid and clerk. However, even with the help of welfare, she could not keep her children clothed, fed and in decent shelter. Moving from one dilapidated house to another, Fair tells of cockroaches appropriating their living quarters in the night, ice cold showers in the middle of winter, and his constant hunger. He worked endless odd jobs from the age of seven for survival and, at times, stole to eat. He brings us in touch with the shame that poor children feel in a society of plenty and with the tensions that arise, for both parent and child, when a parent is unable to provide adequately for her children. Fair does not hate Whites for his predicament; he only questions why the deck seemed to be so stacked against his mother, him and others like them, a social dynamic he alternatively refers to as "racial caste" and "racial poverty." Fair

9. See BRIAN K. FAIR, *NOTES OF A RACIAL CASTE BABY, COLORBLINDNESS AND THE END OF AFFIRMATIVE ACTION* (1997). I rely on Fair's terminology. See *id.*

10. Fair's autobiography is limited to the first part of the book. See *id.* at 1-65. Part II consists of a legal-historical analysis of the Constitution and early race cases. See *id.* at 67-113. Part III makes the standard arguments condemning the Court's "color-blind" race jurisprudence, and favoring affirmative action. See *id.* at 115-83.

ends his narrative with his "escape from that Ohio ghetto,"¹¹ that includes two glittering educational credentials: a Duke undergraduate degree in history and a UCLA law degree. He credits generous and nurturing adults in his community, caring and inspiring teachers, and his extended family, but above all, remedial affirmative action.¹² Breaking the yoke of ghetto poverty speaks volumes of Fair's courage, heart and intelligence.

*B. Johnson: Becoming Mexican*¹³

Johnson's book most consistently presents an autobiographical essay, comprising all but the final two chapters of his book.¹⁴ In this tale, Johnson relates how he, like Fair, needed discipline, ambition and grit to transform himself from a poor second-generation immigrant son to comfortable middle-class status. His parents divorced when he was young, and his mother raised her two boys with a gamely mix of child support, welfare and relatives' help.

However, the core of Johnson's narrative is not the Horatio Alger tale, but rather his search for racial identity. Johnson is the son of a Mexican American mother from the California Imperial Valley and an Anglo father descended from Swedish immigrant farmers who also settled in California. Johnson opens the book by calling himself of "mixed race,"¹⁵ and early on warns us that his narrative will invite us into a deeply personal life long search—"[f]inding and becoming comfortable with . . . racial identity."¹⁶ Johnson's mixed racial heritage, his Anglo last name and fair looks often called his identity into question.¹⁷ He could have chosen to benefit from "White privilege,"¹⁸ and be free from negative and

11. *Id.* at xvii.

12. *See id.* at xvi.

13. *See* KEVIN R. JOHNSON, HOW DID YOU GET TO BE A MEXICAN? A WHITE/BROWN MAN'S SEARCH FOR IDENTITY (1998).

14. Johnson's autobiography comprises all but the last two chapters of his book. *See id.* at 1-151.

15. *Id.* at ix.

16. *See id.* at 159.

17. *See id.* I use Johnson's racial terminology. Mexican Americans often use the term "Anglo" to refer to Whites.

18. *See e.g.*, RUTH FRANKENBERG, WHITE WOMEN, RACE MATTERS: THE SOCIAL CONSTRUCTION OF WHITENESS 14-15 (1993) (Whiteness is a series of cultural practices that permit Whites to be unaware of the privileges and dominance into which they are born.); STEPHANIE M. WILDMAN ET AL., PRIVILEGE REVEALED: HOW INVISIBLE PREFERENCE UNDERMINES AMERICA (1996) (stating that the ability to avoid consequences of racial power is a form of White privilege); Barbara J. Flagg "Was Blind, But Now I See": White Race Consciousness and the Requirement of Discriminatory Intent, 91 MICH. L. REV. 953 (1993) (describing the "transparency"

demeaning stereotypes and assumptions as to what a minority is capable of achieving, intrusive demands that he prove his racial legitimacy, and the burden of having to think about race. For a while, Johnson chooses to be White by letting others assume his race and standing by silently. As a high school boy seeking to be "one of the crowd," he stands by as his "friends" routinely put down "wetbacks" and attack African Americans. As a boy and young man, he floats along and lets others choose for him.

As he matures, Johnson becomes more thoughtful about his choices but continues to show ambivalence. When he applies to a university Johnson checks the box as Mexican American. Does he do this to gain an "affirmative action" advantage? He explains that he did not give it much thought. Like many that are first in their families to attend college, he is ignorant of the gamesmanship involved in college applications and the long-term benefits of attending a prestigious university. Then, as a young lawyer in a prestigious San Francisco law firm he allows the firm partners to assume that he is White, not correcting them until he is well established and on his way to making partner. Later, as a mature man, he applies for a law professorship and faces again the question of whether he should take advantage of his status as a quasi-minority. He hesitates, considering the implications of becoming the token representative of a racial group. His wife asks, "Are you ashamed to be Mexican?"¹⁹ Johnson checks the box. He is not ashamed but rather "worried that law schools in search of a bona fide Latino might view [him] as an imposter."²⁰ Left unsaid, but important to this tale, is that Johnson develops from a traditional legal scholar delving into the intricacies of civil procedure into a leading LatCrit scholar.²¹

To illustrate his journey, Johnson uses the metaphor of multiple "metaphorical borderlands,"²² a concept first developed by Gloria Anzaldúa.²³ He lives in borderlands as White and Mexican

phenomenon that occurs when those who are in a position of privilege assume that their perspective is universal and dominant and fail to see that there are other ways of seeing).

19. JOHNSON, *supra* note 13, at 121.

20. *Id.*

21. See *infra* notes 82-84 & accompanying text for description of LatCrit theory.

22. JOHNSON, *supra* note 13, at ix.

23. See GLORIA ANZALDÚA, BORDERLANDS! LA FRONTERA: THE NEW MESTIZA (1987) (describing a new mestiza that develops tolerance for contradictions and ambiguity, juggles cultures, and operates in a pluralistic mode); see also RENALDO ROSALDO, CULTURE AND TRUTH: THE REMAKING OF SOCIAL ANALYSIS 196-217 (2d ed. 1993); Mari J. Matsuda, *When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*, 11 WOMEN'S RTS. L. REP. 7 (1989).

American, poor and middle class, scholarship boy and California beach boy. He begins consciously to trace the borders of his multiple identities. Johnson's Anglo father encourages him to be proud of his Mexican heritage and instills in him a sense of social justice. At Berkeley he blossoms as he studies under Chicano professors and begins to learn more about the experience of Mexican Americans in California. At Harvard Law School, even though he had attempted to get along and characterized himself as an invisible "quasi-minority," he becomes the butt of cruel stereotypes. His fellow members of the Law Review falsely lampoon him as a drug abuser and author of *I Hate Whites* at a banquet with law professors, judges and important alumni in attendance. As a young attorney, he discovers that he feels the most satisfaction in his *pro bono* representation of Central American refugees seeking asylum. It is through greater knowledge, both academic as well as self-knowledge earned through unrelenting self-questioning, that he comes to the decision that, for him, authenticity²⁴ lies in reaffirming his Mexican self. This search to find the authentic self in "normal" society²⁵ is one in which all of us are fellow travelers, and thus his tale resonates.

*C. Hing: A Multicultural Small Town in America*²⁶

Hing limits his use of autobiography to introduce his topic. His narrative is sketched only briefly in ten pages,²⁷ nonetheless, he is effective in using the personal narrative. He opens with his own growing up story and provides what is, for most of us, an eye-

24. Authenticity is a complex term and one that, as George Martinez points out, legal scholars have not yet sufficiently explored. See George A. Martinez, *Philosophical Considerations and the Use of Narrative in Law*, 30 RUTGERS L.J. 683, 692 (1999). As W.E.B. Du Bois has pointed out, minorities live in a dual world, and negotiate between divided selves. See W.E.B. DU BOIS, *THE SOULS OF BLACK FOLK* 3 (1903) ("The Negro . . . is . . . born with a veil, and gifted with second-sight . . . [In] this double-consciousness . . . [o]ne ever feels his two-ness,—American, a Negro; two souls, two thoughts, two unreconciled strivings; two warring ideals . . .").

25. Cf. Martinez, *supra* note 24, at 693-94:

When we fall into an inauthentic way of being. . . . We engage in activities and interpret the world in the manner that is normal in our society. This limits the possibilities for action to what lies with the realm of a standard world—i.e., the typical, the usual or that which is appropriate.

