

Introduction

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Women of color are mired at the bottom of American society according to every social indicator. Whether they be African American, Latina, Asian, or Native American, these women have failed to be successfully integrated into the mainstream, much less the upper echelons, of American economic, political, social, or educational life. A broad range of stereotypes about the various groups of women abound: incompetent, powerless, invisible, inferior, lazy, voiceless, sexually submissive, sexually brazen, irrelevant, welfare queens, unfit mothers. Yet these women constitute a significant portion of the workforce for the twenty-first century—a workforce where the bulk of new entrants are already people of color and white women.¹ Women of color will, no doubt, constitute an integral part of mid-century America, when the United States will cease to be a “white” nation and today’s minorities will be tomorrow’s majority.²

American society and the legal system have yet to come to grips with these realities. Continued prioritization of the concerns of heterosexual white males is couched as Normality, Neutrality, Objectivity, and the Truth. Those who emphasize the problems of the majority of the population—women—may be labeled the “F” word, feminists or femi-nazis. If you emphasize the plight of today’s racial/ethnic minorities, you may be accused of playing the “race card.” Those who voice the concerns of these groups and the poor are called the dirty “L” word—a liberal.

Critical Race Feminism (CRF) is an embryonic effort in legal academia that emerged at the end of the twentieth century to emphasize the legal concerns of a significant group of people—those who are both women and members of today’s racial/ethnic minorities, as well as disproportionately poor. When I explain the focus of CRF, I am sometimes met by a stony silence or a condescendingly polite response, “Oh, that’s very nice,” as the conversation returns to “real law.” Implicit in the exchange, or lack of exchange, may be several levels of skepticism. Isn’t the concept of “women of

color” nonviable as an organizing principle for scholarly work or activism? Aren’t the concerns of this subcategory of people covered adequately by “real law,” that is, race- and gender-neutral law? If not, doesn’t U.S. race and gender discrimination law that has evolved primarily from the 1960s civil rights movements adequately protect women of color? Shouldn’t the plight of African American women, whose ancestors were brought here as slaves centuries ago, be prioritized or kept separate from the plight of other groups? Isn’t the separation of the concerns of women of color from those of the men of their own group divisive in the fight against racism? Isn’t the separation of women of color from white women analytically unnecessary?

CRF is evolving as a richly textured genre interwoven with many areas of jurisprudence, because the answer to all of the above questions is a resounding no. As the articles in this anthology illustrate, existing legal paradigms have permitted women of color to fall between the cracks, so that they become, literally and figuratively, voiceless and invisible under so-called neutral law or solely race-based or gender-based analyses. This volume attempts not only to identify and theorize about those cracks in the legal regime but to formulate relevant solutions as well. Sometimes a little mortar will suffice; in other instances an entire wall of a legal edifice needs to be built or destroyed.

CRF has become possible because a token but growing number of women of color became beneficiaries of affirmative action, beginning in the late 1960s, and managed to trickle up into the legal profession and, ultimately, the legal academy. By the early 1990s, there were several hundred of these women. They currently constitute 6.1 percent of the nine thousand law teachers.³ Some of these women began to write about themselves and the plight of their less-well-off sisters who would never have the benefit of tertiary education, much less join the ranks of the professoriate.

My idea for an anthology focusing on women of color germinated in 1991, when the Berkeley Women’s Law Journal devoted an entire issue to the views of Black female law professors. As a relatively new, young academic, I was struck by the beauty, strength, and power of the words of my sisters, words that had never been gathered together in a single place. The publication of the issue was especially timely, since it coincided with the Clarence Thomas–Anita Hill hearings. I realized that Anita Hill was the first Black female law professor ever thrust into the national spotlight, and the American public, white and Black, did not know what to make of her. She was not a mammy, welfare queen, tragic mulatto, sex siren, athlete, or any other stereotype of a Black woman. There was no national precedent for dealing with or understanding the worldview of a Black female law scholar and teacher. The intense denigration and vilification of her stellar character wounded many of us deeply. We saw ourselves in her place, regarded as inherently unbelievable and untrustworthy despite years of hard-won educational and professional accomplishments. (David Brock, an author who attacked Hill’s integrity in *The Real Anita Hill*, finally admitted the falsity of his work.)

University of Pennsylvania law professor Lani Guinier was also vilified in the media a few years after Hill, when President Bill Clinton, a personal friend, refused to support her nomination for head of the U.S. Justice Department Civil Rights Divi-

sion. I was overcome with rage and pain as another accomplished Black woman was transmogrified into a “quota queen,” her legal theories twisted beyond recognition in the media.

After these two events, I felt compelled to bring together legal writings of women of color that focused on their plight, so that they could speak for themselves. There were also men of color and whites who had chosen to write on women of color.⁴ The views of these scholars are generally unknown to the American reading public since most of their work appears only in law journals that are not readily accessible to the nonlawyer. And, even lawyers busy dealing with the concerns of day-to-day law practice have no time to peruse law journals outside of their areas of specialization. I wanted to expand the topics covered in the Berkeley Women’s Law Journal and bring together voices ranging from the nationally well-known Anita Hill and Lani Guinier to women who are well known in legal academia, such as Anita Allen, Regina Austin, Kimberlé Crenshaw, Angela Harris, Emma Coleman Jordan, Mari Matsuda, Dorothy Roberts, and Patricia Williams. Additionally, I felt it was important to go beyond the existing anthologies on race and gender, which tended to feature a small group of well-known women, to include promising young voices.

The first edition of this anthology came out in 1997 and was very well received. I have met people all over the world who have used portions of the entire book as a classroom reference; judges as far away as South Africa have cited it in their opinions. In the six years since its publication, the number of CRF articles has grown enormously, as can be seen in the “Selected Bibliography.” Some scholars mainly writing in the CRF area have been granted tenure, and law students email me all the time for advice about law review notes they are writing on CRF topics. Increasingly, textbooks may have citations of or even a brief section on CRF works. There have even been two national symposia on CRF, one at the University of Iowa and the other at the University of San Diego.⁵ I also produced a second anthology, *Global Critical Race Feminism: An International Reader*, in 2000, which expanded on issues raised in the last unit of the original collection, embracing strands from international and comparative law, global feminism, and postcolonial theory.

