RACIALIZED SPACE AND THE CULTURE OF SEGREGATION: "HEWING A STONE OF HOPE FROM A MOUNTAIN OF DESPAIR"

JOHN O. CALMORE†

> *Racial discrimination not only produces a societal injury, it strikes at the dignity of the individual. It says to the individual that no matter how much money you have, no matter what your social position is, you cannot live here. To most people, that message is malignant. It strikes at the victim's personhood, and if left to fester, will poison the victim's self-esteem.*[1]

> *Racial segregation, like all other forms of cruelty and tyranny, debases all human beings–those who are its victims, those who victimize, and in quite subtle ways those who are mere accessories.*[2]

INTRODUCTION

For black Americans, these telling epigraphic observations represent historically constructed mountains of despair. Although the legacy of the civil rights movement, with its integration imperatives and equal opportunity mandates, can continue somewhat to address racial discrimination, that legacy is inadequate to redress imposed segregation and expendability. In this post-civil-rights era, more complementary and promising stones of hope will necessarily have to be hewn from within the communities, at the grassroots level, where imposed segregation and expendability are most acutely experienced. Accordingly, this Paper presents a counterstory to that which has written off inner-city communities of color. It offers a note of resistance to those who doom the human beings who reside there because they are deemed to be hopelessly embedded in a culture of poverty or a culture of segregation. It offers a normatively reformulated conception of social justice that requires an elimination of oppression and domination and not merely a correction of inequitable distribution. It argues that heterogeneity must constitute an integral part of the analysis of social justice. It entreats progressives to intervene and connect with the people who reside in these communities, and, for all of these story lines, it proceeds against the odds.

Empathetic understanding is a rare gift, so I imagine it is very difficult for whites to appreciate the pain, the hurt, the humiliation, and the insult of housing discrimination. Likewise, I imagine it is difficult for whites to appreciate the dehumanizing constraints and isolation of imposed segregation. After all, eighty-six percent of suburban white Americans reside in neighborhoods where the percentage of blacks is less than one percent,[3] which I think most of us would find to be a remarkable indication of our separateness. The compoundedness of race and space, I imagine, is for whites taken for granted; white space is not problematic and black space is somewhere else. For whites, the broad notion of housing simply does not present the problems that it has for blacks.[4] Shortly

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[3] *See* CORNEL WEST, RACE MATTERS 4 (1993).

[4] Massey and Denton have found that blacks are "hyper-segregated"—unevenly distributed, isolated, clustered, concentrated, and centralized—in 16 metropolitan areas. DOUGLAS S. MASSEY & NANCY A. DENTON, AMERICAN APARTHEID: SEGREGA-TION AND THE MAKING OF THE UNDERCLASS 75-77 (1993). Among these 16 areas are six of the 10 largest metropolitan areas in the United States, and together they

before my now deceased father was born in 1904, W.E.B. Du Bois spoke prophetically that "[t]he problem of the twentieth century is the problem of the color line—the relation of the darker to lighter races of men in Asia and Africa, in America and the islands of the sea."[5] Five short years away from the twenty-first century, it appears that Du Bois was overly optimistic.[6]

As a conceptual framework, "the racialization of space" elaborates on the color line, marking it with complexity and empirical detail. British scholar Robert Miles traces the concept of "racialization"[7] to Frantz Fanon's discussion of the problems decolonized intellectuals in Africa faced in trying to construct a cultural future.[8] Extending the concept, Miles refers to it as "those instances where social relations . . . have been structured by the signification of human biological characteristics in such a way as to define and construct differentiated social collectives."[9] Racialization is a "dialectical process of signification" that reaches to the societal processes in which people participate and to the structures and institutions that people produce.[10]

The "racialization of space," as I am using the term, is the process by which residential location and community are carried and placed on racial identity. I take my meaning from Susan Smith,

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"house" 35% of the nation's African-Americans, and 41% of all blacks who reside in urban areas. See id. at 76. Massey and Denton note: "Ironically, within a large, diverse, and highly mobile post-industrial society such as the United States, blacks living in the heart of the ghetto are among the most isolated people on earth. . . . No other group in the contemporary United States comes close to this level of isolation within urban society." Id. at 77.

[5] W.E.B. DU BOIS, THE SOULS OF BLACK FOLK 23 (1903).

[6] See Keith Aoki, Race, Space, and Place: The Relation Between Architectural Modernism, Post-Modernism, Urban Planning, and Gentrification, 20 FORD. URB. L.J. 699, 703 (1993) (critiquing "the post-modernism embrace of a facile and ironic historic ambiance as well as its abdication of social responsibility for the effects of urban design and planning on the buildings, neighborhoods, cities, and regions that affect our living environment"); John C. Boger, Race and the American City: The Kerner Commission in Retrospect—An Introduction, 71 N.C. L. REV. 1289, 1291 (1993) (arguing that "fundamental social and economic diagnoses of the Kerner Commission remain pertinent twenty-five years later, while its policy prescriptions remain largely ignored" (emphasis omitted)); Richard T. Ford, The Boundaries of Race: Political Geography in Legal Analysis, 107 HARV. L. REV. 1841, 1844 (1994) (arguing that "segregation continues to play the same role it always has in American race relations: to isolate, disempower, and oppress").

[7] ROBERT MILES, RACISM 73-74 (1989).

[8] See FRANTZ FANON, THE WRETCHED OF THE EARTH 171-72 (Constance Farrington trans., 1963) (1961).

[9] MILES, supra note 7, at 75.

[10] Id. at 75-76.

who characterizes the term to be "the process by which residential location is taken as an index of the attitudes, values, behavioural inclinations and social norms of the kinds of people who are assumed to live [there]."[11] Once largely an American matter of black/white race relations, it is growing more complicated as Latinos and Asians enter the mix.[12]

An analysis of racialized space is complex for many reasons, as it involves at least the consideration of politics and public policy, racially signified and symbolized conflicts, and aspects of hegemony, such as the construction of our "common sense" understandings of everyday life. In exploring this complexity, I draw heavily from the work of Michael Omi and Howard Winant, who attempt to provide a theoretical explanation for how race, despite its "uncertainties and contradictions," is a fundamental factor in both *structuring* and *representing* the social world."[13] Therefore, race is not an essence, something that is fixed, concrete, and objective, nor should we view race as a mere "illusion we can somehow get beyond."[14] These basic perspectives inform Omi and Winant's theory of "racial

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[11] Susan J. Smith, *Residential Segregation and the Politics of Racialization, in* RACISM, THE CITY AND THE STATE 128, 133 (Malcolm Cross & Michael Keith eds., 1993) [hereinafter RACISM].

[12] *See* William A.V. Clark, *Residential Preferences and Residential Choices in a Multi-Ethnic Context,* 29 DEMOGRAPHY 451, 459 (1992); Nancy A. Denton & Douglas S. Massey, *Patterns of Neighborhood Transition in a Multi-Ethnic World: U.S. Metropolitan Areas, 1970-1980,* 28 DEMOGRAPHY 41, 44 (1991); William H. Frey & William P. O'Hare, *¡Vivan los Suburbios!,* AM. DEMOGRAPHICS, Apr. 1993, at 30, 32; Bill O. Hing, *Beyond the Rhetoric of Assimilation and Cultural Pluralism: Addressing the Tension of Separatism and Conflict in an Immigration-Driven Multiracial Society,* 81 CAL. L. REV. 863, 870 (1993); John R. Logan & Richard D. Alba, *Locational Returns to Human Capital: Minority Access to Suburban Community Resources,* 30 DEMOGRAPHY 243, 247 (1993); Douglas S. Massey & Nancy A. Denton, *Racial Identity and the Spatial Assimilation of Mexicans in the United States,* 21 SOC. SCI. RES. 235, 239 (1992); Michael J. White et al., *Immigration, Naturalization, and Residential Assimilation Among Asian Americans in 1980,* 72 SOC. FORCES 93, 102 (1993).

[13] MICHAEL OMI & HOWARD WINANT, RACIAL FORMATION IN THE UNITED STATES: FROM THE 1960S TO THE 1990S, at 55 (2d ed. 1994) (emphasis added).

[14] *Id.* This observation raises a tension that is rooted in anti-essentialist recognitions and identity politics. My use of the Omi and Winant thesis is intended to avoid what Kimberlé Crenshaw characterizes as "the vulgarized social construction thesis, [which] is that since all categories are socially constructed, there is no such thing as, say, Blacks or women, and thus it makes no sense to continue reproducing those categories by organizing around them." Kimberlé Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color,* 43 STAN. L. REV. 1241, 1296 (1991). Crenshaw thus employs the term "vulgar constructionism" to distinguish between anti-essentialist critiques that allow room for identity politics and those that do not. *Id.* at 1296 n.180. For various constructions of "race," see Neil Gotanda, *A Critique of "Our Constitution Is Color-Blind,"* 44 STAN. L. REV. 1, 3-7 (1991).

formation," which they define as "the sociohistorical process by which racial categories are created, inhabited, transformed, and destroyed."[15] They provide a three-step elaboration. First, they argue that the process is fueled by "racial projects" where "human bodies and social structures are represented and organized."[16] Second, they link the process to the evolution of hegemony.[17] Third, they argue that race is now primarily a political matter that is influenced by "the racial state."[18] All three of these arguments apply to my analysis of racialized space.

Omi and Winant view race as a matter of both social structure and cultural representation. A racial project ideologically links this structure and representation. Thus, a racial project constitutes a combination that is "simultaneously an interpretation, representation, or explanation of racial dynamics, and an effort to reorganize and redistribute resources along particular racial lines."[19] In viewing residential segregation as racialized space, I in turn view the racialization of space as a process of racial formation and its associated racial projects that undergird oppression and domination by force and hegemony.[20] I believe that the racial ghetto is a paradigm site of racial projects. It is where we connect what race means discursively and racially organize both social structures and everyday experience. Douglas Massey's Article in this Symposium, *Getting Away with Murder*, graphically illustrates this.[21]

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[15] OMI & WINANT, *supra* note 13, at 55.

[16] *Id.* at 55-56.

[17] *See id.* at 56 (defining hegemony as "the way in which society is organized and ruled").

[18] *Id.* at 82. For Omi and Winant, the state does not merely intervene in racial conflicts; it is "increasingly the preeminent site of racial conflict." *Id.* The state is "composed of institutions, the policies they carry out, the conditions and rules which . . . justify them, and the social relations in which they are embedded." *Id.* For the federal and state role in constructing the ghetto, see MASSEY & DENTON, *supra* note 4, at 51-57, and Beth J. Lief & Susan Goering, *The Implementation of the Federal Mandate for Fair Housing, in* DIVIDED NEIGHBORHOODS: CHANGING PATTERNS OF RACIAL SEGREGATION 227, 228 (Gary A. Tobin ed., 1987) [hereinafter DIVIDED NEIGHBORHOODS]. For the local government role, see Yale Rabin, *The Roots of Segregation in the Eighties: The Role of Local Government Actions, in* DIVIDED NEIGHBORHOODS, *supra* note 18, at 208, 222.

[19] OMI & WINANT, *supra* note 13, at 56 (emphasis omitted).

[20] *See* Thomas L. Dumm, *The New Enclosures: Racism in the Normalized Community, in* READING RODNEY KING/READING URBAN UPRISING 178, 187-91 (Robert Gooding-Williams ed., 1993) [hereinafter READING RODNEY KING].

[21] Douglas S. Massey, *Getting Away with Murder: Segregation and Violent Crime in Urban America,* 143 U. PA. L. REV. 1203 (1995).