See *id.* (citing HUBERT L. DREYFUS, *BEING IN THE WORLD: A COMMENTARY ON HEIDEGGER'S ON BEING AND TIME*, Division I 328 (1991)).

26. See BILL ONG HING, *TO BE AN AMERICAN: CULTURAL PLURALISM AND THE RHETORIC OF ASSIMILATION* (1997).

27. See *id.* at 6-12, 32-35.

opening glimpse at an unfamiliar multicultural America. Through his family story he shows us *his* reality—that ethnic, racial and cultural pluralism can be normal in America.

Hing grew up in a small copper mining town in central Arizona that is a veritable cultural melange. Hing's Cantonese family members speak Spanish, English and Cantonese. Hing develops his first crush on a Mexican American girl. His best friend is Pancho. His mothers and sisters expertly cook up Mexican cuisine. He hangs out with Navajo and Apache kids. In this close knit small town in central Arizona, very different ethnic and racial groups purportedly interrelate and interact harmoniously, each retaining their distinct cultural flavor, yet living in close community, relying on and learning each from the other. We come to easily understand Hing's commitment to his legal topics and his passion for more compassionate immigration laws and cultural pluralism. His experience leads him to reject Nathan Glazer's assertion that "American culture overwhelmingly leads to assimilation and homogenization."²⁸

These authors engage us, and no doubt they will entice the ephemeral "crossover" reader. All three establish their credibility and expertise to take on each book's more complex legal arguments. As well, each reveals his stake in the legal arguments that he makes.

II. The Legal Agendas

Let us now consider the methodological question posed by this hybrid genre: why use narrative to make legal arguments? Narrative as a legal methodology has attracted a great deal of criticism. The main concerns are that it is too anedoctal, appeals to emotions and often makes no explicit and clear connections to legal arguments.²⁹

The response is that narrative has special value in race

28. Nathan Glazer, *Multiculturalism and Public Policy*, in VALUES AND PUBLIC POLICY 113, 141 (Henry J. Aaron et al. eds., 1994).

29. See, e.g., FARBER & SHERRY, *supra* note 3, at 73-117 (arguing that non-verifiable anecdotes are highly subject to manipulation); RICHARD A. POSNER, OVERCOMING LAW 368-84 (1995) (suggesting CRT is solely concerned with oppression of African Americans); Anne M. Coughlin, *Regulating the Self: Autobiographical Performances in Outsider Scholarship*, 81 VA. L. REV. 1229 (1995) (stating that experience related in narrative is highly situated and subjective and replicates the errors of traditional legal argumentation); Douglas E. Litowitz, *Some Critical Thoughts on Critical Race Theory*, 72 NOTRE DAME L. REV. 503 (1997) (finding CRT does not look like a legal argument); Tushnet, *supra* note 4, at 259-62 (claiming CRT is not very effective in connecting the particular to the general and there is no way to tell whether anecdote is truly relevant or typical).

relations discourse. First, what we call race is a social phenomenon that is experienced subjectively. When race theorists assert that race is "socially constructed" they mean that race is an objective phenomenon (say having Black skin) that has no positive or negative meaning until humans, and their social mores, history and laws, provide that social meaning (as is encapsulated by White supremacist ideology). One of the premises of CRT is that those who experience race in their everyday social world experience it as "subordination." This is a complex subjective experience.³⁰ Psychologists and sociologists in laboratory studies can observe some aspects. They have documented the various ways in which Whites, consciously and unconsciously, discriminate,³¹ stereotype³² or otherwise engage in preferential in-group behavior vis-à-vis out-groups composed of persons of other races.³³ In addition, race is a cognitive phenomenon, which can be explained by how individuals experience race, how they become aware of race as being a part of their lives, and how they provide meaning to these experiences.³⁴ Autobiographical narratives document, on a personal and anecdotal scale, the various types of discrimination experienced by racial minorities already catalogued

30. See, e.g., DU BOIS, *supra* note 24 (reporting on African Americans' double consciousness); ANZALDÚA, *supra* note 23 (describing a pluralistic mode of being).

31. See Samuel L. Gaertner & John F. Dovidio, *The Aversive Form of Racism*, in PREJUDICE, DISCRIMINATION AND RACISM 61-86 (John F. Dovidio & Samuel L. Gaertner eds., 1986) (presenting a wide variety of studies on unconscious racism). See generally JOHN DUCKITT, *THE SOCIAL PSYCHOLOGY OF PREJUDICE* 58 (1992) (surveying the ebb and flow of socio-psychological literature); Sylvia R. Lazos Vargas, *Deconstructing Homo[geneous] Americanus: The White Ethnic Narrative and Its Exclusionary Effect*, 72 TULANE L. REV. 1493, 1567-72 (1998) [hereinafter *Homogeneous Americans*] (describing psychological studies on racial attitudes).

32. See COGNITIVE PROCESSES IN STEREOTYPING AND INTERGROUP BEHAVIOR 115-45 (David L. Hamilton ed., 1981) (documenting how cultural notions of racial stereotypes will influence individuals' gathering of data and memory).

33. See Henri Tajfel & J. Turner, *An Integrative Theory of Intergroup Conflict*, in THE SOCIAL PSYCHOLOGY OF INTERGROUP RELATIONS 38 (W. Austin & S. Worchel eds., 1979).

34. There are two perspectives from which this has been studied. One is the individual psychological effect of racial prejudice. See, e.g., ELLIS COSE, *RAGE OF A PRIVILEGED CLASS* (1993) (documenting individual psychological stresses of African Americans experiencing discrimination); WILLIAM H. GRIER AND PRICE M. COBBS, *BLACK RAGE* (1992) (providing anecdotal data). The other is the group social effects. See JOE R. FEAGIN & MELVIN P. SIKES, *LIVING WITH RACISM: THE BLACK MIDDLE-CLASS EXPERIENCE* 15 (1994) (documenting how African Americans conceptualize discrimination and racism); JENNIFER L. HOCHSCHILD, *FACING UP TO THE AMERICAN DREAM: RACE, CLASS AND THE SOUL OF THE NATION* 72-75 (1995) (recompiling and analyzing attitudinal data showing the various ways in which African Americans are conscious of ongoing systemic discrimination against them, and yet continue to strive for and pursue the "American Dream").

by scientists in laboratories.³⁵ Thus, narratives can be said to provide a *qualitative* dimension to our knowledge of race that cannot be captured by scientific data alone.³⁶

Second, narrative can be viewed as a mode of communication that can lead to more meaningful engagement. Rhetoric that confuses, rather than engages, has become overly dominant in race relation discussions.³⁷ Authentic narratives can help gain the necessary insights to better understand arguments that on first reaction seem extreme, or "beyond reason." When we come to understand another's experience, we can sometimes catch a glimmer of why that person is so steadfast in a point of view that we initially find foreign and nonsensical.³⁸ Narrative can help us intuit our racial differences, and with that insight we can then move on to measured legal argumentation that truly engages the other's viewpoint. Richard Delgado makes a similar point when he observes that narratives that can claim intellectual and emotional authenticity hold the promise of helping us "challenge the received wisdom They can open new windows into reality, showing us that there are possibilities for life other than the ones we live. They enrich imagination [Narratives] can quicken and engage conscience."³⁹

Moreover, scholars have found that identifying the myths, or meta-narratives, that underlie racial dialogue can be helpful in explaining why racial and other trait-based divisions are so enduring, in spite of good faith and ever changing relationships.⁴⁰

35. This is the classic defense of narrative. See Kathryn Abrams, *Hearing the Call of Stories*, 79 CAL. L. REV. 971, 989 (1991); Richard Delgado, *Storytelling for Oppositionists and Others: A Plea for Narrative*, 87 MICH. L. REV. 2411, 2414-15 (1989).

36. Philosopher Edmund Husserl proposed that, by focusing on the act of experiencing something, rather than the ostensibly objective thing being experienced, one could produce a new kind of human experience that went beyond scientific knowledge. See EDMUND HUSSERL, *CARTESIAN MEDITATIONS: AN INTRODUCTION TO PHENOMENOLOGY* (trans. Dorion Cairns, 1973) (criticizing the concept of objective research and observation). But see *supra* note 29 (discussing works that dispute the value of attempting to capture the subjective dimension of a contested topic, such as race).

