

Cluster IV

*425 SEVENTH ASPECT OF SELF-HATRED: RACE, LATCRIT, AND FIGHTING THE STATUS QUO

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I. INTRODUCTION

My friend Professor Roberto Corrada asked me at the fifth LatCrit conference, "Are you a LatCrit?" LatCrit has been described as an emerging field of legal scholarship that examines critically the social and legal positioning of Latinas/os, especially Latinas/os within the United States, to help rectify the shortcomings of existing social and legal conditions Participation in this field of legal studies is not limited to 'Latinas/os' nor any other category of identity [FN1]

My answer, yes, to Professor Corrada was incomplete. His question was a product of the issue of essentialism that has haunted LatCrit and RaceCrit conferences since the beginning. Essentialism in this context is the issue of what universalisms are used as the focus of the analysis and definition of an identity, including race, gender, and sexual orientation. We have organized our theoretical work around various identities in the critical community--race, gender, sexual orientation, and class. This identity-focused organization raises the issues of (1) when and to what extent does a particular identity matter in doing these analyses, and (2) what is included in those identities. The unresolved issue of this critical identity-*426 focus is that the various critical communities have used different filters to determine what and how identities matter to their analyses. Critical communities tried to address this identity confusion problem by having BlackCrit sessions at LatCrit conferences, talking about sexuality at RaceCrit conferences, and having an all crit conference, but none of these efforts were completely satisfactory. LatCrit has done a remarkable job eluding those problems, but the issue raised by Professor Corrada's question--how to define our identities--has not been completely vanquished by moving from RaceCrit toward LatCrit. I believe that Latina/o is an identity obviously situated in more camps than race. LatCrit starts with a multiplicity that race does not always require. However, no identity can be completely open, even if the only requirement is to affirmatively claim membership in the group. The question that Professor Corrada was really raising was whether it is possible to be Black, nonhispanic, [FN2] and a LatCrit.

This short Essay is a longer and, I hope, a better answer to this interrogation of identity. If I claim to be a LatCrit when I am Black, do I steal the vision of oppression of Latinas/os and make it a vision of my oppression? If I claim to be a LatCrit when I am Black, will I become the story? The answer to these questions is complicated, but a partial answer is that I have many identities, and one of them in some situations may be to be Latino or Asian. To completely answer Professor Corrada's question, one has to

delve into the questions of what is identity. How do we claim various identities in our legal and other lives? And, how do we deal with the fear created by claiming or declining to claim identities? This Essay will describe those fears created by identity confusion, discuss the many identities people can claim in their lives, and try to claim my identity.

Part of the answer to Professor Corrada's question is a response to the self-hatred associated with fear of identity. Many of us cannot see ourselves as Black, female, Latina/o, or Asian, and we fear and hate being associated with those identities. It is part of our definition of ourselves. "I am Black and not Latino," is a response that can contain an element of self-hatred. Our identities are bound up with the question of self-hatred. Is **427* it possible to avoid self-hatred in fighting racial and other forms of oppression, or do we become what we oppose when we claim an identity?

This is a difficult Essay to write because it requires me to acknowledge my own demons of self-hatred. In this Essay, I concentrate on the racial, ethnic, and cultural issues raised by critical race theory and LatCrit, but the issue of self-hatred is just as important for those of us who see ourselves as feminists or queer. To be a woman or gay or lesbian in our society must involve issues of personal inferiority (self-hatred).

Society oppresses Latinas/os, Black people, the poor, women, and sexual minorities in part by making them participants in their oppression. Personal involvement in oppression can breed self-hatred. Every time a Black person is told to fear the "Blackness" of others, he joins in the calumny against Black people. Every time a Latina fears seeming too Latin, she becomes a participant in her oppression. Every time a gay male becomes a Marine, soldier, or sailor to find his manliness, that gay male becomes a participant in his own homophobia. Every time a lesbian woman decides she must dress more demurely, she becomes a participant in the misogynistic and homophobic state of our society. It is not possible to keep racial minorities, women, gay, lesbian, or bisexual people in "their place" without personal participation in that oppression. Some aspects of that participation are harder to acknowledge than others.

This Essay is about the seventh aspect of self-hatred. The seventh aspect of self-hatred is my description of society's support for people to reject our race, reject our sexual orientation, and reject our gender. This seventh aspect of self-hatred is a sister of the fear of opposing the status quo. If this is the seventh aspect of self-hatred, what are the first six? [FN3] This Essay will not try to specify the answer to that question. Self-hatred, like racism, is multi-layered. Every time you think you have gotten free, another aspect of self-hatred reaches up to ensnarl and seduce you.

