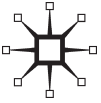


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CHAPTER 1

Themes and Their Variations: Harmonizing Humans as Socially Constructed and Free?

Understanding Socially Constructed Subjectivities via the Construction of “Race”

A destiny that proclaims one people or nation superior to all others is a flawed destiny.

A destiny that scripts subjectivities while asserting their fixity is a deceitful destiny.

A destiny that reduces human beings to commodities is a grotesque destiny.

Neither manifest nor inevitable, the American variation on this so-called destiny and its unique contribution to calculated, callous, uncivilized treatment of human beings congealed due to multiple contingent causes, not the least of which included a systematic inculcation of distorted narratives of religion and “race,” power and freedom. Like a voice crying out in the wilderness, Frederick Douglass speaks both eloquently and powerfully to the brutality and injustice of chattel slavery. For example, in his 1852 oration, “The Internal Slave Trade,” Douglass offers his own analysis and stringent condemnation of America’s participation in the trafficking of human beings for economic gain. He begins by drawing our attention to “the practical operation” of America’s slave industry, an industry “sustained by American politics and American religion! Here you will see men and women reared like swine for the market.”¹ Driven around the country like mere animals, these men, women, and children are beaten, prodded, and whipped, as they process in dirge-like fashion toward the New Orleans slave market. Douglass then zeros in on a few of these infelicitous, iron-clad souls—an elderly,

2 • Foucault, Douglass, Fanon, and Scotus in Dialogue

gray-headed man, a young mother with a sun-scorched back and teary eyes carrying her infant child, a teenaged girl mourning the violent separation from her mother. Tired and exhausted from hours of exposure to the blistering sun, the young mother begins to lag behind. Then you hear it—“a quick snap, like the discharge of a rifle; the fetters clank, and the chain rattles simultaneously; your ears are saluted with a scream that seems to have torn its way to the center of your soul.”² What was this awful sound, followed by a high-pitched, piercing scream? The sound was a whip striking the young mother’s bare shoulder; the scream needs no explanation. As the slave traders drive this human herd to the auction block, where the males will be “examined like horses” and the women “exposed to the shocking gaze of American slave-buyers,” Douglass implores us not to forget “the deep, sad sobs that arose from that scattered multitude.”³

This is simply one among many scenes depicting the hardships African American slaves endured on a daily basis as a result of the institution of chattel slavery. Enslaved by the love of money, the master’s vision becomes distorted. Not only does he see human beings as things, but the sounds of suffering fail to reach his muted ears. Deafened to the wailing of mothers torn from their children and children torn from their mothers, he transposes the dissonance of clanking chains into golden keys, which like the dual cut of a double-edged sword open the door to his future and secure the bonds of his brother.

To add to their humiliation and degraded status as mere property of the white man, slaves were subjected to public auctions where they were ordered to stand, often naked or nearly so, allowing the potential buyers to examine their bodies to ensure their suitability for long-term servitude. If a slave’s body showed signs of illness, disease, or possible weaknesses, they were passed over as bad investments, unprofitable for the master’s business. Scar tissue on a slave’s back—the number of scars, whether a scar was old or relatively fresh—became the subject of a mythology employed to determine a slave’s character. Too many scars indicated a rebellious spirit, whereas having few scars meant the slave possessed a docile, obedient spirit. “As they worked their way from inflicted scars to essential character, buyers fixed slaves in a typology of character according to the frequency, intensity, and chronology of the whipping apparent on their backs.”⁴ While the slaves stood humiliated, exposed and wondering what kind of master might purchase them on that particular day, the slave buyers paraded themselves before the crowds as augurs who “could read slaves’ backs as encodings of their histories.”⁵ The slave’s face, however, with its expressive capacities spanning

the spectrum of human emotions—from compassion to agony, ecstasy to alarm—the face as the display case crafted to exhibit the eyes is of no interest to the slave buyers. Provided that it is free of work-hindering defects, the slave's face is utterly insignificant to the purchase. "It was the instrumental value of these bodies that mattered to the buyer, their size and shape, the color and the ages, the comparability of parts and durability of attributes—not the faces."⁶