37. See *supra* note 5 (citing critiques of Farber and Sherry that can be interpreted to support this assertion).

38. Cf. Edward Rubin, *On Beyond Truth: A Theory for Evaluating Legal Scholarship*, 80 CAL. L. REV. 889 (1992) (proposing similar method to evaluate controversial scholarship like narratives and CRT).

39. Delgado, *supra* note 35, at 2414-15.

40. This insight has primarily developed outside of law. See, e.g., FRANTZ FANON, *THE WRETCHED OF THE EARTH* (1965) (anthropology); EDWARD SAID, *CULTURE AND IMPERIALISM* (1993) (cultural studies); EVE KOSOFKY SEDGWICK, *EPISTEMOLOGY OF THE CLOSET* (1990) (literary criticism). In another work I

Meta-narratives are an important subtext of racial conversations.⁴¹ The argument here is that, within a pluralist society, groups with distinct histories, like racial minorities, develop their own distinctive narratives to construct their social and cultural identity. Some features align with the national dominant narrative and reflect the values of the entire community; for example, Jennifer Hochschild has documented African Americans' belief in the American Dream and how this racial group values hard work and merit.⁴² Other features of cultural meta-narratives are specific to that group and help provide a way to make sense of past racial experience. For instance, an African American narrative must make sense of this group's collective suffering under slavery, just as a Jewish meta-narrative must make sense of this group's collective suffering in the Holocaust. Deciphering meta-narratives can provide insights that help us to understand where differences lie and allow us to listen better. Autobiographies and individuals' memories of struggles and accomplishments provide the data that can help us gain the insights necessary to ascertain meta-narratives.

In subparts A and B below, I discuss Fair and Johnson's autobiographical narratives, which use autobiography as a core part of the legal argument. Part C analyzes Hing's use of autobiography, which he limits to informing the reader of his own personal biases. Which is effective, and why?

describe a Euro-ethnic immigrant narrative as the ascendant national narrative, and I relate this to the various narratives that place racial minorities' in their current racial "boxes." See Lazos Vargas, *Homogeneous Americans*, *supra* note 31, at 1505-42; see also Lisa Ikemoto, *Traces of the Master Narrative in the Story of African American/Korean American Conflict: How We Constructed "Los Angeles"*, 66 CAL. L. REV. 1581, 1582 (1993).

41. Consider Rollo May's description of the importance of myth:

There are . . . two ways human beings have communicated through their long and fitful history. One is rationalistic language A second way is myth. The myth is a drama which begins as a historical event and takes on its special character as a way of orienting people to reality [B]y the myth the individual finds his sense of identity The myth unites the antinomies of life: conscious and unconscious, historical and present, individual and social.

ROLLO MAY, *THE CRY FOR MYTH* 26 (1991).

42. See HOCHSCHILD, *supra* note 34, at 250-60. Hochschild comments that the American Dream is an ideology that "performs brilliantly" and provides a "unifying vision but allows infinite variations within that vision." *Id.* at 250. Hochschild seeks to answer why, in the face of discrimination and disparate economic circumstances, African Americans believe in the American Dream as strongly as do Whites. See *id.* at 60-88. Data shows that both races believe in the American Dream, but that key differences exist by race and socioeconomic status. See *id.* at 55-213.

A. Fair: *Racial Caste and the Critique of Colorblindness*⁴³

Fair's legal agenda is the most ambitious of the three. As the title of his book signals, *Notes of a Racial Caste Baby, Colorblindness and the End of Affirmative Action*, he sets out in pursuit of three legal topics: describing racial caste as a system of racial oppression, critiquing the Supreme Court's "color blind" interpretation of the Equal Protection clause, and defending affirmative action. His autobiographical narrative serves two functions. First, his life experience is an anecdotal defense of affirmative action. Second, his story illustrates the concept of a "racial caste baby."

In the Introduction, Fair sets the tone by linking his life experience to affirmative action:

Many blacks in Columbus and elsewhere in the United States are born into conditions like those I [experienced] . . . and most remain there. I escaped. . . . One important factor was remedial affirmative action. It helped me move from the ghetto into more rigorous schools and increasingly nurturing environments. So no one can tell me that affirmative action does not work. It did for me, as it has for many other Americans.⁴⁴

Affirmative action has come to be a short hand for many different kinds of racial representation programs ranging from racial quotas to academic diversity. Fair is a *remedial* affirmative action baby, a modality that compensates for decreased opportunities due to the legacy of racial segregation and unequal schools and jobs for racial minorities.⁴⁵ As a child of the "Black ghetto," Fair's opportunities were vastly limited. In spite of his high grades, extracurricular educational activities, and the mentoring of gifted teachers, the schools he attended did not provide him with the kind of education that SAT scores reward. As Fair recognizes, remedial affirmative action is central to his tale, because it permitted him the opportunity to "escape."⁴⁶

In the passage quoted above, as well, Fair asserts that his is the prototypical profile of many African Americans. The title of Fair's book, *Notes of a Racial Caste Baby*, alludes to a

43. See FAIR, *supra* note 9.

44. *Id.* at xvi.

45. Indirectly, Fair's narrative also makes a case for the class and race "diversity" rationale of affirmative action. He possessed the intangibles, not measured by LSAT scores, that many now advocate should play a greater role in law school admissions. He was resourceful, highly motivated, and a very hard worker (how many of his college peers had to work from the age of seven just to stave off hunger?).

46. FAIR, *supra* note 9, at xvi.

juxtaposition of his experience against Stephen Carter's *Reflections of an Affirmative Action Baby*,⁴⁷ which is a complex critique of affirmative action. Using his own personal narrative, Carter argues that affirmative action reinforces stereotypes that African Americans are not as capable as Whites, and encourages Whites to judge minorities by the patronizing (s)he-is-the-best-minority-we-could-find standard, which places minorities on a lowered scale reflecting an expectation of inferior capabilities.⁴⁸ He contends that these pre-existing stereotypes are reinforced by the practice of affirmative action, and well-meaning White peers may be unable to recognize the excellence of minorities' individual records.⁴⁹ For Carter, affirmative action should not be prolonged.⁵⁰ He comes to believe that affirmative action harms middle-class African Americans like him.⁵¹

By contrast, Fair supports affirmative action for the indefinite future. He argues that remedial affirmative action was necessary to end segregation and overt racial discrimination in industry and academia.⁵² Affirmative action re-establishes racial balance in a present day where past Jim Crow practices and more recent cronyism give White men a substantive advantage.⁵³ Colorblind doctrine that limits affirmative action programs is patently wrong because it "trivializes the causes and effects of current racial caste."⁵⁴

How can two affirmative action babies be so far apart? Fair and Carter share many experiences as African American professionals, but theirs are counter-narratives. These men come from foreign worlds. Carter grew up in Ithaca, a child of a university professor, a bookish boy who collected facts and top scores in school like other boys collect baseball cards. The racism he is most attuned to is different from Fair's. Carter is concerned with how the "box" of stereotypes, in which he believes he is placed by White peers, causes them to judge him as less capable because of his race and prevents him from being seen as an individual. By contrast, Fair sees no end to the segregated and unequal America of blighted Black and Brown ghettos separated from the White

47. CARTER, *supra* note 1.

48. *See id.* at 48-62.

49. *See id.* at 57.

50. *See id.* at 26-27.

51. *See id.* at 45, 72. Carter does not necessarily oppose remedial affirmation action. *See id.* (focusing critique on Harvard plan).

52. *See FAIR, supra* note 9, at 156, 158.

53. *See id.* at 126-27, 157.

54. *Id.* at 124.

middle class suburbs. Fair focuses on the "pervasiveness of racial caste."⁵⁵

Yet, while the concept of racial caste is central to understanding every legal, social and political point Fair makes, Fair never provides the reader a definitional and theoretical framework of racial caste. A reader could decipher his exposition by compiling both Fair's argumentation and contextual uses. For some readers such a task may be too daunting, and others, without clear definitional and theoretical premises, will not be able to process the wealth of information that Fair marshals. As the reader picks up the volume, the title teases, *Notes of a Racial Caste Baby*—just what is racial caste? Seemingly, "racial caste" consists of the past systems of slavery and Jim Crow, under which Whites relegated African Americans to the substratum of society with a variety of practices: segregating occupations and limiting African Americans to low paying jobs,⁵⁶ enforcing housing segregation and limiting African American ownership of lands,⁵⁷ prohibiting interracial marriage,⁵⁸ excluding African Americans from political participation,⁵⁹ and putting good education off limits.⁶⁰ These present effects of racial caste are what Fair calls "White privilege"—unearned economic and job market benefits as well as superior educational opportunities that Whites accrue by virtue of sitting at the apex of a racial caste system.⁶¹

This racial caste framework drives Fair's legal arguments that affirmative action is necessary for racial equity, and that colorblindness is unfair to African Americans that experience the consequences of race every day.⁶² As Fair points out, Thurgood Marshall's dissent in *Croson* utilizes a racial caste perspective when he argues that the Court should recognize the City of Richmond's past Jim Crow practices as sufficient proof of racial discrimination.⁶³

These are good arguments, but no author should assume common ground when it comes to race. A key tenet of CRT is its assertion that Whites and racial minorities possess distinct racial

55. *Id.* at 170.

