

ESSAYS

THE END OF INNOCENCE OR POLITICS AFTER THE FALL OF THE ESSENTIAL SUBJECT*

ROBERT S. CHANG**

I Black. You, me, same. We same.¹

In the climactic scene of Spike Lee's film *Do the Right Thing*, after Sal's Pizzeria is set on fire, a group of Blacks and Latinos turn to the Korean grocery store across the street. One member of the crowd, ML, tells the Korean immigrant grocer that he's next. The grocer responds, "I Black." ML explodes, telling him to open his eyes, saying, "I'm Black." The grocer repeats, "I Black. You, me, same. We same." The crowd is incredulous and laughs.² What could this Korean mean when he says that he is Black? Is he acting simply out of self-interest? Or is there more?

Stuart Hall, writing in the context of British Cultural Studies, describes the demise of the essential black subject as the end of

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** Associate Professor, *California Western School of Law*. M.A., J.D., 1992, *Duke University*; A.B. 1988, *Princeton University*.

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The ideas treated in this Essay appear in expanded form in a chapter by the same title in ROBERT S. CHANG, *DIS-ORIENTED: ASIAN AMERICANS, LAW, AND THE NATION-STATE* (forthcoming 1996).

1. SPIKE LEE, *DO THE RIGHT THING* (Forty Acres and a Mule Filmworks 1989) (quoting Korean immigrant greengrocer).

2. *Id.*

innocence.³ We have seen in feminist theory and in critical race theory the debate about essentialism, along with various recuperative proposals such as intersectionality,⁴ multiple consciousness,⁵ positionality,⁶ and strategic essentialism.⁷ Rather than revisit those discussions, I raise the possibility of constructing new subject positions in an attempt to move us beyond the difference divide, to move us from identity politics as we now know it to political identities. In this Essay, I ask whether we can imagine a world where the utterance of the Korean grocer would not be greeted with incredulity. Is there a way to understand his claim that he is Black as part of the logic of Hall's pronouncement? In my conclusion, I offer an alternative reading, one that attempts to read the Korean grocer's statement from a perspective that understands and takes seriously identity as political, not essential.

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Elsewhere, I have argued that the current racial paradigm is inadequate and that traditional civil rights work and critical race theory must take into account the different experiences of different groups.⁸ As each oppressed group struggles to assert its place in the national polity, it is necessary to recuperate it from its marginal position. This process is often accomplished through an embrace of a new, positively formulated identity. In the context of persons of Asian descent, there was a moment in history when some student activists at UCLA in 1968 held an *Are You Yellow?* conference.⁹ After

3. See Stuart Hall, *New Ethnicities*, in "RACE," CULTURE & DIFFERENCE 252, 254 (James Donald & Ali Rattansi eds., 1992) (arguing that end of essential black subject requires us to reconceive way we do politics).

4. See generally Kimberle W. Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Anti-racist Politics*, 1989 U. CHI. LEGAL F. 139 (contrasting multidimensionality of black women's experience with "single-axis" analysis which distorts such experiences, and arguing that feminism must include race analysis to meet needs of all women).

5. See Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581, 615 (1990) (considering women of color as paradigm group for utilization of multiple consciousness as jurisprudential method (citing Mari Matsuda, *When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*, Address Before the Yale Law School Conference on Women of Color and the Law (Apr. 16, 1988), in 11 WOMEN'S RTS. L. REP. 1, 7-10 (1989))).

6. See Katherine T. Bartlett, *Feminist Legal Methods*, 103 HARV. L. REV. 829, 880 (1990) (evaluating positionality as concept of knowledge based on experience, viewing truth as situated and partial, and rejecting perfectibility, externality, and objectivity of truth).

7. See Gayatri Chakravorty Spivak, *Subaltern Studies: Deconstructing Historiography*, in SELECTED SUBALTERN STUDIES 3, 13-15 (Ranjit Guha & Gayatri Chakravorty Spivak eds., 1988) (arguing that "a strategic use of positivist essentialism is a scrupulous visible political interest").

8. Robert S. Chang, *Toward an Asian American Legal Scholarship: Critical Race Theory, Post-Structuralism, and Narrative Space*, 81 CAL. L. REV. 1241, 1265 (1993).

9. YEN LE ESPIRITU, *ASIAN AMERICAN PANETHNICITY: BRIDGING INSTITUTIONS AND IDENTITIES* 32 (1992). At this conference "issues of Yellow Power, identity, and the war in

protests by Filipino Americans who did not consider themselves "Yellow," and after a brief flirtation with "Oriental," activists settled on "Asian American."¹⁰ This new Asian American consciousness was accompanied by a struggle to regain history, a struggle to tell our own stories, and to articulate our claim to rights in American society.¹¹ Through this process we have become, and are becoming, Asian American. This process is ongoing.

