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COMPLICITY AND COMPLEXITY: COSYNTHESIS AND PRAXIS

Peter Kwan*

I. INTRODUCTION

Theorists are often accused of not having much to offer to people engaged in political struggles.¹ This is an accusation frequently made of critical or postmodern theorists whose language is perceived, often correctly, to be difficult to comprehend and uselessly alienating.² Without wishing to defend critical or postmodern theorists against this accusation (even though I believe it to be defensible), in this article I wish to offer a counter-example to this accusation. I wish to begin this article by grounding it on a narrative about an actual public event. At this event, and as a member of the invited guests, I witnessed a rather

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Interestingly, progressive race theorists have not joined lawyers and activists behind the scenes or in the litigation trenches. Nor has their work, which critically interrogates questions of race, culture, and law, informed the framing, concepts, or language of the suit . . . .

The Ho litigation, I suggest, reveals a disjuncture between progressive race theory and frontline political lawyering practice . . . Yet, with much to share and with racial conditions in the balance, progressive theorists and lawyers seemingly fail to connect in meaningful ways.

Id. at 825-27.


Let us suppose that the purpose of law is the betterment of society. Although it is hard to see how the esoterica so often offered up by law reviews has any measurable application to real-life problem-solving, let us assume these writers do have something serious to say that may be of value to society’s decisionmakers, whether it is about law and literature, critical legal studies, feminist law - or dog bites in South Carolina. Is there any justification for not saying it with greater clarity?

All too frequently the language of scholars is “far removed from the emotions, language, and understandings of the great majority of human beings,” and the law they seek to analyze, criticize, explain, or change is lost in a sea of verbal molasses.

Id.
disturbing spectacle. I want to dwell on what it is about this spectacle that made it so disturbing to me and others, and what conclusions we can draw from it about race, sexual orientation, and gender, as well as exploitation, subordination, and the possibility of political coalition through new ideological conceptualizations. In other words, I wish to interpret the spectacle by engaging some contemporary identity theories within legal scholarship, and then illustrate how those theories might yield practical political lessons. Therefore, the aim of this article is not only to bridge the divide between anti-subordination theories, as the title of this Symposium suggests, but also to bridge the divide between theory and praxis.

II. THE SPECTACLE

Because I believe in telling stories, here is my story: I live near San Francisco. Like other large cities in the West, San Francisco has two community-based organizations that address issues pertaining to gay Asian men. One of these community organizations serves gay inter-racial partners (overwhelmingly configured as white and Asian), and the other restricts membership only to gay Asian men. In San Francisco, the white and Asian group is called Pacific Friends of San Francisco, often described as a social organization for gay Asian men and "their partners and friends," a euphemism for white gay men. The latter, an Asian-only group, is called the Gay Asian Pacific Alliance, or GAPA. Analogous racial divisions of groups exist with regard to


4. Pacific Friends of San Francisco describes itself as a social organization advocating friendship and cross-cultural understanding amongst gay Asians/Pacific Islanders, their partners and their friends. Founded in 1984, the club has grown to over 300 active members represented mostly by men residing in communities throughout Northern California. Its membership includes singles and couples of all ages and ethnicities sharing a common purpose — friendship, respect and mutual support for one another.


5. GAPA describes itself as an organization dedicated to furthering the interests of gay & bisexual Asian/Pacific Islanders by creating awareness, by developing a positive collective identity and by es-
gay African American men and, to a lesser extent, gay Hispanic men. There has been a long and unpleasant history of *sang froid* between the two groups. Gay Asian men usually belong to one, seldom both groups. Indeed, within the gay community, vernacular terms have evolved to describe white men who desire Asian men ("rice queens") and Asian men who desire white men ("potato queens").

The Big Kahuna was advertised as a "Luau Night with GAPA and Pacific Friends benefitting the LGBT Community Center Project." Held the evening of September 20, 1998, I was told that night that this was to be a particularly significant event. As well as being a fundraiser for the Community Center Project, it was also the first joint GAPA-Pacific Friends social event. The organizers, drawn from both GAPA and Pacific Friends, had hoped that this event would begin a thawing of the relationship between these two community organizations that both serve the gay Asian community in San Francisco. One of its aims was thus similar to the aim of this Symposium—to bridge the divide between two gay Asian groups, hitherto separated by issues involving race and sexual orientation.

The evening never had a large gay Asian attendance. Even though the venue was quite comfortably packed in a downtown bar, the attendees were overwhelmingly white. Most of the Asians there were the board members of GAPA who decided to co-sponsor the event, establishing a supportive community. GAPA was formed from the need for an organization to address, through a democratic process, social, cultural and political issues affecting the gay & bisexual Asian/Pacific Islander community.