56. *See id.* at 116-20.

57. *See id.* at 6, 10-11, 97-98.

58. *See id.* at 76, 81.

59. *See id.* at 72.

60. *See id.* at 3, 106-07.

61. *See id.* at 54-55, 71, 156.

62. *See id.* at 168-72.

63. *See id.* at 138-41 (discussing *City of Richmond v. Croson Co.*, 488 U.S. 469, 528 (1989) (Marshall, J. dissenting)).

understandings. This assertion can be made without stereotyping or essentializing and is grounded in empirical data.⁶⁴ A series of individuals with a common racial characteristic, say being African American, can share experiences when it comes to a social and psychological dynamic, such as racial prejudice.⁶⁵ For example, the "best Black" box that Stephen Carter describes is his own experience,⁶⁶ but it resonates with other professional minorities. Both Kevin Johnson and Fair similarly describe this experience in their own narratives.⁶⁷ Theorists generalize and call this a common *racial* experience, although there may be some minority individuals who do not share in the theorists' interpretations of similar experiences.⁶⁸ Because minorities experience their lives as limited—either by society's labeling or distinct substantive disadvantages—some suggest that racial minorities' view of race can be characterized as endemic and systemic, while Whites' racial perspective can be characterized as attenuated and removed from their immediate lives.⁶⁹

64. The perception of how widespread racial discrimination is in our society is a key racial difference. The following percentages of African Americans, Hispanics and Asians, respectively, perceive prejudice towards their group: 84%, 90% and 95%. See HARRY H. L. KITANO AND ROGER DANIELS, *ASIAN AMERICAN: EMERGING MINORITIES* (2d ed. 1995). Twenty-five percent of all African Americans report acts of discrimination "almost every day." By contrast, only four percent of Whites report experiencing some form of discrimination, generally as a remark based on ethnic stereotypes. Ethnic minorities not fully assimilated as White, such as Jews, report experiencing greater discrimination (40%). See HOCHSCHILD, *supra* note 34, at 72-75 (citing a survey by the National Opinion Research Corporation). The manner in which each group describes racial discrimination is also key. See generally FEAGIN, *supra* note 34 (describing through interview data that racial minorities conceptualize discrimination in concrete terms, while Whites conceptualize it in the abstract).

65. See *e.g.*, PATRICIA HILL COLLINS, *BLACK FEMINIST THOUGHT: KNOWLEDGE, CONSCIOUSNESS, AND THE POLITICS OF EMPOWERMENT* 33 (1990) ("It is more likely for Black women as members of an oppressed group to have critical insights into the condition of their own oppression than it is for those who live outside those structures."); IRIS MARION YOUNG, *INTERSECTING VOICES: DILEMMAS OF GENDER, POLITICAL PHILOSOPHY, AND POLICY* 25 (1990) ("The collective otherness of serialized existence is thus often experienced as constraint, felt necessities that often are experiences as given or natural. Members of the series experience themselves as powerless to alter this material milieu, and they understand that the others in the series are equally constrained.")

66. See *supra* note 48 and accompanying text.

67. See JOHNSON, *supra* note 13, at 16-20, 39-40, 48-49, 122-27; FAIR *supra* note 9, at 54-56.

68. See *infra* note 74.

69. See Alan David Freeman, *Legitimizing Racial Discrimination Through Antidiscrimination Law: A Critical Review of Supreme Court Doctrine*, 62 MINN. L. REV. 1049, 1052-57 (1978); Charles R. Lawrence III, *The Id, the Ego and Equal Protection: Reckoning with Unconscious Racism*, 39 STAN. L. REV. 317, 374-75 (1987).

CRT has developed multiple frameworks to help theorize what accounts for minorities' experiences of racial subordination. At one end, Derrick Bell and Richard Delgado, pioneers of CRT, emphasize the class and political components of racial discrimination.⁷⁰ They see racial oppression as part of a class struggle in which Whites are invested in continuing racial minorities' oppression.⁷¹ Other work makes a less strong claim and focuses on the cognitive aspects of different racial experiences and asserts that Whites and racial minorities have distinct understandings of the social dynamics of race.⁷² For example, in *The Id, the Ego and Equal Protection*, Charles Lawrence uses a cognitive/cultural framework to argue that the law should diffuse stereotypical racial assumptions by affecting the norms of our cultural environment.⁷³ Yet others, like Carter, fall outside CRT but still see a dichotomy between an African American and White collective consciousness.⁷⁴ These individual scholars view racial problems less systemically, and do not advocate wholesale changes in established legal approaches.⁷⁵

This hybrid genre provides Fair with the opportunity to make a connection between how he experiences race and his legal argument. But because Fair only sketches what he means by racial caste, his narrative appears disconnected from his legal analysis. This is a lost opportunity to provide deeper insights. Fair's narration is honest and engages the reader. Thus, he achieves intellectual and emotional authenticity, what Delgado describes as the first step to breaking through to providing deeper

70. See DERRICK BELL, *AND WE ARE NOT SAVED: THE ELUSIVE QUEST FOR RACIAL JUSTICE* (1989); DERRICK BELL, *FACES AT THE BOTTOM OF THE WELL* 3 (1992) [hereinafter BELL, *FACES*]. Delgado's work can also be similarly described. See *infra* note 77.

71. Bell's "interest convergence" theory that Whites will only ameliorate racial minorities' social condition when this converges with White interests is an example. See BELL, *FACES*, *supra* note 70, at 7.

72. I elaborate such an approach, taking as a beginning premise that Whites and racial minorities understand race very differently. See Sylvia R. Lazos Vargas, *Democracy and Inclusion: Reconceptualizing the Role of the Judge in a Pluralist Democracy*, 58 MD. L. REV. 152, 160-83 (1999) [hereinafter Lazos Vargas, *Democracy and Inclusion*].

73. See Lawrence, *supra* note 69, at 328.

74. See Alex M. Johnson, Jr., *The New Voice of Color*, 100 YALE L.J. 2007 (1991) [hereinafter *The New Voice of Color*] (unifying "meritocratic" frameworks of race, such as Carter's and Randall Kennedy's, with "monistic" approaches, like Bell's, Delgado's and Matsuda's as "voices of color" in that both view racial discrimination in America as significant, endemic and oppressive).

75. I include Randall Kennedy's work in this category. See Kennedy, *supra* note 4 (criticizing CRT for not placing enough emphasis on minority individuals' ability to succeed on the basis of merit).

racial understandings.⁷⁶ But Fair does not explicitly draw the connections between the emotional understanding of race, which he develops so skillfully in his autobiography, to his legal arguments relating to the constitutional interpretation of the Equal Protection Clause and affirmative action.

In fairness to Fair, it may well be that he sees no connection between his autobiography and his subsequent legal arguments. If so, this seems ironic because Fair's autobiography fits in so well with and illustrates the meta-narrative of racial caste. Fair's version⁷⁷ of this meta-narrative would read something like this:

Our great-grandparents were slaves. But slavery never broke us. We triumphed because of our spiritual faith, our families and communities, and our strong bodies. Jim Crow laws and White prejudice reserved the good jobs for Whites and restricted us to menial jobs. Civil Rights gave us the legal right to compete for better jobs, but still we continued to suffer racial prejudice. The present effects of racial caste hold us back. Our schools do not prepare our children. Inadequate housing is still too expensive. Remedial affirmative action gives us the opportunity to overcome prejudice and substantive disadvantages. It gives us the chance to work hard and show that we are deserving of that opportunity.⁷⁸

Fair thinks of himself as a descendant of slaves. He knows his grandparents were limited by Jim Crow to "Black jobs" as porters and servants.⁷⁹ He never blamed his mother for his poverty nor lost faith in himself; instead, he blamed racial caste.⁸⁰ The heroic component of the narrative helps Fair makes sense of his suffering and provides him with the confidence and optimism to persevere and triumph. This narrative, as well, explains why he is so convinced that remedial affirmative action should be preserved.