The first six layers of self-hatred are those aspects of self-hatred that most self-aware persons of goodwill overcome. I will make no effort in this Essay to sketch out these other six aspects of self-hatred. They include all those aspects of self-hatred born in the acknowledgment of gender, racial, and sexual orientation oppression.

The seventh aspect of self-hatred is the part of self-hatred that captures those who acknowledge the earlier six. People who harbor the seventh aspect are opposed to gender, racial, and sexual orientation oppression, but still have unresolved aspects of self-hatred. The seventh aspect is, therefore, the most difficult to acknowledge and eliminate. All of the defensive mechanisms associated with self-hatred are present and the **428* additional defensive response that "I am not a sexist, racist, or homophobe" is used to blunt our acknowledgment of our condition. "I have fought valiantly against racism and sexism all my life," we claim when our self-hatred is exposed. "My brother is gay, my sister is a lesbian, and my mother is, after all, a woman," we respond when our misogynistic and homophobic behavior is exposed. "I married a person of color and my children are people of color," we exclaim if someone questions our true commitment to

racial justice and opposition to racial oppression. Some of us even say, "I am gay, or I am a Latina/o, or I am an Asian." All of these responses hide aspects of unexamined racism, homophobia, sexism, and self-hatred.

This seventh aspect of self-hatred is the hardest part of self-hatred for us to find and acknowledge. It is another safe place where oppression allows us to hide from the reality of oppression. By getting racial minorities and sexual minorities to help enforce their own oppression through the seventh aspect of self-hatred, the cost of enforcing these oppressions are minimized, perhaps making possible what otherwise would be an unsupportable system. The seventh aspect is more important than we at first are able to accept.

II. FEAR OF IDENTITY

A number of years ago, in my first year of teaching at Duke Law School, I was hospitalized for two days in intensive care. I ended up in the hospital for a week with--until that incident--undiagnosed diabetes. My blood sugar was recorded at 1360 (100 is normal) when two of my friends and colleagues rushed me to the hospital. The doctors told me that my blood sugar numbers set a new record for someone who arrived alive and almost conscious at Durham Regional Hospital. I discovered at that point that I was an undiagnosed diabetic and learned to give myself insulin subcutaneously. This diagnosis presented me with a new set of rules that defined that new identity. I worried about a whole different array of food and life issues. I added exercise to my routine and changed my diet extensively. I had diabetes, but I did not consider myself diabetic despite those changes.

Shortly after I returned to teach my first year law students after my hospital sojourn, a third year student came to my office. This student was a very muscular Black man in his mid-twenties. He told me that he had been diagnosed with type-one diabetes as a youngster. He had come to my office to welcome me to the community of diabetics. He explained many things I knew and a number of things that I did not know about diabetes. I remember very clearly my unease with that conversation. It is only much later that I can articulate what it was that was unsettling about his words ^{*429} and efforts. This student saw me as a diabetic while I still saw myself as someone who had discovered I had diabetes.

I was unwilling to join the community of diabetics because of what it would mean to me. I was a liberal. I knew that one could not hold it against someone that he was a diabetic. My mother, then still alive, was a diabetic, but the shame--the internalized shame--of admitting that I was in that company was too much for me. I hated what was part of me, and the thought that I shared this ugly, terrible disease with lots of other people terrified me and drove me to reject that identity.

Before I took insulin I saw myself differently. I was an independent person. If my faculty was going to deny me tenure or give me grief, they could, but they could not control me. I felt invulnerable to the full affects White supremacy imposed upon me. I thought that, in the back of my mind, I could always wash dishes or sweep floors if it became necessary. I was not dependent on others for their approval or their permission. I think it is similar to that feeling of invulnerability that people who live in gated communities feel about crime and urban problems. Those people realize the problems exist but they do not feel that the affects can touch them. I am a Black person who understood that I was not invulnerable to all aspects of White supremacy, but with respect to my health I thought of myself and saw myself as invulnerable to the selection of bad things that were likely to occur. Being dependent on insulin changed that world-view; I felt vulnerable to anyone who might take my insulin. It was that acknowledgment of

vulnerability that made the acceptance of being a diabetic so difficult. Ultimately, only giving up the myth of my invulnerability would allow me to accept my new identity.

Eighteen months ago, I saw the fear in my family doctor's eyes as he moved away from me to explain that my kidney function was at ten percent and that most people with such a low kidney function have to go on kidney dialysis within six to eighteen months. He told me, moving even farther from me, that dialysis changed patients' lives. I did not, at that point, understand what he meant, but I knew from his effort to move as far from me as possible that this was not good news.

