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## From Race to Class Struggle: Re-Problematizing Critical Race Theory

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# FROM RACE TO CLASS STRUGGLE: RE-PROBLEMATIZING CRITICAL RACE THEORY

E. San Juan, Jr.\*

*The misconstrual of "class" as a theoretical and analytic concept for defining group or individual identity has led, especially during the Cold War period, to its confusion with status, life-style, and other ideological contingencies. This has vitiated the innovative attempt of CRT to link racism and class oppression. We need to reinstate the Marxist category of class derived from the social division of labor that generates antagonistic class relations. Class conflict becomes the key to grasping the totality of social relations of production, as well as the metabolic process of social reproduction in which racism finds its effectivity. This will help us clarify the changing modes of racist practices, especially in global market operations where immigrant female labor plays a decisive role. I use the example of Filipina domestics as a global social class actualized in its specific historical particularity as gendered, neocolonized subjects of capital accumulation. CRT can be renewed by adopting class struggle as the means of resolving racial injustice through radical structural transformation.*

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The author would like to thank Jeannine D. Sims for help in correcting and revising the original version of the manuscript; her collaboration represents one of the strengths of the contemporary CRT tradition across the disciplines.

*While the lofty notions affirming human liberty were being formulated by those who penned the United States Constitution, Afro-Americans lived and labored in chains. Not even the term "slavery" was allowed to mar the sublime concepts articulated in the Constitution, which euphemistically refers to "persons held to service or labor" as those exceptional human beings who did not merit the rights and guarantees otherwise extended to all.*

—Angela Davis<sup>1</sup>

*Although white supremacy was the working rationalization and ideology behind theft of Native American lands, and especially the justification for African slavery, the independence bid by what became the United States of America is more problematic, in that democracy/equality and supremacy/dominance/empire do not make an easy fit . . . American supremacy and populist imperialism are inseparable from the content of the U.S. origin story and the definition of patriotism in the United States today.*

—Roxanne Dunbar-Ortiz<sup>2</sup>

Owing to the unrelenting ideological and political constraints of the Cold War, academic discourse on racism and ethnic/racial relations has erased the Marxian concept of class as an antagonistic relation, displacing it with neo-Weberian notions of status, lifestyle, and other cultural contingencies. Despite the civil rights struggles of the sixties, methodological individualism and normative functionalism continue to prevail in the humanities and social sciences. The decline of militant trade unionism and the attenuation of "third world" liberation struggles contributed to the erasure of class conflicts.<sup>3</sup> With the introduction of structuralist and post-structuralist paradigms in the last three decades the concept of class struggle has been effectively displaced by the concepts of power and differential relations.

From the viewpoint of the humanities and cultural studies (fields in which I am somehow implicated), the advent of Critical Race Theory (CRT) in the eighties was salutary, if not anticlimactic. The strategic foregrounding of racism and the race problematique (following Feminism's

1. ANGELA DAVIS, *THE ANGELA Y. DAVIS READER* 53 (Joy James ed., 1998).

2. Roxanne Dunbar-Ortiz, *The Grid of History, Cowboys and Indians*, in *POX AMERICANA* 31, 37–38 (John Bellamy Foster & Robert W. McChesney eds., 2004).

3. See ARIF DIRLIK, *POSTMODERNITY'S HISTORIES* 2–9 (2000); E. SAN JUAN, *RACISM AND CULTURAL STUDIES* 8–11 (2002).

assault on the Cold War stereotypes of economic determinism and class reductionism synonymous with Marxism *tout court* in the previous decades) served to remedy the inadequacies of the intersectionality paradigm between gender, class, and race. Unfortunately, with the neoconservative resurgence in the Reagan/Bush administrations and the collapse of “actually existing socialism” in the Soviet Union and arguably in China, the deconstruction of bourgeois legal discourse and its attendant institutions will no longer suffice. This discourse is insufficient not only because of the reconfigured international situation and the emergence of neo-liberal apologetics and authoritarian decrees, but also due to the accelerated class war manifest in the ongoing de-industrialization, huge income gaps, unemployment, destruction of welfare-state guarantees, and the disabling of traditional challenges to corporate rule.

What follows is a necessarily synoptic attempt to survey the terrain of CRT discourse, summarize certain ideological trends in Cultural Studies as well as Ethnic and Whiteness Studies, and involve CRT in extending its reach to the understanding of capitalist globalization. I use the Philippines and Filipina women as “specimens” for illuminating the complex dialectic of class, race, and gender in a postcolonial (more precisely, neocolonial) milieu. While epochal circumstances can explain the revalorization of “race” as an analytic category in response to heterogeneous protest movements, it may be counter-intuitive to account for why this tendency incurred a blurring of the centrality of social relations of production and reproduction condensed in class antagonism. The hypothesis of the convergence of class interests, while useful in blunting reductionism, shifted attention to ideological and cultural tendencies that became quite pronounced in the anti-foundationalist, post-structuralist theories of the seventies and eighties (Derrida, Foucault, Habermas), even though the old structural-functionalist diagnosis of ethnicity continued to prevail in explaining racism and sexism.

Apart from the pressure of circumstances, the persistence of ahistorical empiricist and nominalist paradigms may explain CRT’s weaknesses. In an endeavor to correct this idealist metaphysics, I shift the focus to the realm of the global political economy where CRT is absent. Here the racialization of women’s labor (Filipina domestics serve as an exemplary historical exhibit) and its nuanced materialist analysis by Bridget Anderson and Grace Chang can show that the concern with race and gender need not erase class; additionally, this analysis may show without foregrounding the political economy of labor exploitation, that the dynamics of racism and sexism cannot be adequately grasped in its protean embodiments. After summarizing the decisive role of female migrant labor in the universal commodification of life, a distinguishing characteristic of postmodernity overshadowed by the technocratic focus on cybernetics, information, knowledge industry, etc., I return to the imperative of utilizing the dialectical totality of social relations as the framework or

theoretical horizon within which the critique of racism and sexism needs to be carried out and translated into practice. The systemic crisis of global capitalism (whose recent symptoms include the 9/11 attacks on the symbols of U.S. hegemony and the hurricane Katrina calamity) should be the point of departure for reinvigorating CRT pedagogical exercises and speculations.

### I. CHALLENGE OF THE EPOCHAL DIVIDE

The advent of CRT marked a rediscovery of the primacy of the social relations of production and the division of labor in late modern industrial society. Derrick Bell applied a historicizing perspective, on which several scholars have elaborated, including Charles Mills in his theory of the United States as a “racial polity.”<sup>4</sup> However, the tendency of scholars to juxtapose “class” as a classifying category with “race” and “gender” in an intersectional framework has disabled the Marxist concept of class relation as a structural determinant.<sup>5</sup> This has led to the reduction of the relational dynamic of class to an economic factor of identity, even though CRT invariably attacks capitalist relations of production and its legal-jurisprudential legitimization as the grounds for racist practices and institutions.

The currently fashionable intersectionality approach where race, class, and gender function as equally salient variables substitutes a static nominalism for concrete class analysis.<sup>6</sup> It displaces a Marxist organon of knowledge with one that is philosophically idealist. As Gregory Meyerson notes, the “explanatory primacy of class analysis” is a theoretical requisite for understanding the structural determinants of race, gender and class oppression.<sup>7</sup> Class as an antagonistic relation is—from a historical-materialist viewpoint—the only structural determinant of ideologies and practices sanctioning racial and gender oppression in capitalist society.

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4. DERRICK BELL, *AND WE ARE NOT SAVED: THE ELUSIVE QUEST FOR RACIAL JUSTICE* (1987); CHARLES MILLS, *THE RACIAL CONTRACT* (1997); Charles Mills, *The Racial Polity*, in *RACISM AND PHILOSOPHY* 13 (Susan Babbit & Sue Campbell eds., 1999).