If Fair could have linked these narratives to the theoretical

76. See Delgado, *supra* note 35, at 2414-15.

77. Richard Delgado's version of the African American narrative depicts: a history gory, brutal, filled with more murder, mutilation, rape, and brutality than most of us can imagine or easily comprehend. . . . It includes infant death rates among blacks nearly double those of whites, unemployment rates among black males nearly triple those of whites, and a gap between the races in income, wealth, and life expectancy that is the same as it was fifteen years ago, if not greater. It includes despair, crime, and drug addiction in black neighborhoods, and college and university enrollment figures for blacks that are dropping for the first time in decades.

Id. at 2417-18.

78. *Cf.* FAIR, *supra* note 9, at ix-54 (telling his life story along these lines).

79. See FAIR, *supra* note 9, at 6.

80. See *id.* at 6-9.

framework and then drawn on this to make his legal arguments, he could have realized the full potential that this hybrid genre has to offer, bridging racial discourse with emotive insight and academic rigor. Even though Fair did not capitalize on his narrative, his book makes a valuable contribution. For those who can decipher this book, he shows how a scholar theorizes from the personal. Fair shows that a racial caste perspective frames his racial identity as well as his intellectual identity. From a popular genre perspective, Fair also makes a needed contribution. Narratives adopting a racial caste perspective, like Fair's, are important counter narratives to middle-class perspectives, like Carter's. Both sets of narratives are legitimate and both need to be engaged by academics as well as popular audiences.⁸¹

B. Johnson: Multiple Racial Identities and the Element of Choice

Johnson is a critical race theorist, and more specifically, his work can be described as part of the nascent LatCrit movement, an outgrowth of CRT, "similar though not identical."⁸² LatCrit breaks away from the Black-White racial dichotomy. As a further refinement of CRT, LatCrit focuses on the multiple dynamics that construct and contextualize race for Latinas/os.⁸³ Johnson's effort falls within this movement. His purposes are to: illustrate the diversity of Latinas/os; explore what racial identity means to someone of "mixed race;" and critique the immigrant "melting pot" assimilation ideology.⁸⁴

Johnson uses narrative extensively in his story of a search for racial identity.⁸⁵ This methodological choice is astute, because he makes this topic accessible. He thereby eschews the heavy theoretical terminology: "multiplicity," "hybrid," "intersectionality," "authenticity," "agency" and "subjectivity/objectivity" which most academics use when writing on the same topic. As a twelve-year-old remarked about the academic presentations at a LatCrit Symposium, "sometimes you can't understand what they are saying because they use such big words—but it *seems* interesting."

81. Cf. *The New Voice of Color*, *supra* note 74 (arguing that both meritocratic and monistic frameworks are legitimate).

82. LATCRIT: A CONCEPTUAL OVERVIEW, in LATCRIT PRIMER I (1999) (excerpted from Francisco Valdés, *LatCrit: A Conceptual Overview*, in FRANCISCO VALDÉS, CRITICAL RACE THEORY: HISTORIES, CROSSROADS, DIRECTIONS).

83. *See id.*

84. *See* JOHNSON, *supra* note 14, at 8-9.

85. *See id.* at ix.

Because Johnson uses the narrative vehicle, he makes the complex subject of racial identity accessible to a whole range of readers, from other "mixed" race kids, like the college freshman whose father is a Latino law dean and mother is a White Midwesterner, to academics, like the colleague whose question, "How did you get to be a Mexican?" to Johnson inspired the title for this book.⁸⁶ He captures the dilemma and emotional pain of those moments of truth: what racial classification box to mark in the college application? Should I remain quiet when peers make the inevitable derogatory racial allusion? How to reconcile the coded messages from Euro-ethnic relatives and those of the minority side of the family? What is important is that Johnson depicts his dilemmas as deeply personal moments when he is called upon to decide who he really is. He candidly reports his thoughts, the ones he is proud of and the ones he would rather forget. It is Johnson's narrative that teaches us that racial choices are part of a minority individual's deeply personal search for authenticity.⁸⁷

The "search for racial identity" is a highly relevant theme for Latinas/os, a minority group that in the United States is comprised of Mexican Americans, Puerto Ricans, Cuban Americans and Central Americans.⁸⁸ From one-third to one-half of all Mexican Americans intermarry, most to Anglos.⁸⁹ The highest interracial marriage rates, close to half, occur among Californian women,⁹⁰ like Johnson's mother, whose offspring by definition will be of "mixed race." They, like Johnson, must resolve what it means to be half Mexican in states like California that have a history of racial treatment of Mexican Americans under Jim Crow and alien deportation laws. Moreover, the racial heritage of Latinas/os is already mixed by definition. As novelist Carlos Fuentes writes, the intermixing in the Americas of Spanish, indigenous and African people gave rise to the racial mixture we now call "Hispanic."⁹¹ The phenotypes within this racial melange

86. See *id.* at 122.

87. See *supra* notes 24-25 and accompanying text (defining authenticity).

88. See BUREAU OF THE CENSUS, U.S. DEPT OF COMMERCE, POPULATION ESTIMATES BY RACE AND HISPANIC ORIGIN FOR STATES, METROPOLITAN AREAS AND SELECTED COUNTIES: 1980-1985, CURRENT POPULATION REPORTS SERIES P-25, NO. 1040-RD-1, at 15-17 (1989).

89. See H. EDWARD RANSFORD, RACE AND CLASS IN AMERICAN SOCIETY: BLACK, LATINO, ANGLO 120-21 (2d ed. 1994).

90. See *id.*

91. See CARLOS FUENTES, THE BURIED MIRROR: REFLECTIONS ON SPAIN AND THE NEW WORLD 348 (1992).

range from blue eyes and fair skin to the indigenous—all within the same family. The genetic throwback to a non-White family member is so common that in Puerto Rico the saying “*y tu abuela, dónde está?*” (“and your grandmother, where is she?”) is meant to counter anyone who would claim pure White racial lineage.

The academic side of Johnson's work lies in the last two chapters where he introduces two essays, *Lessons for Latino Assimilation*⁹² and *What Does This All Mean for Race Relations?*⁹³ As shown by the triumph of the bilingual education initiative in California and the landslide wins of English-only initiatives elsewhere, there continues to be a debate, both within the Latina/o community and in the broader American polity, whether and how cultural/racial minorities should assimilate. The most extreme version of assimilation, which will be referred to as the “melting pot” view, holds that persons coming to America should “throw out” their cultural identity and adopt wholesale instead the customs, language, culture and religion of the dominant American society.⁹⁴ Members of new incoming cultural and ethnic groups should not seek any marked group distinctiveness, but instead adopt the values and customs of the dominant Anglo-Saxon culture. The model has its roots in the early 1900s, and even before. Mass immigration into the United States and the perceived national need for more lands for expansion, an ideology that went by the shorthand of “manifest destiny,” combined to construct the Anglo-Saxon tradition, not only the dominant cultural mode, but for most, the only acceptable tradition for Americans.⁹⁵ As well, some immigrants voluntarily threw off their old roots, and viewed their passage into the United States as an opportunity to leave an oppressive Old World behind and take on a new identity in the New World.⁹⁶ Within the Latina/o community,

92. See JOHNSON, *supra* note 13, at 152-74.

93. See *id.* at 15-82.

94. See generally NATHAN GLAZER & DANIEL PATRICK MOYNIHAN, *BEYOND THE MELTING POT: THE NEGROES, PUERTO RICANS, JEWS, ITALIANS, AND IRISH OF NEW YORK CITY* viii-xxxiii (1970) (sociological study of ethnic groups in New York).

95. See generally JOHN HIGHAM, *STRANGERS IN THE LAND: PATTERNS OF AMERICAN NATIVISM 1860-1925* (1988) (documenting the struggle of immigrants to the United States).

