

Denver Law Review

Volume 70
Issue 2 *Colloquy - Racism in the Wake of the
Los Angeles Riots*

Article 10

January 2021

Reel Time/Real Justice

Kimberle Crenshaw

Gary Peller

Follow this and additional works at: <https://digitalcommons.du.edu/dlr>

Recommended Citation

Kimberle Crenshaw & Gary Peller, Reel Time/Real Justice, 70 Denv. U. L. Rev. 283 (1993).

This Article is brought to you for free and open access by the Denver Law Review at Digital Commons @ DU. It has been accepted for inclusion in Denver Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

REEL TIME/REAL JUSTICE

KIMBERLE CRENSHAW* AND GARY PELLER**

Like the Anita Hill/Clarence Thomas hearings a few months before, the Rodney King beating, the acquittal of the Los Angeles police officers who “restrained” him and the subsequent civil unrest in Los Angeles flashed Race across the national consciousness and the gaze of American culture momentarily froze there. Pieces of everyday racial dynamics briefly seemed clear, then faded from view, replaced by presidential politics and natural disasters.

This Essay examines in more depth what was exposed during the momentary national focus on Rodney King. Two main events—the acquittal of the police officers who beat King and the civil unrest in Los Angeles following the verdict—serve as starting points for an analysis of the ideological and symbolic intertwining of race and power in American culture. This Essay explicates the outlines of a *critical race theory*,¹ focusing not solely on the Rodney King incident, but considering more broadly how racial power generally is produced, mediated and legitimated—an approach that seeks to connect developments in diverse arenas in which race and power are contested.

A deep connection between the various ideological conflicts became apparent in the way the Rodney King events played in national consciousness. The techniques utilized to convince the Simi Valley jury of the reasonableness of the force used on Rodney King are linked to the struggle—in a quite different legal arena—over whether to permit race-conscious affirmative action programs. Both arenas in turn relate to the conflict over whether to see the events in South Central L.A. as an “insurrection,” as Representative Maxine Waters characterized it, or as a “riot” of the “mob,” the official version presented in dominant media and by the President of the United States. At stake at each axis of conflict is a contest over which narrative structure will prevail in the interpretation of events in the social world. Exposed in each conflict is the inability of concepts, like “the rule of law,” or “reason,” or even the technology of video, to mediate these conflicts in a neutral aracial way.

The realm of interpretation, ideology and narrative is a critical site

* Kimberle Crenshaw is a Professor of Law at the University of California School of Law, a 1992 Samuel Rubin Fellow at Columbia University School of Law, and one of the founders of Critical Race Theory, a movement bringing together progressive scholars of race. See *infra* note 1.

** Gary Peller is Professor of Law at Georgetown University Law Center and a co-chair of the Conference on Critical Legal Studies.

1. “Critical Race Theorists” is the name of an informally organized group of scholars writing in the area of race law and theory. The group held its first conference in Madison, Wisconsin in July, 1989. For a brief overview of the group’s goals and perspectives, see Kimberle Crenshaw, *A Black Feminist Critique of Antidiscrimination Law and Politics*, in *THE POLITICS OF LAW* 195 (D. Kairys 2d ed. 1990).

in the production of American racial domination. The Rodney King episode is particularly challenging for our approach because it seems so easily assimilable to more conventional models of the way that power works. Rather than imagine racial power being produced in the soft space of ideological "superstructure," the world saw it exercised at another point of production—at the material "base" where the nightstick met the skull. Unlike the 1980s and 1990s racial controversies over affirmative action, ethnocentrism and multiculturalism, the Rodney King beating bore the familiar markings of the 1950s and 1960s—rather than being carefully encased in definitions of merit and neutrality. Instead, old-time white supremacy was boldly and crudely inscribed on the body of King. No fancy theory is needed to figure out what went on between the Los Angeles police and Rodney King. But the Rodney King events are also particularly illuminating for an approach that focuses on the ideological. Part of what was revealed in the Rodney King saga was the need for an account of how racial power *continues* to work, decades after outlawed as a matter of formal decree, cultural convention and elite preference.