5. See generally ALEX CALLINICOS, *AGAINST POSTMODERNISM: A MARXIST CRITIQUE* (1989); *POST-ALITY: MARXISM AND POSTMODERNISM* (Mas'ud Zavarzadeh et al., eds., 1995).

6. See generally MAS'UD ZAVARZADEH and DONALD MORTON, *THEORY (POST)MODERNITY OPPOSITION* 105–30 (1991).

7. Gregory Meyerson, *Rethinking Black Marxism: Reflections on Cedric Robinson and Others*, *CULTURAL LOGIC* (2003), available at <http://eserver.org/clogic/3-1&2/meyerson.html>.

Nonetheless, it was exhilarating to read classic texts in CRT anthologies by Richard Delgado and Kimberle Crenshaw.<sup>8</sup> Not being a legal scholar, I cannot gauge how effective the impact of CRT has been in changing legislation, court procedures, or prison and police behavior; nor can I comment on how CRT has altered academic practice in law schools. Bell has been exemplary in linking class exploitation with racial discrimination.<sup>9</sup> Racism cannot be understood outside of or separate from the social division of labor in the capitalist mode of production and its concomitant reproduction of unequal relations in varying sociohistorical formations. This central insight has motivated many CRT practitioners.<sup>10</sup> But, as Alan Freeman has noted, the “dilemma of liberal reform” springs from CRT’s inability, or refusal, to reject—not just question, expose, or demystify—the premises or presuppositions of the system.<sup>11</sup> Freeman adds that the various strategies Bell and others have deployed simply preserve “the myths of liberal reform.” He concludes:

Yet it is one thing to call for—and show the need for—the historicization of civil rights law, and quite another to write the history. The task of unmasking, of exposing presuppositions, of delegitimizing, is easier than that of offering a concrete historical account to replace what is exposed as inadequate.<sup>12</sup>

Could it be that for all its power as a rigorous critical analytic of U.S. jurisprudence, mainstream legal theory, and practice, CRT has fatally confined itself to this reformist task? And, as a result, can CRT only renew itself internally by adopting novel anti-foundationalist methodologies operating within the dominant neo-liberal capitalist dispensation?

With its derivation from legal realism (Jerome Frank) and Critical Legal Studies (Roberto Unger), it seems that CRT’s adherence to the notions of formal justice, which translates into “another style of class domination” based on the rule of law, leads CRT scholars to accept the

8. Richard Delgado, *Legal Storytelling: Storytelling for Oppositionists and Others: A Plea for Narrative*, in *CRITICAL RACE THEORY: THE CUTTING EDGE* 64 (Richard Delgado ed., 1995). See generally Cheryl Harris, *Whiteness as Property* in *CRITICAL RACE THEORY* 276 (Kimberle Crenshaw, et al., eds., 1995); Mari Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, in *CRITICAL RACE THEORY* 63 (Kimberle Crenshaw, et al., eds., 1995).

9. See Derrick Bell, *White Superiority in America: Its Legal Legacy, Its Economic Costs*, in *CRITICAL WHITE STUDIES* 596 (Richard Delgado and Jean Stefancic eds., 1997).

10. See, e.g., Frances Lee Ansley, *Stirring the Ashes: Race, Class, and the Future of Civil Rights Scholarship*, in *CRITICAL WHITE STUDIES*, *supra* note 9, at 327.

11. Alan D. Freeman, *Derrick Bell—Race and Class: The Dilemma of Liberal Reform*, in *CRITICAL RACE THEORY: THE CUTTING EDGE* *supra* note 8 at 458, 462.

12. *Id.* at 462.

fact of substantive inequality.<sup>13</sup> To eliminate the effects of systemic domination and subordination, racial justice and gender parity may not be sufficient. As Daniel Bensaïd remarks:

Theories of justice and the critique of political economy are irreconcilable. Conceived as the protection of the private sphere, liberal politics seals the holy alliance between the night-watchman state and the market of opinions in which individual interests are supposed to be harmonized. Marx's *Capital* establishes the impossibility of allocating the collective productivity of social labour individually.<sup>14</sup> Whereas the theory of justice rests on the atomism of contractual procedures, and on the formalist fiction of mutual agreement (whereby individuals become partners in a cooperative adventure for their mutual advantage), social relations of exploitation are irreducible to intersubjective relations.<sup>15</sup>

The last sentence in the quote cannot be over-emphasized as the key to the ineluctable distinction between a historical-materialist optic and a pluralist neo-pragmatic one. Meanwhile, confusion persists among CRT fundamentalists and heretics. One commentator ascribes to CRT the allegedly Marxist doctrine of "radical contingency" and then faults CRT for its belief that the experience of the racially oppressed affords valid knowledge of society. CRT's loss of political neutrality and perspectival objectivity could prevent it from engaging the dominant discourses as well as compromise its revolutionary aspirations.<sup>16</sup> Given the historical stages of its emergence, CRT's eclectic nonconformism and pluralist constructionism may be the source of both its strength and weakness in promoting radical institutional changes.

One may hypothesize that a reassessment of CRT's condition of possibility may disclose ways of renewing its emancipatory potential. Re-viewing the historical context of its formation can be a catalyzing point of departure. Why at this juncture of the seventies and eighties did the evil of racism replace the evil of class exploitation for CRT scholars and other progressive intellectuals committed to radical democracy if not a more permanent revolutionary movement toward socialism? Why did the prob-

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13. HUGH COLLINS, *MARXISM AND LAW* 136 (1984).

14. See KARL MARX & FRDERICK ENGELS, *SELECTED WORKS* 230–37 (International Publishers 1968). See also HENRI LEFEBVRE, *THE SOCIOLOGY OF MARX* (Pantheon Books 1968).

15. DANIEL BENSAÏD, *MARX FOR OUR TIMES* 158 (2002).

16. Raymond Belliotti, *The Legacy of Marxist Jurisprudence*, in *RADICAL PHILOSOPHY OF LAW* 3 (David S. Caudill & Steven Jay Gold eds., 1995).

lem of racism overshadow what is now a tamed “classism”? Why did movements for recognition and accommodation eclipse the working-class struggle against exploitation at the point of production?

## II. REORIENTATION

A little bit of personal history might be a heuristic starter. Like most liberal academics in the seventies, I reacted to the right and left-wing opportunisms of the leftist formations that mechanically reduced all struggles to support for “bread-and-butter” unionism ironically delivered in sectarian guise. My reading of Robert Blauner’s *Racial Oppression in America* and the contending theories of internal and settler colonialism was a breath of fresh air.<sup>17</sup> Amid debates on the “national question,” we welcomed the issues raised by Stuart Hall and others concerning the formulaic base/superstructure metaphor, the relative autonomy of the ideological field, the labor metaphysics, the challenging theses on the racialized polity, the rationale of White supremacy as elaborated in such works as Oliver Cox’s *Caste, Class and Race*.<sup>18</sup> Hall’s observation on the complex constitution of class served as a guide to further inquiry: “Race is the modality in which class is lived. It is also the medium in which class relations are experienced.”<sup>19</sup> This modality, though framed by class antagonism, in practice exercised a cause-free autonomy (following Althusser) that immunized it from any totalizing dialectical virus.<sup>20</sup>

One suspects that with this stress on modality of experience, scholar Paul Gilroy was inspired to condemn the evils of ultra-nationalism, ethnic

17. ROBERT BLAUNER, *RACIAL OPPRESSION IN AMERICA* (1972) (Blauner distinguishes White European ethnic immigrants from colonized minorities such as Mexicans, Chinese, Native Americans, and other people of color, in order to analyze how racism toward the latter is articulated with, and derives from, their colonized condition, and thus foregrounds the priority of the colonial/imperial foundation of racism.) See also E. San Juan, *Marxism and the Race/Class Problematic: A Re-articulation*, CULTURAL LOGIC, available at <http://eserver.org/clogic/2003/sanjuan.html>; E. SAN JUAN, *RACIAL FORMATIONS/CRITICAL TRANSFORMATIONS* (1992).

