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THE COLOR LINE: A REVIEW AND REFLECTION FOR ANTIRACIST SCHOLARS

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In *The Color Line: A Short Introduction*, David Lyons provides a valuable service to students and academics in law, social sciences, and humanities by providing a concise history of the development and maintenance of race and racial order through law, policy, and discrimination in the United States.¹ Lyons effectively outlines how race and racism were developed through these mechanisms in an effort to facilitate and maintain white supremacy.²

Lyons succinctly sets forth a history of how people in power used law and policy to activate racism. This counters the traditional narrative that racism stems from a natural dislike of others who look different. A powerful example is the account of how slave codes and anti-fraternization laws in the South were implemented to defeat powerful alliances between enslaved Black people and indentured White people who joined forces to rebel.³ For these indentured White people and enslaved Black people, common interests outweighed differences.⁴ However, laws were intentionally imposed to racially define and divide groups for the purpose of entrenching power in white elites.⁵

Lyons wisely orients the history of race in the United States as a story of colonialism. Specifically, he details how the method of colonization was white settler colonialism.⁶ He provides a history of how White settlers stole the land of Indigenous Americans and Chicanos through occupation, the legal process—such as the land grant cases⁷—and violence.⁸

Lyons carefully avoids the confines of what Juan Perea and Richard Delgado term the “Black-White binary paradigm”⁹ of race by integrating the racialized

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¹ DAVID LYONS, *THE COLOR LINE: A SHORT INTRODUCTION* (2019).

² *Id.* at 21-24.

³ *Id.* at 23-24.

⁴ *Id.* at 23.

⁵ *Id.* at 23-24.

⁶ *Id.* at 4.

⁷ *Id.* at 46-47.

⁸ *Id.*

⁹ RICHARD DELGADO & JEAN STEFANCIC, *CRITICAL RACE THEORY: AN INTRODUCTION* 77 (3d ed. 2017) (defining the Black-White binary paradigm); Juan F. Perea, *The Black/White Binary Paradigm of Race: The “Normal Science” of American Racial Thought*, 85 CALIF. L. REV. 1213, 1219 (1997) (“I define this [Black-White binary] paradigm as the conception that

history of Indigenous Americans, Latinxs, Asian Americans, and others—instead of merely focusing on Black-White race relations, as traditionally done in history books. Lyons aptly starts the book with an exploration of conquest and the discovery doctrine.¹⁰ He provides due coverage of the Treaty of Guadalupe Hidalgo and the subordination of mestizos.¹¹ In doing this, he shows how racism in the United States began—not with enslavement of Black persons—but with attacks on indigeneity.

In taking a more inclusive approach, Lyons reveals connections between the racist treatment of various racialized groups. For instance, he details how slavery began with enslaving Indigenous persons and then moved to the slave trade of persons of African origin and the maintenance of chattel enslavement of Black people.¹² He describes how chattel slavery made cotton plantations possible, in turn, resulting in the forcible removal of Indigenous nations, such as the Cherokee, Choctaw, Creek, Chickasaw, and Seminole, to make way for the capitalistic exploitation of their lands.¹³ Thus, the institution of chattel enslavement of Black people led to the Trail of Tears from the areas now called Georgia to Oklahoma.¹⁴

There are many important history lessons to be learned in the 128 pages of *The Color Line*. There are also examples of common conventions that antiracist authors should learn to avoid. Two of these are the inadvertent use of racially insensitive or contentious terminology and overt racialization of only non-White groups.

Language about race and racism changes quickly, and authors should stay up to date on vocabulary and scrutinize the origins and contemporary connotation of words. In advocating for racial equity, authors should consider how people who have been targeted by racism might feel about terminology. As authors who care about racial inclusion, we should model the best language practices at a given time.

As one might guess from the title of the book, a recurring theme is the color line. The opening line of the text reflects this, stating: “Americans generally see themselves and are seen by fellow Americans as white, black, red, yellow, or brown.”¹⁵ While White has always been exalted, the other categories were disparaged. The terms “Black” and “Brown” have been reclaimed and reimagined, and it is acceptable for people not subject to those terms to use

race in America consists, either exclusively or primarily, of only two constituent racial groups, the Black and the White.”).

¹⁰ LYONS, *supra* note 1, at 8-12.

¹¹ *Id.* at 46-47.

¹² *Id.* at 29, 34-35.

¹³ *Id.* at 38-40.

¹⁴ *Id.* at 39-40.

