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This Bridge Called Our Backs: An Introduction to “The Future of Critical Race Feminism”

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FOREWORD:

**This Bridge Called Our Backs:¹
An Introduction to “The Future of
Critical Race Feminism”**

Angela Onwuachi-Willig^{}*

*I've had enough
I'm sick of seeing and touching
Both sides of things
Sick of being the damn bridge for everybody*

*Nobody
Can talk to anybody*

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¹ This title is inspired by the book, *THIS BRIDGE CALLED MY BACK: WRITINGS BY RADICAL WOMEN OF COLOR* (Cherrie Moraga & Gloria Anzaldua eds., 1981) [hereinafter *THIS BRIDGE CALLED MY BACK*]. This book is a collection of writings from many women of color across a broad range of disciplines, which concentrated on relationships between women and attacked the notion of what Professor Angela Harris explained, in her article *Race and Essentialism in Feminist Legal Theory*, 42 *STAN. L. REV.* 581 (1990), had become the essential woman in the feminist movement — "women who are white, straight, and socioeconomically privileged." *Id.* at 588.

*Without me
Right?*

*I explain my mother to my father my father to my little sister
My little sister to my brother my brother to the white feminists
The white feminists to the Black church folks the Black church folks
To the ex-hippies the ex-hippies to the Black separatists the
Black separatists to the artists the artists to my friends' parents . . .*

*Then
I've got to explain myself
To everybody . . .
Donna Kate Rushin²*

On April 1, 2005, the U.C. Davis Law Review hosted in its annual symposium an extremely distinguished group of scholars, who addressed central theories of Critical Race Feminism (“CRF”) in a day-long series of inspiring, thought-provoking, cutting-edge, and captivating presentations. The panelists at the symposium — in front of a packed room of students, professors, and local residents — delved into issues as diverse as the unique role of immigrant women in community economic development,³ societal failure to deal with domestic violence from a multidimensional perspective,⁴ the proposal of a contractual good faith claim based on Professors Devon Carbado and Mitu Gulati’s theory of working identity that puts foundational CRF theory into practice,⁵ the multidimensional nature of racial segregation as a system of

² Donna Kate Rushin, *The Bridge Poem*, in *THIS BRIDGE CALLED MY BACK*, *supra* note 1, at xxi.

³ See, e.g., Miriam A. Cherry, *Decentering the Firm: The Limited Liability Company and Low-Wage Immigrant Women Workers*, 39 U.C. DAVIS L. REV. 787 (2006) (applying principles of corporate law, specifically limited liability company, to transform workers into business owners in way that curtails part of exploitation that low-wage immigrant workers currently experience and allows them to set their salaries and purchase group benefits, such as health insurance, and improve control over their working environments).

⁴ See, e.g., Adele Morrison, *Changing the Domestic Violence (Dis)Course: Moving from White Victim to Multi-Cultural Survivor*, 39 U.C. DAVIS L. REV. 1061 (2006) (placing women of color who are victimized by domestic violence at center of area’s legal discourse and examining ways in which “whiteness, as a hegemonic force, permeates domestic violence legal discourse to the detriment of all victims of intimate abuse, but particularly battered women of color”).

⁵ See, e.g., Emily M.S. Houh, *Toward Praxis*, 39 U.C. DAVIS L. REV. 905 (2006) (arguing how a contractual good faith claim can be used to put anti-essentialism and intersectionality theory into practice).

subordination,⁶ and the recent ban on the headscarves worn by Islamic women in France.⁷ In so doing, they served as a tunnel through which knowledge and ideas concerning the intersection of racism, sexism, heterosexism, classism, and various other oppressions were transmitted.

Critical race feminists often find themselves serving as bridges to the world — the bridges on which many people have trampled during their journeys to numerous destinations, the connecting pipelines between differing worlds of men and women, and even the passageways unto themselves. Like many critical race feminists, I discovered the path unto myself at a relatively overdue stage in my life. I was a late bloomer in terms of understanding the meaning of CRF. I arrived at college, thinking like so many women of color, “I am my race first, and a woman second.” It was not that I disregarded “women’s issues” or that I did not consider myself a feminist, but that I had been taught to rank my race above my sex.

My initial experiences with women’s organizations at institutions of higher education affirmed my thinking. In women’s groups, I found myself an outsider. Race (and often class) was rarely included in any discussions about issues concerning women. The only time concern was expressed about the lack of women of color in these organizations was during Women’s History Month — when the annual play of famous heroines was presented. After all, who would play the role of the women of color?

