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## DELGADO, HEGEL AND THE RODRIGO CHRONICLES

George A. Martínez\*

Richard Delgado is arguably the premier theorist on race and American law of our time. It is a distinct pleasure and honor to comment on his famous *Rodrigo Chronicles* in this symposium issue of the *Harvard Latino Law Review*.

Richard Delgado is one of the founders of Critical Race Theory.<sup>1</sup> He also pioneered the storytelling movement in legal scholarship.<sup>2</sup> I was a student at Harvard Law School from 1982 until I graduated in 1985. During this time period, the Third World Coalition, a Harvard Law School student group comprised of various minority groups, organized an alternative course on race and American law in order to protest the fact that a non-minority had been hired by Harvard to teach a course on race and law. The students invited Richard Delgado to present a paper in this alternative course. I went to his presentation and remember seeing a young law professor from the University of California at Los Angeles. As I sat near the back of the hall where he gave the talk, I remember being very impressed by Delgado's presentation of a draft which would eventually become *The Imperial Scholar: Reflections on a Review of Civil Rights Literature*,<sup>3</sup> perhaps his

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<sup>1</sup> See Richard Delgado, *The Imperial Scholar: Reflections on a Review of Civil Rights Literature*, 132 U. PA. L. REV. 561 (1984); CRITICAL RACE THEORY: THE CUTTING EDGE (Richard Delgado & Jean Stefancic eds., 2nd ed. 2000).

<sup>2</sup> See Richard Delgado, *Storytelling for Oppositionists and Others: A Plea for Narrative*, 87 MICH. L. REV. 2411, 2414 (1988).

<sup>3</sup> Delgado, *supra* note 1.

most famous and influential paper and a foundational text of what would come to be known as Critical Race Theory. What was so impressive? At the time, Harvard Law School was the center of critical thought, with professors like Duncan Kennedy, Gerald Frug, Clare Dalton, and Roberto Unger on the faculty.<sup>4</sup> So, critical thought was not new to me. What was new was that Delgado was talking about race in a new and different way. At the conclusion of his talk, I went up to Professor Delgado and told him that I was interested in becoming a law professor. In response, and very much like Rodrigo's mentor, the Professor, he encouraged me to pursue such a career. I would like to thank you now, Professor Delgado, for the kind words. Your work made a tremendous impression on me from the first time I heard it and continues to exert a great influence over my own legal scholarship.

## I. THE RODRIGO CHRONICLES

The *Rodrigo Chronicles* are a collection of narratives primarily involving discussions between a senior law professor – the Professor – who is “one of the most eminent civil rights scholars in the United States”<sup>5</sup> and Rodrigo, his young and brilliant protégé. In their conversations, they discuss many of the pressing racial issues of the day. The Professor is Latino<sup>6</sup> and Rodrigo is of a mixed racial background – African American, Latino, and Italian.

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<sup>4</sup> At that time, Derrick Bell had left the Harvard Law School faculty to become Dean of the University of Oregon Law School.

<sup>5</sup> RICHARD DELGADO, *THE COMING RACE WAR? AND OTHER APOCALYPTIC TALES OF AMERICA AFTER AFFIRMATIVE ACTION AND WELFARE* 151 (1996).

<sup>6</sup> We are told that the Professor's father may have been an illegal alien from Aguascalientes, Mexico. See DELGADO, *supra* note 5, at 151. In this regard, there may be parallels between the Professor and Delgado. Recently, Delgado has revealed that his own father was an illegal immigrant from Mexico. Richard Delgado, 1998 *Hugo L. Black Lecture: Ten Arguments against Affirmative Action – How Valid?*, 50 ALA. L. REV. 135, 141 (1998) (“I am instead the son of a Mexican orphan who immigrated illegally to the United States at the age of fifteen without a cent to his name . . .”). Interestingly, the Professor's background seems to have been unclear to Rodrigo who at one point states, “I’ve never asked you about your ethnicity, although from your appearance and

The *Rodrigo Chronicles* are deep and complex. They are written at an extremely high level of sophistication, often involving difficult philosophical notions. In my view, this reflects Delgado's extensive background in philosophy. Prior to entering the legal academy, he pursued graduate studies in philosophy. He apparently developed an appreciation for the philosophy of Hegel during this time. References to Hegel are interspersed throughout the *Chronicles* and Delgado's other work. This suggests that it may be possible to interpret the *Chronicles* and Delgado's other writings in light of Hegel's philosophy.

