1997

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Random Notes of an Integration Warrior

John O. Calmore*

I think that the hard work of a nonracist sensibility is the boundary crossing, from safe circle into wilderness: the testing of boundary, the consecration of sacrilege. It is the willingness to spoil a good party and break an encompassing circle, to travel from the safe to the unsafe. The transgression is dizzyingly intense, a reminder of what it is to be alive, . . . to survive the transgression is terrifying and addictive. To know that everything has changed and yet nothing has changed; and in leaping the chasm of this impossible division of self, a discovery of the self surviving, still well, still strong, and, as a curious consequence, renewed.

—Patricia J. Williams1

I have achieved a measure of success in the white man's world. I have never, though, been "the best black."2 Except for being the first black from Stanford to graduate from Harvard Law School,3 I have never been a precedent-setting personality. Nevertheless, these notes draw on my experiences, for autobiography is a powerful narrative force in addressing and changing the nation's sociopolitical and cultural habits.4 These notes will hardly constitute such a force, but I find several of Jerome

* Professor of Law & W. Joseph Ford Fellow, Loyola Law School, Los Angeles. I acknowledge the generous support for these notes that I received from Loyola Law School's Dean's Fellows Program. I also thank my research assistant, Luci Chun, Class of 1998, for her sensitive and valuable help. Finally, these notes are a tributary expression of respect, gratitude, and affection for the late Trina Grillo, the perfect personification of "multicultural merit."


2. See STEPHEN L. CARTER, REFLECTIONS OF AN AFFIRMATIVE ACTION BABY 47-69 (1991) (lamenting the fact that high achieving blacks are limited to being "the best black" instead of simply the best, period). In the context of my life, being the best black would be a high honor, not an insult.

3. DIRECTORY OF BLACK ALUMNI/AE: HARVARD LAW SCHOOL 213-14 (1997). Before 1967, there were very few "first blacks" from white colleges. Those few primarily came from Ivy League colleges.

Culp's observations about the force of autobiography insightful. First, our autobiographies not only help us to understand our world, but also they help us to put it in order. Second, "In the strange times in which we live it is not easy for a black law professor to claim a history without creating disbelief among students." I agree, not so much because of what I represent or exemplify, but instead because of where I have come from and when I was there. It is a significantly different autobiography than that which my white colleagues and contemporaries might present.

Autobiographical writing typically presents four patterns, usually corresponding to different life stages: first is "paradise," writing about one's youth; second is "the journey," writing about one's search for knowledge or lost time; third is "conversion," writing about going through difficult time and space, but gaining special insights, knowledge, and ultimately redemption; and fourth is "confession," writing during the later years to assess both triumphs and failures. These notes primarily reflect patterns two and three, respectively, the "journey" and "conversion." For most black people, I suspect that these patterns of life merge in ways that impede linear progress from stage to stage. Even youth gets crowded very quickly by the journey and conversion.

I use my story of individual achievement to raise the issue whether a black can tell a Horatio Alger story, and if so, what the impact of race is on the telling of that story. From this

6. Id. at 539.
7. See Jerome McCristal Culp, Jr., Telling a Black Legal Story: Privilege, Authenticity, "Blunders," and Transformation in Outsider Narratives, 82 VA. L. REV. 69, 80-81 (1996) (asking whether "[i]n an America where race is central to our construction of reality, does the black identity of the autobiographer change how the story is lived and perceived?"). Culp is responding to Anne M. Coughlin, Regulating the Self: Autobiographical Performances in Outsider Scholarship, 81 VA. L. REV. 1229, 1292 (1995) (arguing that Culp's autobiographical scholarship duplicates a middle-class stock narrative rather than provides a unique understanding of the African American experience).
9. As Harlon Dalton observes, forcing the Alger myth to be cross-examined by racial reality will be beneficial in two ways: First, we can give the lie to the idea that Black people can simply lift themselves up by their own bootstraps. With that pesky idea out of the way, it is easier to see why White folk need to take joint owner-
perspective, these notes address in Part I some of the difficulties that even "acceptable Negroes" face in carrying the banner of integration. I argue that integration represents sort of a sociological and cultural "passing" for blacks that is analogous to the phenomenon of biological passing, which allows blacks with white phenotypical features to present themselves as white. In Part II, I consider how the doctrines of color-blind individualism, merit, and universalism are particularly problematic for blacks, not so much because we cannot meet dominant standards, but because we should not want to. In particular, I respond to charges that critical race theory's critique of merit has anti-Semitic overtones. Finally, in Part III I argue that it is necessary to view integration as "multicultural incorporation" of nonwhite groups rather than mere race-mixing. This position rejects the dominant notions of societal monoculturalism and individualistic assimilationism. I conclude that blacks cannot fall prey to alienation from whites or debilitating fatigue with integration. That is, we must not give up on ourselves nor give up on white people.

I. MY JOURNEY AND CONVERSION AS AN INTEGRATION WARRIOR

A. INTEGRATION WARRIORS AND "THE HUXTABLE FAMILY SYNDROME"

Although it has been over forty years since the Supreme Court ruled that state-sanctioned separate-but-equal educational polices were unconstitutional, and almost thirty years since Congress declared that "fair housing" was to be a national policy, integration remains a problematic feature in African American life. Second, the realization that hard work and individual merit, while certainly critical, are not guarantors of success should lead at least some White people to reflect on whether their own achievements have been helped along by their preferred social position.


10. See, e.g., Richard Bernstein, Twenty Years After the Kerner Report: Three Societies, All Separate, N.Y. TIMES, Feb. 29, 1988, at B8 (noting the separation of the black, suburban middle class from both the white suburban and black urban class); James S. Kunen, The End of Integration: A Four Decade Effort Is Being Abandoned as Exhausted Courts and Frustrated Blacks Dust off the Concept of "Separate but Equal", TIME, Apr. 29, 1996, at 38 (exploring the results of school desegregation); Harrison Rainie et al., Black
resents eminently good common sense. Some days I think that it is a necessary evil to be dealt with in order to overcome racial separation, stratification, and inequality. Other days, particularly when I find myself in poor black neighborhoods or public schools, I think integration is simply irrelevant.

However critical of integration I am, I know how important it is. Residential segregation is the "structural linchpin" of the nation's racial inequality. Almost twenty-five years ago, economist Anthony Downs cited seven principal benefits of providing greater integrated housing opportunities in the suburbs:

1. better access to expanding suburban job opportunities;
2. greater opportunities for households to upgrade themselves by moving into middle-income neighborhoods, thereby escaping from crisis ghetto conditions;
3. higher quality public schools;
4. greater opportunity for achievement of the nation's housing goals;
5. fairer geographic distribution of the fiscal and social costs of dealing with metropolitan-area poverty;
6. less possibilities of future major interracial conflicts due to separation of the races; and
7. greater possibilities of improving adverse crisis ghetto conditions without displacing urban decay to adjacent neighborhoods.

Yet attempts to open up the suburbs to achieve these goals never really had a prayer. Much of today's white backlash to affirmative action and welfare programs rides on the endorsement and momentum of reaction in the 1970s against bussing school children to achieve integration, as well as attempts to press open-housing campaigns in white suburbs. Today, integration in public schools, in suburban neighborhoods, and in employment settings remains a difficult proposition.
I have often received what I took to be genuine compliments from many of the white people who know me and my family—my wife Alyce and our children Canai and Jonathan: that our children were “so well-mannered and articulate,” that we were “obviously very involved in parenting,” and that we were “such a nice family.” Later I have wondered if the compliments were based more on the association of us with the family portrayed in the Bill Cosby Show than on really knowing us. I sometimes countered this, thinking I was being too cynical. I have, however, read a law review article on fair housing that seemed to corroborate my initial suspicions. One of the nation’s leading scholars on fair housing, Robert Schwemm, suggested that “it may be that one ‘Bill Cosby Show’ can accomplish as much encouragement of residential integration as scores of Title VIII lawsuits.”

Schwemm’s article endorses Robert Ellickson’s view that fair-housing policy should try to make households let go of the emphasis on the racial homogeneity of neighborhoods and the Bill Cosby show could help:

Although the legal system may influence preferences, in many contexts it is likely to be of only marginal importance. Racial attitudes may be one of these contexts. It is possible that someone like Bill Cosby will do more for fair housing than will all the lawyers in this room put together. The Bill Cosby Show is a highly popular television series. And by gosh, Bill Cosby’s family is just like every other family, except, of course, that the family members are funnier and have more interesting things happen to them. Because the Cosby family is an ordinary family, a lot of white viewers who might otherwise think, “Gee, we don’t want blacks in our neighborhood,” might decide, “Hey, the members of the Cosby family would be dynamite neighbors!” This sort of change in household preferences would alter the likelihood of neighborhood tipping [from white to black].

Schwemm and Ellickson present the “Huxtable Family Syndrome” (HFS), an idea with vast ramifications for the quest for black integration. HFS implies that integration would be easier if more blacks presented themselves like the Huxtables—“an ordinary family” that was “just like every other family” and who would be “dynamite neighbors.” To comport with the requirements of HFS, a black family could have five attractive children, but the parents would both have to be professionals,

physicians or attorneys. This “ordinary family” would consist of highly educated, affluent professionals who personified traditional family values.

Initially, the Schwemm-Ellickson view bothered me because it takes what was actually the portrayal of an extraordinary black family to be merely ordinary in terms of white acceptance. To be on equal footing with an ordinary white family, the black family would have to be as atypical as the Huxtables. White supremacy is at work here. The unstated norm of whiteness requires that which is extraordinary from blacks to meet that norm, even though whites associate that norm with merely an ordinary (white) family. What bothers me even more now is that I think Schwemm and Ellickson’s views on the need for black extraordinary achievement and social profile accurately describe what it takes for blacks to be accepted as equals among ordinary whites.\footnote{See Sut Jhally & Justin Lewis, Enlightened Racism: The Cosby Show, Audiences, and the Myth of the American Dream 138 (1992) (arguing that accepting such unrealistic portrayals makes black viewers either “complicit partners in an image system that masks deep racial divisions in the United States, or they are forced to buy into . . . accepting The Cosby Show as a legitimate portrayal of ordinary African American life”).}

Nonetheless, some of us, like the Huxtable family, have integrated and benefited. I think that integration works very well, but only for a very small group of black people. We who are in the best position to benefit are HFS blacks; we represent the “Huxtable Family Syndrome.” We are affluent, and we have options and choices not available to most Americans (white or black). To a degree, we represent the old saw that “money whitens.”\footnote{See Alex M. Johnson, Jr., How Race and Poverty Intersect to Prevent Integration: Destabilizing Race as a Vehicle to Integrate Neighborhoods, 143 U. Pa. L. Rev. 1595, 1640 (1995) (discussing the “transformative effects of economic status”). From this perspective, affluent blacks simply represent less of “an integration threat” to whites. I think this is more true with respect to residential integration than it is to integration in high-level employment, in higher education and in social interaction at the primary group level.} We translate human capital into socio-economic status, which, in turn, translates into social mobility. Still, blacks have been far less successful in this translation than Asians and Latinos.\footnote{See Douglas S. Massey & Nancy A. Denton, American Apartheid: Segregation and the Making of the Underclass 87 (1993) (comparing the economic successes of different minority groups).} Indeed, in their study of residential segregation, Douglas Massey and Nancy Denton found that...
black people who have $50,000 in family income are as segregated as blacks who have less than $5,000 in income.  

