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Section III: Identity, Discourse and Society: Mapping the Line of Critical
Inquiry

***243** MAPPING A MATERIALIST LATCRIT DISCOURSE ON RACISM

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A major theme at the 2003 LatCrit Conference was the call for a return to a "materialist discourse" in LatCrit and Critical Race Theory. Scholars like Professors Daria Roithmayr and Richard Delgado contend that LatCrit and Critical Race theory has focused too much on discursive theories of race and racial subordination without paying enough attention to the root causes of racism: material or economic factors like "socioeconomic competition, immigration pressures, the search for profits, changes in the labor pool, nativism." [\[FN2\]](#)

This Essay will analyze the call for a return to a discourse on the material reality of racism, and offer two ways to develop a materialist LatCrit and Critical Race critique of dominant, inequality reinforcing legal narratives: by (1) critically analyzing the narrative structure of dominant legal narratives, and by (2) incorporating a critical geographical consciousness into LatCrit and Critical Race critique and discourse. This Essay contends that any critical discourse must explicitly recognize the multi-dimensional, multi-faceted, multi-causal reality of racism and racial subordination, and it must expose dominant legal narratives for obscuring and obfuscating that reality.

I. THE NARRATIVE CONSTRUCTION OF SOCIAL REALITY

The first step in constructing a multi-causal discourse on racism is to recognize the way we use narrative to construct our social reality. [\[FN3\]](#) As historian Hayden White ***244** contends, "[n]arrative is a meta-code, a human universal on the basis of which transcultural messages about the nature of a shared reality can be transmitted." [\[FN4\]](#)

Social reality can be defined as "the bundle of presuppositions, received wisdom, and shared understandings against a background of which legal and political discourse takes place." [\[FN5\]](#) We construct our social reality, our shared understanding of the world, by organizing and interpreting events according to narrative plots. [\[FN6\]](#) The plot has been defined as the "conceptual structure which binds the events of a story together." [\[FN7\]](#) Thus, when a narrative is emplotted, the events and characters in the narrative "relate

to one another and to some overarching structure, often in the context of an opposition or struggle." [\[FN8\]](#)

To understand how narratives operate to construct social reality, we need to understand the difference between narratives that merely describe a sequence of events from emplotted narratives that organize a sequence of events into "an intelligible whole." [\[FN9\]](#) A narrative that merely describes a sequence of events tells the audience "what happened," and that is all that it does. Such a narrative is akin to a journalistic account of an event. On the other hand, an emplotted narrative creates an intelligible whole by creating logical, causal connections between events, and by endowing the narrative with a "teleological or purposive movement." [\[FN10\]](#)

In creating causal connections between events, emplotted narratives answer the "why" questions for us: Why did this particular event occur? Why did this person act in a particular way? As a literary theorist notes, "'The king died, and then the queen died' is a story. 'The king died and then the queen died of grief' is a plot. Considering the death of the queen, 'If it is in a story we say: "And then?" However, "If it is in a plot we ask: Why?"' [\[FN11\]](#) That the queen died of grief over the king's death is the "plot" of this simple narrative. It is the causal link that connects two incidents separated in time and space: the death of the king, and the death of the queen; in other words, the plot turns a mere sequence of disconnected, random events into an intelligible whole where the king's death caused the queen's death, due to the grief she suffered.

*245 A. The Fictionality of Emplotted Legal Narratives

Since emplotted narratives structure the way in which we comprehend the nature of reality, the question arises: to what extent do the stories we tell about society accurately represent external reality? The premise of this Essay is that in many ways, narrative constructions of social reality often possess strong elements of imagination and invention. In other words, just as a novel like *A Christmas Carol* is an invention of an author's imagination, many emplotted legal narratives that purport to accurately describe "reality" are in many ways indistinguishable from such imaginary or invented narratives.