While this exploration of differences remains important and is necessary to move us beyond the inherent limitations of the current black/white racial paradigm, my project here is different. It is to explore how to account for differences while at the same time allowing us to participate in each others' struggles.

Coalition building has been put forward as one strategy to achieve this goal.¹² The need for coalitions is an acknowledgment of the democratic process. It is also an acknowledgment that minorities have been unable to gain any real political voice, despite such legislation as the Voting Rights Act.¹³ In this sense, coalition building can be seen as a strategy of resistance.

Coalition building has gained a new importance as demographic projections now make it possible to imagine a majority of color.¹⁴

Vietnam" were discussed. *Id.*

10. *Id.* at 32-33.

11. It was in this spirit that I announced an Asian American Movement, "marked by the increasing presence of Asian Americans in the legal academy who are beginning to 'speak new words and remake old legal doctrines.'" Chang, *supra* note 8, at 1245-46 (quoting Jerome M. Culp, Jr., *Toward a Black Legal Scholarship: Race and Original Understandings*, 1991 DUKE L.J. 39, 40).

12. See June K. Inuzuka, *Women of Color and Public Policy: A Case Study of the Women's Business Ownership Act*, 43 STAN. L. REV. 1215, 1226 (1991) (evaluating personal experiences as woman of color while working as attorney in Washington, D.C., and problems of "slipping through the cracks"); Mari J. Matsuda, *Beside My Sister, Facing the Enemy: Legal Theory Out of Coalition*, 43 STAN. L. REV. 1183, 1183 (1991) (suggesting subordination theory comes out of work in coalition, resulting in "individuals from different social backgrounds and positions coming together to work toward a common goal"); Sharon Parker, *Understanding Coalition*, 43 STAN. L. REV. 1193, 1196 (1991) (arguing that, to overcome racial and ethnic barriers, we must "work from our centers of positive, self-loving and diverse experiences," balancing all parts to create common future); Haunani-Kay Trask, *Coalition-Building Between Natives and Non-Natives*, 43 STAN. L. REV. 1197, 1198-99 (1991) (discussing experiences of coalition building in Hawaiian Islands from non-American, Polynesian perspective); cf. Angela Y. Davis, *Women of Color at the Center*, Address Before the Third National Conference on Women of Color and the Law (Oct. 1990), in 43 STAN. L. REV. 1175, 1177 (1991) (arguing that all women, no matter what ethnicity, have "a right to emerge together from the historically imposed invisibility to which [they] have been subjected" and that women must endeavor to learn about one another's cultural histories).

13. Pub. L. No. 89-110, 79 Stat. 437 (codified as amended at 42 U.S.C. §§ 1971, 1973 to 1973bb-1 (1994)). See generally LANI GUINIER, *THE TYRANNY OF THE MAJORITY: FUNDAMENTAL FAIRNESS IN REPRESENTATIVE DEMOCRACY* (1994) (demonstrating that Voting Rights Act as currently applied has failed to provide meaningful representation of minority interests and suggesting alternative conceptions).

14. Of course, majorities of color already exist in various geographic/political areas, especially in many of our cities. See Angelo N. Ancheta & Kathryn K. Imahara, *Multi-Ethnic*

This news has generated mixed reactions. In some communities, the coming majority of color exists as a specter, the new bogeyman that strikes fear into the hearts of whites afraid of no longer being the majority.¹⁵ For many people of color, it has engendered new hope. But rather than talking about fear and hope, I want to talk about the project of radical democracy which goes beyond coalitional politics.

Coalitional politics, growing out of identity-based, interest-group politics, is an expansive form of identity politics. Insofar as you can articulate a common identity, which results in common interests (or common interests that result in a common identity), coalitions are strong. But with strength comes weakness—coalitions form and dissipate depending on specific political exigencies. For example, with English-Only or immigration restrictions, Asian Americans and Latinos sometimes finds themselves in coalition against whites and blacks. With affirmative action, Latinos and Blacks sometimes find themselves in opposition to whites and Asian Americans. I have grossly overgeneralized, but my point about the difficulties of coalitional politics holds true.

Further, this overgeneralization reveals a question we must ask of identity politics. How effective are politics that use identity as a central organizing principle? To what extent is identity coextensive with common interests? What does it mean when exit polls in California reveal that forty-seven percent of Asian Pacific Americans and twenty-three percent of Hispanics voted in favor of Proposition 187?¹⁶ We see, then, that identity (in its essential form) is a poor proxy for common interests. Identity is both overinclusive and underinclusive as an organizing principle for politics. This realization is the logical extension of Stuart Hall's end of innocence.