18. OLIVER CROMWELL COX, *CASTE, CLASS AND RACE* (1948).

19. John Solomos, *Varieties of Marxist conceptions of Race, Class and the State: a Critical Analysis*, in THEORIES OF RACE AND ETHNIC RELATIONS 84, 103 (John Rex & David Mason eds., 1986).

20. According to French philosopher Louis Althusser, Marx’s problematique or theoretical framework posits three separate analytic categories that conceptualize any social formation: the economic, political, and ideological. Each one is relatively autonomous from the other; in the last instance, however, the economic mode of production exerts a preponderant structuring influence on the other domains and produces determinate and consequential effects in the society’s historical development. See LOUIS ALTHUSSER, FOR MARX 227–31 (Ben Brewster trans., Pantheon Books 1969) (1965). For a critique of Althusser and other neo-Marxists, see generally ELLEN MEIKSINS WOOD, *THE RETREAT FROM CLASS* 75–89 (1986).



absolutism, and “raciology’s brutal reasonings” with a plea for revitalizing “ethical sensibility.”<sup>21</sup> One wonders if this condemnation is part of an ingenious political strategy or another deconstructive flourish. Amid the incommensurability of local solidarities and estrangement throughout the Diaspora, amid the aestheticizing of commodities that Gilroy indicts, can we do a return to Kant? Can we regenerate ethical awareness by invoking “visions of planetary humanity” and “cosmopolitan traditions” without understanding their historical determinants and trajectories? In short, can we substitute Rawls or Rorty for Kant, Kant for Hegel, and Hegel for Marx?

In the humanities and mainstream social sciences, the Weberian emphasis on ethnicity (status, roles, etc.) and ethnic marginalization displaced the problem of class inequality.<sup>22</sup> Experts like Robert Park, Robert Merton, Erik Erikson, Fredrick Barth, Nathan Glazer, and others focused on identity crisis from the optic of methodological individualism, rational choice theory, and other pluralist nostrums. In the Establishment sourcebook *Ethnicity: Theory and Experience*, Glazer and Patrick Moynihan pontificated on the “persistence and salience of ethnic-based forms of social identification and conflict” over those based on class.<sup>23</sup> Culture, not economics, is the key to understanding problems of injustice, poverty, and alienation. With the prevalence of poststructuralist and deconstructive modes of thinking (Derrida, Foucault, Deleuze) in the neoconservative eighties and nineties, the new orthodoxies preempted any quick return to a re-theorized mode of class analysis and a reconstituted political economy of racism and sexism.<sup>24</sup>

Let me cite in this context the revisionist work of David Theo Goldberg. Goldberg has obsessively pursued a Foucault/neopragmatist genealogy of racist discourse and practices, rejecting structuralist conceptualizations as well as the standard approach that reduced racism to an epiphenomenon of economics or politics in which “racism is mostly conceived as ideological, a set of rationalizations for sustaining exploitative

21. PAUL GILROY, *AGAINST RACE* 6, 7 (2000).

22. Rosemary Crompton, *The Development of the Classical Inheritance*, in *CLASS* 43, 43–54 (Patrick Joyce ed. 1995).

23. Werner Sollors, *Forward: Theories of Ethnicity*, in *THEORIES OF ETHNICITY: A CLASSICAL READER* xiii (Werner Sollors ed., 1996) (quoting Nathan Glazer and Patrick Moynihan, *Ethnicity and Social Change*, in *ETHNICITY: THEORY AND EXPERIENCE* 169 (1975)).

24. The reigning orthodoxy may have been initiated by the Foucauldean work of Michael Omi and Howard Winant and elaborated by the Birmingham School of Contemporary Cultural Studies headed by Stuart Hall. See generally MICHAEL OMI & HOWARD WINANT, *RACIAL FORMATION IN THE UNITED STATES* (1986). See also CENTRE FOR CONTEMPORARY CULTURAL STUDIES, *THE EMPIRE STRIKES BACK: RACE AND RACISM IN 70s BRITAIN* (1982); STUART HALL, *CRITICAL DIALOGUES IN CULTURAL STUDIES* (David Morley & Kuan-Hsing Chen eds., 1996); JOHN SOLOMOS & LES BACK, *RACISM AND SOCIETY* (1996)).

economic practices and exclusionary political relations.”<sup>25</sup> Goldberg thus dismisses Robert Miles’ theory of racialization, defined as the construction of differentiated social collectivities by the way human biological characteristics are signified as narrow and restrictive.<sup>26</sup> For Goldberg, exclusion by virtue of imputed somatic characteristics acquires a privileged position in the analysis of social relations, overshadowing class exploitation.<sup>27</sup> In doing so, Goldberg and other ludic anti-foundationalists lapse into a species of nominalism that equates class with stratification, “not recognized as constituting a ‘real totality’” but, “as an aggregate of individuals, who are differentiated from one another in terms of various kinds of social and psychological criteria.”<sup>28</sup>

Nominalists like Goldberg refuse to recognize class as a relational process in historical reality. Limited to a concern with atomistic facts instead of a world of intelligible necessity, sociologists of ethnicity likewise confine themselves to heterogeneous experiential data removed from any larger socio-historical process within which they acquire intelligibility.<sup>29</sup> Instead of historical-materialist principles, techniques of psycho-logicistic and functional instrumentalism are deployed to connect discrete phenomena and validate the normality and consistency of the status quo. This applies to the functionalism of neo-Weberians, hermeneutic and interpretive humanists, and various neo-Marxists who reject the historical materialist principles of critique, totality, and the dialectical approach to elucidating the dynamics of multifarious contradictions in society.<sup>30</sup>

25. DAVID THEO GOLDBERG, *RACIST CULTURE* 93 (1993).

26. *Id.* at 93–94.

27. *Id.* at 105–07, 168–74. It would be illuminating to compare and contrast the elision of class in MICHAEL BANTON, *RACIAL THEORIES* (2d ed. 1998) (1987) with HOWARD WINANT, *RACIAL CONDITIONS* (1994).

28. ANTHONY GIDDENS, *THE CLASS STRUCTURE OF THE ADVANCED SOCIETIES* 76 (1973). It might be useful to compare and contrast the multilayered approach of ALBERT MEMMI, *RACISM* (Steve Martinot trans., University of Minnesota Press 2000) to the comparative historical perspective of GEORGE M. FREDRICKSON, *THE COMPARATIVE IMAGINATION: ON THE HISTORY OF RACISM, NATIONALISM, AND SOCIAL MOVEMENTS* (2000).

29. A survey is provided in WILBUR ZELINSKY, *THE ENIGMA OF ETHNICITY* 155–84 (2001). See also Stephen Steinberg, *The Liberal Retreat from Race, in RACE AND ETHNICITY IN THE UNITED STATES: ISSUES AND DEBATES* 37 (Stephen Steinberg, ed., 2000); STEPHEN STEINBERG, *TURNING BACK* 50–96 (1995).

30. Examples of these approaches include texts by Goldberg and Winant already cited; see also *THE ETHNICITY READER* (Montserrat Guibernau and John Rex eds., 1997) (Writings from a neo-Weberian perspective); PIERRE VAN DEN BERGHE, *RACE AND RACISM* (1978) (arguing a functionalist theory). Various neo-Marxists may be found in these anthologies: *FROM DIFFERENT SHORES: PERSPECTIVES ON RACE AND ETHNICITY IN AMERICA* (Ronald Takaki ed., 1994), *MAPPING MULTICULTURALISM* (Avery Gordon & Christopher Newfield eds., 1996), and *RACE, IDENTITY, CITIZENSHIP: A READER* (Rodolfo Torres et al eds., 1999).

