

21 Rodrigo's Sixth Chronicle:

Intersections, Essences, and the Dilemma of Social Reform

RICHARD DELGADO

I WAS returning to my office from the faculty library one flight below, when I spied a familiar figure waiting outside my door.

"Rodrigo!" I said. "It's good to see you. Please come in."

I had not seen my young protégé in a while. A graduate of a fine law school in Italy, Rodrigo had returned to the United States recently to begin LL.M. studies at a well-known school across town in preparation for a career as a law professor. An African-American by birth and ancestry, the talented Rodrigo had sought me out over the course of a year to discuss Critical Race Theory and many other ideas. For my part, I had gratefully used him as a foil and a sounding board for my own thoughts.

"Have a seat. You look a little agitated. Is everything OK?" Rodrigo had been pacing my office while I was putting my books down and activating my voice mail. I hoped it was intellectual excitement and his usual high-pitched energy that accounted for his restless demeanor.

"Professor, I'm afraid I'm in some trouble. Do you have a few minutes? There's something I need to talk over with someone older and wiser."

"I'm definitely older," I said. "The other part I'm not sure about. What's happening?"

"There's a big feud going on in the Law Women's Caucus at my school. The women of color and the white members are going at it hammer and tongs. And like a dummy, I got caught right in the middle."

"You? How?" I asked.

"I'm not a member. I don't think any man is. But Giannina is an honorary member, as I think I mentioned to you last time. The Caucus has tried to keep its struggle quiet, but I learned about it from Giannina. And I'm afraid I really—how do you put it?—put my foot in the mouth."

"In your mouth," I corrected. Although Rodrigo had been born in the States and spent his early childhood here, he occasionally failed to use an idiom cor-

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rectly, a difficulty I had observed with other foreigners. "Tell me more," I continued. "How did it happen? Is it serious?"

"It's extremely serious," said Rodrigo, leaping to his feet and resuming his pacing. "They were having a meeting down in the basement, where I went after class to pick up Giannina. We were going to catch the subway home, and I thought her meeting would be over by then. I stood at the door a minute, when a woman I knew motioned me in. That was my mistake."

"Are the meetings closed to men?"

"I don't think so. But I was the only man there at the time. They were talking about essentialism!—as I've learned to call it—and the organization's agenda. A woman of color was complaining that the group never paid enough attention to the concerns of women like her. Some of the white women were getting upset. I made the mistake of raising my hand."

"What did you say?"

"I only tried to help analyze some of the issues. I drew a couple of distinctions, or tried to anyway. Both sides got mad at me. One called me an imperial scholar, an interloper, a typical male, and a pest. I got out of there fast. And now, no one will talk to me. Even Giannina made me move out of the bedroom. I've been sleeping on the couch for the last three nights. I feel like a leper."

A quarrel between lovers! I had not had to deal with one of those since my sons were young. "I'm sure you and she will patch it up," I offered. "You'd better—the two of you owe me dinner, remember?"

Rodrigo was not cheered by my joke nor my effort to console him. "I may never have Giannina's companionship again," he said, looking down.

"These things generally get better with time," I said, making a mental note to address the point later. "It's part of life. But if talking about some of these issues would help, I'm game."

In Which Rodrigo and I Review the Essentialism Debate and Try to Understand What Happened at the Law Women's Caucus

"The debate about essentialism has both a political and a theoretical component," Rodrigo began. "That book (Rodrigo nodded in the direction of *Yearning: Race, Gender and Cultural Politics*,⁹ by bell hooks, lying open on my desk) and those articles³ pay more attention to the political dimension. But there's also a linguistic-theory component."

"You mean the early philosophical discussion about whether words have essences?" I asked, pausing a moment to offer Rodrigo a cup of steaming espresso. I pointed out the tray of ingredients and said, "Help yourself if it needs more cream and sugar."