6. See Song Cho, *Introduction, in Rice: Explorations Into Gay Asian Culture and Politics* 1 (Song Cho ed., 1999) ("The term rice queen, for example, refers to white men who fetishize Asian men."). In San Francisco, there are distinctive gay dance clubs and gay bars that target Asian customers. To my knowledge, only one occasional dance club is Asian owned. The other venues are white owned and usually attract a young Asian crowd and older white men. Cho describes a similar bar in Toronto:

I remember one bar in Toronto called "Chaps" where a lot of gay Asians used to congregate. It had a section called "China Bridge" because that's where a lot of Asians hung out. It was also a hunting ground for rice queens.

While white men cruised looking for their prey, most Asians stood back, lined up against the wall like beauty pageant queens waiting to be chosen. I knew because I was one of them. With all the attention focused on white guys, I instinctively knew that as a gay Asian, I rarely had the power to choose and would always be the one chosen.

*Id.* at 3. Cho also cites this telling joke:

Q. What do you call an Asian who likes White guys?
A. Potato queen.

Q. What do you call a White guy who likes Asians?
A. Rice queen.

Q. What do you call a White guy who likes other White guys?
A. Normal.
and most of them quickly left after making their speeches, saying hello to the VIPs and after a “respectable” time. I tried to leave after most of the GAPA people had left, but was dragged back in by a late-arriving friend.

I returned to the fund-raising portion of the evening. After the raffle prizes were given away, we were told that there was to be an auction. Although it is common for charity fund-raisers to include an auction, the item to be auctioned was an African American wearing nothing but a grass skirt who had ten dollar bills inserted around his waist. The “auctioneer” was an Asian man, a representative of the Community Center who announced that the top bidder wins a dinner date with the African American man in the grass skirt. This African American man stood alone in the middle of the sunken dance floor, surrounded by mainly white gay men who stood above and around the African American, mostly behind a railing on the perimeter of the dance floor.

The bids got off to a slow start, but they soon heated up. In a short time, it was clear that there were only two bidders, bidding against each other. In excruciating five dollar increments, one of them eventually won the highest bid for the date with the African American man. One could also easily observe that the people with the strings of raffle tickets were white, that those bidding for the African American man in the grass skirt were also white, as was the person who had the winning bid. To add to this amazing spectacle, it was even more amazing to me that everyone was having a good time, laughing and cavoring. Few seemed to be as startled as I was to witness this auction. Few felt offended as I was to witness a mock representation of one of the most evil institutions of American history, the slave auction. I left hurriedly in disgust, feeling also deeply troubled by what I had witnessed.

III. THE SLAVE AUCTION

The institution of slavery is perhaps the most shameful part of America’s past. The immensity of its cruelty and the terror it wrought are matched only by the tragic history of Native Americans. The effects of slavery linger to the present and are likely to infect the future of race in America as well. In turn, the slave auction is, according to

7. See illustration.
8. See HARLON L. DALTON, RACIAL HEALING: CONFRONTING THE FEAR BETWEEN BLACKS AND WHITES 156 (1995) (“Thus, slavery continues to shape our lives more than a century after abolition because the link it forged between Blackness and inferiority, Blackness and subservience, Blackness and danger, has survived to this day.”).
Thomas D. Russell, "among the most powerful images in the history of the United States... The slave auction image starkly represents the inhumanity of American slavery, the racism of the United States, and the contradictions of American liberalism." 9

The image of the slave auction is shocking factually and symbolically. As a matter of history, accounts of slave auctions are chilling in and of themselves for two main reasons. First, slaves were treated frequently with physical violence and abuse, as this witness recounts:

There was an auction block, I saw right here in Petersburg on the corner of Sycamore street and Bank street. Slaves were auctioned off to de highest bidder. Some refused to be sold. By dat, I mean, "cried." Lord! Lord! I done seem dem young'uns fought and kick like crazy folks; child it was pitiful to see 'em. Dem dey would handcuff an' beat 'em unmerciful. I don't like to talk 'bout back dar. It brun' a sad feelin' up me. If slaves 'belled, I done seed dem whip 'em wid a strop cal' "cat nine tails." Honey, dis strop wuz 'bout broad as yo' hand, from thum' to little finger, an' 'twas cut in strips up. Yo' done seen dese whips dat they whip horses wid? Well dey was used too.10

Second, at an auction, slaves were not treated as people, but as chattel. Their humanity and dignity were completely denied and ignored:

The auction blocks, "niggah tradahs' yahds," were used to systematically humiliate and dehumanize the slaves. The slaves were stripped half or sometimes entirely naked. Their skin was coated with grease to make it glisten and appear healthy. The auctioneer would describe each slave offered for sale as akin to an animal: "strong, healthy, choice stock, a willing worker." The auctioneer might laud the women slaves as good breeders, referring to their ability to bear more slaves. Since no buyer would spend money without guarantee of the quality, the auction also included an inspection. Recalls one ex-slave: "They 'zamine you just like they do a horse; they look at your teeth, and pull your eyelids back and look at your eyes, and feel you just like you was a horse." Conducted

9. Thomas D. Russell, A New Image of the Slave Auction: An Empirical Look at the Role of Law of Slave Sales and a Conceptual Re-evaluation of Slave Property, 18 CARDOZO L. REV. 473, 473 (1996). Thomas quotes with approval the words of James Oakes who described these "auction rituals as 'ceremonies of degradation, symbolic reenactments of the violence of original enslavement, potent reminders of the slave's powerlessness and dishonor.' As such, the slave auction reinforced the subordinate position of slaves in Southern society." Id. at 473-74.

“amid jests and catcalls from the spectators,” the inspection was in-
evitably the highlight of the auction.11

Part of the inhumanity is conveyed through the inspection of the slave as described above. Handled in a way that completely denied the slave any right to privacy or human dignity, the inspection was a clear expression of the supreme and absolute subordination of the rights of the slave to the desires of the white bidders. In addition, in order for the bidders to fully determine the physical attributes of the slave on auction, the slave often was forced to strip naked before the crowd and perform tests for the audience, whether or not there was any actual intention to bid:

If there was any suspicion that one eye might not be good, a strange hand was clapped over the other and the slave was asked what object was held before him. The hearing was likewise tested. All such inquiries were made with equal freedom whether the slave was man, woman, boy or girl. The descriptions of many observers substantially agree with what Chambers saw: “About a dozen gentlemen crowded to the spot while the poor fellow was stripping himself, and as soon as he stood on the floor, bare from top to toe, a most rigorous scrutiny of his person was instituted. The clear black skin, back and front, was viewed all over for sores from disease; and there was no part of his body left unexamined.” Anybody that was interested,—or merely wished to appear so, as some always did, for they thought it gave them importance,—might join in the inspection.12

The similarities between the treatment of the slave at a slave auc-
tion and the spectacle of the African American man at the Big Kahuna fundraiser are immediately apparent. Like the description above, there is a voyeuristic quality to the whole event. The African American man being auctioned at the Big Kahuna fundraiser was also stripped half naked and presented as exotic and erotic, paraded for inspection to all those present, whether or not the inspector genuinely was interested in bidding. The sexual nature of the event pervades both the slave auction and the spectacle—the former manifested as whether or not the slave was a “good breeder”13 whereas the er-

13. Dorothy Roberts has written powerfully about the cognitive link between slavery and sur-
rogacy, pointing out that both institutions commodify the bodies of women. The quintessential commodification of human beings was the sale of slaves on the auc-
tion block to the highest bidder. Slaves were totally and permanently commodified: “Slavery as a legal institution treated slaves as property that could be transferred, assigned, inherited, or posted as collateral.” Surrogacy’s use of women’s wombs is re-
niscent of Toni Morrison’s character Baby Suggs’s admonition about slavery’s objectification of Africans: “And O my people they do not love your hands. Those
oticization of the spectacle was almost a given in the sexually charged atmosphere of the Big Kahuna event. Yet, the highly sexual nature of slave auctions was not restricted to considerations of acquiring female slaves as breeding stock, but also as objects of sexual desire. As Neal Kumar Katyal has noted:

Sex and reproduction were at issue every time a female slave was sold on the market. Advertisements for slaves and the nudges and winks of slave traders highlighted the sexual connotations of slavery. Abolitionists used the lurid detail of slave auctions to compare slavery to concubinage and prostitution. In the ordinary slave markets of every Southern state, men bought sex. Moreover, there was one Southern institution that made the practice even more blatant: the fancy-girl markets, where the most beautiful slaves were sold to rich white men. These fancy-girl markets were the most overt connection between prostitution and slavery. “If the bidders had any doubts, they would strip them, especially the nice looking quadroon girls.”