What are the characteristics of a mostly invented or imagined narrative? A narrative is likely to be mostly a construct of the imagination if the narrative possesses a coherent, tightly structured plot. A coherent causal or emplotted narrative is one that identifies a singular cause as the real or true cause of a set of events. In telling a coherent emplotted narrative, therefore, a storyteller organizes and governs the intelligible whole of a story in a way to make other causal or structural possibilities seem entirely implausible, unlikely, untrue, and hence irrelevant. Such a story is told in a way that any other causal or structural possibilities are excluded from consideration.

Coherent narrative constructions of reality, however, achieve coherence only by denying and obfuscating the non-linear, multi-causal nature of external reality. "Real life" does not neatly move along the logical, linear path that a coherent narrative takes, because life/experience is extremely messy and complex, is always in flux, is always moving, and therefore life experiences do not lend themselves to being neatly summarized in a coherent narrative that purports to give us the essential "truth" about our past, our present, and our future. [\[FN12\]](#) Narrative, in other words, tend to construct meaning from a set of events precisely to the extent that it moves further and further away from the dynamic details and flux of an ever shifting, ever changing external reality. As White contends, "the value attached to narrativity in the representation of real events arises out of a desire to have real events display the coherence, integrity, fullness, and closure of an image of life that is and can only be imaginary. The notion that sequences of real

events possess the formal attributes of stories we tell about imaginary events could only have its origin in wishes, daydreams, reveries." [\[FN13\]](#)

What are the characteristics of a mostly "invented" or fictional narrative? One key inquiry to determine how well a story represents as accurately as possible what is taking place in the material world is to determine whether the story orients the reader towards higher levels of abstraction or towards lower levels of abstraction. [\[FN14\]](#) A story that takes us up the ladder of abstraction takes us into the realm of the imaginary, while a story that takes us down the ladder of abstraction takes us into the realm of external reality.

***246** II. EXAMINING SPACE AND SPATIALITY TO DECONSTRUCT COHERENT EMPLOTTED LEGAL NARRATIVES

As argued above, coherent narrative constructions of social reality fail to realistically represent and correspond with external reality. Specifically, this Essay contends that dominant legal narratives that rationalize existing racial inequality tend to be structured as coherent narratives that distort and obscure the concrete, material realities of racial subordination and inequality. One effective method to deconstruct a dominant narrative is to expose and critique its spatial or geographic assumptions and premises. Specifically, one may deconstruct a legal story by exposing the choices made by the narrator regarding the spaces and places in which the narrative plot unfolds. Deconstructing the geographic assumptions in a legal narrative is one effective method of exposing the imaginary, invented elements of a legal narrative, because a narrative that organizes itself around a coherent plot often achieves its coherence by ignoring and obscuring the spatial or geographic dimensions of material reality. As literary theorist John Berger argues, it is no longer possible to tell a coherent story unfolding sequentially over time, because in today's postmodern material reality, the "simultaneity and extension of events and possibilities" [\[FN15\]](#) continually disrupt the linear, temporal flow of a storyline. Berger points to the increasing geographic interconnectedness of the postmodern world as a main cause for "our constantly having to take into account the simultaneity and extension of events and possibilities":

There are many reasons why this should be so: the range of modern means of communication: the scale of modern power: the degree of personal responsibility that must be accepted for all events all over the world: the fact that the world has become indivisible; the unevenness of economic development within that world; the scale of exploitation. All these play a part. Prophecy now involves a geographical rather than historical projection; it is space not time that hides consequences from us ... Any contemporary narrative which ignores the urgency of this dimension is incomplete and acquires the oversimplified character of a fable. [\[FN16\]](#)

In this remarkable passage, Berger contends that that any narrative, legal or historical, that ignores the geographic "simultaneity and extension of events and possibilities" is a narrative that is likely more a construct of a storyteller's imagination rather than an accurate as possible representation of the material world. Such a narrative actually hides from the audience the consequences and realities of the material world.