I had always identified very closely with the fortunate people. I saw myself as one of the elected, the elite, and the talented tenth. Most of the things I wanted to do in my life I have had the opportunity to do. This thing could not be happening to me. But almost exactly six months and three operations later, I began kidney dialysis. Three times a week, approximately every other day, I spend four and a half hours having all of the blood drained from my body and having that blood cleaned and pressed and returned to me. I have for the last year been a member of the hemo-dialysis community. This community is a tightly controlled government health care system that provides pretty good care--if you can gain adequate access. It was easier for me to see myself as a member of [*430](#) that hemo-dialysis community than as a member of the diabetes community.

Eighteen months after I was hospitalized in the intensive care unit, I stopped taking insulin after altering my eating and my exercise regime and getting my blood sugar level consistently at normal low levels. Sometime within those eighteen months, I admitted to myself that I was, and now describe myself as, a diabetic. I would drop that fact into conversations at appropriate points. I came to accept the truth of that identity. It was not an identity that existed at every moment. In many conversations there was no reason to deal with the issue of diabetes, and I did not raise it, but the unease I felt about becoming a member of another community--of adding another identity to the many I put on--stopped troubling me. I am now comfortable with my membership in the kidney dialysis and diabetic communities. Both communities are significantly made up of Black and poor and old people. I feel empathy with each of those groups, but I do not belong to all of those groups at the moment. This suggests another point that people who question the role of identity miss. All of our identities change over time. If we are fortunate, we stop being young adults and eventually become old and, if we are lucky, ancient people. However, other identities, besides age, are also transitory. We may start out as able-bodied individuals, but through bad luck, age, or health misfortune we become disabled.

I have a state-issued disabled placard for my windshield that permits me to park in the disabled spots at the law school parking lot, and allows me free parking at meters on campus and reduced parking prices at the airport. I am not in a wheel chair. When I drive up in my ancient BMW convertible I get looks from some people who appear to me to think, "He does not appear sick," "He is not disabled," "He is seeking special rights for himself," or "He is the reason there are so many empty spots near the door of the law school, airport departure lounge, and supermarket that require me to walk a long distance to shop or park." I initially resisted getting a placard for my automobile because I did not want to be seen as weak, or as not able to take care of myself, but I discovered that some days after dialysis I have trouble walking even short distances. I feel weak sometimes for no reason and I am not always sure when that will happen. Some days I feel stronger than I have in years and on those days I feel as if I could do whatever I wanted, as I could in the past. What kidney dialysis taught me is that identity is not permanent, either in a time sense or even from moment to moment. I engage in the seventh aspect of self-hatred when I fail to put my disabled placard on my rearview

mirror because I fear that someone I may meet and hopefully date might assume that I have AIDS. I can wait to tell people I meet or date that I am a diabetic or a hemodialysis patient (Is that a second or third date information?), but when someone sees the placard in my windshield and *431 they look at me, they have to guess what my disability is. I fear the guess of AIDS. My fear of being seen as carrying that disease is a form of the self-hatred of my disabled identity. I do not have AIDS, but by being afraid of "wrongly" being seen as having AIDS, I help to make AIDS an even greater burden to bear for those who are affected. Indeed, I make it harder for myself if I should contract this disease. I do not have AIDS, at the moment, but that too is a potential temporary condition, and there are no guarantees that it will last my whole life. My failure to see a connection between my disability and other disabilities, when there are costs, is part of the self-hatred that we have to find ways to reject.

I want to make it clear that I do not claim to know how any person should live her life. I think of my former student, Adam Milani, [FN4] who had to live with a disability longer than I have, and in ways that I can only partially understand. He now teaches law. He is a quadriplegic. When he was in my first year class, I tried to treat him like other students. After I called on him for an extended period one day in class, several of his classmates criticized me after the class for being too tough on him. I cannot judge if I was harder on him than others in the class. I think not--a view he agreed with after the incident--but we both might be wrong. Equality is a difficult thing to measure and to insure when no one on any two days is asked the same questions. Adam thought it was very important that neither he nor I should give in to his disability. He wanted me to treat him in the same way I did other students--maybe even a little tougher--to prove he was able to deal with anything anyone could throw at him. My point is not to say to Adam or anyone else how they ought to live with their own disabilities. I do not want to say to those with disabilities that you cannot climb Mount Everest, play major league baseball, or be better than fully able-bodied people. Every person has the right to live with their disability the best way they can. I am only urging those with disabilities not to engage in various forms of self-hatred. I do not know whether someone who is disabled will not accept my help because they hate the thought that some disabled people need help or because they do not really need my help. These are questions only a particular person can answer, but they structure the difficult task we face in challenging the box that self-hatred puts us in. We claim sometimes that we do things for positive wall-breaking reasons when in fact we are engaged in protecting our egos and are in fact self-hating. It is these hard questions of mixed motive that lie at the heart of the seventh aspect of self-hatred. We all have to face similar questions of how to fully accept the many identities we pass through in *432 life. When we are holding onto the myth of invulnerability that comes with being a "man," fully-abled, just an undifferentiated citizen of the republic, we cannot accept changing identities that expose our weaknesses.