Like the slave auction, the Big Kahuna event was also a highly sexual, public event. The event was organized by two groups whose membership comes together on the basis of sexual politics or racial-sexual attraction. Moreover, it was organized as a fund-raiser for a community center where the community is defined in terms of their sexuality. Finally, even the name of the event itself, the Big Kahuna, is a thinly masked *double entendre*. However, not only was the whole event sexually charged, the “auction” within the event was also intended to be sexually titillating, no doubt in order to raise more money for the Community Center. Similar to the account of a slave auction, the African American man was subjected to the inspection of the audiences’ eroticized gaze whose bidding was also conducted “amid jests and catcalls from the spectators.” In fact, slave auctions were not somber, serious affairs like other kinds of auctions. Like the party atmosphere of the Big Kahuna, accounts of slave auctions often included descriptions of laughter and amusement. “There was a good deal of laughing and talking amongst the buyers, and several jests

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were sported on the occasion, of which their little victim took no notice, than if he had been a horse or a dog.”

But beyond those cold hard facts, the slave auction has become shocking as a symbol. This is so because embedded in slave auctions are a multitude of odorous attitudes and beliefs. The physical placing of human bodies for sale to the highest bidder in a public arena is an incarnation of things that are otherwise harder to see; namely, an inhuman institution and an unjust set of laws backed up by beliefs about race, greed, and exploitation. The slave auction puts these beliefs and systems into full frontal public exhibition and view. A witness of a slave auction is a witness to inhumanity made flesh and put into effect. Moreover, the slave auction was a public reinscription and reaffirmation of the institution of slavery. As Russell notes, slave auctions were “public sales [that] took place before a number of spectators and bidders.” These were sites wherein the spectators, bidders, and sellers engaged in a discourse about the trade of human bodies and lives. These were the displays of slave laws at work:

With each sale, new constellations of persons holding property interest formed. Sometimes, sales enabled new persons to enter the ranks of those who held property interests in slaves. Auctions were social events, more so than private sales between individuals. Considered conceptually, slave auctions were one of the mechanisms by which Southerners distributed and shared their stake in slavery. Slave property, as a social relationship, was an expression of that distributed commitment to the institution.

The image of slave auctions is so powerful that it still shocks the sensibilities of Americans today, even (or perhaps especially) when the reenactment is intended in jest or at least where the main motivation consciously was not to cause humiliation to members of racial minority groups. In a notable case, for example, students of the Phi Gamma Delta fraternity at the University of Wisconsin at Madison “sponsored their annual ‘Fiji Island’ party, as part of which they erected a fifteen-foot high plywood caricature of a black man with a bone through his nose and paraded in black face-paint and tropical garb.” Interestingly, like the Big Kahuna auction, the organizers of Phi Gamma Delta’s Fiji Island party also sought to commingle Black-

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17. Russell, supra note 9, at 480.  
18. Id.  
ness with Pacific Island culture. However, unlike the Big Kahuna, the Fiji Island party depictions led to protests and picketing from the university's Black students, the suspension of the fraternity and an order from the university that the members of Phi Gamma Delta undergo sensitivity training. The slave auction, however, did not occur on the campus of the university until the following year. This time, the offending display was carried out by members of the Zeta Beta Tau fraternity, a "predominantly Jewish" fraternity that had been involved in a previous brawl with members of Phi Gamma Delta wherein racial and ethnic slurs had been exchanged. As Richard Delgado describes it: "[t]he auction included several skits, including one in which pledges wore black face-paint and Afro wigs, and lip-synched Jackson Five songs; and another in which a male pledge, also in blackface and wig, impersonated Oprah Winfrey while two other males taunted the pledge sexually."

This led to a student committee exonerating the fraternity on the grounds of free speech. Next, a rapidly escalating situation ensued that included the occupation of the university administration building by two hundred demonstrators in a "day of rage," Chancellor Shalala's decision not to expel the culpable fraternity members, street demonstrations by Black students, the eventual suspension of the fraternity for five years, the promulgation of a hate speech code, and its legal challenge filed by the Wisconsin ACLU. Where mock slave auctions were undertaken as part of an educational program, the public has been vocal in its condemnation for there is no educational goal or purpose to be sought.