If dominant narratives obscures the way power flows through spaces and places, then critical scholars must employ counter-narratives that inquires into the way that spaces and place structure and organize hierarchical social relations. As geographer Edward Soja argues, "[a]ll social relations become real and concrete, a part of our lived social existence, only when they are spatially 'inscribed'-- that is, concretely ***247** represented-- in the social production of social space. Social reality is not just coincidentally spatial,

existing 'in' space, it is presuppositionally and ontologically spatial. There is no unspatialized social reality. There are no aspatial social processes." [\[FN17\]](#) In other words, the social is the spatial, and the spatial is the social. Accordingly, we cannot discuss social reality without understanding its spatial/geographic context. Thus, we must ask, what relationship exists between discourse and the organization and production of social space?

Soja, therefore, calls for a "critical sensibility to the spatiality of social life, a practical theoretical consciousness that sees the lifeworld of being creatively located not only in the making of history but also in the construction of human geographies, the social production of space and the restless formation and reformation of geographical landscapes." [\[FN18\]](#) Such a critical geographical methodology views the "social being actively emplaced in space and time in an explicitly historical and geographical contextualization." [\[FN19\]](#)

Moreover, in terms of the role that emplotted narratives play in the law, these narrative choices about which spaces and places to include and exclude in a narrative are choices that can help to mask and obscure power relations and power dynamics. As geographer Doreen Massey explains, "[s]ocial space can helpfully be understood as a social product, as constituted out of social relations, social interactions. Moreover, precisely because it is constituted out of social relations, spatiality is always and everywhere an expression and a medium of power." [\[FN20\]](#)

Thus, critical legal theorists should explicitly theorize about space, because the organization and production of space is ultimately about social and political control and power, and therefore we cannot fully understand the phenomenon of power without understanding how power operates through and in spaces and places. For example, not only must a theory on race relations ask how society has relied on historical and cultural norms to construct racial categories, but it must also ask how a particular society has used space to construct racial categories, and ask how the legal production and representation of space works to create and perpetuate racial oppression.

By showing that a story achieves its meaning and persuasiveness by burying and discounting relevant facts, often by restricting and fixing the spatial scope of a narrative, critical scholars can deconstruct dominant legal narratives for delving into the realm of fantasy and imagination. Moreover, by employing a geographic consciousness, critical scholars can begin to construct effective counter-narratives. As Doreen Massey contends, "An understanding of spatiality ... entails the recognition that there is more than one story going on in the world." [\[FN21\]](#) Further, **248* "[s]pace/spatiality ... is the sphere of the meeting up (or not) of multiple [narrative] trajectories, the sphere where they co-exist, affect each other, maybe come into conflict." [\[FN22\]](#) Similarly, Soja contends that in order to deconstruct hegemonic narrative representations of history, with its "compulsion toward linear, sequential, progressive, homogenizing conceptions of history," it is necessary to "blast the embedded historical subject out of its temporal matrix and into a more ... spatial contextualization." [\[FN23\]](#)

Having argued for the importance of incorporating a geographic consciousness into critical analysis, this Essay suggests two ways of critically examining the spaces and places of a narrative: (1) first, a critical analysis could examine the geographic scale or setting of a narrative. This inquiry asks where does the story take place? It also asks where else could it have taken place? (2) Second, a critical analysis could examine the movement of people within the spaces and places in which the narrative unfolds. This line of geographic inquiry assumes that where people are located has great significance and can tell us much about the way racism operates. Thus, in examining any narrative,

it will always be fruitful to ask questions such as: where are people located? Where did they come from? How long have they been there? And how did they get there?

III. ANALYZING THE SPATIALITY OF RACISM IN RICHMOND V. J.A. CROSON CO.

This Section will apply a geographical critique of the legal narrative in Justice O'Connor's plurality decision in *Richmond v. J.A. Croson Company*. In doing so, this Section will contend that systems of racial inequality rely significantly on the organization of space and place in order to perpetuate such systems.