¹⁵ *Id.* at 1.

them.¹⁶ This is not true for the other designations. The term “Red” is unsettled at best and at worst rejected as derogatory by itself or in combination with other words like “redskin.”¹⁷

“Yellow” is also problematic. While there have been some attempts by Asian Americans to reclaim the term,¹⁸ usage of “Yellow” to refer to a racial category is widely considered a pejorative term and even a racial slur.¹⁹ Moreover, there is no indication that people who are not of Asian descent can respectfully use this term to refer to people. This was demonstrated by the controversy that erupted during the COVID-19 crisis in November of 2020 when Sacramento’s top health official, who was White, referred to Asian Americans as “Yellow folks” in a conversation where he also spoke of Black, Brown, and White folks.²⁰ Similarly, in August of 2020, the United Nations sent out a diversity survey to thousands of employees which, among other questions, asked participants if they

¹⁶ See John Eligon, *A Debate Over Identity and Race Asks, Are African-Americans ‘Black’ or ‘black’?*, N.Y. TIMES (June 26, 2020), <https://www.nytimes.com/2020/06/26/us/black-african-american-style-debate.html>.

¹⁷ Much of the current discourse about the term “Red” does not seem to be centered on reclaiming it but rather an awareness movement of its inherently problematic origins and meaning. See Angela R. Riley & Kristen A. Carpenter, *Owning Red: A Theory of Indian (Cultural) Appropriation*, 94 TEX. L. REV. 859, 908-09 (2016) (observing that “tribal members continue to face discrimination based on perceptions of Indian race and culture”); Dan Barry, *A Heated Linguistic Debate: What Makes ‘Redskins’ a Slur*, N.Y. TIMES (May 21, 2016), <https://www.nytimes.com/2016/05/22/sports/football/redskins-poll-prompts-a-linguistic-debate.html>; Erin Blakemore, *The Radical History of the Red Power Movement’s Fight for Native American Sovereignty*, NAT’L GEOGRAPHIC (Nov. 25, 2020), <https://www.nationalgeographic.com/history/article/red-power-movement-radical-fight-native-american-sovereignty>; Lakshmi Gandhi, *Are You Ready for Some Controversy? The History of ‘Redskin,’* NPR: CODE SWITCH (Sept. 9, 2013, 10:46 AM), <https://www.npr.org/sections/codeswitch/2013/09/09/220654611/are-you-ready-for-some-controversy-the-history-of-redskin> [<https://perma.cc/LE97-FY7C>]; Baxter Holmes, *A ‘Redskin’ Is the Scalped Head of a Native American, Sold, Like a Pelt, for Cash*, ESQUIRE (June 17, 2014), <https://www.esquire.com/news-politics/news/a29445/true-redskins-meaning/>.

¹⁸ Saleah Blancaflor, *‘Beautiful and Empowering’: Was 2018 the Year Asian Americans Took ‘Yellow’ Back?*, NBC NEWS (Dec. 21, 2018, 8:31 AM), <https://www.nbcnews.com/news/asian-america/beautiful-empowering-was-2018-year-asian-americans-took-yellow-back-n947181> [<https://perma.cc/52X8-SSKM>] (describing how Frank H. Wu (author), Kelly Kim (chef and founder of restaurant “Yellow Fever”), and Jon M. Chu (director of “Crazy Rich Asians”) have sought ways to reclaim and reinterpret what “Yellow” means for Asian-Americans).

¹⁹ Kat Chow, *If We Called Ourselves Yellow*, NPR: CODE SWITCH (Sept. 27, 2018), <https://www.npr.org/sections/codeswitch/2018/09/27/647989652/if-we-called-ourselves-yellow> [<https://perma.cc/H4Q8-K3MM>].

²⁰ Akemi Tamanaha, *Health Official Calls Asian Americans ‘Yellow Folks,’* ASAMNEWS (Nov. 18, 2020), <https://asamnews.com/2020/11/18/term-yellow-folks-resurrects-memories-of-a-racist-history/> [<https://perma.cc/WD8P-JLZ4>].

identified as “Yellow.”²¹ This survey was met with outrage by many employees who were deeply offended, and the survey was accordingly recalled.²² As Erica Foldy, a public policy professor at New York University, directed: this term “should not be used, period.”²³

Unfortunately, and undoubtedly unintentionally, the first line of *The Color Line* could make Native American, Asian American, and many other readers uncomfortable because it could be interpreted as lacking sensitivity about racial terminology. It may cause these readers to feel distrustful of the content of the book, which would be unfortunate since it provides a useful overview of the history of race and racism in the United States. The opening sentence could also implicitly promote the inappropriate use of these terms by well-intentioned readers who would defer to the author’s use of language.

Additionally, some readers of color and their allies might be displeased by the repeated, gratuitous use of the word “ghetto” to talk about predominantly Black urban neighborhoods. This is a word that conjures unfair racial stereotypes and suggests judgment of and blame on Black communities.²⁴ Likewise, discussion of African and Black enslaved people as “immigrants,” even if qualified by “in chains”²⁵ can be highly controversial. This is evinced by the incident when Secretary Ben Carson referred to enslaved Black people as immigrants in a speech to The United States Department of Housing and Urban Development in 2017.²⁶ As antiracist scholars we need to think carefully about our audience and the meaning, connotation, and impact of our words.

