

2014

## LATIN@S, DISRUPTING RACIAL NORMATIVITY IN DERRICK BELL'S THE SPACE TRADERS

Geiza Vargas-Vargas  
*Charleston School of Law*

Follow this and additional works at: <https://digitalcommons.law.wne.edu/lawreview>

---

### Recommended Citation

Geiza Vargas-Vargas, *LATIN@S, DISRUPTING RACIAL NORMATIVITY IN DERRICK BELL'S THE SPACE TRADERS*, 36 W. New Eng. L. Rev. 131 (2014), <https://digitalcommons.law.wne.edu/lawreview/vol36/iss2/3>

This Article is brought to you for free and open access by the Law Review & Student Publications at Digital Commons @ Western New England University. It has been accepted for inclusion in Western New England Law Review by an authorized editor of Digital Commons @ Western New England University.

## LATIN@S, DISRUPTING RACIAL NORMATIVITY IN DERRICK BELL'S *THE SPACE TRADERS*

GEIZA VARGAS-VARGAS\*

[T]heory alone can not wipe out racism. We do not experience racism, whether directed at ourselves or others, theoretically.<sup>1</sup>

### INTRODUCTION

Professor Derrick Bell's *The Space Traders*, a science fiction short story in his 1992 collection *Faces at the Bottom of the Well*, is both haunting and traumatic; while written as science fiction, the line between story, truth, and possibility blurs.<sup>2</sup> The Professor does not locate us in a fantastical world with fantastical creatures or even in some time many light years away.<sup>3</sup> In fact, other than aliens that, like God, can walk on water,<sup>4</sup> the tale has moments of eerie reality, as it occurs in the United States in a very real year 2000. Certainly, for the first time experiencing the story in a so-called "post-racial America,"<sup>5</sup> the possibility is stunning

---

\* Assistant Professor of Law, The Charleston School of Law, Charleston, South Carolina. BA, Wellesley College. JD, Boston College Law School. It is an honor to have been included in Western New England University School of Law's tribute to Professor Derrick Bell. Special thanks to Anthony Farley and Maria Grahn-Farley.

1. THIS BRIDGE CALLED MY BACK: WRITINGS BY RADICAL WOMEN OF COLOR 61-62 (Cherríe Moraga & Gloria Anzaldúa eds., Kitchen Table: Women of Color Press 2d ed. 1983).

2. Derrick Bell, *The Space Traders*, in *FACES AT THE BOTTOM OF THE WELL: THE PERMANENCE OF RACISM* 158 (1992).

3. I cannot help but think of Octavia Butler's science-fiction story, *Bloodchild*, in which we find ourselves in a typically dark, dystopic world inhabited by anthropod-like creatures that maintain relationships with humans akin to master and slave. Octavia E. Butler, *Bloodchild*, in *BLOODCHILD AND OTHER STORIES* 1 (2d ed., 2005).

4. Bell, *supra* note 2, at 159.

5. The concept of post-racial or post-racism seems to have assumed a dominant place in racial discourse once the United States elected its first black president, Barack Obama, in 2008. The term suggests that given the election of a Black man to lead the United States on both a domestic and global scale, no longer are we to be concerned about or consumed by racism, racial bias, aggression, or prejudices. Because we have a Black president, in other words, we have overcome the problem of race. The notion is met with tremendous skepticism by a competent core of the academy. See generally DEVON W. CARBADO & MITU GULATI, *ACTING WHITE? RETHINKING RACE IN "POST-RACIAL" AMERICA* (2013); TOURÉ, *WHO IS AFRAID OF POST-BLACKNESS? WHAT IT MEANS TO BE BLACK NOW* (2012); Mario L. Barnes, *Reflection on a Dream World: Race, Post-Race and the Question of Making it Over*, 11 *BERKELEY J. AFR.-AM. L. & POL'Y* 6 (2009); Sumi Cho, *Post-Racialism*, 94 *IOWA L. REV.*

(where in actuality there is nothing “post” about racism, but instead “hyper” racism).<sup>6</sup> Almost like Alice in her Wonderland,<sup>7</sup> Professor Bell locates us in a world that is insane—as one would expect the sale of the Blacks to “space people” in exchange for access to capital to be the epitome of insanity.<sup>8</sup> But unlike Alice’s world where the reader never confuses the crazy for the real, in *The Space Traders* the reader can.