But eventually, it would happen — the moment when I would learn that I was not black first and woman next, a time during college when my black sisters and I would learn that our interests did not always converge directly with our black brothers’. It was a moment at which we discovered that what the men had deemed “good for the race” would require us to ignore the hurt of one of our sisters. It was at this time that I finally recognized that I had not kept myself whole and that, to keep myself from being continually fragmented, I had to, as Donna Kate

⁶ See, e.g., Reginald Oh, *Interracial Marriage in the Shadows of Jim Crow: Racial Segregation as a System of Racial and Gender Subordination*, 39 U.C. DAVIS L. REV. 1321 (2006) (discussing the need to develop an anti-essentialist analysis of language).

⁷ See, e.g., Darren Rosenblum, *Parity/Disparity: Electoral Gender Inequality on the Tightrope of Liberal Constitutional Traditions*, 39 U.C. DAVIS L. REV. 1119 (2006) (exploring French Parity law as a means of re-evaluating quota debate in United States); Adrien Katherine Wing & Monica Nigh, *Critical Race Feminism Lifts the Veil? Muslim Women, France, and the Headscarf Ban*, 39 U.C. DAVIS L. REV. 743 (2006) (discussing headscarf ban as spirit injury and ramifications that such injury may have on future of Muslim women in France).

Rushin has explained, build a bridge unto myself.⁸ This is the essence of CRF.⁹

CRF serves as a bridge toward understanding the legal status of women of color and the ways in which women of color face multiple discrimination on the basis of factors, including but not limited to race, gender, class, able-bodiedness, and sexuality. Critical race feminists expose how various factors, such as race, gender, and class, interact within a system of white male patriarchy and racist oppression to make the life experiences of women of color distinct from those of both men of color and white women. As my colleague Professor Jennifer Chacón proclaimed during the symposium, critical race feminists “give voice to those who have been excluded from the discourse of dominant legal theory, and . . . challenge the laws and the legal institutions that have played a central role in the creation and the reification of social hierarchies.”¹⁰ In so doing, critical race feminists provide the tools for challenging subordination at its core and understanding how various oppressions are connected and interrelated — setting the stage for truly transformative change in our society.

These tools include theories such as anti-essentialism, a term coined by Professor Angela Harris of Boalt Hall, which unpacks the notion “that a unitary, ‘essential’ women’s experience can be isolated and described independently of race, class, sexual orientation, and other realities of

⁸ Donna Kate Rushin ends her poem, “The Bridge Poem,” as follows:

The bridge I must be
Is the bridge to my own power
I must translate
My own fears
Mediate
My own weaknesses
I must be the bridge to nowhere
But my true self
And then
I will be useful.

Rushin, *supra* note 2, at xxii.

⁹ Adrien Katherine Wing, *Introduction to CRITICAL RACE FEMINISM: A READER I* (2d ed. 2003) (“Critical Race Feminism (CRF) is an embryonic effort in legal academia that emerged at the end of the twentieth century to emphasize the legal concerns of a significant group of people — those who are both women and members of today’s racial/ethnic minorities, as well as the disproportionately poor.”).

¹⁰ Professor Jennifer Chacón, Remarks at the U.C. Davis Law Review Symposium: The Future of Critical Race Feminism (Apr. 1, 2005).

experience.”¹¹ Contrary to the direction of various movements, CRF teaches us that there is no one essential female voice or voice of color. In order for oppression to be lifted for one group, we who believe in freedom must avoid the urge to create simple categories that silence “non-mainstream” legal voices “in order to privilege others (for this is an inevitable result of categorization, which is necessary both for human communication and political movement).”¹² CRF also instructs us — through UCLA and Columbia University Professor Kimberlé Crenshaw’s theory of intersectionality — that it is important that law incorporates the multiple aspects of one’s being, one’s multiple identities.¹³ As I stated earlier in this introduction, law, or rather legal analysis, cannot and should not break people up into parts, as though an individual can be broken down into discrete and separate categories, because doing so only further entrenches the oppressions that so many

¹¹ Harris, *supra* note 1, at 585; see also Sumi K. Cho, *Essential Politics*, 2 HARV. LATINO L. REV. 433, 433 n.1 (1997) (explaining that essentialism is perception that all members of group share common essence); Berta Esperanza Hernandez-Truyol, *Latindia II — Latinas/os, Natives, and Mestizajes — Latcrit Navigation of Nuevos Mundos, Nuevas Fronteras and Nuevas Teorias*, 33 U.C. DAVIS L. REV. 851, 862 n.26 (2000) (“The concept of essentialism suggests that there is one legitimate, genuine universal voice that speaks for all members of a group, thus assuming a monolithic experience for all within the particular group — be it women, blacks, Latinas/os, Asians, etc.”) (citations omitted).