A consideration of racialized space, as urban apartheid, also forces one to consider the political economy, urban social theory, and contemporary cultural meanings. These, in turn, compel a more general consideration of the destabilizing notion of the "postmodern city."[22] In writing from the home base of Los Angeles, a postmodern analysis of city life must incorporate a way of seeing as well as being.[23] As Michael Keith and Malcolm Cross observe, "we are talking . . . about a new conceptualization of the city as well as a new form of urbanism."[24] These insights, I believe, relate as well to the important work of Douglas Massey and Nancy Denton on America's apartheid society and the making of the black underclass.[25] The contemporary urban form they describe and analyze incorporates a set of racialized values that structure what Keith and Cross term "the architecture of power in the city," and this structure "in its most fundamental principles is nothing less than the urban realization of the ideology of apartheid."[26]

I observe by way of introductory caveat that this writing is driven by my attempt to incorporate explicitly a sense of resistance. I take a cue from Martha Mahoney, who has suggested that "[i]f we were better at articulating *both* oppression *and* resistance, at both the individual and collective level, we might be less confused."[27] Mahoney rebuts the argument that "agency among the oppressed" is to be judged exclusively in terms of "effectuated change."[28] Instead, we can claim an agency that manifests itself in the "liberatory struggle" associated with the "resistance to oppression."[29]

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[22] Michael Keith & Malcolm Cross, *Racism and the Postmodern City, in* RACISM, *supra* note 11, at 1, 2.

[23] *See infra* part III (discussing the need to support grassroots movements).

[24] Keith & Cross, *supra* note 22, at 2.

[25] *See* MASSEY & DENTON, *supra* note 4, at 7 (suggesting that race and racial segregation "should be fundamental to thinking about the status of black Americans and the origins of the urban underclass").

[26] Keith & Cross, *supra* note 22, at 11.

[27] Martha R. Mahoney, *Exit: Power and the Idea of Leaving in Love, Work, and the Confirmation Hearings,* 65 S. CAL. L. REV. 1283, 1314 (1992).

[28] *Id.* at 1313.

[29] *Id.* at 1314. This cue was reinforced by Margaret Montoya's response to a talk I gave at the Association of American Law Schools Annual Meeting in New Orleans during January 1995. I appeared as a panelist on a forum program entitled, *From Classroom to Class Conflict: Scholarship in the Service of Redistribution.* The forum examined the following issues: "What kind of work is appropriate and possible for one who chooses to move beyond the classroom into the 'public policy' arena when the site is characterized by deep social conflicts and gross maldistribution?" and "What are the issues and problems such a mover is likely to encounter?" Organized by Frances L. Ansley, other panelists included Deborah H. Bell, Wendy R. Brown-

Hence, this Paper reflects a developing oppositional consciousness, which can redirect the responsibility for segregation and its ill effects from the divine, natural, and personal domain to the systems of domination and oppression that have constructed and maintained the color line. This Paper ultimately stands for the proposition that positive social change in the ghetto "is not only desirable but possible."[30]

In Part I, I will briefly describe criticism, from the political right and left, of Massey and Denton's book, *American Apartheid.* I will take up both the critique from the right that the book failed to acknowledge the black crime rate as a justifiable reason for white aversion to black neighbors and the critique from the left that the book failed to consider how segregation and white prejudice are mutual causations of each other—a vicious cycle. In his article, *Getting Away with Murder,* Massey writes as if he is addressing both of these criticisms.

Part II will discuss Massey's thesis on black crime within the context of a larger conversation about what he calls the "culture of segregation." Although unique, this thesis bears some similarity to reactionary ideological constructions of the unworthy poor as a racialized class living within racialized space. I argue that Massey, in effect, has been absorbed by the right, because his position now supports their racial projects.

I think that most people, virtually without thinking, see integration as the sure-bet way for people of color to achieve acceptance by dominant society and to negotiate successfully the mainstream opportunity structure. In Part III, I question this "common sense." Part III describes my experience with "progressive grant-making" during my tenure as a Program Officer in the Rights and Social Justice Program at the Ford Foundation. This grant-making was done in response to the 1992 urban uprising in Los Angeles. I cite this grant-making to illustrate a larger point

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Scott, Duncan M. Kennedy, Peter Pitegoff, and Lucy A. Williams. This Paper extends that discussion. *See also* Sumi K. Cho, *Korean Americans vs. African Americans: Conflict and Construction, in* READING RODNEY KING, *supra* note 20, at 196, 207-10 (examining "theories for social action and change").

[30] Aldon Morris, *Centuries of Black Protest: Its Significance for America and the World, in* RACE IN AMERICA: THE STRUGGLE FOR EQUALITY 19, 24 (Herbert Hill & James E. Jones, Jr. eds., 1993). Relatedly, Patricia Hill Collins argues that certain experiences of black women have indicated that "power as energy can be fostered by creative acts of resistance." PATRICIA H. COLLINS, BLACK FEMINIST THOUGHT: KNOWLEDGE, CONSCIOUSNESS, AND THE POLITICS OF EMPOWERMENT 228 (1990).

about the need to support grassroots movements that build upon a culture of resistance and promote social justice and multicultural collaboration, even in the absence of integration into mainstream society.

I. CRITIQUES OF AMERICAN APARTHEID

A. *Massey's Theory on Crime and Segregation and Poverty*

Massey's getting-away-with-murder thesis offers a plausible explanation of how crime, high rates of residential segregation, and high levels of concentrated black poverty synergistically combine to plague and victimize blacks.[31] Massey attributes this phenomenon largely to a racially segregated culture. Cultural imperatives compel rational behavioral adaptations and value orientations that deviate from mainstream norms. As a result, prospects for residential integration grow increasingly dim because the white fear of crime and the association of crime with blackness become primary reasons for whites to maintain segregation, through exclusion of blacks from their neighborhoods and reluctance to move into settings where blacks already reside. Whites, in effect, get away with murder because they perceive real benefits from keeping blacks contained and isolated. This thesis responds to earlier criticism from the right and left as discussed below.

B. *The Critique from the Right*

From the political right, Nathan Glazer and Charles Murray have voiced some criticism of the Massey and Denton book for its failure to deal with the issues of crime. Glazer criticizes the authors for having focused almost exclusively upon white prejudice while ignoring the problem of high crime rates in black areas.[32] Relatedly, Glazer argues that liberal researchers "were never quite honest about the effects of an increase in black population on property values."[33] Banks and real estate brokers rightfully worried about the ownership turnover from white to black, since most of the time this meant a drop in property values, "not because blacks lived there, but because crime increased, schools declined,

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[31] *See* Massey, *supra* note 21, at 1217-18.
[32] *See* Nathan Glazer, *A Tale of Two Cities*, NEW REPUBLIC, Aug. 2, 1993, at 40.
[33] *Id.*

and the public sphere was neglected."[34] According to Glazer, it was this predictable pattern of what happened when blacks moved into the neighborhoods in increasing numbers that made many integrated areas "brief interludes between being all white and being all black."[35] Glazer finds little acknowledgment of this phenomenon in *American Apartheid*.[36] He concludes that black segregation will end when the black "behavior that induces the [white] motives of resistance or avoidance is reduced."[37]

Murray voices a similar critique, arguing that Massey and Denton are wrong in their reliance on the idea that whites discriminate by using "'negative stereotypes about black neighbors [that] remain firmly entrenched in white psyches.'"[38] According to Murray, these stereotypes, which include the idea that blacks are more prone to violence and crime than whites, are more likely to live off welfare, and are lazier and less moral than whites, are "founded on empirically accurate understandings about contemporary black behavior compared to contemporary white behavior."[39] In other words, Murray seems to be saying that the negative stereotypes about blacks are true. Therefore, whites can "reasonably fear" an influx of blacks into their neighborhoods.[40] Massey now appears to accept these critiques as valid.[41]

C. *The Critique from the Left*

Edgar Thompson has described how slave plantations in the antebellum South shaped racial attitudes and identities and, as such, the plantation was a "race-making situation."[42] Applying this

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[34] *Id.*

[35] *Id.* at 41.

[36] *See id.*

[37] *Id.*

[38] Charles Murray, *Class and Underclass*, N.Y. TIMES, May 21, 1993, § 7 (Literary Supplement), at 9 (quoting MASSEY & DENTON, *supra* note 4).

[39] *Id.*

[40] *Id.*

[41] *See* Massey, *supra* note 21, at 1226-27. Massey concludes that a major reason that the nation has done so little to desegregate the metropolis is that most whites perceive themselves to benefit from the social arrangements that maintain segregation. He argues that if poverty rates are higher among blacks, and if crime is associated with this, then the isolation of blacks in poor neighborhoods insulates the rest of society from the crime and associated social problems that stem from the high rate of black poverty. *See id.*

[42] David R. James, *The Racial Ghetto as a Race-Making Situation: The Effects of Residential Segregation on Racial Inequalities and Racial Identity*, 19 LAW & SOC. INQUIRY 407, 413 n.19 (1994) (citing EDGAR T. THOMPSON, PLANTATION SOCIETIES, RACE

concept to the current urban landscape, sociologist David James argues that "[r]acial segregation in general and the racial ghetto in particular are race-making situations that perpetuate the color line in America."[43] James opens up a dynamic here that is consistent with the dialectics of racialization, something that Massey and Denton failed to do well. Thus, James employs the concept "race-making situation" as part of his critique of Massey and Denton's narrower focus on racial prejudice and discrimination as the primary forces that cause residential segregation. In looking at segregation as a race-making situation, James explores the flip side of the Massey-Denton analysis—how racial segregation is a determinant of racial attitudes and prejudices.

James suggests that Massey and Denton's narrow focus, although perhaps necessary as a starting assumption, presents an incomplete picture of the links between racial attitudes and racial segregation. If white prejudice and discrimination cause the segregation that, in turn, contributes to the poverty concentrations among African-Americans, and if these concentrations in turn fuel such prejudice and discrimination, then urban black Americans are caught in the proverbial "vicious circle."[44] As Gunnar Myrdal explained fifty years ago, "'[w]hite prejudice and discrimination keep the Negro low in standards of living . . . . This, in its turn, gives support to white prejudice. White prejudice and standards thus mutually "cause" each other.'"[45] It is the "feedback component of Myrdal's circle of causation" that James associates with the notion of race-making.[46]

This reciprocal, or mutual, causation of race and representation is also a significant aspect of racialization and racial formation.[47] Social situations give rise to the circumstances and the structures of inequality that sustain particular notions of race.[48] Society's widely held racial prejudices provide individuals with "common sense" explanations that explain our everyday experiences and perceptions.[49] Racial identities, values, and perceptions do not

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RELATIONS AND THE SOUTH 115-17 (1975)).

[43] *Id.* at 429.

[44] *Id.* at 412.

[45] *Id.* at 412 n.17 (quoting GUNNAR MYRDAL, AN AMERICAN DILEMMA 75 (1944)).

[46] *Id.* at 412.

[47] *See* OMI & WINANT, *supra* note 13, at 56-57.

[48] *See id.* at 59-61.

[49] *See id.* at 59 ("At the micro-social level, racial projects also link signification and structure, not so much as efforts to shape policy or define large-scale meaning, but

operate in a vacuum. They are subject to a constant process of validation and revalidation—to reality checks, if you will. For instance, the concentration of inner-city blacks in very poor, segregated neighborhoods is not only a result of racial prejudice and discrimination, but it is also, as James explains,

> a powerful referent in the minds of whites that defines how blacks
> are different from whites. The racially motivated actions of whites
> condition the racial identities of blacks by confining them to
> racially segregated neighborhoods and blocking the [integration]
> strategies of those who seek social relationships with whites. Thus
> the 'dark ghetto' is a race-making situation.[50]

This notion of the race-making situation is explicitly developed in Massey's Symposium article, which I now address in Part II of this Paper as part of a critique of the Massey-Denton analysis of "the culture of segregation." The getting-away-with-murder theory simply illustrates the broader culture-of-segregation arguments.