In this Essay tribute to Professor Bell, I choose to examine the ever-controversial science fiction narrative, *The Space Traders*, for its paradox. In one instance, *The Space Traders* is arguably a myopic representation of race insofar as it operates within a very specific theoretical race construct, the Black/White binary.<sup>9</sup> But almost at once,

---

1589 (2009); andré douglas pond cummings, *Post Racialism?*, 14 J. GENDER RACE & JUST. 601 (2011); Ian F. Haney López, *Post-Racial Racism: Racial Stratification and Mass Incarceration in the Age of Obama*, 98 CALIF. L. REV. 1023 (2010).

6. In his introduction to the North Carolina Law Review Symposium on Race Trials, Professor Alfieri writes that:

Now in the second decade of a new “post-racial” century, law students and graduates are unlikely to hear the words “darkey” or “nigger” when prosecuting or defending race cases in federal and state courts. Instead, they are likely to hear the more neutral, less pejorative words “Black” or “African American.” Nonetheless, in prosecuting and defending race cases, they, like their predecessors, will construct—by force of implicit or explicit bias—long-dominant racialized narratives of cultural inferiority and social stigma.

Anthony V. Alfieri, *Introduction to the North Carolina Law Review Symposium, Race Trials: “He is the Darkey with the Glasses On”*: *Race Trials Revisited*, 91 N.C. L. REV. 1497, 1498 (2013). I disagree with the comment, as the startling reality is that the term “nigger” has enjoyed a resurrection in social discourse. The term regularly appears on social media and in online comments to news articles. Arguably, the resurgence can be attributed to anonymity—a veritable hood so to speak—offered by the online universe.

7. LEWIS CARROLL, *ALICE’S ADVENTURES IN WONDERLAND* (Dover Publications, Inc. Reprint Ed. 1993).

8. One could also argue that the insane is indeed our reality, our norm. After all, we follow ideas about freedom, life, and liberty that were articulated and developed by men that owned slaves and counted them as property, not humans. See BELL, *supra* note 2, at 11 (“[A]merican history portrays whites as the heroes, the Indian victims as the savage villains. ‘What . . . can be understood about the world view of a people who claim to be building a democracy with freedom and justice for all, and at the same time own slaves and deny others basic human rights?’”) (quoting PROFESSOR LINDA JAMES MYERS, *UNDERSTANDING AN AFROCENTRIC WORLD VIEW: INTRODUCTION TO AN OPTIMAL PSYCHOLOGY* (1993)).

9. The Black/White binary locates the story of racial experience solely within the pillars of Blackness and Whiteness. Considerations of its limits are not new, and frankly, I do not intend to reinvent the wheel, but I do find that while I am perturbed by the binary, I find it instructive on the everyday reality of race. For dialogue between Latin@ and African American scholars on the matter, see IAN F. HANEY LÓPEZ, *WHITE BY LAW: THE LEGAL CONSTRUCTION OF RACE* (1996); Trina Grillo, *Anti-Essentialism and Intersectionality: Tools to Dismantle the Master’s House*, 10 BERKELEY WOMEN’S L. J. 16 (1995); Angela P. Harris & Leslie Espinoza, *Afterword: Embracing the Tar-Baby—LatCrit Theory and the Sticky Mess of Race*, 10 LA RAZA L.J. 499, 85 CALIF. L. REV. 1585 (1997); Juan F. Perea, *The Black/White Binary Paradigm of Race: The “Normal Science” of American Racial Thought*, 85 CALIF. L.

in another instance, the paradox seems to precisely capture the truth of racial experience: we all are reduced to and defined by the black/white binary.

For Professor Bell, as a critical race theorist, race is located strictly within the binary.<sup>10</sup> But experience, for those of us that are neither Black nor White, is far more complex and overreaching—sometimes—than the binary. In other words, for Latin@s,<sup>11</sup> our kaleidoscope is not monosyllabic or monochromatic; it is instead ranging with multiple colors, dimensions, and lines. The experience of Latin@s does not simply move from Whiteness to Blackness. Or does it? In this Essay, therefore, I explore the paradox that defines the Latin@ experience—we exist both within and without the binary. As the Latin@ population in the United States, certainly in the South, continues to surge,<sup>12</sup> the binary does and does not capture the Latin@ race drama.

In a peculiar way, and this is the heart of my thesis, Latin@s disrupt the binary, creating confusion as we inevitably are caught by the gaze<sup>13</sup>

---

REV. 1213 (1997), 10 LA RAZA L.J. 127 (1998); William R. Tamayo, *When the "Coloreds" Are Neither Black nor Citizens: The United States Civil Rights Movement and Global Migration*, 2 ASIAN L.J. 1 (1995); Frank H. Wu, *Neither Black Nor White: Asian Americans and Affirmative Action*, 15 B. C. THIRD WORLD L.J. 225 (1995). Going beyond the binary is indeed a challenge even for me, as it is easier to compartmentalize the law into two racial categories.