Although this study is not about "race" per se, I have chosen "race" as one of my themes for at least two reasons. First, "race" and the racialized categories produced via "race" narratives offer us particularly striking, evocative examples of how subjects are socially constructed. Second, because racialized subjectivities, generally speaking, are constructed in part through a narrative imposed from without, analyses of these subjectivities lead naturally to analyses of resistance.⁷ We are all familiar with the term "race" and employ racial discourse in everyday conversations. However, when we reflect more deeply upon the meaning of "race," "black," "white," "Jew," and other words used to describe a person's or group's racial identity, we find rather quickly that such terms are porous and mutable. Or as T. S. Eliot put it, speaking of words and presumably their meanings, terms such as "black," "strain, [...] slip, slide, perish, / Decay with imprecision, will not stay in place, will not stay still."⁸ Why not, we may ask? In a poststructuralist vein, I respond that racialized terms such as "black" or "blackness" are intimately tied to the institutions, sociopolitical discourses, cultural traditions, and legal practices of the particular historical period in which they emerge. As French sociologist Loïc Wacquant has argued with persuasive force and solid empirical backing,⁹ "race" and the racialized subjectivities constructed through various historical contingencies—institutions, sociopolitical discourse, and so on—are produced, that is, socially constructed. I shall offer a few examples to unsettle the assumptions of those who are skeptical of the claim that "race" is a social construction. Then in the second section of the present chapter, I shall present a more theoretical account of the meaning of social construction.

No doubt we are thankful that the days of chattel slavery are not the days in which we live. In fact, the recent election of Barack Hussein Obama as the first "black" president of the United States of America has been celebrated as a landmark achievement in a country stained with the blood of racial violence. Obama's election—at least for some—signals a positive step in the ongoing march toward racial equality. However, if we pause to consider what it means to be labeled as the first "black" president, the complexities and confusions surrounding "race"

4 • Foucault, Douglass, Fanon, and Scotus in Dialogue

and racialized subjects manifest themselves rather quickly. First of all, what is often forgotten or sidelined in conversations about Obama and “race” is the fact that his maternal lineage is “white.” If Obama and countless others like him have a mixed “black” and “white” ancestry, why do we emphasize his so-called blackness? Why not herald him as our first mulatto or biracial president? Why do we feel the need to classify him by selected phenotypic features (e.g., his skin color) in the first place?

In a recent online news article, Melissa Harris-Lacewell (now Melissa Harris-Perry), associate professor of Politics and African American Studies at Princeton University, discusses how “race” as a social construction functioned in the 2008 presidential election. Having observed that Obama’s identification of himself as “black” on his recent census form has resulted in criticism across the “racial spectrum, Harris-Lacewell adds that Obama’s decision provides a lesson “on the social construction of race.”¹⁰ Within about two years, Obama has had thrust upon him “decades of multiple racial formations.”¹¹ For example, some quarters worried whether he was sufficiently “black” to secure the African American vote. However, when Obama’s association with the Rev. Jeremiah Wright became the top news story, the concern moved to “whether Obama was ‘too black’ to garner white votes.”¹² In the last few months of the campaign, Obama’s detractors “charged that he was a noncitizen, a Muslim, and a terrorist. In less than two years a single body had been subjected to definitions ranging from insufficiently black, to far too black, to somehow foreign and frightening.”¹³

Harris-Lacewell’s commentary highlights the arbitrary nature of racial labels, and alerts us to the potential dangers involved when subjects are socially constructed via dominant discourses motivated by and designed with a view toward self-serving economic and political agendas. That terrorists are the new enemies of the state, and a person comes to be seen as a terrorist due to phenotypic features or because his or her name “sounds Muslim,” is not a particularly inviting state of affairs for those who happen to share the characteristics defining the target group.

Harris-Lacewell makes another significant point regarding racial discourse and group identification. According to her interpretation, Obama chooses very specific reasons to identify as “black” even though his Ivy League education, upbringing, and cultural experiences correspond with commonly held “whiteness” tropes. Having served as a lecturer at the University of Chicago Law School, Obama is thoroughly conversant with America’s history of racial discrimination against those