Adam points out that some of his classmates may have been engaged in their own form of the seventh aspect of self-hatred. Were any of them asking themselves, "If I were a quadriplegic would I be able to compete with everyone on the same basis?" Adam's life raises the question of our own vulnerability to health changes. Most of us resist accepting that vulnerability in our lives and in the lives of others we know. We want people to deal with their disabilities in a way that makes it clear that it does not affect us "normal people." I think some of Adam's classmates put themselves into his shoes and thought, "I am not sure I could take that dialogic interchange if I were a quadriplegic." They hate the part of their identity that might come to pass. It is the equivalent of the fear among the lower White middle class that they might be seen as "n gers." They hate the part of them that might become an oppressed identity. In accepting that self-hatred, lower middle class Whites allow themselves to avoid the issue of the oppression of their own identities.

III. A LATCRIT VIEW OF RACIAL OPPRESSION

Being a tenured faculty member who is Black, Latino, gay, lesbian, or a woman involves accepting an identity. It is a different identity than being a diabetic or having to do hemo-dialysis. Embracing this identity is part of the job of being a law professor. A grave danger faced by educated people of color who accept their law professor identity is the trap of "specialness." The rule that we try to impose on people of color is that any questioning of the liabilities of race creates issues of special rules that are to be avoided, and "real" law professors of color are special versions of their race, gender, and sexual orientation. The second greatest danger is to not be able to acknowledge our gifts--our qualities that make us different and special. When those of us who are of color who, by luck, hard work, or the choice of good parents, have become educated scholars in the legal academy are told that we are different, it is a tempting song of self-affirmation. We tell ourselves, "I have gotten here by my struggle and worth." The truth of that hard work is easier to magnify than it is to accept that the claim is only an easy distortion of a larger truth about race, class, sexual orientation, and justice. To deny that I have been shaped by the Black me (as viewed by me and most outsiders) is to deny my experience. To reject that denial does not make me a victim, a "want-to-be-victim," or a victimizer of the non-Black majority in this country. If I cannot acknowledge my racial history, I must, in my denial, also deny its existence. I cut off a part of myself from others and that is a form of self-hatred. It is hard to acknowledge that self-hatred. If we deny its existence *433 we sit more comfortably in our tenured offices, we are accepted more willingly by our academic colleagues, [FN5] and our students are able to make easier sense of our lives. [FN6] However, that comfort is an illusion of self worth. To find that comfort level we must end up hating the real Black person, the real Latina/o, the real gay, lesbian or bisexual person, and the real identities that we belong to. We cannot be both special and claim the specialness that exists in the average other that belongs to our identities. To reject that specialness is a special form of self-hatred.

The law makes similar claims of specialness and innocence. The media and some courts assume that people who are killed by police violence are really only "victims" if they are totally innocent. LatCrit and critical race theory have argued that the undocumented worker who is running away from the police because he/she fears deportation is still entitled to protection from police violence. When we extend that protection only to brown or Black people who happen to be "special," we require of the people who belong to that identity an aspect of the seventh aspect of self-hatred. You are special exactly as long as you agree that others who share your identity are not special, not innocent, and not the beneficiaries of "special" protection because they are not citizens or do not speak English well enough. It makes those of us who are citizens and adequate English-speakers able to see ourselves as different. When the Supreme Court says to gays and lesbians that they have the right to walk in the St. Patrick's Day parade in Boston as long as they deny their gay or lesbian identities, [FN7] the Supreme Court reinforces exactly that aspect of self-hatred. When the current members of the Supreme Court say police may stop someone partially because of the color of his skin, [FN8] the Court reinforces that self-hatred. When courts and Congress say to employees that employers can discriminate against them because of the employees' accents or English speaking ability, [FN9] the court reinforces the self-hatred that exists in those who have overcome our accents and have an ability to speak English well. Speaking English makes us special. The seventh aspect of self-hatred is always a powerful and important issue in our lives whether we acknowledge it or not.

*434 There are self-hatred reasons why I might consider myself a LatCrit. I might be spying on the equivalent of a rival camp and claim to be a LatCrit to keep Latinas/os from harming my identities. I might claim to be a LatCrit to make the narratives and reality of oppression of Latinas/os about the oppression of my identities. I believe I am

not here for those purposes. I do not feel the rivalry with other people of color (even if others do), and I hope being associated with LatCrit has changed the way I do research and look at the world. I think I see the international impact of racial and other oppression more clearly after being in LatCrit for six years, and I understand the complicated question of intersectionality in more sophisticated ways.