To paraphrase one of NYU law professor Derrick Bell’s book titles, however, still we are not saved.⁶ The goal of racial/gender justice remains elusive. Most lawyers, including professors, have never heard of CRF. Most schools do not have courses including such a subject, any more than they have courses on Animal Law or Outer Space Law. This should not be surprising, considering that many institutions do not yet regard it necessary to have courses on feminist jurisprudence, which has been around for nearly thirty years. Approximately twenty law schools so far have courses on Critical Race Theory (CRT), an area of study that has existed for slightly more than a decade.⁷ Most professors would not dare write on CRF topics if they hoped to get tenure from the powers that be. Teachers who do have such a specialty may find themselves on the fringes of the scholarly life at their institution. Most textbooks still do not have even a footnote, much less a section, on CRF, and in using those that do, few professors feel it necessary to bother to mention the topic when covering the “essential parts” of the reading.

So this second edition comes out as the new century gets underway. I am reminded of W. E. B. Du Bois's famous prophetic line from exactly one hundred years ago, in 1903—that the problem of the twentieth century would be the problem of the color line.⁸ Having lived to the eve of the Civil Rights March on Washington in 1963, Du Bois was able to see how right he was. I would reprise his refrain for the new century and state that the problems of this century will continue to be race and ethnicity, but compounded with a heightened awareness of gender, class, disability, and sexual orientation. The events of September 11, 2001, also have brought the salience of identities such as nationality, religion, language, culture, and political ideology to the forefront. I am cautiously optimistic that by mid-century, when the demographic realities that I mentioned in the beginning of this introduction come to pass, more of America will realize that the concerns of people of color, including women of color, are central to the survival of a proud America and the creation of a just America.

The choice of the term *Critical Race Feminism* to describe an emphasis on women of color was a conscious one, indicating its links to Critical Legal Studies (CLS), CRT, and feminist jurisprudence. University of Colorado law professor Richard Delgado, a CRT founding father, used the term CRF in the first edition of his reader *Critical Race Theory: The Cutting Edge* (Temple University Press 1995). I subsequently found an article, written in 1993, that also uses the phrase.⁹

While there is no agreed-upon canon, I can briefly detail some of the concepts that CRF literature may entail that derive from aspects of CLS, CRT, and feminist jurisprudence. The Conference on Critical Legal Studies was organized in the late 1970s by a “collection of neo-Marxist intellectuals, former New Left activists, ex-counter-culturalists, and other varieties of oppositionists in law schools.”¹⁰ Like these men, Critical Race Feminists endorse a progressive perspective on the role of law in American society. We critique both conservative orthodoxies and legal liberalism. We challenge the notion of law as neutral, objective, and determinate. We may also use the deconstruction methodology of European postmodernists such as Jacques Derrida and Michel Foucault to expose how law has served to perpetuate unjust class, race, and gender hierarchies.

People of color, white women, and others were attracted by CLS because it challenged orthodox ideas about the inviolability and objectivity of laws that had oppressed minorities and white women for centuries. But some of these scholars also felt that some of the CLS adherents, well-meaning as they were, often excluded the perspectives of people of color and white women and were not able to expand their analyses beyond the worldview of progressive white male elites.

CRT emerged as a self-conscious entity in 1989, although the intellectual underpinnings of CRT can be found in the work of then Harvard University law professor Derrick Bell, especially his pathbreaking textbook *Race, Racism and American Law* (1973), and other scholars from the mid-1970s onward.¹¹ CRT articles cover a wide array of topics, including affirmative action, hate speech, voting rights, criminal law (racial profiling, jury nullification), federal Indian law, immigration law—all challenging the ability of conventional legal strategies to deliver social and economic justice. While the intellectual fire in CLS has died down, the still relatively young CRT

movement, of which CRF is a part, has produced hundreds of articles and a growing number of books. Additionally, there are several energetic offshoots of CRT besides CRF, including LatCrit, which emphasizes Latino and Latina concerns, and Asian-Crit. These new areas illustrate that discussions of race and racism cannot be reduced merely to a Black-white binary. Gay and lesbian scholars of color are developing QueerRaceCrit, and senior CRT scholar Richard Delgado has noted the existence of an intellectual inquiry and edited an anthology on critical white studies, focusing on how whiteness functions as a social organizing principle.¹²

According to Cornel West, “CRT is a gasp of emancipatory hope that law can serve liberation rather than domination.”¹³ CRT constitutes a race intervention in leftist discourse and a leftist intervention in race discourse.¹⁴ In illuminating the racist nature of the American legal system, CRT adherents are particularly interested in legal manifestations of white supremacy and the perpetuation of the subordination of people of color. While we are concerned with class issues, since the majority of people of color are impoverished, we realize that poor communities of color have never been treated identically to the white underclass. Although CRT endorses the CLS notion that legal rights are indeterminate, we vehemently disagree that rights are therefore not important.¹⁵ Indeed, the struggle to attain human rights remains critical for American minorities who have never had the luxury of taking such rights for granted.

One important theme in CRT is known as the social construction thesis. In other words, biological races do not exist, as recent science has clearly shown. There is more genetic difference within so-called races than between them. Instead, races have been socially constructed and the legal system reifies that construction, privileging some races over others. In my own case, my looks have led me to be classified as Black in the United States, Coloured in South Africa, and white in Brazil.

Another important theme in CRT is that racism is an ordinary and fundamental part of American society, not an aberration that can be easily remedied by law. If racism were merely a spot, it could be cured with Band-Aid approaches such as affirmative action, whose real purpose in the United States “is to create enough exceptions to white privilege to make the mythology of equal opportunity seem at least plausible.”¹⁶ Instead, racism is like a cancer that permeates the body. It must be tackled with comprehensive approaches like the surgical, chemical, and radiation therapy of fundamental socioeconomic change. Despite the massive blitzkrieg, racism may persevere, spread, appear to be in remission for a while, only to reappear in a more virulent form.

While some CRT theorists believe that racism’s worst effects can be eliminated or substantially alleviated over time, others, such as Bell, believe in the permanence of racism.¹⁷ Thus, formal equal opportunity laws may only be able to remedy the most egregious sorts of injustice that stand out from the ordinary racism that permeates the society.