20. See id. at 355-56.
21. See id. at 356.
22. See id.
23. Id. at 357. Again, note the presence of sexual denigration within this instantiation of the slave auction.
24. See id. at 357-58; see also Charles R. Lawrence III, If He Hollers Let Him Go: Regulating Racist Speech on Campus, 1990 DUKE L.J. 431, 448. Peter K. Rofes, The First Amendment in Its Third Century: Three Wisconsin Pieces to the Constitutional Puzzle, 1998 Wis. L. REV. 861, 869-70 (1998). "The incidents, here in Wisconsin and elsewhere, served to anger and isolate minority students, exacerbate tensions among students and student groups, and call into question the willingness and capacity of American universities to control their communities and fulfill their educational missions." Id.
25. See Eric K. Yamamoto, Race Apologies, 1 J. GENDER, RACE & JUST. 47, 84 (1997). Teacher's Apology for Holding an Elementary School Slave Auction: A white Pennsylvania elementary school teacher issued what was described by her superintendent as an "in-depth, person-to-person and heartfelt" apology to the parents of two black elementary school kids used in a classroom slave auction. Despite protests by the NAACP and coverage on the "Donahue" television show, the superintendent said the teacher would not be fired. Superintendent Daniels reviewed steps the district had already
Thus, for the organizers of the Big Kahuna event to display a Black body on the auction block, especially the only Black body I could observe at the event, is to call up not only the troubling specter of slave auctions and all it signifies, but it is also to beckon dissent and protests. The slave auction is both a frightening and a fighting image. Or at least it should be. The fact that the slave auction appeared to be neither at the Big Kahuna calls into question how political awareness failed in the racial/sexual context of this event. It demands a theoretical framework to ensure that this failure of praxis is not repeated.

The rest of this article is an attempt to show that Cosynthesis theory offers the framework we seek. However, before I embark on that, I would be remiss if I did not take note of another troubling racial aspect of the Big Kahuna slave auction; namely, the fact that the auctioneer was an Asian man. This instantiation of an Asian auctioneer as the facilitator to the consumption of the exotic Black body calls up racial images that posits the figure of the “Oriental” within an already highly charged racial/sexual context. As Robert Lee has noted, “[t]he West has historically viewed the Orient with desire as the source of luxury, sensuality, and sexuality and thus identified it as erotically female.”

In this racial social casting, the Asian auctioneer serves not only to reinscribe the always already available script of the covetous and avaricious Asian merchant, the source of exotic goods and pleasures from foreign lands, but also it absolves the white audience members from complicity of trading in Black bodies, notwithstanding the fact that some were taking part as bidders.

Therefore, the subordinating function of the Oriental merchant trope also is imbued with notions of class. But the trope relies on notions of sexual predation and nationalism as well. Robert Chang’s reading of Cecil B. DeMille’s 1915 classic film, The Cheat, illustrates this point well. In this film, Japanese American actor Sessue Hayakawa plays the role of Tori, a Japanese merchant who tries to seduce a married white woman, Edith Hardy, played by Fannie Ward. Tori is wealthy and generous towards Edith. Edith desperately needs $10,000 and enters into a bargain with Tori who lends her the money. Edith tries to return the money, but Tori refuses to accept, forcing himself on her and branding her shoulder with a hot iron. Edith shoots Tori, and her husband arrives in time to take the blame. There is a trial. Edith exposes her branded shoulder and in so doing exposes

taken and planned to take to combat alleged racism, including workshops and ethnic awareness programs.

Tori's malevolence. The courtroom crowd calls for Tori to be lynched. Edith's husband is exonerated and at the end of the film they are shown in wedded bliss. Tori is an example of the evil Oriental merchant whose threat, in Chang's analysis, is simultaneously to white womanhood, to racial purity, to white material privilege, and to nationhood:

In The Cheat, it was in part the Japanese merchant's status, wealth, and the sensuality of his possessions (acquired through his wealth) that almost seduced Edith, who embodies a developing consumer culture in which "men earn and women spend as a sign of genteel status . . . We see race, nation, economics, and sexuality as linked in such a way that all must considered in order to make sense of any one part." 28

Yet, as facilitator to the white consumers of the Black body on the auction block, the figure of the Asian auctioneer as Oriental merchant is at once demonized and defanged since he is normalized and made less threatening to white consumers by his recruitment in the racial/sexual trade. The Oriental merchant is tolerated as long as he serves white interest and is controlled within white institutional norms. This not only represents the recruitment of Asian complicity, but also divides and makes impossible any strategic allegiances between Asians and African Americans. Other critical race scholars have noted this divide-and-conquer approach and its impediment to racial and other identity coalitions. 29

