

GLOBAL CRITICAL RACE



FEMINISM

AN INTERNATIONAL READER

EDITED BY ADRIEN KATHERINE WING

FOREWORD BY ANGELA Y. DAVIS

Global Critical Race Feminism

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*Global Critical Race Feminism:
An International Reader*
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Foreword by
Angela Y. Davis



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Foreword

Angela Y. Davis

The largest women's prison in Australia, located near Melbourne, is owned and operated by Corrections Corporation of America (CCA), based in Nashville, Tennessee. CCA, the largest of a rising number of private prison companies, might conceivably argue that punishment structures linked to the political history of the United States have been exported to other countries for the last two centuries. However accurate this observation, the context within which CCA and other transnational corporations conduct their business has been radically transformed over the last decades of the twentieth century. CCA's work is facilitated today by the rapid migration of capital, information, and ideas, as well as the attendant processes of privatization and structural adjustment promoted by the International Monetary Fund, the World Bank, and other global financial establishments. Within this new context, such peculiarly American institutions as the prison have become a major feature of the landscape in many countries that previously relied on more humane means of managing their social problems.

During a 1999 visit to a women's prison in Sydney, I was struck not only by the architectural similarities with women's prisons in the United States, but also by the patterns of racialization that appeared to define who goes to prison and who does not. When I talked to a number of young Aboriginal women incarcerated on charges connected with drug use, these conversations reminded me of similar exchanges with Black and Latina women in prison on drug charges in the United States. I also thought about the Latin American and Caribbean women I had interviewed at a prison in the Netherlands, many of whom were incarcerated in connection with drug-trafficking charges. The globalization of the U.S. war on drugs and its attendant demonization of people of color furnishes a striking example of the ease with which contemporary forms of racism move across national borders. Today, one of the most ominous instances of the dissemination of U.S. prison practices is the growing adoption of

supermax prisons, even in countries like the Netherlands and the new South Africa, which we associate with historical or recent progressive social experiments.

While U.S. hegemony continues to be cause for great concern—especially given the speed with which repressive institutions and conservative ideas travel to the most far-flung areas of the globe—it is the homelessness of global capital that poses the greatest threat to women throughout the world. Garments bought by U.S. consumers are increasingly produced by women and girls in Asia, Central America, South America, and the Caribbean under conditions that fall far below the putative minimum labor standards in the United States. This, in turn, impels garment manufacturers, who proudly exhibit the “made in the U.S.A.” label to rely on the sweatshop labor of immigrant women and girls who have frequently traveled to the United States in order to escape the economic dislocation caused by transnational corporations in their home countries. A recent campaign by Asian Immigrant Women’s Advocates revealed that Jessica McClintock, Inc., sold prom dresses for \$175, for which the women who produced them received a meager five dollars. It is not surprising that twenty years after the United Nations Convention on the Elimination of All Forms of Discrimination against Women, the U.S. Senate still has not seen fit to ratify this treaty.

Adrien Wing’s *Global Critical Race Feminism* draws upon various theoretical and organizing traditions to help counter the egregious effects of globalization on women throughout the world and to affirm the possibilities of building feminist community around struggles of poor women of color in the North and women throughout the Southern countries. This work is the most recent of a series of anthologies organized around themes related to women of color in North America and Europe and/or women of the South. It takes its place alongside such important works as *This Bridge Called My Back: Writings by Radical Women of Color*, edited by Cherríe Moraga and Gloria Anzaldúa (2d ed., Kitchen Table, Women of Color Press, 1983); *Third World Women and the Politics of Feminism*, edited by Chandra Mohanty, Ann Russo, and Lourdes Torres (Indiana University Press, 1991); and *Feminist Genealogies, Colonial Legacies, Democratic Futures*, edited by M. Jacqui Alexander and Chandra Talpade Mohanty (Routledge, 1997). *Global Critical Race Feminism* goes beyond Wing’s first anthology, *Critical Race Feminism* (New York University Press, 1997), in linking research and activism by lawyers and legal academics around women of color within a domestic U.S. context to a range of global issues. Wing’s first anthology may be considered a point of departure. In fact, some of the key articles in the earlier work that urged us to internationalize our thinking about race and gender reappear in the present volume.

Many of the articles in this anthology explore possibilities of progressive legal practice informed by understandings of the cross-cutting and overlapping relationships of gender, class, race, and sexuality. In this sense, it charges lawyers and legal academics with the awesome task of translating the complicated theoretical relationships among these categories into transformative legal practice. As proponents of Critical Race Theory have often dramatically demonstrated, this is no easy task, given the various power dynamics deeply embedded in Western legal traditions. A

number of the contributors to *Global Critical Race Feminism* point out that the contemporary urgency of forging feminist community around transnational legal projects vastly increases the magnitude of these difficulties.

The articles included in this collection reveal that global sisterhood in the twenty-first century will be a failed venture if it is imagined primarily as a project of generating knowledge—whether anthropological or legal—about similarities and differences among northern and southern women. In emphasizing the role of social activism, emerging scholar/activists, whose contributions play a significant role in this anthology, ask us to consider organizing strategies, which have grown out of many local contexts, as a starting point for productive forms of feminist solidarity. Readers will appreciate the provocative multigenerational conversations in *Global Critical Race Feminism* around such widespread problems as public and private violence against women. This work urges us all to imagine new, nonexploitative border crossings between countries, cultures, and ethnicities as well as between research, legal practice, and social activism.