The end of innocence means that we must take seriously the insights of anti-essentialists/constructionists. Identity, with its essential moorings, is inadequate for the task at hand. Instead, I would move from identities to subject positions. Chantal Mouffe describes subject positions in this way:

Within every society, each social agent is inscribed in a multiplicity of social relations—not only social relations of production but also the social relations, among others, of sex, race, nationality, and

Voting Rights: Redefining Vote Dilution in Communities of Color, 27 U.S.F. L. REV. 815, 819 (1993) (explaining that Chicago, Dallas, Houston, Los Angeles, New York City, San Antonio, San Francisco, and San Jose each have majorities of color).

15. Ann Michaud, *O.C. Enterprise: Women's Center Opens Doors to Job Success*, L.A. TIMES, Aug. 26, 1993, at D4.

16. Efrain Hernandez, Jr. & Richard Simon, *Despite Gains, Latino Voters Still Lack Clout*, L.A. TIMES, Dec. 4, 1994, at A1.

vicinity. All these social relations determine positionalities or subject positions and every social agent is therefore the locus of many subject positions and cannot be reduced to only one. . . . Furthermore, each social position, each subject position, is itself the locus of multiple possible constructions, according to the different discourses that can construct that position.¹⁷

This definition allows us to recognize the discursivity of subject positions, that they exist as discursive formations.¹⁸ Within this discursive space, I propose the articulation of a new subject position, one that comes with political commitments. In this Essay, I will use "person of color," although "Black" has a greater historical resonance. At present, the term "person of color," as a pan-minority designation, has little political content. However, it need not be that way. In the way that Black Consciousness was articulated by Steve Biko, which was not based on skin pigmentation but rather on attitudes and commitments,¹⁹ in the way that Black has been constructed in Britain as an Afro-Asian identity,²⁰ and in the way that "Queer" has been disarticulated from its negative meanings and rearticulated as a positive political identity,²¹ I propose filling "person of color" with political content so that it comes with certain political commitments.²² Then,

17. Chantal Mouffe, *Hegemony and New Political Subjects: Toward a New Concept of Democracy*, in *MARXISM AND THE INTERPRETATION OF CULTURE* 89-90 (Cary Nelson & Lawrence Grossberg eds., 1988).

18. By discursive formation, I mean:

Whenever one can describe between a number of statements, such a system of dispersion, whenever, between objects, types of statement, concepts or thematic choices, one can define a regularity (an order, correlations, positions and functionings, transformations), we will say, for the sake of convenience, that we are dealing with a discursive formation. . . . The conditions to which the elements of this division (objects, mode of statements, concepts, thematic choices) are subjected we shall call the rules of formation. The rules of formation are conditions of existence (but also of coexistence, maintenance, modification, and disappearance) in a given discursive division.

MICHEL FOUCAULT, *THE ARCHAEOLOGY OF KNOWLEDGE* 38 (A.M. Sheridan Smith trans., 1972).

19. See Steve Biko, *The Definition of Black Consciousness*, in *STEVE BIKO- I WRITE WHAT I LIKE* 48, 49 (Father Aelred Stubbs ed., 2d ed., 1979) (stating that Black Consciousness seeks to "infuse the black community with a new found pride in themselves, their efforts, their value systems, their culture, their religion and their outlook to life").

20. KOBENA MERCER, *WELCOME TO THE JUNGLE: NEW POSITIONS IN BLACK CULTURAL STUDIES* 287-308 (1994).

21. Lauren Berlant & Elizabeth Freeman, *Queer Nationality*, in *NATIONAL IDENTITIES AND POST-AMERICANIST NARRATIVES* 149 (Donald Pease ed., 1994); Steven Seidman, *Identity and Politics in a "Postmodern" Gay Culture: Some Historical and Conceptual Notes*, in *FEAR OF A QUEER PLANET: QUEER POLITICS AND SOCIAL THEORY* 105 (Michael Warner ed., 1993).

22. From a discussion that grew out of the plenary session on Racial Formation Theory at the 1995 Critical Race Theory Workshop, a small break-out group came up with a list of dynamic, aspirational political commitments:

Anti-subordination;
 Political, economic, and cultural empowerment;
 Uncompromising opposition to hetero-patriarchy;

to say that you are a person of color becomes a political statement, a political act. And when someone like a Clarence Thomas seeks our support, as a person of color, we will be in a position to say, "No, you're not."