Policing identity is a project most of us engage in at some time in our lives. There are two kinds of policing that take place in terms of identity. All of us police our own participation in an identity by constructing borders of inclusion and exclusion from the group we see ourselves belonging to. If I will not buy sheets because the flowery pattern feels too feminine, I am engaging in a policing of the boundaries of my male identity. Of course, not all preferences involve identity. Black and brown sheets may be equally masculine, but I might still have a preference for black over the brown. But it is important to acknowledge how much preferences come from our identity policing.

The second kind of policing is the policing we do of others as a group and as individuals. Part of the question of who belongs to a group is a question of the acceptance of the person in the group. If there are no longer essentialist answers to whether someone is a member of a group identity, then the question of the boundaries of that group are even more difficult to define. LatCrits have written powerfully about expanding those boundaries. [FN10] In particular Elizabeth Iglesias and Frank Valdes have pushed the boundaries to include Asian Americans, [FN11] gays, [FN12] and others *435 outside the continental United States. I raise the question of policing because it seems both central to having identity and inevitable.

I have always felt comfortable in the LatCrit community and welcomed by it. I feel very much policed by others who helped to construct that community and by my own reactions to being a member. I was added to the LatCrit board almost at the beginning, and I have always felt respectfully listened to when I have had the opportunity to speak. This does not mean that everyone is comfortable with my being a participant in that community or my claims to be a LatCrit. For such people, I will always lack bona fides that would permit my inclusion. Sometimes the effort to police is its own form of self-hatred. If I can say you are not Latina/o, then that strengthens my ability to feel comfortable with my own Latina/o-ness. Is it an accident that major participants in policing the identity of war heroes are men who do not have war hero records themselves? [FN13] Some of our efforts to police the borders of identity are the product of insecurity. Most of us are emphatic in our own defense of various identities whether it be male, female, lesbian, straight, American, Latino, Black, or Asian-American. The question for this Essay is why should I be allowed into the LatCrit project. I hope I have been a contributor to the collective project and always a Latina/o for the purpose of including a Latina/o story.

IV. CONCLUSION

Several years ago I was traveling in the first class section of an airplane. It was a small first class section with either six or eight seats and I was the only person of color in the section that day. I overheard a conversation between two sets of passengers who did not know each other but met on the plane. We were flying from Chicago to Los Angeles during the Christmas holiday season. One middle-aged White male, apparently traveling with his wife, asked an obviously retirement-age White heterosexual couple whether they were from Illinois. The older couple responded no, that they had spent most of their lives in California and had retired to Illinois. The middle-aged White couple said that was a surprising choice given the weather and everything, most people did the opposite, lived their formative years in Illinois and retired to places like California and Arizona. The couple said they left California because, "No one spoke English." To this

comment, the middle-aged White couple nodded knowingly and agreed, but said that is only true of "Southern" California. "Northern" California is not like that, the middle-aged White couple *436 insisted. The older White couple agreed adding, "But everyone is Asian there." I remained silent throughout that discussion.

I am a LatCrit because of that story. I remained silent and by doing so, I engaged in a form of the seventh aspect of self-hatred. I heard the racism in the words of those travelers and by remaining silent while they spoke their prejudices in front of me--though not to me--I participated in their saying that non-English speakers and Asians are the problem in the body politic of America. They thought they were not talking about me as a Black person in the first class section, but I feel a commonality with Latinas/os who have or are perceived as having language or accent issues and with Asians who are seen as "others." When those White travelers attacked others, they attacked me. By not claiming my Asianness and my Latina/o-ness, I became part of the oppression of others and myself. This is the reason that I am a LatCrit. To not claim the otherness that my White colleagues sometimes reject, I become what I fear. I become exactly what my White colleagues want me to be--a disembodied identity, unconnected to others in the academy who share my many oppressions. I am a LatCrit precisely because to fail to be is to engage in that self-hatred that I am trying to avoid.

How does one combat the seventh aspect of self-hatred? One way is to accept the multiple identities of others and to hear the power of their stories in our own lives. Hearing the oppression of others is also a first step to slaying self-hatred. It is a small step, but a step toward self-hatred's end.