"Exactly," Rodrigo replied, slurping his coffee. "The early antiessentialists attacked the belief that words have core, or central, meanings. If I'm not mistaken,

Wittgenstein was the first in our time to point this out.⁴ In a way, it's a particularly powerful and persuasive version of the antinomialist argument."⁵

As always, Rodrigo surprised me with his erudition. I wondered how an Italian-trained scholar, particularly one so young, had managed to learn about Wittgenstein, whose popularity I thought lay mainly in the English-speaking world. "How did you learn about Wittgenstein?" I asked.

"He's popular in Italy," Rodrigo explained. "I belonged to a study group that read him. The part of his teaching that laid the basis for anti-essentialism was his attack on the idea of core meanings. As you know, he wrote that the meaning of a term is its use."⁶

"I haven't read him in a while," I added hastily. "But you mentioned that the controversy's political side seems to be moving into the fore right now, which seems true. And I gather it's this aspect of the essentialism debate that you wanted into at school."

"In its political guise," Rodrigo continued, "members of different outgroups argue about the appropriate unit of analysis—about whether the Black community, for example, is one community or many, whether gays and lesbians have anything in common with straight activists, and so on.⁷ At the Law Women's Caucus, they were debating one aspect of this—namely, whether there is one, essential sisterhood, as opposed to many. The women of color were arguing that to think of the women's movement as singular and unitary disempowers them. They said that this view disenfranchises anyone—say, lesbian mothers, disabled women, or working-class women—whose experience and status differ from what they term 'the norm.'"⁸

"And the others, of course, were saying the opposite?"

"Not exactly," Rodrigo replied. "They were saying that vis-à-vis men, all women stood on a similar footing. All are oppressed by a common enemy, namely patriarchy, and ought to stand together to confront this evil."⁹

"I've read something similar in the literature," I said.

"I'm not surprised. In a way, the debate the Caucus was having recapitulates an exchange between Angela Harris, a talented Black writer, and Martha Fineman, a leading white feminist scholar."

"Those articles are on my list of things to read. In fact," I paused, ruffling through the papers on my littered desk, "they're right here. I skimmed this one and set this other one aside for more careful reading later. I have to annotate both for my editors."

"Then you have at least a general idea of how the political version goes," Rodrigo said. "It has to do with agendas and the sorts of compromises people have to make in any organization to keep the group working together. In the Caucus's version, the sisters were complaining that the organization did not pay enough attention to the needs of women of color. They were urging that the group write an amicus brief on behalf of Haitian women and take a stand for the mostly Black custodial workers at the university. While not unsympathetic, the Caucus leadership thought these projects should not have the highest priority."

"I see what you mean by recapitulation of the academic debate. Fineman and Harris argue over some of the same things. Not the specific examples, of course, but the general issues. Harris writes about the troubled relationship between Black women and other women in the broader feminist mainstream,¹⁰ although she notes that many of the issues this relationship raises reappear in exchanges between straight and gay women, working- and professional-class minorities, Black women and Black men, and so on. She and others write of the way in which these relationships often end up producing or increasing disempowerment for the less influential group.¹¹ They point out that white feminist theorists, while powerful and brilliant in many ways, nevertheless base many of their insights on gender essentialism—the idea that women have a single, unitary nature. They point out that certain feminist scholars write as though women's experiences can be captured in general terms, without taking into account differences of race or class.¹² This approach obscures the identities and submerges the perspectives of women who differ from the norm. Not only does legal theory built on essentialist foundations marginalize and render certain groups invisible, it falls prey to the trap of over-abstractation, something the same writers deplore in other settings. It also promotes hierarchy and silencing, evils that women should, and do, seek to subvert."

"Much the same goes on within the Black community," I pointed out. "This community is diverse, many communities in one. Black neoconservatives, for example, complain that folks like you and me leave little room for diversity by disparaging them as sellouts and belittling their views as unrepresentative.¹³ They accuse us of writing as though the community of color only has one voice—ours—and of arrogating to ourselves the power to make generalizations and declare ourselves the possessors of all socio-political truth."¹⁴

"I know that critique," Rodrigo replied. "It seems to me that they might well have a point, although it does sound a little strange to hear the complaint of being overwhelmed, smothered, spoken for by others, coming from the mouth of someone at Yale or Harvard."

