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MOVING BEYOND THE BLACK/WHITE PARADIGM: AN INTRODUCTION

Dorothy A. Brown*

Much has been written concerning the Black/White Paradigm in Critical Race Theory (CRT).¹ CRT analyzes how the law impacts people of color as a group—not as individuals.² As Professor Devon Carbado has written, "in America there is more than one race on the bottom. The bottom, in other words, is multiracial. American multiracialism complicates... the interactions among and between the racial groups on the bottom."³ How should people of color who are not black respond to the constant stream of racial analysis that focuses solely on blacks and whites in American society? This symposium was conceived of as a first interdisciplinary step in addressing that question.

According to a recent Census Bureau report, non-Hispanic whites make up two-thirds of the United States population.⁴ Many cities have people of color as a majority of their population. In California, Hawaii and New Mexico, people of color make up more than half of the population.⁵ In Maryland, Mississippi, Georgia, New York and Arizona, people of color make up almost 40 percent of the population.⁶ This symposium seeks to discover ways in which different racial groups can work together and build coalitions.

Professor Mari Matsuda writes that although it is important to incorporate the views of all those at the margins of society, "Fear of

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¹ Juan F. Perea, *The Black/White Binary Paradigm of Race: The "Normal Science" of American Racial Thought*, 85 CAL. L. REV. 1213 (1997); Mari Matsuda, *Planet Asian America*, 8 ASIAN L.J. 169 (2001); Devon W. Carbado, *Race to the Bottom*, 49 UCLA L. REV. 1283 (2002); John A. Powell, *A Minority-Majority Nation: Racing the Population in the Twenty-First Century*, 29 FORDHAM URB. L.J. 1395 (2002); Darren Lenard Hutchinson, *Critical Race Histories: In and Out*, 53 AM. U. L. REV. 1187 (2004).

² DOROTHY A. BROWN, *CRITICAL RACE THEORY: CASES, MATERIALS AND PROBLEMS 2* (2003).

³ Carbado, *supra* note 1, at 1288; Enid Trucios-Haynes, *The Legacy of Racially Restrictive Immigration Laws and Policies and the Construction of the American National Identity*, 76 OR. L. REV. 369 (1997).

⁴ Robert Pear, *Racial and Ethnic Minorities Gaining in Nation as a Whole*, N.Y. TIMES, Aug. 12, 2005, at A16.

⁵ *Id.*

⁶ *Id.*

blackness and oppression of African-Americans formed American culture."⁷ So there is this tension currently running through CRT as to how to incorporate the experiences of non-African-American people of color with the experiences of Asian-Americans, Latinos, and Native Americans. Does the law affect different racial groups differently? Does the law affect African-Americans more harshly than other groups? Do certain racial groups take advantage of the oppression of other racial groups? These questions are quite complicated and our symposium participants seek to answer them from their unique perspectives on the issues.

Professor Sinclair's co-authored article, *What Intergroup Relations Research Can Tell Us About Coalition Building*,⁸ gives us a primer on social psychology research on intergroup relations. Her article places the literature in a concrete setting of recent events in a Virginia school district where an interracial coalition building effort to improve the academic scores of African-American students was unsuccessful. The article shows how understanding social psychology literature could have helped enhance coalition building and led to a different outcome.

Professor Sinclair's article shows that in order to build successful coalitions, several barriers must be overcome. For whites, those barriers include stereotypical views of African-Americans as well as prejudice, which is "a positive or negative attitude directed toward people simply because they happen to be members of a specific group."⁹ For African-Americans, the barriers include stereotypes, prejudice, as well as fear of rejection because of their race.¹⁰ Stereotyping, which is often found when we interact with strangers, can hinder effective coalition building.¹¹ The article concludes on an optimistic note by providing specific suggestions for overcoming these barriers to coalition building.

Professor Valencia's article, *What if You Were First and No One Cared: The Appointment of Alberto Gonzales and Coalition Building Between Latinos and Communities of Color*,¹² addresses issues raised in the context of coalition building from the perspective of intra-racial unity. He posits that once a critical mass of a particular racial group is reached in a

⁷ Matsuda, *supra* note 1, at 170.

⁸ Robyn K. Mallet, Stacey Sinclair & Jeffrey R. Huntsinger, *What Intergroup Relations Research Can Tell Us About Coalition Building*, 12 WASH. & LEE J. C.R. & SOC. JUST. 1, 5 (2005). The article addresses the issues from a black/white perspective because the factual setting for the article dealt with black and white parents.

⁹ *Id.* at 9.

¹⁰ *Id.* at 13.

¹¹ *Id.* at 4-5.