## II. DELGADO AND HEGEL

Delgado achieved fame early in his career by writing about topics with a significance that can be more fully understood in light of Hegel's philosophy. For example, in his classic work, *The Imperial Scholar*, Delgado argues that white scholars had monopolized the field of civil rights scholarship.<sup>7</sup> In so doing, they had failed to recognize minority scholars. Delgado demonstrates this point by noting the failure of white scholars to cite the scholarship of minority scholars. The significance of the failure to make such a recognition can be explained by using Hegel's philosophy. Hegel understood that human beings have a need to be recognized.<sup>8</sup> Thus, a failure to recognize can cause

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identification with us, I assumed you might be black. But your name sounds Latino." DELGADO, *supra* note 5, at 151.

<sup>7</sup> Delgado, *supra* note 1, at 566 ("I think I have discovered a second scholarly tradition. It consists of white scholars' systematic occupation of, and exclusion of minority scholars from, the central areas of civil rights scholarship.").

<sup>8</sup> See Peter Singer, *Hegel*, in *THE GERMAN PHILOSOPHERS* 105, 177 (Robert Scruton ed., 1997).

great psychological harm to the unacknowledged person.<sup>9</sup> Indeed, a failure to recognize is a "form of oppression."<sup>10</sup> By demanding recognition for minority scholars, Delgado struck a blow against subordination for the psychological well-being of minority academics.

The philosophy of Hegel can also be used to illuminate the *Rodrigo Chronicles*. For example, in the *Chronicles*, Delgado is fond of referring to Hegel's notion of the owl of Minerva. Thus, it is possible to provide a Hegelian interpretation of certain important aspects of the *Chronicles*. To do so, this paper briefly sets out the Hegelian framework.

History is perhaps the key aspect of Hegel's philosophy.<sup>11</sup> For Hegel, history has a goal;<sup>12</sup> "history has sense."<sup>13</sup> Indeed, history reveals "the plan of providence."<sup>14</sup> Human beings, however, do not fully understand the reasons for their historical actions.<sup>15</sup> Because they do not comprehend the goal of spirit, they do not truly grasp the reason why they do one act and not another.<sup>16</sup> Reason "us[es] the passions of man to fulfill her own purposes."<sup>17</sup> Human beings are the "instruments of the world-spirit."<sup>18</sup>

History takes place in stages.<sup>19</sup> There are certain world-historical individuals "who first sense and give articulation to what must be the next stage."<sup>20</sup> Others follow their lead.<sup>21</sup>

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<sup>9</sup> See *id.*

<sup>10</sup> Charles Taylor, *The Politics of Recognition*, in MULTICULTURALISM: EXAMINING THE POLITICS OF RECOGNITION 25 (Amy Gutmann ed., 1994).

<sup>11</sup> See Frederick C. Beiser, *Hegel's Historicism*, in THE CAMBRIDGE COMPANION TO HEGEL 270 (Frederick C. Beiser ed., 1993).

<sup>12</sup> See CHARLES TAYLOR, HEGEL AND MODERN SOCIETY 95 (1979).

<sup>13</sup> *Id.*; see also Singer, *supra* note 8, at 124-25.

<sup>14</sup> TAYLOR, *supra* note 12, at 95.

<sup>15</sup> See TAYLOR, *supra* note 12, at 98.

<sup>16</sup> See *id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 99.

<sup>19</sup> See *id.* at 96.

<sup>20</sup> *Id.* at 99.