"Like you at the Law Caucus, I found myself on the end of some stinging criticism. I have Randall Kennedy and Steve Carter, particularly, in mind. They write powerfully, and of course many in the mainstream loved their message—so much so that they neglected to read any of the replies. But let's get back to the feminist version, and what happened to you at the Law Women's meeting."

"Oh, yes. The discussion in many ways mirrored the debate in the legal literature and in that book." Rodrigo again pointed in the direction of the bell hooks book. "As you probably know, Harris's principal opponent in the anti-essentialism debate has been Martha Fineman, who takes Black feminists to task for what she considers their overpreoccupation with difference. Their focus on their own unique experience contributes to a 'disunity' within the broader feminist movement that she finds troubling. It's troubling, she says, because it weakens the group's voice, the sum total of power it wields. Emphasizing minor differences between young and old, gay and straight, and Black and white women is divisive, verging on self-indulgence. It contributes to the false idea that the individual is

the unit of social change, not the group. It results in tokenism and plays into the hands of male power."¹⁵

"And the discussion in the room was proceeding along these lines?" I asked. "Yes," Rodrigo replied. "Although I had the sense that things had been brewing for some time. As soon as some of the leaders expressed coolness toward the Black women's proposal for a day-care center, the level of acrimony increased sharply. A number of women of color said, 'This is just like what you said last time.' Some of the white women accused them of narrow parochialism. And so it went."

"Rodrigo, you might not know this because you've been out of the country for—what?—the last ten years?" Rodrigo nodded yes. "These issues are really heated right now. And they're not confined to feminist organizations. Many of the same arguments are being waged within communities of color. Latinos and Blacks are feuding. And, of course, everyone knows about Korean merchants and inner-city Blacks. Black women are telling us men about our insufferable behavior. We're always finishing sentences for them, expecting them to make coffee at meetings. Some of them with long memories recall how we made them march in the second row during the civil rights movement. We make the same arguments right back at them: 'Don't criticize, you'll weaken the civil rights movement, the greater evil is racism, we need unity, there must be common cause,' and so on. They're starting to get tired of that form of essentializing, and to point out our own chauvinism, our own patriarchal mannerisms and faults."

"Those are some of the things I got called at the meeting. It looks like I have company."

"We all need to think these things through. You and I could talk about it some more, if you think it would help. Can I offer you another cup of coffee?"

In Which Rodrigo Posits a Theory of Social Change and Explains the Role of Oppositional Groups in Bringing It About

RODRIGO LAYS OUT A NATURAL HISTORY OF SOCIAL IDEAS

"I think that virtually all revolutionary ideas start with an outsider of some sort," Rodrigo began. "We mentioned the reasons before. Few who operate within the system see its defects. They speak, read, and hear within a discourse that is self-satisfying. The primary function of our system of free speech is to effect stasis, not change. New ideas are ridiculed as absurd and extreme, and discounted as political, at first. It's not until much later, when consciousness changes, that we look back and wonder why we resisted so strongly."

"Revolutionaries always lead rocky lives. You'll see that too, Rodrigo, although I don't know if you classify yourself as one or not. All the pressure is in the direction of conforming, of doing what others do, in teaching, in scholarship, in fact in all areas of life."

Rodrigo shrugged off my counsel. "So, new ideas and movements come along relatively rarely. And when they do, they are beleaguered. For a long time, they garner little support. Then, for some reason, they acquire something like a critical mass. Society begins to pay attention. Now, the situation is in flux. The group now needs all the allies they can muster. They begin to make inroads and need to make more. They see that they are beginning to approach the point where they might be able to change societal discourse in a direction they favor."

"Including the power to define who is 'divisive,'" I added.

"That, too—especially that," Rodrigo said animatedly, seeing how my observation fit into the theory he was developing. He looked up with gratitude, then continued:

"At this point, they need all the help they can get. If they are you, they need Gary Peller and Alan Freeman.¹⁶ If they are feminists, they need Cass Sunstein.¹⁷ Earlier, they needed the religious right in their campaign against pornography. And so on. With a little growth in numbers, they may perhaps reach the point at which power begins to translate into knowledge. And knowledge, of course, is the beginning of social reform. When everyone knows you are right, knows you have a point, you are well on your way to victory."¹⁸

"And for this the group needs numbers."