In light of the requirements of HFS, to integrate fully into American society the paradigm integration warrior will be a college graduate, hold a professional or managerial job, and have family income in excess of $50,000. As of 1992, few blacks could fit this profile. Only twelve percent had a college degree. Seventeen percent held professional or managerial jobs, but many of these were in the diminishing public sector rather than in the growing private sector. Only eleven percent had family income between $50,000 and $75,000. In 1992, only three percent of blacks had incomes between $75,000 and $100,000. Arguably, the physician-attorney combined incomes of the Huxtables exceeded $100,000. Families “living this large” constituted just two percent of the black population of the United States. These Huxtable-like blacks are the primary integration warriors.

I am willing to relax the HFS standards and presume that all blacks whose income exceeds $50,000 are potential integration warriors. While thirty-six percent of whites have this level of income, only sixteen percent of blacks do. Although this group of blacks is a small percentage of the total black population, it is a large number of people: approximately 4.8 million blacks out of a total black population of 30 million. Many of us in this group have integrated and, in varying degrees, met with white acceptance. Yet many of us seem to feel shortchanged. For example, in reporting on the laments of “integration warriors,” Charisse Jones states, “Among blacks who have worked, learned and lived in predominantly white settings, one theme occurs over and over again: this interaction has not made many whites accept blacks as equals, and perhaps never

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19. Id.
20. See Mark Whitaker et al., The Hidden Rage of Successful Blacks, NEWSWEEK, Nov. 15, 1993, at 52, 54 (citing government figures comparing education, occupation, and family income between blacks and whites).
21. Id.
22. See Barbara Vobejda, Asian, Hispanic Numbers in U.S. Soared in 1980s, Census Reveals: Groups Accelerate Ethnic Diversification in Every Region, WASH. POST, Mar. 11, 1991, at A1 (citing 1990 census figures). Although there was tremendous growth in the Asian and Latino populations during the 1980s, the African American population remains significantly larger than that of other colored ethnic groups. Id. The aggregated number of Latinos, however, is approaching the number of blacks. Id.
In a similar vein, Elliot Cose's study of this privileged class found many of its members enraged at the treatment they have received within the mainstream opportunity structure:

Despite its very evident prosperity, much of America's black middle class is in excruciating pain. And that distress—although most of the country does not see it—illuminates a serious American problem: the problem of the broken covenant, of the pact that if you work hard, get a good education, and play by the rules, you will be allowed to advance and to achieve to the limits of your ability.24

Finally, Lawrence Bobo, Director of the Center for Research on Race, Politics, and Society at UCLA, observes that integration "is viewed with greater skepticism by blacks than it was in the past. That doesn't mean it's been repudiated. . . . But I think the benefits of it are more often questioned and the burdens that come with it are more prominent topics of discussion than they were in the past."25

I think these topics raised by Jones, Cose, and Bobo are largely discussed in-house, but the discussion needs to reach a larger audience. The topics should be presented across race lines because it is the HFS group of integration warriors with whom whites are most likely to have contact and with whom they will most likely deal on interpersonal levels. I suspect that from both the black and white view, it is rare that these contacts, dealings, and relationships are all that either group would hope them to be.26

B. MY "PASSING" EXPERIENCE WITH INTEGRATION

Because of a historically rigid racial classification on the basis of biology, America, particularly in the South, sought to protect the "purity" of the white race by deeming anyone with any trace of black blood to be Negro.27 In the Broadway musical

25. See Jones, supra note 23, at 1 (quoting Lawrence Bobo, Director of the Center for Research on Race, Politics, and Society at UCLA).
26. Writing shortly before her suicide, Leanita McClain despaired, "I had put so much effort into belonging, and the whites had put so much effort into making me feel as if I belonged, that we all deceived ourselves . . . . But none of us had ever dealt with the deeper inhibitions, myths and misperceptions that this society has force-fed us." JOE R. FEAGIN & MELVIN P. SIKES, LIVING WITH RACISM: THE BLACK MIDDLE-CLASS EXPERIENCE 29-30 (1994) (quoting Leanita McClain, How Chicago Taught Me to Hate Whites, WASH. POST, July 24, 1983, reprinted in A FOOT IN EACH WORLD 26 (Clarence Page ed., 1986)).
27. See Neil Gotanda, A Critique of "Our Constitution Is Color-Blind", 44
"Showboat," the Mississippi sheriff spoke of the unique American race code, known as the one-drop rule, in these candid words: "One drop of nigger blood makes you a nigger in these parts." This gave rise to the possibility that people who were culturally defined as black but nevertheless had typically white features, such as light ("high yaller") skin or straight hair, could "pass" as whites. These blacks relied on the invisibility of their blackness to present themselves as whites whom they greatly resembled phenotypically. To "pass" meant to cross the color line—to pass over it—and gain acceptance as white in the white world. Some blacks passed completely, while others passed only part-time or inadvertently (as when they were mistaken as white and did not correct the impression).

Integration, the keystone of the civil rights movement and now its keepsake, represents a sociological and cultural passing by people of color. To appreciate the hard balance between costs and benefits, even for some of the affluent class, I recall the story of Cheryl Harris's beloved grandmother. I think her story makes my analogy clearer. Sometime in the 1930s, Harris's Mississippi-born grandmother moved to Chicago and faced the harshness of economic survival for herself and her two daughters. She sought employment with a major retailer that was located in the city's central business district. This story would have been unremarkable for a white woman similarly situated, but for her grandmother this job search was "an act of great daring and self-denial, for in so doing she was presenting herself as a white woman." In the parlance of racist America, she was, then, passing. As Harris puts it:

[In the burgeoning landscape of urban America, anonymity was possible for a Black person with "white" features. She was transgressing boundaries, crossing borders, spinning on margins, traveling between dualities of Manichean space, rigidly bifurcated into light/dark;]

STAN. L. REV. 1, 24 (1991) (discussing the history of the hypodescent, or one drop, racial classification rule).
28. JOEL WILLIAMSON, NEW PEOPLE: MISCEGENATION AND MULATTOES IN THE UNITED STATES 1 (1980) (quoting SHOWBOAT (1926)).
29. Id. at 100.
30. Id. at 101; see also Adrian Piper, Passing for White, Passing for Black, 58 TRANSITION 4, 14 (1992) (examining the African American community's attitudes toward passing).
31. CHERYL I. HARRIS, WHITENESS AS PROPERTY, IN CRITICAL RACE THEORY: THE KEY WRITINGS THAT FORMED THE MOVEMENT 276, 276 (Kimberlé Williams Crenshaw et al. eds., 1995) [hereinafter CRITICAL RACE THEORY].
32. Id.
good/bad, white/black. No longer immediately identified as "Lula's
daughter," she could thus enter the white world, albeit on a false
passport, not merely passing, but trespassing.\textsuperscript{13}

This success through use of a "false passport," such as cre-
dentials discounted because gained through affirmative action,
and "trespassing" on heretofore white property interests, are
also implicated in sociological and cultural passing as blacks
"integrate." As we come to view the socially constructed fea-
tures of race,\textsuperscript{34} we recognize that phenotypically identifiable
Asians and Pacific Islanders can pass ethnically as "model mi-
norities." Even dark-skinned, nappy-headed African Ameri-
cans like me can pass sociologically and culturally if we have
the right history of socialization, the right credentials, a re-
spectable job, an affluent income, and a proper street address
or zip code.

Even with this individual package, though, integration for
the group is problematic for four primary reasons: (1) its an-
chor is individualistic assimilation, (2) its progress is gradual,
(3) its acceptable extent is tokenistic, and (4) worst of all, its
unintended consequence is to support and reinforce white
dominance and hegemony.\textsuperscript{35} In sociological and cultural pass-
ing, the intersectional issues of race and class loom large. As
Harris has explained, passing in the biological sense is related
to "the historical and continuing pattern of white racial domi-
nation and economic exploitation that has given passing a cer-
tain economic logic."\textsuperscript{36} So, too, with integration's sociologi-
cal passing, there is "a certain economic logic" in living with white
suburbanites.\textsuperscript{37} Except in minimal terms, though, this logic is
entirely theoretical for the blacks among the concentrated and
isolated ghetto poor. For Harris's grandmother, by becoming

\begin{itemize}
\item \textsuperscript{33} Id. (emphasis added).
\item \textsuperscript{34} See \textsc{Ian Haney Lopez}, \textit{White By Law: The Legal Construction of Race}, at xiii (1995) (discussing the socially constructed features of race); Jayne Chong-Soon Lee, \textit{Navigating the Topology of Race, in Critical Race Theory, supra} note 31, at 441, 447 (arguing in favor of a conception of race that includes both social and biological components).
\item \textsuperscript{35} See generally \textsc{Tom Wicker}, \textit{Tragic Failure: Racial Integration in America} (1996) (exploring the political, economic, and social ramifications of the continuing separation between blacks and whites in America).
\item \textsuperscript{36} Harris, \textit{supra} note 31, at 277.
\item \textsuperscript{37} In 1991, 20.9\% of all black households had incomes at $50,000 or more, and 4.8\% of all suburban blacks had incomes that exceeded $70,000. John Charles Boger, \textit{Race and the American City: The Kerner Commission Report in Retrospect, in Race, Poverty, and American Cities} 3, 55 n.120 (John Charles Boger & Judith Welch Wegner eds., 1996).
\end{itemize}
white, "it was automatically assured that she would receive higher economic returns in the short term, as well as greater economic, political, and social security in the long run." Many would make the same claim about the fruits of sociological passing in order to integrate. Moreover, passing allowed Harris's grandmother to access "a whole set of public and private privileges that materially and permanently guaranteed basic subsistence needs and, therefore, survival. Becoming white increased the possibility of controlling critical aspects of one's life rather than being the object of others' domination." Again, sociological passing has similar goals and motivations.