Stephen Steinberg, a staunch opponent of the ethnicity paradigm, summed up the trends I have been sketching here in his militant book.<sup>31</sup> Steinberg's sense of being betrayed by his neo-liberal colleagues is ironic because it stems from his odd expectation that his colleagues' view of justice as "fair equality of opportunity" can substitute for class struggle and its drive for systemic transformation.<sup>32</sup> Alternatively, Steinberg is sure to provoke renewed outcries of "economism" and "vulgar reductionism"—habitual epithets of opprobrium.

### III. INTERVENTION FROM THE MASS MOVEMENTS

The condition of possibility that I referred to earlier, which allows ethnicity and nominalism to preempt the field of scholarly inquiry and political debate, involves the entire period of development of finance-capital in the U.S. from the end of the civil rights struggles to the birth of the Homeland Security state.<sup>33</sup> This includes the oil crisis of 1974, the unregurgitable defeat in Vietnam, the unprecedented political realignments in the U.S. ruling class with the resignation of Nixon, and so on.<sup>34</sup> What is more significant in terms of geopolitics is the fact that the whole post-WWII period involves the largest internal migration in U.S. history, a migration which reconstituted the class and racial formations of the New Deal era.<sup>35</sup>

Changes in historical reality prefigure mutations in theory. The resurgence of new forms of class struggle in the sixties and seventies—with the mobilization of African Americans, ethnic "minority" communities, and women—together with the unionizing of public employees and service/white collar professionals, compels us to refocus our analysis on the reconfiguration of specific historical blocs, to class generation and its trajectories, that would explain the nature of capitalist hegemony. Michael Zweig notes that the decline of class politics coincides with the rise of identity politics in a period of the deterioration of living standards for the

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31. STEINBERG, TURNING BACK *supra* note 29 at 205–20 (1995).

32. Amy Gutmann, *Should Policy Be Class or Color Conscious?*, in RACE AND ETHNICITY IN THE UNITED STATES: ISSUES AND DEBATES 92 (Stephen Steinberg ed., 2000).

33. See generally E. SAN JUAN, RACISM AND CULTURAL STUDIES (2002); E. SAN JUAN, WORKING THROUGH THE CONTRADICTIONS: FROM CULTURAL THEORY TO CRITICAL PRACTICE (2004).

34. See generally HOWARD ZINN, THE TWENTIETH CENTURY (1984); MICHAEL DENNING, CULTURE IN THE AGE OF THREE WORLDS (2004); DAVID HARVEY, JUSTICE, NATURE AND THE GEOGRAPHY OF DIFFERENCE (1996).

35. See MICHAEL GOLDFIELD, THE COLOR OF POLITICS (1997); see also MANNING MARABLE, HOW CAPITALISM UNDERDEVELOPED BLACK AMERICA (1983).

working class majority.<sup>36</sup> I caution CRT colleagues not to ignore in the recent historical conjuncture the long-range political effects of the new massive immigration from Asia and Latin America after the 1965 Immigration Act, which up to now continues to “thicken” the ethnic contradictions of the post-Fordist working class.<sup>37</sup>

The 1992 Los Angeles urban rebellion was a symptom of an epochal trend that would culminate in the re-election of George W. Bush, and (after 9/11) the USA Patriot Act and the establishment of the Homeland Security State.<sup>38</sup> In short, the crisis of capitalism has moved to a critical stage in which proto-fascist measures, brutal military aggression in Afghanistan and Iraq, and unilateral preemptive strikes are becoming the norm. Some even speculate on the advent of a quasi-fascist surveillance regime. How can we, putative organic intellectuals of the masses, intervene?

Cultural Studies debates may have catalyzed the groundwork for the emergence of CRT. From a more heterodox perspective, Michael Denning observes that “the ‘turn to race’ was not a rhetorical shift, a refusal of the language of populism, Americanism, and industrial unionism;” rather, it “was the mark of a profound remaking of the working classes, in the United States and globally.”<sup>39</sup> This turn, however, did not neglect traditional modes of class struggle, by which I mean precisely the struggle over how the social surplus, the unpaid values expropriated from those who do not own or control the means of production, is generated by various modes of exploitation and then appropriated and distributed chiefly through the agency of the capitalist state and its ideological apparatuses.

Our key heuristic axiom is this: the extraction of surplus labor always involves conflict and struggle. This process of class conflict in which identities are articulated with group formation, where race, gender and ethnicity enter into the totality of contradictions that define a specific conjuncture, and in particular the contradictions between the social relations dominated by private property and the productive forces, is crucial.<sup>40</sup>

36. MICHAEL ZWEIG, *THE MAJORITY WORKING CLASS* 53–54 (2000).

37. For the political resonance of the Act, see Bill Ong Hing, *Asian Immigrants: Social Forces Unleashed After 1965*, in *THE IMMIGRATION READER* 144 (David Jacobson ed., 1998); E. San Juan, *The Ordeal of Ethnic Studies in the Age of Globalization*, in *DISPLACEMENTS AND DIASPORAS* 270 (Wanni Anderson and Robert Lee eds., 2005).

38. See generally ADOLPH REED JR., *STIRRINGS IN THE JUG* 1–52 (1999); Sam Gindin, *Prospects for Anti-imperialism: Coming to Terms with Our Own Bourgeoisie*, in *POX AMERICANA supra* note 2 at 135, 140–41 (2004).

39. DENNING, *supra* note 34 (2004).

40. The dialectical method of analyzing multiple contradictions is endorsed here, a method operating in such works as ISTVAN MESZAROS, *SOCIALISM OR BARBARISM: FROM THE “AMERICAN CENTURY” TO THE CROSSROADS* (2001); Teresa L. Ebert & Mas’ud Zavarzadeh,

Reformulated, this proposition translates into a principle of causality: the organization of work influences the way in which race and gender are mediated within the hegemony of a social bloc. Class consciousness as a “state of social cohesion” involves layers that have varying duration and intensities expressed in popular and mass culture.<sup>41</sup> A historical materialist understanding of race relations and racism embedded in the process of class formation and class struggles, in the labor process and cultural expression, distinguishes the research projects of Cultural Studies scholars including Michael Denning, Peter McLaren, Paul Buhle, Gregory Meyerson, Teresa Ebert, Sam Noumoff, and others.

Given this emphasis on class struggle and class formation, on the totality of social relations that define the position of interacting collectivities in society, materialist critique locates the ground of institutional racism and racially-based inequality in the capitalist division of labor—primarily between the seller of labor-power as prime commodity and the employer who maximizes surplus value (unpaid labor) from the workers. The question of whose answer would explain the ideology and practice of racial segregation, subordination, exclusion, and variegated tactics of violence will maximize accumulation of profit and also maintain the condition for such stable and efficient maximization.

I would insist that this formulation does not reduce race to class; rather, it assigns import or intelligible meaning to the way in which racialization (the valorization of somatic or “natural” properties) operates. While social subjects indeed serve as sites of variegated differences, that is, individuals undergo multiple inscriptions and occupy shifting positions on the level of everyday experience, the pattern of their actions or “forms of life” are not permanently indeterminate, nor undecidable, when analyzed from the perspective of the totality of production relations.<sup>42</sup> It is the capitalist labor process and its conditions that over-determine the location of groups whose ethnic, racial, gender and other characteristics acquire value within that context. I think this is the sense in which Barbara Jeanne Fields argues for a materialist reading of slavery in U.S. history: “Probably a majority of historians think of slavery as primarily a system of race relations—as though the chief business of slavery were the production of

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*ABC of Class*, 17 NATURE, SOCIETY, AND THOUGHT 133 (2004); THEODORE ALLEN, *THE INVENTION OF THE WHITE RACE*, Volume I (1994).

