

SEGREGATION, WHITENESS, AND TRANSFORMATION

MARTHA R. MAHONEY†

Residential segregation is both cause and product in the processes that shape the construction of race in America. The concept of race has no natural truth, no core content or meaning other than those meanings created in a social system of white privilege and racist domination. Recent work in critical race theory helps understand residential segregation by analyzing race as a social construction and whiteness as a racial construction. Segregation is the product of notions of black inferiority and white superiority, manifested geographically through the exclusion of blacks from more privileged white neighborhoods and the concentration of blacks into subordinated neighborhoods stigmatized by both race and poverty. In turn, the segregated world we inhabit comes to define race for its inhabitants. The lived experience of people in a segregated society links the perceived natural quality of the world we inhabit with its racialized characteristics—giving the social construction of race a quality that seems both natural and inevitable. Segregation therefore reflects and reinforces socially created concepts of blackness and whiteness. Understanding that race is socially constructed, and that its social construction is made into a naturalized feature of the physical world through residential segregation, can help us understand how to transform the current allocation of privilege. In this Paper, I emphasize the relationships between concentration into segregated residential communities and access to or exclusion from work as central features in the process of the social construction of race.

Although America has a long history of racial subordination, social and legal fictions continue to equate formal legal equality with equality in fact. In the context of residential segregation, this formalism leads to de-emphasizing the ongoing existence and harms of segregation and to emphasizing legal and economic mechanisms that could theoretically correct it. Professor Johnson's article therefore rightly criticizes both the idea that the market will naturally end discrimination and the idea that the existence of

† Professor, University of Miami School of Law. B.A. 1981, Regents College; M.A. 1985, Tulane University; J.D. 1989, Stanford Law School. Ken Casebeer, Stephanie Wildman, Michelle Adams, and Gär Patterson made insightful comments that enriched this Paper. All errors are my own.

antidiscrimination law in housing will be sufficient to end segregation.¹ Civil rights scholars necessarily put a great deal of energy into revealing past and present structures of subordination. We prove (again and again) that subordination has happened and does happen, that segregation reflects and creates inequality, and that white privilege is real. The metaphor of a "property right in whiteness"² helps emphasize that privilege exists and that law protects it. While necessarily repeated, the reiteration of the existence of subordination and privilege tends to take our eyes off the question of transformation. This Paper explores the links between residential segregation and white privilege and then addresses particular issues in transforming the social construction of whiteness and blackness.

I. THE SOCIAL CONSTRUCTION OF WHITENESS

As recent critical scholarship has shown, race is a social construction in which whiteness is a distinct, socially constructed identity.³ Since race is a phenomenon always in formation, then whiteness—like other racial constructions—is subject to contest and change. Whiteness is historically located, malleable, contingent, and capable of being transformed. Arguments about the malleability and contingency of white privilege, and its dysfunctionality for white working people, seem counterintuitive in today's legal and social discourses. These discourses generally emphasize what whites gain—the existence and benefits of privilege—or what whites lose—the costs of change for whites—rather than looking at transformative interests for whites. Yet historical struggles characterized by antiracist, multiracial struggle in defense of shared class interests have historically won significant successes, even under the apparently impossible conditions of formal segregation, fomentation of race

¹ See Alex M. Johnson, Jr., *How Race and Poverty Intersect to Prevent Integration: Destabilizing Race as a Vehicle to Integrate Neighborhoods*, 143 U. PA. L. REV. 1595, 1616-35 (1995).

² See, e.g., Derrick Bell, *Xerxes and the Affirmative Action Mystique*, 57 GEO. WASH. L. REV. 1595, 1608 (1989) (noting that the law has encouraged this property right, which was argued for in *Plessy v. Ferguson*, 163 U.S. 537 (1896)); see also Cheryl I. Harris, *Whiteness as Property*, 106 HARV. L. REV. 1709, 1745-57 (1993) (discussing the property interest in whiteness as a legal doctrine); Johnson, *supra* note 1, at 1636-48 (discussing the impact of the property right in whiteness on the urban poor).

³ See, e.g., Ian F. Haney López, *The Social Construction of Race: Some Observations on Illusion, Fabrication, and Choice*, 29 HARV. C.R.-C.L. L. REV. 1, 27-37 (1994). For works focusing particularly on whiteness, see *infra* note 11.

hatred, exploitation, and abuse.⁴ One important goal in the transformative project is therefore to identify those points about whiteness that are most susceptible to working for change—especially those points that reveal potential for undermining the construction of privilege and subordination and for uniting whites, along with people of color, in opposition to privilege.

Race is a social construction, not “a natural division of human-kind.”⁵ As a concept or an ideology,⁶ however, race derives much of its power from seeming to be a natural or biological phenomenon or, at the very least, a coherent social category. For whites, residential segregation is one of the forces giving race a “natural” appearance: “good” neighborhoods are equated with whiteness, and “black” neighborhoods are equated with joblessness. The construction of race in America today allows whiteness to remain a dominant background norm, associated with positive qualities, for white people, and it allows unemployment and underemployment to seem like natural features of black communities. As I tell my Property students, when you wake up in the morning and go to the kitchen for coffee, you do not feel as if you hold partial interests or particular sticks in a bundle of rights in the structure you inhabit, nor does it feel as if land-use regulation shaped your structure, street, and community. This is *home*, where you roll out of bed, smell the coffee, reach for clothing, and inhabit the “reality” of the

⁴ For example, even in bastions of racism at times of great white resistance to civil rights for African-Americans, white working-class southerners sometimes proved capable of working for change in the areas of race and class. See generally JASON BERRY, *AMAZING GRACE* (1973) (recounting the support of some white working people in Mississippi for the gubernatorial candidacy of Charles Evers); MICHAEL HONEY, *SOUTHERN LABOR AND BLACK CIVIL RIGHTS* (1993) (concluding that industrial unionism's successes and failures depended a great deal on how effectively workers and their unions dealt with the issue of racial justice, and recounting successes and failures of black and white working-class alliances); Martha R. Mahoney, *White Working Men, Law, and Politics: Transformation and the Social Construction of Race* (Mar. 10, 1995) (unpublished manuscript, on file with author) (reviewing examples of solidarity shown by white workers on an antiracist basis, arguing for more vigorous social attempts to facilitate such transformative work, and arguing against legal doctrines that protect white privilege and discourage exploration of a working-class interest in solidarity).

⁵ Peter Jackson, *The Idea of “Race” and the Geography of Racism*, in *RACE AND RACISM: ESSAYS IN SOCIAL GEOGRAPHY* 3, 6 (Peter Jackson ed., 1987). For a thoughtful recent exploration of the social construction of race, see Haney López, *supra* note 3.

⁶ Barbara Jeanne Fields describes race as an ideology that maps the terrain of society. See Barbara J. Fields, *Slavery, Race and Ideology in the United States of America*, 181 *NEW LEFT REV.* 95, 101-03 (1990).

house. The physicality of home and community—that apparently natural quality from which Property professors must detach students to teach legal concepts—tends to make our lived experience appear natural. The appearance that this is “the way things are” in turn tends to make prevailing patterns of race, ethnicity, power, and the distribution of privilege appear as features of the natural world.

Race is a relational concept. It describes at least two social and cultural groups in relation to each other.⁷ The concept of race acquires meaning only in the context of historical development and existing race relations.⁸ Therefore, the construction of whiteness as “naturally” employed and employable, and blackness as “naturally” unemployed and unemployable, are both examples of the way in which concepts of whiteness and blackness imply whiteness as dominant and blackness as “other.” Both become part of the way of thinking about race in America.