* * *

To get a picture of how various structures of interpretation played out after the verdict, first remember the reaction in most sectors of American culture when the famous videotape of Los Angeles police officers beating King was initially broadcast on network television. Broad national outrage shared by African Americans and most whites and minorities followed, with the only visible exception being the fringe (but becoming stronger) white proto-fascists of the Patrick Buchanan/David Duke camps. An easy event for the entire mainstream of American culture to abhor, it did not present any of the hard questions of nineties' controversies over race—like the so-called "dilemma" of affirmative action, for example. The videotape lent objectivity to the charge of police brutality. There was no question of interpretation and subjective bias clouding the issue.

This initial wide consensus was actually based on the congruence of various ideological positions around the use of the videotape as "proof." Most people, including most political conservatives, had no difficulty seeing what the tape represented: old-style, garden-variety racist power exemplified by the Bull Connor/Pretoria-like images of heavily armed white security officers beating a defenseless black man senseless. Part of the progress African Americans achieved in formal legal equality and its cultural analogues manifested itself in the fact that, unlike the fifties and sixties, no voice anywhere near the mainstream of American life called this kind of police practice legitimate. In the nineties, the moderate white Right defines itself in terms of the repudiation of the backward doctrines of white supremacy. Within the broad social consensus, how one understood the King videotape was not linked to how one understood the so-called "murkier" issues of contemporary racial conflict. In political terms, the King videotape gave the moderate

Right the opportunity to oppose clear-cut racism and thus to demonstrate that its opposition to affirmative action is not linked to interests in racial supremacy.

But this broad consensus was misleading to the extent that the video appeared to mean the same thing to everyone. Subsequent events would reveal the deep cleavages in how the tape was understood. The differentiation underlying the consensus around the King tape—between supposedly “old” ideologies of racial supremacy and contemporary “dilemmas” of race—was too quick. It obscured the ways the acquittal of the Los Angeles police officers were intertwined with narrative structures that prevail in debates about affirmative action. Part of understanding the failure of the formal legal equality achieved by African Americans to protect Rodney King means understanding how formal prohibitions, like those against police brutality and racial discrimination, are necessarily mediated through narrative structures. The Simi Valley jury’s verdict is a particularly striking example of such a structure, but not different in kind from the more rarified ideologies of “moderate” Supreme Court justices. When the cultural consensus over the meaning of the videotape blew apart in the violence of South Central L.A., the limits of formal legal equality also became apparent.

* * *

Pause here to consider how the initial, common sense consensus about what the King video showed was confronted by defense attorneys in the courtroom. Frame-by-frame stills of the video were mounted on clean white illustration boards and then used as the basis for questions to “experts” on prisoner restraint. Each micro-moment of the beating of King was broken down into a series of frozen images. As to each one, the defense attorneys asked the experts whether King assumed a compliant posture, or might a police officer reasonably conclude that King still posed a threat to resist. Once the defense broke the video into frames, each still could then be re-woven into a different narrative about the restraint of King. Each blow to King represented, not beating one of the “gorillas in the mist,” but a police approved technique of restraint complete with technical names for each baton strike (or “stroke”). The videotape images were *physically* mediated by the illustration boards upon which the still pictures were mounted, and in the same moment of *disaggregation*² they were *symbolically* mediated by the new narrative back-

2. We borrow the term “disaggregation” from Justice Marshall’s dissent in *Richmond v. Croson*, 488 U.S. 469 (1989).

[T]he majority’s critique [of the evidence of racial exclusion] shows an unwillingness to come to grips with why construction-contracting in Richmond is essentially a whites-only enterprise. The majority . . . takes the disingenuous approach of disaggregating Richmond’s local evidence, attacking it piecemeal, and thereby concluding that no single piece of evidence adduced by the city, ‘standing alone,’ . . . suffices to prove past discrimination. But items of evidence do not, of course, ‘stand alone,’ or exist in alien juxtaposition . . .

Id. at 542 (Marshall, J., dissenting).

For a more extended discussion of the manner in which the Court disaggregated causal factors in *Croson*, see Michel Rosenfeld, *Decoding Richmond: Affirmative Action and the Elusive Meaning of Constitutional Equality*, 87 MICH. L. REV. 1729, 1761-66 (1989).

drops of institutional security's technical discourse and the reframing of King as a threat rather than as a victim.