In *Croson*, the Supreme Court decided a case dealing with the constitutionality of state and local government race-conscious affirmative action programs. The affirmative action set-aside at issue had been enacted in 1983 by the black majority controlled Richmond City Council. [\[FN24\]](#) The City of Richmond enacted the set-aside based on evidence that showed that, between 1977 and 1982, while the city of Richmond consisted of a 50% black population, only .67% of the general construction contract dollars went to black owned businesses. Under the set-aside, any contractor submitting a bid for a city contract was required to sub-contract 30% of the contract dollar value to one or more minority business enterprises (MBE). [\[FN25\]](#) The set-aside defined an MBE as a business owned and controlled by a "black, Hispanic, Oriental, Indian, Eskimo, or Aleut." The set-aside did not place any geographic limitations on MBE eligibility; in other words, an MBE did not have to be located within the city of Richmond in order to participate in the program.

J.A. Croson Company, a white-owned general contracting firm incorporated in Ohio, challenged the legality of the set-aside, after the City refused to accept *Croson's* low bid on a construction contract, because it did not propose to subcontract 30% of the contract award to an MBE. *Croson Company* sued in Virginia state court, challenging the set-aside on state law and equal protection ^{*249} grounds. [\[FN26\]](#) The lawsuit was subsequently removed by the city of Richmond to federal district court. [\[FN27\]](#) The federal district court ruled that the city had state law authority to enact the set-aside, and that the set-aside did not violate the equal protection clause. On appeal, the Fourth Circuit Court reversed the district court's ruling, holding that the set-aside violated the equal protection clause. The Fourth Circuit, however, upheld that district court's ruling on the state law issue of whether the city of Richmond had authority under state law to enact the set-aside. [\[FN28\]](#) However, the Fourth Circuit reversed the district court's ruling on the constitutionality of the set-aside, holding that the program violated the equal protection clause. [\[FN29\]](#) The Supreme Court then affirmed the Fourth Circuit decision and struck down the Richmond set-aside, holding that race-conscious set-aside violated the equal protection clause because it invidiously discriminated against white general contractors on the basis of their race.

In striking down the set-aside, the Court held that state and local government action programs must be subject to strict scrutiny, and that Richmond's program failed to meet strict scrutiny review because the Richmond City Council failed to prove that it had a compelling interest in enacting the program. One important aspect of Justice O'Connor's opinion was her conclusion that the Richmond City Council failed to show that past identified racial discrimination in the Richmond construction industry was the cause for the fact that 99% of the general contracting awards went to white owned businesses. [\[FN30\]](#) She criticized the city council for relying on "an amorphous notion of societal discrimination" to justify the set-aside. She concluded that in enacting the set-aside, the Richmond City Council was probably acting out of pure racial politics, acting out of a desire to harm white interests in order to benefit black interests. [\[FN31\]](#)

In dissent, Justice Marshall criticized the majority for taking such a cynical view of the Richmond City Council, and contended that the Court should have respected the City Council's conclusion that racial discrimination existed in the Richmond construction

industry. He noted that, "[a]s much as any municipality in the United States, Richmond knows what racial discrimination is The members of the Richmond City Council have spent long years witnessing multifarious acts of discrimination, including, but not limited to, the deliberate diminution of black residents' voting rights, resistance to school desegregation, and publicly sanctioned housing discrimination." [\[FN32\]](#)

In response, Justice O'Connor asserted that the history of school desegregation in Richmond is irrelevant in defining the "scope of any injury to minority contractors in *250 Richmond or the necessary remedy." [\[FN33\]](#) She concluded, "[t]he set-aside seems to rest on an unsupported assumption that white prime contractors will not hire minority firms." [\[FN34\]](#)

In Croson, Justice O'Connor constructed a narrative in which the black majority City Council acted out of racial politics and enacted an affirmative action program to benefit its black constituents based on an unsupported assumption that white contractors will not work with minority firms. Was Justice O'Connor right? Was the set-aside based on an unfounded assumption that whites will not hire blacks?

