

LANI GUINIER

THE

ENLISTING RACE,
RESISTING POWER,
TRANSFORMING
DEMOCRACY

MINER'S
CANARY

GERALD TORRES

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LANI GUINIER and GERALD TORRES

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In 1953 Felix Cohen wrote: “Like the miner’s canary, the Indian marks the shift from fresh air to poison gas in our political atmosphere, and our treatment of the Indian . . . marks the rise and fall in our democratic faith.”

In 1967 Dr. Martin Luther King, Jr., said to his staff: “We’re going to take this movement and . . . reach out to the poor people in all directions in this country . . . into the Southwest after the Indians, into the West after the Chicanos, into Appalachia after the poor whites, and into the ghettos after Negroes and Puerto Ricans. And we are going to bring them together and enlarge this campaign into something bigger than just a civil rights movement for Negroes.”

Inspired by the work and the words of Dr. King just before he was killed, and building on the insight of Felix Cohen’s powerful metaphor, we hope to show that Cohen’s canary is not alone. All canaries bear watching. Our democratic future depends on it.

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PROLOGUE

On the computer screen, the letters were pulsing. I wrote: "At a talk in Chicago one wintry afternoon a middle-aged, very attractive black woman from Texas asked to take a picture with me. She proudly, almost defiantly, turned to the woman waiting in line behind her and announced, 'I'm going to hang this picture in my office. Ain't nobody gonna mess with me then!'" I sat back and lifted my hands from the keyboard, lost in thought, when my eight-year-old son, Nikolas, came into my office. He started reading aloud over my shoulder: "At a talk in Chicago one wintry afternoon a middle-aged, very attractive black woman from Texas asked to take a picture with me." He carefully reread the sentence, pausing at the phrase "black woman." Then he instructed me to change the sentence immediately. "Take out the word 'black.' It doesn't matter, Mom."

Somewhat surprised by Niko's demand, I tried to explain to him that the adjective was useful because it linked back to an incident in 1993, when President Clinton nominated me to be Assistant Attorney General for Civil Rights and then pulled my nomination without a Senate confirmation hearing, following controversy about law review articles I had written. I explained that because I continued to speak out in the face of criticism, I became an unexpected symbol to many black people who wanted to associate themselves with my refusal to be silenced.

Niko persisted. So I asked my son: "Well, what should I say? Would you feel better if I had written: 'An attractive person from Texas asked to take a picture with me?'" He said, "No, she is a woman." "Why," I asked, "does it

matter that she is a woman but not a black woman?" Niko did not hesitate to draw a distinction. "You cannot just write 'a person,' because there is still sexual abuse." He had learned all about sexual abuse in school, and he offered to demonstrate what he meant. "Pretend we are walking down the street," he said, swaggering toward me. "If I touched you in ways you didn't like, that would be sexual abuse. I shouldn't do that to you."

"Okay," I said. "Now let me demonstrate racial abuse. Let's walk back down that same street." Just as I passed Niko, I looked him straight in the eyes and almost spit out, "You ugly nigger!" He jumped backward, afraid. "You called me the 'N' word, Mom," he said, accusingly. "Yes, I did. That's racial abuse." He paused, reflecting a moment. Then he almost whispered, "Mom, will someone ever call me that?" I was torn. I did not want to mislead my son, yet I was sad to scare him so early in his life. Reluctantly, I said, "I'm afraid that is possible." Niko whimpered, "Mom, you just made me wish I was white!" "Why?" I asked. "Because if I was white, no one would call me nigger."

My son was able to see "woman" as a real category in part because his Germantown Quaker education schooled him to take seriously sexual but not racial differences. He, as a male, was being trained about sexual abuse. In the context of gender relations, Niko's teachers were imposing boundaries, not erasing them. But while the Friends School Quakers were using boundaries to articulate difference and clarify "rules" of conduct between boys and girls, when it came to race they were teaching Niko that the category itself should be erased. He was being educated to internalize the colorblind norm: race somehow was different. Gender roles, gender differences had borders that must be policed. As with any border, there were clear rules about permissible crossings. But unlike gender, racial identity or racial difference was not supposed to exist and thus needed no fences.