categorized legally and otherwise as “black.” For example, the “one-drop rule” was originally invented by slave owners to ensure the enslavement of children born from relations between white slave masters and black slaves. This “rule,” unique to America’s construal of “blackness,” was sufficient to establish a person as “black” even if he or she could pass as “white.”¹⁴ Even though chattel slavery throughout the United States had been abolished at last through the passing of the Thirteenth Amendment in 1865,¹⁵ public segregation of schools, housing, restaurants, and places of employment continued into the 1960s. With deep awareness of these social realities, Obama’s self-identification as “black” on the census form “was a moment of solidarity with these black people and a recognition that the legal and historical realities of race are definitive, that he would have been subject to all the same legal restrictions had he been born at another time.”¹⁶ Thus, Obama’s act was an acknowledgment of the social reality of “race,” and an embrace of “blackness, with all its disprivilege, tumultuous history and disquieting symbolism. He did not deny his white parentage, but he acknowledged that in America, for those who also have African heritage, having a white parent has never meant becoming white.”¹⁷ For a person of mixed racial heritage, the intricacies involved in the decision-making process of something as seemingly innocuous as a census form show that race-related issues—from the “logic” of racial classificatory schemas to how one’s sociocultural identity is established—are still very much a part of our daily lives, even if less visible and structurally more difficult to detect than Jim Crow legislation.

Undeniably, the United States has come a long way from the days of chattel slavery, and we can be encouraged by the positive strides made in racial relations and equality; yet, it is important to remember where we came from in order to avoid repeating past mistakes and so that we might become critically alert to new manifestations of racism and racial bias.¹⁸ Here we would do well to heed the words of Frederick Douglass’s 1852 oration, “What to the Slave is the Fourth of July?” Having accepted an invitation to address a predominately white audience in celebration of Independence Day, Douglass, as master orator and rhetorician, turns to a Psalm of lamentation—a passage with which his audience was thoroughly familiar—and interprets it as analogous to the situation of American slaves.

Douglass begins with the following lines: “By the rivers of Babylon, there we sat down. Yea! we wept when we remembered Zion. We hanged our harps upon the willows in the midst thereof. For there, they that carried us away captive, required of us a song.”¹⁹ The captors, having

6 • Foucault, Douglass, Fanon, and Scotus in Dialogue

accomplished their mission, now command their Jewish captives, whose eyes still tear up when they recall Zion, to sing one of their native songs. To this obtuse, insensitive demand, Douglass, speaking the “plaintive lament of a peeled and woe-smitten people,”²⁰ asks, “How can we sing the Lord’s song in a strange land? If I forget thee, O Jerusalem [...] let my tongue cleave to the roof of my mouth.”²¹ Always poised and ready, like Socrates of old, to turn his public-speaking invitations into opportunities to provoke and to challenge the ethico-political status quo, Douglass condemns his fellow citizens’ superficial “national, tumultuous joy” in celebration of America’s so-called freedom and independence. In fact, earlier in his speech, Douglass emphasizes the great “disparity” and “distance” separating him and his fellow citizens. The good fortune and “blessings” celebrated on this day do not apply to those of a darker hue. “The rich inheritance of justice, liberty, prosperity, and independence, bequeathed by your fathers, is shared by you, not by me. The sunlight that brought life and healing to you, has brought stripes and death to me.”²² Beyond the surface civility, the fanfare, and the laudatory refrains, Douglass remembers, Douglass hears “the mournful wail of millions, whose chains, heavy and grievous yesterday, are to-day rendered more intolerable by the jubilant shouts that reach them.”²³

With this example of what Foucault calls “reverse discourse,” Douglass uses the familiar words of Scripture and says in effect, just as the Jews were taken captive by their oppressors and were forced to dwell in a land not their own, similarly African American slaves find themselves as strangers in a strange land where they have been constructed as the savage, as the intellectually inferior other in need of the white man’s culture, “superior” reasoning abilities, and “moral” direction. Like the Jews exiled in Babylon, the most suitable song—the song corresponding to the violent, unjust, degraded existence of an African American slave—is not one of triumphalist jubilation, but one of sorrowful lament. For Douglass to gloss over this all-too-recent, contemptible American history because he is no longer in chains would be to turn a deaf ear to the “mournful wail of millions” and once again allow the white, hegemonic culture to write the black story. Moreover, Douglass reminds his audience—who, after all, function as analogues to the captors of God’s people of old—that God’s heart bleeds for the weak, the humble, the downtrodden. Though a merciful and forgiving God, divine justice unlike human justice will not, in the end, be mocked.