Passing has a price, and the associated costs are often hidden from public expression and view. Sociologist F. James Davis notes that those who pass biologically sacrifice loyalty to the black community in order to secure economic opportunities and societal status. White on the outside, but black on the inside, those who pass biologically experience difficult adjustments and ambiguous identities. Sociological passing has the same costs.

While I realize that the concept of status passing is not perfectly analogous to the biological phenomenon, the family resemblance is sufficient to point to some of the relational and operational difficulties associated with integration. In actuality, I have experienced and observed that status passing more resembles the marginalized, distressing, and contradictory experiences of the light-skinned mulatto, part black and part white. Here, passing often is imperfect, resulting in a placement between two worlds. It may provoke a number of reactions. Davis summarizes the various ways of trying to cope with the problems of mulatto marginality, and these observations also describe status passing quite well:

(1) They may become preoccupied with expressing strong hatred of all whites, an aggressive pattern that often seems to suggest ambivalent feelings about oneself and the black community. (2) They may accept

38. Harris, supra note 31, at 277.
39. Id.
40. See Williamson, supra note 28, at 102 ("Actually passing was relatively easy, but the emotional costs of passing were high.... [It was] cutting away one's roots... like a voluntary amnesia.").
42. See id. at 149 (describing the "ambiguities and strains" experienced by blacks who pass biologically).
43. See id. ("There have been conflicting perceptions of light mulattoes and conflicting role expectations, especially in the black community.").
the black identity but worry about color discrimination and conflict within the black community and hope that color difference can be minimized . . . . (3) They may make a conscious commitment to the black identity, to embrace the symbols of blackness, and to work hard to prove their pride in being black. (4) They may become strongly committed to reducing discrimination by the white community against all blacks . . . . (5) They may accept and make use of the marginal status position, adopting a marginal identity rather than a black identity, perceiving and dealing objectively with the black and white communities both while not being fully a part of either, and often being a liaison person between the two. (6) They may suppress the dilemma and reject any kind of racial identity, focusing instead on a professional identity or some absorbing role . . . . (7) They may decide to pass as white, experiencing all the stress and risks involved in assuming a white identity. Sometimes a person will switch from one mode of adjustment to another, and sometimes adopt more than one style at a time.\(^4\)

I have quoted the Davis summary completely because it provides significant insight into the problems integration warriors experience. It helps as well to explain why a significant number of blacks, regardless of class position, are profoundly alienated from the very mainstream of society upon which they rely in order to access opportunity, material gain, and status.\(^5\) It also helps to explain why so many blacks remain ambivalent and conflicted about both the normative weight and instrumental prospects of an integrated future. There is, in short, a fundamental problem with the black costs of admission to the white world.

I learned of these costs when, at eighteen, I left my black northwest Pasadena neighborhood to return to Stanford. I first went to Stanford as a two-year-old to live with my Aunt Loretta and Uncle Jack shortly after my mother died in 1947. I lived with them for five years, until I returned to Pasadena to live with my father and grandparents. My aunt was a domestic and my uncle was a cook; both worked for a Stanford fraternity. We lived in a very humble “guest house” on campus behind the fraternity. I went to kindergarten and first grade with the professors' and graduate students’ children at the University Elementary School. I was the only black. Upon returning to Pasadena, I went to Grover Cleveland Elementary School and George Washington Junior High School. Both were

\(^4\) Id. at 149-50.

\(^5\) See, e.g., A COMMON DESTINY: BLACKS AND AMERICAN SOCIETY 196 (Gerald David Jaynes & Robin M. Williams, Jr. eds., 1989) (reviewing survey data that finds most African Americans possess a “high degree of race consciousness”).
mixed with whites, Asians, Latinos, and other blacks. My high school, John Muir, was mixed, but the student body was about two-thirds white, most of whom came from affluent Altadena and La Canada.46

Although no one in my extended family had gone to college, everybody worked hard. My father worked at Lockheed Aircraft for more than twenty years, mostly as a parts expeditor. My grandmother taught adult education, teaching the art of hooked-rug making at Pasadena City College. From my earliest memory, my grandfather was retired, having been first a barber and later a chauffeur. We all prized education and I was driven to be a good student. My Aunt Loretta so "loved" Stanford that my family chose the university as my higher-education goal. It was the only school to which I applied.

I went to college one month after Martin Luther King, Jr.'s inspirational speech on August 28, 1963, when he voiced his dream that his four children would one day be judged by the content of their character rather than by their black skin; that freedom would ring not only from the mountains of New York, Colorado, and California, but also from Stone Mountain in Georgia, Lookout Mountain in Tennessee, and "from every hill and molehill of Mississippi."47 Watching the live telecast of

46. Although northwest Pasadena was like "paradise" for me in growing up, it has always required the difficult negotiation of residential segregation, exploitation, and domination by the white part of the city. See John O. Calmore, Critical Race Theory, Archie Shepp, and Fire Music: Securing an Authentic Intellectual Life in a Multicultural World, 65 S. CAL. L. REV. 2129, 2149-50 n.63 (1992) (contrasting the image Pasadena conveys on television during the annual Tournament of Roses Parade as an "idyllic, sunny Southern California Suburb," with the income gap between wealthy west Pasadena and the black, crime-ridden neighborhood of northwest Pasadena).

For my father and grandparents, and blacks generally, life in Pasadena was particularly difficult. Jackie Robinson and his family lived just a couple of blocks away on Pepper Street. His brother Mack was a silver medalist sprinter in the 1936 Olympics. A little younger than my father, who was born in Pasadena in 1902, the Robinsons grew up in Pasadena in the 1920s and 1930s, enduring racial taunts and segregation. Even when Jackie Robinson became the first black major league baseball player in 1947, his hometown did nothing to commemorate the event. Later Robinson, who died in Connecticut in 1972, vowed that he never wanted anything to do with [Pasadena]. Mack Robinson, now 83, still lives in Pasadena. He too got no recognition from Pasadena after his success in the Berlin Olympics. He worked for years digging ditches for the city.


47. Martin Luther King, Jr., I Have a Dream, in A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS AND SPEECHES OF MARTIN LUTHER KING, JR. 217,
King’s speech with my father, John Harold, and my grandmother, Rhoda, three generations of African Americans tearfully bought into his color-blind dream. I was to test it. My future was to be our pay-off as we ran an intergenerational relay race to high achievement and success. Each generation was highly intelligent and had worked hard, but only I had an opportunity to win out. From that day on, I have never run just for myself. At Stanford, it was my heavy obligation to make not only my extended family proud, but also, as my grandmother instructed, “to do the race proud.” I remember her telling me, “John Otis, there will not be very many Negro boys up there and what you do will be magnified—the bad more than the good. You must demonstrate that we belong.” I was to keep my hair cut short, to be clean-cut, and to remember my manners. My admission to Stanford was similar to a draft notice, and like many of the blacks and Latinos sent to fight in Vietnam, I was drafted to be a point man.

I thus began college not only before affirmative action and multicultural understandings, but also before the 1964 civil rights legislation governing freedom from discrimination in public accommodations and in employment, before the 1965 voting rights provisions, and before the 1968 Fair Housing Act. I was an integration warrior with very little back-up, under the auspices of an inchoate national commitment to equality of opportunity. My freshman class included eleven blacks, joining the four sophomores, two juniors, and two seniors already there. With graduate and professional students, I believe the total black student body was about twenty-five out of over ten thousand.\footnote{This estimate is my best recollection. Each class grew as students returned or transferred to Stanford, so the graduating classes were larger than I am indicating. The Stanford Black Alumni Association lists the following numbers: twenty in my class, 1967; seven in 1966; eight in 1965; and five for 1964. Prior to 1964, no graduating class contained more than three black graduates. \textit{STANFORD NATIONAL BLACK ALUMNI ASSOCIATION, 1997 ADDRESS DIRECTORY} 124. The Class of 1996 included 126 black graduates. \textit{Id.} at 139-40.} Combining college and law school, I had one black professor and one female professor. When I look back at those days and I think about my commitment to integration, I am reminded of the story about the pig and the chicken in the afterlife discussing their contribution to the meal of breakfast. The chicken bragged about contributing the eggs that made the
scones and pancakes, not to mention those that were scrambled. Unimpressed, the pig referred to the bacon, sausage, and ham. He informed the chicken, that while she had, indeed, made a contribution, the pig had made a commitment.49

While at Stanford, people of African descent changed radically from Negro to black. Nappy hair was in as Afros grew wild. Expressions of cultural nationalism were manifested from the wearing of dashikis to the motto of the organization US—"wherever we are, US is." Along with these developments, black power, Black Student Unions, Black Panthers, black nationalism, and black-as-beautiful seemed to challenge not only King's dream, but everything else we seemed to know. In many ways I was living in, as Dickens said, the best of times and the worst of times.

Riding these waves of change, I, along with twenty-four other blacks, entered Harvard Law School in a class of around 525 students. Before 1965, no more than four blacks had been admitted in a given year. My class was bigger than earlier classes because black students from elite white schools were, for the first time in significant numbers (twelve), admitted along with those from the historically black colleges. The world beyond Langdell Hall was crazy, as cities burned; as Robert Kennedy and Dr. King were assassinated; as more cities burned; as the Vietnam War made less and less sense, morally and otherwise; as student protests intensified here and there; as local police were called to Harvard Yard in 1969, bringing "police brutality" home to elite sons and daughters; as they took Muhammed Ali's title; and as the Kerner Commission declared the nation to be "racist" (new word, then) and comprised of "two societies, one black and one white, separate and unequal."