This Essay contends that the assumption that whites will not hire blacks was a credible and realistic assumption, especially when the Richmond construction industry is put into geographic context. Just as Justice Marshall contended, the history of school desegregation and white flight is indeed relevant to the exclusion of black contractors. But, in merely reciting a laundry list of acts of racial discrimination, Justice Marshall failed to adequately connect the history of white resistance and flight from school desegregation to the exclusion of black contractors in the Richmond construction industry. [\[FN35\]](#)

The acts are deeply connected, but liberal legal theory cuts up and compartmentalizes the same phenomenon, racial subordination, and divides it into distinct legal issues that are then no longer considered "legally" relevant to each other. Thus, according to the law, housing discrimination, electoral discrimination, and school segregation are legally distinct racial harms. Legal categorization of these injuries removes them from their historical-spatial context. As legal harms, plaintiffs must prove each separate harm, based on separate, analytically distinct "legal tests" to determine if they have proved their claim of constitutional injury.

However, once these seemingly separate harms are placed in their proper historical and spatial context, these separate legal harms are revealed as manifestations of a singular phenomenon: the systematic racial inequality experienced by black Richmond residents. Ultimately, all three separate harms mentioned by Justice Marshall were harms structured and organized by geography, harms that worked together to contribute to the continuing spatial subordination of blacks. Spatial subordination is the process by which space and place are organized in ways to create and reinforce the socioeconomic, cultural, and political power of a group.

In the context of Croson, we can begin to see the connections between the various racial harms by examining the everyday spatial realities of whites and blacks in Richmond. Examining the everyday spatial realities of life in Richmond requires asking the where questions: where do people in Richmond live? Where do blacks live? Where do whites live? Where are the spaces and places that black and white people move and travel through? Where do whites and blacks work? Do they work together in the same places during the same time? Where do whites and blacks socialize?

A historical geographical analysis of Richmond reveals that the seventies were the height of white flight from the Richmond central city. Whites left for the surrounding suburbs in

part to escape from a federal court school desegregation **251* order. As whites left the city of Richmond, the black percentage in Richmond grew, until they became the numerical majority. Thus, the everyday spatial lives of whites and blacks in Richmond were characterized by a deep spatial separation, as whites moved away from the city of Richmond into the Richmond suburbs. Whether whites migrated because of racial prejudice is not relevant to the ultimate effect: the construction of spatial segregation between white and black residents in the greater Richmond metropolitan area.

The spatial separation between the races has great significance for the existence of racial disparities in the Richmond construction industry. If whites and blacks do not live and play together, then it is also likely that they do not work together, especially in an industry that depends heavily on personal networking for conducting business. To understand the nature of racial disparities in public contracting, it is necessary to understand the relationship between private contracting and public contracting. The importance of personal networking is especially important in the private construction industry, because transactions between private contractors are basically unregulated. There are no federal laws proscribing racial discrimination in private commercial transactions between two business firms. [\[FN36\]](#) Moreover, the private construction industry does not use the sealed, competitive bidding process. Thus, while state law requires the City of Richmond to award contracts to the lowest responsible bidder, private contractors are under no obligation to do so.

Accordingly, the general rule of thumb in the private sector is that "customers often choose their suppliers for non-economic reasons such as friendship, social, political, or ethnic ties, or for economic reasons prohibited in public procurement, such as returning a business favor, or wanting to develop an alternative supplier." [\[FN37\]](#) Moreover, "general contractors typically work with subcontractors with whom they are familiar because of the general contractor's overall responsibility for the work." [\[FN38\]](#) Thus, general contractors forge business relationships and networks with subcontractors in the private construction transaction, which is relevant to public contracting because these same general contractors also bid on public contracts, and when they subcontract out public contracting work, they will do so based on relationships created and fostered in prior private construction dealings.