10. For an understanding of critical race theory and its place in the legal academy, see RICHARD DELGADO & JEAN STEFANCIC, *CRITICAL RACE THEORY: AN INTRODUCTION* (2001).

11. The use of the @ is a form of activism on my part. I first encountered it through study of the Latinegr@s Project, which creates an online space for individuals to celebrate and explore matters related to race, gender, sexual identity, and orientation. See Bianca, *Use of the @ Symbol*, THE LATINEGR@S PROJECT, <http://lati-negros.tumblr.com/post/22536861673/use-of-the-symbol> (last visited May 8, 2014). I am compelled by, and therefore follow, a purposeful attempt (through the structure of language itself) to remove gender constructs: from Latino/a to a unified Latin@. As further explained by the Project: "[I]t represents gender neutrality, gender inclusion, and disrupts the misogynistic ways language privileges men, masculinity, and things that are considered 'male.' . . . The @ is useful not only in discussing Latinidad, but also discussing how Blackness and African identity intersects as well."

12. I purposely use the term "surge" here to echo the sentiments of Margaret Montoya and Francisco Valdes in their Afterword to the Twelfth Annual LatCrit Conference: *Critical Localities*. Professors Montoya and Valdes explain that they "borrowed [the term] as a frame to emphasize the dramatic public policy implications of the demographic increases in the Latina/o population" after it was used by George W. Bush in 2007 "to frame his decision to add 30,000 troops to a military effort that is widely unpopular among the U.S. public." Margaret E. Montoya & Francisco Valdes, "Latina/os" and Latina/o Legal Studies: A Critical and Self-Critical Review of LatCrit Theory and Legal Models of Knowledge Production, 4 FLA. INT'L U. L. REV. 187, 189 (2008).

13. The subtext of the gaze is that of pleasure, objectification, and sexualization. The gaze suggests an element of penetration, of marking the body with a story or a narrative as designed by the source and superimposed on the object, such that the story becomes natural

of Blackness and Whiteness and tangled within. When the Black gaze finds us, we are marked (incorrectly so) with Whiteness and resentment (often rightly so) of that privilege. When the White gaze finds us, in certain instances we are marked with Whiteness, albeit suspiciously and provisionally, but we are also marked with something else, sometimes Blackness. Confusion nonetheless remains as we effectively disrupt the generally accepted understanding of what race and color in the United States is.

Everpresent, always lurking in the shadow of current events, is the real possibility that an unexpected coincidence of events at some point in the future—like those that occurred in the past—will persuade whites to reach a consensus that a major benefit to the nation justifies an ultimate sacrifice of black rights—or lives.<sup>14</sup>

#### I. THE SPACE TRADERS: THE DISPOSABILITY OF BLACK FOLK

*The Space Traders* is located in a fixed reality, one in which only Blacks and Whites have a role. While Professor Bell acknowledges the existence of the Asian, Hispanic, and Jewish, it is clear that these racial or ethnic minorities are not grouped with Blacks, and therefore exist peripherally at best.<sup>15</sup> Quite frankly, we are invisible.<sup>16</sup> And we are invisible because we reflect back a contradiction (white skin but not legally White, brown skin but with a privilege that Blacks may not have) that is disruptive to cemented notions of oppression. The experience of other racial minorities must necessarily fade out in order to highlight or

---

and truth. See FRANTZ FANON, *BLACK SKIN WHITE MASKS: THE EXPERIENCES OF A BLACK MAN IN A WHITE WORLD* (Charles Lam Markmann trans., Grove Press, Inc. 1967). For Fanon, the gaze imposes violence and humiliation on the body, transforming space and time: “‘Look at the nigger! . . . My body was given back to me sprawled out, distorted, recolored, clad in mourning in that white winter day. The Negro is an animal, the Negro is bad, the Negro is mean, the Negro is ugly . . .’” Anthony Paul Farley, *The Black Body as Fetish Object*, 76 OR. L. REV. 457, 499 (1997) (quoting FRANTZ FANON, *BLACK SKIN, WHITE MASKS* 113 (Charles Lam Markmann trans., 1967)); see also SAIDIYA V. HARTMAN, *SCENES OF SUBJECTION* (1997).