Acknowledgments

First, I would like to sincerely express my gratitude and thanks to all the wonderful contributors to this volume for enabling me to share their work with a wider audience. Their words inspire me to produce my own modest contributions to this emerging genre. I must especially thank my friend Angela Y. Davis for taking time from her own amazingly busy schedule to write the foreword to this collection. I also acknowledge the special assistance of University of Iowa research assistants Armikka Bryant, Thushantha Devan, Anel Dominguez, Eric Hallstrom, Wendy Howza, Mary Kimani, Mahal Montoya, Adam Rodriguez, and Wael Wahbeh, as well as my very able, hardworking former secretary, Beverly Heitt. My dean, N. William Hines, has supported all my scholarly, teaching, and service efforts for more than a decade. I truly could not have accomplished all I have as a professor without him.

I have been fortunate enough to have had several mentors who greatly influenced my career as a student of international affairs. They include Joseph Borlo of Newark Academy in Livingston, New Jersey, who made sure my French was presentable; the Angolan specialist and professor Gerald Bender, formerly of the UCLA African Studies Program; and Stanford law professor John Merryman, one of the fathers of comparative law in the United States. When I worked as an international lawyer for five years in New York, my mentors included Keith Highet and the late Laishley Peter Wragg, both formerly of the Curtis, Mallet-Prevost et al. firm in New York. My principal mentor at the University of Iowa has been Professor Burns Weston, former director of the international and comparative law program. I have been proud to be a part of the phenomenal growth of international law in the wilds of Iowa under his energetic direction. Additionally there are several colleagues at other schools who have helped me find my way as an international law scholar and activist: Temple Law School professor Henry Richardson;

the late dean of the City University Law School at Queens Haywood Burns, who died in South Africa while fulfilling his mission as an international scholar/activist; and the late Howard Law School professor Goler Butcher, whose life work is featured in this volume.

Of course the true core of my success rests with my family. My mother, Katherine Pruitt Wing, made many sacrifices to assist me in obtaining the excellent educational foundation that has enabled me to soar beyond the borders of the United States. My father, the late Dr. John E. Wing, Jr., taught me that I would not be limited by racialized patriarchy in my choice of careers. Other influential family members in my choice of career include my uncle James Pruitt, whose African slide show way back in 1963 implanted a vision of Africa in my head that has lasted a lifetime; and my aunt Bess Pruitt, whose managerial representation of African dance companies further solidified my dreams of a career involving Africa. There is a granduncle I never met, Bob Grière, whose exciting career abroad in France and francophone Africa underlay our family lore. I imagine him in his jaunty French beret, living in the France of Josephine Baker and other Black American expatriates. Perhaps he once sat in a café with Paul Robeson, a role model I gained in college, whose global career in the face of injustice inspired me to name one of my sons in his honor, a son who was also born on his birthday.

At the foundation of everything, I must thank my partner, James C. Sommerville, for his unflagging support, patience, and love now spanning two decades. And finally it is my sons, Nolan, Ché-Cabral, Charles, Brooks, and Willie, and now grandson Isiah, who will all hopefully make it worthwhile in the twenty-first century.

Introduction

Global Critical Race Feminism for the Twenty-First Century

Adrien Katherine Wing

In this introduction I hope to identify the intellectual threads that have contributed to this loosely woven tapestry I am labeling Global Critical Race Feminism (GCRF). The volume expands upon the issues addressed in my well-received first anthology, *Critical Race Feminism: A Reader* (New York University Press, 1997). That original book was the first collection predominantly focusing on the legal status of women of color living in the United States, that is, African Americans, Latinas, Asians, and Native Americans. In the words of CRF foremother Professor Mari Matsuda, these women can experience “multiple consciousness,” an awareness of oppression they face based simultaneously on their race/ethnicity and gender.¹ The volume emphasized not only the experience of discrimination, but also resilience, resistance, and the formation of solutions. It covered such diverse areas as anti-essentialism, education, mothering, employment, welfare reform, criminality, domestic violence, and sexual harassment. The final part of the volume introduced global themes.

In my travels I am frequently asked the meaning of this odd term “Critical Race Feminism.” Some people have wondered whether CRF adherents are “male-hating, bra-burning feminazis in blackface.” Some men of color have asked whether we are race traitors who give greater priority to gender than to racial solidarity. Professor Richard Delgado of the University of Colorado Law School coined the term CRF in the first edition of his anthology *Critical Race Theory: The Cutting Edge* (Temple University Press, 1995). The beauty of the strange expression is that each word represents one of the primary legal traditions from which it derives—Critical Legal Studies (CLS), Critical Race Theory (CRT), and feminist jurisprudence. The word “global” added to the title of this collection implies the embrace of strands from international and comparative law, global feminism, and post-colonial theory as well.