¹² Harris, *supra* note 1, at 585.

¹³ For a discussion of Professor Crenshaw’s theory, see generally Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI. LEGAL F. 139 (analyzing how separate racial and gender subordination theories could not fully address discrimination against black women). See also Darren Lenard Hutchinson, *Identity Crisis: “Intersectionality,” “Multidimensionality,” and the Development of an Adequate Theory of Subordination*, 6 MICH. J. RACE & L. 285, 308 (2001) (asserting that “intersectionality theory provides a formidable challenge to the notion that scholars can adequately examine or provide solutions to one form of subordination without analyzing how it is affected and shaped by other systems of domination”); Peter Kwan, *Jeffrey Dahmer and the Cosynthesis of Categories*, 48 HASTINGS L.J. 1257, 1274 (1997) (“In legal scholarship, the term ‘intersectionality’ was originally made popular by African American feminist scholars to describe a conscious intervention against the assumption that black means male and female means white. Against these cultural and legal assumptions, it is argued, the position of African American women is compromised legally, with their subjectivity submerged by African American men in the racial discourse, and by white women in the feminist discourse. Intersectionality was thus an explicit attempt to disrupt these assumptions and to claim a legal and discursive space for African American women.”). Many other professors have expounded upon Professor Crenshaw’s work, which serves as the foundation of much of CRF. See, e.g., Devon W. Carbado & Mitu Gulati, *The Fifth Black Woman*, 11 J. CONTEMP. LEGAL ISSUES 701, 704-11 (2001) (explaining intersectionality theory under rubrics of identity intersectionality, experiential intersectionality, discrimination intersectionality, political intersectionality, and multiracial intersectionality).

of us experience at varying levels. Additionally, CRF informs us, as Trina Grillo did, that “[a]nti-essentialism and intersectionality are checks on us” in that they together “help us to make sure that we do not speak for those we cannot speak for or ask others to share our agenda while they patiently wait for their own.”¹⁴ Finally, among many other theories — too many of them to name — CRF educates us about what Professor Adrien Wing of the University of Iowa College of Law has defined as “spirit injury,” a term built upon Patricia Williams’s concept of “spirit murder” that explores the various levels at which women of color suffer harm from oppression with multiplicative effects.¹⁵

Each of the four panels of the symposium — “Race, Sex, and Working Identities,” “Color, Feminism, and the State,” “Deconstructing the Image Repertoire of Women of Color,” and “Defining the Voices of Critical Race Feminism” — probed a legal world in which power structures based on race, gender, sex, sexuality, class, and numerous other factors have remained unchallenged and stagnant and shared important insights into how we as lawyers may expose and challenge those hierarchies. The panelists first worked our minds around strategies for carving out and presenting one’s own identity in a manner that challenges the racial and gendered hegemonic forces in society. For example, in her article “Unwise,” “Untimely,” and “Extreme”: *Redefining Collegial Culture in the Workplace and Revaluing the Role of Social Change*, Professor Sumi Cho of DePaul College of Law explicated how “[a] traditional, dominant culture definition of collegiality [in the workplace] fails to account for institutional sexism, homophobia, racism . . . and thus endorses and perpetuates existing cultural norms and castes.”¹⁶ As Professor Cho explained, the way in which the defense of an employee’s “lack of collegiality” is often successfully used as a sword in denying the

¹⁴ Tina Grillo, *Anti-Essentialism and Intersectionality: Tools to Dismantle the Master’s House*, 10 BERKELEY WOMEN’S L.J. 16, 30 (1995)

¹⁵ Adrien Katherine Wing, *Brief Reflections Toward a Multiplicative Theory and Praxis of Being*, 6 BERKELEY WOMEN’S L.J. 181, 186 (1991) (citing Patricia Williams, *Spirit Murdering the Messenger: The Discourse of Finger Pointing as the Law’s Response to Racism*, 42 U. MIAMI L. REV. 127, 129 (1987)); see also Larry Cata Backer, *The Fuhrer Principle of International Law: Individual Responsibility and Collective Punishment*, 21 PENN ST. INT’L L. REV. 509, 553-55 (2003) (examining plight of Palestinian people and how “spirit injury can lead to the devaluation and destruction of a way of life or an entire culture”); Deirdre Davis, *The Harm that Has No Name: Street Harassment, Embodiment, and African American Women*, 4 UCLA WOMEN’S L.J. 133, 176-77 (1994) (noting how Professor Wing’s concept of spirit injury incorporates sexism into notion of spirit murder).