Racial progress is not necessarily inevitable, but it may be cyclical. Racial regression in the 1890s may resemble the same phenomenon in the 1990s, whereas racial progress in the 1860s may resemble that of the 1960s. Gains often occur only if they

fall within the self-interest of the white power elite.¹⁸ We reject the notion that the legal system has ever been color-blind, and we specifically embrace color consciousness and identity politics as the way to rectify today's racist legal legacies.¹⁹

CRF adherents sometimes use the controversial narrative or storytelling technique as methodology. Bell's fictional Geneva Crenshaw character and Delgado's character Rodrigo are among the most well known examples, but many scholars discuss their own lives or those of others as well.²⁰ CRT detractors have attacked this approach as nonlegal, lacking intellectual rigor, overly emotional, and subjective.²¹ This methodology, however, has significant value. Many of us prize our heritages in which the oral tradition has had historical importance—where vital notions of justice and the law are communicated generation to generation through the telling of stories. Also, using stories enables us to connect to those who do not understand hypertechnical legal language but may nonetheless seek understanding of our distinctive voices.²²

Additionally, CRT endorses a multidisciplinary approach to scholarship in which the law may be a necessary but not sufficient basis on which to formulate solutions to racial dilemmas. This book features citation of disciplines such as history, sociology, political science, economics, anthropology, as well as African American Studies and Women's Studies. In particular, we believe in using critical historical methodology to demarginalize the roles people of color have played, which are usually outside the scope of the traditional historian's interests. The use of these other disciplines is still embryonic in nature as most legal scholars hold only law degrees and may be self-taught in other fields. Some scholars in these related fields have been drawing on CRT insights in their own work.

Although CRT proponents endorse *Critical Race Theory*, we wholeheartedly embrace critical race *praxis* as well.²³ Since many of us come from disenfranchised communities of color, we feel compelled to “look to the bottom,”²⁴ to involve ourselves in the development of solutions to our people's problems. A number of us feel that we cannot afford to adopt the classic detached, ivory tower model of scholarship when so many are suffering, sometimes in our own extended families. We do not believe in praxis instead of theory but that both are essential to our people's literal and figurative future. The acceptance of praxis does not mean every scholar is or should be on the front lines of lawyering for racial justice or that every scholar is even suited for such a task.

Cornel West has carefully articulated some of the existential questions engaging CRT:

How do we candidly incorporate experiences of intense alienation and subordination into the subtle way of “doing” theory in American academy? What are the new constructive frameworks that result from the radical critiques of the prevailing paradigms in United States legal education? What is our vocation as oppositional intellectuals who choose to stay in a legal academy of which we do not feel fully a part? How can liberation-minded scholars of color engage with white radical intellectuals without falling into the pitfalls of coalitions between such groups in the sixties?²⁵

The third jurisprudential trend that CRF draws from is feminism. Some women of color realized that certain perspectives presented in CRT literature may have assumed that women of color's experiences were the same as those of men of color. As the experiences of males may differ significantly from those of females, we are thus a feminist intervention within CRT.

Additionally, CRF constitutes a race intervention in feminist discourse, in that it necessarily embraces feminism's emphasis on gender oppression within a system of patriarchy. But most CRF proponents have not joined the mainstream feminist movement. While reasons vary, in some cases the refusal to become associated is due to that movement's essentialization of all women, which subsumes the variable experiences of women of color under the experience of white middle-class women. Mainstream feminism has paid insufficient attention to the central role of white supremacy's subordination of women of color, effectuated by both white men and women. Nevertheless, some CRF authors draw on various prominent threads in feminism that may have relevance for their analysis, such as notions of formal equality, dominance/inequality, socialism, hedonic feminism, pragmatic feminism, radical feminism, and liberal feminism. The narrative methodology is also prominent in feminist discourse as well. We also draw from the Black feminism or womanist feminism in the liberal arts, as typified by the work of bell hooks, Audre Lorde, Patricia Hill Collins, Toni Morrison, and Alice Walker.

While CRF has strands that derive from CLS, CRT, and feminism, it has also made analytical contributions that have greatly enhanced these movements. The first notion is that of antiessentialism. CRF provides a critique of the feminist notion that there is an essential female voice, that is, that all women feel one way on a subject. Instead, CRF notes that the essential voice actually describes the reality of many white middle- or upper-class women, while masquerading as representing all women. So CRF highlights the situation of women of color, whose lives may not conform to an essentialist norm. To a certain degree, we are nonetheless somewhat essentialist; we may find ourselves talking about Black women or Asian women as if there were an essential voice for these groups. The reality for any group is undoubtedly much more complex, but to avoid merely talking about individuals, it is sometimes necessary to be strategically essentialist.

A concept linked to antiessentialism is what has come to be called intersectionality theory, as popularized by CRF foremother and UCLA/Columbia law professor Kimberlé Crenshaw. To understand the antiessentialist plight of women of color, you must look at the intersection of their race and gender identities. Other CRT scholars have developed similar concepts, such as multiple consciousness, cosynthesis, holism, interconnectivity, and multidimensionality.²⁶ I use the term *multiplicative identity* to describe the concept that women of color are not merely white women *plus* color or men of color *plus* gender. Instead, their identities must be multiplied together to create a holistic One when analyzing the nature of the discrimination against them.²⁷

Thus, this anthology highlights the work of women of color and others who have begun to develop progressive analyses that deconstruct the lives of those women of

color who face multiple discrimination on the basis of race, gender, and class as well as other identities. These scholars are asking how all these factors interact across a wide range of topics within a system of white male patriarchy and racist subordination.

The Anthology

To demonstrate the new vitality that continues to characterize CRE, I made the very difficult decision to keep only fifteen of the original forty-five articles from the first edition. Most of the deleted articles may be found in the bibliography to this volume or in the global volume. After canvassing a number of faculty and students, both inside and outside the field of law, I also made the equally difficult decision to retain the format of including many shorter articles instead of fewer in-depth pieces. Anyone desiring to read the full text of a piece will find the citation in the bibliography for any previously published article; many of the originals are fifty to one hundred text pages long.

The articles in this edition range from foundational, classical pieces written in the late 1980s/early 1990s to cutting-edge articles, recently written, focusing on issues such as the Internet or the intersection of race, gender, and disability law.

The first section emphasizes the antiessentialist theme mentioned above. The subtitle of the unit, “Ain’t I a Woman,” comes from former slave, abolitionist, and feminist Sojourner Truth’s famous remarks said to have been made to a women’s rights convention in Akron, Ohio, in 1851. Sojourner bared her sinewy arm and asked the question to highlight the fact that Black women were women too, even though their concerns were not incorporated in the discussions of feminists or abolitionists. Modern-day women of color raise the same pertinent question, “Aren’t we women too?”