When I explain the derivation of CRF in some circles, 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 skepticism on several levels. Isn’t the concept of “women of color” nonviable as an organizing principle for scholarly work or activism, whether U.S. or internationally focused? Isn’t the situation of minority group women in the United States categorically different from the status of “Third World” women in the countries of origin of their families or ancestors? 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 the U.S. race and gender discrimination law that has evolved primarily from the 1960s civil rights movements adequately protect women of color? Doesn’t the post–World War II international legal regime that has developed principally since “First World” decolonization of most of the “Third World” encompass the legal problems of “Third World” women?

Critical Race Feminism is evolving as a richly textured genre interwoven with many areas of jurisprudence because the answer to all the above questions is a resounding “No!” As the articles in both my anthologies illustrate, existing legal paradigms under U.S., foreign, and international law have permitted women of color to fall through the cracks—becoming literally and figuratively voiceless and invisible. This volume attempts to not only identify and theorize about those cracks in the legal regime, but to formulate relevant solutions as well. Sometimes a little mortar will suffice, while in other instances an entire wall of a legal edifice must come down.

First, what about the validity of the term “women of color” as an organizing principle? Chandra Mohanty describes it as a sociopolitical designation for women of African, Caribbean, Asian, Latin American, and indigenous descent. Despite constituting a plurality of the world’s people, women of color are usually situated on the bottom rung of each society, whether they live in developed or developing countries. The concept goes beyond mere color or racial identification. What all these women may have in common is their potential political relationship—likely an oppositional one—to sexist, racist, and imperialist structures.²

The authors in this collection are consciously engaged in revealing and challenging such discriminatory structures. As editor, I have deliberately chosen to feature predominantly the words of women of color themselves in an effort to break the silence and invisibility of such women in legal discourse. By foregrounding women of color, I am not saying that others can not write about the plight of these women. Men and Anglo women can certainly do so, and in this collection several of the contributors fall into one of these categories, most notably Professors Devon W. Carbado, J. Clay Smith, Jr., Taimie L. Bryant, Brenda J. Cossman, Mary L. Dudziak, Martha I. Morgan, and Zorica Mrsevic.

I do endorse, however, Mari Matsuda’s notion of a “distinctive voice” that some (but certainly not all) people of color may possess in discussing the terms of their own oppression.³ For example, in this volume Kiyoko Kamio Knapp, a Japanese scholar who came to the United States to earn her law degree, reveals a perspective

in her essay on Japanese women that is informed to a large degree by her own status as a Japanese female. The distinguished UCLA professor Taimie Bryant also writes in these pages on Japanese women, but it cannot be from the same perspective as Knapp's. This is not to say that there is one essential Japanese view on an issue or that Bryant's views are wrong. They may even be similar to those of Ms. Knapp.

A more nuanced example of "distinctive voice" presents itself when two authors are both women of color, but from different ethnicities. For instance, I have written on the legal rights of both Black South African and Palestinian women, even though I belong to neither group. As an African American whose people have suffered discrimination for nearly four hundred years in the United States, I can empathize with the struggles of these women to confront various forms of oppression. I do not delude myself, however, that my perspective would be identical, much less superior, to that of a South African or a Palestinian woman.

All the authors in this collection are lawyers, and most are legal academics as well. Thus this book does not purport to directly represent the voices of the poorest women of color. The very notion of a "distinctive voice" for people of color has been attacked on class grounds by such conservative scholars as U.S. federal judge Richard Posner. He has challenged the validity of "elite" law professors like Richard Delgado who "claim" to speak on behalf of disenfranchised people of color.⁴ I agree with Posner that we law professors of color are an elite, a tiny portion of groups disproportionately impoverished. I disagree wholeheartedly, however, with Judge Posner's inference that we therefore have no commonalities with the most oppressed people from our groups. I am quite certain that when Rodney King was beaten up by the Los Angeles police force, the officers did not ask him whether he was a lawyer. He was Black and animal-like, which justified their behavior in their own eyes. Elite class status as intellectuals does not shield people of color from racial attacks. Similarly, with respect to my gender, my job as a law professor does not shield me from the threat of rape.

As individuals writing about the concerns of disproportionately poor people of color, most authors in this collection have chosen to "look to the bottom" and identify with the oppressed, in the words of Mari Matsuda.⁵ The assassinated African revolutionary leader Amilcar Cabral went even further and called for "class suicide" by intellectuals of color.⁶ These concepts may characterize an aspect of what made the middle-class Reverend Dr. Martin Luther King sacrifice himself for the rights of the many poor Blacks. They may have influenced the Caribbean psychiatrist Frantz Fanon to write about the "wretched of the earth," and the lawyer Mohandas K. Gandhi to identify with the most despised class of Indians. The South African Xhosa tribal royal member/lawyer Nelson Mandela gave up the potential relative comfort of his privileged positions and said, "the struggle is my life." All these comparatively privileged individuals felt a tremendous sense of obligation and served as "translators" between the invisible, voiceless oppressed of their people and the power elite—the men who were the captains of industry, politics, and society. The weapons of communication varied from the pen to the sword, from nonviolent protest to armed struggle.