In fact, what was being policed here was noticing that there were differences at all. He could confront the limitations of his privilege as a boy toward girls, but neither he nor his teachers wanted to be reminded of his differences as a black student in a majority-white environment. If we were to make people aware of racial differences, simply by noticing we would reintroduce the illusion of race and thus inevitably polarize and divide or,

perhaps even worse, stigmatize. With race, difference—which was to be feared—had to be negated and conflict thus avoided.

Many whites, like U.S. Supreme Court Justice Anthony Kennedy, invariably express “grave concerns” with naming race as a legitimate public identity.¹ Those who oppose race-consciousness believe that highlighting the racial distribution of social goods invites invidious comparisons between groups. These comparisons are politically dangerous because they expose the inherent vulnerability of political minorities. This fear is magnified, these critics contend, because race-consciousness legitimizes white race nationalism as well.

In light of these unpalatable alternatives, many well-intentioned whites choose a colorblind vision. Except for gender, we are all the same.² I, on the other hand, wanted to prepare my son for the real world. My first response to Niko’s effort to censor my manuscript was that a failure to acknowledge difference is a failure to prepare him for a world in which his differences may matter—a world in which when he walks down the street, white cops may stop him or other young black males may resent him, in both cases because of a potentially deadly combination of racism and machismo.³ I wanted to teach my own son that in a very few years, when he would walk the streets of his community, the burden of his race might be reflected in the caution or fear he sees in the eyes of others.⁴

Yet, in some way, my response was just a mirror image of the colorblind Quakers. I was schooling my son to see race as stigmatizing. I was making my son visible in ways that made him want to be *invisible*. I was teaching my son that the only way to see racial difference was in the negative, to be called the “N” word and then to wish he were white. I was reinforcing hierarchy, not resisting it. In an effort to make his difference apparent to him, I had resorted to calling him names. Like Zora Neale Hurston in her essay “How It Feels to Be Colored Me,” I was telling my son that he was black only in contrast to being white. Hurston exposed this move when she wrote, “I do not always feel colored. Even now I often achieve the unconscious Zora of Eatonville before the Hegira. I feel most colored when I am thrown against a sharp white background.”⁵

On some level I too was trapped in the categories. I was teaching Niko

to counter the Quaker idea that race is an illusion with yet another illusion—that because race can be manipulated to stigmatize and oppress, race is therefore concrete. I had neglected to emphasize that race—and racial identity—is always relational, not inherent. By relational I did not mean oppositional. Being black has meaning not just in opposition to white but in relation to others that are similarly situated. Thus, understanding Niko's identity as black is also about seeing him as a part of a community of people who are similarly defined or situated. Race is many things, not just a single thing.⁶ It can be stigmatizing, but it also can be liberating.

If we think in categories, and think about race only as if it were a single category, we conflate many different spheres of racial meaning. We fail to specify if we mean biological race, political race, historical race, or cultural race. We simplify race as a fixed category from which many people want to escape. They seek exit, not acknowledgment; they want choice, not voice. The category becomes a barrier, a fenced enclosure, and transgressing the boundary becomes an act of rebellion and self-definition. These negative aspects of race do not stand in for the entire experience of being “raced.” And yet, despite knowing this, I found myself re-enacting all the fears of difference.

What was missing from my conversation with my son was recognition that being forced to identify with a group of people can be an unexpected blessing. Those who are racialized by society may miss out on a specific kind of individual liberty, but they gain a different perspective on wholeness and its relationship to freedom. They learn to appreciate the importance of friendship, of solidarity, of connection. They also may learn from a place at the bottom or on the margin to be skeptical of authority, to distrust hierarchy, to find comfort in community.