II. A CRITICAL EXAMINATION OF THE CULTURE OF SEGREGATION

A. *The Thesis and Critique*

Prior to the 1960s, inner-city African-American communities were segregated, but there were few of the signs of social disloca-tion that we now associate with such neighborhoods. Instead, there was a relatively strong sense of community that cut across class lines. People identified with their neighborhoods positively and explicit norms and sanctions were employed to counter aberrant behavior.[51] By the 1980s, the inner city was viewed as the site of severe concentrated poverty, social dislocation, and social isolation. The inner city was, to paraphrase William Julius Wilson, tangled in pathology.[52] The political right characterized the black poor's ghetto-specific behavior as reflecting a pathological, dysfunctional,

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as applications of 'common sense.'"). In other words, a racialized social structure, like the racially segregated metropolis, frames racialized experience and conditions racialized meaning.

[50] James, *supra* note 42, at 413 (footnote omitted).

[51] *See* ELIJAH ANDERSON, STREETWISE: RACE, CLASS AND CHANGE IN AN URBAN COMMUNITY 58-59 (1990) (discussing the presence and nature of positive role models in inner-city African-American communities); WILLIAM J. WILSON, THE TRULY DISAD-VANTAGED: THE INNER CITY, THE UNDERCLASS, AND PUBLIC POLICY 61 (1987) (noting that "a person's patterns and norms of behavior tend to be shaped by those with which he or she has had the most frequent or sustained contact and interaction").

[52] *See* WILSON, *supra* note 51, at 21.

and deviant culture of poverty.[53] The political left looked to structural inequality and historic racial discrimination to explain the ghetto predicament.[54]

Massey and Denton have joined this debate by reference to a "culture of segregation."[55] As I have mentioned, I consider Massey's article in this Symposium to be a variation on the theme. It focuses on the links between the high black crime rate and two conditions that form what he describes as an "ecological niche," those two conditions being high rates of black poverty and the high degree of segregation.[56] Although the culture-of-segregation thesis

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[53] The culture-of-poverty concept emphasizes the autonomous character of dysfunctional, deviant traits. These traits take on a life of their own, as the adaptations are transmitted from generation to generation through an insular socialization process. Even if opportunities and conditions for social mobility improve, the culture of poverty continues to be an influence that impedes taking advantage of these changed circumstances and opportunities. As Wilson explains, "conservative social scientists have embellished the idea that poverty is a product of 'deeply ingrained habits' that are unlikely to change following improvements in external conditions." *Id.* at 137. The concept of a culture of poverty traces back to OSCAR LEWIS, THE CHILDREN OF SANCHEZ (1961) and is developed in the context of the United States in OSCAR LEWIS, LA VIDA: A PUERTO RICAN FAMILY IN THE CULTURE OF POVERTY—SAN JUAN AND NEW YORK (1965). For an overview of the theory's development, see STEPHEN STEINBERG, THE ETHNIC MYTH: RACE, ETHNICITY AND CLASS IN AMERICA (1981), and THE "UNDERCLASS" DEBATE: VIEWS FROM HISTORY (Michael B. Katz ed., 1993).

[54] One commentator notes:

[The structural story] looks to the state of the economy, the state of opportunity, and the state of education, and it sees racial and ethnic discrimination as a real part of the picture as well. It says people are willing to work if jobs are available for which they are qualified, if they are better off working than not working, and if they can find care for their children while they are at work. It sees a lack of good jobs as a fundamental cause of the problem, as well as a lack of preparatory opportunity for the jobs that are available and a maldistribution of those jobs among those who compete for them.

Peter B. Edelman, *Toward a Comprehensive Antipoverty Strategy: Getting Beyond the Silver Bullet*, 81 GEO. L.J. 1697, 1701 (1993) (footnote omitted); *see also* WILSON, *supra* note 51, at 3-19 (discussing the "cycles of deprivation" that plague the "underclass"). Structural arguments do not avoid placing some responsibility on the ghetto poor themselves. Such arguments simply do not see autonomous cultural traits preventing the poor from taking advantage of structural improvements. Christopher Jencks suggests, "Wilson's greatest contribution may be his discussion of how liberals' reluctance to blame blacks for anything happening in their communities has clouded both black and white thinking about how we can improve those communities." CHRISTOPHER JENCKS, RETHINKING SOCIAL POLICY: RACE, POVERTY, AND THE UNDERCLASS 142 (1992).

[55] MASSEY & DENTON, *supra* note 4, at 165-82 (utilizing this important concept to explain the perpetuation of the underclass).

[56] *See* Massey, *supra* note 21, at 1216.

is posited to counter the reactionary culture-of-poverty thesis, it is quite problematic itself. It effectively blames the victims and, worse, forecloses any hope for those who must continue to live under persistent segregation while awaiting Massey and Denton's remedial gestures toward integration. The culture-of-segregation argument also provides yet another variation of a collective personification of the undeserved poor. Because the Massey-Denton portrait is over-inclusive, it does little more than add a new explanation for a negative stereotype of such poor individuals.

Massey and Denton argue that residential segregation sets the stage and provides the context for a black, dysfunctional cultural adaptation "to the harsh conditions of daily life in the ghetto."[57] Various behaviors, attitudes, and values have evolved that are in contrast to those widely held by mainstream society and middle-class culture. The culture of segregation creates an alternative status system that operates in opposition to American society's basic ideals and values. Thus, Massey and Denton claim: "It is a culture that explains and legitimizes the social and economic shortcomings of ghetto blacks, which are built into their lives by segregation rather than by personal failings."[58]

Although structured by segregation, the culture's way of life is one that "broader society would label as *deviant and unworthy.*"[59] This negative evaluation pertains even though "these adaptations represent rational accommodations to social and economic conditions within the ghetto."[60] Massey and Denton summarily conclude:

> Given the lack of opportunity, pervasive poverty, and increasing hopelessness of life in the ghetto, a socio-psychological dynamic is set in motion to produce a culture of segregation. Under the structural conditions of segregation, it is difficult for ghetto dwellers to build self-esteem by satisfying the values and ideals of the larger society or to acquire prestige through socially accepted paths. Precisely because the ghetto residents deem themselves failures by the broader standards of society, they evolve a parallel status system defined in opposition to the prevailing majority culture. As new generations are born into conditions of increasing deprivation and deepening racial isolation, however, the opposi-

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[57] MASSEY & DENTON, *supra* note 4, at 165.
[58] *Id.* at 167.
[59] *Id.* (emphasis added).
[60] *Id.* at 166.

tional origins of the status system gradually recede and the culture of segregation becomes autonomous and independent.[61]

Unlike the culture-of-poverty argument, Massey and Denton do not deem the culture of segregation to render intervention futile. Instead, they see intervention limited to dismantling the ghetto.[62] Intervention to improve life within the circumstances of community enrichment and spatial equality is that which is futile.[63] They criticize efforts to build and strengthen indigenous social and political institutions from within the ghetto because "[d]espite the rhetoric of black nationalists and their white sympathizers, segregation leaves blacks in a position of *permanent* political dependency and vulnerability to economic dislocation."[64] Integration is posited as the only game in town.

B. *Massey's Untoward Political Drift to the Right: Co-Optation and Surrender*

As the virtue of a knife is its sharpness, the virtue of a stereotype is its over-inclusiveness. In 1980, the ghetto poor represented approximately 2.4 million people: 65% black, 22% Latino, and 13% white and other.[65] Even accounting for some growth over the decade, the ghetto poor still represent a small portion of the

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[61] *Id.* at 184.

[62] *See id.* at 217 ("For the walls of the ghetto to be breached at this point will require an unprecedented commitment by the public and a fundamental change in leadership at the highest levels.").

[63] *But see* Calmore, *supra* note †, at 1491-92 (arguing for a blended approach that incorporates both integration and community enrichment, but emphasizing the latter); Peter Dreier, *America's Urban Crisis: Symptoms, Causes, Solutions,* 71 N.C. L. REV. 1351, 1386-87 (1993) (finding one of three major recommendations for revitalizing cities to be "invest[ing] in urban neighborhoods to improve the economic, physical, and social conditions of these communities"); Susan S. Fainstein & Ann Markusen, *The Urban Policy Challenge: Integrating Across Social and Economic Development Policy,* 71 N.C. L. REV. 1463, 1470 (1993) (arguing the necessity for "programs targeted specifically at central-city economies that would stabilize the economic base and generate jobs accessible to local residents"); Michael A. Stegman, *National Urban Policy Revisited,* 71 N.C. L. REV. 1737, 1775-76 (1993) (recognizing that we must assure that those experiencing the problems have a voice in designing solutions tied to a community development strategy).

[64] MASSEY & DENTON, *supra* note 4, at 216 (emphasis added). *But see* Calmore, *supra* note 63, at 1505 n.88 (discussing the injurious side effects of integration); Gary Peller, *Race Consciousness,* 1990 DUKE L.J. 758, 782-83 (discussing black nationalism as a movement fueled by integration's side effects).

[65] *See* Paul A. Jargowsky & Mary Jo Bane, *Ghetto Poverty in the United States, 1970-1980, in* THE URBAN UNDERCLASS 235, 252 (Christopher Jencks & Paul E. Peterson eds., 1991).

nation's poor.[66]   In 1991, one out of seven Americans was poor.[67]   This percentage accounted for 35.7 million people, divided between 20.6 million females and 15.1 million males.[68] Among the poor, blacks, Latinos, and certain Southeastern Asian groups are disproportionately poor. Only 11.3% of whites are poor, whereas the poverty rate for blacks is 32.7%; for Latinos it is 28.7%.[69]   Although the aggregated poverty rate for Asians and Pacific Islanders is about the same as that of whites, the respective poverty rates for the Vietnamese, Cambodian, Hmong, and Laotian populations are 33.5%, 46.9%, 65.5%, and 67.2%.[70]

Among these poor, society sees some as deserving and some not. The undeserving poor tend to be racialized.[71] The deserving poor would include the elderly, the disabled (if not due to drugs or alcohol), two-parent families with low-wage earners, divorced or widowed female low-wage earners, and single male low-wage earners.[72] Whether retired, disabled, or employed, we are sympathetic toward these groups because, through no fault of their own, there is not enough money to meet the common necessities of food, clothing, health, and shelter. In contrast, the undeserving poor include jobless males, welfare mothers in female-headed households, school dropouts, alcoholics, drug addicts, violent felons, and petty street criminals.[73] The undeserving poor, who usually are spatially concentrated and segregated, are viewed almost exclusively as black (although Puerto Ricans and Mexicans are sometimes included). They are represented by the dreaded Willie Hortons and welfare queens. Indeed, we no longer refer to them as the poor, but, rather, as the "underclass"—the inner-city, the persistently impoverished, the jobless, the uneducated, the criminal, the violent, and the welfare underclasses.[74]

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[66] *See* Michael H. Schill, *Race, the Underclass and Public Policy*, 19 LAW & SOC. INQUIRY 433, 434-37 (1994) (discussing studies of the growth of the underclass from 1980 to 1990).

[67] *See* Edelman, *supra* note 54, at 1698.

[68] *See id.* at 1698 n.6.

[69] *See id.* at 1698 n.5.

[70] *See* Al Kamen, *Myth of "Model Minority" Haunts Asian Americans*, WASH. POST, June 22, 1992, at A1, A10 (using data from the 1980 census).

[71] *See* Leslie Inniss & Joe R. Feagin, *The Black "Underclass" Ideology in Race Relations Analysis*, SOC. JUSTICE, Winter 1989, at 13, 13-14.

[72] *See* JENCKS, *supra* note 54, at 120.

[73] *See id.* at 121.

[74] *See* Christopher Jencks, *Is the American Underclass Growing?, in* THE URBAN UNDERCLASS, *supra* note 65, at 28, 28.