41. HARRY BRAVERMAN, *LABOR AND MONOPOLY CAPITAL* 29 (1974).

42. See FREDRIC JAMESON, *A SINGULAR MODERNITY* 54–55 (2002) (discussing the problem of late-modern identity). See also ALEX CALLINICOS, *AGAINST POSTMODERNISM* 87–91 (1989); TERRY EAGLETON, *AFTER THEORY* 41–73 (2003). See also BERTELL OLLMAN, *DANCE OF THE DIALECTIC: STEPS IN MARX’S METHOD* (2003), GEORG LUKACS, *HISTORY AND CLASS CONSCIOUSNESS: STUDIES IN MARXIST DIALECTICS* (Rodney Livingstone trans., 1971) (discussing the dialectical concept of totality).

White supremacy rather than the production of cotton, sugar, rice and tobacco.”<sup>43</sup> This one-sided, if arguably mechanistic, explanation needs to be amended with the observation that the production of cotton, etc. (a historically mediated need) reproduces in itself the whole complex of social and political relations of that field—in fact, production of commodities for exchange, and profit, would not be possible if the reproduction of class relations did not accompany it. Which came first, the actual exploitation or its rationalization, is a trick question posed by disingenuous ideologues whose vulgar materialism can easily consort with the hallucinatory narcotics of superstition and the fetishism of goods and spectacles.<sup>44</sup> Culture, ideology, politics and economics are all inextricably intertwined; but their “law of motion” can be clarified through the mediation of a historical-materialist optic.

#### IV. WHITENESS STUDIES

This leads us to the theme of Whiteness and Whiteness Studies, largely inspired by CRT. The intervention of Whiteness Studies may be considered a refinement of CRT in its treatment of Whiteness as an analytical problem in the determination of class hierarchy.<sup>45</sup> It takes off from W.E.B. DuBois’ insight in *Black Reconstruction* that White workers enjoyed “public and psychological wage” regardless of position in the social hierarchy.<sup>46</sup> Whiteness Studies has been interpreted as a response to the political realignment in the eighties, illustrated by the appearance of Reagan democrats and the “cult of ethnicity,” which saw liberal intellectuals disavow Black activists like Stokely Carmichael and the Civil Rights agenda.<sup>47</sup> How can one account for the celebration of ethnic Whiteness at a time of severe crisis in the form of de-industrialization, unprecedented layoffs, widening income gap, disproportionate imprisonment of African Americans and Latinos, and other symptoms of social decay (of which the

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43. Barbara Jeanne Fields, *Slavery, Race and Ideology in the United States of America*, 181 *NEW LEFT REVIEW* 95, 99 (1990).

44. COLETTE GUILLAMIN, *RACISM, SEXISM, POWER AND IDEOLOGY* (1995).

45. DELGADO & STEFANCIC, *supra* note 9, at xvii–iii.

46. W.E.B. DuBois, *BLACK RECONSTRUCTION IN AMERICA 700–02* (Macmillan Publishing 1971) (1935). See also DAVID ROEDIGER, *THE WAGES OF WHITENESS* (1991); Kathleen Neal Cleaver, *The Antidemocratic Power of Whiteness*, 70 *CHI.-KENT L. REV.* 1375, 1375–78 (1995) (elaborating on DuBois’ argument that poor white workers were “compensated in part by a . . . public and psychological wage”).

47. See generally MANNING MARABLE, *RACE, REFORM AND REBELLION: THE SECOND RECONSTRUCTION IN BLACK AMERICA, 1945–1982* (1984); PATRICIA WILLIAMS, *SEEING A COLOR-BLIND FUTURE: THE PARADOX OF RACE* (1997); NELSON PEERY, *THE FUTURE IS UP TO US: A REVOLUTIONARY TALKING POLITICS WITH THE AMERICAN PEOPLE* (2002) (all charting the rise of neoconservatism).

latest instance is the symptomatic landscape of disaster revealed by hurricane Katrina)?

We are blessed with abundant testimonies. In scholarly interventions by David Roediger, Alexander Saxton, Theodore Allen, Michael Goldfield, and George Lipsitz, among others, we learn that the core normative belief-system which props up the racial hierarchy hinges on White privilege and White supremacy as the foundation of the racial polity.<sup>48</sup> This construction of White racial superiority prevents class unity and conceals class exploitation. This thesis has already been argued earlier by Marxists like Paul Baran and Paul Sweezy in explaining the deprivation of Blacks after the end of the Civil War. But the proposition of Whiteness as a psychological compensation for Whites anxious to raise themselves in the “status hierarchy” is only one element in a wider critique of capitalist ideology and institutional practices.<sup>49</sup> Race—Whiteness—is not an autonomous factor operating apart from the totality of social relations, in particular the political struggles and ideological struggles of the time.

One observer points out that in contrast, the historical-materialist analysis of “Whiteness” carried out by Alexander Saxton inscribes the ideological within the process of class politics, mass culture, and historical background.<sup>50</sup> Arising as a rationalization of the slave trade and the theft of land from non-Whites, White supremacy evolved as a theory/practice designed to legitimize the rule of dominant groups in fluctuating class coalitions, modified and readjusted according to the complex process of reconfiguring hegemony (moral and intellectual leadership of a historic bloc, in Gramsci’s construction).<sup>51</sup> Thus, it is the totality of capitalist production relations—not an essential ingredient such as economic position alone—that explains why the ideological synthesis of White supremacy functions as a key element in the bourgeoisie’s strategic construction of hegemony through the calculated syncopation or calibration of the relations among the state, the institutions of civil society, and the practices of

48. CHARLES MILLS, *THE RACIAL CONTRACT* (1997). See generally ROEDIGER, *supra* note 46; ALEXANDER SAXTON, *THE RISE AND FALL OF THE WHITE REPUBLIC: CLASS POLITICS AND MASS CULTURE IN NINETEENTH-CENTURY AMERICA* (2003); ALLEN, *supra* note 40; GOLDFIELD, *supra* note 35; GEORGE LIPSITZ, *THE POSSESSIVE INVESTMENT IN WHITENESS: HOW WHITE PEOPLE PROFIT FROM IDENTITY POLITICS* (1998).

49. Paul Baran & Paul Sweezy, *Monopoly Capital and Race Relations*, in *THE CAPITALIST SYSTEM* 309, 310 (Richard Edwards et al. eds., 1972).

50. Andrew Hartman, *The Rise and Fall of Whiteness Studies*, 46 *RACE AND CLASS* 22 (2004).

51. ANTONIO GRAMSCI, *SELECTION FROM THE PRISON NOTEBOOKS* 12–16, 247 (1971). Gramsci’s dialectical apprehension of law is exemplary: “The Law is the repressive and negative aspect of the entire positive, civilizing activity undertaken by the State.”

everyday life.<sup>52</sup> When the economic and political (base and superstructure) are separated or fragmented into discursive local effects, the result is an incoherent amalgam of incommensurable categories that cannot provide an explanatory critique that would connect various seemingly independent social practices and institutions to one another and to the global economic situation.<sup>53</sup> If we want to transform the oppressive system based on the skewed social division of labor and the unequal distribution of social wealth, we need a historical knowledge of social totality that would afford opportunities for organized mass intervention.

#### V. BACK TO THE HISTORICAL MAELSTROM

To remedy the parochial scope of CRT and its vulnerability to the triumphalist wiles of American Exceptionalism, I can only suggest here a need to shift some of our energies and resources to the task of understanding the oppression of women migrant workers, particularly women of color or “third world” women, as a focus for future research programs. This current period of reaction after 9/11, the global recession, the horrific wars in Iraq, Afghanistan, and the U.S.-aided counterinsurgency campaigns in Colombia, the Philippines, and elsewhere, demand an urgent need for those committed to radical change to engage in formulating a more comprehensive critique of the global totality. This is not to downplay the catastrophes of genocidal strife, environmental disasters, as well as the AIDS and SARS epidemics whose implications can only be regarded as networks of social events with intelligible causality. But an engagement with the international division of labor as an integral component of globalization and its profound, enduring impact on everyday life may help us move beyond narrow empiricism and connect the fragmented categories of race, gender and status into an intelligible complex that can offer opportunities for organized popular intervention. This is necessary to allow CRT (strictly confined to the U.S. academy) to engage the debate on globalization, a phenomenon starkly epitomized by the international traffic in women’s bodies, predominantly women of color.