<sup>21</sup> See *id.*

Man is never clear what he is doing at the time; for the agency is not simply man. We are all caught up as agents in a drama we do not fully understand. Only when we have played it out do we understand what has been afoot all the time. The owl of Minerva flies at the coming of dusk.<sup>22</sup>

In the *Chronicles*, the Professor explains Hegel's notion of the owl of Minerva as follows: "[i]t refers to the way that philosophy always comes too late, when the world is 'already slipping into dusk. We achieve wisdom about something only when it is fading, is passing into history.'"<sup>23</sup> The owl of Minerva represents the notion that we can understand what has happened in history only when a historical stage is played out.

This phenomenon, the owl of Minerva, is familiar to most people. For instance, we often meet people or experience events, but at the time fail to realize the significant role those persons or events will ultimately play in our lives. Only later, when the drama of our lives has further played out, will we realize the importance of those persons and events. For example, some person that we meet by happenstance will help us secure a job at some later point in time. Later, we realize the significance of our earlier encounter with that person.

The Hegelian view of history suggests a way to interpret Delgado's project in the *Chronicles*. In my view, Delgado often attempts to figure out the meaning of events in history before a historical stage has been completed – before the owl of Minerva flies. He seeks to ascertain the meaning of various events by

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<sup>22</sup> *Id.* at 122.

<sup>23</sup> RICHARD DELGADO, *THE RODRIGO CHRONICLES: CONVERSATIONS ABOUT AMERICA AND RACE* 86 (1995).

viewing them as working toward some goal; he tries to anticipate how the drama of race will play out.

Some examples from the *Chronicles* are instructive. They suggest a Hegelian structure. For example, in one of his most important narratives, Delgado attempts to understand the meaning of the end of affirmative action and welfare. Since history has a goal, it is important to ask what goal those events suggest. Delgado suggests that they lead to a race war. These anti-minority actions will eventually provoke a rebellion – a race war – which will result in the complete subordination of racial minorities. Delgado has the character of Kowalsky explain the way it will come about:

I think they are gearing up for a race war. . . . It is not a conspiracy, exactly. Rather, I think there is a general sense that it's time to pick a fight. Caucasians will cease being a majority in this country about midway in the next century. At that point, numerical and voting power should, logically, shift to groups of color – blacks, Asians and Latinos. White opinion makers don't want this to happen. So, they're gearing up for a fight. It's one of the oldest tricks in the world – provoke your enemy until he responds, then slap him down decisively.<sup>24</sup>

We currently experience a number of events designed to injure the position of minorities – the end of affirmative action, welfare cutbacks, voting rights setbacks, and so on. All of these are meant “to increase minority misery to the point where [minorities] react, to the point where violence breaks out.”<sup>25</sup> At that point, minorities’ resistance “will be ruthlessly put down” and the “U.S. will [establish] a system of apartheid . . . with whites wielding power over a large but powerless black and brown population.”<sup>26</sup>

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<sup>24</sup> DELGADO, *supra* note 5, at 120.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.* at 121.

Consider another example. Delgado seeks to understand why the phenomenon of cloning has appeared at this stage in history. His explanation is that as the population of racial minorities continues to grow, some device is needed to preserve the current majority of whites. He suggests that cloning is a way to perpetuate the status quo.<sup>27</sup>

Delgado seems to accept Hegel's notion that history has a purpose. There is a reason why events happen. He seeks to anticipate what those events are leading to. In so doing, he seeks to understand the meaning of current events before the historical stage has been completed – before the owl of Minerva flies.

In the *Chronicles*, Delgado tries to help bring about a more just, rational society. For instance, his effort to anticipate the future is presumably based on a desire that society avoid potential disasters. If the reader is alerted, for example, to the possibility of a race war, then perhaps he can pursue a more rational course of action and take steps to avoid that societal calamity. According to Hegel, the state must achieve rationality.<sup>28</sup> But the state conforms to reason on the basis of human action that is “not really conscious of what it is doing.”<sup>29</sup> The rational state, then, “does not come about by some men seeing the blueprint of reason and building a state on the basis of it.”<sup>30</sup> Therefore, even if by magic we could have learned the proper structure of the rational state before its proper time, we would have been unable to apply it.<sup>31</sup> The rational state can only be achieved and understood at the proper time

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<sup>27</sup> RICHARD DELGADO, *WHEN EQUALITY ENDS: STORIES ABOUT RACE AND RESISTANCE* 90 (1999).