Race is a powerful concept, even though it is neither natural nor fixed.⁹ Social constructions acquire power because we inhabit their landscape and see through their lenses. Therefore, change cannot be achieved by a decision not to act racially, given the patterns of privilege and exclusion, dominance, and subordination that characterize individual and collective life in a racialized society. Large-scale patterns of urban development have shaped patterns of privilege for mostly white areas and subordination, including economic decline, for many mostly black areas and have made these patterns part of the space we inhabit.¹⁰ In the context of residen-

⁷ The concepts of “white” and “black” races (and, indeed, “brown,” and “yellow,” or “red” races) could not exist without each other. Otherwise, we would experience the many diverse people, cultures, skin tones, and languages that comprise each “race” without using the concept of race to group them together.

⁸ See, e.g., Michael Banton, *The Idiom of Race: A Critique of Presentism*, in 2 RESEARCH IN RACE AND ETHNIC RELATIONS 21, 21-22 (Cora B. Marrett & Cheryl Leggon eds., 1980). The term “race” has meant different things in this country over time, and the set of social and cultural meanings that make up the concept of “race” continues to shift and change within our own time. Because it is historical, social, and relational, race is not comprehensible separately from social relations of domination and subordination. See *id.* at 21-22. Michael Omi and Howard Winant describe racial theory as “shaped by actually existing race relations in any given historical period,” and usually subject to contestation. MICHAEL OMI & HOWARD WINANT, *RACIAL FORMATION IN THE UNITED STATES: FROM THE 1960S TO THE 1980S*, at 11 (1986) (noting that “[w]ithin any given historical period, a particular racial theory is dominant—despite often high levels of contestation. The dominant theory provides society with ‘common sense’ about race, and with categories for the identification of individuals and groups in racial terms.”).

⁹ See, e.g., Fields, *supra* note 6, at 118 (noting that we “constantly reinvent and re-ritualize [race] to fit our own terrain”).

¹⁰ See Richard T. Ford, *The Boundaries of Race: Political Geography in Legal Analysis*,

tial segregation and urban/suburban development, therefore, the challenge of ending subordination involves changing widespread patterns of residence and economic development and changing the social meanings attached to these patterns.

Recently, social and legal theorists have begun to "interrogate whiteness."¹¹ There are several parts to this project. The dominant norm, the transparency phenomenon,¹² must be made visible and cognizable to those within its sphere. Whiteness is historically and culturally specific. It has changed over time and continues to change. Whites need to find antiracist ways in which whiteness can be identified and changed. The point of inquiry is to identify how the concept "white" can be explored and understood, a project made difficult in part because explicit discussion of whiteness is usually associated only with white supremacists.¹³ We especially need to identify those moments in time and points in social understanding at which shared social interests exist, rather than

107 HARV. L. REV. 1843, 1844-45 (1994).

¹¹ See, e.g., BELL HOOKS, *YEARNING: RACE, GENDER, AND CULTURAL POLITICS* 54 (1990) (discussing the need to "interrogate[] whiteness"). Ruth Frankenberg defines "whiteness" as the cumulative way that race shapes the lives of white people. See RUTH FRANKENBERG, *WHITE WOMEN, RACE MATTERS: THE SOCIAL CONSTRUCTION OF WHITENESS* 1 (1993); see also TONI MORRISON, *PLAYING IN THE DARK: WHITENESS AND THE LITERARY IMAGINATION* 4-5 (1992) (challenging the notion of a widely accepted view of knowledge that "holds that traditional, canonical American literature is free of, uninformed and unshaped by the four-hundred-year-old presence of, first, Africans and then African-Americans in the United States"); DAVID R. ROEDIGER, *THE WAGES OF WHITENESS: RACE AND THE MAKING OF THE AMERICAN WORKING CLASS* 5-13 (1991) (arguing that "no answer to the 'white problem' can ignore the explanatory power of historical materialism"); Barbara J. Flagg, "Was Blind, But Now I See": *White Race Consciousness and the Requirement of Discriminatory Intent*, 91 MICH. L. REV. 953, 969 (1993) (asking the white reader to reexamine her customary ways of thinking about whiteness); Martha R. Mahoney, *Whiteness and Women, in Practice and Theory: A Reply to Catharine MacKinnon*, 5 YALE J.L. & FEMINISM 217 (1993) (examining white privilege and gender oppression); Stephanie M. Wildman with Adrienne D. Davis, *Language and Silence: Making Systems of Privilege Visible*, 35 SANTA CLARA L. REV. (forthcoming August 1995) (addressing the ways in which power systems based on race, gender, and sexual orientation maintain privilege). Peter Jackson embraces Kevin Brown's suggestion that white academics with an interest in race focus on "analyses of white society, i.e. of racism." Jackson, *supra* note 5, at 3 (quoting Kevin Brown, *Race, Class and Culture: Towards a Theorization of the "Choice/Constraint" Concept*, in *SOCIAL INTERACTION AND ETHNIC SEGREGATION* 185, 198 (Peter Jackson & Susan J. Smith eds., 1981)).

¹² See Flagg, *supra* note 11, at 960, 969-80 (defining this term as the tendency for whiteness to vanish from whites' self-perception).

¹³ See FRANKENBERG, *supra* note 11, at 232 ("At this time in U.S. history, whiteness as a marked [racial] identity is explicitly articulated mainly in terms of the 'white pride' of the far right.").

treat white privilege as a fixed and frozen artifact.

Ruth Frankenberg divides whiteness into a set of "linked dimensions": a location of structural advantage and race privilege; a "standpoint" from which white people look at ourselves, at others, and at society; and a set of cultural practices that are usually unmarked and unnamed.¹⁴ Frankenberg explores the ways in which material existence and the way we understand and describe it are interconnected in the construction of whiteness.¹⁵ The interaction of the material world and the ways we explain and understand it "generates experience" and, therefore, the "experience" of lived whiteness is something continuously constructed, reconstructed, and transformed for white people.¹⁶ Frankenberg's description of the relationship between the material world and our understanding of our experience helps explain the ways in which urban segregation itself becomes a force in constructing social concepts of race. For whites, white neighborhoods become part of the "natural" world, helping to keep their whiteness unnoticed and undisturbed, and helping to equate whiteness with something that reflects positive values and feels like home.

Whites have difficulty perceiving whiteness, both because of its cultural prevalence and because of its cultural dominance.¹⁷ Anthropologist Renato Rosaldo describes "culture" as something perceived in someone else, something one does not perceive oneself as having.¹⁸ "Culture" is a feature that marks a community in inverse proportion with power, so that the less full citizenship one possesses, the more "culture" one is likely to have. What we ourselves do and think does not appear to us to be "culture," but

¹⁴ *Id.*

¹⁵ *See id.*

¹⁶ *Id.* at 1-2. According to Frankenberg:

Discursive repertoires may reinforce, contradict, conceal, explain, or "explain away" the materiality or the history of a given situation. Their interconnection, rather than material life alone, is in fact what generates "experience"; and, given this, the "experience" of living as a white woman in the United States is continually being transformed.

Id. at 2.

¹⁷ *See id.* at 196 ("For a significant number of young white women, being white felt like being cultureless.").