The global migration of labor is certainly an integral part of the internationalization of production and the internationalized division of labor. It is now common knowledge that capitalism’s acquisitive and expansive nature led to the uneven development between colonizing industrialized countries of Western Europe, North America, Japan, and the

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52. See Gregory Meyerson, *Marxism, Psychoanalysis and Labor Competition*, CULTURAL LOGIC (1997), available at <http://eserver.org/clogic/1-1/meyerson.html>.

53. See Gregory Meyerson, *Rethinking Black Marxism: Reflections on Cedric Robinson and Others*, CULTURAL LOGIC (2003), available at <http://eserver.org/clogic/3-1&2/meyerson.html>.



rest of the world.<sup>54</sup> Migration is a response to the spatial and developmental inequality produced by capitalist accumulation, colonialism, imperialism, Cold War interventions, and pre-emptive wars.<sup>55</sup> Time-space distances have been compressed by the flow of exchange value and capital, and by universal commodification. We observe in media and quotidian life how commodities and capital circulate more rapidly and frequently in the modern world, in addition to bodies and their capacity to produce, consume, and reproduce the whole cosmology of their repressed existence.

The situation in the Philippines may be taken as a case study in this unfolding narrative of globalization. Colonized by Spain for three hundred years and by the United States for almost a century, the Philippines remains a poor underdeveloped dependent formation. Ruled by a local oligarchy of compradors, bureaucrat-capitalists, and semi-feudal landlords reared by more than fifty years of U.S. tutelage, the Philippines failed to develop into a "Newly-Industrialized Economy" after World War II.<sup>56</sup> This failure is due to a variety of causes, chief of which is the uninterrupted U.S. economic, political and cultural stranglehold on the Philippines since its annexation in 1899, and even after formal independence in 1946 and the removal of its huge military bases in 1992.<sup>57</sup>

In 2002, an estimated 67% of the eighty-three million Filipinos were poor.<sup>58</sup> Unemployment runs to 11–12% annually and underemployment to 17%.<sup>59</sup> Due to severe unemployment and the disruption of traditional work processes by the imposed Structural Adjustment Programs of the IMF/World Bank during the long period of the Marcos dictatorship, successive administrations in the Philippines have instituted a systematic export of its citizens, in particular women, to overseas jobs, thereby col-

54. SAMIR AMIN, *IMPERIALISM AND UNEQUAL DEVELOPMENT* (1977); MICHEL BEAUD, *A HISTORY OF CAPITALISM 1500–2000* (Tom Dickman & Anny Lefebvre trans., Monthly Review Press 2001) (1983).

55. See generally *GLOBAL WOMEN* (Barbara Ehrenreich & Arlie Russell Hochschild, eds., 2002) (underscoring the burgeoning of women migrant labor in globalized business). See also SAMIR AMIN, *RE-READING THE POSTWAR PERIOD* (Michael Wolfers trans., 1994); STEFAN ENGEL, *TWILIGHT OF THE GODS—GOTTERDAMMERUNG OVER THE "NEW WORLD ORDER"* (2003); SASKIA SASSEN, *GLOBALIZATION AND ITS DISCONTENTS* (1998).

56. JOSE MARIA SISON & JULIETA DE LIMA SISON, *PHILIPPINE ECONOMY AND POLITICS* (1998).

57. RENATO CONSTANTINO, *NEOCOLONIAL IDENTITY AND COUNTERCONSCIOUSNESS* (1978); WILLIAM POMEROY, *THE PHILIPPINES: COLONIALISM, COLLABORATION, AND RESISTANCE* (1992).

58. Satur Ocampo, *Fact Sheet: the Philippines*, Handout from the Office of Bayan Muna, Representative, Batasan/Congress of the Republic of the Philippines (2002).

59. *Id.* See also regular updates of the Ecumenical Institute for Labor Education and Research, IBON, available at <http://www.ibon.org>.

lecting enormous fees and taxes.<sup>60</sup> Over two thousand people leave the Philippines every day; over 10 million Filipinos in over 186 countries remit earnings of over \$9 billion, the largest source of foreign currency, enough to pay the enormous foreign debt.<sup>61</sup> These serfs of globalization—probably the largest cohort of migrant contract workers in the world—are praised by Filipino politicians as “modern heroes,” “overseas Philippine investors,” “internationally shared resources,” and other derogatory euphemisms that fool no one except bureaucrats and naïve humanitarians.<sup>62</sup>

There are now between 80 million to 95 million migrant workers worldwide; about 20 million are Asians.<sup>63</sup> In the last decade, Filipinos in the U.S. increased to over 3 million, arguably one of the largest Asian communities.<sup>64</sup> After 9/11, several hundred Filipinos have been summarily deported and treated as dangerous criminals, for assorted reasons short of being “terrorists.”<sup>65</sup> The racist discrimination against thousands of Filipino veterans of WWII, nurses and caregivers, and especially former airport screeners may be explained not by the USA Patriot Act but by a long history of national oppression and class exploitation which exacerbates invidious categorization by gender and sexuality.<sup>66</sup>

Complementing the push-factors of economic deprivation and political instability in this Southeast Asian neo-colony is the transformation of the US economy in the last half of the twentieth century. The rise of global cities like New York and Los Angeles restructured labor demand so that immigration policies and laws had to be re-shaped for at least two reasons: 1) for employers to hire immigrants for low-wage service jobs in certain highly specialized service sectors; and 2) for declining industries

60. See Aurora Perez and Maruja Milagros Asis, eds., *Understanding Filipino Migration*, 51 PHILIPPINE SOC. SCI. REV. (1993); FILIPINO WOMEN MIGRANT WORKERS: AT THE CROSSROADS AND BEYOND BEIJING (Ruby Palma Beltran & Gloria Rodriguez eds., 1996).

61. Antonio Tujan, *The Crisis of Philippine Labor Migration*, IBON Special Release (1995).

62. BRIDGET ANDERSON, *DOING THE DIRTY WORK? THE GLOBAL POLITICS OF DOMESTIC LABOUR* (2000).

63. GRACE CHANG, *DISPOSABLE DOMESTICS* 43–44 (2000); EVELYN HU-DEHART, *ACROSS THE PACIFIC: ASIAN AMERICANS AND GLOBALIZATION* 6 (1999).

64. RONALD TAKAKI, *STRANGERS FROM A DIFFERENT SHORE* (1989).

65. Jay Mendoza, *War, Immigrants, and the Economy: Filipinos in a Post-911 World*, In-form! Special Report (January 25, 2003); see also E. San Juan, *Critical Reflections on the Filipino Diaspora and the Crisis in the Philippines*, 2 ST. JOHN'S UNIVERSITY HUMAN. REV. (2003); RAHUL MAHAJAN, *THE NEW CRUSADE* (2002).

66. See E. SAN JUAN, *FROM EXILE TO DIASPORA* (1998); TAKAKI, *supra* note 64; E. San Juan, *Inventing Vernacular Speech-Acts: Articulating Filipino Self-Determination in the United States*, 19 SOCIALISM AND DEMOCRACY 136 (2005).

requiring cheap labor to compete and stay afloat.<sup>67</sup> One can see that changes within the metropolitan economies reflect those in the dependent, subaltern formations, disrupting the neutral-sounding terms “sending” and “receiving” countries. Precisely this interaction of apparent equality of buyer and seller in the “free market” underlies the unequal status relations of nation-states, hence the folly of using terms like “trans-national” to indicate equality or parity.