I applaud David Lyons for recognizing that white supremacy is, as he explains, “a founding pillar”²⁷ in the United States. As antiracist scholars we should also think about some of the first cousins to white supremacy: white normativity and white transparency. As Patricia Williams explains, white normativity is the implicit belief that white ideas, practices, and experiences are

²¹ Rhea Mahbubani, *United Nations Faces Backlash Over a Survey Question Asking Staff if They Identify as “Yellow,”* INSIDER (Aug. 20, 2020, 2:29 PM), <https://www.insider.com/united-nations-criticized-survey-asking-if-people-identify-as-yellow-2020-8> [<https://perma.cc/4U5T-T2R6>].

²² *Id.*

²³ *Id.*

²⁴ Vanessa Barford, *Is the Word ‘Ghetto’ Racist?*, BBC NEWS (Jan. 15, 2016), <https://www.bbc.com/news/magazine-35296993> [<https://perma.cc/QAW3-NTAZ>] (“[Ghetto] is often used pejoratively to describe low-income African Americans, or their presumed forms of behavior, dress, and speech.”).

²⁵ LYONS, *supra* note 1, at 3.

²⁶ Liam Stack, *Ben Carson Refers to Slaves as ‘Immigrants’ in First Remarks to HUD Staff*, N.Y. TIMES (Mar. 6, 2017), <https://www.nytimes.com/2017/03/06/us/politics/ben-carson-refers-to-slaves-as-immigrants-in-first-remarks-to-hud-staff.html>.

²⁷ LYONS, *supra* note 1, at 1.

inherently normal, natural, and right.²⁸ Barbara Flagg has said white transparency is “the tendency of whites not to think about whiteness, or about norms, behaviors, experiences, or perspectives that are white-specific.”²⁹ White transparency occurs when “the white point of view masquerades as colorless, raceless, and systematically devoid of bias.”³⁰ As antiracist authors, we must be aware so as to root out white normativity and white transparency in all of its subtle forms.

Let’s return to the opening line: “Americans generally see themselves and are seen by fellow Americans as white, black, red, yellow, or brown.”³¹ Some of us might question whether White Americans actually see themselves as White.³² Some White people may be particularly racially aware, others may identify with white nationalism, but often White people see themselves as the neutral, the norm, and as raceless. This can pose white normativity and white transparency challenges, requiring deepened awareness as scholars. Such awareness can be challenging even for scholars of color because we have often been implicitly trained and socialized in our respective disciplines to see the white experience as the norm and to perform whiteness in our teaching and writing.³³

²⁸ PATRICIA WILLIAMS, *SEEING A COLOR-BLIND FUTURE: THE PARADOX OF RACE* 6 (1997) (“Perhaps one reason that conversations about race are so often doomed to frustration is that the notion of whiteness as ‘race’ is almost never implicated.”).

²⁹ Barbara J. Flagg, “*Was Blind, But Now I See*”: *White Race Consciousness and the Requirement of Discriminatory Intent*, 91 MICH. L. REV. 953, 957 (1993).

³⁰ Richard Delgado, *Are Hate-Speech Rules Constitutional Hearsay? A Reply to Steven Gey*, 146 U. PA. L. REV. 865, 871-72 (1998).

³¹ LYONS, *supra* note 1, at 1.

³² ASHLEY W. DOANE & EDUARDO BONILLA-SILVA, *WHITE OUT: THE CONTINUING SIGNIFICANCE OF RACISM* 6-8 (2003) (“The central component of the sociology of whiteness is the observation that white Americans have a lower degree of self-awareness about race and their own racial identity than members of other racial-ethnic groups.”); IAN HANEY LÓPEZ, *WHITE BY LAW: THE LEGAL CONSTRUCTION OF RACE* 111 (10th Anniversary ed. 2006) (“[T]he tendency not to see oneself in racial terms is widespread among Whites. Transparency ‘may be a defining characteristic of whiteness: to be white is not to think about it.’” (quoting Barbara Flagg, “*Was Blind, but Now I See*”: *White Race Consciousness and the Requirement of Discriminatory Intent*, 91 MICH. L. REV. 953, 969 (1999))). See generally Paul R. Croll, *Modeling Determinants of White Racial Identity: Results from a New National Survey*, 86 SOC. FORCES 613 (2007) (analyzing multiple studies on White racial identity and finding that White people are among the least likely to claim strong racial identities).