¹⁸ *See* RENATO ROSALDO, CULTURE AND TRUTH: THE REMAKING OF SOCIAL ANALYSIS 198 (1989) ("In 'our' own eyes, 'we' appear to be 'people without culture.' By courtesy, 'we' extend this noncultural status to people who ('we' think) resemble 'us.'"). *Cf.* Mari J. Matsuda, *Voices of America: Accent, Antidiscrimination Law, and a Jurisprudence for the Last Reconstruction*, 100 YALE L.J. 1329, 1360-67 (1991) (indicating that we hear accent in others but not in ourselves).

rather appears to be the definition of what is normal and neutral, like the air we breathe, transparent from our perspective.¹⁹

Like culture, race is something whites notice in ourselves only in relation to others.²⁰ Privileged identity requires reinforcement and maintenance, but protection against seeing the mechanisms that socially reproduce and maintain privilege is an important component of the privilege itself.²¹ Peggy McIntosh conceptualizes white privilege as "an invisible weightless knapsack" of provisions, maps, guides, codebooks, passports, visas, compasses, and blank checks.²² The privilege that facilitates mobility and comfort in ordinary life is particularly difficult for whites to see.²³ Opening a bank account appears routine, as does air travel without police stops, or shopping

¹⁹ See ROSALDO, *supra* note 18, at 198-99. Rosaldo uses an example drawn from Frances FitzGerald's work on the people of Sun City, Arizona. Residents repeatedly remarked upon the lively, accepting atmosphere in which nobody cared about background. They saw great diversity among themselves but failed to note that the men were virtually all retired professionals, the women virtually all housewives, and most of the residents Protestant, Republican, white, and conservative. *See id.* at 203.

²⁰ Often, we evaluate our own whiteness obliquely, without mentioning it. For example, when whites express beliefs that blacks are less moral or take poor care of their homes, this is an indirect statement that whites *are* moral and whites *do* take care of their homes. Cf. DOUGLAS S. MASSEY & NANCY A. DENTON, *AMERICAN APARTHEID: SEGREGATION AND THE MAKING OF THE UNDERCLASS* 94-95 (1993) (citing several studies showing that significant percentages of whites believe that blacks are more likely than whites to fail to care for their homes properly and more likely to lie, cheat, steal, and commit sex crimes); Joleen Kirschenman & Kathryn M. Neckerman, "We'd Love to Hire Them, But . . .": *The Meaning of Race for Employers*, in *THE URBAN UNDERCLASS* 203, 203-04 (Christopher Jencks & Paul E. Peterson eds., 1991) (observing that black race and ethnicity reinforces various other characteristics, such as instability, uncooperativeness, and dishonesty, in employers' eyes).

²¹ See Peggy McIntosh, *White Privilege and Male Privilege: A Personal Account of Coming to See Correspondences Through Work in Women's Studies* 2 (Wellesley College Center for Research on Women Working Paper No. 189, 1988). McIntosh described her efforts to understand the ways her life was structured around privilege that she had also been taught not to see. *See id.* at 1-2. With some difficulty, because they seemed so subtle and elusive, she identified 46 ways she experienced white privilege in her daily life. *See id.* at 4-9. Her list includes things that happen and things that do not happen because of her whiteness, such as the ability to shop in comfortable assurance that she will not be followed or harassed; the ability to use checks, credit cards, or cash as she chooses without her skin color working against the appearance of financial reliability; and the ability to arrange to protect her children most of the time from people who might not like them. *See id.* at 5-6. For a related discussion of "shopping stories" about and for blacks, see generally Regina Austin, "A Nation of Thieves": *Securing Black People's Right to Shop and to Sell in White America*, 1994 UTAH L. REV. 147.

²² McIntosh, *supra* note 21, at 1-2.

²³ From the position of people of color, white privilege is neither transparent nor invisible, and its reproduction through many conscious and unconscious acts is not at all mysterious.

without facing questions about one's identification—unless the absence of suspicion is a privilege of whiteness.

White privilege therefore includes the ability to not-see whiteness and its privileges.²⁴ Whites fail to see ourselves clearly, and we also fail to see the way white privilege appears to those defined into the category of "Other." Among other whites, white people generally perceive that no race at all is present. "Race" itself comes to mean "Other" or "Black." In the context of housing and urban development, terms like "racially identifiable" are generally used to refer to locations that are racially identifiably black. Similarly, "impacted" or "racially impacted" are terms that refer to black neighborhoods—not white neighborhoods. There is no "impact" to whiteness because it defines the norm. Dominant culture remains transparent to those inside it.

Because the dominant norms of whiteness are not visible to whites, whites are free to see ourselves as "individuals," rather than as members of a culture. Individualism in turn becomes part of white resistance to perceiving whiteness and indeed to being placed in the category "white" at all. The shift in vision that makes whiteness perceptible is thus doubly threatening for whites: It places us in a category that our whiteness itself requires us to be able to ignore, and it asks us to admit into our perception of ourselves the perceptions of those defined outside the circle of whiteness.²⁵

Ruth Frankenberg identified discursive repertoires in the way white women were "thinking through race,"²⁶ essentialist racism,²⁷ color and power evasion, and race cognizance.²⁸ Color and power evasion are the key strategies in the colorblind ideology that characterizes most legal opinions and predominates in most areas of public discourse in the United States today. Color evasion is similar to what Neil Gotanda calls the myth of "non-recognition."²⁹

²⁴ Cf. 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, 150-51 (1989) (stating that only downward departures from equality are noticeable in legal cases on discrimination and that white privilege does not see itself).

²⁵ I am grateful to Susan Sturm for this insight.

²⁶ FRANKENBERG, *supra* note 11, at 15.

²⁷ Essentialist racism, Frankenberg's first category, is the familiar enemy, "race difference understood in hierarchical terms of essential, biological inequality." *Id.* at 14.

²⁸ See *id.* at 14-15. Frankenberg links these discursive categories to historical periods of racial discourse in America.

²⁹ Neil Gotanda, *A Critique of "Our Constitution is Color-Blind,"* 44 STAN. L. REV. 1,

Noticing a person's color, and noticing differences between another person's color and one's own, is equated with being "prejudiced." Whites are color evasive about people of color, often declining to identify the race of someone who is "other" than white in an effort to avoid appearing prejudiced. Notably, whites are also color evasive when describing a white self in relation to people of color.³⁰ For whites, noticing race is not nice for whites because the meaning of "race" itself is "Other," inferior, and stigmatized. The colorblind approach, which is generally adopted by whites to avoid being racist, therefore implicitly preserves much of the power structure of essentialist racism. Power evasion, in Frankenberg's terms, is color evasion with a different edge. Whites notice difference but do not allow into consciousness those differences that threaten white self-perceptions or make whites feel bad.³¹

Race cognizance, Frankenberg's third category, means recognizing difference on the basis of cultural autonomy and empowerment for people of color.³² Because white privilege and whiteness are not visible, whites can only recognize "racism" or animus—but we recognize this quality in others more than ourselves. Therefore, most whites perceive racism as something that a second party (the racist actor) does to a third party (the subordinated person of a minority race). For white Americans of middle-class and elite status—the people who write the books and do the social analysis—racism is something that working-class whites (particularly Southerners) do to blacks and other people of color.³³ Although racism is capable of being recognized in this framework, it appears as an unchanging artifact that is assigned to a social location within the white working class.

When racism becomes a feature possessed by "other" whites, whites of more elite status acquire a double layer of protection. First, they are protected racially. Because the focus on racism avoids the problems inherent in exploring privilege, this approach

5-6 (1991) (describing the myth and impossibility of nonrecognition of race in American society).

³⁰ See FRANKENBERG, *supra* note 11, at 142-49. As Frankenberg explains, the idea that noticing race is itself prejudiced rests on a fundamental concept of race as involving the inferiority of the "other." See *id.* at 145-49.

³¹ See *id.* at 156-57.

³² See *id.* at 14-15.

³³ See Mahoney, *supra* note 4, at 4 n.7; cf. Wildman & Davis, *supra* note 11 (manuscript at 20) (acknowledging that Wildman's own racism exists because racism is systemic).

tends to exonerate the elite from responsibility for the reproduction of racial power and subordination. Second, blaming less elite whites for racism protects elite whites in class terms as well: racism becomes evidence against the potential for working-class solidarity, and therefore class privilege exists not because of a system that produces and distributes wealth to the advantage of elite whites, but because of the failures of white working-class people themselves.