28. Id. at 20-21. Chang's last observation is essentially a cosynthetic one.
29. See, e.g., Taunya Lovell Banks, Both Edges of the Margin: Blacks and Asians in Mississippi Masala, Barriers to Coalition Building, 5 Asian L.J. 7, 23 (1998) ("The British discouraged racial coalitions between Black Ugandans and Asian Indians, sometimes using racially neutral laws to prevent economic cooperation between Asian Indians and Black Africans."). Regarding laws in the United States, Banks discusses the Supreme Court case of Gong Lum v. Rice, where a Chinese father in Mississippi argued that his Chinese daughter should be admitted to the school reserved for whites and not the school reserved for Black children, since the Mississippi Constitution provided that there should be separate schools maintained for children of white and colored races. See 275 U.S. 78 (1927). There being no school for Chinese children, his Chinese daughter should be considered white rather than colored, the latter Gong Lum argued, "referred only to Blacks and not to other non-Whites." Banks, supra at 15. Gong Lum lost the case. See id. The Supreme Court affirmed the decision of the Mississippi Supreme Court that "a 'Chinese citizen of the United States' is not denied equal protection of the laws when s/he is classified as 'colored' and furnished educational facilities for 'the colored races.'" Id. at 16-17. Banks goes on to note that the effect of the case on Mississippi society was that "a stunned Chinese community tried to make themselves more acceptable to the White community. Loewen claims that the Chinese ceased all social contact with Blacks and ostracized individual Chinese who continued to maintain social relations, including marriages, with Blacks." Id. at 17. See also Lee, supra note 26, at 224-26. Drawing also from a scene from the film Mississippi Masala, Lee notes: the "conflict between the Asian and black communities reveals the historical continuity of white control
IV. INTERSECTIONALITY AND POST-INTERSECTIONALITY THEORIES

There was clearly a failure by most of the audience and organizers of the Big Kahuna to perceive the problems with and the harms potentially caused by the images presented by the slave auction. I wish to analyze this failure, ask how it could have occurred, and what it tells us about the way we think about categories of subordination.

I want to suggest the inability of mono-dimensional theories to provide adequate answers and explanations to these questions. Attempts to pass off the failure to perceive the problems with the slave auction as simply racism masks the reality that many of the gay Asian participants, especially those from GAPA, are typically sensitive to and are the first to speak out against racism. To call it simply racism also is to ignore the gendered way in which the spectacle “normalized” the depiction of racial dominance; that is to say, the cross-dressing and therefore feminizing effect of putting the African American male into a grass skirt, in an already homosexualized context, urges us to explore and critique beyond race, into the complicity among gender, race, and sexual orientation in a multiple way. This forces us to ask how each of those categories, and the assumption and meanings they imply, work with and for each other to explain the failures I have described. It is only then, I suggest, that a proper understanding can be approximated; and it is only then, I predict, that a foundation can be built for a multi-categorical political strategy to emerge.

Can intersectionality provide us with a full and multiple understanding of the failures I interrogate? I submit that it does not. Intersectionality would insist, correctly, that the multiple failures posed by the spectacle is not fully explained by any one of its subordinating gestures, nor by the sum of them. Moreover, intersectionality offers the important and I believe also correct insight that whenever systems of thought, including legal norms such as anti-discrimination laws, artificially extract and mask one aspect of one’s identity for recognition, this masks the ways in which certain categories are loaded or coded toward a particular direction in other aspects. So, for example, race may be gendered male, and gender coded white. This is how Kimberlé Crenshaw has articulated intersectionality:

I argue that Black women are sometimes excluded from feminist theory and antiracist policy discourse because both are predicated on a discrete set of experiences that often does not accurately reflect the interaction of race and gender. These problems of exclu-

over the economy. The white motel owners play off one minority against the other. One white motel owner calls an Indian counterpart to ask rhetorically, ‘I hear you’re having nigger problems now.’” *Id.* at 229.
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sion cannot be solved simply by including Black women within an already established analytical structure. Because the intersectional experience is greater than the sum of racism and sexism, any analysis that does not take intersectionality into account cannot sufficiently address the particular manner in which Black women are subordinated.30

While I agree with analytical insight offered by Crenshaw's intersectionality theory, I wish to take the project just a step further. I agree with her claim that feminist theory and antiracist policy discourse sometimes exclude Black women because they are predicated on a discrete set of experiences that often do not accurately reflect the interaction of race and gender. In particular, I want to take up and develop the notion of "the interaction of race and gender" that Crenshaw tantalizingly suggests. In doing so, I believe that it is possible to provide some explanation for the kind of racial/sexual predation that is instantiated by the event I described. I wish to offer Cosynthesis as a description of this interaction of personal identity categories identified by Crenshaw.