I am very pleased that Professor Kimberlé Crenshaw has been able to contribute to this volume. It opens with her seminal article, which has been cited hundreds of times. In *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, she introduces intersectionality theory as a new framework for centering those individuals, women of color, who are currently marginalized and distorted by traditional legal, antiracist, and feminist analyses. Crenshaw argues that coupling theory with strategies to include the multiply discriminated-against will ultimately benefit the entire society.

In another classic piece, *Race and Essentialism in Feminist Legal Theory*, UC Berkeley professor Angela P. Harris critiques feminist theorists such as Catharine MacKinnon and others who use white women as the epitome of all women. This process fragments Black women’s selves beyond recognition, often relegating them to footnotes if they are mentioned at all. Focusing on MacKinnon’s color-blind analysis of rape, Harris illustrates the theory’s failure as applied to the experiences of Black women. For white women, rape may represent the subordination of all women to men. Black women are put in the ambivalent situation of balancing their victimiza-

tion at the hands of Black and white men against the acknowledgment of how the legal system has historically been invoked discriminatorily against Black men for the alleged rape of white women.

SUNY Buffalo professor Judy Scales-Trent calls for a new standard of legal review for Fourteenth Amendment Equal Protection Clause cases—“strict scrutiny plus”—in *Black Women and the Constitution: Finding Our Place, Asserting Our Rights*. Traditionally, the presence of a race stigma entitles all Blacks to a strict scrutiny review of a state regulation, which will be sustained only if it meets a compelling state interest. Gender-based regulations invoke an intermediate standard of review. Since Black women are subject to both race and gender discrimination, they should receive the benefit of a combination of the two standards—strict scrutiny plus. Practically speaking, the Court could invoke the new standard by lessening the intent requirement for a Black female plaintiff. Scales-Trent realizes that the current courts are unlikely to accept her approach. Nothing that has happened in the decade since this seminal article was published indicates the result in the courts would be any different.

Kathleen Neal Cleaver is best known as a former Black Panther and as ex-wife of Panther leader Eldridge Cleaver. Now an Emory law professor, she provides an original essay of critical historiography on the central roles of Black women in the civil rights movement and the failure of white feminism to deal adequately with racism as it impacts on Black women. The narrative highlights her own involvement in the 1960s Student Nonviolent Coordinating Committee (SNCC) and the Black Panther Party. Black women had to fight for liberation side by side with Black men against the power of the state and did not see the white feminist movement as relevant. Significantly, Cleaver also comments on the sexism in the Black community, which she maintains is rarely condemned to the level it should be. She calls for Black groups to take stronger antisexist positions and for an emphasis on the problems of Black women, especially those women dealing with poverty, motherhood, domestic violence, and crime.

University of Florida professor Berta Esperanza Hernández-Truyol is one of the founders of LatCrit theory, and she expands our discussion of race and sex to include ethnicity, culture, language, and sexual orientation in *Latinas—Everywhere Alien: Culture, Gender and Sex*. She also contributes to the QueerRaceCrit genre in this discussion of how Latina lesbians violate the Latino society expectation of the virginal, pure Catholic woman.

Máscaras, Trenzas, y Greñas: Un/masking the Self while Un/braiding Latina Stories and Legal Discourse does a masterful job of braiding Spanish and English narratives together in the life of University of New Mexico professor Margaret E. Montoya. Masks, or *máscaras*, enable her to hide herself from the gaze of the dominant culture, so as not to appear messy and uncombed—*greñuda*. The conceptual *trenzas*, or rebraided ideas, of her multicultural life help validate interpretations of the *máscaras* she chooses to wear. Such masks can help women of color present themselves to a world that essentializes them as messy, dirty, uncombed “foreigners.”

The last article in the section is a historical piece that takes us back to the times of Sojourner Truth to discuss the biggest case of the antebellum period, *Dred Scott*,

which upheld slavery. In *Mrs. Dred Scott*, University of Iowa professor Lea S. Vandervelde and attorney Sandhya L. Subramanian demarginalize the role played by Harriet Scott and theorize about a different outcome for the infamous case if her separate claims had not been subsumed into those of her husband.

One foundational article was not available. Georgetown professor Mari Matsuda's *When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*²⁸ is a compelling call for highlighting the multileveled identities and multiple consciousness of women of color. Although this article could not be included in the collection, it is discussed by some of the authors featured in this and other units.

Part 2, "Outsiders in the Academy and Profession," explores the lives of the women of color who now struggle and survive in the legal profession. The emphasis on history continues with two pieces. Young Harvard professor Kenneth W. Mack details the career of the first Black woman lawyer in Pennsylvania in *A Social History of Everyday Practice: Sadie T. M. Alexander and the Incorporation of Black Women into the American Legal Profession 1925-60*. Alexander was able to transcend the narrow niche originally allowed her in the profession to become a nationally known figure, rounding out her career at age eighty-one, when President Jimmy Carter appointed her as chair of the White House Conference on Aging.

Professor Anita F. Hill, as the first Black tenured professor at the University of Oklahoma Law School, focuses on the case of Ada Lois Sipuel Fisher, the first Black woman law student at that law school. In *A Tribute to Thurgood Marshall: A Man Who Broke with Tradition on Issues of Race and Gender*, Hill addresses the little-known fact that *Gaines ex rel. Canada v. Missouri* and *Sweatt v. Painter* were not the only pre-*Brown v. Board of Education* cases that attacked segregation in law schools. Thurgood Marshall, as an attorney for the NAACP, challenged notions held by the Black and white communities about gender and race when he chose to represent a Black woman in her ultimately successful quest to attend the University of Oklahoma. Professor Hill acknowledges that she could not be where she was as a tenured professor if it were not for the efforts of then attorney and later Justice Marshall. Ironically, Hill has left the legal academy and now teaches at Brandeis University.

Professor Lani Guinier, another nationally known Black female law professor, provides a piece written well before she was nominated by President Clinton for a Justice Department position. In *Of Gentlemen and Role Models*, she discusses the essentialization of all law students as gentlemen, even though women are now present. She reflects on the alienation that women of color face in universities because they do not conform to the faculty notion of what an educated gentlemen should be. Guinier also details the value of role models who become true mentors to all their students. Since the publication of this article, Guinier has continued in her own role modeling and mentoring as the first Black woman law professor at Harvard.