<sup>28</sup> See TAYLOR, *supra* note 12, at 123.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> See *id.*



"because it involves a growth of reason" and such "growth has to have taken place before we can understand it."<sup>32</sup> Even if one tried to tell people about the rational state ahead of time, "they would have been powerless to effect it, for it could not have been understood much less identified with by their contemporaries."<sup>33</sup> One cannot "transcend one's age."<sup>34</sup>

This may raise a problem for Delgado. To the extent that Delgado is trying to explain, understand, and predict events prior to the flight of the owl of Minerva – that is, explain and predict events in advance – he may be trying to transcend his time period. Hegel's theory seems to suggest that even if Delgado is correct, we will be unable to understand and act on his suggestions. We may not have achieved the "growth in reason" that will allow us to accept his suggestions and insights into the nature of our society.

Delgado himself appears to recognize this potential problem. He talks about the "time-warp aspect of racism."<sup>35</sup> We are often unable to perceive the racism of the present day.<sup>36</sup> Indeed, he points out that "occasional geniuses" who write about current racisms "are ignored – they have no audience."<sup>37</sup> Thus, the only racism that can be perceived and denounced is the racism of an earlier, more distant time period.<sup>38</sup> This is consistent with Hegel's notion that we can understand things only when we have achieved a sufficient growth in reason.

Delgado locates the source of racism in Enlightenment philosophy. Indeed, Rodrigo argues, "racism and enlightenment are the same thing."<sup>39</sup> He points out that the Enlightenment philosophers "wrote of a hierarchy of cultures and the natural subservience of the darker-skinned ones to the lighter."<sup>40</sup>

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<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.* at 124.

<sup>35</sup> RICHARD DELGADO & JEAN STEFANCIC, *FAILED REVOLUTIONS* 15 (1994).

<sup>36</sup> *See id.* at 14.

<sup>37</sup> *Id.* at 16.

<sup>38</sup> *See id.* at 15.

<sup>39</sup> DELGADO, *supra* note 23, 141.

<sup>40</sup> *Id.* at 142.

Moreover, the Enlightenment idea that our governmental structure constitutes a “perfect machine” makes it difficult for racial minorities to have their charges of racism heard.<sup>41</sup> Therefore, Enlightenment philosophy is the key source of racial oppression.<sup>42</sup>

Hegel also railed against Enlightenment philosophy. Hegel, however, offers different reasons for rejecting Enlightenment thought. Enlightenment philosophers believed in the “almost unlimited capacity of human reason to remake the conditions of man’s life so as to assure him happiness and fulfillment.”<sup>43</sup> Hegel believed this Enlightenment vision was mistaken. Human beings are unable to make the world conform to reason because they cannot establish any particular course of action as “one truly dictated by reason.”<sup>44</sup> In the last analysis, Hegel, like Delgado, believed that the Enlightenment resulted in oppression. Because the Enlightenment could not give content to the rational will, the Enlightenment could “only destroy.”<sup>45</sup> In particular, Hegel saw the political terror of the French Revolution as “the final culmination of the Enlightenment, the climax of its inner contradiction.”<sup>46</sup>

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<sup>41</sup> See *id.*

<sup>42</sup> See *id.* at 144. Indeed, some commentators characterize the debate between Critical Race theorists and “mainstream” scholars as a debate between “radical multiculturalists and Enlightenment traditionalists.” DANIEL A. FARBER & SUZANNA SHERRY, *BEYOND ALL REASON: THE RADICAL ASSAULT ON TRUTH IN AMERICAN LAW* 48 (1997).

<sup>43</sup> TAYLOR, *supra* note 12, at 101.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* at 121.

<sup>46</sup> *Id.*; see also Singer, *supra* note 8, at 136 (The result of the Enlightenment “was the Revolutionary Terror, a form of tyranny which exercised its power without legal formalities and inflicted as its punishment the quick death of the guillotine.”).