14. Bell, *supra* note 2, at 13.

15. Bell, *supra* note 2, at 162, 188.

16. See MICHAEL OLIVAS, “COLORED MEN” AND “HOMBRES AQUÍ”: *HERNANDEZ V. TEXAS* AND THE EMERGENCE OF MEXICAN—AMERICAN LAWYERING (2006) (chronicling the history of the Supreme Court case *Hernandez v. Texas*, 347 U.S. 475 (1954), and the story of Mexican American attorney Gus Garcia. *Hernandez v. Texas* is a civil rights case, argued and decided before *Brown v. Board of Education*, 347 U.S. 483 (1954), in which the composition of juries, and the participation of Mexican Americans jurors, in criminal trials was in question. The win was a tremendous score for civil rights, except not the civil rights of Blacks but those of Latin@s); see also Tony Diaz, *Mexicans Ain’t White: The Gus Garcia Story*, HUFFINGTON POST (July 18, 2013, 9:26 AM), [http://www.huffingtonpost.com/tonydiaz/the-senator-the-desperate\\_b\\_3596366.html](http://www.huffingtonpost.com/tonydiaz/the-senator-the-desperate_b_3596366.html).

emphasize a sobering truth for Americans: that Blacks will forever be disposable people.<sup>17</sup> For Professor Bell, Blacks occupy a space that lacks agency and where there is no self-determination. They are a population “to be done something with,” creating the American Dilemma. In *The Space Traders*, however, that dilemma is finally resolved (to the extent possible) as Blacks are removed. For Professor Bell, this is the “permanence” of racism.<sup>18</sup>

*The Space Traders* is very simple, yet one with a penetrating subtext: the supremacy of Whiteness and the supremacy of capital. The story begins with aliens from outer-space descending on our planet Earth, landing of course in the United States on the shores of New Jersey. Quite curiously, Professor Bell does not use the term Alien and instead chooses to refer to the beings as “space people.” The term Alien connotes more of an outsider, foreigner, or object that does not belong. The term Alien also carries a suggestion that the excluded object is, further, not human, and therefore not to be looked at with humanity. In the story, perhaps the real Alien is the African American—never belonging—and not the “space people.” Perhaps for Professor Bell, the term is too simplistic, but for me, Alien captures layers of woven identity and complexity and is my choice term in this Essay.<sup>19</sup>

In the simplicity of the narrative, the Aliens appear static and one-dimensional, almost like ornaments that punctuate the narrative of race-superiority and betrayal.<sup>20</sup> We know nothing about where they come from or what drives their interest in the particular trade. We do catch a glimpse of one—the Alien that addresses the public upon arriving on the New Jersey shore. The Alien, whether acting leader, or simply chosen representative for the purpose, does not really speak. Like a mockingbird, the Alien has latched onto (or more accurately been given by Professor Bell) the voice of President Ronald Reagan. While only Professor Bell knows for sure, the Alien’s performance of Ronald Reagan carries great meaning, as through this icon there is great

17. See James Baldwin, *No Name in the Street*, in COLLECTED ESSAYS 432 (1998) (“The truth is that this country does not know what to do with its black population now that the blacks are no longer a source of wealth, are no longer to be bought and sold and bred, like cattle . . . .”); GUNNAR MYRDAL, *AN AMERICAN DILEMMA: THE NEGRO PROBLEM AND MODERN DEMOCRACY* (1995).

18. See Bell, *supra* note 2, at 13.

19. The power of language emerges through the term Alien as the chosen description of undocumented immigrants in the United States, one legitimized by law. See the Immigration and Nationality Act, 8 U.S.C. §§ 1-18 (2006). The terms “Aliens” and “Nationality” most certainly implicate otherness.

20. I would argue that loyalty presupposes betrayal, and arguably there has never been loyalty extended to African Americans.

opportunity to emphasize the prominence of Whiteness, heteronormativity, masculinity, and certainly capital in American society. The implication here is quite possibly that the law operates just like the Alien echoing the status quo; those established filters through which the law self-sustains.<sup>21</sup> We look to the law almost as if it is natural and attach to it objectivity,<sup>22</sup> but what appears to be objective is actually supported by a biased superstructure as invisible to the eye as a matrix. The law is as one-dimensional as a Ronald Reagan character would be, and it is incapable of multiple or even oppositional consciousness<sup>23</sup> precisely because it is fixed in a matrix of Whiteness, heteronormativity, masculinity, and capital. And it is this matrix that reinforces the dominant paradigm—a time zero, an assumption that is purportedly not an assumption—called Whiteness plus capital.

The Aliens propose a business transaction in the form of an asset swap (I purposely use this term) in which the property to be acquired consists of humans, and more specifically all individuals that are identified as Black on their birth certificates.<sup>24</sup> For these bodies, the Aliens are willing to trade an in-kind basket of goods consisting of gold, chemicals, and a nuclear power plant and fuel. These items are of great interest to Americans for the following reasons. The gold is attractive because it would “bail out the almost bankrupt federal, state, and local governments.”<sup>25</sup> The chemicals are attractive because they are “capable of unpolluting the environment, which was becoming daily more toxic, and restoring it to the pristine state that it had been before Western explorers set foot on it.”<sup>26</sup> And the nuclear engine was attractive because

21. See DRUCILLA CORNELL, *The Violence of the Masquerade: Law Dressed Up as Justice*, in *THE PHILOSOPHY OF THE LIMIT* (1992).