96. The play “The Melting Pot” captures this ideology:

America is God's crucible, the great Melting Pot where all the races of Europe are melting and re-forming! Here you stand, . . . in your fifty groups, with your fifty languages and histories, and your fifty blood hatreds and rivalries. But you won't be long like that, brothers, for these are the fires of God you've come to—these are the fires of God. A fig for your feuds and vendettas! Germans and Frenchmen, Irishmen and Englishmen, Jews and Russians—into the Crucible with you all! God is

Richard Rodriguez⁹⁷ and Linda Chávez,⁹⁸ both authors of best sellers and now newspaper columnists, have prominently championed the melting pot assimilationist model. For Rodriguez, "assimilation happens" as an irresistible transformation that occurs in the journey from uneducated, poor and devout Catholic to scholarship boy, middle class and reluctant Catholic.⁹⁹ For Chávez, assimilation is a utilitarian and American cultural norm, which opportunistic minority leaders challenge only to capitalize on political factionalism.¹⁰⁰

In contrast, Johnson argues that "melt your Mexican self away" assimilation is a coercive mandate and does not adequately describe the racial dynamics that affect Latinas/os. Latinas/os cannot assimilate, in part, because they are still the objects of racial ideologies, the legacy of past racial caste practices in states like Texas, New Mexico, Arizona and California. He argues for a less drastic model of assimilation—acculturation, where the incoming immigrant group retains its cultural distinctiveness and co-participates in the national civic community.

His academic viewpoint ties in well with his narrative. His own personal autobiography demonstrates that "melting pot" assimilation was something that he could not bring himself to do. Johnson's tale reveals that he was well aware of the benefits of "passing," as, for example, when he failed to reveal to the partners at his prestigious San Francisco law firm that he was Latino until he was assured of the path to partnership. But yet he can never bring himself to be a full time Anglo. He explains that to "choose" to be Anglo would mean that he would deny his mother's family and the culture of his mother's parents, something he tells us is too painful, or even impossible. He is also convinced that "melting pot" assimilation is harmful to the psyche.

This exploration may be sufficient for sympathetic readers, but probably would not persuade a skeptic like Justice Scalia, a son of an Italian immigrant,¹⁰¹ who declared in his *Adarand*

making the American.

ISRAEL ZANGWILL, *THE MELTING POT: DRAMA IN FOUR ACTS* 37 (1909); see also HOCHSCHILD, *supra* note 34, at 228.

97. See RICHARD RODRIGUEZ, *HUNGER OF MEMORY* (1982).

98. See LINDA CHÁVEZ, *OUT OF THE BARRIO: TOWARD A NEW POLITICS OF HISPANIC ASSIMILATION* (1991).

99. See RODRIGUEZ, *supra* note 97.

100. See CHÁVEZ, *supra* note 98, at 161-71.

101. See Antonin Scalia, *The Disease as Cure*, 1979 WASH. U. L.Q. 147, 152 (elaborating on his ethnic immigrant heritage). I argue that Scalia's concurrence in *Croson* embodies the White ethnic narrative in *Homogeneous Americans*, *supra* note 31 at 1528-30.

concurrence that, "[W]e are just one race here. It is American."¹⁰² Others, while accepting Johnson's own story as authentic, still may not understand why culture and family ties drove Johnson to *choose* to be a racial minority. This choice brings with it submitting himself to stereotyping, tying himself to a racial caste history, and constant interrogation—from Whites: why are you *choosing* separateness?—and from fellow Latinas/os: are you *really* Latino?

The key concept here is culture. The writings of Anthony Appiah, Charles Taylor and Will Kymlicka on identity, race and the formation of individual self worth are valuable.¹⁰³ Culture can be defined as beliefs, ideas and practices of a group that has collective self-awareness. When Johnson explains that his racial identity is important to him because abandoning his culture would be a denial of self, he is defining culture as an integral part of the formation of his individual identity. Liberal philosopher Will Kymlicka explains that "we should treat access to one's culture as something that people can be expected to want [l]eaving one's culture, while possible, is best seen as renouncing something to which one is reasonably entitled."¹⁰⁴

Confusion arises because in popular dialogue the term culture describes our national identity as well.¹⁰⁵ A collective culture for a country as large as the United States is abstract and must be invented. It has too many individuals and too wide a range of values for anyone to come up with a single coherent description of our culture.¹⁰⁶ But yet we do invent and debate cultural values all the time, because it is part of an exercise in liberal democratic politics. Thus, when Scalia asserts in *Adarand*

102. *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 239 (1995) (Scalia, J. concurring).

103. See K. ANTHONY APPIAH & AMY GUTTMANN, *COLOR CONSCIOUS: THE POLITICAL MORALITY OF RACE* (1996) [hereinafter *COLOR CONSCIOUS*]; KWAME ANTHONY APPIAH, *IN MY FATHER'S HOUSE: AFRICAN IN THE PHILOSOPHY OF CULTURE* (1992); WILL KYMLICKA, *LIBERALISM, COMMUNITY AND CULTURE* (1989); WILL KYMLICKA, *MULTICULTURAL CITIZENSHIP* (1995) [hereinafter *MULTICULTURAL*]; Charles Taylor, *Multiculturalism*, in *MULTICULTURALISM: EXAMINING THE POLITICS OF RECOGNITION* (Amy Guttmann ed. 1994).

104. KYMLICKA, *MULTICULTURAL*, *supra* note 103, at 86 (referring to Rawls' veil of ignorance as discussed in JOHN RAWLS, *POLITICAL LIBERALISM* 222 (1998)). Rawls, a liberal philosopher, uses the "veil of ignorance"—what would rational agents agree would be just if they did not know their social position or personal attributes?—to construct the principles of a theory of justice. JOHN RAWLS, *A THEORY OF JUSTICE* (1971).

105. APPIAH, *COLOR CONSCIOUS*, *supra* note 103, at 83-87.

106. See *id.* at 91-92.

that there is only one race,¹⁰⁷ he is making an aspirational statement about our cultural national identity.

Moreover, Johnson's racial culture and Scalia's White ethnic culture are not equivalent; the bonds of racial culture are generally much stronger than those of ethnic culture. Richard Alba's ethnographic studies show that most White Americans have a cultural identity, but for most this is a weak bond, consisting mainly of a preference for certain foods and favoring certain groups that reflect ethnic affiliation.¹⁰⁸ Alba theorizes that White ethnic identity functions mainly at an imaginative level, and connects many Americans with the immigrant ethnic narrative, a myth of triumph to middle class status through the virtues of hard work, merit and loyalty to the national identity.¹⁰⁹ On the other hand, racial minorities experience racial cultural communities as havens from a world that often appears hostile and rejects them.¹¹⁰ As well, they provide respite from daily "microaggressions" that effectively, even if subtly, communicate negative stereotypes.¹¹¹ Such communities create stronger cultural bonds. Thus, Whites can claim to value ethnic heritage, yet can also fail to see the qualitative and functional difference between their own Euro-ethnic culture and that of racial and ethnic minorities.

What is salient about Johnson's racial choice is how culture interacts with race. Johnson views himself, even though he is "mixed," as part of a racial group. Once an individual identifies with a racial group, racial labels, stereotyping and the assumptions of inferiority described by Stephen Carter,¹¹² come to shape that individual's identity. Charles Taylor explains,

our identity is partly shaped by recognition, or its absence, often by the misrecognition of others, and so a person or a group of people can suffer real damage, real distortion, if the

107. See *supra* note 102 and accompanying text.

108. See RICHARD D. ALBA, *ETHNIC IDENTITY: THE TRANSFORMATION OF WHITE AMERICA* 1-26, 47-60, 310-26 (1990) (discussing a 1990s survey shows that eighty percent of Americans do not simply identify themselves as Americans, but specify some form of Euro-ethnic symbolic identity).

109. See *id.* at 315-20; see also HOCHSCHILD, *supra* note 34, at 246-47.

110. See MARTHA MENCHACA, *THE MEXICAN OUTSIDERS: A COMMUNITY HISTORY OF MARGINALIZATION AND DISCRIMINATION IN CALIFORNIA* 218-21 (1995); see also T. Alexander Aleinikoff and Ruben G. Rumbaut, *Terms of Belonging: Are Models of Membership Self-fulfilling Prophecies?*, 13 *GEO. IMMIGR. L.J.* 1 (1998) (finding that the rise of anti-immigrant initiatives in California has caused Latino youth to increasingly reject American identity).

111. See Peggy C. Davis, *Law as Microaggression*, 98 *YALE L.J.* 1559, 1565 (1989). See generally COSE, *supra* note 34, (documenting individual psychological stresses of African Americans experiencing discrimination).