## III. DELGADO AS A WORLD-HISTORICAL INDIVIDUAL

According to Hegel, history takes place in stages.<sup>47</sup> There are certain world-historical or great individuals “who first sense and give articulation to what must be the next stage.”<sup>48</sup> Others follow them.<sup>49</sup> Arguably, Delgado is a world-historical individual. As a founder of Critical Race Theory, he first sensed the next stage of scholarship on race.<sup>50</sup> In this regard, he did path-breaking work on the regulation of hate speech.<sup>51</sup> He also pioneered the storytelling movement in law.<sup>52</sup> Moreover, his foundational work helped create LatCrit Theory, a recent permutation of Critical Race Theory.<sup>53</sup> Many others followed the trails he blazed. The “world-

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<sup>47</sup> See TAYLOR, *supra* note 12, at 96.

<sup>48</sup> *Id.* at 99.

<sup>49</sup> See *id.* at 99.

<sup>50</sup> See Delgado, *supra* note 1.

<sup>51</sup> See Richard Delgado, *Words that Wound: A Tort Action for Racial Insults, Epithets, and Name-Calling*, 17 HARV. C.R.-C.L. L. REV. 133 (1982).

<sup>52</sup> See Delgado, *supra* note 2. For more on the use of narrative, see KEVIN R. JOHNSON, *HOW DID YOU GET TO BE MEXICAN? A WHITE/BROWN MAN'S SEARCH FOR IDENTITY* (1999); George A. Martínez, *Philosophical Considerations and the Use of Narrative in Law*, 30 RUTGERS L.J. 683 (1999); Michael Olivas, *The Chronicles, My Grandfather's Stories, and Immigration Law: The Slave Traders as Racial History*, 34 ST. LOUIS U. L.J. 425 (1990); Sylvia R. Lazos Vargas, *Can a Popular Genre Make a Serious Academic Contribution to Race Relations?*, LAW & INEQ. J. (forthcoming).

<sup>53</sup> See, e.g., THE LATINO/A CONDITION: A CRITICAL READER (Richard Delgado & Jean Stefancic eds., 1998); Richard Delgado, *Rodrigo's Fifteenth Chronicle: Racial Mixture, Latino-Critical Scholarship, and the Black-White Binary*, 75 TEX. L. REV. 1181 (1997); Richard Delgado, *Rodrigo's Twelfth Chronicle: The Problem of the Shanty*, 85 GEO. L.J. 667 (1997). For additional work on LatCrit Theory, see Christopher David Ruiz Cameron, *How the Garcia Cousins Lost Their Accents: Understanding the Language of Title VII Decisions Approving English-Only Rules as the Product of Racial Dualism, Latino Invisibility, and Legal Indeterminacy*, 85 CAL. L. REV. 1347 (1997); Elizabeth M. Iglesias, *Identity, Democracy, Communicative Power, Inter/National Labor Rights and the Evolution of LatCrit Theory and Community*, 53 U. MIAMI L. REV. 575 (1999); Kevin R. Johnson, *Some Thoughts on the Future of Latino Legal Scholarship*, 2 HARV. LATINO L. REV. 101 (1997); Francisco Valdes,

historical individual . . . shows the way to what all men in their depths aspire to.”<sup>54</sup> “It is the world-historical individuals who first told men what they wanted.”<sup>55</sup> In the *Chronicles* and his other work, Delgado attempts to show us what the next stage will be.

Hegel’s conception of philosophy helps explain Delgado’s influence in another way. Critical Race Theory arguably is a part of philosophy – legal philosophy or jurisprudence. The *Chronicles* express a philosophy of race through Critical Race Theory. This fact is significant. Hegel regards philosophy “as the self-consciousness of a specific culture, the articulation, defense and criticism of its essential values and beliefs.”<sup>56</sup> In this regard, Delgado, as perhaps the leading proponent and expositor of Critical Race Theory, arguably is expressing the essential values and beliefs of racial minorities. This helps explain why Delgado has been so influential among Critical Race theorists.