"Right. With them, they can change the interpretive community.¹⁹ They can remake the model of the essential woman, say, along lines that are genuinely more humane."²⁰

RODRIGO AND I DISCUSS THE ROLE OF REFORMERS AND MALCONTENT GROUPS

"So, Rodrigo," I continued, "you are saying that new knowledge of any important, radical sort begins with a small group. This group is dissatisfied, but believes it has a point. It agitates, acquires new members, begins to get society to take it seriously. And it's at this point that the essentialism/anti-essentialism debate usually sets in?"

"Before it wouldn't arise. And later when the large group is nearing its goals, it doesn't need the disaffected faction. So it's right at this mid-point in a social revolution—for example, the feminist movement—that we have debates like the one I got caught in the middle of."

"But you were saying before that the disaffected cell ought to sit out the revolution, as it were, and not just for its own good but for that of the wider society as well?"

"It should. And often such groups do, consciously or unconsciously. I'm just saying that when they do, it's usually not a bad thing."

"And this is because of your theory of knowledge, I gather, in which canonical thinking always gets to a point where it no longer works and needs a fundamental challenge?"

"And this, in turn, can only come from a disaffected group. Every new idea,

if it has merit, eventually turns into a canon. And every canonical idea at some point needs to be dislodged, challenged, and supplanted by a new one."

"So maverick, malleable groups are the growing edge of social thought."

"Not every one. Some are regressive—want to roll back reform."
 "I can think of several that fit that bill," I said shuddering. "But you said earlier that the outsider has a kind of binocular vision that enables him or her to see defects in the bubbles in which we all live—to see the curvature, the limitations, the downward drift that eventually spells trouble. But earlier you used another metaphor. What was it?"

Rodrigo thought for a moment. "Oh, I remember. It was the role of hunger."
 "I'd love for you to explain."

"It's like this." Rodrigo pushed aside his plate. "Change comes from a small, dissatisfied group for whom canonical knowledge and the standard social arrangements don't work. Such a group needs allies. Thus, white women in the feminist movement reach out to women of color; Black men in the civil rights movement try to include Black women, and so on. Eventually, the larger group makes inroads, changes the paradigm, begins to be accepted, gets laws passed, and so on."

"Can I take that plate?" I asked. Rodrigo passed it over, and I put it in the non-recyclable bin outside my office along with the other remnants of our snack.

"This is what you argued before, so I assume you're getting to your theory about hunger."

"Correct. But you see, as soon as all this happens, the once-radical group begins to lose its edge. It enters a phase of consolidation, in which it is more concerned with defending and instituting reforms made possible by the new consensus, the new paradigm of Foucault's Knowledge/Power, than with pushing the envelope towards more radical change. The group is beginning to lose binocular vision, the special form of insight most outgroups have, about social inequities and imbalances."

"And so the reform movement founders?" I asked. "We've seen many examples of that. As you know, legal scholarship is now extremely interested in that question. Many in the left are trying to discover why all our best intentions fail, why the urge to transform society for the better always comes to naught."²¹

"I'm not sure I'd say the movement founders," Rodrigo interjected. "Rather, it enters into a different phase. I don't want to be too critical."

"But at any rate, it peters out," I said. "It loses vigor."
 "But then, eventually, another group rises up to take its place. Often this is a disaffected subset of the larger group, the one that won reforms, that got the Supreme Court or Congress to recognize the legitimacy of its claims. It turns out that the reforms did not do much for the subgroup. The revolution came and went, but things stayed pretty much the same for it. So, it renews its effort."

"And that's what you meant by hunger?"

"In a way. Those who are hungry are most desperate for change. Human intelligence and progress spring from adversity, from a sense that the world is not

supplying what the organism needs and requires. A famous American philosopher developed a theory of education based on this idea."