In the first piece on Black lesbians published in a law journal, Nova professor Angela D. Gilmore contributes *It Is Better to Speak*. She illustrates why it is important that she as a working-class, Black, female, lesbian law professor be willing to speak out about her multiple identities. We cannot essentialize all women, all Blacks, all

Black women as heterosexual or we risk silencing gays and lesbians, even within communities of color.

Pamela J. Smith has written several major pieces on Black women in the legal academy. In *Failing to Mentor Sapphire*, she discusses the actionability under Title VII of blocking Black women from forming the critical mentoring relationships necessary to get tenure. She illustrates the problem by using the narrative of her own painful plight at Boston College. Today, she is tenured at Missouri-Columbia Law School.

Touro professor Deborah W. Post and American University professor Pamela D. Bridgewater both discuss the rationales behind their approach to pedagogy. In *The Politics of Pedagogy: Confessions of a Black Woman Law Professor*, Post brings forth a number of points, including the fact her alma mater Harvard has still not found a Black woman “worthy” of being put on the entry tenure track, although they have hired Guinier, who was already nationally prominent. Bridgewater discusses her struggles with how much personal narrative to interject into her teaching of reproductive issues in *Transforming Silence: The Personal, Political and Pedagogical Prism of Abortion Narrative*. She reveals her own abortion experience in the days before restrictions were put on the practice and her experiences today as an out Black lesbian who escorts women past antichoice protestors.

Between these two articles, in *An Open Letter to Pierre Schlag*, young Korean-Swedish scholar Maria Grahn-Farley deconstructs the white male hegemonic nature of Schlag’s scholarship, which he finds an interesting place to stay intellectually and she finds an interesting place to leave. She calls for scholars like Schlag to take note of the existence of CRF and the value it might have in their work.

Part 3, “On Mothering or Not,” examines the interplay of race, class, and gender in the areas of pregnancy and motherhood. CRF foremother and Columbia professor Patricia J. Williams critiques the degree to which society devalues Black children as unwanted surplus in *Spare Parts, Family Values, Old Children, Cheap*. She notes that Black children can be “bought” for half the price of white babies from adoption agencies. This market valuation of babies embodies what is wrong with community and family life in America. Her analysis attacks a well-known article of Judge Richard Posner and his colleague Elizabeth Landes for its Law and Economics approach to the valuation of children, according to which desired white babies are in high demand while surplus Black babies are unwanted and should be discouraged.

Highly prolific Northwestern law professor Dorothy Roberts is the foremost scholar in this subarea, and her analysis of how predominantly Black women are prosecuted for using drugs while pregnant is among the classic pieces in the field. In the provocative *Punishing Drug Addicts Who Have Babies: Women of Color, Equality and the Right of Privacy*, she discusses how poor Black women are disproportionately prosecuted for using drugs while pregnant. Such prosecutions deter women from seeking prenatal care and constitute a continuation of the historical devaluing of Black motherhood. If the state’s concern is with the health of the baby, Roberts questions, why does the state not pursue the far more common instances of affluent white users of alcohol, prescription medication, or even marijuana? The

constitutional right at issue is not the right to use cocaine but the right to decide to have a baby even though one is a drug addict.

In *Transracial Adoption: Mothers, Hierarchy, Race and Feminist Legal Theory*, Rutgers professor Twila L. Perry discusses this controversial issue by centering the concerns of Black women and the Black community. They may resent transracial adoptions or feel these are based on the needs of white families, rather than on the best interests of Black children who need to be raised within Black culture to learn how to confront racism.

In *Polygamy in Black America*, I close the unit with a piece detailing a little-known phenomenon in my culture. I posit that polygamy, a practice that remains *de jure* in most of Africa and the Middle East, exists *de facto* among Black Americans. I speculate that there may be a need for the legal regime to acknowledge this practice and to decide whether we should protect the women involved by expanding on existing doctrines or developing new causes of action.

Part 4 discusses the criminal justice area and how it affects women of color. University of Pennsylvania professor Anita L. Allen is also a philosopher and has written an essay in the field of moral philosophy making the case against recreational drugs. In *Against Drug Use*, she develops a gripping narrative involving the effect of drugs within her own family, showing that nothing about drug use is victimless.

Syracuse professor Paula C. Johnson discusses another side of drug use in *At the Intersection of Injustice: Experiences of African American Women in Crime and Sentencing*. She too uses the narrative technique to show the harsh impact of drug laws on Black women, who serve stiff sentences for possessing small quantities while their male cohorts receive lighter punishments.

We move from the stories of unknown defendants to the trial of the century—the O. J. Simpson case. University of San Francisco professor Maria L. Ontiveros enhances our understanding of the videotape deposition of the Latina maid in that case in *Rosa Lopez, Christopher Darden, and Me: Issues of Gender, Ethnicity and Class in Evaluating Witness Credibility*. The author provides an alternate interpretation of the media's disparaging depiction of Lopez by illustrating the role of translation difficulties, Spanish use of maternal surnames, and Lopez's deferential approach to authority. One of the interesting anomalies in this case, not explored by the author, is that the authority in this case was an African American male prosecutor, whose own conflicts with white male authority nonetheless provided him with no context to understand Lopez's life as a Latina maid.

The intersection of mental disability with criminality is discussed in *Gender, Race and Mental Illness: The Case of Wanda Jean Allen*. De Paul professor Michele Goodwin illustrates how the interplay of Allen's poverty, sexual orientation, mentally retarded status, and race led to her execution for the murder of her lesbian lover.

In a cutting-edge article on crime and the Internet, *Erasing Race? A Critical Race Feminist View of Internet Identity Shifting*, University of Seattle professor Margaret Chon discusses the virtual identities that an individual can create. She details virtual hate crimes targeted against Latina and Asian women as well as against men of color. In three cases, the perpetrators turned out to be men of color, who were prosecuted

even though the vast amount of hate speech is committed by white groups. The racial disproportion of prosecution for virtual crimes resembles the same phenomenon for other crimes.

In another article on the social construction of identity, *Male Fraud*, Loyola professor Lisa C. Ikemoto details the case of a white male who was able to construct an identity as a stereotypic submissive Asian female. He was able to bilk hundreds of men out of nearly \$300,000. In deciding to prosecute, the victims used another stereotype to characterize the villain, that of the scheming Dragon Lady.