22. See SIMONE DE BEAUVOIR, *THE ETHICS OF AMBIGUITY* 83 (Bernard Frechtman trans., 1976) (“In order to prevent this revolt [of the oppressed], one of the ruses of oppression is to camouflage itself behind a natural situation since, after all, one can not revolt against nature.”).

23. See Chela Sandoval, *U.S. Third World Feminism: The Theory and Method of Oppositional Consciousness in the Post Modern World*, 10 *GENDERS* 1 (1991) (articulating a new method in which multiple social justice movements can become aligned, and therefore effective, in fighting against oppression, rather than inadvertently reinforcing that oppression by being at odds).

24. There is much irony in Professor Bell’s reference to birth certificates, as in 2013, birth certificates and other forms of legal identification have become a means through which civil rights become suppressed. Consider Puerto Rico Law 191 of 2009 (amended 2012), which invalidates all birth certificates issued prior to July 1, 2010. The invalidation is significant as it has created de facto Aliens of U.S. citizens, and has become a tool in voter suppression efforts in states requiring voter ID. See Melinda Sommers Molina, *Boricua Certificado: Decertifying Citizenship* (unpublished manuscript) (on file with author).

25. Bell, *supra* note 2, at 159.

26. Bell, *supra* note 2, at 159-60.

it was “totally safe” and would “relieve the nation’s all-but-depleted supply of fossil fuel.”<sup>27</sup>

The Aliens offer those things that sustain the cycle of capitalist accumulation.<sup>28</sup> Thus, gold is not offered for the purpose of eliminating poverty and disease or achieving wealth equality.<sup>29</sup> The elimination of social evils such as slavery and debt bondage do not enter the discussion.<sup>30</sup> The commodity is offered to correct an imbalance in the United States’ debt profile. The chemicals that clean up the existing waste land act as a reset button that restores and reinvigorates the land grab. They are certainly not intended to protect the lungs of the earth or create balanced food markets. The items offered arguably sustain the United States’ position in the model of global capital accumulation and further reaffirm the structure of capital and the supremacy of capital over humanity.<sup>31</sup>

With the trade, Professor Bell captures the haunting message that the Black population is an object of ownership to be disposed of in whatever way benefits society. So, while the law gave<sup>32</sup> personhood to Blacks, it is almost as if the status of this entire population as a commodity has never changed, while how that commodification expresses itself has. While a sale of Blacks to Aliens is stark, consider the Aliens as today’s private prison corporations (or more theoretically, the criminal justice system itself), which benefit from the imprint of criminality onto Blackness, therefore creating a passive form of labor,

27. Bell, *supra* note 2, at 160.

28. See CHRIS HARMAN, *ZOMBIE CAPITALISM: GLOBAL CRISIS AND THE RELEVANCE OF MARX* (2009) (considering, among other things, the ultimate goal of capitalism being a competitive accumulation, a system that produces and sustains hoarding of capital); see also JEFFREY REIMAN & PAUL LEIGHTON, *THE RICH GET RICHER AND THE POOR GET PRISON: IDEOLOGY, CLASS, AND CRIMINAL JUSTICE* (10th ed. 2012) (1979) (examining the system of accumulation as the driving force behind the criminal justice system). On social structures of accumulation theory, see *CONTEMPORARY CAPITALISM AND ITS CRISES: SOCIAL STRUCTURE OF ACCUMULATION THEORY FOR THE 21ST CENTURY* (Terrence McDonough, Michael Reich & David M. Kotz, eds., 2010). See also Tayyab Mahmud, *Cheaper Than a Slave: Indentured Labor, Colonialism and Capitalism*, 34 WHITTIER L. REV. 217 (2013); Francisco Valdes & Sumi Cho, *Critical Race Materialism: Theorizing Justice in the Wake of Global Neoliberalism*, 43 CONN. L. REV. 1513 (2011).

29. See generally Geiza Vargas-Vargas, *A Critical Examination of Capital, Slave Labor, and the Language of Profit in the Market for Sugar Ethanol*, 9 S.C. J. INT’L LAW & BUS. 283 (Spring 2013) (examining the driving force behind sustainable fuels as profit, not concern for human rights or the environment).