The popularity of the term "underclass" indicates both a societal shift and a political shift. Whereas in the late 1960s most in society were inclined to attribute poverty to societal causes that over-whelmed personal responsibility, most are now likely to blame the poor themselves for their poverty.[75] Structural constraints aside, the story goes, people are poor primarily because of their own dysfunc-tional value orientations and behavior. A large number of poor are thus seen as undeserving of a societal helping hand because they have violated widely shared social norms and work ethics.[76] Explicit references to race are dropped from these descriptions and replaced by colorblind terminology, that which Patricia Williams correctly identifies as "racism in drag."[77]

The political right's extension of this dichotomy between the deserving and undeserving poor is illustrated by Charles Murray's

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[75] *See* Herbert J. Gans, *Deconstructing the Underclass*, AM. PLANNING ASS'N J., Summer 1990, at 271, 271. The culture of poverty and undeserving poor easily progressed to underclass designation. One of the earliest public portrayals of the underclass appeared in a national magazine cover story following looting after the 1977 New York City blackout. *See The American Underclass*, TIME, Aug. 29, 1977, at 14; *see also* Inniss & Feagin, *supra* note 71, at 18-24 (discussing how the lower class became the underclass).

[76] Jencks points out: "Poverty may be a necessary condition for counting someone as a member of the underclass, but few observers think it sufficient. The term caught on because it focused attention on those poor people who violated mainstream rules of behavior." JENCKS, *supra* note 54, at 149. Factors that define the underclass include levels of income, sources of income, and cultural skills, but I think moral norms weigh most heavily. In discussions of the underclass, Jencks points to three middle-class ideals that are especially salient: "Working-age men should have a steady job"; "Women should postpone child bearing until they are married"; and "Everyone should refrain from violence." *Id.* at 144-45. Race and gender intersect twice here. First, we have jobless *males* who are violent. *See* Evan Stark, *Black Violence: Racism and the Construction of Reality*, 28 CLEARINGHOUSE REV. 433, 435 (1994). Second, we have *females* who have had babies out of wedlock and are dependent on welfare. *See* Martha L. Fineman, *Images of Mothers in Poverty Discourses*, 1991 DUKE L.J. 274, 274 (focusing "on the concept of 'Mother' in poverty discourses"); Note, *Dethroning the Welfare Queen: The Rhetoric of Reform*, 107 HARV. L. REV. 2013, 2013 (1994) ("The roots of welfare's demonization, informed by class, race, and gender prejudice, are primarily in the American cultural ethic's inability to accept the 'undeserving' poor." (citation omitted)). Finally, the racialization of space completes the picture: "Many Americans also think of the underclass as almost exclusively nonwhite. This perception may be partly due to racism, but it derives primarily from our habit of equating people's class position with their address." JENCKS, *supra* note 54, at 145. There is a racialized stigma that is associated with the inner city, and in one study it was found that employers look at race, class, and space to rationalize discrimination in the job market. *See* Joleen Kirschenman & Kathryn M. Neckerman, *"We'd Love to Hire Them, But...": The Meaning of Race for Employers, in* THE URBAN UNDERCLASS, *supra* note 65, at 203, 215-17.

[77] PATRICIA J. WILLIAMS, THE ALCHEMY OF RACE AND RIGHTS 116 (1991).

claim: "When I use the term 'underclass' I am indeed focussing on a certain type of poor person defined not by his condition, e.g. long-term unemployed, but by his deplorable behaviour in response to that condition, e.g. unwillingness to take the jobs that are available to him."[78] In a subsequent radio broadcast, Murray declared:

> I am referring symptomatically to the fellow who is not just temporarily unemployed, but can't manage to hold a job for more than a few days at a time, no matter what. I am not referring to the woman who is without a husband and trying to raise a child on her own, but to the woman who is chronically dependent on welfare and also doesn't really pay a lot of attention to her child and doesn't pay a lot of attention to the people around her as neighbours.[79]

Even though the underclass is concentrated in racially segregated areas, it is nonetheless threatening beyond the inner-city ghetto. In many urban areas the problems of city life are intertwined with the problems of underclass behavior. City dwellers and suburban commuters are discomforted and put in fear. Politicians and voters are affected.

Thus, the imagery of the underclass is deeply tied to racial representation and the political response to poverty, welfare, crime,

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[78] Keith & Cross, *supra* note 22, at 12 (quoting a pamphlet written by Charles Murray).

[79] *Id.* Keith and Cross see the underclass ideology as resting on a moral claim that has three basic references: illegitimacy, violent crime, and labor market withdrawal. *See id.* at 11; *see also* JENCKS, *supra* note 54, at 144-45 (finding that the underclass is defined by similar factors). Murray is identified as the "high priest of underclass theory in the US." Keith & Cross, *supra* note 22, at 11. Moreover, as Murray's quoted references indicate, the underclass imagery "generates images of the unworthy, the feckless and the criminally inclined. It has served as a legitimization of the impossibility of welfare and of the necessity for systematic social control." *Id.* Massey's culture-of-segregation thesis simply gives dominant society another rationale to justify not only social control but also social distancing. In Anderson's ethnographic study, he quotes a white policeman with this insight:

> See, this is mostly a black neighborhood. And I have a belief that if you took this problem [drugs and poverty] and didn't change a thing with it and put in the middle of an all-white neighborhood, you would get a much larger reaction to the problem. It would be much more extensive. Because to a large extent white people in the city don't care if black people use crack. As long as they don't come into their neighborhood and rob them, they [whites] don't give a shit. I believe that. Because it's here [in Northton] where there's a lot of poor people and a lot of black people, nobody cares. Or damn few care.

ANDERSON, *supra* note 51, at 252 (alterations in original).

employment, education, and housing and urban development. The political right's insidious racism, encoded in race-neutral language, adopts an underclass ideology that attempts to undermine environmental explanations of causation and the role of the state's intervention to ameliorate the underclass subjugation.

As the 1994 federal elections have propelled the Republicans to a conservative majority in both houses of Congress, the minimalist state has not been more alive and well since the period predating Franklin Roosevelt. With the presidency of Richard Nixon, and the extension by Ronald Reagan and George Bush, we are now set to witness the political containment of both the welfare state and equality of opportunity. This "racial project," to apply Omi and Winant's term,[80] has demonstrated four features. First, racial discrimination against people of color has been minimized to undercut any serious continued commitment to the 1960s equal-opportunity or war-on-poverty policies. Second, structural aspects to economic disadvantage have been minimized to undercut any serious reorganization of the American economic system. Third, the intersection of race and class has been minimized in order to pursue race-neutral, more universalistic social policy. Fourth, so-called cultures of poverty and their associated behavioral characteristics have been maximized to explain the non-white predicament of racialized poverty as a personal trouble . rather than a social problem. This fourth feature of containment has dominated political discourse and policy consideration since 1980.

In combination, these political moves by the right represent a containment of civil rights progress, moving us back from policies of equal opportunity to the mean-spirited politics of exclusion and the imposition of an unconscionable new social contract with the nation.[81] Together, these moves by the right build primarily on the political isolation of blacks, facilitated by spatial reorganization, the decline in organization and social policy support to counter that isolation, and a rhetorical "citizenship" and "national belonging" that are placed beyond the effective reach of the segregated, inner-city poor and working class.

Margaret Weir's observations about spatial organization extend our exploration of racialized space as it is affected by the racial state. Weir explains:

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[80] *See* OMI & WINANT, *supra* note 13, at 55.

[81] *See* Margaret Weir, *From Equal Opportunity to "The New Social Contract,"* in RACISM, *supra* note 11, at 93, 104.

The organization of space is often critical in determining what is politically possible in the US because so many aspects of American politics and policy are tied to geographical boundaries. The migration of southern blacks to northern cities from the 1920s on, but especially during the 1950s with the mechanization of southern agriculture, left blacks concentrated within central cities at a time when many whites were leaving the city for newly constructed, federally subsidized suburbs. This geographic separation of blacks has important political consequences: it transforms the problems of living in cities into "black" problems, making it easier for politicians to solve urban problems at the expense of poor black residents. They, in fact, become the problem as cities become polarized between the rich and the poor. This geo-political separation exacerbates the disconnection of the black poor from whites, as the fate of the city becomes not a shared interest, but part of a battle over how resources will be distributed across political boundaries.[82]

This analysis precisely illustrates a case of racialized space serving as a racial project. It also implicates the racial state. As Omi and Winant put it, "[t]hrough policies which are explicitly or implicitly racial, state institutions organize and enforce the racial politics of everyday life,"[83] and "the specific social relations through which state activity is structured"[84] make politics concrete. Finally, "[t]he state is also [e]mbedded in . . . the cultural and technical norms which characterize the society overall."[85]

Although I believe Massey's motives are benign, he nonetheless fits in quite well with the political right's racial agenda. Worse, he extends the deviant behavioral adaptation that he describes even to people "from decent families" who also adopt a "code of the streets."[86] There appears to be no escape from the negative environment, regardless of family circumstances or values. But Elijah Anderson claims that those "better-off people" who cannot move away physically do so socially: "they distance themselves from others who do not meet their standards."[87] Indeed, often the local working-class and middle-class residents who live in or near the poor communities actually blame the underclass for their problems,

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[82] *Id.* at 104.
[83] OMI & WINANT, *supra* note 13, at 83-84.
[84] *Id.* (emphasis omitted).
[85] *Id.* at 84.
[86] Massey, *supra* note 21, at 1220.
[87] ANDERSON, *supra* note 51, at 65-66.

thus allowing the former to legitimate their own position in the local stratification system. As Anderson explains, "by many employed and law-abiding blacks who live in the inner city, members of the underclass are viewed, and treated, as convenient objects of scorn, fear, and embarrassment."[88] It is not clear that all blacks adapt to the inner-city environment in the deviant ways Massey describes. Again, we see the power of stereotyping, as well as its evil.

In the end, Massey seems to surrender, recognizing that "racial segregation persists in the United States because whites benefit from it. . . . As social conditions in the nation's ghettos deteriorate, policies to promote desegregation become less popular politically, thereby making a resolution of the nation's crime problem that much more remote."[89] The vicious cycle of the race-making situation hermetically seals blacks, and significant spatial deconcentration of the urban poor grows increasingly infeasible.

C. *The Limitations of Massey's Desegregation Strategies*

Massey and Denton's remedial prescriptions have generated substantial, multivoiced criticism. Some have argued that the remedies rely too heavily on providing housing vouchers when an increased supply of affordable housing—housing built outside of inner-city areas—would more effectively deconcentrate the inner-city poor.[90] Others have argued for a new policy that subsidizes those who choose to live in race- and class-integrated neighborhoods. Such a policy, according to its proponents, would effectively disperse the black underclass.[91] Regardless of the supplemental policy suggestions, I have read no review of *American Apartheid* that deemed Massey and Denton's policy recommendations a sufficient assault on residential segregation to really reduce the plight of the inner-city poor. As Lawrence Fuchs observes, Massey and Denton themselves "leave readers with grave doubt as to whether political will and leadership can be mustered behind even a few of [their eight recommended policy changes]. . . . [T]he history of opposition to residential desegregation is bound to leave most readers depressed if not altogether despairing."[92]

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[88] *Id.* at 66.

[89] Massey, *supra* note 21, at 1229.

[90] *See* Schill, *supra* note 66, at 453.

[91] *See* Wilbur C. Rich, Book Review, 108 POL. SCI. Q. 574, 575 (1993) (reviewing *American Apartheid*).

[92] Lawrence H. Fuchs, Book Review, 99 AM. J. SOC. 1342, 1343 (1994).

Indeed, the focus on integration, through intensified enforce-
ment of the Fair Housing Act,[93] misapprehends the nature and
force of the statute. Its primary strength is as an antidiscrimination
law that serves *individual* middle-class claimants.[94] Its primary
weakness is as a desegregation law that serves *groups* of poor claim-
ants, especially the poor who need federal assistance to facilitate
their quest for fair housing that is also affordable, decent, safe, and
sanitary.[95] Massey and Denton thus offer little hope and less help
for those entrapped by the culture of segregation.

Because the civil rights movement was fueled by an integration
imperative, even during its best of times, it has failed to answer this
fundamental question: As we await gradual integration, what do we
do in the long interim period for the mass of segregated others who
continue to experience in their everyday lives the confining,
reducing, and immobilizing oppression that segregation imposes on
them? Ultimately, this question haunts each of the presentations in
this Symposium, including mine.