Quite frankly, during the whole time I was at Harvard, I never quite figured out why I was there, what I was to do with the education I was receiving, how it was constructively relevant to anything I cared about. Except in a paper-chase kind of way—getting valued credentials—I had a lot of trouble focusing on the relevance of the formal education I was receiving. At law school, the institutional channeling of aspiration and the peer orientations of white male students were too narrow. If you were not aspiring for a partnership shot at a major Wall

49. I owe this story to Lynn Walker, my program director at the Ford Foundation.
Street law firm, a thin blonde wife, and a Greenwich address, it was not clear what the Harvard Law man was to do (Harvard Law women were as few and as marginal as were most blacks). Only the force of habit from being a good student since age five cranked me through. It was this way for many of the blacks at that time. I spent a lot of time working for the Boston Legal Assistance office in Roxbury, and, there, I found myself and my future. There, I decided I would never practice law simply as an amoral technician, equally adept at arguing both sides.  

After I graduated, I went into Legal Services, where I stayed for the next fourteen years: as a Reginald Heber Smith

50. Richard Wasserstrom, Lawyers as Professionals: Some Moral Issues, 5 HUMAN RTS. 1, 2 (1975) ("For at best the lawyer's world is a simplified moral world; often it is an amoral one; and more than occasionally, perhaps, an overtly immoral one."). In law school I had profound difficulty resolving the tensions between role and identity. This difficulty posed a problem for many white students as well, but race added a layer of complexity. I knew that the pushes and pulls of lawyering would cause ambivalences. But I sought to eschew a strictly instrumental, narrow careerist approach to achievement and prosperity, an approach I thought was being institutionally channeled by the Harvard Law School experience. In teaching a course on Ethical Lawyering, I later retroactively crystallized my discomfort in law school when I read Anthony T. Kronman, Living in the Law, 54 U. CHI. L. REV. 835 (1997). Kronman wrote:

It is perfectly legitimate to wonder whether the sort of person one is likely to become through long immersion in the law is the sort one may reasonably take pride in being or have reason to wish to become. The problem with the instrumental view is not that it answers this question one way rather than another, but that it fails to ask it altogether and thus obscures an important dimension of the commitment entailed by the choice of law as a career.

Id. at 842. The commute to Dudley Station and up Blue Hill Avenue to the Roxbury poverty law office helped provide relevance and, more importantly, reinforced my sense of correctness in alienating myself from the law school. It helped me to counter the tendency Thomas Shaffer and Robert S. Redmount described 20 years ago:

Students come to law school with aspirations to be humanely influential, but they find that lawyering is insensitive. Young lawyers leave law school with aspirations unmet. . . . These lawyers seem to agree that there are few experiences in law school, and no tools to be found there, to help a lawyer close the gap between the "is" and the "ought" in the world he is going to administer. Lawyers cope by ignoring facts and emotions which do not fit lawyers' tools.

THOMAS L. SHAFFER & ROBERT S. REDMOUNT, LAWYERS, LAW STUDENTS AND PEOPLE 3 (1977). In some ways, I am simply saying that it is harder to swim upstream than it is to go with the flow. The more complex difference, however, is that blacks who fight against token co-optation are likely to do it the hard way. It is intrinsic to their struggle. Indeed, many of my law professors and the Associate Dean would ask, "John, why are you doing things here the hard way?" At the time, I had no good answer for them or for myself.
Fellow in Roxbury; as a staff attorney at the Watts office of the Legal Aid Foundation of Los Angeles; at the Western Center on Law and Poverty in Los Angeles; at the National Housing Law Project in Berkeley; and as the Director of Litigation at the Legal Aid Foundation. I later taught at the law school at North Carolina Central in Durham, the state's separate-but-equal counterpart to the University of North Carolina at Chapel Hill. I have also taught at Loyola Law School and spent a couple of years as a program officer in the Ford Foundation's Rights and Social Justice Program. I describe myself as working toward achieving a more just society.

From all of these experiences, I have learned how to have difficult conversations about race; how to maintain a high level of civility and respect for others in my dealings with them, even when it is not returned; and how to never, never give up. From my college days on, I have learned that most blacks achieve not only against the odds, but with a kind of blind faith that our good efforts will be rewarded commensurably. I have found hope more often stemming from serendipitous good luck than from reasonable expectation. As I remember the blacks who were with me at Stanford and Harvard Law, I am impressed less with their bottom-line achievements, which are varied and outstanding, but, instead with the difficulty of their journey and conversion. Most of us came from so far back, over so many hurdles, with so little privileged background. As graduates, we often represented what Bart Landry calls "the new middle class," because eighty percent of the African American middle class in the 1970s was first-generation middle class.

51. Ironically, in July 1997, I will join the latter as the fifth African American tenured professor of law in the school's 152-year history, which represents a total of tenured black professors that is exceeded by less than a handful of other law schools, most having had none prior to the early 1970s.

52. In this regard, I have served on the Advisory Board to the Bank of America's Social Policy Committee and I currently serve on the National Advisory Board of the Institute on Race and Poverty, on the ABA Commission on Homelessness and Poverty, and on the Boards of Directors of the New World Foundation in New York City and the National Asian Pacific American Legal Consortium in Washington, D.C. I have served on the Executive Committee of the Association of American Law Schools (AALS) Section on Minority Groups and I am presently Chair of the Section on Property Law. I don't know if I represent "merit," but I am busy.

53. BART LANDRY, THE NEW BLACK MIDDLE CLASS 2-3, 85 (1987). Landry observed that, as a result of increased mobility opportunities, the new middle class was "mainly recruited from the sons and daughters of garbage collectors,
In contrast to most blacks, even blacks whose parents were well-off, most elite whites, such as those at Stanford and Harvard, seem to have come from families who were not merely rich, but wealthy. I learned first-hand, and fear that my children will learn as well, that "the importance of parental occupational status appears racially stratified.”

Moreover, according to Melvin Oliver and Richard Shapiro:

Blacks are less able than whites to pass on to the next generation any advantage that may accrue from occupational achievement in the present generation. The link between status and wealth thus starts to come into clearer focus. To pass status along, ample wealth may be vital; status by itself appears to be more easily transmitted to one's children when there is wealth to back it up.

There is a tremendous gap between black and white asset holdings or wealth. While this fact has various dimensions, two are particularly interesting. First, in terms of mean net financial assets, poverty-level whites come close to controlling a similar amount of wealth as do the highest earning blacks: $26,683 to $28,310, respectively. Even among prosperous families (those with an annual income of $50,000 or more), "blacks possess barely one-half (0.52) the median net worth of their high-earning white counterparts.” As Oliver and Shapiro conclude, “[T]he long-term prospects of black households are substantially poorer than those of whites in similar income brackets. This analysis of wealth leaves no doubt regarding the serious misrepresentation of economic disparity that occurs when one relies exclusively on income data.”

A narrow focus on income data thus makes the discussion of substituting class for race and gender as a basis for affirmative action highly problematic. Not only is much of black poverty uniquely debilitating because of the isolation and concentration that afflict so many who reside in our inner cities, but even the “prosperous” blacks are class-situated very differently than prosperous whites. If, as an equitable matter, class is to be substituted for race or gender, then class must take into ac-

assembly line workers, domestics, waiters, taxicab drivers, and farmers.” Id. at 86.

54. OLIVER & SHAPIRO, supra note 12, at 162.
55. Id. at 163.
56. See id. at 101 (discussing the wealth disparity between blacks and whites).
57. Id.
58. Id.
count wealth disparities as well as income inequalities. Racism's legacy pertains here, for as Oliver and Shapiro state, "More so than income, wealth holding remains very sensitive to the historically sedimenting effects of race." To disregard black achievement and the racial circumstances under which it is attained is to render a terrible disservice to the achiever, to discount too much. So often, my peers dug success out of a bedrock of racist resistance. Before the race for success had begun, we had already run far to get to the starting line of equal opportunity, to compete on "the level playing field" with whites. Once there, we often realized that we had to form a league of our own and chart a very different course than our white peers. The future they saw so self-assuredly, we viewed skeptically. Their guarantees were our gambles. Beyond my elite peers, black achievement too often gets decontextualized and reduced to bottom-line comparisons that do not tell half the story. It distorts our achievement syndrome and discounts our worth.

60. OLIVER & SHAPIRO, supra note 12, at 101.

61. When I graduated from Harvard Law School in 1971, the most sought-after, prestigious job was to be hired as an associate and placed on partner track at the Wall Street law firm of Cravath, Swaine & Moore. Twenty years, later, however, this seemed a foolhardy aspiration for blacks. The anti-affirmative action critic, Jared Taylor, has noted the irony of Cravath defending the Birmingham fire department's hiring policies: "Cravath . . . lavished twenty two hundred partner-hours and seventeen thousand associate hours—all pro bono—on the case. Cravath appeared to believe strongly in affirmative action—at least for other people. The firm has never had a black partner, and there are only 5 blacks among its 224 associates." JARED TAYLOR, PAVED WITH GOOD INTENTIONS: THE FAILURE OF RACE RELATIONS IN CONTEMPORARY AMERICA 145 (1992).

62. See generally JAMES MICHAEL BRODIE, CREATED EQUAL: THE LIVES AND IDEAS OF BLACK AMERICAN INNOVATORS (1993) (telling varied stories of the struggle to achievement of blacks). During Black History Month, I often research subjects with my ten-year-old daughter. This year it was a biography. We turned to the life of Percy Julian, 1899-1975. In Brodie's summary, we learned:

Nicknamed the soybean chemist, Percy Julian is best known for his discovery of a way to synthesize large amounts of cortisone, used in treating rheumatoid arthritis, from soybean oil. He also synthesized the drug physostigmine, used to treat glaucoma. He is known as well for inventing a weatherproof coating for battleships.

Id. at 153. To see if there was a chance that an average white reader might come across this story, we turned to the World Book Encyclopedia, and, yes, he was listed as another Horatio Alger story. 11 WORLD BOOK ENCYCLOPEDIA 187 (1989). What was missing was his humble background as the grandson of a former slave and sharecropper (whose slave captors had cut off two fingers upon learning that he could write); that although he was DePauw's top chem-
To some extent, then, I have lived the experience Pat Williams’s epigraph describes so powerfully—the dizzyingly intense, transgressed boundary crossing from safe to unsafe universes. I think all people, regardless of color, who claim a nonracist sensibility must live a similar life, ruining racism’s good party. Part II examines an impediment to this adventure, a universalizing meritocracy that excludes too many people of merit as it functions as a prop to white privilege.