¹² Reynaldo A. Valencia, *What if You Were First and No One Cared: The Appointment of Alberto Gonzales and Coalition Building Between Latinos and Communities of Color*, 12 WASH. & LEE J. C.R. & SOC. JUST. 21 (2005).

particular setting, the driving force behind intra-racial unity diminishes.¹³ He cites the failure of the Mexican-American Legal Defense and Educational Fund (MALDEF) to support Alberto Gonzales' nomination to be Attorney General as evidence of this phenomenon.¹⁴ Ultimately, Alberto Gonzales became the first Latino ever to hold that post. Professor Valencia suggests that MALDEF's stance in opposition to Gonzales' nomination signaled that the organization was growing and entering a new state of its development.¹⁵ MALDEF recently selected a new leader, Ann Marie Tallman, who was appointed because of her experience in and around corporate America.¹⁶ I will note that earlier this year the NAACP followed suit and appointed Bruce Gordon, also a leader from corporate America.¹⁷ Perhaps the explanation is because both groups have realized that attaining economic equality is the civil rights issue of the twenty-first century.¹⁸

Professor Valencia argues that MALDEF's change in leadership was "evidence of its new independence and maturity."¹⁹ This level of maturity signals a new opportunity for communities of color to work together in ways never before imagined. He then provides two examples of coalition building where Latinos worked with other groups to achieve racial equality. Professor Valencia concludes by suggesting several potential areas for coalition building in the twenty-first century, once racial group members are able to think beyond their own specific needs and become more inclusive.

Professor Ota begins with the premise that America's race relations came from slavery and the Black/White Paradigm.²⁰ Moving beyond it requires you to recognize how Asians are viewed as outsider, non-citizens and coalition building efforts must take care not to further subordinate non-black racial minorities. Professor Ota examines case law surrounding the adoption of Chinese orphans by U.S. citizens to show how family law principles that shape American identity are constructed in a racialized manner. She argues that barriers to coalition building include a willingness on the part of whites to confront the racism within and a willingness on the

¹³ *Id.* at 22.

¹⁴ *Id.* at 24–25.

¹⁵ *Id.*

¹⁶ *Id.* at 29–30.

¹⁷ James Dao, *At N.A.A.C.P. Helm, an Economic Approach to Rights*, N.Y. TIMES, July 5, 2005, at A10.

¹⁸ Dorothy A. Brown, *Fighting Racism in the Twenty-First Century*, 61 WASH. & LEE L. REV. 1485, 1493 (2004) ("In my opinion, economic empowerment for people of color will be the battleground of the twenty-first century.") (citations omitted); *see also* Dao, *supra* note 17 ("Mr. Gordon, 59, has said he will apply his 35 years experience in corporate marketing to push the N.A.A.C.P. toward a more economic-based approach to civil rights, including by prodding pension funds and corporations to hire more black managers.").

¹⁹ Valencia, *supra* note 12, at 27.

²⁰ Nancy K. Ota, *Paper Daughters*, 12 WASH. & LEE J. C.R. & SOC. JUST. 41 (2005).

part of people of color to work with whites who "don't get it."²¹ What must be avoided are other racial minority groups not being aware of—and contributing to—the subordination of Asians as a result of their perceived outsider status, which results in their not being treated as part of the American family.

Professor Lasso acknowledges the importance of moving beyond the Black/White Paradigm, but provides a cautious note.²² He argues "that the only way to resolve the American dilemma of race is to embrace the Black/White Paradigm by self-identifying ourselves as Black."²³ Only by focusing on blacks' status and seeking to improve it will racial equality be found for all. In essence, Professor Lasso argues that there is a black/white continuum of racial subordination, with blacks receiving the worst treatment/benefits, and whites receiving the best treatment/benefits and Asians, Latinos, and Native Americans receiving worse treatment than whites, but better treatment than blacks. Professor Lasso shows how his being born and raised in Latin America made him a foreigner with positive results. In his own words, he concludes that because he was a foreigner "I was not considered Black."²⁴

So we end the symposium where we started, and ask the question: how should people of color who are not black respond to the constant stream of racial analysis that focuses solely on blacks and whites in American society? Professor Lasso's answer is first for everyone to self-identify as black. Second, discover how blacks are being treated and work to bring racial equality to blacks. Only then will equal treatment become available to us all.

²¹ *Id.* at 78. . .

²² Rogelio A. Lasso, *Some Potential Casualties of Moving Beyond the Black/White Paradigm to Build Racial Coalitions*, 12 WASH. & LEE J. C.R. & SOC. JUST. 80 (2005).

²³ *Id.* at 82. *Cf.* Matsuda, *supra* note 1, at 178 ("Thus I do not reject the Black/White paradigm. I claim the cause of Black liberation as my own, and I submit that the day the Amadou Diallos are safe from police murder is the day my Asian brothers are safe from policy murder.").

²⁴ Lasso, *supra* note 22, at 81.