"I assume you mean John Dewey?"²²

"Him and others. He was a sometime member of the school of American pragmatists. But his approach differed in significant respects from that of the other pragmatists like William James and Charles Peirce. One was this.²³ And so I'm thinking we can borrow from his theory to explain the natural history of revolutionary movements, applying what he saw to be true for individuals to larger groups."

"Where you think it holds as well?" I asked. "It's always dangerous extrapolating from the individual to the group."

"I think the observation does hold for groups, as well," Rodrigo replied. "But I'd be glad to be corrected if you think I am wrong. The basic idea is that groups that are victors become complacent. They lose their critical edge, because there is no need to have it. The social structure now works for them. If by intelligence, one means critical intelligence, we become dumber all the time. It's a kind of reverse evolution. Eventually society gets out of kilter enough that a dissident group rises up, its critical skills honed, its perception equal to that of the slave. It challenges the master by condemning the status quo as unjust, just as Giannina challenged me. Sometimes the injustices it points to are ones that genuinely need mending, and not just for the discontented group. Rather, they signal a broader social need to reform things in ways that will benefit everybody."²⁴

I leaned forward; the full force of what Rodrigo was saying had hit me. "So, Rodrigo, you are saying that the history of revolution is, by its nature, iterative. The unit of social intelligence is small; reform and retrenchment come in waves. This fits in with what you were saying earlier about the decline of the West and the need for infusion of outsider thought. And, it dovetails with other currents under way in environmental thought,²⁵ economic thought²⁶—and, as you mentioned, in American political philosophy. . . ."

NOTES

1. On essentialism, see generally BELL HOOKS, *AIN'T I A WOMAN?: BLACK WOMEN AND FEMINISM* (1981) (discussing inseparability of race and sex for Black women); BELL HOOKS, *YEARNING: RACE, GENDER AND CULTURAL POLITICS* (1991) (articulating radical critique linked with concern for transforming oppressive structures of domination); BELL HOOKS & CORNEL WEST, *BREAKING BREAD: INSURGENT BLACK INTELLECTUAL LIFE* (1991) (scrutinizing dilemmas, contradictions, and joys of Black intellectual life); ELIZABETH V. SPELMAN, *INESSENTIAL WOMAN: PROBLEMS OF EXCLUSION IN FEMINIST THOUGHT* (1988) (showing how essentialism denies significance of heterogeneity for feminist theory and political activity); Trina Grillo & Stephanie M. Wildman, *Obscuring the Importance of Race: The Implications of Making Comparisons Between Racism and Sexism or Other -isms*, 1991 DUKÉ L.J. 397 (discussing dangers of analogizing racism to other forms of discrimination); Angela P. Harris, *Race and Essentialism*

in *Feminist Legal Theory*, 42 STAN. L. REV. 581 (1990) [criticizing gender essentialism for failing to take into account Black women's experiences]. As Rodrigo and the professor use the term, essentialism consists of treating as unitary a concept or group that, to some at least, contains diversity.

2. HOOKS, *YEARNING*, *supra* note 1.

3. See notes and text *supra*.

4. See LUDWIG WITGENSTEIN, TRACTATUS LOGICO-PHILOSOPHICUS 9–25 [D. F. Pears & B. F. McGuinness trans., 2d ed. 1974] [1921] [developing idea that meaning of term or symbol lies in its use].

5. The antiminimalist argument holds, in short, that words and terms do not correspond to permanent essences or things existing in a realm outside time. See, e.g., 3 ENCYCLOPEDIA OF PHILOSOPHY 59–60 [P. Edwards ed., 1967] [Essence and Existence]; 8 ENCYCLOPEDIA OF PHILOSOPHY, *supra* at 199–204 [on conceptualism, nominalism, and resemblance theories].

6. WITGENSTEIN, *supra* note 4, at 10–25 [postulating that meaning of a word comes from its use; even terms like “chair” have no core meanings or necessary and sufficient conditions for their application].

7. See, e.g., Harris, *supra* note 1 [criticizing gender essentialism].

8. See generally Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 U. CHI LEGAL F. 139 [examining how tendency to treat race and gender as mutually exclusive categories of experience and analysis is perpetuated by a single-axis framework that is dominant in antidiscrimination law, feminist theory, and antiracist politics]; Harris, *supra* note 1.