30. *Id.*

31. See HARMAN, *supra* note 28.

32. I use the term “gave” purposefully to bring attention to the subtext of the law—how the law is manipulated for outcomes, so that human dignity, human rights, is something given, as opposed to inherent, in humanity.



self-consumption, and self-disposal.<sup>33</sup> The emphasis is that Blacks are a commodity where value—no longer derived from labor—is unlocked through a complete disposition.<sup>34</sup>

We register on the American Imagination in three phases.  
 First, we are invisible.  
 Then, we are vilified.  
 Then, we are accepted, but as only a consumer group.  
 We are never imagined as Intellectuals.<sup>35</sup>

## II. NOT BLACK BUT NOT WHITE EITHER

The voices in *The Space Traders* are heteronormative—penetratively straight and male, and fix a narrative that is very much about multiple binaries: Self/Other, Subject/Object, Black/White. We can assume that the voices of other racial or ethnic groups are captured in the constitutional amendment ratification that legitimized the disposition,<sup>36</sup> but in terms of knowable and hearable voices, those of Latin@s, among others, are absent. Certainly the spotlight is on a history of capital accumulation (one defined by slavery) in which Blackness and Whiteness played a very clear role, and quite profoundly on the consistent, historical way in which the law legitimates oppression and humiliation.<sup>37</sup> Thus, the need for a limited methodology is understandable. But the limited methodology—and here I mean the binary—has the effect of further stabilizing a system of power and oppression, by allowing differences to cripple and silence collaborative movements, instead of fostering difference as locations of subversive power.<sup>38</sup>

33. In a provocatively entitled article, Professor Judy examines this exact proposition: [R]eal Black Folks Work. And where else can you find real black folk except in the killing fields, which is, by definition, the place for nonproductive consumption—the end of work? The killing fields, then, are the place of non-work for complete consumption of needless workers. Real black folk are already dead, walking around consuming themselves in search of that which is no longer possible, that which defines them.

R.A.T. Judy, *On the Question of Nigga Authenticity*, 21:3 BOUNDARY 2 211, 212 (1994). I would further posit that in the South, certainly, Blacks have been replaced by immigrants, undocumented or otherwise, as new slaves, further contributing to erasure, disposition, and invisibility.

34. *Id.*

35. Diaz, *supra* note 16.

36. Bell, *supra* note 2, at 192.

37. See W.E.B. Du Bois, *Of the Sons of Master and Man*, in THE SOULS OF BLACK FOLK 127 (1903) (“Daily the Negro is coming more and more to look upon law and justice, not as protecting safeguards, but as sources of humiliation and oppression.”).

38. See Audre Lorde, *The Master’s Tools Will Never Dismantle The Master’s House*, in

Latin@s, in effect, occupy a precarious space. Language, and in some respects geography, unites us, but we have many differences that stem from our (i) status as U.S. citizens or not; (ii) class profiles, or degrees access to income, capital, and wealth; (iii) skin color (varying shades of brown); (iv) physical features (degrees of European or our mixed race Mestizaje); (v) religious affiliations; (vi) sexual orientation or gender identities, the list goes on. Our experience in the United States is directly a result of how these differences intersect, and therefore, within our own group, our experience with racial privilege is messy.

Latin@s are subject to multiple gazes and multiple narratives that tell us who and what we are. And because the dominant paradigm operates along a binary, we are penetrated both by Whiteness and Blackness and become trapped (or better said, required to fit) within a monochromatic picture. Consider, for example, the story of Gladys Mesa's son.

In February 2012, Florida resident George Zimmerman shot and killed a black youth, seventeen-year-old Trayvon Benjamin Martin.<sup>39</sup> Trayvon, from Miami, Florida, was suspended from school and was in

---

THIS BRIDGE CALLED MY BACK, *supra* note 1, at 100.

Women of today are still being called upon to stretch across the gap of male ignorance, and to educate men as to our existence and our needs. This is an old and primary tool of all oppressors to keep the oppressed occupied with the master's concerns . . . This is a diversion of energies and a tragic repetition of racist patriarchal thought.