Part 5 features a subcategory of criminality—domestic violence. Cleveland-Marshall professor Linda L. Ammons looks at the Black community in *Mules, Madonnas, Babies, Bathwater, Racial Imagery and Stereotypes: The African American Woman and the Battered Women Syndrome*. In a praxis-oriented approach, she discusses how judges and juries need more insight into how some Black abused women may differ from the stereotypical submissive battered spouse.

Another praxis-oriented piece is CUNY professor Jenny Rivera's *Availability of Domestic Violence Services for Latina Survivors in New York State: Preliminary Report*. She recommends that the state greatly enhance its efforts to assist Latinas, who are particularly harmed by the lack of Spanish-speaking services. This language issue is not relevant to Black American women or Anglos.

I am pleased to have two articles addressing the concerns of Native American women, a group that was not featured in the first edition of this anthology. Gloria Valencia-Weber and Christine P. Zuni are two prominent Native American scholars at the University of New Mexico. In *Domestic Violence and Tribal Protection of Indigenous Women in the United States*, they present an overview of the problem in 14 of the 537 recognized tribes, within the context of a worldview based on communal values rather than purely western liberal individualism. Traditional means of dispute resolution may be used for the extended family, rather than a focus on only one victim and one victimizer.

University of Miami professor Donna Coker focuses on one tribe in *Enhancing Autonomy for Battered Women: Lessons from Navajo Peacemaking*. She uses an empirical approach to assess the positives and negatives of peacemaking. While the practice is culturally harmonious, it can result in a woman feeling coerced to reach a solution that may not be in her individual best interest.

Part 6 discusses issues of employment and discrimination. It focuses on the failures of employment law to detail the plight of women of color. University of Pennsylvania professor Regina Austin's provocative classic article *Sapphire Bound!* addresses the job termination of a Black unwed mother. In *Chambers v. Omaha Girls Club*, the court held that the club did not violate Title VII of the Civil Rights Act when it terminated Crystal Chambers for violating its "negative role model" rule forbidding unwed motherhood for counselors. Austin analyzes the stereotype of the Black woman as a "Sapphire" who is tough and domineering, and she calls for the Black community to embrace Sapphire, in this manifestation as Chambers contested her termination. The author points out the irony that firing an adult female single parent reduces her to the economic condition that would face any of the Black girls she

counsels if they became pregnant. In Austin's view, Chambers should be seen as a role model for single parenthood.

Another classic article is NYU professor Paulette M. Caldwell's *A Hair Piece: Perspectives on the Intersection of Race and Gender*. She analyzes *Rogers v. American Airlines*, a case in which the court upheld the right of the employer to prohibit the wearing of braids in the workplace. The legal analysis of the case is interwoven with powerful narratives of Caldwell's own experiences as a law professor who wears braids, "perversely visible and conveniently invisible." She points out the inability of the law to incorporate a dual race/gender critique to uphold Rogers's right to wear her hair as she chooses. Yet the employer did not have the obligation to connect the prohibition to work performance or business need.

UCLA professor Devon W. Carbado and Georgetown colleague Mitu Gulati call for a more nuanced understanding of race and gender identity on the job in *The Fifth Black Woman*. They introduce the notion of performance identity, that is, that two people could be from the same ethnic group but perform their identities differently. In other words, a firm may prefer a Black woman who is an Ivy-educated, golf-playing Episcopalian to a dreadlocked African-attired member of the Nation of Islam. Both are Black women, but they perform this status in different ways, one of which may lead to discrimination by the employer.

We tackle the precarious existences of live-in babysitters in *Toward a Global Critical Feminist Vision: Domestic Work and the Nanny Tax Debate*. University of Maryland professor Taunya Lovell Banks reminds us of the Clinton administration attorney general confirmation hearings for Zoe Baird, which revealed that elite parents did not pay the Social Security taxes on their babysitters, many of whom are poor women of color and some of whom are undoubtedly undocumented workers as well. The subsequently enacted Nanny Tax law still protects the interests of the elite parents more than workers like Baird's nanny Lillian Cordero. Feminists of all colors need to press for structural changes that would demarginalize work performed in the home.

Continuing the discussion of taxation, Washington and Lee professor Dorothy A. Brown presents *Race, Class and Gender Essentialism in Tax Literature: The Joint Return*. She reveals the assumption in tax literature is that the marginal wage earner is the wife in a married couple. While this may be true for upper-income white families, it is not true for Black families. Thus, more white families enjoy a marriage bonus and more Black families a marriage penalty. To assist all women, this bias must be addressed.

The end of the unit highlights sexual harassment, a legal and social phenomenon synonymous with the name of a Black female legal academic—Anita Hill—and the man who harassed her, Supreme Court Justice Clarence Thomas. Although polls indicated that Hill was initially not believed by a majority of Black and white Americans, her saga has led to a revolutionary change in our understanding of the phenomenon. De Paul law professor and political scientist Sumi K. Cho focuses on Asian American women in *Converging Stereotypes in Racialized Sexual Harassment: Where the Model Minority Meets Suzie Wong*. She highlights the case of Dr. Jean

Jew v. the University of Iowa. The stereotype of the female who slept her way to the top was paired with stereotypes of Asian women as the “Singapore Girl,” passive and compliant, lacking professional merit. Dr. Jew’s eventual legal victory was bittersweet, given the professional, financial, and psychological toll the thirteen-year battle took.

The unit concludes with Emma Coleman Jordan, who was co-counsel for Anita Hill’s pro bono legal team during the Supreme Court hearings for Justice Thomas. Her article, *Race, Gender, and Social Class in the Thomas Sexual Harassment Hearings: The Hidden Fault Lines in Political Discourse*, points out the dilemma that Black women face when there are conflicts with Black men. Racism trumps sexism, and therefore Black women’s needs and concerns go unaddressed. Stereotypes about women as delusional and untrustworthy, coupled with the view of Black women as Sapphires, “gonad-grinding women” out of control, combined to make Professor Hill initially unbelievable to so many.

The final part of the anthology presents CRF in a global context. Just as most collections on race or gender issues focus on the United States to the exclusion of the majority of the world’s people of color, most volumes on international themes omit the concerns of women of color. The few international readers dealing with women’s issues often omit legal perspectives. Part 7 fills this gap, exploring issues affecting women of color who may not be from the United States. Readers interested in global issues should consult my Global Critical Race Feminism anthology.