In reviewing *American Apartheid*, William Kornblum relates that
whenever he has discussed the book with African-American scholars
or activists, they share roughly the same response: "that segregation
persists, encouraged by public policy, is not news but needs to be
said over and again."[96] He adds, "[t]he idea that we should link
arms to strengthen the Fair Housing Act is viewed, I think, more as
a tepid white response than a call that can motivate a new round of
black activism."[97] I agree wholeheartedly with this assessment.
Many of the reasons that we live in an apartheid society, including
a national indifference and societal aversion for those constrained
by it, are also the reasons that "a tepid white response" is simply not
enough. As Kornblum concludes, "[t]he action for African Ameri-

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[93] Fair Housing Act of 1968, 42 U.S.C. §§ 3601-3631 (1988 & Supp. V 1993).

[94] *See* John O. Calmore, *To Make Wrong Right: The Necessary and Proper Aspirations
of Fair Housing*, *in* THE STATE OF BLACK AMERICA 1989, at 77, 78 (Janet Dewart ed.,
1989).

[95] *See id.* at 104 (arguing that fair housing must "adopt an antisubjugation
principle which strives to dismantle legally created or legally reinforced schemes of
subordination that reduce some people to second-class citizens"); *see also* Margalynne
Armstrong, *Desegregation Through Private Litigation: Using Equitable Remedies to Achieve
the Purposes of the Fair Housing Act*, 64 TEMP. L. REV. 909, 916-19 (1991) (arguing for
legislation that provides effective remedial measures to address the injuries done to
the group as a whole).

[96] William Kornblum, *Enduring Obstacle*, 41 DISSENT 420, 423 (1994).

[97] *Id.*

cans at this moment in their endless travail is in the ghettos. The need to rescue a generation of young people growing up in danger, whose families have slim chances to escape the inner city, outweighs for now any reveries of an integrated future."[98] As we move away from such reveries, we must focus on the community within, not as a site of the culture of segregation, but as the insurgent culture of resistance. After all, as David Goldberg observes,

> against the apologists of apartheid, to change one's geography may well be to change one's world . . . . It is on, and from, these sites, the social margins, that the battles of resistance will be waged, the [fights] for full recognition of rights, for registered voices, and the insistence on fully integrated social institutions, resources and spaces.[99]

Increasingly, racial oppression is forcing people to challenge integrationism's "common sense" understandings of race as they are "seeking a different arrangement."[100] In this connection, in Part III of this Paper, I examine budding social movements from the community within and their orientation of social justice and multicultural collaboration.

III. COMMUNITIES WITHIN: REBUILDING FROM THE BOTTOM UP

A. *The Grass-Rooted Stones of Hope*

On the twenty-fifth anniversary of the Watts disorders of 1965, commentators noted that, although riots in the streets may or may not occur, there would be a "'combination of [individual] sociopathic behavior'" and "'intensified intergroup conflict.'"[101] Almost two

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[98] *Id.*

[99] David T. Goldberg, *"Polluting the Body Politic": Racist Discourse and Urban Location, in* RACISM, *supra* note 11, at 45, 57.

[100] OMI & WINANT, *supra* note 13, at 106. According to a recent Wall Street Journal/NBC News poll, blacks are rethinking the priority of integration. *See* Gerald F. Seib & Joe Davidson, *Shades of Gray,* WALL ST. J., Sept. 29, 1994, at A1, A6 (stating that increasing numbers of blacks believe that "perhaps integration shouldn't be as high a priority as building up black economic and social institutions"). "[W]e need to be responsible for what goes on in our own backyard," expressed one African-American quoted in the *Wall Street Journal* article. *Id.* "In terms of solutions we need to look inward. . . . We need to do a better job of parenting. We need to create extended families. We need to create our own economic institutions. We need to take responsibility for what goes on in our communities, in our families." *Id.*

[101] Itabari Njeri, *Blacks: Enraged or Empowered?,* L.A. TIMES, July 12, 1990, at E1 (quoting Richard Rubenstein, Director, Center for Conflict Analysis and Resolution, George Mason University).

years before the civil disorders in Los Angeles on April 29, 1992, many recognized that there was a "pervasive sense of rage and frustration in the African-American community."[102] Moreover, at the 1990 NAACP Annual Meeting in Los Angeles, police brutality against blacks was cited as "the most pressing concern" among the association members.[103] A social psychologist predicted not only continued struggle against "the hegemonic, white power structure, but also . . . an increasing level of conflict and struggle among ethnic minority subcultures."[104] Finally, it was noted that "[r]ather than social chaos erupting, the African-American community is turning inward, uniting around common issues at the grass-roots level."[105] Beyond the view of most outside the community this story goes unrecognized, although it continues to describe the black experience in contemporary America.

Melvin Oliver, a sociology professor and associate director of the Center for the Study of Urban Poverty at UCLA, recognized that one year after "the worst urban rebellion in our nation's history, the underlying forces responsible for that event have barely changed."[106] Among the forces cited were joblessness, poverty, and tense "interethnic relations."[107] Yet as Martin Luther King, Jr. so often did during the civil rights movement, Professor Oliver was able to "hew out of the mountain of despair a stone of hope."[108] According to Professor Oliver, "Moribund and stagnant organizations that had lost their way have been reinvigorated by the flames that engulfed their communities. New organizations have sprung up to give hope to the disenfranchised and alienated."[109]

According to Oliver, while Anglos from the city's affluent sections express skepticism about the future of Los Angeles, "inner-city communities are actively engaged in reshaping the social landscape for themselves and their children."[110] In spite of a

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[102] *Id.*

[103] *Id.*

[104] *Id.* (quoting Ronald K. Barrett, Associate Professor of Social Psychology, Loyola Marymount College).

[105] *Id.* For a criticism of the social policy and philanthropic emphasis on community development, however, see Nicholas Lemann, *The Myth of Community Development*, N.Y. TIMES, Jan. 9, 1994, § 6 (Magazine), at 26.

[106] Melvin L. Oliver, *Signs of Rebuilding, from the Bottom up*, L.A. TIMES, May 5, 1993, at B7.

[107] *Id.*

[108] KING, *supra* note †, at 105.

[109] Oliver, *supra* note 106, at B7.

[110] *Id.*

recognition of the grave obstacles, they pursue their idealistic goals. Indeed, "the real consequences of the rebellion can be seen in the redoubling of the efforts of people to transform their streets, neighborhoods and city."[111] Oliver argues that the government has primarily "abdicated its responsibility" to rebuild and the media has continued to report negative stories in the area of race relations.[112] At the grassroots level, however, people are confronting race and class conflicts "because they know that any strategy to transform local neighborhoods must be multiracial and multiethnic. To change South-Central or Pico-Union, one cannot just attend to the needs of Blacks or Latinos."[113]

In Los Angeles, the Multi-Cultural Collaborative (MCC) reinforces and extends many of Oliver's points, and I believe the MCC is a model that has lessons for urban America generally.[114]

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[111] *Id.*

[112] *Id.*

[113] *Id.; see also* HAROLD A. MCDOUGALL, BLACK BALTIMORE: A NEW THEORY OF COMMUNITY 22-24, 160-87 (1993) (discussing the role of "base" communities in rebuilding Baltimore's black community); Xandra Kayden, *Building from Bottom up: The Importance of Neighborhood Groups*, L.A. TIMES, Oct. 23, 1994, at M6 (calling for neighborhood organizations in Los Angeles).

[114] The MCC developed in the aftermath of the 1992 disturbances in Los Angeles and focuses on conflict among communities of color. Many other urban centers are becoming increasingly diverse, as racial and ethnic "minorities" in the aggregate outnumber the white population. Perhaps the events of 1992 Los Angeles are coming your way.

City	% Black	% Asian	% Latino	% Combined Minority
Chicago	39.1	3.7	19.6	62.4
Dallas	29.5	2.2	20.9	52.6
Houston	28.1	4.1	27.6	59.8
Los Angeles	14.0	9.8	39.9	63.7
New York City	28.7	7.0	24.4	60.1
Philadelphia	39.9	2.7	5.6	48.2
San Antonio	7.0	1.1	55.6	63.7
San Diego	9.4	11.8	20.7	41.9
San Francisco	10.9	29.1	13.9	53.9
San Jose	4.7	19.5	26.6	50.8

Angelo N. Ancheta & Kathryn K. Imahara, *Multi-Ethnic Voting Rights: Redefining Vote Dilution in Communities of Color*, 27 U.S.F. L. REV. 815, 819 (1993). In such cities there may be a growing need to establish and develop what John Childs has described as "Trans-communal Cadres," which bring people from different groups to work on common problems. These coalitions are both transethnic and transstructural and "[i]t is the *shared experience of the process itself*, rather than a prepositioned group location (for example, ethnicity or race) that creates these types of collective identities and

The collaborative, which received its initial funding primarily from the Ford Foundation, the Rockefeller Foundation, and the Irvine Foundation, is a multiracial and multiethnic umbrella group of organizations seeking solutions to intergroup conflict in Los Angeles.[115] The three codirectors are an African-American, Gary Phillips; a Chicano, Ruben Lizardo; and a Korean, Cindy Choi. The MCC policymaking Board of Directors is comprised of various representatives from constituent organizations that historically have sought solutions to interethnic conflicts in Los Angeles.

As I have mentioned, the major impetus of the founding and

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allegiances." John B. Childs, *Towards Trans-Communality, the Highest Stage of Multiculturalism: Notes on the Future of African-Americans,* SOC. JUST., Spring-Summer 1993, at 35, 48. Notions of race and racism grow increasingly more complex as we look beyond the black-white paradigm of race relations. *See* Elizabeth Martínez, *Beyond Black/White: The Racisms of Our Time,* SOC. JUST., Spring-Summer 1993, at 22, 22; *see also* Lydia Chavez, *Crossing the Culture Line,* L.A. TIMES, Aug. 28, 1994, (Magazine), at 22, 23 ("Brick by brick, the walls between communities are beginning to come down as activists work to translate suspicion and friction into empathy"). I think there are groups in Los Angeles that illustrate these "Trans-communal Cadres." New leaders among people of color are emerging who are declining to play the race card with their respective groups or with whites. They reject being characterized as the new (nonwhite) majority in Los Angeles. According to Arturo Vargas, vice president of the Mexican Legal Defense and Education Fund (MALDEF) and a consensus builder, such a characterization "'makes us sound like we're going to be the new oppressors; we want to do something different to change the paradigm of social interaction.'" *Id.* at 22. There are many such groups among these cadres, including the Korean Youth and Community Center, the Community Coalition for Substance Abuse Prevention and Treatment, MALDEF, the NAACP Legal Defense and Educational Fund's regional office in Los Angeles, the Southern California Women's Coalition, the Unity Media Access Project, Public Counsel's Urban Recovery Legal Action Project, Legal Aid Foundation of LA's Community Economic Development Unit, the Southern California Civil Rights Coalition, and the MCC. Although there is some division and conservative drift among Jews, a significant segment of the Los Angeles Jewish community is also involved in these efforts. *See, e.g.,* Bob Sipchen, *L.A. Jews Look Past the Riots,* L.A. TIMES, Oct. 16, 1992, at A1 ("The violence has forced an influential community to reassess its role in a city of rapidly shifting demographics and increasing Balkanization.").