112. See *supra* notes 47-48 and accompanying text.

people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves.¹¹³

When racial identity is ambiguous, there is an element of choice, but that choice is limited by racial dynamics that "shape plans for [an individual's] own life and her conception of the good."¹¹⁴ To choose your way out of the racial label would require, as Johnson explains, concealing facts about yourself and hiding who you feel you are.¹¹⁵ This is the price to be paid so that those around you will unconsciously stop ascribing to you the characteristics of a racial label. At least for Johnson, this was too high a price.

Johnson raises another key issue yet to be fully explored by nascent LatCrit theory: just how bounded is the element of *choice* in Latinas/os' racial identity? He ably points out that for many Latinas/os who have fair looks and an Anglo surname, like Johnson, there is a degree of choice in racial identity. This is an option mostly inaccessible to African Americans. Some scholars can be interpreted as justifying the exclusive Black/White racial dichotomy based on this difference in racial dynamics.¹¹⁶ This is an issue that CRT and LatCrit must explore in future work.

Johnson, more than any author reviewed here, achieves the potential of this hybrid genre. He is most successful in debunking the myth of melting pot assimilation, which is where he bridges the emotive and the academic to make a complete argument as to why this ideological tenet is deeply coercive. However, Johnson does not fully exploit the most tantalizing issues he raises. Why did he leave these difficult questions untouched? One response is that he left these questions for another day. However, this hybrid genre allows us to glimpse another answer: that Johnson may not yet have worked out the full implications of his racial choices. The search for racial identity is deeply personal, and is a life-long experience. Johnson's answer is incomplete because his coming to terms with his racial identity and his search for intellectual authenticity is still in progress. This is revealing, because it may mean that each of us may only be able to grasp at partial answers. Johnson's narrative, a labor of courage, love and intellectual integrity, helps us to grasp one piece of this puzzle.

113. Taylor, *supra* note 103, at 36.

114. See APPIAH, *supra* note 103, at 78.

115. See *id.* at 80.

116. See, e.g., ANDREW HACKER, TWO NATIONS: BLACK AND WHITE, SEPARATE, HOSTILE, UNEQUAL 9-11 (1992) (describing Latinas/os and Asian Americans as ethnic groups that are almost totally assimilated and who refuse to recognize themselves as being "raced.").

At a popular level, Johnson is clearly successful. What he has up to now experienced and explored as part of his "becoming Mexican" covers many important issues. The twelve-year-old who wondered what all those law professors were really saying can find in this book tales that will help her make better sense of her own personal search for racial authenticity. At the level of popular discourse, Latina/o ethnicity appears to now be in vogue, thanks to Taco Bell commercials, Ricky Martin and a *Newsweek* cover declaring "Latin USA."¹¹⁷ Such apparent popularity creates confusion as to whether Latinas/os are just another ethnic immigrant group on the verge of assimilation success, or rather a racial/cultural group that continues to experience racial subordination. Johnson's work helps to define why Latinas/os remain a racial minority, albeit a complex one, and how Latinas/os struggle to forge a version of assimilation on their own terms.

C. Bill Ong Hing: Immigration and Multiculturalism

Hing's book does not clearly fall into the hybrid genre this Review Essay explores. He limits his use of narrative to inform the reader why he might have preconceptions in his treatment of two interrelated topics, first, a critique of immigration law's racial biases towards Asian Americans and Mexican Americans, and second, a defense of multiculturalism. Hing does not utilize narrative to inform his legal argument or to connect his readers with the emotive aspects of the legal arguments he is advancing. The hybrid genre, as envisioned in this Review, would do both.

Moreover, although he ascribes racist motives and ideology to explain immigration law's racial biases and popular opposition to cultural pluralism, Hing does not analyze these issues by scrutinizing racial dynamics. He limits himself to traditional approaches in which race becomes one more explanation for outcomes that he views as irrational. By not centering race as part of his discussion he is unable to provide a deeper explanation to the intractable and difficult issues he addresses. A CRT approach, on the other hand, when faced with a legal problem in which racial attitudes play a key role, responds by fully exploring how race functions in that particular context.

Traditional methodologies can be successful depending on the topic, as demonstrated by Hing's successful discussion of immigration law. He summarizes succinctly the long history of

117. *Latin U.S.A.: How Young Hispanics Are Changing America*, NEWSWEEK, July 12, 1999.

racially exclusionary policies reflected in immigration law.¹¹⁸ His discussion of reforms during the last decade nicely makes the connection between the past and continued targeting of Filipinos, Asians and Mexicans for exclusion. When he moves into the current political debate, he addresses whether immigration is harmful to states like California and minority groups who compete with immigrants for jobs.¹¹⁹

Hing marshals sociological and economic studies to illuminate with empirical data the many popular counter arguments for more inclusionary immigration policies: Do immigrants cost the public purse money?; Do immigrants take jobs away from Americans? Hing cites studies that show that the impact of immigrants on the public purse, because of their reluctance to use public services, over the long term is a net benefit, mostly to the federal purse.¹²⁰ He explains lucidly the case for immigration based on supply-side economics. Because of labor market segmentation, the bulk of immigrants do not compete head on with Americans, who are for the most part highly trained and attracted to more complex and high paying jobs. Rather, flexible and cheap labor makes feasible the economic survival of small local businesses, like ethnic restaurants and fresh produce markets, as well as manufacturing industries such as electronics, which without cheap labor might relocate outside of the United States.

Hing successfully uses traditional legal analysis, sociological and economic studies, to break through the irrationalities of the immigration debate. Hing concludes his analysis by outlining how a national policy debate tied to social science should be conducted. We should ask: "Do immigrants help the economy?"; "Who is hurt and who benefits by immigrant labor?"; "What are the global impacts of our national immigration policy?"¹²¹ Hing tempers a debate that too often runs hot.

Traditional analysis sputters in Hing's exploration of his second theme, multiculturalism. Hing comes to multiculturalism because national cultural attitudes are linked to immigration law.¹²² Americans' beliefs as to what our internal racial and demographic makeup should be, what cultural values should

118. See HING, *supra* note 26, at 13-31.

119. See *id.* at 129-145 (discussing low wage job competition amongst immigrants and African Americans).

120. See *id.* at 76-106.

121. See *id.* at 143-45.

122. See *id.* at 146-159.

dominate, and who should be able to participate and qualify as a member of the national community drive the politics of immigration policy. Hing's suggestion that immigration policy be reformed on more rational grounds requires him to explore the components of national cultural concerns.¹²³ Are they based on legitimate national identity concerns, or do these issues mask racial and cultural biases, what some have less charitably called, fears of demographic racial infection, assimilation anxiety, and the red herring of balkanization?

Historically, these questions have reflected racial attitudes and chauvinistic Anglo-centrism. Benjamin Franklin feared the German "boor" and ascribed to the Germans an unwillingness to assimilate and adopt the mores of the fledgling national identity.¹²⁴ Supreme Court case law, as well, is filled with references to Asians as unassimilable.¹²⁵ The modern equivalents, which Hing cites, include Patrick Buchanan (and his infamous Zulu comment), Peter Brimelow (author of *Alien Nation*), David Duke (former Ku Klux Klan wizard), and Alan Simpson (sponsor of restrictive immigration law reforms).¹²⁶

However, this motley group's assimilation anxiety and Anglo-centrism may not represent mainstream thinking. By addressing Buchanan and company, Hing may be giving undue credibility to racial animosity. As Pete Wilson's gubernatorial campaign demonstrates, opportunistic politicians capitalize on incendiary racial politics to catapult their own political ambitions.¹²⁷

123. See *id.* at 160-173.

124. See Benjamin Franklin, *Observations Concerning the Increase of Mankind* (1751), reprinted in 4 THE PAPERS OF BENJAMIN FRANKLIN 227-34 (Leonard W. Labaree et al. eds., 1961). Franklin stated:

[W]hy should the Palatine Boors be suffered to swarm into our Settlements, and by herding together establish their Language and Manners to the Exclusion of ours? Why should Pennsylvania, founded by the English, become a Colony of *Aliens*, who will shortly be so numerous as to Germanize us instead of our Anglifying them, and will never adopt our Language or Customs, any more than they can acquire our Complexion.

Id. at 234.

125. See, e.g., *Chae Chan Ping v. United States*, 130 U.S. 581, 595-96 (1889) ("Chinese laborers . . . immigrating . . . in numbers approaching the character of an Oriental invasion . . . they retained the habits and customs of their own country, and in fact constituted a Chinese settlement within the State, without any interest in our country or its institutions."); *Fong Yue Ting v. United States*, 149 U.S. 698, 717 (1893) ("[The Chinese are] of a distinct race and religion, remaining strangers in the land, residing apart by themselves, tenaciously adhering to the customs and usages of their own country . . . apparently incapable of assimilating with our people . . .").