The events of September 11, 2001, highlighted for many Americans the importance of gaining an understanding of Islam and the Middle East, as well as the plight of women in countries such as Taliban-ruled Afghanistan. The level of ignorance on the subject is profound, many hate crimes have occurred, and the range of stereotypes is totally negative. To help rectify some of the ignorance, Islamic feminist Azizah Yahia al-Hibri of the University of Richmond presents *Muslim Women’s Rights in the Global Village: Challenges and Opportunities*. The experiences of North American Muslims like herself illustrate that it is possible to interpret Islamic law on equality, marriage, and inheritance in ways that are consistent with today’s times instead of the seventh century, when Islam was founded.

UC Davis professor Kevin R. Johnson is a highly prolific immigration and LatCrit scholar. In *Public Benefits and Immigration: The Intersection of Immigration Status, Ethnicity, Gender, and Class*, he explains how current efforts to restrict benefits for noncitizens disproportionately impact on Latinas, who become ineligible for prenatal care, domestic violence assistance, welfare, and so forth.

American University professor Leti Volpp addresses the question of whether “multiculturalism is bad for women.” The query sets up a false dichotomy, as if the essentialized West is good and the rest of the world is backward. In *Feminism vs. Multiculturalism*, she challenges American feminists to realize that western culture is not superior to other cultures—that it still suffers from patriarchy (i.e., American men beat their wives too). The feminists must also realize the often privileged position they play vis-à-vis the third world women that they may exploit in their homes.

Finally, we learn of the plight of Mexican women from Northern Illinois University

professor Elvia R. Arriola in *Voices from the Barbed Wire of Despair: Women in the Maquiladoras, Latina Critical Theory, and Gender at the U.S.-Mexico Border*. While the *maquilas* are seen as a great economic boon to the region, the exploitation of low-paid Latinas there is often ignored. The vivid narratives end with the author's own memories as the child and grandchild of women who did piecework assembly in the apparel industry.

General Questions

A variety of general questions are raised by the whole volume. As stated previously, CRF is still embryonic in its development. How progressive in orientation are the authors' perspectives? Are some classic liberals while others are much more radical, even socialist in orientation? How much are the authors really "looking to the bottom"? Do they fail to see their own privileged positions? How much is class brought out as a separate issue, as opposed to being conflated with race? Are some of the articles too theoretical, with little practical application? Is there too much emphasis on identity notions, rather than on practical solutions?

Traditional scholarship has criticized feminist scholarship as being insufficiently theoretical, with the implication being that it is inferior. Do you find the critical race feminists to be sufficiently theoretical? What are the theoretical aspects as presented by the authors? Are the authors too "law jargon-oriented," so that the articles are still not accessible to others? Or has too much jargon been stripped out, so that the pieces are too simplistic for lawyers? How multidisciplinary is the genre? I have heard complaints that CRT is too law-oriented from scholars in other fields that I did not even know follow CRT! How well do the narratives work as methodology in the various articles? Are the authors essentializing the perspectives of the minority women? What about the need to develop another CRT spinoff—critical race masculinity that would focus on the concerns of men of color—a masculinity that would not draw its strength from patriarchy, from oppression?

What to Do?

Writing articles such as the ones featured in this anthology is a very worthwhile endeavor to highlight the plight of women of color, but given the deeply entrenched nature of patriarchy coupled with racism, it is likely that women of color will remain at the bottom of American society for many decades to come. It is easy to become so pessimistic as to be powerless in the face of such a conclusion. To reprise Bell, how do we become saved?

Producing scholarship on CRF or any other field is intrinsically valuable as the collection and dissemination of knowledge, and it is what professors are paid to do. Yet there is a lot more that CRF can represent. The genre serves as affirmation to ourselves and others that we women of color exist and that we refuse to continue to

be ignored and marginalized. It is a confirmation that we are not alone as individuals in our views and our concerns. CRF can be an inspiration to those around us that something can be done to alleviate the plight of women of color and that anyone can play a role in finding solutions and engaging in praxis. I mean a praxis as varied as assisting clients, drafting legislation, serving on Bar Association committees, designing innovative legal strategies, joining in practical coalitions, and mentoring a student or a child. I want a praxis that can mean serving on a nonprofit board, supporting a candidate, writing a legal novel or op-ed pieces, making a speech, or sponsoring a speaker. In my own case, I have advised the founding mothers and fathers of three new constitutions and spent hours advising college students that law just might be right for them. I have worked with gang members, movie stars, and politicians.

On the personal level, my praxis includes remembering that as women of color we are the nurturers of most children of color. I have chosen to mother five Black sons and to assist many, many others. For any of these children to have any future, I must give them hope—a vision that someone loves them and thinks they are worthy in a world that would rather they vanish. So no matter how depressed I become, I cannot give up hope—for their sake.

Bell has noted that racism can be like alcoholism—it might be permanent, but you can control it or live with it.²⁹ I liken all the “isms” to cancer. Sometimes you can vanquish it, but sometimes you are going to lose the war. Yet it is the struggle itself for life and dignity that becomes important. Former South African political prisoner Nelson Mandela’s refrain was that the struggle was his life. He would stay in prison until death rather than compromise on his fundamental principles. Surely, we who lead globally privileged lives can commit ourselves to continue the struggle for justice, especially on behalf of our sisters and our brothers who cannot write down their pain.

Maybe my son Ché-Cabral has the right idea. After growing up watching his mom produce anthologies and articles, he decided to study at New York University to become a filmmaker. He noted that more people could see his movies in one day than will ever read an anthology. I told him that if he ever decides to produce a legal film, he should have Angela Bassett play me and Denzel Washington play my co-counsel. I will argue the case for reparations for African Americans before the U.S. Supreme Court. Put Paul Newman, James Earl Jones, and Meryl Streep on the bench. Maybe somebody will come watch. We can be saved!

Bibliographic Note

I have chosen forty legal articles that illustrate various CRF themes; many excellent articles could not be included. The bibliography at the back of the volume includes many more pieces with their full citations.

The reprinted works included in the anthology have generally been tightly edited for readability, without indicating deletions in most instances, and many of the extensive footnotes that characterize law review articles have been omitted. The footnotes

that do remain have been renumbered. Since the reprinted readings come from a variety of sources with various citation styles, I have decided to standardize the citations to conform most to the Bluebook: A Uniform System of Citation. The Bluebook font styles are not followed.

NOTES

Parts of this introduction were drawn from the introduction to the first edition as well as the *Introduction to Global Critical Race Feminism: An International Reader* (NYU Press, 2000).

