

# CRITICAL RACE FEMINISM: OLD WINE IN A NEW BOTTLE OR NEW LEGAL GENRE?

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The phrase “*Critical Race Feminism*” incorporates by reference two of the most vibrant genres in contemporary legal thought—Critical Race Theory (“CRT”) and Feminist Jurisprudence. But then is Critical Race Feminism as a legal genre merely redundant? Is it just a parasite on the margin of knowledge generated by the older schools it refers to? Put differently, if CRT focuses on issues of racial discrimination (including discrimination against Blacks who happen to be women) and feminist jurisprudence on those of gender discrimination (including discrimination against women who happen to be Black), can’t we reach the insights offered by Critical Race Feminism (“CRF”) simply by combining those of CRT and traditional feminist theory? If we answer “yes” to this last question, then there is little independent theoretical vitality in CRF and little reason to recognize it as a “new legal genre,”<sup>1</sup> as does the Introduction to a new book of essays entitled *Critical Race Feminism*.

In fact, the articles collected in this anthology brim with fresh insights and taken together make a compelling case for recognizing CRF as a major new legal genre—and one to be reckoned with. Questions about its independent vitality, however, probably cross the minds of many readers who have never engaged these articles, including readers who have some familiarity with CRT, feminist theory or both. As one would expect of a thoughtfully conceived and well-organized anthology, the Introduction and first seven articles of this

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1. Adrien Katherine Wing, *Introduction*, in *CRITICAL RACE FEMINISM* 1, 2 (Adrien Katherine Wing ed., 1997).

book (which collectively constitute Part 1) specifically address these issues.<sup>2</sup>

According to the generally accepted account of the genesis of CRT, and the one endorsed by the editor of this book, Professor Adrien Wing, the genre emerged as a self-conscious theoretical enterprise in 1989.<sup>3</sup> One factor behind its emergence was the evident inability of the civil rights movement to root out racial oppression that stemmed not from conscious racial animus or conscious design but from unconscious bias, historical processes and institutional inertia. Another factor was the perceived failure of Critical Legal Studies (CLS) to accommodate the voices and experiences of people of color and White women. CLS sprang up in the 1970s as a radical movement of mostly White male legal scholars. It sought to expose the ways purportedly neutral legal concepts and institutions reflect and reproduce undemocratic power relationships. CLS's deep skepticism of supposedly neutral legal principles, as well as its critique of individualism and hierarchy, continue to figure in CRT. As Professor Wing points out, one key characteristic of CRT is its "skept[ic]ism of dominant legal theories supporting hierarchy, neutrality, objectivity, color blindness, meritocracy, ahistoricism, and single axis analyses. . . ."<sup>4</sup>

Although Professor Wing classifies CRF as a part of the CRT movement,<sup>5</sup> and certainly the writings included in this volume share many of CRT's organizing principles, she points out that women of color have sometimes "felt somewhat excluded by well-meaning male CRT [scholars]. Too often the perspectives presented assumed that women of color's experiences were the same as that of men."<sup>6</sup> Moreover, much traditional feminist jurisprudence, observes Professor Wing, was "based almost entirely on the experiences of white middle- and upper-class women."<sup>7</sup> Mainstream feminism can be too simplistic in its focus on patriarchal domination, says Professor Wing, causing it to overlook the fact that patriarchy is "raced," that is, that this form of "domination affects [people] of color differently than White women."<sup>8</sup> CRF, in Professor Wing's view, turns on the insight that women of

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2. See generally CRITICAL RACE FEMINISM, *supra* note 1, at 1-67.

3. See Wing, *supra* note 1, at 2.

4. *Id.* at 3.

5. See *id.* at 2.

6. *Id.* at 3.

7. *Id.*

8. *Id.*

color cannot be reduced to White women plus some secondary, nonessential characteristic, such as skin tone.<sup>9</sup> CRF scholars refer to this reductionistic tendency as essentialism—the idea that there is one authentic female or minority “voice.”<sup>10</sup> Women of color face multiple discrimination on the basis of race, gender and class, with all these factors dynamically interacting in a way that produces an experience of oppression that is *sui generis*. In a word, “[c]ritical race feminists are *anti-essentialists* who call for a deeper understanding of the lives of women of color based on the multiple nature of their identities.”<sup>11</sup>