But before I do that, allow me to sketch briefly a picture of how intersectionality fits into contemporary legal theory. Intersectionality is one response to what Marjorie Gerber in another context has called a "category crisis."31 Since the Civil Rights and the Feminism movements, and reaching back, perhaps since the beginning of white occupation of this continent, personal identity categories such as race, gender, and sexual orientation have been legally defined and redefined, culturally inscribed and reinscribed. To be considered Black, or Asian, masculine or feminine, homosexual or heterosexual, able or non-able bodied, rich or poor, bore and continues to bear cultural as well as legal consequences. None of this is new. Nor is the concept that these categories are essentially constructed both legally and culturally, rather than having some a priori meaning detached and independent from users of language and other modes of cultural production. Legal scholars like Crenshaw and Angela Harris have, in their works about intersectionality and anti-essentialism respectively, importantly deployed the positionality of Black women to demon-


31. See MARJORIE GARBER, VESTED INTERESTS: CROSS-DRESSING & CULTURAL ANXIETY 16 (1992). "By 'category crisis' I mean a failure of definitional distinction, a borderline that becomes permeable, that permits of border crossings from one (apparently distinct) category to another: black/white, Jew/Christian, noble/bourgeois, master/servant, master/slave." Id.
strate the patriarchy inherent in discourses relating to Blackness and the racism of feminism.

We are now, I believe, moving in the direction of post-intersectional theories. This emerging post-intersectionality movement is due in large part to challenges brought about by category crises theorized by people, like those at this Symposium such as Darren Hutchinson, Francisco Valdes and others, thinking and writing about gay and lesbian people of color. They reflect on the capacity of intersectionality and anti-essentialism to deal with, say, the underclass single mother butch Black lesbian who files a job discrimination lawsuit against her employer. In my own work, I have tried to develop a theoretical tool that can offer an explanation for the way in which the white police officers behaved in a notorious case involving Jeffrey Dahmer and his mutilation of a young Laotian man called Konerak Sinthasomphone, or the figurative functionality of the Oriental Woman in films like The Adventures of Priscilla, Queen of the Desert.

So, what exactly are the limitations of intersectionality? In attempting an answer to this question, I do not want to give the impression that I wish to somehow trash intersectionality. I continue to believe that it is and has been a useful theoretical tool in advancing the discourse of identity scholarship. I agree with Mary Eaton that intersectionality offers important insights into the ways in which “homosexuality has been legally coded as white” and “race has been legally coded as heterosexual.” I also agree with Eaton that there are reasons to doubt whether the intersectional critique of the application of anti-discrimination laws involving race and gender can be expected to be smoothly transposed to situations involving race and sexual orientation. Notwithstanding that, I wish briefly to raise three points I have mentioned elsewhere that arouse some discomfort I have with intersectionality.

First, intersectionality does not pack much of an epistemological punch. In other words, although intersectionality illuminates the way in which victims of multiple forms of oppression must be recognized as such on their own terms, in and of itself intersectionality tells

32. See Peter Kwan, Jeffrey Dahmer and the Cosynthesis of Categories, 48 HASTINGS L.J. 1257 (1997) [hereinafter Kwan, Cosynthesis of Categories].
35. See Kwan, Cosynthesis of Categories, supra note 32, at 1277.
us little about the fiscal, emotional, psychological, and other conditions nor the subjectivity of those caught in the trajectories of intersecting categories. Intersectionality tells us, for example, that the condition and subjectivity of and hence the legal treatment of Black women is not simply the sum of Blackness and femaleness, but it does not shed much light on what it is nevertheless. Narratives are often used to fill this gap. But narratives provide only the empirical data on which the theoretical work remains to be done.

Second, as identity categories multiply within any set of circumstances, the ability of intersectionality to provide theoretical insights is correspondingly compromised. As I have elsewhere written:

Each person is composed of a complex and unique matrix of identities that shift in time, is never fixed, is constantly unstable and forever distinguishable from everyone else in the universe. Even if, hypothetically, one can precisely reduce, define and fully describe this complex matrix of identities, and repeat this process on everyone else, what we are left with is a comprehensive intersectional model of all individuals, but no way comparing each individual’s experiences, be they experiences of privilege or oppression. Ultimately, Intersectionality forces one to decide a priori which identities matter, and this is theoretically no different than a pre-Intersectionality approach. 36

Third, intersectionality’s reductionism does not allow us to forge ideological coalitions, political allegiances nor communities of support, which is the theme of this worthwhile Symposium. What does intersectionality offer to straight Black women, say, that suggests to them that they have a stake in, for example, the struggles of the gay Asian community?

So, what has recently emerged in this field of what I have been calling post-intersectional theory? Prompted by Professor Crenshaw’s own admission that intersectionality is only “a provisional concept linking contemporary politics with postmodern theory,”37 legal scholars recently have moved beyond intersectionality to develop alternative accounts of multiple identity theory. For example, Professor Valdes’ notion of interconnectivity,38 Darren Hutchinson’s theory of multidimensionality,39 and my own theory of Cosynthesis40 are the early fruits of this labor.