*Id.* In the 1980s (I emphasize three decades ago) and certainly the 1990s (around the time that Professor Bell published *The Space Traders*), Latin@ activists and scholars were introducing and developing methods for theory and praxis that went beyond the binary, finding empowerment in difference. In the forward to the second edition of THIS BRIDGE CALLED MY BACK, Cherrie Moraga writes, "[i]f we are interested in building a movement that will not constantly be subverted by internal differences, then we must build from the insideout, not the other way around. Coming to terms with the suffering of others has never meant looking away from our own." THIS BRIDGE CALLED MY BACK, *supra* note 1, at Forward to Second Edition. And yet in 2013, notwithstanding theories of intersectionality coming to the forefront (developed in 1991 by Kimberlé Crenshaw in her article *Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color*, 43 STAN. L. R. 1241 (July 1991)), we must consider what supports the binary as the dominant paradigm. One must also question who is invested in supporting this limited framework of thinking. For more on intersectionality, see *Intersectionality: Theorizing Power, Empowering Theory* 38 SIGNS: JOURNAL OF WOMEN IN CULTURE AND SOCIETY (Summer 2013). While advancements in theory continue to be made, we equally lose momentum in theory, and in praxis, as this Essay posits.

39. Lizette Alvarez, *Justice Department Investigation is Sought in Florida Teenager's Shooting Death*, N.Y. TIMES (Mar. 16, 2012), [http://www.nytimes.com/2012/03/17/us/justice-department-investigation-is-sought-in-florida-teenagers-shooting-death.html?ref=trayvonmartin.&\\_r=0](http://www.nytimes.com/2012/03/17/us/justice-department-investigation-is-sought-in-florida-teenagers-shooting-death.html?ref=trayvonmartin.&_r=0).

Sanford, Florida with his father visiting his father's fiancée.<sup>40</sup> Early evening on a Saturday, Trayvon decided to head to the 7-Eleven to buy an iced tea and Skittles.<sup>41</sup> On his way back home, in the rain, he encountered George Zimmerman.<sup>42</sup> George Zimmerman had called a non-emergency police dispatch number to report who he believed to be a "suspicious" Black male walking slowly in the rain, "looking into homes" as he walked by them.<sup>43</sup> Ultimately, there was a confrontation—the details of which will never be known—and ultimately Zimmerman shot and killed Trayvon.<sup>44</sup> Forty-five days would pass before George Zimmerman would be arrested.<sup>45</sup> His arrest largely being the result of community, then national, and then state pressure on the local police.<sup>46</sup> The Governor of Florida appointed a special prosecutor, Angela Corey, who filed second-degree murder charges against George Zimmerman.<sup>47</sup> He was ultimately acquitted.<sup>48</sup>

The case presents the most basic and simple of facts, yet within that simplicity lies extraordinary complexity that unequivocally captures the thesis of this Essay. The case collapsed into two narratives: that of Blackness and that of Whiteness. Notwithstanding that George Zimmerman's mother, Gladys, is a very dark, very Mestiza-looking Peruvian woman (his father, Robert, a southern-sounding, southern-looking White male), both the Black and White gaze marked George Zimmerman as White. And arguably the criminal justice system worked as intended, as it offered the defendant privileges never seen or accorded

40. Lizette Alvarez, *Defense in Trayvon Martin Case Raises Questions About the Victim's Character*, N.Y. TIMES (May 23, 2013), <http://www.nytimes.com/2013/05/24/us/zimmermans-lawyers-release-text-messages-of-trayvon-martin.html>.

41. Buck Wolf, *Trayvon Martin 7-Eleven Surveillance Video Shows Slain Teen Shortly Before He Was Killed*, HUFFINGTON POST (May 19, 2012, 1:52 PM), [http://www.huffingtonpost.com/2012/05/19/trayvon-martin-7-eleven-video\\_n\\_1529745.html](http://www.huffingtonpost.com/2012/05/19/trayvon-martin-7-eleven-video_n_1529745.html).

42. Jeffrey Toobin, *The Facts in the Zimmerman Trial*, DAILY COMMENT, NEW YORKER (July 16, 2013), <http://www.newyorker.com/online/blogs/comment/2013/07/the-facts-in-the-george-zimmerman-trial.html>.

43. *Id.*

44. *Id.*

45. Lizette Alvarez & Michael Cooper, *Prosecutor Files Charge of 2nd-Degree Murder in Shooting of Martin*, N.Y. TIMES (Apr. 11, 2012), <http://www.nytimes.com/2012/04/12/us/zimmerman-to-be-charged-in-trayvon-martin-shooting.html?hp>.

46. Jennifer Preston & Colin Moynihan, *Death of Florida Teen Spurs Outcry and Action*, LEDE BLOG, N.Y. TIMES (Mar. 21, 2012, 10:02 PM), <http://thelede.blogs.nytimes.com/2012/03/21/death-of-florida-teen-spurs-national-outrage-and-action/?ref=trayvonmartin>.