### THE POLITICS OF BEAUTY

The formulation and application of standards of beauty, a theme running throughout the anthology, provide a concrete illustration of the pitfalls of both “gender essentialism” (“the notion that there is a monolithic ‘women’s experience’ that can be described independently of other facets of experience like race, class, and sexual orientation”)<sup>12</sup> and “racial essentialism” (“the belief that there is a monolithic ‘black experience’ or ‘Chicano experience’”).<sup>13</sup> The first and keynote article of the anthology, Professor Angela Harris’ *Race and Essentialism in Feminist Legal Theory*, discusses standards of beauty in pointing out the pitfalls of essentialism in feminist jurisprudence.<sup>14</sup> In *Brief Reflections Toward a Multiplicative Theory and Praxis of Being*, Professor Wing refers to the relationship between beauty standards and “spirit injury” (including the internecine application of beauty standards, as in the ways Blacks themselves form judgments about each others’ beauty and authenticity on the basis of who has “good hair” or “real afros”).<sup>15</sup> In *Máscaras, Trenzadas, y Greñas: Un/masking the Self While Un/braiding Latina Stories and Legal Discourse*, Professor Margaret Montoya contemplates the profound cultural meanings of hair styles for Latinas, discussing at one point how efforts to mask or alter immutable characteristics like skin color or

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9. *See id.*

10. *See id.* at 4.

11. *Id.* (emphasis added).

12. Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, in CRITICAL RACE FEMINISM, *supra* note 1, at 11.

13. *Id.*

14. *Id.* at 11-17.

15. Adrien Katherine Wing, *Brief Reflections toward a Multiplicative Theory and Praxis of Being*, in CRITICAL RACE FEMINISM, *supra* note 1, at 27-29.

hair texture reflect cultural subordination and self-hate.<sup>16</sup> And in *A Hair Piece: Perspectives on the Intersection of Race and Gender*, Professor Paulette Caldwell, in analyzing a case that upheld the right of employers to prohibit the wearing of braided hairstyles in the workplace, describes her desire to once again experience the joy of her naturally kinky hair, as it was “before I denatured, denuded, denigrated, and denied my hair and me. . . .”<sup>17</sup>

A helpful concept for coming to grips with these issues is the “somatic norm image,” a term sociologist H. Hoetink uses to denote the whole complex of physical (somatic) characteristics “which are accepted by a group as its norm and ideal.”<sup>18</sup> Hoetink observes:

It is clear that this somatic norm image is a socio-psychological concept. It belongs to the *spiritual* heritage of the group, and is comparable with such concepts as that of a norm of behaviour embodying the assumptions concerning the manner in which members of a group should behave; it is both their yardstick and their ideal of social behaviour. In the same way the somatic norm image is the yardstick of aesthetic evaluation and ideal of the somatic characteristics of the members of the group. The socio-psychological reality of this norm image is demonstrated by the fact that without it it would not be possible for an individual to be physically vain, or to be hurt in his physical vanity.<sup>19</sup>

This image, “like any other group property,” is “transmitted to the young individual in the course of socialization.”<sup>20</sup>

Feminist writers have been critical of the existence and consequences of somatic norm images, recognizing that in a male dominated society the burden of these standards fall most heavily on women. From a CRF perspective, however, the flaw in these writers’ treatment of such standards is that their essentialism leads them to misunderstand the uniquely oppressive way such standards bear down on women of color. In the first article of the book, Professor Wing eloquently points out these problems in criticizing “prominent white

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16. Margaret E. Montoya, *Máscaras, Trenzas y Greñas: Un/masking the Self While Un/braiding Latina Stories and Legal Discourse*, in CRITICAL RACE FEMINISM, *supra* note 1, at 57-60.

17. Paulette M. Caldwell, *A Hair Piece: Perspectives on the Intersection of Race and Gender*, in CRITICAL RACE FEMINISM, *supra* note 1, at 297.

18. H. HOETINK, *THE TWO VARIANTS IN CARIBBEAN RACE RELATIONS* 120 (Eva M. Hooykaas trans., Oxford Univ. Press 1967) (1962).

19. *Id.* at 120-21.