[115] During April through July 1992, as a Program Officer in the Rights and Social Justice Program of the Ford Foundation, I took part in investigating opportunities to fund local groups who sought to be responsive to various problems in Los Angeles. The MCC was one of the initial grants I developed for recommended grant action. After returning to Loyola Law School in August 1992, I continued to be involved with the local Ford Foundation grantees, conducting site visits and submitting reports. In November 1994, the MCC conducted one of my two-hour classes in antidiscrimination law. I have continuing conversations with the staff and various board members. For a brief overview of the MCC's work, see James A. Regalado, *Community Coalition-Building, in* THE LOS ANGELES RIOTS: LESSONS FOR THE URBAN FUTURE 205 (Mark Baldassare ed., 1994) [hereinafter THE LOS ANGELES RIOTS].

development of the MCC was the 1992 disorders. At that time, there was virtually no human relations infrastructure for the city.[116] Before, during, and after the April 1992 disorders there has been a significant degree of racial-ethnic polarization of people of color. I think this is an important, but little noted, part of this Symposium's subject of shaping American cities. To limit the possibilities of future civil disturbances, three significant challenges are (1) moving the inner-city underclass out of poverty; (2) reducing systemic injustices towards people of color; and (3) facilitating and encouraging positive relations between the inner-city communities of color.[117]

Before analyzing the work of the MCC, I want to tie it more generally to progressive philanthropy and social justice. Progressive philanthropy supports social movements: those collective efforts that promote progressive change on behalf of marginal and excluded groups or interests. These movements seek to bring about change "through innovative or rebellious means."[118] In this context, grant-making funds organizations "with a collective focus

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[116] Los Angeles is a city with 3,485,000 people: 39% Latino, 37% Anglo, 13% African-American, and 9% Asian and Pacific Islander. *See* Nina J. Easton, *Bringing It All Back Home*, L.A. TIMES, Oct. 26, 1992, at B1, B8. Yet the city employs only one full-time person in the Department of Human Relations. *See* Regalado, *supra* note 115, at 229. Moreover, Los Angeles County, with a population that exceeds 10 million people, has a staff of 15 "consultants" to deal with interethnic and interracial conflict. *See id.* Local government thus appears to lack the will and/or the resources to deal with human relations.

[117] *See* Mark Baldassare, *Introduction* to THE LOS ANGELES RIOTS, *supra* note 115, at 1, 14. According to Regalado:

> [C]oalition failures in this period have been due to a combination of conceptual, structural and organizational problems: (1) improperly understanding the complexity of race and class relations and issues in Los Angeles, inclusive of a reliance on and not going beyond building middle class memberships and constituencies; (2) becoming too comfortable with critically unchallenged concepts of pluralism and multiculturalism; (3) being oblivious to the degree to which traditional theories and beliefs of representative democracy and public policy formation are not working for communities of color; (4) failures to broadly recognize and confront the degree to which anti-democratic corporatist approaches have failed those most in need of economic development and job creation; (5) failure to set clear and strategic goals, realizable objectives, and targeted activities and outcomes; and (6) being unwilling to overcome provincial outlooks and agendas.

Regalado, *supra* note 115, at 230.

[118] Michael Seltzer, Consultation with the Board of Directors of the New World Foundation, New York, N.Y. (Dec. 9, 1994) (quoting J. Craig Jenkins).

on the alteration of institutional patterns."[119] In contrasting social change philanthropy to traditional philanthropy, David Hunter concludes that the former "aims explicitly to facilitate the changing of societal institutions so they don't produce the very problems that 'charity' tries to alleviate."[120] In the late 1970s, the San Francisco Bay Area Committee for Responsive Philanthropy cited the following characteristics to describe the activities of progressive grantees:

> (1) working for a fairer distribution of income or wealth; or (2) working for increased social or political empowerment of op- pressed people, especially among racial minorities, women, sexual minorities, the elderly, the handicapped, youth, working class or poor; or (3) working to meet the immediate survival needs of oppressed people.[121]

Fitting within this framework, the MCC's mission is to promote and facilitate intergroup and coalition-based organizing around econ- omic, political, and social justice issues. Presently the MCC's work focuses on four programs: (1) developing a human relations infrastructure to reduce interethnic tensions; (2) developing high school curricula in schools that are confronting racial tensions; (3) facilitating neighborhood economic development; and (4) improving media relations, for example, by opening access to alternative voices and views.

B. *Managing Intergroup Conflict Among Communities of Color*

From Los Angeles, Richard Rodriguez tellingly observes that "multiculturalism has, thus far, been a feel-good term that has trivialized the reality it trumpets."[122] Intergroup conflict among

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[119] *Id.*

[120] David R. Hunter, *Foreword* to ALAN RABINOWITZ, SOCIAL CHANGE PHILAN- THROPY IN AMERICA at xi (1990).

[121] RABINOWITZ, *supra* note 120, at 14.

[122] Richard Rodriguez, *Multiculturalism with No Diversity*, L.A. TIMES, May 10, 1992, at M1, M6. In a National Conference of Christians and Jews survey on intergroup relations, it was found that there are fairly complex and paradoxical mismatches when assessing the expressed willingness among the races to work together. *See* NATIONAL CONFERENCE OF CHRISTIANS AND JEWS, TAKING AMERICA'S PULSE: A SUMMARY REPORT OF THE NATIONAL CONFERENCE SURVEY ON INTER-GROUP RELATIONS 10-11 (1994). First, whites feel most in common with blacks and the least in common with Asian-Americans, while the latter feel most in common with whites and the least in common with blacks. *See id.* at 10. Second, blacks feel most in common with Latinos and the least in common with whites and Asian-Americans, while Latinos feel most in common with whites and the least in common with blacks. *See id.* In spite of these

people of color is a serious and explosive problem, and our multiethnic collaboration in furtherance of social justice and multicultural democracy must deal with this conflict forthrightly. We cannot presume collaboration based on non-whiteness. We cannot presume common agendas, values, or interests.[123] We cannot simply skip over or ignore the obstacles that make such work difficult. Admittedly, progressive multicultural collaboration is, to begin with, an already fragile proposition. So we approach the matter with insecurity, afraid that "lively controversy" may turn to "deadly quarrel."[124] But the failure to analyze, confront, and resolve conflict as prerequisites to collaboration will cause our projects to operate with a false solidarity that will not sustain the effective long-term relationships that would support the continuous struggle for social justice and multicultural democracy.

Conflict can mean various things, depending on the context. Because conflict can be both constructive and destructive, the primary concern is to avoid the destructive aspects of conflict, not to eliminate all conflict.[125] Conflict can be a root or catalyst for positive social change; it can serve as a medium through which

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mismatches, the large majority of each group expressed a willingness "to sit down with the people with whom they feel the least commonality in order to solve some of the most pressing problems of their neighborhoods and communities." *Id.* Approximately nine of 10 Americans across the nation, in virtually every group, appear willing to work with the group with whom they felt least commonality in order to:

"Protect each other's children from gangs and violence."
"Help schools teach kids what they really need to learn to succeed."
"Help schools teach understanding and respect about the cultural heritage of all groups."
"Find solutions to erase racial, religious, and ethnic tensions."
"Help start child care facilities for single parents."
"Help feed, clothe and house homeless people."

Id. at 11. It is significant that those areas of common ground and community will focus on problems that are local in nature, although their aggregation amounts to significant national problems. Although expressions of willingness to work together may not translate into actually working together, these survey results are interesting and hopeful. As the National Conference concludes, "[t]his willingness to work together to address our shared concerns suggests that the profound inter-group tension and hatred that is present in this diverse society need not paralyze us." *Id.* at 10.

[123] *See* Lawrence Bobo et al., *Public Opinion Before and After a Spring of Discontent,* in THE LOS ANGELES RIOTS, *supra* note 115, at 103 (describing the racial diversity and animosity of the 1992 Los Angeles riots).

[124] Morton Deutsch, *Constructive Conflict Resolution: Principles, Training, and Research,* 50 J. SOC. ISSUES 13, 14 (1994).

[125] *See id.* at 13.

problems can be identified and solved.[126]   Whether constructive or destructive, conflict arises from an incompatibility of orientation or activity.[127]   Thus, conflict has been defined as a "'perceived divergence of interests or a belief that the parties' current aspirations cannot be achieved simultaneously.'"[128] As extended to social groups, conflict occurs when "'the actions or beliefs of one or more members of [a] group are unacceptable to—and hence are resisted by—one or more of the other group members.'"[129]

Recently, Leo Estrada and Sylvia Sensiper observed that the 1992 urban unrest in Los Angeles ripped the city's social fabric, but in the process it opened new opportunities to examine and address the accumulated and unresolved issues that face Los Angeles.[130] Beyond the unprecedented physical damage,[131] there are intangible scars on the communal psyche as well. The latter represent the real obstacles to proceeding further.   Historically recognized boundaries, geographic and otherwise, have been disestablished.[132]

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[126] *See id.*

[127] *See* Susan K. Boardman & Sandra V. Horowitz, *Constructive Conflict Management and Social Problems: An Introduction*, 50 J. SOC. ISSUES 1, 3 (1994).

[128] *Id.* (quoting DEAN G. PRUITT & JEFFREY Z. RUBIN, SOCIAL CONFLICT: ESCALATION, STALEMATE, AND SETTLEMENT 4 (1986)).

[129] *Id.* (quoting DONELSON R. FORSYTH, GROUP DYNAMICS 353 (2d ed. 1990)).

[130] *See* Leobardo F. Estrada & Sylvia Sensiper, *Mending the Politics of Division in Post-Rebellion L.A.*, *in* SOUTH-CENTRAL LOS ANGELES: ANATOMY OF AN URBAN CRISIS 123, 135 (Allen J. Scott & E. Richard Brown eds., 1993) (Lewis Ctr. for Regional Policy Studies Working Paper No. 6) ("Historically recognized boundaries, both geographic and ethnic, have, in some sense been shattered, and the need to reorganize along meaningful lines has become clear.").

[131] Comparing the 1965 and 1992 disorders, respectively, there were 34 and 58 deaths, 1032 and 2383 injuries, 3952 and 17,000 arrests, 600 and 10,000 fire calls, $183 million and $785 million in property damage, six days and three days of disorder. *See The Death and Destruction Spread*, L.A. TIMES, May 11, 1992, at T12.

[132] *See* Estrada & Sensiper, *supra* note 130, at 135. There are competing claims to be not only the power but also the legitimate voice of the community. As Estrada and Sensiper state, "[t]o a great extent, any group can name and claim an urban space, but with territorial claims come the corresponding consequences of maintaining both legitimacy and the territory." *Id.* at 127; *see also* Peter A. Morrison & Ira S. Lowry, *A Riot of Color: The Demographic Setting*, *in* THE LOS ANGELES RIOTS, *supra* note 115, at 19, 23-34 (analyzing ethnic tensions stemming from spatial patterns of ethnic succession).   It is my observation that perceived and experienced displacement of blacks by Latinos is at the root of black antipathy and acrimony toward Latinos. It is amazing that there is not greater and more frequent conflict between the two groups. *See, e.g.*, Lynne Duke, *Voices of an Uneasy Co-Existence*, WASH. POST, Aug. 13, 1991, at A1, A6 ("At a time when [Houston's] Hispanic population is surging so fast it now equals the black population, there is trust between blacks and Hispanics, but also deep suspicion. There is integration, but also basic racism. There is political accommodation, and yet fierce group rivalry.").

It is now commonly recognized throughout the city that its development must be more inclusive, more meaningfully diverse. As Estrada and Sensiper point out, moreover, the city lacks a coherent and cohesive vision, "both in our geographic conception of space and community, in the future that lies ahead, and in who has the authority to make decisions. And there is a seemingly endless way of framing the questions. Is the purpose to rebuild or restructure? . . . And how do we reach agreement on whose vision should prevail?"[133]

There is now an opportunity for the bottom to raise its voice. Leadership throughout the city is fragmented, as established leaders are being challenged by emerging groups who are scrambling and fighting to survive. Although there is still a widespread orientation to make diversity in Los Angeles operational, people are hesitant to collaborate because policy-makers have failed to deliver the resources that would enable the emerging groups to overcome their frustration. According to the MCC, out of apparent necessity, groups pursue a traditional, narrow self-interest at the expense of diversity and collaboration. The MCC believes that the real challenge is for human relations to become integrated with struggles for economic survival and "new community" community development, locally and metropolitan-wide. In short, empowerment and political accountability must be linked with human relations improvement.