Accordingly, there simply is no incentive, economic or otherwise, to seek unknown black contractors with whose work they are not familiar with. As Professor Robert Suggs asserts, "[a] prime contractor has no obligation to select the subcontractor submitting the lowest bid, and nondiscriminatory reasons (such as previous working relationships, friendships, greater size or experience) readily explain a decision to stick with an established and known subcontractor." [\[FN39\]](#) Thus, in a racially segregated Richmond, where whites do not live with blacks, it is difficult for whites and blacks to become friends, neighbors, and business associates. And this is why we need to closely examine the everyday lives of marginalized racial **252* groups. If, indeed, opportunity networks are forged in everyday life, in neighborhoods, at PTA meetings, at schools, at parks, at dinner parties, at birthday celebrations, at town meetings, then the continuing segregation of the races in Richmond actively denies blacks and other minorities access to this opportunity network.

Thus, Justice O'Connor's assertion that "the set-aside of subcontracting dollars seems to rest on the unsupported assumption that white prime contractors simply will not hire minority firms" is undermined once the set-aside is examined in the context of the everyday spatial lives of African Americans in Richmond. The continuing racial segregation between whites and blacks strongly supports the assumption that white contractors will not hire minority firms for the simple reason that whites simply do not come into contact with blacks. In fact, in Croson, Croson Company did not know any

minority subcontractors, and therefore had to obtain a list of available minority businesses from several state and local agencies.

The Croson case is a great example of what geographer Edward Soja means when he says that "space more than time hides consequences from us, and that geographical issues are more fundamental in contemporary politics and daily life than historical ones." [\[FN40\]](#) Croson shows us that whether whites and blacks socialize together has material consequences. Racial subordination, therefore, is a multidimensional, multi-causal, interconnected system that operates through all facets of our everyday lives, and examining the spatiality of everyday life can help to reveal connections that we otherwise would overlook.

Now, based on a rather cursory examination into everyday spatial lives of blacks and whites in Richmond, let us reexamine the justifications and rationales for minority contracting set-asides. The set-aside can be seen as another strategy, like school desegregation, to integrate American society, and to provide access for historically excluded groups to the opportunity structure. The set-aside, therefore, was one tool available for the Richmond City Council to open up the closed opportunity structure in the Richmond construction industry. By requiring general contractors to subcontract to minority firms, the set-aside could have fostered working relationships and friendships between white and black firms, so that general contractors would subsequently consider hiring the minority firm in private construction contracts. If successful, the set-aside could have helped minority firms gain access to networking opportunities, develop working relationships, and ultimately make set-asides unnecessary in the future.

IV. REVISITING THE NARRATIVE CONSTRUCTION OF MATERIAL REALITY

Using a critical geography to critique dominant narrative constructions of social reality is a way to expose such narratives for failing to capture the everyday, subtle, hidden dimensions of racism and racial subordination. This Essay will conclude with a few additional thoughts about the process of constructing social reality through narratives. As argued earlier, a narrative achieves coherency when it creates a logically consistent, self-contained reality, a reality that is consistent with the narrative's plot. [\[FN41\]](#) A story with a self-contained reality produces self-referential ^{*253} knowledge. Such knowledge, in other words, legitimates or justifies itself ultimately by referring back to itself. In such a coherent, self-referential narrative, there is no need for the reader to go outside the text of the story to seek answers to the questions raised in the case. Hence, a coherent narrative provides closure, because it satisfies the reader's desire for the answers.