20. *Id.* at 122.

feminist Catharine MacKinnon and other theorists for using white women as the epitome of all women.”<sup>21</sup>

“In MacKinnon’s writing,” says Professor Harris, “the word ‘black,’ applied to women, is an intensifier. If things are bad for everybody (meaning white women), then they are even worse for black women. Silent and suffering, we are trotted onto the page (mostly in footnotes) as the ultimate example of how bad things are.”<sup>22</sup> One crucial implication of viewing “Black,” applied to women, as an intensifier is that, if Black women suffer the same *kind* of oppression as White women, only more of it, then any differences in their respective experiences of oppression are merely quantitative, not qualitative. In response to a Black woman’s efforts to describe the singularity of her experience, the White woman can knowingly and authoritatively intone, “I feel your pain.” Professor Harris identifies and criticizes this tendency in feminist theory on beauty standards:

Thus, in speaking of the beauty standards set for (white) women, MacKinnon remarks, “Black women are further from being able concretely to achieve the standard that no woman can ever achieve, or it would lose its point.” The frustration of black women at being unable to look like an “all-American” woman is in this way just a more dramatic example of all (white) women’s frustration and oppression. When a black woman speaks on this subject, however, it becomes clear that a black woman’s pain at not being considered fully feminine is different qualitatively, not merely quantitatively, from the pain MacKinnon describes. It is qualitatively different because the ideology of beauty concerns not only gender but race.<sup>23</sup>

White feminists’ failure fully to come to grips with the racialized aspect of prevailing standards of beauty allows them to ignore or play down the reality of their own privilege under these standards. To be sure, the Barbie Doll or Baywatch “ideal” may oppress all women in some way, but there are aspects of that ideal—shade of color, hair texture, facial structure—that many White women can claim in a way that many Black women simply cannot, at least not without becoming “denatured, denuded, [and] denigrated”<sup>24</sup> by konks, fade creams and nose jobs. In being able naturally to lay claim to these aspects of the

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21. Adrien Katherine Wing, *Essentialism and Anti-Essentialism: Ain’t I a Woman?*, in CRITICAL RACE FEMINISM, *supra* note 1, at 7, 7.

22. Harris, *supra* note 12, at 15.

23. *Id.* (endnote omitted).

24. Caldwell, *supra* note 17, at 297.

"Caucasian gestalt,"<sup>25</sup> most White women occupy a privileged aesthetic space in relation to and at the expense of most Black women.

The relative privilege of White over Black women in the aesthetic sphere follows from one of the characteristics of a somatic norm image, namely, what Hoetink calls "the 'law' of one-way transmission."<sup>26</sup> The ideal image held by the dominant group in a society tends to serve as the ideal for the minorities within that society. In Hoetink's words: "After a number of generations of actual social subordination on the basis of cultural differences . . . the lower-placed segment cannot, for psychological reasons, fail to view the dominant segment's physical characteristics as actually superior or to adopt this segment's standards regarding what is beautiful and ugly."<sup>27</sup>

One practical consequence of Black internalization of White criteria of beauty is diminished self-esteem, which can, in turn, lead to other negative consequences. But as Professor Caldwell's *A Hair Piece* so eloquently demonstrates, many Black women are not passively accepting White cultural standards. Instead many strive to contest those standards and reconnect with what Toni Morrison refers to as their "true and ancient properties."<sup>28</sup> Nevertheless, the negative impact of White standards of beauty on Black women cannot be eliminated simply by Black women adopting their own of self-affirming standards. For the White somatic norm image is a sociological phenomenon, not just a psychological one. If the problem were simply the psychological one of Black women suffering from an inadequate self-image owing to the internalization self-abnegating aesthetic standards, forging and adopting their own standards might seem a sufficient solution. But because the somatic norm image operates also as a core cultural ideal, it influences the thinking of Black (and White) men as well. Acceptance of White standards of beauty by Black (and White) men reduces the likelihood at least that a professional Black

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25. In a study of race relations in the West Indies, David Lowenthal found that it is not only skin color that counts but the Caucasian gestalt. Lowenthal cites a Jamaican sociologist who asserted "a dark person with 'good' hair and features, ranks above a fair person with 'bad' hair and features," but European features count for more than straight hair. David Lowenthal, *Race and Color in the West Indies*, in *COLOR AND RACE* 302, 320 (John Hope Franklin ed., 1968) (quoting FERNANDO HENRIQUES, *FAMILY AND COLOUR IN JAMAICA* 47-48 (1953)). In Guyana, an anthropologist noted "the tendency to see beauty in a straight nose, a skin a shade lighter, or hair which is less 'kinky' or 'hard' [and] found mothers even pull their children's noses to make them longer." *Id.* (quoting RAYMOND T. SMITH, *THE NEGRO FAMILY IN BRITISH GUIANA* 212 (1956)).

26. HOETINK, *supra* note 18, at 134.

27. *Id.* at 134-35 (footnote omitted).

28. TONI MORRISON, *TAR BABY* (1981) (found in the author's dedication).

woman will marry (or find a suitable partner) and have children, two goals many women still see as important to their happiness and fulfillment.