At eleven years old, Niko moved to Cambridge, Massachusetts. His new school, though also Quaker, had a very different approach to teaching about race and racism. It had a curriculum that used the *Autobiography of Malcolm X*, *To Kill a Mockingbird*, and *Betsy Brown*—three books about race in America—to teach the history of the United States, not just the history of blacks. The school had a contemporary issues class that tackled

race and racism directly. The teachers encouraged students of color to join affinity groups, where they could talk about their feelings, unobserved by others.

In the middle of seventh grade, Niko announced to me that he was going to tell his classmates he no longer wanted to be called African American. He had been thinking about this, and he realized, he said with great authority in his voice, that it bothered him every time someone white said "African American." It bothered him for three reasons. First, white people seemed to have trouble getting their mouth around the words. It seemed to take too much effort for his white teacher and some of his white classmates to say the seven-syllable term. Second, and more to the point, it reminded him that he did not know where in Africa his ancestors had lived. African American was the best they could do because the history of human bondage and the Middle Passage had deprived him of any direct connection to his country of origin. Third, because the word "American" so often ignores Central and South America as well as Canada and Mexico, "African American" ignores the African people who live in other parts of the Western Hemisphere, outside the United States.

"Just call us black," he told one classmate, who had just commented, "All African Americans seem to have dark hair." "You took too long to say 'African Americans,'" Niko explained. "You hesitated before you could even say the words." "Yeah," a black girl echoed after Niko spoke. "Just call us black."

When Niko recounted this story to me, I experienced a mixture of awe and uncertainty. I was proud that he was willing to speak up in a predominantly white environment, with the obvious support of another black classmate, about what he thought was right. I was pleased that he had found a way to articulate his concerns to his classmate that was honest, not threatening. But I was also admittedly confused. "Remember," I asked Niko, "when you were in third grade and you didn't want me to put the word 'black' in a sentence describing a woman who wanted to have her picture taken with me?" "No, Mom. I don't remember that." I tried to prompt his memory, to no avail. I replayed the scene we had scripted in my office about sexual and racial abuse. Niko still had no recollection.

But then he got very quiet and said, with a note of sadness in his voice, "I am ashamed of myself." "Why?" I asked, "What are you possibly ashamed of?" "Well, I don't remember when you pretended to call me 'nigger,' but I do remember that when I was in third grade I wished I was white just like the rest of the kids in my class. I remember that I wanted," and here he paused, took a breath, and then resumed so as to emphasize the next word, "the *benefits* of being white." He was suddenly able to summon up his third-grade perspective—looking at whiteness as a privilege, the ability to be an anonymous individual. "I just didn't want to draw attention to myself, to emphasize the ways I was different."

So which way feels more comfortable? "Just call me black," Niko replied, a confident smile filling his face. "I know who I am now, Mom. I don't want to be anyone else."

LANI GUINIER

California in the sixties was emerging from the postwar boom, and a feeling of optimism and openness about the future was everywhere. I attended San Bernardino's only inner-city high school, which was about equally divided among Chicano, black, and white students. One of my best friends there was a Chinese-American student named Stephen.⁷

Steve was the son of a prominent doctor and lived across town. In San Bernardino High School, Steve and I were part of the small percentage of the graduating class who went on to a four-year college. Most of my Chicano friends went either to Valley (the local community college), to work, or to Vietnam. When I was a child, my neighborhood was predominantly Chicano, and my family had remained there as it changed from Chicano to black. By the time I was in high school, I was enough a part of the black community that my English teacher felt a need to take me aside to correct the "black mistakes" in my usage.

Our girl friends were best friends and white, from that part of San Bernardino where motorcycles and chickens negotiated an uneasy peace in the front yard. Out back, a pig destined for a family roast could usually

be found rooting around in a pen made of chicken wire and scrap lumber, while acrid trash burned in a pit in the far corner of the lot. An overlay of working-class life and fruit-stand capitalism contributed to the tension in this part of town, where rural and urban poverty, with their different rhythms and rituals, frequently collided.

Steve and I knew that even in the mid-sixties people found our inter-racial romances odd. We knew that we were in the vanguard. The problem was color.⁸ We thought that the children of mixed unions were clearly the hope for the future, and thus black people should be prohibited from marrying black people and white people should be prohibited from marrying white people. Chinese and Mexicans, however, could marry whom-ever they chose. We would be the agents of a raceless society.