Where is Delgado headed? What will be the next stage? In the *Chronicles*, Delgado seems to urge a practical turn for Critical Race Theory. The most recent book in the series ends with Rodrigo discussing his effort to set up an activist center to resist right-wing efforts to subordinate minorities.<sup>57</sup> Rodrigo’s plans include various concrete and practical proposals to bring about social change. Rodrigo calls faculty to gear their scholarship to activist ends and urges them to work in the litigation center to fight racism. The center would provide a space for law professors to teach judges how to distinguish bad precedence in civil rights

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Forward, *Under Construction: LatCrit Consciousness, Community, and Theory*, 85 CALIF. L. REV. 1087 (1997).

<sup>54</sup> TAYLOR, *supra* note 12, at 99.

<sup>55</sup> *Id.*

<sup>56</sup> Beiser, *supra* note 11, at 270.

<sup>57</sup> DELGADO, *supra* note 27, at 237-42.

cases. Indeed, the Professor is inspired to take a leave of absence and work in the center.<sup>58</sup> And when Rodrigo disappears, the Professor offers to run the center in Rodrigo's absence.<sup>59</sup> The third book of the series ends with Delgado suggesting that law professors should now take a practical turn; their scholarship should be directed to achieving concrete objectives in the battle against racism.

In another article, Delgado explains this change as follows. Right wing political movements pose a serious threat to minorities.<sup>60</sup> Therefore, academicians must engage in social activism.<sup>61</sup> Professors must be "scholar-activists."<sup>62</sup> Academics must turn away from "their scholastic agendas" and "provid[e] intellectual leadership in a time of serious retrenchment."<sup>63</sup>

Delgado himself practices what he preaches. In a recent article, he takes the practical turn.<sup>64</sup> There, he attempts to establish the historical factual record of racial discrimination in Colorado to support a remedial justification for affirmative action in Colorado's institutions of higher learning. In the article, Delgado calls for other scholars to examine their own state histories in order to support affirmative action in higher education.<sup>65</sup> He rejects a scholastic agenda, pointing out that he seeks to influence social policy and not "illumine some historical thesis or new interpretation."<sup>66</sup> Thus, legal decision makers, policymakers, and legislators, not historians, are the primary audience.<sup>67</sup> Following

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<sup>58</sup> *Id.* at 242.

<sup>59</sup> *Id.* at 243.

<sup>60</sup> Richard Delgado & Jean Stefancic, *Critical Race Theory: Past, Present and Future*, in CURRENT LEGAL PROBLEMS 1998, LEGAL THEORY AT THE END OF THE MILLENNIUM 490 (M.D.A. Freeman ed., 1998).

<sup>61</sup> *Id.* at 490.

<sup>62</sup> *Id.*

<sup>63</sup> *Id.* at 491.

<sup>64</sup> Richard Delgado & Jean Stefancic, *Home-Grown Racism: Colorado's Historic Embrace – and Denial – of Equal Opportunity in Higher Education*, 70 U. COLO. L. REV. 703 (1999).

<sup>65</sup> *Id.* at 811.

<sup>66</sup> *Id.* at 709.

<sup>67</sup> *See id.* at 710.

Delgado's lead, other scholars have begun to focus on practical issues.<sup>68</sup>

Delgado's focus on the racism of the past in Colorado makes sense in light of Hegel's philosophy. As Delgado points out, we can see the racism of the past. The owl of Minerva has flown and we can therefore understand the racism of the earlier historical stage. Delgado's urging that others examine their racial histories in order to support a remedial justification for affirmative action is fully consistent with Hegel's philosophy.