* * *

Angela Harris, though, reminds us of the work to be done:

There are no "people of color" waiting to be found; we must give up our romance with racial community. . . . If any lesson of the politics of difference can yet be identified, it is that solidarity is the product of struggle, not wishful thinking; and struggle means not only political struggle, but moral and ethical struggle as well.²³

It will be a struggle to establish a "people of color" solidarity in the service of a progressive agenda. Following Ernesto Laclau and Chantal Mouffe, I call this struggle the project of radical democracy.²⁴ Chantal Mouffe, in a later essay, expands on this idea:

The progressive character of a struggle does not depend on its place of origin . . . but rather on its link with other struggles. The longer the chain of equivalences set up between the defense of the rights of one group and those of other groups, the deeper will be the democratization process and the more difficult it will be to neutralize certain struggles or to make them serve the ends of the Right. The concept of solidarity can be used to form such a chain of democratic equivalences.²⁵

Reconstructing the meaning and language of race;
 Self-critical/self-reflective approach;
 Learning and openness to our histories;
 [Insistent commitment and identification with a subordinated race];
 Weak link theory of social change;
 Egalitarian deliberative participatory democracy;
 Willingness to sacrifice and struggle;
 Contextualized judgment and responsibility; and
 Willingness to be disciplined as a group.

These commitments are dynamic aspirations. We are defining the contours of a consciousness. We cannot essentialize any qualities of personhood. We want to replace placeholder/eyeball test as part of our social reconstruction project.

With the exception of the bracketed item, the break-out group came to a consensus.

23. Angela P. Harris, *Foreword: The Jurisprudence of Reconstruction*, 82 CAL. L. REV. 741, 784 (1994).

24. See ERNESTO LACLAU & CHANTAL MOUFFE, *HEGEMONY & SOCIALIST STRATEGY: TOWARDS A RADICAL DEMOCRATIC POLITICS* 176 (1985).

In the face of the project for the reconstruction of a hierarchic society, the alternative of the Left should consist of locating itself fully in the field of the democratic revolution and expanding the chains of equivalents between the different struggles against oppression. *The task of the Left therefore cannot be to renounce liberal-democratic ideology, but on the contrary, to deepen and expand it in the direction of a radical and plural democracy.*

Id.

25. Mouffe, *supra* note 17, at 100.

In order to set up this chain of equivalences, we must develop a greater appreciation of the interconnectedness of different forms of oppression. For "people of color," we can begin with the ideology of white supremacy which permitted the genocide of Native Americans, the enslavement of Africans, the conquest and dispossession of Mexicans, and the exclusion of Asians. But we must not stop there if we are to deepen the democratic chain of equivalences. How are race and gender connected?²⁶ Sexual orientation? Class? A progressive agenda that does not take these connections seriously will fail along all three dimensions. It will fail politically, morally, and ethically.

* * *

I opened this Essay with a scene from Spike Lee's film *Do the Right Thing*. This scene is fraught with possibility. It requires us to give some meaning to the Korean grocer's claim to Blackness. It is possible that he was motivated purely by self-interest, hoping to save his store from the fate that befell Sal's Pizzeria. It is also possible that he was making a stronger claim, a claim of solidarity. I think it is important to note that when the body of Radio Raheem was taken away by the police, the Korean grocer followed the squad car, pounding it with his fist. Yet when he said that he was Black, the onlookers responded with laughter and incredulity, a response that I believe was shared by many viewers. Even this incredulity, however, can be constructed in different ways. Rather than a simple rejection of the Korean grocer's statement, perhaps their incredulity was a reflection of their shock that someone not-Black would claim to be Black.²⁷ Who would do such a foolish thing?

The failure of the Korean's statement to resonate more strongly with both the crowd that had gathered in the film and with movie audiences has to do with the fact that no chain of equivalences had been established between the experiences of Korean immigrants and African Americans. We are unable to understand because of the way that the color line has been drawn.

It is time, though, to leave innocence behind. The demise of the essential black subject teaches us that the color line is not something that exists in nature to be discovered. The color line is something that is created by human actors; it is a site of contestation. I would draw the color line differently to establish a chain of equivalences that

26. See Sherene Razack, *Looking for Race in Gender: A Race Critique of How Domestic Violence as Gender Persecution is Adjudicated*, CAN. J. WOMEN & L. (forthcoming); Sherene Razack, *Race, Space, and Prostitution* (unpublished manuscript, on file with author).

27. I thank Professor Dennis Greene for reminding me of this point.

would deepen our identification with each other, strengthen our solidarity. I see this as the challenge of radical democracy—to redraw the color line, understanding identity as political, not essential.

The violence that is so pregnant in that climactic scene is averted when Coconut Sid tells his friend, ML, “The Korean is all right, he’s all right.” We need more moments such as this.