However, to the extent that a narrative creates a self-contained, self-referential reality, such a narrative produces a misleading and distorted mapping of material reality, of the world out there. Such coherent legal narratives make sense to the audience/reader, because they are logically consistent, not because they have any relation to what is actually occurring in the material world. Such a narrative succeeds in inviting "a reader to give primary attention to propositional connections of reference and internal connectedness (and hence set aside external connections of reference, verification, and so on)." [\[FN42\]](#)

Moreover, there is an epistemological assumption underlying the narrative construction of social reality. The belief that coherent emplotted narratives accurately construct social reality is premised on an epistemology that assumes that there are immutable, objective truths about the world, and that those truths can be discovered. [\[FN43\]](#) And according to this epistemology, once a "truth" is discovered, logically, there is no further need for inquiry into the matter, since an absolute, objective truth provides the conclusive answer to the question that initiated the search for that truth. Such an epistemology,

however, is a distorted mapping of material reality. The "reality" is that knowledge is always contingent, partial, contextual, and is always subject to revision, modification and further inquiry.

To be sure, we cannot totally escape from knowing the world through narratives. However, what we can do is to try to distinguish between legal narratives that lead us to concrete, empirical knowledge about material reality, and narratives that lead us to self-referential, abstract knowledge that is divorced from material reality. Narratives that correspond to material reality will always raise new questions and further avenues for investigation and research. They will direct us towards empirical questions rather than metaphysical questions. Narratives that correspond to material reality will always produce new knowledge, new facts, new information, and sometimes, even new ways of seeing the world. Narratives that do not correspond to material reality will tend to reinforce preexisting abstract beliefs and assumptions; in short, a self-contained narrative will tend to reinforce the truth and correctness of itself.

The call for critical materialist discourse, then, should be seen as call to produce narratives that deconstruct dominant legal narratives while simultaneously constructing new, liberating knowledge and new avenues for social transformation.

Footnotes:

[FN1]. Associate Professor, Appalachian School of Law. I would like to thank Jackie Davis for her helpful comments in writing this essay.

[FN2]. See generally Richard Delgado, [Two Ways to Think About Race: Reflections on the Id, Ego, and Other Reformists Theories of Equal Protection](#), 89 GEO. L. J. 2279 (2001).

[FN3]. See generally PATRICK EWICK & SUSAN SILBEY, THE COMMON PLACE OF LAW: STORIES FROM EVERYDAY LIFE, 213 (University of Chicago Press 1998); PETER KOLLOCK & JODI O'BRIEN, THE PRODUCTION OF REALITY: ESSAYS AND READINGS IN SOCIAL PSYCHOLOGY (Pine Forge Press 1994).

[FN4]. Hayden White, The Value of Narrativity in the Representation of Reality, in ON NARRATIVE 2 (W.J.T. Mitchell ed. 1980).

[FN5]. Richard Delgado, Storytelling for Oppositionists and Others: A Plea For Narrative, 87 MICH. L.R. 2411, 2412 (1989).

[FN6]. See ANTHONY G. AMSTERDAM & JEROME BRUNER, MINDING THE LAW 112 (Harvard University Press 2000) ("[T]he very writs that defined causes of action at common law were rather like plot summaries of the founding narratives of various myth-like narrative genres.").

[FN7]. J.M. Bernstein, Self-knowledge as Praxis: Narrative and Narration in Psychoanalysis, in NARRATIVE IN CULTURE: THE USES OF STORYTELLING IN THE SCIENCES, PHILOSOPHY, AND LITERATURE 55 (Christopher Nash ed. 1990).

[FN8]. EWICK & SILBEY, supra note 3, at 200.

[FN9]. See Paul Riceour, Narrative Time, in ON NARRATIVE 167 (W.J.T. Mitchell ed. 1980).

[FN10]. Bernstein, supra note 7, at 55.

[FN11]. WILLIAM LOWELL RANDALL, THE STORIES WE ARE: AN ESSAY IN SELF-CREATION 121 (Univ. of Toronto Press 1995).

[FN12]. See generally WENDELL JOHNSON, PEOPLE IN QUANDARIES: THE SEMANTICS OF PERSONAL ADJUSTMENT (Harper & Row 1946).