This last point may strike some as controversial and therefore I will elaborate on it. Marriage and procreation, once socially defined as women's central functions, rank as important goals for most women (as well as many men) even in our more enlightened times. As recent books like *Waiting to Exhale*<sup>29</sup> show, many women who fail to achieve these goals feel like "failures," even though they have enjoyed great success in other areas of their lives. A woman's physical attractiveness to the opposite sex is a primary determinant of whether she will achieve those goals. This is not as true of men. The physically unattractive man can still attract members of the opposite sex through the accumulation of wealth and power.<sup>30</sup> This asymmetry in the significance of physical attractiveness may not be as pronounced as it was some years ago, and may be further diminished as the feminist movement achieves more of its goals, but it remains a hard social truth in most circles. This analysis points out the problem with racial essentialism in the area of beauty standards—the somatic norm image does not oppress all Blacks equally. The burden is qualitatively different for Black women than Black men.

Given that physical attractiveness—as determined by the somatic norm image—profoundly affects a woman's likelihood of finding a suitable companion and having children, even a Black woman who resists internalizing prevailing standards of beauty does not escape their negative consequences. For so long as American men (Black and White) embrace those standards, the Black woman is more likely than her White counterpart to be cast aside in the sexual competition. Unlike White women or Black men, she is twice rejected—as a Black by whites and as a woman by men.

Much of the foregoing discussion is pointedly expressed in the following lyrics by a popular young Black female songwriter and musician, Me'shell NdegéOcello:

We've been indoctrinated and convinced by the white racist  
standard of beauty/The overwhelming popularity of seeing, better  
off being, and looking white . . ./Master's in the slave house again/  
Visions of her virginal white beauty Dancin' in your head/Your

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29. TERRY McMILLAN, *WAITING TO EXHALE* (1992).

30. This insight lies behind the quote I read somewhere in Marx to the effect that "we will know that we have achieved Communism when an ugly man is an ugly man."

soul's on ice . . . /Are you suffering from a social infection mis-direction/Excuse me does the white woman go better with the Brooks Brothers suit? . . . /You let my sister go by . . . /You can't run from yourself . . . /But you no longer burn for the motherland brown skin/ You want blonde-haired, blue-eyed soul/Snow white passion without the hot comb.<sup>31</sup>

Inasmuch as "a black woman's pain at not being considered fully feminine is different qualitatively" from a white woman's, feminist theorists who continue to insist that the difference is merely quantitative marginalize the experiences of Black women in three distinct ways.<sup>32</sup> First, in keeping with the expectation, born of White supremacy, that issues that concern Whites will be central in every discourse, these theorists take back the center stage from people of color seeking to describe and define their own experience of oppression.<sup>33</sup> Hence, White issues remain or become central to the dialogue. Second, they foster essentialism, rendering women of color invisible.<sup>34</sup> Third, by emphasizing similarity and obscuring difference, "[t]hey may believe that their opinions and judgments about race are as fully informed and cogent as those of victims of racism."<sup>35</sup> These three ways that Whites can marginalize the experiences of Blacks come from another article in the anthology co-authored by Trina Grillo and Stephanie Wildman, *Obscuring the Importance of Race: The Implication of Making Comparisons between Racism and Sexism (or Other Isms)*. Although their article centers on the dangers of analogizing sexism to racism, the dangers Grillo and Wildman identify can "exist[ ] apart from the issue of analogies. . ."<sup>36</sup> and point out the rich resonances one finds between and among the articles selected for this anthology.

I have focused on the common thread of anti-essentialism and aesthetics that runs through this book in an effort to suggest some of the irreducible insights this powerful new genre offers. I could easily have focused on numerous other threads—concerning mothering, sexual harassment, law breaking, working, etc.—that also run throughout

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31. ME'SHELL NDEGÉOCELLO, *Soul on Ice, on PLANTATION LULLABIES* (Maverick Recording Company 1993).

32. Harris, *supra* note 12, at 15 (endnote omitted).

33. See Trina Grillo & Stephanie M. Wildman, *Obscuring the Importance of Race: The Implication of Making Comparisons between Racism and Sexism (or Other Isms)*, in *CRITICAL RACE FEMINISM*, *supra* note 1, at 44, 46-48.

34. See *id.* at 48.

35. *Id.* at 49.

36. *Id.* at 48.



this expertly edited anthology. These common threads, these rich internal cross references and connections, make this more than just a collection of some of the most original and creative scholarship in the academy today; it is also an immensely rewarding read as a whole—a book with a soul.