In our youthful view, race was reducible to color. We thought that by mixing the colors together we could eliminate invidious distinctions drawn solely on the basis of appearance. We knew that color could one day bar us from things we wanted. We had the same middle-class dreams as most of our white classmates. Wendell, the one black kid they let into the college prep courses, did too. Being in the "honors" class may have reinforced our belief in transcendence of color, by creating the illusion that we were honorary whites.⁹ But in our youth and naiveté, we did not fully comprehend the implications of this belief. What we did not understand was that transcendence would eliminate the positive content of race as well as the negative.

I felt more strongly than Steve the sense of values and community that flowed from a specific racial identity. Chicanos shared a feeling of solidarity that stemmed from the Spanglish we spoke, from the extended families that filled our neighborhood, and from the inchoate recognition of Indian culture at the root of Chicanismo. The Catholic Church also was a source of unity and strength, and its values animated our lives. In some sense there were no strangers in my neighborhood and parish, we had so many different links.

We had black Chicanos and blonde Chicanos, with some of each in my own family. Before there were Hispanics there was *raza*, which of course means race and not ethnicity. Two dominant myths pervaded my Chicano

identity, completely apart from encounters with Anglo culture. First was the myth that a new race had been created in the Americas and that Mexicans were the instantiation of that race, and second was the myth of Our Lady of Guadalupe. That God had chosen to be made manifest in the New World in the form of an Indian woman worked a powerful sense of belonging to this new earth. Both of these ideas are part of the general theme of the *mestizaje*.

Not to paint a too-rosy picture, I must confess that Steve and I projected our youthful romantic fantasies against a backdrop of race riots in our high school. The police forcibly evacuated our classrooms by spraying them with pepper gas, and the rural white kids formed a White Leadership Council. During the riots I remember talking to my Chicano friend Fat Boy as he was on his way to his car to get his jack, telling him, "Don't call them niggers, man. That is what those gabachos are saying about you." That I would know what the white kids were saying about Chicanos and what the Chicanos were saying about blacks and what the black kids were saying about the others demonstrates how implausibly situated I was in the middle of this mess, but there I was.

In trying to figure out where I fit after high school, I rejected the cultural nationalist line that denied Chicanos our racial connection to blackness. But I struggled with whether the solution was the polyglot mixture that Steve and I had fantasized about as boys. A new politics based on cultural affinity felt right to me; but whereas Chicano nationalism would have separated me from my best friends, the pan-ethnic, nonracial category of Hispanic would separate me from my own Mexican culture. I could observe it, even celebrate it, from a distance, but no longer would it be who I was. Yet cultures are not so easily eliminated. Even as Mexican culture was minimized, it was simultaneously romanticized.

Chicano nationalism as a liberatory moment exists for me now only in reveries of a specific period in the past. In its place, we who are neither black nor white are now seduced with a simple two-part offer. In the first step, we can trade in our Mexican culture and our sense of local connection with black people and Indians. In exchange, we get a chance to share a language and a national identity with others across the country who

have also grasped the name Hispanic. Then, if we agree to become Hispanic, as a second step we are promised a chance to trade up. We are offered the possibility of joining a new paradoxical category: Hispanic whiteness.

I could not be both Mexican and white when I was in high school, even though I dated white girls. Now that I am an adult, being Hispanic and white is apparently no problem. Despite my dark Indian features, as a Hispanic I am promised the possibility of joining a new nonracialized category: whiteness of a different color.¹⁰

This offers suggests the erasure that Steve and I daydreamed about. It was an erasure that I enacted in romantic liaisons. But I now see that maximizing my romantic options does not transform the borderland where I have always lived. This borderland is a wonderfully rich and complex psychological and social space. The offer to erase it produces more anxiety than relief. It is a relief to experience free and easy wandering. The anxiety arises because that freedom says there is no space between white and black. I must choose to be “either” black or white.