36. Id.
What is Cosynthesis and why do I think it has the potential to offer a theoretical framework to open up a more inclusive and emancipatory project?

Cosynthesis insists that identity categories are sometimes themselves constructed or synthesized out of and relies upon other categorical notions. Therefore, this mutually defining, synergistic, and complicit relationship between identity categories is a dynamic model of multiple subordinating gestures. It denies the priority of the deconstructive concerns of class over race, of race over gender, or of gender over sexual orientation, of anything over anything else.

V. Lessons and Conclusions

What are the implications of Cosynthesis, therefore, for an understanding of the failure of the event with which I began this article? Almost a decade ago, Lisa Lowe identified a need for a more expansive identity theory to mobilize a more inclusive political praxis:

I want simply to remark that in the 1990s, we can afford to rethink the notion of ethnic identity in terms of cultural, class, and gender differences, rather than presuming similarities and making the erasure of particularity the basis of unity. In the 1990s, we can diversify our political practices to include a more heterogeneous group and to enable crucial alliances with other groups—ethnically-based, class-based, and sexuality-based—in the ongoing work of transforming hegemony.41

40. See Kwan, Cosynthesis of Categories, supra note 32, at 1274-90; Kwan, The Oriental Woman, supra note 33, at 133-37.
41. Dana Y. Takagi, Maiden Voyage: Excursion into Sexuality and Identity Politics in Asian America, in ASIAN AMERICAN SEXUALITIES 21, 32 (Russell Leong ed., 1996). Similarly, Song Cho’s description of the “task of the Asian gay artist” can equally be applied to the Asian gay theorist: “The task of the Asian gay artist is to both critique and to resignify the terms of our
The failure to recognize the problems with auctioning an African American man in a grass skirt is a failure that is explainable in terms of the cosynthetic matrix in which race, sexuality, gender, and class privileges work with each other to "normalize" what would otherwise have presented resistance along any one or more of those grounds. The African American's subjectivity qua African American was masked by an overdetermination of meaning caused by a cosynthetic presentation where his race was simultaneously effeminized and nativized within a pre-existing gay context which further subordinated his subjectivity. The cosynthetic effect of all this is to bestow onto those white consumers of sexual, economic, and racial subjectivities a "right" to exercise those privileges in a normalized or unimpeachable way. To those gay white bidders, race was already, to use Anthony Farley's term, a fetish object, used to regarding their Asian sexual partners as the passive partner, the "bottom," the willing, servile, and domesticated boy. Moreover, their racial and economic privileges enabled the expression and execution of that fetishism, expressed by the dollar bills stuffed around his waist, a gesture that marked the African American male's body as chattel and as sexual commodity. The meaning of that gesture is also signified by its reference to the gestures of female strippers. This further effeminizing of the African American sexual body for sale finally justified and made possible the failure to recognize the problems presented by this spectacle. These racial, sexual, gender, and economic signifiers are consistent with one another, and work mutually to produce multiple pleasures free from guilt or any menacing reminders from history.

It is also a failure that blocks the path to coalition building. So powerful is the cosynthetic effect that the participants fail to see a political problem with this event, much less as a result perceive a need to form political allegiances across racial, gender, sexual orientation, or economic lines. In contrast, a cosynthetic analysis necessarily compels us to consider how each of us might have a stake in the struggles of other communities. The politics of coalition building logically flows out of the theory of Cosynthesis. Cosynthesis allows us to move beyond a single axis or uni-dimensional view of identity to one that reconceives individuals as made up of many axes all supporting the others and together constituting the whole. It provides a way for gay men of color to appreciate the common stakes we have with other cosyntheti-
cally racially, gendered, and economically oppressed groups like Asian female sex workers or sweat shop workers. Indeed, I submit that it is impossible to fully appreciate and therefore deal with the forces that give rise to and support subordinated groups like Asian and Hispanic sweat shop workers without recognizing the cosynthetic dynamic of race, gender, sexuality, and class.

The insistence that there is a wall of separation between praxis and theory is one that has always troubled me. It may be possible to dwell in one realm more than the other, but as a sage professor once told me, when a surgeon picks up a scalpel and cuts into a body, that is practice; but in order to know where to cut, that is theory. Agents of change need theories as much as the surgeon. Now, more than ever, we need ideas that facilitate the reconstruction of experience in ways that make true liberation possible. Now, more urgent than ever, we need theories that allow for the reconnection of oppressive experiences that make political coalitions inevitable.
Photograph by David Yau