I have willingly, happily and, I hope, constructively participated in all six LatCrit conferences. I was a member of the board of LatCrit, and I am happy to be seen by others as a LatCrit. I do not speak Spanish or any Romance language. I can make no claim that some ancestor of mine was born or raised in a Spanish speaking part of the Caribbean area. [FN14] I am just a rather ordinary Black American whose history is rooted in slavery in this country. I could claim some connection very indirectly through my Mexican-American sister-in-law and my very Chicano "appearing" nephews and nieces, but it is a very weak claim. I am a LatCrit for the same reason that Fran Ansley, [FN15] a White woman, is a powerful voice as a RaceCrit. She has seen the oppression of Black people and she has found it inappropriate to sit on the sidelines as a neutral observer of oppression. *437 I am a LatCrit for the same reason that Professor Mari Matsuda [FN16] is a vigorous proponent of the rights of Black, Latino and other non-Asian peoples as well as Asian and poor people in our society. Professor Matsuda has seen racial injustice and she has learned to understand the power of those voices. She heard those voices and spoke about their power even before her children--the first RaceCrit children--were born after her marriage to Charles Lawrence, [FN17] an African American. Mari has demonstrated the power that comes with listening at the gate of oppression in her collective response to a history of racial and class oppression. I am a LatCrit because Gerald Torres has written powerfully about race discrimination. [FN18] I am a LatCrit because Michael Olivas, [FN19] Margaret Montoya, [FN20] Leslie Espinoza, [FN21] and Richard Delgado [FN22] have made opposition to racial oppression an important part of their scholarship. I am a LatCrit because Angela Harris, [FN23] Robert Chang, [FN24] Anthony Farley, [FN25] Dorothy Roberts, [FN26] Robert Westley, [FN27] Sumi Cho, [FN28] and Devon Carbado [FN29] are LatCrits. But I am also a LatCrit because in their opposition to racial, *438 gender, and sexual orientation oppression, Frank Valdes, [FN30] Lisa Iglesias, [FN31] David Cruz, [FN32] Roberto Corrada, [FN33] Kevin Johnson, [FN34] and Berta Esperanza Hernandez-Truyol [FN35] are among the most powerful voices for change and inclusion in our society. I stand with them.

Epilogue

This Essay is about oppression. If you believe that discrimination is a thing of the past, this Essay speaks to a reality you do not understand. Robert Bork states,

[i]t is ironic that racism and sexism have been discovered to be the deep, almost ineradicable, sickness of this culture at precisely the time when they have been successfully overcome. If they have not entirely disappeared, they are mere wisps of their former selves, except when it comes to white, heterosexual males. [FN36]

If you agree with Robert Bork that racism, sexism, and homophobia are things of the past, you will find my unstated assumption that these issues still are very important concerns in American society and the law an echo of the past. Some who hold that view will conclude that self-hatred is a problem of women and racial and sexual minorities. But I would like to point out that this view of the reality of oppression has been heard before. When Congress passed Civil Rights Legislation after the passage of the Thirteenth and Fourteenth Amendments, the court helped to end reconstruction by finding that Congress lacked the power to pass such legislation. [FN37] Justice Bradley said for a majority on the Court:

**439* When a man has emerged from slavery, and by the aid of beneficent legislation has shaken off the inseparable concomitants of that state, there must be some stage in the progress of his elevation when he takes the rank of a mere citizen, and ceases to be the special favorite of the laws, and when his rights as a citizen, or a man, are to be protected in the ordinary modes by which other men's rights are protected. There were thousands of free colored people in this country before the abolition of slavery, enjoying all the essential rights of life, liberty and property the same as white citizens; yet no one, at that time, thought that it was any invasion of Their personal status as freeman because they were not admitted to all the privileges enjoyed by white citizens, or because they were subjected to discriminations in the enjoyment of accommodations in inns, public conveyances, and places of amusement. [FN38]

Certainly Robert Bork makes the same claim for racial minorities and other oppressed individuals today. [FN39] He would claim they have been the beneficiaries of legislation (Title VII, ADA, Equal Pay, and affirmative action). [FN40] The real people who are oppressed are White men. [FN41] Not all of our colleagues are willing to make that claim, but many agree with that view in the legal academy.

To raise the issue of self-hatred is to speak out of turn in the legal academy. Fortunately, I am comfortable with that part of the academy's claims and failure to engage real issues of racial reality.

I write about self-hatred with trepidation. Some will see my Essay as a form of blame-the-victim for the problems that racial and sexual minorities and women face in the academy. I fear that if we do not acknowledge that self-hatred, it is not possible to overcome its implications. Like a cancer untreated, self-hatred eats away at our very being. Like cancer, acknowledging its existence allows remedial strategies. Not all strategies work, but hiding from the truth will not cure cancer or oppression. The seventh aspect of self-hatred is not that normal angst that many feel in the academy. It is that continuation of oppression required of people of color, women, and gays in order to participate in the legal academy and society.

Footnotes:

FN1. Professor of Law, Duke University School of Law. Thanks to Jackie Person, Gerry Spann, Scott Lee, Trina Jones, Diane Diamond, Frank Valdes, Devon Carbado, and Leslie Espinoza for reading and criticizing earlier drafts of this Essay and providing other help. I also would like to thank my research assistants Leah Moore, Robert Bell, and Amy Killoran. I do not know if they agree with the ideas expressed in this Essay, but Robert Chang and Angela Harris forced me to complete this version.