Whiteness is visible to whites, however, when it appears to be the basis on which well-being is threatened.³⁴ Whites perceive racism against ourselves when, through interventions in the norm of transparency, we are forced to experience the consciousness of whiteness. In the logic of white privilege, making whites feel white equals racism. A recent poll of young people between the ages of fifteen and twenty-four (called the "post-civil-rights" generation) showed that 68% of blacks felt that blacks were discriminated against on the basis of race, 52% of Hispanics felt Hispanics were discriminated against on the basis of race, and 49% of white people felt that whites were being discriminated against on the basis of race.³⁵ Many whites explain the gap between black and white earnings not by invoking inequality and prejudice, but by relying on "individualistic" explanations about thrift, hard work, and other factors—all of which tend to explain white success through white merit and equate whiteness with stability and employability.³⁶

³⁴ The argument that affirmative action caused this white unease fails to admit that *all* attempts to undo subordination have been met with white resentment. See Randall Kennedy, *Persuasion and Distrust: A Comment on the Affirmative Action Debate*, 99 HARV. L. REV. 1327, 1330 (1986).

³⁵ See George E. Curry, *Young Find Race Relations Troubling*, CHI. TRIB., Mar. 17, 1992, at 3C (describing a poll conducted by People for the American Way in which half of the 1170 white, black, and Hispanic youths polled describe race relations in the United States as "generally bad"). In this framework, individual white success becomes defined as triumph over racial adversity. Most people polled expressed opposition to racial separation, but their opposition may be inflected by their fear of discrimination against whites. See *id.* (noting that a majority of all youths surveyed disagreed with the statement "It's okay to have a country where the races are basically separate from one another, as long as they all have opportunities," but that 49% of the white youths questioned believe that whites are "denied opportunity"). A smaller percentage (18%) of whites said they had themselves been the victim of discrimination. See *Racial Stereotypes Keep Strong Grip on Young America*, SAN DIEGO UNION-TRIB., Mar. 17, 1992, at A4 (presenting figures from the same People for the American Way poll).

³⁶ See, e.g., James R. Kluegel, *Trends in Whites' Explanations of the Black-White Gap in Socioeconomic Status, 1977-1989*, 55 AM. SOC. REV. 512, 523 (1990) (discussing a research project that shows that "many people who otherwise lack traditional prejudice still hold individualistic explanations of the black-white economic gap");

In the context of desegregation and urban development, the routine acceptance of whiteness as a dominant background norm is apparent in attitude surveys that inquire about the percentage of blacks whom whites would be willing to tolerate as neighbors. Whites are seldom asked how many whites they require as neighbors in order to feel comfortable. The accepted concept of "neighbors" or "area residents" is one that is white. On the other hand, defensive white self-awareness manifests itself quickly during times of racial transition in an area, or in relation to nearby groups in "other" neighborhoods.

II. RESIDENTIAL SEGREGATION AND WHITE PRIVILEGE

There is an interactive relationship between residential segregation and the reproduction of whiteness and white dominance. White choices are not only the aggregation of individual preferences regarding proximity to blacks.³⁷ Rather, governmental and private forces—in interaction with each other—in the past created a racialized process of urban/suburban development in which "good" neighborhoods were defined as white and whiteness was defined as good, stable, employed, and employable.

Racial segregation was systematically promoted during the 1930s, 1940s, and 1950s by federal programs like the Home Owners Loan Corporation (HOLC), which made loans to homeowners, and the Federal Housing Authority (FHA), which insured private-sector loans.³⁸ These programs refused to lend money to blacks. They

James R. Kluegel & Eliot R. Smith, *Whites' Beliefs About Blacks' Opportunity*, 47 AM. SOC. REV. 518, 519 (1982) (demonstrating that "whites see preferential treatment [of blacks] as widespread and the majority . . . believe in the existence of at least some reverse discrimination").

³⁷ My study of public housing in New Orleans showed that whites did not move out more quickly after desegregation of the projects; they always had higher turnover than blacks, and after desegregation they moved out at about the same rate but stopped moving back in. See Martha Mahoney, Note, *Law and Racial Geography: Public Housing and the Economy in New Orleans*, 42 STAN. L. REV. 1251, 1280 (1990). The move-out rate is not sufficient to capture white reaction, however, because some of those white people surely would have been the long-term residents who would not have moved out at all but for the racial transition in the project. Ten years after desegregation, the projects were almost entirely black, and my own experience going door-to-door as a community organizer established that the relatively few white people remaining in the projects tended to be elderly.

³⁸ For discussions of these federal programs, see CHARLES ABRAMS, *FORBIDDEN NEIGHBORS: A STUDY OF PREJUDICE IN HOUSING* 174-75 (1955) (arguing that the FHA and the Home Loan Bank System sanctioned and encouraged the refusal of New York

also actively promoted systems of restrictive racial covenants. The greatest impact of these federal agencies in structuring the market, however, lay in the ranking system—the origins of redlining—that the government used to rank communities in their eligibility for federally-financed or federally-insured loans.

Using these guidelines, HOLC and FHA actually refused to lend money or underwrite loans *for whites* if whites moved to areas where people of color lived.³⁹ Private lenders adopted policies in line with federal guidelines. These programs reduced housing opportunities for blacks. But they also went considerably further in the process of socially constructing whiteness and blackness in urban areas.⁴⁰ Redlining causes decline in majority-black areas, *and* it prevents lending in majority-white areas where the presence of “inharmonious” racial groups causes lower rankings.⁴¹

These federal policies, incorporated into private practices, enforced a system in which whiteness was both required and rewarded as a feature of development. Blacks had no choice to move to suburbia. Whites had no choice to move to integrated suburbia. Racism—prejudice against blacks—is so pervasive in America that the importance of the construction of whiteness is often overlooked in discussions of racial geography. Whites generally express preferences to live in neighborhoods shared with very low percentages of blacks.⁴² Blacks generally express prefer-

City banks to provide loans to black neighborhoods); KENNETH T. JACKSON, *CRABGRASS FRONTIER: THE SUBURBANIZATION OF THE UNITED STATES 190-218* (1985) (discussing the impact of various federal programs on housing patterns); MASSEY & DENTON, *supra* note 20, at 42-59 (discussing the role of HOLC and FHA discrimination in the construction and maintenance of the black ghetto).

³⁹ See Mahoney, *supra* note 37, at 1258-59 (observing that the Kerner Commission Report found that whites moved to suburbs not primarily to avoid blacks but to pursue goals of rising mobility generally, and noting that federal lending processes enforced the whiteness of the move to the suburbs because developers who sold to blacks would jeopardize funding for mortgages for whites in the same area).

⁴⁰ See MASSEY & DENTON, *supra* note 20, at 52 (noting that HOLC's influence on banking practices went far beyond the impact of the agency's own lending and that the greatest impact resulted from the application of redlining to mortgage underwriting by the FHA and VA).

⁴¹ See *id.* at 51-52 (“The vast majority of mortgages went to the top two categories, . . . [those] that were ‘new, homogeneous, and in demand in good times and bad’ . . . [and those] that had reached their peak, but were still desirable *and could be expected to remain stable*.” (emphasis added)); Mahoney, *supra* note 37, at 1258-59 (discussing mortgage policies); *id.* at 1275 (quoting a New Orleans tax assessor who explained that because white GIs returning from World War II could not get federal mortgages in the integrated neighborhoods in which they had grown up, they moved to new suburbs).