II. THE CRITIQUE OF MERIT AND ANTI-SEMITISM

A. THE FARBER-SHERRY CLAIMS THAT I AM ANTI-SEMITIC

Sometime ago I got a telephone call from an Asian law professor I know, who was angry about an article authored by Daniel Farber and Suzanna Sherry, entitled Is the Radical Critique of Merit Anti-Semitic? Along with the claim suggested by the title, I was told the article also claimed that the radical critique was anti-Asian groups (Japanese and Chinese in particular), who, like Jews, have done so well under the present dictates of the nation’s meritocracy. My caller wanted to know whether I was preparing a response. The caller felt that the
article had disregarded some of the valid critiques of the
"model minority" designation of Asians and served to reinforce
its negative connotations. I was reminded that the most pow-
erful critiques of the so-called model minority status of Asians
were voiced by Asians themselves. I had not seen the article
but told my caller I would take a look at it.

As I read the article, I was shocked that my scholarship
had caused the authors to associate me with racism and anti-
Semitism, something that I have not merely opposed in my
mind and heart, but something I have steadfastly worked
against. The article linked my scholarship to a repudiation of
"genuine merit as even a partial explanation of the current dis-
tribution of social goods"

if the competitive success of Jews and Asians was not based fairly on their meritorious achieve-
ment, the argument went, "then they must have done so un-
justly." According to Farber and Sherry, "Radical constructiv-
ists contend that standards of merit are socially constructed to
maintain the power of dominant groups. In other words,
'merit' has no meaning, except as a way for those in power to
perpetuate the existing hierarchy."
The authors attempt to
backtrack from personal attack by making a subtle distinction,
accusing the theory, not the theorists, of anti-Semitism, as if the
radical critique were unwittingly or negligently anti-Semitic in-
stead of intentionally so. I was chagrined, angered to be hon-
est, to have been linked with Louis Farrakhan:

Although radical constructivists are surely as appalled by anti-
Semitism as by racism, we contend that negative stereotypes about
Jews and some Asian Americans are a logical concomitant of the re-
jection of the concept of merit. Anti-Semitic propositions are a nearly

65. See Dana Y. Takagi, The Retreat from Race: Asian American Admis-
sions and Racial Politics (1992) (reporting that admission officers at highly
selective colleges and universities turned Asians' model-minority praise into
criticism). "Asian American students joined the ranks of the 'good but not ex-
ceptional' in school . . . . They were diligent, but too narrowly focused;
strongly dedicated to the pursuit of education, but to a fault, and at the ex-
clusion of other activities; hardworking, but lacking in creativity." Id. at 79;
see also Robert S. Chang, Passion and the Asian American Legal Scholar, 3
Asian L.J. 105, 108 (1996) (describing the Farber-Sherry article as "symptomatic
of a broader politics of backlash").

66. Farber & Sherry, supra note 64, at 857.
67. Id.
68. Id. at 856.
69. See id. at 857 (contending that "we seek to alert the [radical con-
structivists] to logical implications they will surely find unacceptable, in order
to prompt them to rethink their current attachment to radical constructivism.
In short, we accuse the theory, not the theorists, of anti-Semitism").
inescapable implication of the radical constructivist critique of merit. Rejecting merit could inadvertently leave these writers closer to the rhetoric and politics of Louis Farrakhan than to those of Martin Luther King, Jr. 70

What have I said that is so controversial? Farber and Sherry reduce my argument to state that although current standards of merit purport to be neutral, they are, in reality, merely tests for whiteness. They quote in support: “Cultural bias sets standards for performance in terms of the tendencies, skills, or attributes of white America, and it is against these standards that all other groups are measured.” 71 They associate me with critical race theory “at its most extreme” for viewing not only these standards of merit but also achievement itself as inherently group-based and thus a repudiation of individual merit. 72

Calmore is concerned about the risk that black intellectuals will “buy into” a “profoundly individualistic orientation” by accepting a “color-blind academic world.” “Too often,” he continues, “people of color assume the voice of a distinct individual.” [Calmore’s emphasis.] By the same token, Calmore attacks integrationists who seek incorporation for their group into the larger society, “obtaining for its members the greatest possibilities for their individual self-development.” Although this forthright attack on individualism is not expressed by all critical race theorists, it does seem to be a logical development of the critique of merit. 73

Other race critics view my argument as part of an effort that (1) “presents the challenge of authenticity that blacks face when confronted with the feigned impersonality of the conventional scholarly voice,” and (2) articulates “a social theory of multiculturalism within which African Americans would retain cultural distinctiveness and thus remain a people.” 74 To Far-

70. Id. (emphasis added).
71. Id. at 861 (quoting Calmore, supra note 46, at 2219).
72. Id. at 863.
73. Id. at 864.
74. CRITICAL RACE THEORY, supra note 31, at 314. Farber & Sherry claim that they “feel justified in describing Critical Race Theory as a whole as endorsing the more radical position of rejecting merit entirely.” Farber & Sherry, supra note 64, at 862 n.47. This is simply wrong. As Yxta Murray has pointed out, “Scholars of color do not necessarily reject the . . . ‘concept’ of merit—but rather may question the ‘conception’ of merit—the approach of color-blind ‘meritocrats’ who consistently devalue contributions made by these scholars.” Yxta Maya Murray, Merit-Teaching, 23 HASTINGS CONST. L.Q. 1073, 1079-80 (1996).

I note that Murray’s piece is also a touch autobiographical, for apparently similar reasons to mine. She states, “At hand is an attempt to transform the meritocratic ideal by including what has been up to now excluded—the valu-
ber and Sherry, however, my alleged anti-Semitism is rooted in my "forthright" critique of individualism and assimilationism, as well as in my questioning the baseline of assumptions that universal merit criteria are formed and applied in a neutral, color-blind manner. Because Jews have succeeded so well under the current meritocracy, I am charged with disregarding or devaluing their excellence and high achievement, associating their success more with their group power and domination than with the individual members' striving and adapting to legitimate standards of merit: "Denying that merit plays a role in Jewish success inevitably allow [sic] that success to be taken away." 76

I have high regard for the success and achievement of Jews and Asian groups who are doing so well within the established rules of the game. I also have high regard for Latinos and African Americans, myself and family included, who also are doing so well within the established rules of the game. Nevertheless, from the inside of the dominant institutional framework and arrangements, I see the flaws in the system in spite of my success. I see that to focus on individuals is to discount too greatly the recognition that blacks are oppressed more as a group than they are discriminated against as individuals. Focusing on merit discounts the role of racism in cultural habits (what Iris Young calls "cultural imperialism"), societal organization, and an interlocking set of structures and institutional arrangements. Against this systemic and structural backdrop, individuals discriminating against other individuals has almost become, really, beside the point. For those whose success has "forced" them to support this reality, either implicitly accepting or actively reinforcing the status quo, I

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75. Farber & Sherry, supra note 64, at 864 (noting the high level of Jewish success in America).
76. Id. at 881.
77. IRIS M. YOUNG, JUSTICE AND THE POLITICS OF DIFFERENCE 60 (1990) (noting that the injustice of cultural imperialism is that "the oppressed group's own experience and interpretation of social life finds little expression that touches the dominant culture, while that same culture imposes on the oppressed group its experience and interpretation of social life").
find myself in disagreement. I disagree with them and what they represent, whether they are Jewish, English, Italian, German, Japanese, Chinese, Mexican, Cuban, or Puerto Rican. I disagree with them if they are African American. I am not "anti" any of these groups. I am, though, anti-oppression, and I oppose the enlistment of these groups to serve oppression's aims. That Jews may benefit disproportionately from maintaining an oppressive status quo does not deter my "forthright" critiques.

B. JEWS AND THE PROBLEM OF WHITENESS: TO BE OR NOT TO BE

Farber and Sherry set forth four arguments that they claim radical constructivists must rely on to explain Jewish success: (1) there is some form of Jewish conspiracy; (2) Jews are parasites to American culture; (3) American culture is fundamentally Jewish; or (4) Jews lack a distinct culture and identity.78 I unequivocally reject any endorsement of the first three arguments, but I think that the issue of distinct culture and identity is more complex than Farber and Sherry would suggest. While I do acknowledge and respect Jewish identity and culture, Jews must acknowledge their own growing ambivalence toward these. According to a 1991 survey, represented at the time as the broadest national survey of Jews ever undertaken, probably the most salient indications of this ambivalence are data indicating that while roughly sixty percent of Jews held to their religious tradition, Jews married non-Jews fifty-two percent of the time.79

This endogamous trend is significant, because inter-ethnic marriage is a primary indicator of de-emphasizing ethnic background and achieving assimilation.80 It suggests that ethnicity is becoming increasingly symbolic rather than a committed and salient feature of identity.81 Thus, in matters of race and eth-

78. Farber & Sherry, supra note 64, at 871.
80. MARY C. WATERS, ETHNIC OPTIONS: CHOOSING IDENTITIES IN AMERICA 102 (1990) ("Besides the perception of discrimination and the degree of residential segregation, a third and very important indicator of the degree of ethnic assimilation is intermarriage.").
81. RICHARD D. ALBA, ETHNIC IDENTITY: THE TRANSFORMATION OF WHITE AMERICA 206 (1990) (surmising that "[i]ntermarriage acts, ultimately, as a form of restraint on the range and depth of ethnic expression... [It] tends to confine the expression of ethnic identity to symbolic forms").
nicity, as distinct from religious affiliation, Jewish particularism appears to have become perhaps less important than Jewish association with whiteness generally. As such, my critique of merit is connected to a broader critique of white skin-color privilege and racial bonding, a privilege and bonding that some Jews, in my view, have minimized and discounted beyond what their lived experience should allow. The existence of

82. According to Christine Sleeter, “white racial bonding” refers to whites interacting among themselves in ways that are intended to affirm a common position on issues of race:

As we grow up, white people learn to talk about race-related issues in ways that render the status quo as “natural,” remove ourselves from complicity, and secure approval from other whites. We learn to do this so well that it takes some effort to become aware of strategies we use to deflect attention from white racism.