Orthodox immigration experts and empirical statisticians like Sassen posit the market as the major factor in forming class.<sup>68</sup> But this stress on exchange ignores the process of class formation within the web of social relationships that are historically concrete, determinate, and specific. It also leads to treating people as mere bearers of reified structures.<sup>69</sup> Law in capitalism, as the Russian critic E.B. Pashukanis has shown, expresses the fetishized relations among commodity exchangers; the free market is what Marx called the “very Eden” of human rights.<sup>70</sup> What this market domain hides—it is no secret now, folks—is the exploitation founded on the consumption of the use-value of the workers bought by capital, the subordination of the collective producers in the labor process, the extraction of surplus, and so on. And this juridical symmetry of apparently free exchanges between seemingly look-alike property owners is what critical theory needs to unmask.<sup>71</sup>

On the other hand, interpretive ethnographies of the personal experience of domestics have only trivialized the agency they are supposed to discover.<sup>72</sup> Women workers do indeed enact their intentions and desires, but the powers “instantiated” in their behavior (what Pierre Bourdieu calls “habitus”) attest to their over-determination by larger structures.<sup>73</sup> In Alex Callinicos’ words, “what agents can collectively or individually do depends to a significant degree on their position in the relations of production.”<sup>74</sup>

67. Saskia Sassen, *Foreign Investment: A Neglected Variable*, in IMMIGRATION READER 251, 260–261 (David Jacobson ed., 1998).

68. SASKIA SASSEN, *CITIES IN A WORLD ECONOMY* (2000).

69. See ELLEN MEIKSINS WOOD, *DEMOCRACY AGAINST CAPITALISM* (1995).

70. Karl Marx, *Critique of the Gotha Program*, in THE MARX-ENGELS READER 525 (Robert C. Tucker ed., 2d. ed 1978) (1972). See also E.B. PASHUKANIS, *LAW AND MARXISM: A GENERAL THEORY* (Barbara Einhorn trans., Chris Arthur ed., Ink Links 1978) (1929).

71. Chris Arthur, *Editor's Introduction to E.B. PASHUKANIS, LAW AND MARXISM* (1978).

72. See, e.g., NICOLE CONSTABLE, *MAID TO ORDER IN HONG KONG* (1997). Contrast Constable's work with WOMEN, WORK, AND IDEOLOGY IN THE THIRD WORLD (Haleh Afshar, ed., 1985), or YAYORI MATSUI, *WOMEN IN THE NEW ASIA* (1999).

73. PIERRE BOURDIEU, *OUTLINE OF A THEORY OF PRACTICE* (1977).

74. Alex Callinicos, *Anthony Giddens: A Contemporary Critique*, in MARXIST THEORY 105, 136 (Alex Callinicos ed., 1989).

Theories of the de-centered, ludic subject touted by postmodernists often prove arbitrary, if not vacuous, because they lack a concretely nuanced mapping of the historically variable structural determinants of action.<sup>75</sup> To guard against the feared reductionist specters of the past, we obviously need a self-critical, versatile method whereby one undertakes a cognitive inventory of internal relations and mediations within any historical conjuncture. Only within this framework can we appreciate the value of individual and collective resistance to racism, sexism, and other forms of oppression.

## VI. THE CRUCIBLE OF FILIPINO MIGRANT LABOR

Let me call your attention to the plight of Filipina domestics. Unlike Canada, which has officially instituted a Live-in Caregiver Program, the U.S. does not regulate the conditions of domestics.<sup>76</sup> Hundreds of cases of abuse of Filipina nannies in the U.S. are recorded daily.<sup>77</sup> Women enter the country with a visa tied to an employer; since there is no work permit, the employer dictates inordinately long hours and intolerable working conditions. Abuses concerning minimum wage, non-payment of overtime pay, and time-off are common.<sup>78</sup> Most domestics here are from the "third world," and separated from each other by their isolation, lack of regulations on the recruiting industry, and the social discrimination based on their language, immigration status, nationality and race.

Grace Chang cites the case of women domestics in New York uniting to urge the City Council to pass a bill requiring agencies to issue contracts with humane work conditions, including minimum wage, two weeks' paid vacation, sick days, etc.<sup>79</sup> Carol de Leon, a Filipina who has first-hand experience of the plight of domestics, noted that the group not only wants to improve the working conditions but also to "change the notion that immigrant workers are lazy and uneducated. [Our current situation] relates to history, because this country inherited this industry

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75. See TERESA EBERT, *LUDIC FEMINISM AND AFTER* (1996); TERRY EAGLETON, *IDEOLOGY* (1991); Greg Dawes, *A Marxist Critique of Post-Structuralist Notions of the Subject*, in *POST-ALITY: MARXISM AND POSTMODERNISM* 150 (Mas'ud Zavarzadeh, Teresa Ebert and Donald Morton eds., 1995).

76. SYLVIA CHANT & CATHY McILWAINE, *WOMEN OF A LESSER COST: FEMALE LABOUR, FOREIGN EXCHANGE, AND PHILIPPINE DEVELOPMENT* (1995).

77. See, eg., *Queens "Slave,"* N.Y. DAILY NEWS, August 27, 2002, at 3; *Exploited, THE FILIPINO EXPRESS*, February 2-8, 2004, at 1, 25. A group called DAMAYAN Migrant Workers Association in New York City has compiled a list of abuses of Filipina domestics in the East Coast for the last decade.

78. Grace Chang, *Globalization in Living Color: Women of Color Living under and over the "New World Order,"* in *WOMEN AND GLOBALIZATION* 230 (Delia Aguilar & Anne Lacsamana eds., 2004).

79. See CHANG, *supra* note 63 at 162.

[import of domestics] through American slavery and ideas that this is women's work. We are calling for respect and recognition for women in this industry."<sup>80</sup>

In addition to the socio-historical contexts of employment, it is crucial to grasp the unique nature of the labor process which, as we've seen, is already over-determined by factors of globalization and the politico-economic environment. We need to attend to the exceptional and distinctively late-modern commodification of domestic labor. With acute original insight, Bridget Anderson emphasizes how in the form of migrant domestic women, "the transnational, globalized economy is brought into the home, not just in the goods consumed there, but in the organizing of reproductive labor."<sup>81</sup> In addition to the global division of labor sketched earlier, we need to analyze the current situation through the theoretical grid of reproductive labor. The concept of reproductive labor involves the complex dialectic of culture, politics, economy, and the mediation of the private and public in everyday life.<sup>82</sup> Anderson illustrates the theoretical usefulness of this concept:

Domestic work—mental, physical, and emotional labor—is reproductive work, and reproductive work is not confined to the maintenance of physical bodies: people are social, cultural, and ideological beings, not just units of labor, and reproductive labor is not organized exclusively for the labor market, although market forces affect it. Under capitalism, human beings' social relations find expression and are mediated by patterns of consumption. Reproductive labor, then, not only produces workers; it also produces consumers of the products of capitalism, consumers from the cradle (cot or basket? Bed or crib?) to the grave (marble or granite? Embossed or engraved?).<sup>83</sup>

A moment's reflection will demonstrate that the performance of household chores by the gendered, racialized servant sustains daily both the dominance of the employer and the subordination of the hired help. In theoretical terms, we can infer the over-determining impact of private on public life. We can observe how domestic work reproduces antithetical lifestyles, status self-image, and beliefs—in effect, the hierarchical system of

80. See CHANG, *supra* note 78 at 256.

81. Bridget Anderson, *Who Needs Yehudi Menuhin? Costs and Impact of Migration*, in *WOMEN AND GLOBALIZATION* 262, 263 (Delia Aguilar & Anne Lacsamana eds., 2004).

82. FRIGGA HAUG, *BEYOND FEMALE MASOCHISM* (Rodney Livingstone trans., 1992). See also JOHANNA BRENNER, *WOMEN AND THE POLITICS OF CLASS* (2000); ARTHUR BRITTON & MARY MAYNARD, *SEXISM, RACISM AND OPPRESSION* (1984).