In his stance as a scholar-activist, Delgado fits nicely within a long tradition of Latino scholars who have been scholar-activists.<sup>69</sup> In a sense, he has returned to his roots. He started his academic career writing articles that were geared to produce concrete social change. For instance, in an early article Delgado argued that Mexican Americans should be recognized as a "class" for purposes of bringing civil rights actions.<sup>70</sup> Class actions, of course, are a key device for accomplishing social reform. In another early piece, Delgado identifies problems that Mexican American students face in studying law, and makes important

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<sup>68</sup> See, e.g., Kevin R. Johnson & George A. Martínez, *Discrimination by Proxy: The Case of Proposition 227 and the Ban on Bilingual Education*, 33 U.C. DAVIS L. REV. 1227 (2000) (arguing that California's ban on bilingual education is unconstitutional).

<sup>69</sup> See Kevin Johnson & George Martínez, *Crossover Dreams: The Roots of LatCrit Theory in Chicana/o Studies Activism and Scholarship*, 53 U. MIAMI L. REV. 1143 (1999).

<sup>70</sup> Richard Delgado & Vicky Palacios, *Mexican-Americans as a Legally Cognizable Class Under Rule 23 and the Equal Protection Clause*, 50 NOTRE DAME L. REV. 393 (1975).

recommendations for making legal education more hospitable for Mexican Americans.<sup>71</sup>

Delgado's practical turn – to the extent that it embraces some of the traditional forms of social activism – perhaps represents renewed optimism on his part. In portions of the *Chronicles* and his other work, Delgado expresses doubt as to whether traditional civil rights strategies such as litigation can bring about significant social change.<sup>72</sup> Indeed, he writes that Critical Race Theory came about because “[o]ld approaches – filing amicus briefs, marching, coining new litigation strategies, writing articles in legal and popular journals exhorting our fellow citizens to exercise moral leadership in the search for racial justice – were yielding smaller and smaller returns.”<sup>73</sup>

There are, of course, many obstacles to racial reform. Among these is the problem of getting people to understand contemporary forms of racism. Indeed, there are so many obstacles that some theorists believe that racism is permanent.<sup>74</sup> Given this, one might wonder why Delgado persists in the struggle to achieve reform. He continues to believe that the Critical Race Theory project is worthwhile. Perhaps the answer lies in the intrinsic importance of critical thought.

In the *Rodrigo Chronicles* and his other work, Delgado expresses the idea that the critical insight and independent thought of outsiders is needed in order to redeem society. For instance, in

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<sup>71</sup> Leo M. Romero, Richard Delgado & Cruz Reynoso, *The Legal Education of Chicano Students: A Study in Mutual Accommodation and Cultural Conflict*, 5 N.M. L. REV. 177 (1975).

<sup>72</sup> DELGADO, *supra* note 23, at 80-81.

<sup>73</sup> CRITICAL RACE THEORY: THE CUTTING EDGE, *supra* note 1, at xvi.

<sup>74</sup> See DERRICK BELL, *FACES AT THE BOTTOM OF THE WELL* 12 (1992). Bell states:

[Minorities] will never gain full equality in this country. Even those Herculean efforts we hail as successful will produce no more than temporary ‘peaks of progress,’ short lived victories that slide into irrelevance as racial patterns adapt in ways that maintain white dominance. This is a hard-to-accept fact that all history verifies.

the *Chronicles*, the Professor explains, “[i]f the United States is to save itself, it must incorporate ideas and people from non-Western sources – and yet these are the very sources they’ve constructed, as you’ve put it, to seem unworthy, ridiculous, lazy and morally debased.”<sup>75</sup>

It appears that Delgado believes that critical thought enables one to understand the problems of the contemporary world prior to the completion of a historical stage.<sup>76</sup> Outsiders possess critical insight because of “multiple consciousness.”<sup>77</sup> Those who have this complex psychology learn “to see everything through two or more lenses at once.”<sup>78</sup> He explains the notion of multiple consciousnesses by referring to Hegel’s famous discussion of master and slave.<sup>79</sup> Slaves perceived their masters more clearly than their masters perceived them.<sup>80</sup> The slave was able to do this “because he had a double consciousness – he saw the master as both a master and as a human being. The master, on the other hand, regarded the slave one dimensionally as a slave or worker only, not as a human being.”<sup>81</sup> Because this critical insight allows outsiders to perceive defects in the system, outsiders are the generators of social change.<sup>82</sup>

This notion of critical thought as a basis for social redemption also finds support in the work of Hegel. For Hegel, “critical thought and reflection” are necessary in order to achieve

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<sup>75</sup> DELGADO, *supra* note 23, at 33.