Steve and I shared a fantasy that gave us a different freedom and a larger power—not just the power to choose mates but the power to make everyone else look like us as well. Our vanity reflected our adolescent narcissism, but it also surfaced a profound insight—that in order to create a potential force for far-reaching social change, we would have to find a way to give greater voice and choice to those on the bottom of the racial hierarchy. Indeed, fundamental change required that eventually we topple the hierarchy itself.

This is a third way. I now realize that this way is not through physical attraction or regulation. It will be through political action that builds from the liberatory energy of culture and community. This alternative approach does not attempt to hide the heavy social lifting that clear black and white categories do. Those categories are political, not just physical. And they call for a political response, not a physical erasure.

This third way navigates the shoals of identity politics and the fantasies of colorblindness. It is a political project that does not ask who you married, or what your daddy was. At its core it does not ask what you call

yourself but with whom do you link your fate. It is a fundamentally creative political project that begins from the ground up, starting with race and all its complexity, and then builds cross-racial relationships through race and with race to issues of class and gender in order to make democracy real. We call this project *political race*.

GERALD TORRES

POLITICAL RACE AND MAGICAL REALISM

1

Race, for us, is like the miner's canary.¹ Miners often carried a canary into the mine alongside them. The canary's more fragile respiratory system would cause it to collapse from noxious gases long before humans were affected, thus alerting the miners to danger. The canary's distress signaled that it was time to get out of the mine because the air was becoming too poisonous to breathe.

Those who are racially marginalized are like the miner's canary: their distress is the first sign of a danger that threatens us all. It is easy enough to think that when we sacrifice this canary, the only harm is to communities of color. Yet others ignore problems that converge around racial minorities at their own peril, for these problems are symptoms warning us that we are all at risk.

Achieving racial justice and ensuring a healthy democratic process are independently knotty problems; at points where the two problems intersect, they have seemed intractable. Yet we believe progress can be made. Our goal is to explore how racialized identities may be put to service to achieve social change through democratic renewal. We also seek to revive a cross-racial project of social change. Toward these ends, we link the metaphor of the canary with a conceptual project we call *political race*, and in so doing we propose a new, twenty-first-century way of talking about this distinctly American challenge.

The metaphor of the miner's canary captures the association between those who are left out and social justice deficiencies in the larger commu-

nity. The concept of political race captures the association between those who are raced black—and thus often left out—and a democratic social movement aimed at bringing about constructive change within the larger community. One might say that the canary is diagnostic, signaling the need for more systemic critique. Political race, on the other hand, is not only diagnostic; it is also aspirational and activist, signaling the need to rebuild a movement for social change informed by the canary's critique. Political race seeks to construct a new language to discuss race, in order to rebuild a progressive democratic movement led by people of color but joined by others. The political dimension of the political race project seeks to reconnect individual experiences to democratic faith, to social critique, and to meaningful action that improves the lives of the canary and the miners by ameliorating the air quality in the mines.

The miner's canary metaphor helps us understand why and how race continues to be salient. Racialized communities signal problems with the ways we have structured power and privilege. These pathologies are not located in the canary. Indeed, we reject the incrementalist approach that locates complex social and political problems in the individual. Such an approach would solve the problems of the mines by outfitting the canary with a tiny gas mask to withstand the toxic atmosphere.

Political race as a concept encompasses the view that race still matters because racialized communities provide the early warning signs of poison in the social atmosphere. And then it encourages us to do something different from what has been done in the past with that understanding. Political race tells us that we need to change the air in the mines. If you care to look, you can see the canary alerting us to both danger and promise. The project of political race challenges both those on the right who say race is not real as well as those on the left who say it is real but we cannot talk about it. Political race illustrates how the lived experience of race in America continues to serve an important function in the construction of individual selves as well as in the construction of social policy.

Political race is therefore a motivational project. Rebuilding a movement for change can happen only if we reclaim our democratic imagination. Because such a project requires faith in the unseen, we find an inspired comparison in the literary movement known as *magical realism*.