83. See ANDERSON, *supra* note 62, at 13.

social relations where identities are defined, the sphere of desire and pleasure is marked out, and life-chances are charted. This operates in reciprocal interaction with the framework of production relations. What needs careful underscoring here is how Anderson's dialectical approach connects the systemic with the socio-cultural and ideological when she posits domestic service as the selling of the self (not just labor-power measured in time/money wage) in the global market. We witness the marketing of personhood, the fashioning of modern slavery:

The domestic worker is not equated socially with her employer in the act of exchange because the fiction of labour power cannot be maintained; it is 'personhood' that is being commodified. Moreover, the worker's caring function, her performance of tasks constructed as degrading, demonstrates the employer's power to command her *self*. Having allegedly sold her personhood, the domestic worker is both person and non-person. She is, like the prostitute, a person who is not a person, someone for whom all obligations can be discharged in cash.<sup>84</sup>

Positivist social science has generated a plethora of empirical micro studies of individual life-histories of women workers.<sup>85</sup> It has even massively documented the statistics of the feminization and "housewifization" of labor.<sup>86</sup> But positivist social science has not been able to take into account the pressure of complex global and local socioeconomic forces at work in the national and international migration of women and the ideologies that legitimize them and that they propagate.<sup>87</sup> We need to register *inter alia* the varying impact of structural adjustment policies on "sending" neocolonies like the Philippines, the histories of colonialism, imperialism, feudal or tributary systems, and patriarchy; national debt; the growth of agribusiness; the role of finance capital and outsourcing, as well as laws both national and international. Concomitant with this, we need to map also the diverse collective modes of resistance and opposition to the effects of such forces. The analysis and evaluation of this totality of forces and their mutual interaction is what a historical materialist approach seeks to carry out.

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84. See ANDERSON, *supra* note 62 at 121.

85. See e.g. EVELYNE SULLEROT, *WOMAN, SOCIETY AND CHANGE* (1971); *THE WOMEN, GENDER AND DEVELOPMENT READER* (Nalini Visvanathan et al., eds. 1997).

86. See generally SUSAN BULLOCK, *WOMEN AND WORK* (1994). See also CAROLE PATEMAN, *THE SEXUAL CONTRACT* (1988).

87. See DELIA D. AGUILAR, *TOWARD A NATIONALIST FEMINISM* (1998); *WOMEN AND COLONIZATION* (Mona Etienne & Eleanor Leacock, eds., 1980); LOURDES BENERIA & SHELLEY FELDMAN, *UNEQUAL BURDEN* (1992).

## VII. FROM RACISM TO CLASS STRUGGLE

Following the lead of Anderson and others, I would reaffirm the need to situate racism in late-capitalist society within the process of class rule and labor exploitation to grasp the dynamics of racial exclusion and subordination. Beyond the mode of production, the antagonistic relations between the capitalist class and the working class are articulated with the state and its complex bureaucratic and juridical mechanisms, multiplying cultural and political differentiations that affect the attitudes, sentiments and actual behavior of groups.<sup>88</sup> A critique of ideologies of racism and sexism operating in the arena of class antagonism becomes crucial in the effort to dismantle their efficacy. Moreover, as Bensaid observes, "the relationship between social structure and political struggle is mediated by the relations of dependence and domination between nations at the international level."<sup>89</sup> Linear functionalism yields to the dialectical analysis of concrete mediations in both local and international phenomena.

Viewed historically, the phenomenon of migrant labor, in particular Filipina domestics in North America and elsewhere, demonstrates how racial and gender characteristics become functional and discursively valorized when they are inserted into the dialectic of abstract and concrete labor, in the dialectic of use-value and exchange value, in the production of commodities—in this case, domestic labor as a commodity.<sup>90</sup> We move from the level of phenomenological description to inferences about structural relations and regularities. Contrary to the sociological trivia of a global "chain care" legitimizing the underpaid services of women of color from the global South, the racializing and gendering discourse of global capitalism can only be adequately grasped as the mode through which extraction of surplus value, wage differentiation, and control of bodies and their representation are all negotiated.

A study of racist practices and institutions, divorced from the underlying determinant structure of capital accumulation and class rule which allow such practices and institutions to exercise their naturalizing force, can only perpetuate an abstract metaphysics of race and a discourse of power that would reinforce the continuing reification or commodification of human relations in everyday life. We cannot multiply static determinations in an atomistic manner and at the same time acquire an intelligible totality of knowledge which we need for formulating strate-

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88. See generally ISTVAN MESZAROS, *BEYOND CAPITAL* (1995); BRAVERMAN, *supra* note 41; MICHAEL BROWN, *THE PRODUCTION OF SOCIETY* (1986).

89. BESAID, *supra* note 15 at 168.

90. See generally SHEILA ROWBOTHAM, *WOMAN'S CONSCIOUSNESS, MAN'S WORLD* (1973); JULIET MITCHELL, *WOMAN'S ESTATE* (1971); *FEMINISM AND MATERIALISM* (Annette Kuhn & AnnMarie Wolpe eds., 1978).

gies of radical social transformation. A first step in this project of renewing CRT is simple to state but difficult to execute: begin with the concept of class as an antagonistic relation between labor and capital, and then proceed to analyze how the determinant of “race” is played out historically in the class-conflicted structure of capitalism and its political/ideological processes of class rule.

It is of course important to always maintain vigilance concerning the mystifying use of “race” on the practice of racialization, in any location, whether in the privacy of the family, home, school, factory, or state institutions (court, prison, police station, legislature). Grace Chang has meticulously documented how people of color, exploited immigrants and refugees, have themselves used racist images and rhetoric in their role as “gatekeepers” to the racialized class system. Recently, Adolph Reed acutely exposed the underlying class-based anatomy of the social catastrophe inflicted by hurricane Katrina, a tragedy ultimately rooted in decades of material inequality in a hierarchical market-centered polity.<sup>91</sup>

Reviewing the achievement of Marxist legal scholars more than two decades ago, Mark Tushnet expressed the hope that the theoretical initiatives of Bell, Delgado, Crenshaw and other pioneers can be integrated with the doctrinal/empirical approaches.<sup>92</sup> Such integration may be precipitated by the models I have alluded to here if only by way of provocation.

However, I offer a caveat. Without framing all these issues within the total picture of the crisis of capital and its globalized restructuring from the late seventies up to the present, without understanding the continued domination of labor by capital globally, we cannot effectively counteract the racism that underwrites the relation of domination and subordination among nationalities, ethnic communities, and gender groups. A critique of an emergent authoritarian state and questionable policies sanctioned by the USA Patriot Act is urgently necessary. In doing so, naming the system and understanding its operations would be useful in discovering precisely that element of self-activity, of agency, that has supposedly been erased in totalizing metanarratives such as the “New World Order,” the “New American Century” that will end ideology and history, and in revolutionary projects of achieving racial justice and equality. As the familiar quote goes, we do make history—but not under circumstances of our choosing. So the question is, as always, what alternatives do we have to carry out

91. Adolph Reed Jr., *Class-ifying the Hurricane*, 281 *THE NATION* 6–8 (2005). See also CHANG, *supra* note 63.

92. Mark Tushnet, *Marxism and Law*, in *THE LEFT ACADEMY* Vol II at 155 (Bertell Ollman and Edward Vernoff eds., 1984). See also MICHAEL TIGAR & MADELEINE LEVY, *LAW AND THE RISE OF CAPITALISM* (1977); BERNARD EDELMAN, *OWNERSHIP OF THE IMAGE* (Elizabeth Kingdom trans., Routledge & Kegan Paul 1979) (1973); Galvano della Volpe, *The Legal Philosophy of Socialism*, in *SOCIALIST HUMANISM* 425 (Erich Fromm ed., 1966).



which goals at what time and place, who are our friends and enemies, and what minimum and maximum objectives are doable in the short term and feasible in the months and years ahead. Another world is certainly possible if we have the will, solidarity, and hope to realize it.