⁴² See Richard H. Sander, Comment, *Individual Rights and Demographic Realities*:

ences for living in neighborhoods that are more evenly racially mixed.⁴³ Generally, these differences have been treated as creating a "natural" tendency to racial "tipping."⁴⁴ In any community, if five percent of new residents are black, the story goes, those whites who would only tolerate two percent of black neighbors move out. These vacancies are filled by more blacks, and those whites who would only have tolerated five percent of black neighbors move out. In this vision, racial transition is a naturalized process, in which white preference for white neighbors is less examined than hostility to black neighbors. If the preference for whiteness is addressed at all, it is raised in examining whether the use of racial steering or quotas to prevent white flight is permissible.⁴⁵ The construction of this white preference for whiteness is not examined at all. Racism is treated as a natural and unexamined force.

Assume for a moment that whites generally tell the truth about their preference for living in slightly desegregated communities. Lending policies of the HOLC, FHA, and private banks in the years of postwar suburban expansion actively discouraged such communities by forging a requirement that the neighborhood be uniformly

The Problem of Fair Housing, 82 NW. U.L. REV. 874, 896 (1988) (noting that a majority of whites say they do not object to living in integrated neighborhoods and that 30% to 50% say they prefer integrated neighborhoods to all-white ones).

⁴³ See *id.*; see also MASSEY & DENTON, *supra* note 20, at 95-96 (suggesting that once some black families have moved into a neighborhood, "black demand grows rapidly given the high value placed on integrated housing," stabilizes when between 50% and 70% of the neighborhood is black, and falls off thereafter).

⁴⁴ "Tipping is said to occur when some recognizable minority group in a neighborhood reaches a size that motivates the other residents to begin leaving," which in turn opens the neighborhood to increased minority group entry, thereby changing the neighborhood's composition. Thomas C. Schelling, *A Process of Residential Segregation: Neighborhood Tipping*, in RACIAL DISCRIMINATION IN ECONOMIC LIFE 157, 157 (Anthony H. Pascal ed., 1972). The "tipping point" is generally believed to be between 10% and 20% minority population, but may range from 1% to 60%. See *United States v. Starrett City Associates*, 840 F.2d 1096, 1099 (2d Cir.), *cert. denied*, 488 U.S. 946 (1988).

⁴⁵ See *South Suburban Hous. Ctr. v. Greater S. Suburban Bd. of Realtors*, 935 F.2d 868 (7th Cir. 1991) (reviewing several measures to encourage sales to whites in neighborhoods where most sales are to blacks, or to discourage white fears of resegregation—such as by regulating "for sale" signs); *Sanders v. Dorris*, 873 F.2d 938, 943-44 (6th Cir. 1989) (defining racial steering as "a practice by which real estate brokers preserve and encourage patterns of racial segregation . . . by steering members of racial and ethnic groups . . . away from buildings and neighborhoods inhabited primarily by members of other races or groups"); *Starrett City*, 840 F.2d at 1102 (holding that the white-flight phenomenon could not be used as a basis for denying minority applicants the same rights white applicants enjoyed with respect to obtaining apartments under the Fair Housing Act).

white before investments would be made or insured. Any developer who had tried to accommodate a white taste for slight desegregation would have paid the heavy price of forfeiting access to the large number of buyers who required federal loans or insurance. Maintaining a development as all white protected white buyers' ability to finance homes, and therefore it protected the developers' ability to sell homes.⁴⁶ It is difficult to overestimate the importance of this lesson—that whiteness equalled attractiveness, safeness, and financial security—in the postwar world. The rejection of overt racism in the battle against Nazism, as well as embarrassment over international dismay at America's racial policies during the Cold War, helped lead to the fall of *de jure* segregation.⁴⁷ But suburban development came to mean white development, and whites came to see suburbs as naturally white. The enforcement of whiteness, therefore, prevented the sort of incremental desegregatory developments that might have changed the way suburbia itself was seen by whites.

The federal requirement of segregation as the modern, suburban home-financing system developed placed a stamp of approval on all private forms of discrimination as well. Both real estate brokers and private lenders pursued policies that promoted segregation.⁴⁸ Federal action therefore helped to create racialized housing markets: Once racialized community development through control of the real estate finance market was institutionalized as federal policy, any private sector actor who went against the segregated norm would have compromised buyers and their neighbors. Both the ability of the current owners to sell to buyers with federally funded or insured mortgages on resale of the property, and the mortgage insurability of nearby properties, rested on maintaining whiteness in suburbia. Not only were white people

⁴⁶ See Mahoney, *supra* note 37, at 1258. Douglas Massey and Nancy Denton make a related point. Lending is highest in white areas, next highest in black areas, and least available in racially mixed or transitional areas. Disinvestment in transitional areas that are close to evenly racially mixed discourages or penalizes whites who would live in these areas. See MASSEY & DENTON, *supra* note 20, at 107.

⁴⁷ See Mary L. Dudziak, *Desegregation as a Cold War Imperative*, 41 STAN. L. REV. 61, 62-63 (1988) (arguing that efforts to promote civil rights within the United States were consistent with, and important to, fighting world communism).

⁴⁸ See, e.g., ABRAMS, *supra* note 38, at 174-75 (stating that "mortgage-lenders were conditioned by the same attitudes on the racial issue as were the realtors and home-builders," which led in 1946 to the filing of a lawsuit by the U.S. Department of Justice against a New York City mortgage association and 38 of the city's leading banks for refusing to extend loans in black neighborhoods).

socially reluctant to live near black people, but they were also economically rewarded for living near white people. Maintaining a white market paid. The incentives and preferences for maintaining whiteness were systemic, not merely individual.

The Kerner Commission on Civil Disorders, inquiring into the causes of the racial riots of the late 1960s, noted that they did not find whites moving to the suburbs primarily to avoid blacks. The "more basic" reason for white migration to the suburbs was the "rising mobility and affluence of middle-class families."⁴⁹ The suburbs had better schools, living conditions, and affordable housing. But all those qualities of ease and comfort were associated with whiteness, and in turn these qualities increasingly defined whiteness. Jobs moved to the suburbs as well, following the white work force and attracting more white workers.⁵⁰ Blacks incur higher time and money costs to commute; blacks possess less information about distant jobs; and suburban locations build employers' fear of white resentment if blacks arrive and remove pressures on employers to avoid discriminating. Some authors emphasize the primary role of housing discrimination in this process,⁵¹ other scholars have proposed that jobs may cause residential choice rather than the other way around.⁵² From this perspective, employer attitudes toward prospective employees are extremely important in determining both housing and job opportunities.

⁴⁹ REPORT OF THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS 119 (1968) [hereinafter KERNER COMMISSION REPORT].

⁵⁰ On the suburbanization of jobs, see JOHN F. KAIN & JOHN M. QUIGLEY, HOUSING MARKETS AND RACIAL DISCRIMINATION: A MICROECONOMIC ANALYSIS 87-90 (1975) (detailing the interrelationships between the workplace and the residential choices of black workers); WILLIAM J. WILSON, THE TRULY DISADVANTAGED: THE INNER CITY, THE UNDERCLASS, AND PUBLIC POLICY 42, 100-01 (1987) (emphasizing structural problems creating inner-city joblessness).

⁵¹ See, e.g., Harry J. Holzer & Wayne Vroman, *Mismatches and the Urban Labor Market*, in URBAN LABOR MARKETS AND JOB OPPORTUNITY 81, 82-86, 89-91 (George E. Peterson & Wayne Vroman eds., 1992) (surveying spatial mismatch literature); James H. Johnson, Jr. & Melvin L. Oliver, *Structural Changes in the U.S. Economy and Black Male Joblessness: A Reassessment*, in URBAN LABOR MARKETS AND JOB OPPORTUNITY, *supra*, at 113, 113-19, 139-44 (finding that deconcentration of jobs to suburban locations diminishes employment for blacks).

⁵² See James E. Rosenbaum & Susan J. Popkin, *Employment and Earnings of Low-Income Blacks Who Move to Middle-Class Suburbs*, in THE URBAN UNDERCLASS, *supra* note 20, at 342, 344-45 (testing these theories and the "culture of poverty" theory by studying black tenants who moved to white suburbs as part of the Gautreaux program in Chicago).