[FN13]. HAYDEN WHITE, THE CONTENT OF THE FORM: NARRATIVE DISCOURSE AND HISTORICAL REPRESENTATION 24 (John Hopkins Univ. Press 1987).

[FN14]. See generally S.I. HAYAKAWA, LANGUAGE IN THOUGHT AND ACTION (5th ed., Harcourt Brace Jovanovich 1990) (1949).

[FN15]. EDWARD W. SOJA, THIRDSPACE: JOURNEYS TO LOS ANGELES AND OTHER REAL-AND-IMAGINED WORLDS 165 (Blackwell 1996) (quoting JOHN BERGER, SELECTED ESSAYS AND ARTICLES: THE LOOK OF THINGS 40 (Nikos Stangos ed., Viking Press 1974)).

[FN16]. *Id.* at 165-66.

[FN17]. HENRI LEFEBVRE, THE PRODUCTION OF SPACE 28-29 (Blackwell 1991).

[FN18]. EDWARD W. SOJA, POSTMODERN GEOGRAPHIES: THE REASSERTION OF SPACE IN CRITICAL SOCIAL THEORY 11 (1989).

[FN19]. *Id.*

[FN20]. Doreen Massey, Space/Power, Identity/Difference: Tensions in the City, in THE URBANIZATION OF INJUSTICE 104 (Andy Merrifield & Erik Swyngedouw eds., New York Univ. Press 1997).

[FN21]. Doreen Massey, Spaces of Politics, in HUMAN GEOGRAPHY TODAY 281 (Doreen Massey, John Allen & Phillip Sarre eds. 1999).

[FN22]. *Id.* at 283.

[FN23]. SOJA, *supra* note 15, at 173.

[FN24]. [City of Richmond v. J.A. Croson Co.](#), 488 U.S. 469, 486 (1989).

[FN25]. [Id.](#) at 477.

[FN26]. [J. A. Croson Co. v. City of Richmond](#), 779 F.2d 181, 182 n.1 (4th Cir. 1985) vacated by [478 U.S. 1016](#) (1989).

[FN27]. *Id.* at 483.

[FN28]. [J. A. Croson Co. v. City of Richmond](#), 779 F.2d 181 (1985).

[FN29]. [J. A. Croson Co. v. City of Richmond](#), 822 F.2d 1355, 1358 (1987), *aff'd*, [488 U.S. 469](#) (1989).

[FN30]. [Croson](#), 488 U.S. at 498.

[FN31]. [Id.](#) at 502.

[FN32]. [Id.](#) at 529, 544.

[\[FN33\]. Id. at 471.](#)

[\[FN34\]. Id. at 502.](#)

[\[FN35\]. Id. at 544.](#)

[\[FN36\]. Robert E. Suggs, Racial Discrimination in Business Transactions, 42 HASTINGS L.J. 1257, 1263 \(1991\).](#)

[\[FN37\]. Id. at 1284-85.](#)

[\[FN38\]. Id.](#)

[\[FN39\]. Robert E. Suggs, Rethinking Minority Business Development Strategies, 25 HARV. C.R. C.L. L. REV. 101, 115-16 \(1990\).](#)

[\[FN40\]. SOJA, supra note 15, at 166.](#)

[\[FN41\]. See Robert Scholes, Language, Narrative, and Ant-Narrative, in ON NARRATIVE 207 \(W.J.T. Mitchell ed. 1981\) \("\[I\]n fiction the events may be said to be created by and with the text."\).](#)

[\[FN42\]. Peter Lamarque, Narrative and Invention: The Limits of Fictionality, in NARRATIVE IN CULTURE: THE USES OF STORYTELLING IN THE SCIENCES, PHILOSOPHY, AND LITERATURE 149 \(Christopher Nash ed. 1990\).](#)

[\[FN43\]. See Kim Scheppele, Legal Storytelling: Foreword: Telling Stories, 87 MICH. L. REV. 2073, 2085 \(1989\).](#)