1. Gregory Freeman, *Americans Must Get over Our Fear of “Them,”* St. Louis Post-Dispatch, Oct. 13, 1996, at 5B.

2. George de Luma, *Anti-Immigration Measure Flies in Face of Changing America*, Chi. Trib., Nov. 14, 1994, at 1.

3. See American Association of Law Schools, Table 1A: All Faculty in the 2000–2001 Directory of Law Teachers, at <http://www.aals.org/statistics/T1A.htm> (last visited August 16, 2002).

4. In this volume, male authors include Kenneth Mack, Devon Carbado, Mitu Gulati, and Kevin Johnson. White authors include Lea Vandervelde and Donna Coker.

5. See 3 J. Gender, Race & Just (1999); *The Future of Intersectionality and Critical Race Feminism*, 11 J. Contemp. L. Issues (2001).

6. See Derrick A. Bell, *And We Are Not Saved: The Elusive Quest for Racial Justice* (1987).

7. See Cheryl Harris, *Critical Race Studies: An Introduction*, 49 UCLA L. Rev. 1215, 1216 (2002).

8. See W. E. B. Du Bois, *Souls of Black Folk* 13 (1904).

9. See Amii Larkin Barnard, *The Application of Critical Race Feminism to the Anti-Lynching Movement: Black Women’s Fight against Race and Gender Ideology, 1892–1920*, 3 UCLA Women’s L.J. 1 (1993).

10. Kimberlé Williams Crenshaw, *Introduction*, *Critical Race Theory: The Key Writings That Formed the Movement* xvii (Kimberlé Crenshaw et al. eds., 1996). For sample publications on CLS, see e.g. *Critical Legal Studies* (James Boyle ed., 1992); *Critical Legal Studies* (Peter Fitzpatrick and Alan Hunt eds., 1987); *Critical Legal Studies* (Alan Hutchinson ed., 1989); Mark Kelman, *A Guide to Critical Legal Studies* (1987).

11. See Kimberlé Williams Crenshaw, *The First Decade: Critical Reflections, or “A Foot in the Closing Door,”* 49 UCLA L. Rev. 1343 (2002). For a good summary of CRT for non-lawyers, see Richard Delgado et al., *Critical Race Theory: An Introduction* (2001).

12. For anthologies on CRT, see Crenshaw, *supra* note 10 and *Critical Race Theory: The Cutting Edge* (Richard Delgado and Jean Stephanic eds., 2000); *Crossroads, Directions, and a New Critical Race Theory* (Francisco Valdes et al. eds., 2002). See *Critical White Studies: Looking behind the Mirror* (Richard Delgado ed., 1997). There are annual LatCrit conferences. See e.g. *Critical Latino Reader* (Richard Delgado ed., 1998); *Symposium on Lawyering in Latino Communities: Critical Race Theory and Practice*, 9 La Raza L.J. (1996); *Symposium on Lat-Crit Theory: Naming and Launching a New Discourse of Critical Legal Scholarship*, 2 Harv. Latino L. Rev. (1997); *Colloquium on International Law, Human Rights and LatCrit Theory*, 28 U. Miami Inter-Am. L. Rev. (1996–97). For AsianCrit, see e.g. Robert S. Chang, *Toward an Asian American Legal Scholarship: Critical Race Theory, Post-Structuralism, and Narrative Space*, 81 Cal. L. Rev. 1244 (1993). Articles on Queer Legal Theory in-

clude Francisco Valdes, *Queers, Sissies, Dykes, and Tomboys: Deconstructing the Conflation of "Sex," "Gender," and "Sexual Orientation" in Euro-American Law and Society*, 1995 Cal. L. Rev. 1; Elvia Arriola, *Gendered Inequality: Lesbians, Gays, and Feminist Legal Theory*, 9 Berkeley Women's L.J. 103 (1994).

13. Cornel West, *Foreword in Crenshaw*, *supra* note 10, at xii.

14. Crenshaw, *supra* note 10, at xix.

15. See Patricia Williams, *Alchemical Notes: Reconstructing Ideals from Deconstructed Rights*, 22 Harv. C.R.-C.L.L. Rev. 401 (1987).

16. Crenshaw, *supra* note 10, at xxix.

17. See Derrick Bell, *Faces at the Bottom of the Well: The Permanence of Racism* (1992).

18. See Derrick Bell, *Brown v. Board of Education and the Interest Convergence Dilemma*, 93 Harv. L. Rev. 518 (1980).

19. See Neil Gotunda, *A Critique of "Our Constitution Is Color-Blind,"* 44 Stan. L. Rev. 1 (1991); Gary Peller, *Race Consciousness*, 1990 Duke L.J. 758 (1990).

20. See Geneva Crenshaw discussed in Bell, *supra* note 6; Richard Delgado, *Rodrigo Chronicles* (1995).

21. See e.g. Daniel A. Farber and Suzanna Sherry, *Beyond All Reason: The Radical Assault on Truth in American Law* (1997).

22. See Mari Matsuda, *When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*, 14 Women's Rts. L. Rep. 297 (1992); Richard Delgado, *When a Story Is Just a Story: Does Voice Really Matter*, 76 Va. L. Rev. 95 (1990).

23. See e.g. Adrienne Katherine Wing, *Brief Reflections toward a Multiplicative Theory and Praxis of Being*, 6 Berkeley Women's L.J. 181 (1990-91).

24. See Mari Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 Harv. C.R.-C.L. L. Rev. 323 (1987).

25. West, *supra* note 13, at xi.

26. See Matsuda, *supra* note 22 (multiple consciousness); Peter Kwan, *Jeffrey Dahmer and the Cosynthesis of Categories*, 48 Hastings L.J. 1257 (1997) (cosynthesis); e. christi cunningham, *The Rise of Identity Politics I: The Myth of the Protected Class in Title VII Disparate Treatment Cases*, 30 Conn. L. Rev. 441 (1998) (holism); Francisco Valdes, *Sex and Race in Queer Legal Culture: Ruminations on Identities and Interconnectivities*, 5 So. Cal. Rev. L. & Women's Stud. 25 (1995) (interconnectivity); Darren Lenard Hutchinson, *Out Yet Unseen: A Racial Critique of Gay and Lesbian Legal Theory and Discourse*, 29 Conn. L. Rev. 561 (1997) (multidimensionality).

27. See Wing, *supra* note 23.

28. See Matsuda, *supra* note 22.

29. Bell, *supra* note 17.