Government-sponsored segregation helped inscribe in American culture the equation of "good neighborhoods" with white neighborhoods.⁵³ The close correlation between employment opportunity and residential segregation meant that "black" was increasingly linked with "inner-city" and with "unemployed or unemployable" in white consciousness; whiteness was identified with "employed or employable," stability and self-sufficiency. In this way, residential segregation was both product and cause of racial constructions that tended to promote further preferences for whites and further exclusion for black communities and individuals. White neighborhoods in this process of racial construction increasingly seem to be suitable sites for investment, while black neighborhoods seem unsuitable.

I have heard many anecdotal reports indicating that, in applying for office jobs, well-qualified black applicants who put inner-city home addresses on applications or resumes had greater difficulty getting hired than the same individuals did if they used suburban home addresses. For a long time, I believed that studying this set of employer attitudes would require an ambitious project matching applicants and job opportunities to study discrimination in hiring. Recently, two sociologists were able to uncover employer attitudes in a much simpler and more direct way: they asked employers who would make good employees, and the employers frankly revealed their biases.⁵⁴ Race was explicitly part of employer consideration of applicants, and race was modified by perceptions about class and space (inner-city residence).

Employers freely generalized about race and ethnicity, expressing negative opinions about people of color—especially African-Americans—and positive ideas about whites. For example, they believed that whites had a better work ethic than blacks.⁵⁵ Employers' concepts of race and employability were nuanced by ideas about class—mostly signaled by the way employees dressed and spoke.⁵⁶ Space was also important: "inner-city" was equated with "black, poor, uneducated, unskilled, lacking in values, crime, gangs,

⁵³ In the process, of course, they made all ethnic groups that had access to these neighborhoods "white"—something that had at one historical moment or another been uncertain in terms of the social construction of some groups (such as Jews and Italians) that had been defined as "other."

⁵⁴ See Kirschenman & Neckerman, *supra* note 20, at 203-04.

⁵⁵ See *id.* at 209-10.

⁵⁶ See *id.* at 213-15.

drugs, and unstable families.”⁵⁷ “Suburb” meant “white, middle-class, educated, skilled, and stable families.”⁵⁸ Public school attendance was less favorable than private school attendance.⁵⁹ Other similar factors, such as residence in public housing, were also seen as signals of status.⁶⁰ Class and space distinguished among black applicants for employers, with inner-city blacks associated with lower classes and identified as those the employer thought would have undesirable characteristics as an employee.⁶¹ It makes sense, therefore, that blacks who live in white areas are to some extent identified by greater access to whiteness.⁶² And indeed, a recent study showed that blacks in suburbs did better at finding jobs than blacks in inner cities.⁶³

The link between residential segregation and poverty therefore depends on the social construction of race. William Julius Wilson correctly points out the need for job development as a need that is common to cities and suburbs, whites and blacks.⁶⁴ But the social construction of blacks as unemployed and unemployable will continue to affect interest in developing job programs and the way any programs enacted are actually implemented. The social construction of whites as employed and employable will continue to attract employers and attract development, as well as discourage the employment of blacks. The structural problems that residential segregation brings—distance, inconvenience, lower tax base, more concentrated poverty—continue to be reproduced because of their role in reinforcing and reproducing the social construction of race.

⁵⁷ *Id.* at 215.

⁵⁸ *Id.*

⁵⁹ *See id.*

⁶⁰ *See id.* at 216-17; Rosenbaum & Popkin, *supra* note 52, at 346-50.

⁶¹ *See* Kerschenman & Neckerman, *supra* note 20, at 217.

⁶² Note that in the family context, whites are more changed from positions of privilege by marrying or living with blacks or by bearing or accompanying black children. White women with perceptibly black children are not as “white” as they were before they had black children. Interracial families are defined by the introduction of blackness rather than by the introduction of whiteness to the family composition. *Cf.* Johnson, *supra* note 1, at 1633 (explaining that individuals, no matter their skin color, are considered black if they have “one drop of blood” from a black ancestor).

⁶³ *See* Rosenbaum & Popkin, *supra* note 52, at 353-55. These studies are about blackness and lower-class identity. In general, they do not explore how much whiteness in whites survives association with blackness—in other words, how much whites retain privilege even when we live in the inner city.

⁶⁴ *See* WILSON, *supra* note 50, at 151-52.

III. TRANSFORMING THE SOCIAL CONSTRUCTION OF WHITENESS AND BLACKNESS

Transformative work against segregation and racial oppression must therefore directly confront racism and the social construction of race, rather than seeking only universalist solutions or avoiding confronting the issue of race. Professor Johnson calls for destabilizing the concept of race itself in pursuit of transformative change.⁶⁵ There is much to be learned from inquiry into the social construction of race. But changing the processes that create "race" and attach meaning to it in American society requires social and economic programs that consciously seek to change the way society is racialized and that go beyond the initial program of destabilizing the category of race. "Race" as a social construction is not only produced by the persistence of "old" attitudes or of ignorance, but by social processes that directly reproduce poverty and segregation and then identify poverty and unemployment as features of blackness and inner-city space—and, therefore, identify stability, employment and employability as features of whiteness.

Whiteness and blackness are not merely mirror images of each other.⁶⁶ "White" does not only mean "opposite of Other" but also stands for the dominant, transparent norm that defines what attributes of race should be counted, how to count them, and who (as in white employers or mortgage bankers) gets to do the counting. Therefore, destabilizing "Other"-ness doesn't entirely destabilize the dominance of whiteness. Even though race has no natural reality or truth, it has great social force. More work is required, therefore, to undo the many forms of harm that have been part of the construction of race in America, including the perpetuation of residential segregation and the impoverishment of black individuals and communities.

Because whiteness is a transparent and dominant norm, part of the transformative project necessarily involves exposing white privilege to white people. From outside the cultural circle of whiteness, white retention of privilege looks willful. Some protection of privilege is indeed self-consciously willful, a conscious preference for whites and against people of color, a conscious protection of assets and access in society. At other times, a preference for whiteness reflects a preference for the qualities that

⁶⁵ See generally Johnson, *supra* note 1.

⁶⁶ See Harris, *supra* note 2, at 1784-86.

have been attached to whiteness. For example, consider those employers who artlessly and bluntly interpreted race, class, and status in describing their hiring preferences in the study by Kirschenman and Neckerman.⁶⁷ Because maintaining white consciousness requires not-seeing whiteness and not-seeing race, in many situations white privilege will also reproduce itself unconsciously and through a formal attachment to colorblindness. As Barbara Flagg has pointed out, positioned white decision-making that protects and perpetuates white privilege usually lacks the sort of "intent" to discriminate that law often requires before being willing to remedy subordination.⁶⁸

Transformative work on whiteness therefore requires attacking its power as a dominant norm, while seeking points of potential for change in the social construction of whiteness. Frankenberg's concept of race cognizance recognizes difference on the basis of cultural autonomy and empowerment for people of color.⁶⁹ Necessary steps toward change include attacking the power of whiteness as an invisible, dominant social norm; participating in the project (necessarily repeated) that reiterates the existence of subordination and privilege by revealing the ongoing reproduction of white privilege and power; disputing the legal and social preference for colorblind approaches that reproduce color and power evasion, protect privilege, and deny cultural autonomy; and seeking points of unity and transformative potential.

In the context of residential segregation, antidiscrimination law is part of the attack on whiteness as a dominant norm. Whiteness has been constructed by excluding blacks, by defining white areas as superior, and by allocating to white areas the resources that reinforce privilege. Housing discrimination perpetuates segregation. It reflects the social construction of race—blacks as undesirable residents for white areas, whites as desirable residents for those areas—and perpetuates the processes that concentrate black poverty

⁶⁷ See Kirschenman & Neckerman, *supra* note 20, at 209-13.