Both Frederick Douglass and Frantz Fanon knew firsthand the pain and injustice of living as the “black” other in a “white” racialized society.

Yet, they were able to work within the constraints of oppressive socio-political contexts and to perform acts of resistance, allowing them to assert their humanity and to create new self-narratives. Of the various ways in which a racialized subject may resist the scripted identity forced upon her, subject renarration is, for my purposes, of particular interest. Such creative, self-(re)forming acts of resistance, as I shall show, presuppose subjects who possess cognitive and volitional capacities that are universal, transcultural, and common to all human beings.

The relationship between social construction and human freedom is a central theme of my present study. In order to better understand this relationship, I shall explore the interplay between these two poles of human experience by engaging several dialogue partners, spanning three intellectual traditions and historical periods: postmodern, modern, and premodern. My hope is that by the end of our conversation, we shall have come to see how intimately related social construction and self-construction are and to think differently about one, the other, or both facets of our common life under the sun. With these introductory remarks in place, let us turn to a more detailed examination of several key concepts, categories, and terms.

Social Construction and the Question of Agency

As a segue to a more overtly philosophical discussion of what we mean by the term “social construction,” which will then enable us to better understand what it means to claim that “race” is a socially constructed concept, I shall comment briefly on a passage from Fanon. Describing how “black” subjectivity in a colonized context is socially constructed and comes to function as an imposed hermeneutical lens for black experience, Fanon explains that the black man cannot simply be black, but rather “he has to be black over against the white man.”²⁴ While some detractors, including philosophers, retort that “this situation works both ways,”²⁵ Fanon counters that this claim is false, as it fails to take into account the systemic nature of a racialized society and the consequent asymmetry of the black/white relation.

The black man has no ontological resistance in the eyes of the white man. From one day to the next, Negroes have two systems of reference from which they must take their bearings. Their metaphysics, or less pretentiously, their customs and the agencies to which they referred, were abolished because they were in contradiction with a civilization of which they had no experience and which was imposed upon them.²⁶

Here, like Douglass, Fanon highlights how the black person is scripted by the white other who always serves as the standard by which blacks are measured, judged, and evaluated. As mentioned earlier, Fanon, however, brings out an additional element: namely, the asymmetry that exists between the dominant and subjugated group in a structurally racist society. In such a context, a white man and a black man engaging in the very same act are interpreted, judged, and treated in vastly different ways. Moreover, as Fanon observes, the black person is forced to live in two worlds. First and foremost, he must learn to live in accord with the dominant world imposed upon him by the white other; he must embrace the other's language, cultural values, and customs as normative for him. Second, since he knows that his own history and cultural heritage have their roots elsewhere, their contents negated and rewritten so as to always fall short of the white man's standard of "all things white," he senses a loss, a lack of being, as it were. He experiences existentially his otherness in all its reality, but as a black man living in a white world; he experiences his otherness as a void, a nothingness in a world where being for the white other is always excess, plenitude.

In both the passage from Fanon and the excerpt from Harris-Lacewell, "race," "blackness," "whiteness," and "black" subjectivities are described as instances of social construction. The terms "social construction," "constructionism," and similar phrases are commonplace in much of the current philosophical literature on "race," gender, and sexuality. For example, most contemporary philosophers of race argue that "race" is not a natural, biological kind—a widely held belief that came to fruition in the nineteenth century.²⁷ In contemporary critical race theory, this former view of "race" goes by a variety of names: "racialism," "biobehavioral essentialism," "racial essentialism," and so forth. Given the widespread rejection of this position among race theorists, it is important to have a clear idea of precisely *what* the position entails. Ron Mallon presents a concise explanation of the three aspects of racialism or what he calls biobehavioral essentialism.²⁸

Races were believed to share *biobehavioral essences*: underlying natural (and perhaps genetic) properties that (1) are heritable, biological features; (2) are shared by all and only the members of a "race"; and (3) explain behavioral, characterological, and cultural predispositions of individual persons and "racial" groups.²⁹ Although there are significant points of disagreement among scholars engaged in these studies, there is, as Mallon highlights, a general consensus among philosophers of race, sociologists, and biologists that "races do not share such biobehavioral essences."³⁰ Perhaps the strongest piece of evidence against

racialism is the conclusion arrived at in recent scientific studies of intra- and intergroup genetic variation. As the study of genetics gained prestige in scientific circles, those adhering to racial essentialism turned to this new field, believing that the differences among races must be the result of underlying genetic discrepancies. However, “studies of human genetic diversity suggest that genetic variation within racially identified populations is as great as or greater than diversity between populations.”³¹ In light of these findings, the possibility of confirming a distinct racial essence “shared by all and only members of a race” is highly improbable.³²