9. See Martha L. Fineman, *Challenging Law, Establishing Differences: The Future of Feminist Legal Scholarship*, 42 U. PA. L. REV. 25, 36 [1990] [advocating unified stand by all women against patriarchy].

10. See Harris, *supra* note 1, at 585–604.

11. See generally, e.g., Paulette Caldwell, *A Hair Piece: Perspectives on the Intersection of Race and Gender*, 1991 DUKE L.J. 365 [criticizing Rogers v. American Airlines, 527 F. Supp. 229 [S.D.N.Y. 1981], and legal system in general for failing to consider intersection between race and gender]; Crenshaw, *supra* note 8.

12. See Harris, *supra* note 1, at 585–90, 595–605, 612–13 [mentioning Robin West and Catharine MacKinnon as examples].

13. See generally, e.g., DINESH DSOUZA, *LIBERAL EDUCATION* [1991] [articulating neoconservative critique of Black and liberal politics]; RICHARD RODRIGUEZ, *HUNGER OF MEMORY* [1982] [recounting experiences of Spanish-speaking student who pursues his education in English-speaking schools]; SHELBY STEELE, *THE CONTENT OF OUR CHARACTER* [1990] [arguing that while there is racial insensitivity and some racial discrimination in our society there is also much opportunity]; see also STEPHEN L. CARTER, *REFLECTIONS OF AN AFFIRMATIVE ACTION BABY* [1991] [articulating neoconservative critique of Black and liberal politics].

14. *Id.* See also Randall L. Kennedy, *Racial Critiques of Legal Academia*, 102 HARV. L. REV. 1745 [1989] [analyzing writings which examine effect of racial difference on distribution of prestige in legal academia].

15. See Fineman, *supra* note 9, at 39–43.

16. *Viz.*, white authors who have written work supportive of Critical Race scholarship by academics of color. See generally Alan D. Freeman, *Legitimizing Racial Discrimination Through Antidiscrimination Law: A Critical Review of Supreme Court Doctrine*, 62 MINN. L. REV. 1049 [1978] [describing major developments in antidiscrimination law in 25-year period following Brown v. Board of Education, 347 U.S. 483 (1954), with emphasis on “victim’s perspective”]; Alan D. Freeman, *Racism, Rights, and the Quest for Equality of Opportunity: A Critical Legal Essay*, 23 HARV. C.R.-C.L. L. REV. 295 [1988] [commenting on racism and rights in response to minority critique of Critical Legal Studies movement]; Gary Peller, *Race Consciousness*, 1990 DUKE L.J. 758 [exploring conflict between integrationist and Black nationalist images of racial justice, and its effect on current mainstream race reform discourse].

17. See generally, e.g., FEMINISM & POLITICAL THEORY (Cass R. Sunstein ed., 1990) [providing a representative wide-ranging, yet unified, set of readings on feminist political thought]; Cass R. Sunstein, *Pornography and the First Amendment*, 1986 DUKE L.J. 589 [arguing that pornography is low-value speech that can be regulated consistently with first amendment].

18. See MICHEL FOUCAULT, *POWER/KNOWLEDGE: SELECTED INTERVIEWS AND OTHER WRITINGS 1972–77* (Colin Gordon ed. & Colin Gordon et al. trans., 1980). Michel Foucault, a well-known contemporary philosopher, wrote about the relation between structures of social control and what is regarded as knowledge. He believed that knowledge is often socially constructed—that is, a matter of consensus—and that what is regarded as true is as much a function of power and influence as objective truth.

19. “Interpretive community” is a commonly employed term in the theory of interpretation. It refers to the manner in which texts and words acquire a meaning in reference to a community of speakers who agree tacitly to employ them in particular ways. As Rodrigo employs it, he means that large numbers of people can sometimes change the way we see things, deploy words, and ascribe meanings to concepts such as women.

20. On the hope that this kind of radical reconstruction of womanhood can happen, see generally AMERICA’S WORKING WOMEN (Rosalyn Baxandall et al. eds., 1976) [offering collection of views on social change and reform].