There are many barriers to the MCC's work. Historic mistrust among many community groups has caused them to focus narrowly on insular development and self-sufficiency rather than collaboration. A further restraint to developing better relations is the budgetary limits of the city and county governments to support human relations and to provide services that would lessen inter-group tensions. Many social scientists and others trace the 1992 disturbances, in significant part, to state and local elected officials' failure to implement human relations policies to mitigate the ethnic antagonisms that have accompanied the dramatic changes in population.[134]

The demographics of Los Angeles also present a barrier to the MCC's work. It is hard to develop common agendas among grassroots groups because there is a reliance on a competing claims

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[133] Estrada & Sensiper, *supra* note 130, at 135-36.

[134] *See* James H. Johnson, Jr. & Walter C. Farrell, Jr., *The Fire This Time: The Genesis of the Los Angeles Rebellion of 1992,* 71 N.C. L. REV. 1403, 1407-10 (1993).

model of politics. Latinos emphasize their large numbers and underrepresentation. Asians emphasize their status as the fastest growing "minority" and their consequent need for greater attention being paid to them and their issues. African-Americans emphasize the need to have historic subordination, disempowerment, and discrimination redressed.

The MCC is now working on strategic planning projects and hopes to move people of color to become better at getting other people—other people of color, whites, Jews—to find common ground and negotiate common agendas. It attempts to move groups beyond conferences and single-issue coalitions. As Ruben Lizardo states, "[i]t is important to move beyond the superficial, tacos-grits-sushi multi-culturalism."[135] There must be simultaneous intra-community and intercommunity development. In other words, it is important for ethnic-specific groups to go back and lead their constituencies not only to address their particular issues but also to lead them into interethnic collaboration. Multicultural planning together and problem solving together among groups are crucial to facilitate translating each other's communities, cultivating mutual trust, and consensus building. The MCC knows, too, that as long as inequality and inequity persist, there will be multicultural polariza-tion. Its effort, then, must be tied to translating social justice to the overriding political reality.

Outside of Los Angeles, there may be less appreciation of the pressing need to deal with conflict. The city, of course, keeps having paradigm civil disorders every twenty-five years or so. As Angelenos know, at low intensity, ineffectively managed intergroup conflict fuels expressions of prejudice, discrimination, and oppres-sion. As consequences, inequality and injustice persist, valuable resources are diminished or misdirected, and the value of diversity

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[135] Ruben Lizardo, Presentation at Loyola Law School (Nov. 29, 1994) (notes on file with author). In Regalado's assessment of the conditions he examined, only the MCC and the New Majority Task Force seem to be addressing the key questions and critical questions, such as the following:

> (1) practical meaning of representative democracy and political incorpora-tion particularly among communities of color, (2) degree to which working class and poor communities can become incorporated into economic development planning and outcome scenarios in the city, (3) interlinked issues of race and class which act as communication barriers and socio-economic divides, and (4) practical meaning and application of multi-cultural pluralism as a goal for the city.

Regalado, *supra* note 115, at 231.

is undermined. At high intensity, intergroup conflict dispossesses, debilitates, and kills people,[136] some dying of *han*.[137] It maims the national ethos, destroys families, and sets communities afire. Finally, as Ronald Fisher states, it is also likely "to replace one ethnocentric, repressive regime with another."[138] In shaping our cities, we must absolutely intervene in the search for resolution.

Toward the goal of effective intervention, Fisher provides what he calls "generic principles" to resolve intergroup conflict.[139] As I have reviewed the work of the Ford Foundation grantees in Los Angeles, I have found Fisher's principles helpful in looking toward the progress of that work. Those principles are incorporated in a process that involves conflict analysis, confrontation, and resolution.

Conflict analysis involves "the initial and mutual exploration, differentiation, and clarification of the sources of conflict and the processes of interaction that characterize both its history and current expression."[140] In this phase, the conflict is unraveled so that the parties may jointly "identify, distinguish, and prioritize the essential elements of this conflict."[141] Is the conflict over values, economics, or power? Is conflict a matter of misperception, mis-communication, disrespect, or distrust? We approach conflicts

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[136] *See* Ronald J. Fisher, *Generic Principles for Resolving Intergroup Conflict*, 50 J. SOC. ISSUES 47, 47 (1994).

[137] *See* Elaine H. Kim, *Home Is Where the Han Is: A Korean-American Perspective on the Los Angeles Upheavals*, *in* READING RODNEY KING, *supra* note 20, at 215, 215. Kim states:

> *Han* is a Korean word that means, loosely translated, the sorrow and anger that grow from the accumulated experiences of oppression. Although the word is frequently and commonly used by Koreans, the condition it describes is taken quite seriously. When people die of *han*, it is called dying of *hwabyong*, a disease of frustration and rage following misfortune.

See id. Kim provides a powerful counterstory to the model minority success story, because Korean businesses were left defenseless by the LAPD and she was vilified for an article she wrote in *Newsweek*. *See id.* at 222-28. Her American Dream and that of Korean-American business owners in Los Angeles were shattered.

[138] Fisher, *supra* note 136, at 47.

[139] *Id.* at 48.

[140] *Id.* at 50. This task is a very difficult matter. On one hand, progressive leaders need to speak to larger principles like "justice" and "democracy." Yet, those principles cannot be the basis of collaborative work if the underlying conflict is not analyzed and confronted. As Steven Holmes reports, "[a]s they have throughout the civil rights struggle, black and Hispanic leaders like to project an aura of solidarity—at least in public. Yet, bubbling just beneath the surface are political and social tensions that threaten to undermine gains made by both." Steven A. Holmes, *Minority Leaders See a Clash of Hues in a Rainbow Coalition*, N.Y. TIMES, June 16, 1991, § 4, at 4.

[141] Fisher, *supra* note 136, at 50.

differently depending on its elements. Fisher points out that if we
fail to focus on the sources and types of conflict, we risk escalating
it: "[I]t is typical that inexperienced [or threatened] parties
approach conflict as win-lose when in fact it is mixed motive. This
becomes part of the insidious, inherent dynamic by which conflicts
. . . become more intense, more hostile, with proliferating issues,
greater commitments and higher stakes."[142] This phase, if prop-erly
done, should lay the groundwork of trust, respect, empathy,
assurances, and candid communication that allow for the second
phase of confrontation.

    Phase two, conflict confrontation, involves "direct interaction
in which the parties engage each other, focus on the conflict
between them, and work toward mutually acceptable solutions
through a process of collaboration and joint problem solving."[143]
Here, face-to-face interaction must be normatively directed.
Building on mutual respect and the shared exploration of needs,
interests, values, and positions, the parties should establish a
"commitment to resolution without a fixed agenda but with a pro-
gression of topics."[144] In my observations, departing from a fixed
agenda has proven extremely problematical for the groups in Los
Angeles. It appears that most groups are primarily in the analysis
phase, although some are approaching or just entering the confron-
tation phase. The next phase, resolution, appears quite distant.

    This distant phase of resolution focuses on the requirements
and outcomes necessary for the conflict to be truly resolved or
"transformed to a state and within a relational context which is self-
supporting, self-correcting, and sustainable for the foreseeable
future."[145] In Los Angeles, I would suggest that any groups
claiming to be here have probably skipped genuine conflict analysis

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[142] *Id.* at 51.
[143] *Id.* at 54 (citations omitted). Here, a shift from traditional adversarial
bargaining to problem-solving negotiation is crucial. Problem solving seeks to invent
options, not simply discover them. It utilizes brainstorming and planning. It focuses
on finding solutions to the parties' sets of underlying needs and objectives,
subordinating strategies and tactics to the process of identifying possible solutions
and thereby allowing a broader range of outcomes to negotiation problems. *See
generally* Carrie Menkel-Meadow, *Toward Another View of Legal Negotiation: The
Structure of Problem Solving*, 31 UCLA L. REV. 754, 762 (1984) ("explor[ing] the
structure, process and assumptions of traditional adversarial negotiations[,] . . .
[d]escrib[ing] . . . the problem-solving model of negotiation[,] . . . [and] discuss[ing]
the limits of the problem-solving conception of negotiation" (citations omitted)).
[144] Fisher, *supra* note 136, at 54.
[145] *Id.* at 59.

and confrontation. Because of the urgency of conflict situations, it is common to be pressed into hurrying to resolution. As a result the parties risk settling disputes or suppressing differences rather than reaching a conflict resolution that can transform conflicts in a way that will endure.[146] In difficult urban territories, we simply cannot afford the urgent rush if it causes short-term pressures to diminish the prospects for more solid long-term gains. Effective resolution builds sustainable relations, addresses basic human needs, infuses into decision-making and policymaking processes mechanisms to inhibit new, unnecessary conflict, and creates societal structures that incorporate identity-group equality and federalism as appropriate to the given situation.[147]

C. *Linking Social Justice and Social Movements in the City*

Recently, sociologists such as Omi and Winant, and political philosophers, such as Iris Young, have examined the link between social justice and social movements.[148] I consider much of the

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[146] *See id.* at 60.

[147] *See id.* at 61. I am emphasizing conflict resolution to enable parties to form and sustain enduring relations of collaboration rather than mere coalition. Too often, coalition parties emphasize adversarial bargaining rather than problem-solving orientations among themselves. Certainly, in theory and in practice, there can be progressive coalition formation. *See* Mari J. Matsuda, *Beside My Sister, Facing the Enemy: Legal Theory out of Coalition*, 43 STAN. L. REV. 1183, 1184 (1991) ("Consider[ing] the relationship between the process and substance of coalition, [and] suggesting that the instrumental use of coalition-building to achieve certain political goals is merely the beginning of the worth of this method."); Sharon Parker, *Understanding Coalition*, 43 STAN. L. REV. 1193, 1195 (1991) (arguing "[t]he best opportunity for true coalition is among women of color"); Haunani-Kay Trask, *Coalition-Building Between Natives and Non-Natives*, 43 STAN. L. REV. 1197, 1205 (1991) (discussing Hawaiian coalitions). Coalitions, however, tend to be ad hoc and reactive. *See* Mark A. Chesler, *Creating and Maintaining Interracial Coalitions, in* IMPACTS OF RACISM ON WHITE AMERICANS 217, 218 (Benjamin P. Bowser & Raymond G. Hunt eds., 1981) (claiming that because underlying conflicts often remain, "coalitions involve the more or less temporary joining of two distinct parties, the better to press others to respect and respond to their mutual agenda"). Social scientists cite two conditions that are likely to prevent effective coalition formation: First, coalition formation is unlikely when one party would retain overwhelming bargaining power even after the coalition's formation. Second, the party with disproportionate bargaining power may actively prevent coalition formation among other parties by creating a countercoalition with one of the weaker parties or by instigating divisiveness among the other parties. *See* DONALD G. GIFFORD, LEGAL NEGOTIATION: THEORY AND APPLICATIONS 177 (1989).

[148] *See* OMI & WINANT *supra* note 13; YOUNG, *supra* note †; *see also* DOUG McADAM, POLITICAL PROCESS AND THE DEVELOPMENT OF BLACK INSURGENCY, 1930-1970, at 5-64 (1982); Jean L. Cohen, *Strategy or Identity: New Theoretical Paradigms and Contemporary*

local community-building work in Los Angeles to represent this link. According to Omi and Winant, the black movement was the forerunner of various new social movements in the 1960s.[149] Through challenging the status quo patterns of American race relations, the black movement created "new identities, new racial meanings, and a new collective subjectivity."[150] It moved the terrain of political struggle beyond the parameters of "normal" politics.[151] In effect, relying on ideological and cultural intervention, there was a "politicization of black identity."[152] Significant repercussions stemmed from this as radical objectives eventually imposed on the liberal civil rights agenda. In turn, there was a substantial challenge lodged against moderate civil rights advocates who were operating within the ethnicity paradigm of race.[153] Similarly, from within communities of color, emerging social movements are challenging not only structural inequality, but also

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Social Movements, 52 Soc. RES. 663, 663 (1985).

[149] *See* OMI & WINANT, *supra* note 13, at 90.

[150] *Id.*

[151] *See id.* at 98.