<sup>76</sup> *Id.* at 123.

<sup>77</sup> *Id.*

<sup>78</sup> *Id.* at 122.

<sup>79</sup> *Id.* at 122-23.

<sup>80</sup> *See id.* at 122.

<sup>81</sup> *Id.* at 123.

<sup>82</sup> *See id.* at 127-33.



“progress in the development of freedom.”<sup>83</sup> Indeed, critical thought brings about the “new age.”<sup>84</sup> Critical thought “gives birth” to a new ethical principle.<sup>85</sup> “To actualize [that principle] is the mission of the next epoch.”<sup>86</sup>

In carrying out this critical program, Delgado recognizes that the various subordinations are related in complex ways. For example, he ties Enlightenment philosophy to the subordination of blacks, Native Americans, Asian Americans, and Mexican Americans.<sup>87</sup> The realm of racial oppression constitutes an interrelated, unified system. This important insight also is consistent with Hegel’s philosophy. According to Hegel, “each society is a unique whole, all of whose parts are inseparable from one another.”<sup>88</sup> The components of a society “form a systematic unity.”<sup>89</sup>

Because of the interconnections among the various subordinations, Delgado has forcefully argued that we must move beyond the black-white binary, that is, we must consider other racial minorities besides blacks.<sup>90</sup> In so doing, Delgado has inspired other scholars to broaden the scope of inquiry and analyze the interconnections among the various types of oppressions.<sup>91</sup>

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<sup>83</sup> Singer, *supra* note 8, at 129.

<sup>84</sup> Allen W. Wood, *Hegel and Marxism*, in THE CAMBRIDGE COMPANION TO HEGEL, *supra* note 11, at 430.

<sup>85</sup> *Id.* at 430.

<sup>86</sup> *Id.*

<sup>87</sup> DELGADO, *supra* note 23, at 142-43.

<sup>88</sup> Beiser, *supra* note 11, at 274.

<sup>89</sup> *Id.*

<sup>90</sup> Richard Delgado, *Making Pets: Social Workers, “Problem Groups,” and the Role of SPCA – Getting a Little More Precise about Racialized Narratives*, 77 TEX. L. REV. 1571, 1575-76 (1999). For other efforts to transcend the black-white binary, see John O. Calmore, *Exploring Michael Omi’s “Messy” Real World of Race: An Essay for “Naked People Longing to Swim Free”*, 15 LAW & INEQ. J. 25, 56-64 (1997) (arguing that “[m]oving beyond the black-white paradigm is imperative”); Rachel F. Moran, *Neither Black Nor White*, 2 HARV. LATINO L. REV. 61 (1997).

<sup>91</sup> See, e.g., Kevin R. Johnson, *Racial Hierarchy, Asian Americans and Latinos as “Foreigners,” and Social Change: Is Law the Way to Go?* 76 OR. L. REV. 347 (1997) (connecting the various forms of subordination); George A.

## IV. CONCLUSION

Richard Delgado has made path-breaking contributions to the literature on race and American law. His *Rodrigo Chronicles* are already classics of the Critical Race Theory genre. It is, therefore, wholly appropriate that the *Harvard Latino Law Review* has dedicated this symposium issue to an examination of the *Rodrigo Chronicles* and Delgado's other work.

This essay has been an attempt to illuminate Delgado's project in the *Chronicles* through an examination of various aspects of Hegel's philosophy. Hegel's philosophy allows us to better understand Delgado's work in the *Chronicles* and elsewhere.

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Martínez, *African-Americans, Latinos and the Construction of Race: Toward an Epistemic Coalition*, 19 UCLA CHICANO-LATINO L. REV. 213, 221-22 (1998) (arguing from a philosophical perspective that one cannot understand the racial oppression of one group without considering that of other groups).