¹⁶ Sumi Cho, “Unwise,” “Untimely,” and “Extreme”: *Redefining Collegial Culture in the Workplace and Revaluing the Role of Social Change*, 39 U.C. DAVIS L. REV. 805, 809 (2006).

discrimination claims of outsiders in the workplace not only demonstrates deeply entrenched hierarchical structures in society, but also works to build a wall that prevents these outsiders from creating truly transformative change within their work environments.¹⁷ Likewise, in his article *Bipolar Black Male Masculinity: Intersectionality, Assimilation, Identity Performance, and Hierarchy*, Professor Frank Rudy Cooper of Suffolk Law School impressed us with his use of theories of CRF to support his argument that the image of the “bad, dangerous black man” provides heterosexual black men with assimilationist incentives to perform their identities in ways that conform to images of the “good black man” and embrace a hierarchical structure that subordinates others who do not fit within such an image.¹⁸ In fact, Professor Cooper’s work had such a profound effect on the audience that it prompted Professor Adrien Wing to question whether a separate critical theory was needed to explore issues concerning men of color.

The panelists in our second session, “Color, Feminism, and the State,” continued their predecessors’ remarkable work. In their talks and papers, these scholars helped to shape our understanding of the state’s role in defining the lives of women and men of color. Professor Mario Barnes of the University of Miami Law School led the charge with a remarkably brave and poignant analysis of how black women are negatively treated within the criminal justice system based upon stereotypes of their otherness. Employing the critical race theory tool of utilizing stories in legal analysis in *Black Women’s Stories in the Criminal Law: Restating the Power of Narrative*, Professor Barnes applied stories of two black women who had been tried and convicted within the criminal justice system, one of these women being his own grandmother.¹⁹ In so doing, he highlighted the need for proponents of CRF to utilize other disciplines as a means of examining how law, criminal law in particular, operates every day in the lives of women of color. Similarly, in her article *Deadbeat or Deadbroke: Redefining Child Support for Poor Fathers*, Professor Solangel Maldonado of Seton Hall Law School challenged

¹⁷ See *id.* at 809-12.

¹⁸ Frank Rudy Cooper, *Against Bipolar Black Masculinity: Intersectionality, Assimilation, Identity Performance, and Hierarchy*, 39 U.C. DAVIS L. REV. 853, 853 (2006); see also Devon W. Carbado, *Straight Out of the Closet: Race, Gender, and Sexual Orientation*, in CROSSROADS, DIRECTIONS, AND A NEW CRITICAL RACE THEORY 221, 225-26 (Francisco Valdes, Jerome McCristal Culp, Jr. & Angela P. Harris eds., 2002) (asserting that black men should be encouraged to engage in black feminist discourse).

¹⁹ Mario L. Barnes, *Black Women’s Stories and the Criminal Law: Restating the Power of Narrative*, 39 U.C. DAVIS L. REV. 941 (2006).

societal notions of fatherhood, which she thoughtfully explained have been characterized in economic terms. In so doing, she encouraged the exploration of “how the law can encourage poor nonresident fathers’ involvement in their children’s lives by redefining child support to include informal and nonfinancial contributions”²⁰

Our third group of panelists broke new ground with topics that legal academia largely ignores. Professors Adrien Wing of the University of Iowa College of Law and Darren Rosenblum of Pace Law School provided analyses of the Muslim headscarf issue in France.²¹ Their presentations resulted in a stimulating conversation that covered a wide range of issues, including women’s political power in France and the exclusion of the voices of Muslim women in this deeply heated political issue. And, in her article *In the Shadow of Race: Women of Color in Health Disparities Policy*, Professor Lisa Ikemoto added to this wonderfully rich conversation by stressing the need for a multi-axis approach to eliminating the disparities in healthcare and status that many women of color experience.²² As Professor Ikemoto proclaimed about the race-focused efforts in eliminating health disparities between groups, “[t]he most obvious result of race-only efforts [is] the disappearance of women of color from the federal health agenda. Without an explicit gender analysis . . . [w]omen of color would then remain statistical categories in most federal health initiatives.”²³