[152] *Id.*

[153] The ethnicity paradigm emphasizes individual choices to identify with a group. But for African-Americans, Asians, and Latinos, for the most part, race is not only a social construction, but also a social constraint. Mary Waters explains that for many whites, ethnicity is symbolic:

> People who assert a symbolic ethnicity do not give much attention to the ease with which they are able to slip in and out of their ethnic roles. It is quite natural to them that in the greater part of their lives, their ethnicity does not matter. They also take for granted that when it does matter, it is largely a matter of personal choice and a source of great pleasure.
> . . . .
> . . . [W]hites with a symbolic ethnicity are unable to understand the every-day influence and importance of skin color and racial minority status for members of minority groups in the United States.

MARY C. WATERS, ETHNIC OPTIONS: CHOOSING IDENTITIES IN AMERICA 158 (1990). Individual choice becomes the ideology of individualism:

> 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. Recent attitudinal research suggests that it 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.

RICHARD D. ALBA, ETHNIC IDENTITY: THE TRANSFORMATION OF WHITE AMERICA 317 (1990) (citations omitted).

the hegemonic ideas that present them as perennial victims and problems.[154]

The black movement galvanized many other social justice movements. "These movements," Young observes, "all claim in varying ways that American society contains deep institutional injustices."[155] Contemporary theories of social justice have failed them, however. Young develops her critical theory of justice in light of this failure, primarily critiquing the limits of the "distributive paradigm of justice." The normative inquiry of such a paradigm is whether there is a morally proper distribution of society's benefits and burdens among its members.[156] Young critiques this paradigm as too narrow in two basic ways. First, it focuses our considerations of social justice on the allocation of material goods, such as things, resources, income, and wealth, or on the distribution of social positions of reward, status, and prestige, especially jobs.[157] This focus obscures our consideration of the social structure and institutional context that often play a role in determining the patterns of distribution.[158] As Young argues, "a critical theory of social justice must consider not only distributive patterns, but also the processes and relationships that produce those patterns."[159]

Young's second criticism of the distributive paradigm regards its extended application to nonmaterial goods, such as decision-making procedures, division of labor, and culture. When applied to these "goods" the logic of distribution produces a misleading formulation of the justice issues that are implicated: "It reifies aspects of social life that are better understood as a function of rules and relations than as things. It also conceptualizes social justice in terms of end-state patterns when it is often more effective to look at social processes."[160]

From this critical base, Young translates social justice to mean the elimination of institutional domination, which constrains self-determination, and oppression, which constrains self-develop-ment.[161] Injustice in these terms is primarily a group experience, and because injustice as oppression is the broader experience,

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[154] OMI & WINANT, *supra* note 13, at 68.
[155] YOUNG, *supra* note †, at 41.
[156] *See id.* at 15.
[157] *See id.*
[158] *See id.* at 18-22.
[159] *Id.* at 33.
[160] *Id.* at 25.
[161] *See id.* at 37-38.

Young focuses on it, giving oppression the "five faces" of exploita-
tion, marginalization, powerlessness, cultural imperialism, and
systematic violence.[162]

As applied to the urban poor, marginalization and cultural
imperialism are the most insightful references. First, racial oppres-
sion in this country is more likely to take the form of marginali-
zation rather than exploitation.[163] Perhaps the most dangerous
form of oppression, marginalization marks people as nonessential,
expendable as "[a] whole category of people is expelled from useful
participation in social life and thus potentially subjected to severe
material deprivation and even extermination."[164]

Second, the urban poor, especially those Massey and Denton
describe as living within the culture of segregation, experience a
deep cultural imperialism. Cultural imperialism applies the dom-
inant meanings of society to render a group's particular perspective
invisible, while at the same time stereotyping them as the deviant,
inferiorized others.[165] The injustice of cultural imperialism, then,
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 exper-
ience and interpretation of social life."[166]

The distributive paradigm that drives Massey's integration im-
perative to dismantle the ghetto barely touches marginalization and
simply does not at all reach cultural imperialism. The distributive
paradigm's liberal bias toward the individual and his cultural assimi-
lation to dominant norms, which masquerade as universal standards,
only reinforces the oppression of cultural imperialism. This para-
digm fails to embrace group rights. It sets the stage to legitimate
racialized colorblindness. It extends to antidiscrimination remedy,
but stops short of antisubordination redress. It values individualism
but not group diversity. It cannot effectively deal with aspirations
of group equality and inclusion. It cannot make up for the past.

From the community within, we see reformulated themes of
justice. We see, there, themes that appear to confirm the view of
political philosopher Milton Fisk that because most societies are

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[162] *See id.* at 46-63.
[163] *See id.* at 53; *see also* MICHAEL HARRINGTON, THE NEW AMERICAN POVERTY 123
(1984) (observing a segment of blacks who are not merely poor, "but who are in
danger of becoming completely superfluous").
[164] YOUNG, *supra* note †, at 53.
[165] *See id.* at 58-59.
[166] *Id.* at 60.

divided among various dimensions, "it is important that heterogeneity be an integral part of the social backdrop of justice."[167] Justice implies a fitting or joining of people and of values. Here, justice should serve as a factor that reconciles and synthesizes conflicting values—a factor that makes the integrated whole more reflective of the city's diverse segments.

Justice in a multicultural society is not subject to assimilation or colorblindness. In such a society, instead, justice may be as diverse as the areas marked by the various fracture lines of a divided society. Thus, the content of that justice will develop from the diverse views of "the good behind such lines."[168] This justice perspective shifts from simply focusing -on shared beliefs and common understandings for its content to focusing on interests and social relations.[169] This is salient in Los Angeles, I believe, within the context of "bottom-up" efforts by the inner-city poor to register their voices outside and to improve neighborhoods and communities within to reflect a more "just" state of affairs. As Fisk observes, "[w]e find, then, that current political morality has begun to stress the relevance of social position, of heterogeneity, and of the diversity of underlying perspectives. In doing so it goes beyond both liberalism and communitarianism."[170]

Although this may initially trouble those who wish for overarching and unifying themes, it should not. Such themes can no longer be assumed or imposed from a mythical center. Instead, they must be reformulated through the exploration of diverse mutuality if the genuine social contract is to be legitimate. (The chilling hue and cry comes to mind—"No Justice, No Peace.") Whether we like it or not, I think this is the undeniable message from America's second largest city.

IV. A CONCLUSION OF HOPE

Douglas Massey has made major contributions to this nation's understanding of residential segregation and its implications in the lives of the inner-city poor. His book with Nancy Denton, *American Apartheid*, is the single most important work on the subject since the 1968 *Kerner Commission Report*.[171] Given that, I imagine his

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[167] Milton Fisk, *Introduction: The Problem of Justice, in* JUSTICE 1, 5 (Milton Fisk ed., 1993).

[168] *Id.* at 5.

[169] *See id.* at 6.

[170] *Id.* at 6.

[171] REPORT OF THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS (1968);

frustration to be similar to one who rediscovers a major plague and is told there is insufficient societal appreciation or political will to support his recommendations for its elimination. Instead, he has to resign himself with the nation's containment of its spreading to white America, which for the most part is afraid of the plague but not really victimized by it. Perhaps, he concludes, we can disperse those the plague has isolated and oppressed. But the ravages of the plague have been too intense; we have waited too long to intervene.

For over twenty years I have urged that the black community be valued for itself and that its people have the opportunity to live within that community under improved circumstances. For that same length of time I have fought for the right of people to have full access to the mainstream opportunity structure. I have always argued for *both* community enrichment *and* integration choices. I provide the emphases here, because often I have been misunderstood as arguing for community enrichment only. Indeed, during the Symposium presentations I read the first three of this paragraph's sentences only to be "taken to task" by Alexander Polikoff for setting up a false either/or dichotomy between community enrichment and integration. His observation badly mischaracterizes my position. In this Paper, I have critiqued those integrationists who are so rigidly and singularly committed to integration that they diminish the hope or foreclose the possibility of enriching and building black community. True believers in integration must reexamine its normative and practical shortcomings. Integration, as hegemony, must be questioned. If the imperative of integrated housing were a good for sale, it would increasingly fail to meet the implied warranty of fitness for a particular use.[172]

When there is nowhere to run and nowhere to hide, people must make a stand in place, at one's home base. For many of the inner-city poor, this is their predicament. From the communities within, there must be resistance to the effects of the plague. Their adaptation cannot be accommodation; instead, it must be fighting back. Although small grassroots movements are, by themselves, far short of sufficient, they are nonetheless necessary movements for justice, whether it is for economic justice, gender justice, class justice, multiracial racial justice, or environmental justice. These justice-driven movements do not abandon the civil rights hope of

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see also Symposium, *The Urban Crisis: The* Kerner Commission Report *Revisited,* 71 N.C. L. REV. 1283 (1993).

[172] *See* U.C.C. § 2-315 (1991).

accessing the mainstream, but they operate with the understanding that it may be a while. The common themes of these movements from the community within are those of self-help, self-determina-tion, political accountability, community empowerment, new leadership, multicultural alliance and collaboration, and a reinvent-ed urban, multicultural democracy. These themes are as important to shaping the American cities as is the theme of desegregating the metropolis. The movements from the community within deserve more of our attention, respect, and support.

All of the grassroots work I have observed and supported reflects the knowledge that much of the underlying economic and social dislocation fuels intergroup conflict. Human relations will not improve in a vacuum; real changes must occur to improve the lives of people. These include: developing a more effective infrastructure for community-based organizations to develop and prosper; improving community access to capital and credit; creating jobs and enhanced employment opportunities; establishing day-care facilities; improving the educational system to address the real and unique needs of a multiracial student body; making sure that all communities are safe and that the criminal justice system works fairly for everybody; and assuring that the mass media cover the stories of communities of color more fairly, more deeply, more respectfully, and with more authorship from those in communities of color. All segments of the community—white, black, Asian, Jewish, Latino—must fight against xenophobia and scapegoating, most particularly with respect to immigrants. Although increased access to the mainstream opportunity structure remains important, many of the communities of color must also press for community development, which would include "'efforts to improve the overall quality of life in a low-income neighborhood through such initiatives as housing renovation, refurbishing the streets and public places, upgrading of public services, promotion of community identity and pride, job training and social services for community residents, and political advocacy.'"[173]

As I think of the social justice work now taking place in Los Angeles, I am reminded of the book Marian Wright Edelman recently wrote for her sons.[174] At one point she remarks about

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[173] Stegman, *supra* note 63, at 1774 (quoting MARC BENDICK, JR. & MARY L. EGAN, BUSINESS DEVELOPMENT IN THE INNER-CITY ENTERPRISE WITH COMMUNITY LINKS 1-2 (1991)).

[174] MARIAN W. EDELMAN, THE MEASURE OF OUR SUCCESS: A LETTER TO MY

the frustration of seeing that her sons may have to fight all over again the battles that she thought were over. She renews her commitment with the thought that she will not stop fighting as long as those who would turn her around will not stop. She writes:

> I am terrified by the escalating violence in our country and the apathy and ignorance that feed it. But I ask myself if I believe in my vision of America any less than the hatemongers and those who support them do in theirs. And I remember everything I have been given and all the chances each of us in this country have been given to make a difference.[175]

Edelman concludes her moving narrative, as I conclude this Paper, with a reference to President Havel of Czechoslovakia who, while imprisoned, described ever-present hope in these terms:

> Either we have hope within us or we don't: it is a dimension of the soul. . . . Hope in this deep and powerful sense is . . . an ability to work for something because it is good, not just because it stands a chance to succeed. . . . It is also this hope, above all, which gives us the strength to live and continually to try things, even in conditions that seem as hopeless as ours do here and now.[176]

It is this hope that must be kept alive, maintained, and expanded. It is with this hope that concretely better days ahead must be established. It is the hope of justice. It is mine and I hope yours.

CHILDREN AND YOURS (1992).
   [175] *Id.* at 33.
   [176] *Id.* at 33-34.