⁶⁸ See Flagg, *supra* note 11, at 988 (noting that the Court's discriminatory intent rule "refuses to regard with suspicion the unconscious discrimination that is at least as significant a cause of the oppression of black people today"). See generally Barbara J. Flagg, *Fashioning a Title VII Remedy for Transparently White Decisionmaking*, 104 YALE L.J. (forthcoming June 1995) (exploring the ways that Title VII law could be structured to address "transparently white" decision-making, which involves decisions that incorporate white norms and perspectives, but seem raceless to whites).

⁶⁹ See FRANKENBERG, *supra* note 11, at 14-15 (stating that the terms of race cognizance are articulated by people of color and that differences therein signal autonomy of culture, values, and aesthetic standards).

and continue to reproduce race and racism in America. A straightforward attack on housing discrimination is therefore vital to break down walls of exclusion and begin the process of including people of color into formerly all-white or mostly white areas. Fighting housing discrimination is an important part of transforming whiteness in America.

Antidiscrimination law by itself, however, even when combined with a ban on employment discrimination, is insufficient to undo the processes by which residential life is segregated by race and racial concentration of blacks is linked with poverty. The many areas of selective investment and divestment that continue to reproduce segregation and exclusion and protect white privilege are larger social processes than can be attacked through antidiscrimination law.⁷⁰ Therefore, the processes that reproduce whiteness and blackness must be deprived of their apparently natural quality, revealing the multiple forces and factors linking whiteness with access and economic development, and linking blackness with exclusion and impoverishment.

Land-use decisions affect the development of jobs and housing and the racialized allocation of resources and economic access—even when those decisions appear to have nothing to do with race. Decisions like highway planning, industrial-park location, bridge development, and other decisions should all be evaluated for their impact on the perpetuation of current patterns of racial segregation in housing and employment. All decisions should then be scrutinized for their effect on the racial reproduction of power and access in employment and on residence as well. Reports evaluating potential decisions would project the impact of any development on residential and employment segregation.

The idea of this proposal is to undo the apparently natural quality that accompanies the reproduction of whiteness, leaving a paper trail of land-use decision-making in the reproduction of power that can be identified and disputed. Unlike an environmental impact report, which embodies a more straightforward weighing of environmental factors, the emphasis here would be on revealing the reproduction of power and making it possible to trace causality when differential impacts ensue (or do not achieve what their

⁷⁰ See, e.g., Holzer & Vroman, *supra* note 51, at 86-91 (examining mismatches between industrial restructuring and job skills, as well as spatial mismatches of inner-city workers and suburban jobs); Johnson & Oliver, *supra* note 51, at 139-42 (finding deindustrialization and deconcentration both affecting jobs for black males).

proponents hope or promise)—rather than on evaluating whether certain regulatory standards have been met. The success of this measure, therefore, would not be measured directly because the actions taken might not always be those with the most beneficial impact on current patterns of segregation and economic concentration. Rather, the entire “natural” quality that makes white privilege and concentrated black poverty seem features of a physical landscape as inevitable as mountains or rivers would be challenged by showing the very processes of the construction of power and reproduction of racial exclusion and privilege. This proposal carries the danger that the discussion will become inflammatory and that power will be reproduced anyway, but it would have the helpful effect of revealing the production of white privilege and revealing some of the processes by which black communities are separated from opportunity and access.

Overall, the project of revealing power helps show the difference between treating race as a social construction and treating it as a natural phenomenon. Many discussions of race and poverty emphasize deconcentrating black people and black communities. These approaches treat race as a natural phenomenon. They have been criticized by scholars such as John Calmore,⁷¹ who emphasizes “spatial equality,” economic and social access, and development for black communities, rather than integration. Arguments about spatial equality tend to reveal the ongoing exercise of power and dominance. This approach attacks the link between blackness and inferiority (the social construction of blackness) by revealing the power that reproduces inequality, rather than by emphasizing deconcentration of black people’s residential locations.

Because the social construction of race is not symmetrical, and because blackness is not simply the mirror image of whiteness, there

⁷¹ See generally John O. Calmore, *Fair Housing vs. Fair Housing: The Problems with Providing Increased Housing Opportunities Through Spatial Deconcentration*, 14 CLEARINGHOUSE REV. 7 (1980) [hereinafter Calmore, *Fair Housing*] (calling for new housing to be built in black communities and criticizing regulations of the U.S. Department of Housing and Urban Development that discourage such new construction); John O. Calmore, *Racialized Space and the Culture of Segregation: “Hewing a Stone of Hope from a Mountain of Despair,”* 143 U. PA. L. REV. 1233 (1995) [hereinafter Calmore, *Racialized Space*] (critiquing Douglas Massey, *Getting Away with Murder: Segregation and Violent Crime in Urban America*, 143 U. PA. L. REV. 1203 (1995)); John O. Calmore, *Spatial Equality and the Kerner Commission Report: A Back-to-the-Future Essay*, 71 N.C. L. REV. 1487, 1491-92 (1993) [hereinafter Calmore, *Spatial Equality*] (criticizing the deconcentration approach and arguing for a blended approach that incorporates both integration and community enrichment, but emphasizing the latter).

is a difference between the effects of deconcentration on blacks compared to the effects on whites. For whites, the concentration of blacks somewhere other than white neighborhoods is the spatial phenomenon that allows whiteness to remain both exclusive (that is, physically populated mostly by white persons) and a dominant norm (unnoticed except when threatened). Breaking down the walls of exclusion therefore has the effect of breaking down white dominance as well as making white spaces less white. Residence in white neighborhoods obviously has some advantages for those black individuals who find that it detaches some of the social construction of blackness (including identification with "inner-city" or "unemployable") for some of the privileges of whiteness ("suburban" and, often, "employable").⁷² But, as Calmore points out, part of contesting the social construction of blackness involves defending the strengths and potential of black people and neighborhoods.⁷³ Racial concentration is therefore different for white areas than for black areas.⁷⁴

Another way to attack both privilege and subordination in the social construction of race is to identify potential points of unity and mutual interest by examining the relationship between employment and residence—the two major aspects of the "built environment."⁷⁵ Employment and residence are linked together in the reproduction of white privilege and power, but there are important differences between them. White working class interests in both residential and workplace contexts run at least in part counter to the perpetuation of white privilege—even though complex and partial shared interests against oppression are seldom discussed today in either context.

Part of the problem with finding shared interests against racism lies in prevailing American concepts of "class."⁷⁶ Legal and social analysts most commonly use the term "class" to refer to socioeconomic status, rather than to describe a role in a system of produc-

⁷² See Kirschenman & Neckerman, *supra* note 20, at 216-17 (describing "address discrimination" and detailing its effect on employers).

⁷³ See Calmore, *Racialized Space*, *supra* note 71, at 1271-73.

⁷⁴ Gentrification is therefore not promoted as the way to get more industrial development to reach out to blacks in inner-city areas.

⁷⁵ Mahoney, *supra* note 37, at 1261. The built environment includes "the totality of physical structures—houses, roads, factories, offices, sewage systems, parks, cultural institutions, educational facilities, and so on" that society must create. *Id.*

⁷⁶ In this Paper I have therefore used terms directly invoking status, such as "status" or "elite," when referring to socioeconomic status.

tion.⁷⁷ Status-oriented accounts of white privilege, including concepts of group status and the concept of a "property right in whiteness," are based on the concept of class as socioeconomic status. When class is understood to refer to labor, to a set of shared interests in a system of production, shared interests immediately appear that have the potential to help whites understand the need for antiracist unity with people of color.