83. Here for instance, Farber and Sherry play the Jewish victim card even when their “victimization” was neither intended nor effectuated. Indeed, Alan Dershowitz claims that “[a]nti-Semitism, as it affects the average American Jew, is over,” and he rejects Jean-Paul Sartre’s suggestion that “it is the anti-Semite that makes the Jew.” Alan M. Dershowitz, Anti-Semitism May Be Dead, But Can Jews Let Go of It?, L.A. TIMES, Mar. 21, 1997, at B9. In the view of Dershowitz:

This negative theory [i.e., the victimization perspective on Jewish survival] seems to be supported by current trends. Just at the time when their “victimization” was neither intended nor effectuated. Indeed, Alan Dershowitz claims that “[a]nti-Semitism, as it affects the average American Jew, is over,” and he rejects Jean-Paul Sartre’s suggestion that “it is the anti-Semite that makes the Jew.” Alan M. Dershowitz, Anti-Semitism May Be Dead, But Can Jews Let Go of It?, L.A. TIMES, Mar. 21, 1997, at B9. In the view of Dershowitz:

Id. As a result, Dershowitz argues that Jews are unprepared to confront the approaching “post-persecution era of Jewish history” where they “must define a more positive Jewish identity based not on what [their] enemies have done to [them], but rather on what [Jews] are able to contribute to the world.” Id. He concludes that “[u]nless Jewish life in America can thrive in good times, when Jews are accepted as first-class Americans, it will not survive the coming century. Our children will not accept a Judaism that requires them to pray for persecution so that they may survive.” Id. In many ways I believe that Farber and Sherry’s article is another “prayer for persecution.” But it is unfair to see me and other critical race theorists as the answer to their prayers.

Relatedly, Jews have been quite influential in pressing the racial project of the neoconservatives, a damaging project to general black interests and values. JONATHAN KAUFMAN, BROKEN ALLIANCE: THE TURBULENT TIMES BETWEEN BLACKS AND JEWS IN AMERICA 214 (2d ed. 1995) (observing that “the neoconservative movement had a very Jewish strain to it”). Additionally, Jews are associated with white privilege and power because of the organizational opposition to affirmative action that has been lodged by Jewish groups. As Kaufman observes, “Jewish groups opposing affirmative action were attacking the most successful, the best placed, the most articulate, the most influential, the most powerful segments of the black community. These blacks
this privilege need not be racist, although it often stands in the
way of developing a nonracist sensibility.84 As to whites who
hold that privilege, and as to colored people who seek it in
ways that allow prevailing standards of merit or other factors
to perpetuate exclusion, I find myself on the other side, stand-
ing firmly in opposition.

Although I respectfully recognize a distinct Jewish identity
and culture, I also recognize that Jews are an important part
of the more general social construction of whiteness.85 The dia-
logue between Cornel West and Michael Lerner raises and il-
lustrates similar issues. As West says, "Even amidst anti-
Semitism, the anti-Black situation confers white-skin privilege
would be crazy not to fight back. The fallout would be—and was—devastating
for black-Jewish cooperation." Id. at 117-18. From within the legal academy,
this divide over affirmative action is salient. Indeed, I relate the Farber-
Sherry position on merit as complementary to the opposition to affirmative
action. I do not associate other Jews, however, with their position. I find
many Jews are committed supporters of affirmative action. In the recent
anti-affirmative action California initiative, Jews voted in opposition nearly to
the same extent as Asians. Whites generally voted in favor 63 to 37%, while
in opposition were Jews 58 to 42%, Asians 61 to 39%, African Americans 74 to
26%, and Latinos 76 to 24%. See State Propositions: A Snapshot of Voters,
L.A. TIMES, Nov. 7, 1996, at A29 (reporting exit poll results from the anti-
affirmative action California initiative). This was surprising to me. While one
can cite these data to generalize, it is tricky. The leading spokesperson for
supporters of the initiative was Ward Connerly, an African American and a
regent for the University of California. See Bill Stall & Dan Morian, Proposi-
tion 209 Wins, Bars Affirmative Action, L.A. TIMES, Nov. 6, 1996, at A1
(noting Connerly's view).

84. In her interviews with white women, Ruth Frankenberg has noted
that in confronting white racism, whites should focus their attention simulta-
aneously rather than sequentially and to think "about white people not so
much as authors but as inheritors of racism." RUTH FRANKENBERG, THE
SOCIAL CONSTRUCTION OF WHITENESS: WHITE WOMEN, RACE MATTERS 182
(1993) (emphasis added). It is suggested that this would enable whites to di-
rect attention away from guilt, but toward responsibility in seeing a role "in
the task of dismantling the edifice of racism." Id.

85. RICHARD ZWEIGENHAFT & G. WILLIAM DOMHOFF, BLACKS IN THE
Zweigenhaft and Domhoff report:

Whereas our previous research on successful Jewish businessepeople
led us to conclude that the higher they moved in the corporate world,
and the longer they were there, the fewer were their Jewish activities
and the less salient was their Jewish identity, we did not draw the
same conclusion about the successful black [prep school] graduates
we interviewed. Though they were more middle-class than they had
been in style and manner, they were not less black.

Id. at 173. See generally Karen Brodkin-Sacks, How Did Jews Become White
Folks?, in RACE 78 (Steven Gregory & Roger Sanjek eds., 1994).
on Jews." In responding to this claim, Lerner argues that "by calling Jews 'white,' Blacks are in effect denying [the Jewish] history of oppression." This social construct places Jews among the beneficiaries of European imperialism. Yet far from benefiting, Lerner responds, "Jews have been the primary 'Other,' have been socially and legally discriminated against, have been the subject of racism and genocide, and in those terms Jews are not white." Outside of the United States, particularly in Europe, Lerner's point is compelling. It transports less well to the United States, however. Although Jews experienced significant episodes of discrimination and exclusion, they have not been subjected to the experience and legacy of slavery or genocide, and they have not been the primary "Other." Overt discrimination against Jews in the United States subsided after World War II, in part because of the abhorrence the nation expressed to Hitler's anti-Semitism and murderous treatment of Jews.

I do not seek to belittle Jewish oppression. Clearly, there has been quite reprehensible past discrimination against Jews. Nor do I discount anti-Semitic sentiments that still persist in America. I argue, though, that Jews in America have sought and largely attained white-skin privilege, a privilege that advantageously sets the stage for their continued success and achievement as individuals. The stage set for black success and achievement lacks these associated props of privilege that Jews, as with most other whites, often take for granted as neutral and universally available to all, regardless of nonwhite color or history of racist oppression.

Admittedly, the attainment of white-skin color privilege by Jews has not only involved overcoming difficult barriers of anti-Semitism, but has come at substantial psychic costs and

87. Id.
88. Id.
89. Within the United States, while blacks may increasingly stereotype Jews in economic terms, they are less likely than whites to approve of or engage in discriminatory practices against Jews. Indeed, this is consistent with the pattern that "historically black anti-Semitism has been less of a threat to American Jews than white racism." ROBERT S. WISTRICH, ANTI-SEMITISM: THE LONGEST HATRED 123-24 (1991).
loss of identity. As Lerner points out, Jewish whiteness "is the privilege to renounce one's Judaism. By and large the way to get into this system is to take off your kippah, cut off your beard, hide your fringes; in other words, to reject your entire cultural and religious humanity."\(^{91}\) I seek to empathize, here, as my previous discussion of the sociological passing of blacks should indicate. Nonetheless, the Jewish option to be white, however difficult, has been exercised widely.\(^{92}\) It has been the way to access mainstream opportunities, status, and material rewards. I do not deprecate attaining that access. Within the system of merit, as Farber and Sherry indicate, Jews have outperformed other whites. I do not argue that this access is simply a function of unjust power-holding. Indeed, as an integration warrior, I function and am rewarded for having attained that same access. But I will not willingly serve to legitimate or apologize for that system's unfairness and exclusionary features. I will not legitimate my own race's oppression and subordination, and I have little respect for those who do.

In an extensive examination of black-Jewish conflict, Jonathan Kaufman reviewed the success of Jews during the 1980s, the Reagan years.\(^{93}\) He observes that in Jewish homes and around their dinner tables, conversations still concerned the discrimination that plagued their parents from the 1930s through much of the 1960s. Beyond the discrimination of memory, however, Jews were making enormous strides by any objective measure: "At one point in the 1980s, the Dean of every Ivy League Law School was Jewish. In the 1990s the presidents of Harvard, Yale, Princeton, and Dartmouth were Jews. When President Bill Clinton nominated his first two judges to the Supreme Court, both were Jews. No one even remarked on it."\(^{94}\) As the 1990s began, over fifty percent of Jewish men were college graduates, compared to twenty percent of the general population.\(^{95}\) In 1970, the average family income of Jews was 172 percent of the average American family income,\(^{96}\) and recent income data reveal that Jewish family income continues to be well above that of Gentile families.\(^{97}\) In

\(^{91}\) Lerner & West, supra note 86, at 67.
\(^{92}\) Id. at 69.
\(^{93}\) Kaufman, supra note 83, at 292.
\(^{94}\) Id.
\(^{95}\) Goldman, supra note 79, at A14.
\(^{96}\) Farber & Sherry, supra note 64, at 869.
\(^{97}\) Id. at 870.
the early 1990s, Jews “were turning more and more outward—through intermarriage, success at universities, better jobs in business and government.”98 This outward turn generally embraces white privilege, often at the expense of discounting that which impedes success for those who are not white.99

My allegedly anti-Semitic scholarship is not directed toward Jews. Rather, it is part of the critical project to uproot what Cheryl Harris calls “the property interest in whiteness,” an interest that builds on the advantage of white privilege and white supremacy.100 This may coincidentally involve Jews, but only because the white privilege that Jews have come to enjoy is a racialized privilege and status that allow “expectations that originated in injustice to be naturalized and legitimated.”101 That Jews stood outside of that privilege at one time does not place them apart from other white people whose benefits stem from its legacy, especially if Jews mute their historically oppositional voice. Like individualism and colorblindness, universal notions of merit serve as an important reinforcement of white privilege. To the degree that law and society incorporate this universalism, as Harris argues, it

masks as natural what is chosen; it obscures the consequences of social selection as inevitable. The result is that inequities in social relations are immunized from truly effective intervention, because they are obscured and rendered nearly invisible. The existing state of affairs is considered neutral and fair, however unequal and unjust it is in substance.102

At bottom, my alleged anti-Semitism apparently boils down to linking Jews to white people and thereby implicating them in their support of establishment, status-quo arrangements. These arrangements are in turn tied to the power that

98. KAUFMAN, supra note 83, at 292.
99. As Jews de-emphasize their ethnic particularism, even while maintaining a distinctive religious affiliation, they are likely to become linked to European Americans. Here, Alba has pointed out:

The thrust of European-American identity is to defend the individualistic view of the American system, because it portrays the system as open to those who are willing to work hard and pull themselves over barriers of poverty and discrimination. . . . [I]t is precisely this individualism that prevents many whites from sympathizing with the need for African Americans and other minorities to receive affirmative action in order to overcome institutional barriers to their advancement.