FN1. Francisco Valdes, [Under Construction: LatCrit Consciousness, Community, and Theory](#), 85 CAL. L. REV. 1087, 1089 n.2 (1997).

FN2. Recent census data suggests that the question of who is a Hispanic (which may be any race in the census) is a fluid thing. Eric Schmitt described it this way in the New York Times:

For example, nearly 48 percent of Hispanics responding to the 2000 Census identified themselves as white and 42 percent said they were "some other race." In the test survey, which used highly trained enumerators to follow up with households that did not respond by mail, 63 percent of Hispanics identified themselves as white and 29 percent said they were "some other race."

Eric Schmitt, Census Data Show a Sharp Increase in Living Standard, N.Y. TIMES, Aug. 6, 2001, at A1.

FN3. The first six aspects of self-hatred remain off stage. They remind us of the difficulty of confronting self-hatred in our lives.

FN4. For examples of his work, see Adam A. Milani, [Better Off Dead Than Disabled?: Should Courts Recognize a "Wrongful Living" Cause of Action When Doctors Fail to Honor Patients' Advance Directives?](#), 54 WASH. & LEE L. REV. 149 (1997) and Adam A. Milani, [Living in the World: A New Look at the Disabled in the Law of Torts](#), 48 CATH. U. L. REV. 323 (1999).

FN5. See Richard A. Posner, The Skin Trade, THE NEW REPUBLIC, Oct. 13, 1997, at 40 (book review).

FN6. But see Jerome McCristal Culp, Jr., [Autobiography and Legal Scholarship and Teaching: Finding the Me in the Legal Academy](#), 77 VA. L. REV. 539 (1991) (discussing some of the issues missed by this perspective).

FN7. [Hurley v. Irish-American Gay, Lesbian & Bisexual Group](#), 515 U.S. 557, 574 (1995); see also Amy Bomse, Fictitious Equality: Speaking Difference and Silencing Difference (Apr. 27, 2001) (unpublished manuscript on file with author).

FN8. See [Whren v. United States, 517 U.S. 806, 812-13 \(1996\)](#).

FN9. See, e.g., [Tarley v. Crawford-THG, Inc., 2000 WL276813, at *3 \(N.D. Tex. Mar. 10, 2000\)](#).

FN10. See, e.g., Devon W. Carbado, [The Ties that Bind, 19 CHICANO-LATINO L. REV. 283 \(1998\)](#); Berta Esperanza Hernandez-Truyol, [Borders \(En\)Gendered: Normativities, Latinas and a LatCrit Paradigm, 72 N.Y.U. L. REV. 882 \(1997\)](#); Kevin R. Johnson, "[Melting Pot" or "Ring of Fire"?: Assimilation and the Mexican-American Experience, 85 CAL. L. REV. 1259 \(1997\)](#)"; George A. Martinez, [Latinos, Assimilation and the Law: A Philosophical Perspective, 20 CHICANO-LATINO L. REV. 1 \(1999\)](#). See also Robert S. Chang, [Exploring LatCrit Diversities: Racial Cross-Dressing, 2 HARV. LATINO L. REV. 423 \(1997\)](#); Robert S. Chang & Keith Aoki, [Centering the Immigrant in the Inter/National Imagination, 85 CAL. L. REV. 1395 \(1997\)](#); Sylvia R. Lazos Vargas, [Critical Race Theory and Autobiography: Can a Popular "Hybrid" Genre Reach Across the Racial Divide?, 18 LAW & INEQ. 419 \(2000\)](#) (book review).

FN11. See Elizabeth M. Iglesias, [Out of the Shadow: Marking Intersections In and Between Asian Pacific American Critical Legal Scholarship and Latina/o Critical Legal Theory, 40 B.C. L. REV. 349 \(1998\)](#).

FN12. See Francisco Valdes, [Beyond Sexual Orientation in Queer Legal Theory: Majoritarianism, Multidisciplinary, and Responsibility in Social Justice Scholarship or Legal Scholars as Cultural Warriors, 75 DENV. U. L. REV. 1409 \(1998\)](#).

FN13. See Pam Belluck, [On a Sworn Mission Seeking Pretenders to Military Heroism, N.Y. TIMES, Aug. 10, 2001, at A1](#).

FN14. Unlike my black colleague, Anthony Farley, whose parents are Black Jamaican who immigrated first to Puerto Rico where he was born, I as a black man cannot claim any directed relationship to the colonial power of Spain. (Anthony is therefore a black Puerto Rican by birth with Jamaican heritage. This is quite a complicated identity history.) Professor Farley is a law professor at Boston College School of Law.

FN15. For an example of her work, see Fran Ansley, [Classifying Race, Racializing Class, 68 U. COLO. L. REV. 1001 \(1997\)](#).