The "property right in whiteness" is a metaphor that captures much of the systematic quality of the retention of white privilege in law and in society. But whiteness is also dynamic, continually in the process of formation, in transition for better or for worse. Therefore, it is also important to identify the ways in which many social structures operate to make the "property right in whiteness" not merely some form of additional status⁷⁸ but a social premium that has formed the "consolation prize" for low income and lack of other substantive rights for working class whites in America. It is the lack of those "other" substantive rights that creates further possibilities for educating whites about the costs of racism.

In the workplace, white interest in solidarity can provide the basis for finding transformative potential and shared interests against racism. Because middle-class and elite whites treat racism as a fixed artifact and then locate this artifact in the white working class, racism tends to be seen as evidence against the possibility for labor solidarity. It is true that "race"—meaning racism, or the unwillingness of whites to see their futures as interdependent with blacks and other people of color—has weakened the labor movement in America.⁷⁹ At various times, however, labor solidarity has also proved to be a mobilizing force against white privilege.⁸⁰ There-

⁷⁷ See BRINGING CLASS BACK IN: CONTEMPORARY AND HISTORICAL PERSPECTIVES 1-12 (Scott G. McNall et al. eds., 1991) (discussing definitions of "class"); see also RICK FANTASIA, CULTURES OF SOLIDARITY: CONSCIOUSNESS, ACTION, AND CONTEMPORARY AMERICAN WORKERS 13 (1988) (stating that, as understood by most American sociologists, classes are "generally conceived as collections of individuals with shared social characteristics, or in possession of similar amounts of a scarce resource" such as "education, income, or occupational prestige").

⁷⁸ See generally Richard H. McAdams, *Cooperation and Conflict: The Economics of Group Status Production and Race Discrimination*, 108 HARV. L. REV. 1003, 1044-82 (1995) (conceptualizing race discrimination as a form of status production).

⁷⁹ See generally Karl Klare, *The Quest for Industrial Democracy and the Struggle Against Racism: Perspectives from Labor Law and Civil Rights Law*, 61 OR. L. REV. 157, 158 (1982) (discussing the intertwined nature of the civil rights movement and the labor movement in America, and stating that weakness in one leads to weakness in the other).

⁸⁰ For accounts of interracial and consciously antiracist labor organizing, see

fore, a view of whiteness as historically located and subject to change would emphasize instead the potential that shared interests through labor solidarity could help to work against racism.

Outside the workplace, low-income white residents of urban communities have been harmed in some ways by the social construction of race, even as it has protected them in other ways. In recent decades, racism masked economic decline in the United States. White privilege protected relatively greater access to jobs and housing by perpetuating exclusion. The racialized discourses of our time have, however, disguised long-term economic trends disfavoring all working-class people. The transition to high rates of permanent unemployment and the transition from an industrial to a service economy have serious negative consequences for American labor. But these trends were racialized based on their impact on black communities. The development of an underclass, the feminization of poverty, and related phenomena were treated as racial phenomena and discussed in political and social discourse as characteristics of black inner-city communities, when in fact they are part of the nationwide transitions in work opportunity that now impact white working people as well as blacks.

An examination of Massey and Denton's statistics on segregation shows how the process of protecting white privilege works to white material advantage in some ways while disguising (and perhaps therefore discouraging) white low-income interest in structural economic change. When black poverty occurs at a higher rate than white poverty, lower-income whites profit by the diminished exposure to the problems of poverty that come from concentrating black poverty.⁸¹ Segregation significantly reduces the extent to which low-income whites must live with the effects of poverty, whether or not income segregation or racial segregation are factors in residential patterns. Therefore, the "property right in whiteness" is not merely a psychological or an inchoate group-status effect, but a material advantage in living in communities less impacted by the effects of poverty. As Massey and Denton explain, this structure shifts the effects of poverty to hypersegregated black communities

Mahoney, *supra* note 4, at 30-54 (citing HONEY, *supra* note 4, and BERRY, *supra* note 4, among others).

⁸¹ See MASSEY & DENTON, *supra* note 20, at 118-25 (discovering that in a hypothetical simulation, whites isolated from black poverty are able to insulate themselves from the social problems associated with income deprivation).

and thereby intensifies the negative effects of segregation for blacks.⁸²

This form of white privilege, however, depends on acceptance of a background regime in which the economy continues to deteriorate and labor continues to be an ever-weaker social and political force. If class only means status, then it is difficult to find a shared interest in bettering conditions for all. But if blacks and whites share interests in developing jobs, improving working conditions, and improving salaries for low-income workers, then whites might be better off (as Derrick Bell has pointed out) by abandoning attachment to white race privilege and working with blacks to accomplish this goal.⁸³

I do not mean to suggest that we de-emphasize race and promote only programs with broad class benefits for low-income Americans.⁸⁴ In America, social and economic programs do not exist outside the process of the construction of race. Programs like public housing, Medicaid, welfare, and food stamps have become publicly "raced" and endowed with a racial character (marked as nonwhite) in white perception and in much political discourse despite the fact that whites are at least a plurality of the beneficiaries. Programs such as aid to farmers and bailouts for large corporations are officially treated as if they are "non-raced" when in actuality they are "white-raced." In the category of social programs covertly coded white, I would include Social Security, because as enacted it so thoroughly excluded so many African-Americans.⁸⁵ The social construction of race is capable of overtaking nonracial programs, stigmatizing them as "assistance" and treating them as "racial" whenever any significant proportion of benefits is provided to people of color.

Rather, I propose class-conscious work on an antiracist basis, not on a race-blind basis. Whites, and especially white working class men, are being told by political figures like Jesse Helms, Patrick

⁸² See *id.* at 128-29.

⁸³ See, e.g., DERRICK BELL, *AND WE ARE NOT SAVED: THE ELUSIVE QUEST FOR RACIAL JUSTICE* 245-58 (1987) (demonstrating the advantages of cooperation).

⁸⁴ Cf. WILSON, *supra* note 50, at 109-24 (arguing that race-neutral policies will best address the problems of the ghetto underclass).

⁸⁵ See Joel F. Handler, "Constructing the Political Spectacle": *Interpretation of Entitlements, Legalization, and Obligations in Social Welfare History*, 56 BROOK. L. REV. 899, 917 (1990) (arguing that the elimination of domestic and agricultural workers from coverage under the Social Security Act ensured "planter control over African-Americans," and noting that "the vast majority of elderly African-Americans were almost completely excluded" from Social Security insurance).

Buchanan, and David Duke that they are suffering from illegitimate "preferences" for all women and all people of color. The anti-affirmative-action rhetoric of our time perpetuates the dominant norm of whiteness by treating the current distribution of power and access as natural and just. This rhetoric also makes the structural economic problems of working-class whites invisible by blaming the advent of people of color for the downturn in white working-class earning power.

The difference between the workplace and residential contexts is not that low-income whites share interests and potential alliance with blacks in one context and not the other. Rather, there exist more potential vehicles within the workplace for identifying shared interests and achieving shared mobilization. Heightened racism and lowered class consciousness are both part of the conservatizing effect of residential segregation on working white Americans. Achieving home ownership—more open to working-class whites than to blacks—helped white American workers achieve "middle-class" status in socioeconomic terms. The social processes that opened home ownership to whites and not blacks—and equated whiteness with positive social qualities like employability, comfort, and security—also consolidated racial attitudes that institutionalized urban/suburban divisions that in turn make shared work on job development difficult.⁸⁶ Whites need to see how white privilege has hurt, as well as helped, the interests of many white people. The challenge is to identify the ways in which we can help show this point.

⁸⁶ The example is California, where Proposition 187 successfully mobilized anti-immigrant protectionist sentiment in the state constitutional referendum process and a measure against "racial preferences" (against affirmative action) is getting underway. There has been, however, no coordinated, statewide movement calling for substantive rights to employment.