Even with a general consensus among philosophers of race concerning the untenability of racialism, debates abound as to whether racial discourse should be retained given the negative purposes for which it has been utilized. In light of the abundant evidence against a biobehavioral essentialized notion of race, many race theorists argue for what Mallon has labeled “*racial skepticism*, the view that races do not exist at all.”³³ Others, however, believe that although an essentialized, hierarchical view of race must be rejected, racial language, nonetheless, should be salvaged, albeit purged of its negative history. This second group defends what Mallon calls racial constructionism. On this view, “race” is a social construction and thus exists as a *social*, rather than a natural, kind.³⁴ Racial constructionists hold that the notion of race as a social kind plays a crucial role in establishing, maintaining, and developing a group’s identity; consequently, it as well as racial discourse should be preserved. Last, Mallon discusses a third position, racial population naturalism, which claims that “races may exist as biologically salient populations, albeit ones that do not have the biologically determined social significance once imputed to them.”³⁵

Those advocating “race” as a social construction—and I count myself among this group—could articulate their position along the following lines. A “racial” designation conferring a social and conventional status such as “black,” while not picking out a natural kind, could be predicated of Malcolm in a particular society at a particular time, if it is the case that Malcolm meets a set of criteria that includes but is not reducible to possessing a shared set of phenotypic features with other (and only) members designated as “black.” On this model, “racial” categories or groups are neither fixed nor transcultural; rather, they change over time within and across cultures and societies, as do the criteria by which, at least temporarily, they are established. For example, in the United States, “blackness” has been defined historically in relation to the previously mentioned one-drop rule. In the early 1900s, if an individual was one-eighth black,

having one great-grandparent of African descent, that individual was called an “octoroon” and was legally classified as “black.” Such a person typically passed as “white.” That is, he or she did not exhibit the phenotypic features associated with “black” people in early-twentieth-century America. With the ruling in the 1967 Supreme Court case *Loving vs. Virginia*, the one-drop rule lost its legal force; consequently, contemporary Americans with African ancestry who pass as “white” may choose to identify as “black,” “white,” or biracial. Here we see “racial” categories changing over time within the same society. However, outside of the United States, because the one-drop rule is a phenomenon unique to America, people from other countries often have a difficult time comprehending how a person can be legally classified as “black” when he or she passes as “white.” Thus, “racial” denominations and the criteria establishing these labels are not transcultural or static, but historically contextualized and dynamic. One final and important point is that “racial” designations are not reducible to the possession of shared phenotypic characteristics. For example, in twenty-first-century America, all and only those having brown hair, brown eyes, and freckles do not constitute a “racial” group or identity. Thus, shared phenotypic features may be a necessary but not a sufficient condition for “racial” classifications.

My purpose here is not to enter into debates among “racial” skeptics, “racial” constructionists, and “racial” population naturalists but rather to articulate in broad strokes my use of the term “social construction” in order to discuss how various thinkers have come to understand subjectivities, identities and concepts as socially constructed and whether or not or to what degree human agency is compatible with some variant of social constructionism.³⁶ In particular, I am interested in understanding how identities or subjectivities and concepts such as “race” and “black” arise, how they are sustained and eventually become ossified historically, and what role various sociopolitical institutions, discourses, and cultural practices play in their formation and maintenance.

As a provisional starting point, it is helpful to think of social construction as analogous to the production of artifacts.³⁷ Broadly put, an artifact is an object designed and created by a human agent for a specific purpose or set of purposes. Such objects include handcrafted bookshelves, Rublev’s icon of the Trinity, Cézanne’s painting, *Le Cabanon de Jourdan*, and Dvořák’s *Symphony No. 9 in E Minor*. Here we have reasonably unobjectionable instances of objects designed and produced by identifiable agents. However, when we consider Western tonal music, the modern state, or human language, we encounter artifacts whose specific intentional and originary agents are difficult if not impossible to

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