ALBA, supra note 81, at 317.
100. Harris, supra note 31, at 284-85.
101. Id. at 287.
102. Id.
whites generally hold, and the domination they generally exercise, over most colored people. In Farber and Sherry's view, my anti-Semitic expression is the failure to remove Jews from their enlistment and complicity in perpetuating the oppressive features of white supremacy. I, of course, would also place blacks like Clarence Thomas and Proposition-209 supporter Ward Connerly in the same enlistment and complicity.103

Their friendly fire notwithstanding, Farber and Sherry purport to be liberals who are genuinely concerned about constructive dialogue. Beyond responding to their views, I do think that a conversation about multicultural ideals might open the possibility that successful people of all kinds might re-think the oppressive features of business as usual and seek alternatives that represent, instead, the features of a just society. Part III concludes these notes by opening that conversation.

III. THE MULTICULTURAL IDEAL: MAKING THE RHETORIC REAL

A. MULTICULTURALISM'S THICKET OF AMBIGUITIES AND CONTRADICTIONS

When I envision a multicultural future that reflects a more just society, I "colorize" whites and include them in the transformative process.104 I want whites to buy into this adventure, but I do not want to change places with them, respectively, as powerholder and subject.105 I want them to reimagine the con-

103. Here, I am avoiding a racialist orientation that theorizes that racial power operates adversely to blacks as merely a function of underlying white interest. *Editors' Introduction, in CRITICAL RACE THEORY, supra* note 31, at xxiv. For example, as a reflection of racialism, "Narrow notions of racial solidarity led African Americans to rally behind a figure [Clarence Thomas] who, though black, had been and would continue to be an eager participant in the evisceration of the post-civil rights coalition." *Id.* at xxxi. My view is neither anti-Semitic nor racialistically tied to narrow notions of black solidarity; that's the point.

104. See John O. Calmore, Exploring Michael Omi's "Messy" Real World of Race: An Essay for "Naked People Longing to Swim Free," 15 LAW & INEQ. J. 25 (1997) (stating that whites must also engage in renegotiating the dominant culture in a way that deconstructs and reconstructs "whiteness," so that it becomes "enough of a color so that a multicultural nation would include them as people of color" and as another "border identity" that boldly infringes on dominant normalcies).

105. See Calmore, *supra* note 46, at 2146 ("Pursuing critical race projects . . . entails a number of very tricky moves, such as impugning the integrity of
tent of their character, more than change the color of their skin. As Ruth Frankenberg points out, "whiteness does have content inasmuch as it generates norms, ways of understanding history, ways of thinking about the self and other, and even ways of thinking about the notion of culture." It is this sense of whiteness that whites must reformulate.

Multiculturalism stems from the earlier push of "cultural pluralism" dating back to the work of Horace Kalen in 1915 and came somewhat into vogue under its own name in the 1970s. Since the late 1980s, multiculturalism has asserted itself as a principal framework for analyzing relations among diverse groups. The working viability of the concept, however, continues to be hampered by its many ambiguities and contested meanings. As Robert Stam and Ella Shohat observe, the concept is "open to various interpretations and subject to diverse political force fields; it has become a slippery signifier onto which diverse groups project their hopes and fears." Jon Cruz's stronger critique notes that multiculturalism has produced an intellectual freedom but with significant political default. In his view, the concept has become "an overloaded term, a symbolic container that is not capable of containing the range of investments that it attempts to carry. If it is a social hieroglyphic, it is one that is in the process of rupturing under the pressure of multiple conflicting meanings." For these reasons, among others, the notion of multiculturalism simultaneously sparks a good deal of interest, ambivalence, and rejection.

America for its racist ways without coming across as anti-white because you reduce all white individuals to fungible parts of a collective evil, injustice, and oppression.".

106. FRANKENBERG, supra note 84, at 231. For an excellent discussion of white race-consciousness, see LOPEZ, supra note 34, at 155-95.


108. Id. at 77 ("Multiculturalism's most general goal in the 1970s was to reorganize education for the benefit of minority students.").


111. Jon Cruz, From Farce to Tragedy: Reflections on the Reification of Race at Century's End, in MAPPING MULTICULTURALISM, supra note 107, at 19, 21.
The complex and problematic nature of multiculturalism thus raises many social, political, and cultural issues.112 Does it advance anti-racist projects or render racism marginal, if not oblivious to central issues of difference? Does it destabilize and delegitimate dominant positions of power and privilege or reinforce them? Does it mean more than "diversity management"? Is it primarily intellectual or academic and irrelevant to mobilizing grass-roots alliances furthering coalition politics? Does it link or de-link culture and politics? Does it extend, distort, or transcend the black-white paradigm of race relations and stratification? In analyzing racialized and oppositional subjects, Avery Gordon and Christopher Newfield raise a related set of contextual questions.113

It is not my project to resolve these matters. Rather, in light of them, I am trying to bring multiculturalism home—to claim it, to share in it, and to live with it in connective and constructive ways. An initial step is to trace the genealogy of multiculturalism and appreciate it as a historical reaction to the dictates of monoculturalism. As an ideology and set of normative values, monoculturalism persists even as the empirical and demographic description of the nation contradicts it.

Monoculturalism is both an intellectual ideology and a set of institutional practices, steadfastly linking power and politics to the dictates of one, centered, dominant culture to which all subordinated subjects must adapt. The history of monoculturalism is wedded to the melting-pot assimilationism that required European immigrants to relinquish their "un-American" values and to adopt in their place America's core set of cultural

112. See David Theo Goldberg, Introduction: Multicultural Conditions, in A CRITICAL READER, supra note 110, at 1, 1 (noting that in the past decade, the attempt to characterize multiculturalism has been the subject of many debates).

113. Gordon & Newfield, supra note 109, at 11. The authors ask the following questions:
How are contemporary events forming new types of collective political subjects? What are the effects of multiculturalism on established and newer modes of identity? What is a "minority" in a multicultural society? How does multiculturalism affect the ongoing projects of recovering historical and cultural identity in nondominant cultures? Are women of color a political class? Does multiculturalism reinforce traditional identity politics and individualistic political modes, like resentment? What are the current relations between theories of the subject and ethnic and gender studies?

Id.
and political values. As David Theo Goldberg points out, this meant accepting core values that represented the class and racial culture that constituted the prevailing hegemony. The melting-pot process forced one to renounce one's subjectivity, giving up one's self in name, in culture, in ethnicity, and to the degree possible, in color. Moreover, until the 1940s, assimilation did not take into account blacks (then known as Negroes) because dominant society deemed us to be unmeltable, "inherently inassimilable." After World War II, as the institutional exclusion and segregation of blacks became more subject to viable political and legal challenge, equal treatment was equated, at least formally, with that accorded to European ethnic groups under the dictates of an assimilationist monoculturalism. Black assimilation became unproblematic, at least theoretically. After all, as Nathan Glazer and Daniel Moynihan wrote in 1963, "[T]he Negro is so much an American, the distinctive product of America. He bears no foreign values and culture that he feels the need to guard from the surrounding environment."

The homogenous, hegemonic creed of America thus translated its particularistic core into values represented as neutral and universal. In Goldberg's view, "The language of ethno-racial relations and harmony served the interests of those with power; those, that is, who continued to define what the acceptable core monocultural values were." Moreover, as the name suggests, monoculturalism has always extended beyond merely legitimating the universalized presuppositions and terms—the rules of the game—of the nation's single culture. It also denies

114. Id. at 5. The countervailing move is not simply to recognize heterogeneity, but to argue from heterogeneity. Goldberg thus argues that "[t]he fact of heterogeneity, then, implies that homogeneity, communal or otherwise, is not natural but politically crafted, fabricated for purposes, however limited, of localizing power and its maintenance, and of guaranteeing control." Id. at 25. The focus on contests over power is a crucial aspect of critical multiculturalism—"over who mobilizes and expresses power, over how power is conceived and exercised, over who benefits from or suffers the effects of power and its institutionalization." Id. at 30. I think sometimes the cultural reductionism of some forms of multiculturalism elides power conflict from the issue recognition.

115. Id. at 5.

116. Id.


118. Goldberg, supra note 112, at 5.
any possible cultural value to expressions that were incompati-
bale with the core. Cultural expressions that were com-
patible were misappropriated and melted down, fused into the
core.119

With gains brought about from the civil rights movement,
monoculturalism's force diminished somewhat under the quali-
ﬁed weight of integration and equal opportunity. At the mar-
gins and in private circles, room was made for cultural distinct-
iveness. Blacks asserted themselves in rebuttal to Glazer's
claim that we had no distinct values and culture to protect and
guard against the crush of assimilationist dictates.120

B. MULTICULTURALISM'S REJECTION OF ASSIMILATIONISM

As my earlier discussion of integration as a form of socio-
logical passing indicates, the African American involvement
with assimilation is problematic in many ways that are less
salient for European ethnic groups. I believe the jury is still
out on how effectively Asians, Pacific Islander, and Latino
groups will fare under the dictates of assimilation.121 In benign
form, assimilation merely presents a road map for newcomers
and marginalized individuals who wish to beneﬁt from the ex-
isting economic and political mainstream. It guides one to in-
teresting and rewarding employment opportunities, good
neighborhoods and home ownership, ﬁnancial security, good
schools, and the various bundle of beneﬁts that are reserved for
America's middle class. It represents a way to realize the
American Dream. But assimilation in this benign form really
masks a bolder, not-so-benign expression of "assimilationism,"
which Christopher Newﬁeld and Avery Gordon refer to as "a
speciﬁc ideology that sets the fundamental conditions for full
economic and social citizenship in the United States."122 It is

119. See, e.g., id. (providing an example of this phenomenon by describing
how American monoculturalism incorporated certain aspects of "popular" cul-
ture like television shows, movies, and rock & roll).

120. Roger Sanjek, The Enduring Inequalities of Race, in RACE, supra note
85, at 9-10.

121. See Antonia I. Castañeda, Language and Other Lethal Weapons: Cul-
tural Politics and the Rites of Children as Translators of Culture, in MAPPING
MULTICULTURALISM, supra note 107, at 201, 204-05; Neil Gotanda, Multicul-
turalism and Racial Stratification, in MAPPING MULTICULTURALISM, supra
note 107, at 238, 245-46; Roger Sanjek, Intermarriage and the Future of Races
in the United States, in RACE, supra note 85, at 103.