47. *Id.*

48. Lizette Alvarez & Cara Buckley, *Zimmerman is Acquitted in Trayvon Martin Killing*, N.Y. TIMES (July 13, 2013), [http://www.nytimes.com/2013/07/14/us/george-zimmerman-verdict-trayvon-martin.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2013/07/14/us/george-zimmerman-verdict-trayvon-martin.html?pagewanted=all&_r=0).

to minority defendants.<sup>49</sup>

The narrative of race in the Zimmerman case was oversimplified, with truth and possibility incapable of going beyond the binary.<sup>50</sup> Whether because (i) considering Zimmerman's Latino origins disrupted individual theories of the crime, or perceptions about victim and defendant; or (ii) because considering half of Zimmerman's heritage introduced confusion; or (iii) whether it was purely irrelevant because if you do not appear to be Black then you are automatically White; or (iv) whether to be half Peruvian and half Caucasian means you are without question White, George Zimmerman inherited a White mask that concealed his other narrative.<sup>51</sup>

*The State of Florida v. George Zimmerman*<sup>52</sup> is a matrix of Whiteness and the supremacy of Whiteness, the scope of which far exceeds that of this Essay. For decades now, we have replaced supremacy with the less abrasive term, privilege. Privilege is easier to swallow, easier to accept. There is less judgment in privilege than in supremacy. "White privilege" is apologetic. It apologizes for the Ku Klux Klan, cross burning, and lynching that the White supremacy evokes. It apologizes for the abrasive reminder that the essence of the history of violence and slavery was White supremacy. White supremacy is the telltale heart that gives life to a juridical structure that dictates who is valued and who is not, a juridical structure that tells us who is visible and who is to be unseen, and whom, like *The Space Traders*, can be disposed of. In some respects, we benefit from a system, which values Whiteness, but the Whiteness that is supreme is not ours.

#### CONCLUSION

With *The Space Traders*, I conclude with the matter of Professor Gleason Golightly, the conservative economics professor and "unofficial black cabinet member"<sup>53</sup> to the President. Professor Golightly's

---

49. See Julianne Hing, *The Curious Case of George Zimmerman's Race*, COLORLINES (July 22, 2013, 07:00 AM), <http://colorlines.com/archives/2013/07/The-Curious-Case-of-George-Zimmermans-Race.html>.

50. See *id.*

51. See FANON, *supra* note 13. On the significance of phenotype over race, see Angela P. Harris, *From Color Line to Color Chart?: Racism and Colorism in the New Century*, 10 BERKELEY J. AFR.-AM. L. & POL'Y 52 (2008); Trina Jones, *Shades of Brown: The Law of Skin Color*, 49 DUKE L.J. 1487 (2000).

52. To find court filings related to this case, see Detailed Information for Case 592012CF001083, SEMINOLE COUNTY CLERK OF COURTS, [http://www.seminoleclerk.org/CriminalDocket/case\\_detail.jsp?CaseNo=592012CF001083A](http://www.seminoleclerk.org/CriminalDocket/case_detail.jsp?CaseNo=592012CF001083A) (last visited May 8, 2014).

53. Bell, *supra* note 2, at 163-64.

character, equally one-dimensional as the Aliens, occupies the role of the “Uncle Tom,” or that Black individual that has overcome his Blackness, so to speak, and has secured a position of relative power within the government. Professor Golightly’s world is shattered with the news of the Alien transaction, and what we see is his attempt to appease the President and at once protect “his people.”<sup>54</sup> But he fails; he also fails to save himself. While Professor Golightly had broken through racial barriers—seemingly—and achieved roles that justified his internal dialogue, he was quickly reminded that his acceptance within the dominant race structure, one in which Whiteness controls, was temporary. In other words, his status was provisional, and when the moment of efficacy presented itself—would Golightly be spared from having to board the ship?—he was reduced to his Blackness and abandoned along with all other Blacks.<sup>55</sup>

Within this end to *The Space Traders* is the powerful suggestion, carried earlier in the greater text, that racism is permanent. While there is controversy in the suggestion, there is tremendous power in it as well. At least for me, it shifts the focus of life to living one of efficacy, in which I do not surrender my consciousness or agency. This is not to suggest a liberal awakening, but a circumstance in which I ultimately embrace my role as disruptive model. In the end, embracing the extent to which Latin@s disrupt the race dialogue—pushing truth and possibility beyond fixed borders and beyond binaries. And precisely because Latin@s are able to cross borders, flow in and out of the binary, we hold tremendous power to effectuate change. We must first, however, let go of the gaze.

---

54. Bell, *supra* note 2, at 171.

But all of his life, he had dreamed of there coming a moment when his position as insider would enable him to perform some heroic act to both save his people great grief and gain for him the recognition and the love for which, despite his frequent denials, he knew he yearned.

*Id.*

55. Bell, *supra* note 2, at 193-94.