FN16. For an example of her work, see Mari Matsuda, [When the First Quail Calls: Multiple Consciousness as Jurisprudential Method, 11 WOMEN'S RTS. L. REP. 7 \(1989\)](#).

FN17. For an example of his work, see Charles R. Lawrence, III, [The Id, the Ego, and Equal Protection: Reckoning With Unconscious Racism, 39 STAN. L. REV. 317 \(1987\)](#).

FN18. See Gerald Torres & Kathryn Milun, [Translating Yonnonidio by Precedent and Evidence: The Mashpee Indian Case, 1990 DUKE L.J. 625, 628-29](#).

FN19. For an example of his work, see Michael A. Olivas, "[Breaking the Law" on Principle: An Essay on Lawyers' Dilemmas, Unpopular Causes, and Legal Regimes](#), 52 U. PITT. L. REV. 815 (1991).

FN20. For an example of her work, see Margaret E. Montoya, Of "[Subtle Prejudices,](#)" [White Supremacy, and Affirmative Action: A Reply to Paul Butler](#), 68 U. COLO. L. REV. 891 (1997).

FN21. For an example of her work, see Leslie G. Espinoza, [Masks and Other Disguises: Exposing Legal Academia](#), 103 HARV. L. REV. 1878 (1990).

FN22. For an example of his work, see CRITICAL RACE THEORY: THE CUTTING EDGE (Richard Delgado ed., 1995).

FN23. For an example of her work, see Angela P. Harris, [Race and Essentialism in Feminist Legal Theory](#), 42 STAN. L. REV. 581 (1990).

FN24. For an example of his work, see Robert S. Chang, [Toward an Asian American Legal Scholarship: Critical Race Theory, Post-Structuralism, and Narrative Space](#), 81 CAL. L. REV. 1241 (1993).

FN25. For an example of his work, see Anthony Paul Farley, The [Black Body as Fetish Object](#), 76 OR. L. REV. 457 (1997).

FN26. For examples of her work, see DOROTHY E. ROBERTS, KILLING THE BLACK BODY: RACE, REPRODUCTION, AND THE MEANING OF LIBERTY (1997) and Dorothy E. Roberts, [Punishing Drug Addicts Who Have Babies: Women of Color, Equality, and the Right of Privacy](#), 104 HARV. L. REV. 1419 (1991).

FN27. For an example of his work, see Robert Westley, [Many Billions Gone: Is It Time to Reconsider the Case for Black Reparations?](#), 40 B.C. L. REV. 429 (1998).

FN28. For an example of her work, see Sumi Cho, [Redeeming Whiteness in the Shadow of Internment: Earl Warren, Brown, and a Theory of Racial Redemption](#), 40 B.C. L. REV. 73 (1998).

FN29. For an example of his work, see Carbado, *supra* note 10.

FN30. For an example of his work, see Francisco Valdes, [Queers, Sissies, Dykes, and Tomboys: Deconstructing the Conflation of "Sex," "Gender," and "Sexual Orientation" in Euro-American Law and Society](#), 83 CAL. L. REV. 1 (1995).

FN31. For an example of her work, see Elizabeth M. Iglesias, [Structures of Subordination: Women of Color at the Intersection of Title VII and the NLRA](#), *Notl*, 28 HARV. C.R.-C.L. L. REV. 395 (1993).

FN32. For an example of his work, see David B. Cruz, [Controlling Desires: Sexual Orientation Conversion and the Limits of Knowledge and Law](#), 72 S. CAL. L. REV. 1297 (1999).

FN33. For an example of his work, see Roberto L. Corrada, [Familiar Connections: A Personal Re/View at Latino/a Identity, Gender, and Class Issues in the Context of the Labor Dispute Between Sprint and La Conexion Familiar](#), 53 U. MIAMI L. REV. 1065 (1999).

FN34. For an example of his work, see Johnson, *supra* note 10.

FN35. For an example of her work, see Berta Esperanza Hernandez-Truyol, [Building Bridges: Bringing International Human Rights Home](#), 9 LA RAZA L.J. 69 (1996).

FN36. ROBERT H. BORK, SLOUCHING TOWARD GOMORRAH: LIBERALISM AND AMERICAN DECLINE 247 (1997).

FN37. See generally The [Civil Rights Cases](#), 109 U.S. 3 (1883).

FN38. [Id. at 25](#).

FN39. See Robert H. Bork et al., [Federalist Society Roundtable Discussion](#), 1994 PUB. INT. L. REV. 125.

FN40. See, e.g., *id.*

FN41. For a similar argument about the legal academy, see Richard Posner, [The Problematics of Moral and Legal Theory](#), 111 HARV. L. REV. 1637, 1706 (1998).