126. See HING, *supra* note 26, at 146-47.

127. In his campaign for governor of California, Pete Wilson showered the airwaves with television ads showing pictures of Mexicans physically overrunning and swarming

However, their rhetoric may not reflect what concerns most Americans. Discussion of the multiculturalism debate requires Hing to determine the objections of the "middle-of-the-roaders" who drive American politics. Are their objections racially motivated too?

Hing cites the English-only initiatives and California's Proposition 187 campaign as being evidence that "middle-of-the-roaders" engage in racialized politics. However, in recent work, I have argued for more nuanced thinking, and declined to characterize these political movements by a single term, "racial prejudice."¹²⁸ Rather, the motivations of voters in these majority-minority conflicts are fraught with contradiction and complexity, and include such other nonracial motivations as a belief in a monistic symbolic representation of national identity,¹²⁹ exemplified by Scalia's "we are one race" comment.¹³⁰ Moreover, many of these debates trigger "we-they" thinking. When group dynamics come into play, the majority inevitably wins, but their vote may be reflexive and better viewed as a vote to preserve the familiar, established status quo, rather than as a vote "against" minorities.¹³¹

Just as Hing marshaled sociological studies to break through the irrationalities of the immigration debate, he attempts to do the same to counter multiculturalism detractors. Hing cites to data that show that Latinas/os and Asian Americans assimilate and acculturate at the same rates as prior immigrant groups.¹³² Fear of separatism, he notes, may be much overstated and may misinterpret a minority community's reflexive efforts to counter racial subordination.

around the United States-Mexico border. These ads suggested that a vote for Wilson was a vote against Mexican illegal immigrants. See Kevin R. Johnson, *The New Nativism: Something Old, Something New, Something Borrowed, Something Blue*, in *IMMIGRANTS OUT!: THE NEW NATIVISM AND THE ANTI-IMMIGRANT IMPULSE IN THE UNITED STATES* 165, 177-81 (Juan F. Perea ed., 1997); Joe R. Feagin, *Old Poison in New Bottles: The Deep Roots of Modern Nativism*, in *IMMIGRANTS OUT!: THE NEW NATIVISM AND THE ANTI-IMMIGRANT IMPULSE IN THE UNITED STATES* 13, 36 (Juan F. Perea ed., 1997).

128. See Sylvia R. Lazos Vargas, *Judicial Review of Initiatives and Referendums in Which Majorities Vote on Minorities' Democratic Citizenship*, 60 OHIO ST. L. J. 399, 462-73 (1999).

129. See *id.* at 468-69. Identifying a positive attachment to the symbols of national identity does not deny anti-minority sentiment in forming cultural values. However, in this context, I believe that it is useful to distinguish between what most members of the polity believe is their national identity and avoid universalized definitions of racial prejudice.

130. See *supra* note 102 and accompanying text.

131. See *id.* at 466-68.

132. See HING *supra* note 26, at 152-54.

These efforts are valiant. However, Hing's traditional approach does not work here because the multiculturalism debate reflects racial and ethnic tensions. Census data project that by 2050 this will be a majority-minority society.¹³³ Such impending demographic shifts are most visible in states like California. What the English-only and Proposition 187 initiatives show is that middle-of-the-road Americans have not yet worked out the impending consequences of changing ethnic and racial demographics.

The multiculturalism debate may not give way to the pressure of rational arguments.¹³⁴ Hing could have presented a more complete analysis by deploying CRT to penetrate beyond values and notions that appear out of touch. True, taking on these issues also requires what Hing calls the "right response . . . willingness of all of us—especially the educated, those with influence, and those who have tapped into the economic and political power structures—to acknowledge our responsibility and to . . . initiate change."¹³⁵ However, defenders of multiculturalism must first be able to understand the racial dynamics that distort political discourse. Only then can they take the steps that Hing advocates.

III. Some Thoughts for Future Efforts

CRT has moved substantially beyond the work of the pioneers, Richard Delgado, Derrick Bell, Charles Lawrence, Mari Matsuda and Patricia Williams. CRT has spawned related and complementary movements. *LatCrit*¹³⁶ and Asian Pacific legal studies¹³⁷ focus on culture, race formation and the assimilation pressures that racial and ethnic minorities experience. Critical White studies considers the inextricable mutuality of White and

133. See U.S. BUREAU OF THE CENSUS, POPULATION PROJECTIONS OF THE UNITED STATES BY AGES, SEX, RACE AND HISPANIC ORIGIN: 1995 to 2050 (1996).

134. See also Aleinikoff & Rumbaut, *supra* note 110 (finding large gap between social science and immigration policies that appears irrational).

135. HING, *supra* note 26, at 190.

136. See *supra* notes 82-83 and accompanying text. See also *LatcritIII Symposium, Comparative Latinas/os: Identity, Law and Policy in LatCrit Theory*, 53 U. MIAMI L. REV. 575 (1999), 4 U. Tex. Hispanic L.J. (1999).

137. See Robert S. Chang, *Toward an Asian American Legal Scholarship: Critical Race Theory, Post-Structuralism, and Narrative Space*, 81 CAL. L. REV. 1241, 1314-22 (1993), 1 ASIAN L.J. 74-82 (1994); Elizabeth M. Iglesias, *Out of the Shadow: Marking Intersections In and Between Asian Pacific American Critical Legal Scholarship and Latina/o Critical Legal Theory*, 40 B.C.L. REV. 349, 19 B.C. THIRD WORLD L.J. 349 (1998).

racial identities.¹³⁸

The hybrid genre described here represents a new CRT enterprise. As envisioned in this Review, it consists of three parts: an autobiographical narrative in which the author explores some racial issue by providing authentic accounts from her life experience; rigorous legal analysis of the race relations topics the author raises; and express linkage between the subjective narrative experience and legal analysis. This genre combines the subjective and the objective, and provides a promising vehicle to explore race fully.

This hybrid genre responds to the criticisms of traditional scholars, namely, that narrative is disconnected from legal doctrine and is overly manipulative. As to the first critique, this genre examines difficult race relations issues with academic tools, historical analysis, sociological studies and case law analysis. However, as with any genre that attempts to bridge the popular and the scholarly, there is a tension between popularization and serious scholarship. Future efforts should be vigilant not to gloss over key concepts, omit describing theoretical frameworks, or overlook tough questions. To shortcut academic work invites confusion that can be avoided.

Second, this hybrid is not manipulative. These narratives are not imagined exchanges; they are real and personal. Fair and Johnson, who best demonstrated the potential of this hybrid, unquestionably established their intellectual authenticity. Each author was honest and did not hesitate to reveal personal history that showed disadvantage. As well, each took the reader through their own personal process of coming to terms with race in different ways: what it means to be a remedial affirmative action baby, and what it means to "become" a Mexican. Each narrative allowed us to learn from the author's painful struggles.

These books have hinted at the potential of this new hybrid genre. By reaching out to the popular reader, this genre can inform public debates with academic insights. The popular reader can be a reader who is part of the majority racial and ethnic culture, yet who is also sympathetic to the concerns of fellow minority citizens. A book such as Johnson's which communicates at emotive and intellectual levels how deeply coercive the mandate of assimilation can be when experienced by racial or cultural

138. See CRITICAL WHITE STUDIES: LOOKING BEHIND THE MIRROR (Richard Delgado & Jean Stefancic eds., 1997); IAN F. HANEY LOPEZ, WHITE BY LAW: THE LEGAL CONSTRUCTION OF RACE (1996); STEPHANIE M. WILDMAN ET AL., PRIVILEGE REVEALED: HOW INVISIBLE PREFERENCE UNDERMINES AMERICA (1996).

minorities can help convey the objections of minorities to policies, such as "English only," across racial lines. By contrast, generalized claims of minority "oppression," like Hing's assertion that Proposition 187 and the bilingual education initiatives were "racist," do little to further needed cross-racial communication. Books that reach across the racial divide are needed in these changing times.

For the academic reader, the hybrid genre can connect the subjective experience of race with the arguments and theories of CRT. The subjective and the objective cannot be separated, and vehicles that expressly attempt to synthesize both can forge a new kind of knowledge that can be helpful to elucidate issues of race. The added dimension that this hybrid genre can add holds the promise of a better dialogue that can help academics put the "culture wars" behind them.