³³ Stephen C. Finley, Biko M. Gray & Lori Latrice Martin, “*Affirming Our Values*”: *African American Scholars, White Virtual Mobs, and the Complicity of White University Administrators*, 9 J. ACAD. FREEDOM 1, 4 (2018) (discussing ramifications for Black professors who step outside the realm of white normativity and challenge concepts of white supremacy, white normativity, and white hegemony in academic spaces); Christine Nguyen & Lynda Duran, *Performing and Deconstructing Whiteness in Student Affairs*, 39 VT. CONNECTION 113, 114 (2018) (“The unspoken definition of ‘professional’ is based primarily on a white standard—one that is policed by those who embody whiteness in higher education, including people of color as well as white people.”).

One method is to check ourselves and actively seek to write to a racially diverse audience and to use terminology that does not deter their readership and engagement. Another method is to check our assumptions about White as the baseline and interrupt traditional narratives implicitly affirming this belief. Specifically, when we write about race, we should remember to view White people as also raced.

In Chapter 22 of *The Color Line*, in discussing the persistence of the color line, racial segregation in housing takes center stage. Lyons asks:

Consider the residential segregation of African Americans in the urban North, which is so extreme it is characterized by sociologists as ‘hyper-segregation.’ . . . That degree of segregation and its maintenance over time are unique in American history, something that has not been experienced by any other ethnic or immigrant group.

The persistence of the black urban ghetto appears to result from several factors.³⁴

The passage goes on to discuss legacies of racist policies that created racial inequity, such as the enduring wealth gap.³⁵

This is largely true. The United States is as racially segregated as ever;³⁶ segregation is the result of past and present racist policies, and it is deeply troubling. However, reading this passage, one wonders whether Whites are being ignored as an “ethnic or immigrant group.” In traditional narratives, too often people of color are the only group that is raced or problematized. Here, it is healthy to root out white normativity and white transparency and ask whether “African Americans in the urban North” are the most racially segregated group.

There may be hyper-segregation in Black neighborhoods in some instances, but it can also be a traditional narrative that is no longer accurate. Often these so-called Black “ghettos” or neighborhoods actually have a prominent number of Latinx and increasing numbers of Asian American residents.³⁷ Black people, Latinxs, and Asian Americans living and going to school together is racial diversity.

In fact, it is a lot more racial diversity than most White Americans experience in their neighborhoods and schools. As a Brookings Institute report from March 2020 describes, “[e]ven as metropolitan areas diversify, white Americans still

³⁴ LYONS, *supra* note 1, at 118-19.

³⁵ *Id.* at 119 (“[M]inimum lot size and the exclusion of multi-unit housing[] effectively excludes less affluent families, which disproportionately affects people of color.”).

³⁶ *U.S. Cities Segregated Not Just by Where People Live, But Where They Travel Daily*, BROWN UNIV. (Feb. 11, 2021), <https://www.brown.edu/news/2021-02-11/segregation> [<https://perma.cc/7RC6-4EY3>] (“An analysis of 133 million tweets found that city-dwellers stay racially segregated as they eat, drink, shop, socialize and travel each day.”).

³⁷ William H. Frey, *Even as Metropolitan Areas Diversify, White Americans Still Live in Mostly White Neighborhoods*, BROOKINGS INST. (Mar. 23, 2020), <https://www.brookings.edu/research/even-as-metropolitan-areas-diversify-white-americans-still-live-in-mostly-white-neighborhoods/> [<https://perma.cc/Q3CH-R4DP>].

live in mostly white neighborhoods.”³⁸ From 2014-2018 in the 100 largest metropolitan areas, the average White person lived in a neighborhood that was nearly 75% White, while the average Black person lived in a neighborhood that was only 45% Black.³⁹ Thus, actually a greater proportion of White Americans are segregated than Black Americans.⁴⁰ The majority of people in the United States who are highly segregated are White Americans. So, why are White Americans not considered an ethnic group in a discussion of segregation? Perhaps because White people are frequently not perceived as raced and instead are considered the baseline.

I hope many people read David Lyons’ insightful and concise history book, *The Color Line: A Short Introduction*, with an eye on how law and policies throughout the history of the United States have and continue to perpetuate racial subordination with the goal of facilitating white supremacy. I hope they observe the similarities between racist policies in housing, education, and criminal justice from the past to modern times and think about how law and policy can be changed to increase racial equity. And I hope that antiracist authors and readers continue to supportively push each other to be thoughtful and inclusive in our use of language and analysis.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.* See Also Chase M. Billingham & Matthew O. Hunt, *School Racial Composition and Parental Choice: New Evidence on the Preferences of White Parents in the United States*, 89 SOCIO. EDUC. 99 (2016) (examining why school segregation persists by considering White parental choices); Camille Zubrinsky Charles, *Neighborhood Racial-Composition Preferences: Evidence from a Multiethnic Metropolis*, 47 SOC. PROBS. 379 (2000) (discussing the occurrence of neighborhood segregation generally).