122. Newﬁeld & Gordon, supra note 107, at 80.
this ideological expression of assimilation I challenge, a challenge that aligns me with a critical multiculturalism.\textsuperscript{123}

According to Newfield and Gordon, assimilationism has three main features, all challenged by critical multiculturalism: (1) it demands that one adhere to core principles and behaviors, marginalizing those who do not; (2) it opposes race consciousness; and (3) it repudiates the distinctively cultural equity of diverse groups.\textsuperscript{124}

In the 1970s, a significant number of people of color sought to articulate and endorse cultural pluralism even as the assimilationist mainstream opportunity structure began to invite our participation.\textsuperscript{125} The proposition was not just empirically difficult, but conceptually as well, because core assimilationism also, paradoxically, paid lip service to pluralism. As Newfield and Gordon point out:

Assimilationist pluralists continually insist on conformity to [the] core, even as they profess their belief in plurality. This assimilationist-pluralist position is contradictory, and yet it forms a pillar of the American Creed, standing next to its fellow pillars "democracy" and "free enterprise" and transforming these into elements of the core political culture.\textsuperscript{126}

The pressures of assimilationism to adapt are unrelenting. Moreover, its explanations for and justifications of status-quo America are compelling to most members of the national community. It pretends to value diversity and promote equal opportunity, but it also seeks to impose a "single explanatory system or view of reality [that purports to] account for all the phenomena of life."\textsuperscript{127} Thus, its primary objective is to sub-

\textsuperscript{123} Various concepts of "critical multiculturalism" exist. I would identify it with a move toward the use of cultural diversity as a basis for challenging, revising, and reformulating underlying assumptions of a common culture in order to renegotiate and construct a new incorporative culture and societal organization that would necessarily implicate repressive dominant power holdings, institutional arrangements, and conventional wisdoms. It is critical in a fundamental rather than a "bit" way. See Calmore, supra note 46, at 2135-37 (discussing "fundamental" versus "bit" criticism).

\textsuperscript{124} Newfield & Gordon, supra note 107, at 80-81. "Downplaying the effects of racial marking, assimilationism ignores the way supposedly neutral institutions are pro-white." \textit{Id.}

\textsuperscript{125} See MICHAEL OMI & HOWARD WINANT, RACIAL FORMATION IN THE UNITED STATES: FROM THE 1960S TO THE 1990S 16-20 (2d ed. 1994) (describing the chief debate between assimilationists and cultural pluralists within the ethnic group paradigm about the possibility of maintaining ethnic group identities over time).

\textsuperscript{126} Newfield & Gordon, \textit{supra} note 107, at 81.

\textsuperscript{127} \textit{Id.}
sume diverse groups into a single whole at the center, with pluralism lightly tolerated at the margins.

In opposing assimilationism, even while assimilating, those of us who press for enhanced equality and social justice cannot be deterred by others who characterize us as threats to social harmony. We cannot let our individual upward mobility dissuade us from challenging "unjust ground rules" merely because that mobility may be contingent on obeying those rules. We cannot buy into standards that our social group—colored people—had no share in formulating and little stake in implementing. We must disrupt the operation of these standards and destroy their masquerade as inclusive, neutral, and unifying when they are, in truth, themselves racial and divisive. As Newfield and Gordon conclude, "Assimilationism is the general operating system for everybody's software of cultural interaction. And it is an immensely powerful opponent of all kinds of equity movements in American life." As an integration warrior, I am fighting more against assimilationism than I am fighting for integration. It is just difficult, however, because I am fighting from within integrated settings, having necessarily assimilated to a degree. But I have been doing it for the last thirty years and I am committed to do so for another thirty if I am able.

C. THE MOVE TOWARD A "BORDER-CROSSING INCORPORATIVE MULTICULTURALISM"

Progressives who act from a critical feminist, or race-critical standpoint, must be insurgent, critical mul-
ticulturalists. Our position demands it, because the assimilationist ideology seeks to suppress our claims for a more inclusionary and just society. Moreover, monoculturalism sets the stage for sexism, heterosexism, and racism. For those of us who occupy cultural borderlands, our values, interests, and life experiences are reduced to “annoying exceptions rather than central areas for inquiry.” We must react to monoculturalism and its handmaiden, assimilationism, by reclaiming our status on the borderlands and positioning it center stage. As Peter McLaren states, “We must create new narratives—new ‘border narratives’—in order to reauthor the discourses of oppression in politically subversive ways as well as create sites of possibility and enablement.”

The ultimate task is to move beyond assimilationism and integrationism and separatism. These represent a three-strikes phenomenon. Throughout our history, a significant number of African Americans have swung at all three. At this point, many of us are genuine “players,” but we are standing at the plate fouling off the third strike (in whichever form it is thrown). What we must seek instead is what Goldberg terms “incorporation.” The principle of incorporation “involves the dual transformations that take place in the dominant values and in those of the insurgent group as the latter insists on more complete incorporations into the body politic and the former grudgingly gives way.” It rejects the mere extension of dominant values and protections to the formerly outsider marginalized and subordinated groups. This is, in legal terms, a recognition that equality before the law is necessary


133. See CRITICAL RACE THEORY, supra note 31, at xxvii (discussing the need for an oppositional vision of racial justice).

134. See, e.g., Henry A. Giroux, Insurgent Multiculturalism and the Promise of Pedagogy, in A CRITICAL READER, supra note 110, at 325, 326 (noting Giroux’s desire “to shift the discussion of multiculturalism [from a focus on constructed identities and tolerance of difference] to a pedagogical terrain in which relations of power and racialized identities become paramount as part of a language of critique and possibility”).


137. See Goldberg, supra note 112, at 9.

138. Id.

139. Id.
but not sufficient to ensure justice in society and equality in fact. It will require us to press for a reinterpretation of America's common ground, shared values, and rules of the game.

Goldberg provides insight into how an integration warrior can operate from within dominant institutions and society. We must continually "renegotiate socio-cultural space" and not allow that space to be "fixed in and by a [social] contract, a momentary communicative agreement that reifies relations."\textsuperscript{140} Instead, "[t]he body politic becomes a medium for transformative incorporation, a political arena of contestation, rather than a base from which exclusions can be more or less silently extended, managed, and manipulated."\textsuperscript{141} Adopting this move toward incorporation, the insurgent multiculturalist, although a "troublemaker," is not an outside agitator. She has a stake in the system, but she "seeks to undermine and alter from within the dominant, controlling, confining, and periphrastic values of the cultural dominant."\textsuperscript{142} Finally, as Goldberg states, "incorporative undertakings are transgressive, engaged by definition in infringing and exceeding the norms of the monocultural status quo and transforming the values and representations that have held racist culture together."\textsuperscript{143} It is this point of view that directs my continuing adventure as an integration warrior. It also explains why I am always recruiting, as the saying goes, "a few good men [sic]."

CONCLUSION

In these notes I have sought to tell my story in a way that may open the readers to different personifications of merit. Through my discussion of sociological passing, the controversy of merit and white privilege, the illegitimate features of monoculturalism and assimilationism, and the hopeful aspiration of multiculturalism, I have offered my story to counter "the dominant gaze"\textsuperscript{144} that is imposed on colored people as the na-

\begin{footnotes}
\footnotetext[140]{Id. \footnotemark\footnotemark}
\footnotetext[141]{Id. \footnotemark\footnotemark}
\footnotetext[142]{Id. \footnotemark\footnotemark}
\footnotetext[143]{Id. at 10. Goldberg sees this as a consequence of the ways in which "hybridity" establishes multicultural conditions that promote new domains of knowledge and new representations of subjects. \textit{Id.} \footnotemark\footnotemark}
\footnotetext[144]{According to Margaret Russell, the "dominant gaze" refers to "the tendency of mainstream culture to replicate, through narrative and imagery, racial inequalities and biases which exist throughout society." Margaret M. Russell, \textit{Race and the Dominant Gaze: Narratives of Law and Inequality in Popular Film}, in \textit{CRITICAL RACE THEORY: THE CUTTING EDGE} 56, 57 (Richard}
\end{footnotes}
tion's institutional, cultural, and societal tendencies establish, maintain, and perpetuate unjustly narrow protocols of inclusion.

In closing, I summon two giants from American history. First, I take from James Baldwin the necessity for blacks not to give up on white people. Second, I take from Martin Luther King, Jr. the necessity for blacks not to give up on ourselves. On the 100th anniversary of the Emancipation, James Baldwin wrote this to his nephew:

I have begun this letter five times and torn it up five times. I keep seeing your face, which is also the face of your father and my brother. You were born where you were born and faced the future that you faced because you were black and for no other reason. The limits of your ambition were, thus, expected to be set forever. You were not expected to aspire to excellence; you were expected to make peace with mediocrity. Wherever you have turned, James, in your short time on this earth, you have been told where you could go and what you could do (and how you could do it) and where you could live and whom you could marry. Please try to be clear, dear James, through the storm which rages about your youthful head today, about the reality which lies behind the words acceptance and integration. There is no reason for you to try to become like white people and there is no basis whatever for their impertinent assumption that they must accept you. The really terrible thing, old buddy, is that you must accept them.145

On August 5, 1962, one year before I went off to college, Dr. King presented the case against tokenism:

The most superficial look at history shows that no social advance rolls in on the wheels of inevitability. It comes through the tireless efforts and persistent work of dedicated individuals. . . . The Negroes' goal is freedom. . . . Yet we are not passively waiting for deliverance to come from others out of pity. Our destiny is bound up with the

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destiny of America—we built it for two centuries without wages; we made cotton king; we built our homes and homes for our masters and suffered injustice and humiliation. But out of a bottomless vitality we continued to live and grow. If the inexpressible cruelties of slavery could not extinguish our existence, the opposition we now face will surely fail. We feel that we are the conscience of America—we are its troubled soul. We will continue to insist that right be done because both God's will and the heritage of our nation speak through our echoing demands.146

As we approach the twenty-first century, neither proposition will be problem-free.

146. Martin Luther King, Jr., The Case Against "Tokenism," in A TESTAMENT OF HOPE, supra note 47, at 106, 111.