21. See generally D. BELL, *AND WE ARE NOT SAVED* [1991] [providing new insights and suggesting more effective strategies in response to failed pledges for racial equality in past].

22. See generally JOHN DEWEY, *EXPERIENCE AND EDUCATION* [First Collier Books ed. 1963] [1938] [classic statement of progressive education which includes theory of inquiry learning, freedom, and learning through experiences]; JOHN DEWEY, *HOW WE THINK* [1933] [articulating philosopher’s approach to thought and action in relation to his program of American pragmatism].

23. *Viz.*, Dewey’s theory of education, a topic that he addressed much more fully than any other American philosopher of his period. He believed that understanding how the mind works and assimilates new material is essential to understanding how an individual adapts to her reality.

24. On the notion that reforms born of the struggle for racial justice often end up benefiting all, not just Blacks, see generally HARRY KALVEN, *THE NEGRO*

AND THE FIRST AMENDMENT (1965) [focusing on impact of the civil rights movement on first amendment].

25. On the idea that small is better, environmentally speaking, *see, e.g.*, KENNETH E. BOULDING ET AL., ENVIRONMENTAL QUALITY IN A GROWING ECONOMY 3–14 (Henry Jarrett ed., 1966) [criticizing society's obsession with production and consumption, and its lack of concern for future ramifications]; ALDO LEOPOLD, A SAND COUNTY ALMANAC AND SKETCHES HERE AND THERE viii, ix, 199–226 (1949) [arguing for land ethic which examines land-use questions in terms of ethics and aesthetics, and not just as economic problems].

26. On the idea that government should be as small and nonintrusive as possible, *see generally* RICHARD A. EPSTEIN, FORBIDDEN GROUNDS: THE CASE AGAINST EMPLOYMENT DISCRIMINATION LAWS (1992) [arguing that economic and social consequences of antidiscrimination laws in employment should be focused on more than historical injustices].

22 Race and Essentialism in Feminist Legal Theory

ANGELA P. HARRIS

IN *Funes the Memorious*, Borges tells of Ireneo Funes, who was a rather ordinary young man (notable only for his precise sense of time) until the age of nineteen, when he was thrown by a half-tamed horse and left paralyzed but possessed of perfect perception and a perfect memory.

After his transformation, Funes

knew by heart the forms of the southern clouds at dawn on the 30th of April, 1882, and could compare them in his memory with the mottled streaks on a book in Spanish binding he had only seen once and with the outlines of the foam raised by an oar in the Río Negro the night before the Quebracho uprising. These memories were not simple ones; each visual image was linked to muscular sensations, thermal sensations, etc. He could reconstruct all his dreams, all his half-dreams. Two or three times he had reconstructed a whole day; he never hesitated, but each reconstruction had required a whole day.¹

Funes tells the narrator that after his transformation he invented his own numbering system. "In place of seven thousand thirteen, he would say [for example] *Máximo Pérez*; in place of seven thousand fourteen, *The Railroad*; other numbers were Luis Melián Lafinur, Olimar, sulphur, the reins, the whale, the gas, the caldron, Napoleon, Agustín de Vedia."² The narrator tries to explain to Funes "that this thapsody of incoherent terms was precisely the opposite of a system of numbers. I told him that saying 365 meant saying three hundreds, six tens, five ones, an analysis which is not found in the 'numbers' *The Negro Timoteo* or *meat blanket*. Funes did not understand me or refused to understand me."³

In his conversation with Funes, the narrator realizes that Funes' life of infinite unique experiences leaves Funes no ability to categorize: "With no effort, he had learned English, French, Portuguese and Latin. I suspect, however, that he was not very capable of thought. To think is to forget differences, generalize, make abstractions. In the reeming world of Funes, there were only details, almost immediate in their presence."⁴ For Funes, language is only a unique and private system of classification, elegant and solipsistic. The notion that language, made abstract, can serve to create and reinforce a community is incomprehensible to him.

⁴² STAN. L. REV. 581 (1990). Copyright © 1990 by the Board of Trustees of the Leland Stanford Junior University. Reprinted by permission.