Finally, our symposium ended with the panel, “Defining the Voices of Critical Race Feminism” — a significant task. In their deeply rich languages, our scholars highlighted the significance of voice and having a voice in society, including within the legal community. In her talk *A Critical Race Feminism Empirical Research Project: Sexual Harassment & the Internal Complaints Black Box*, Professor Tanya Hernandez of the Rutgers School of Law – Newark explicated the ways in which the voice of potential plaintiffs may be affected by factors, such as race, in terms of their willingness to report an incident or incidents of sexual harassment.²⁴ In their presentation, *The Adventure(s) of Blackness in*

²⁰ Solangel Maldonado, *Deadbeat or Deadbroke: Redefining Child Support for Poor Fathers*, 39 U.C. DAVIS L. REV. 991, 995 (2006).

²¹ See *supra* note 7.

²² Lisa C. Ikemoto, *In the Shadow of Race: Women of Color in Health Disparities Policy*, 39 U.C. DAVIS L. REV. 1023 (2006).

²³ *Id.* at 1052.

²⁴ Tanya Katerí Hernández, *A Critical Race Feminism Empirical Research Project: Sexual Harassment & the Internal Complaints Black Box*, 39 U.C. DAVIS L. REV. 1235 (2006).

Western Culture: An Epistolary Exchange on Old and New Identity Wars, Professors Adrienne Davis of the University of North Carolina Law School and Bob Chang of Loyola Law School Los Angeles spoke beautifully in their own voices through a personal dialogue about scholarly debates and conversations around critical race theory and feminist legal theory, in particular what they refer to as “to various border crossings: male attempts to engage in feminist literary criticism, white attempts to engage in African American literary criticism, and attempts to engage in black male, black feminist criticism.”²⁵ Likewise, in her article *Defending the Future Voices of Critical Race Feminism*, Professor Margaret Montoya left us with a stirring and engaging discussion about strengthening our voices to serve underserved communities and fulfilling our duty to speak for those who are often left silenced.²⁶ In sum, each of the panelists gave us in the audience a new voice or, rather, helped to lead us in defining the voice that is the future of CRF.

The strong community interest and participation at the symposium highlighted the saliency of CRF in creating and sustaining an environment in which multiple oppressions are truly understood. They reminded us of the movement’s significance at a time of critical need when we face significant obstacles and challenges that current events seem to continually raise. These challenges leave us with many questions unanswered, but desperately in need of resolution. For example, how do we, as critical race feminists, claim voice or define voice in a world where the Supreme Court is certain to have only one woman serving on the body and no women of color at all? How do we embrace and incorporate feminist voices that are certainly raced and gendered but vastly different from those of us within the movement of CRF? How must we respond in a time where recent catastrophic events such as Hurricane Katrina reveal governmental inadequacies at handling the vulnerabilities of those who have for decades suffered the severe effects of gendered, racialized, and economic inequality in this country? How do we work to ensure in a women’s movement obsessed with the right to choose that feminists also take account of and embrace discussions about the forced sterilization of women of color and the lack of value and worth placed on women of color’s status as mothers? How

²⁵ Robert S. Chang & Adrienne D. Davis, *The Adventure(s) of Blackness in Western Culture: An Epistolary Exchange on Old and New Identity Wars*, 39 U.C. DAVIS L. REV. 1189, 1189 (2006).

²⁶ Margaret Montoya, *Defending the Future Voices of Critical Race Feminism*, 39 U.C. DAVIS L. REV. 1305 (2006).

do we accomplish these tasks without affirming the historically-made distinctions between the public and private?

As the breadth of the issues covered in the symposium presentations and articles indicates, the answers to these questions are critical to the future of CRF. Indeed, one could say that such answers are the movement's future in that they will help to direct us in determining our future in understanding the complexities of today's racism, sexism, and other -isms. Regardless, one fact is certain: the papers in this Symposium Issue will contribute significantly to our thinking about the use of law as a tool for social justice and will undoubtedly change the ways in which we think about the connections between and relationships of racism, sexism, heterosexism, classism, ablism — all isms — forever and in our future. Enjoy.