The eighty-one second video was, in short, broken into scores of individual still pictures, each of which were then subject to endless reinterpretation. Since no single picture taken by itself could constitute excessive force, the video tape as a whole said something different—not incredibly clear evidence of racist police brutality, but instead ambiguous slices of time in a tense moment that Rodney King created for the police.

* * *

There are many explanations for the King verdict. Most center around the image of jury lawlessness—the idea that the jury's result was corrupted because they ignored the clear evidence of brutality to acquit the police. Along these lines, some claimed to have expected the verdict, because justice cannot be reached in a “system” controlled by “them.” Others located the pivotal turning point as the granting of the defense motion for a change of venue—resulting in a trial location dominated by law-and-order white conservatives, and, ironically, an area disproportionately the home of L.A.P.D. officers and retirees. Others placed responsibility on an inept (or worse) prosecution that failed to humanize Rodney King to counter the defense continually objectifying him.

There is some truth in each of these explanations. The problem, however, is that each view binds its explanation of the King verdict too tightly to one or another sites for the production and exercise of American racial power. One view suggests that, but for these quirks of the case and the irrationality of the jurors, the legal system could neutrally respond to an event like the beating of Rodney King. At the opposite pole, the particular manner by which the King judgment was reached is too quickly linked to an overly instrumental view of how law and other mediating ideologies serve power.

Law in general and the courtroom in particular are arenas where narratives are contested and the power of interpretation exercised. In that sense the legal realm is a political realm. But it would be a mistake to see narratives simply as some after-the-fact stories about events concocted after the *real* power has already been exercised. The story lines developed in law *mediate* power in the sense that power is translated to appear as non-power—the beating of King becomes the “reasonable exercise of force necessary to restrain a prisoner.” The story lines also *constitute* power in the sense that the narrative lines shape what and how events are perceived in the first place. Understanding these relationships between law, power and ideology is necessary to comprehend how, in many ways, the King verdict was *typical*, not extraordinary.

To develop this idea, it is helpful to turn from the King verdict to a very different legal arena, the issuance of Supreme Court opinions. The point is to draw connections between the narrative structure presented by the defense attorneys in the police brutality trial—breaking the video-

tape up into scores of single, still images—and the narrative structure utilized in the more academic and “rational” atmosphere of the Supreme Court.

In *Richmond v. Croson*³, a Supreme Court majority struck down as unconstitutional Richmond's municipal policy of awarding construction contracts on a race conscious, affirmative action basis. Under Richmond's program, prime contractors were required to set-aside thirty percent of their work to be performed by minority subcontractors.⁴ As matter of legal doctrine, *Croson* is an important refinement of the meaning of “equal protection” in the Fourteenth Amendment because the majority applied the “strict scrutiny” standard,⁵ the traditional test for “malign” racial classifications burdening Blacks, to a “benign” affirmative-action plan burdening whites. This doctrinal development presented a symbolic message that the problem of racism is a symmetrical one—both Blacks and whites can suffer when racial classifications are utilized, and therefore the same level of scrutiny is warranted whether a racial classification benefits Blacks or whites. From this vantage point, racism consists of the failure to treat people on an individual basis according to terms that are neutral to race. In the *Croson* context, this embrace of “colorblindness” in equal protection meant the Court could plausibly equate the legal significance of the City of Richmond, which benefitted white contractors through a contracting system that excluded blacks, with the legal consequences of a decision to benefit black contractors by requiring set-asides.⁶

In this doctrinal setting, the legal issue in *Croson* was whether the Richmond affirmative action policy was constitutional as a policy that served the compelling aim of remedying past discrimination against blacks. According to the Court, such an aim was in fact compelling, but only as the remedy for *particular* discrimination, lest the remedy constitute a new instance of racial discrimination.⁷ The problem in *Croson*—no “proof” of significant racial discrimination in the Richmond construction industry that required a remedy—allowed the Court to hold against the set-asides.⁸

The analog to the videotape of Rodney King's beating that failed to

3. 488 U.S. 469 (1989).

4. *Id.* at 477-48.

5. *Id.* at 493. Loosely, “strict scrutiny” heightens the requirements of a policy's importance and fit.

6. The critique of this general norm of colorblindness has been one of the central projects of “Critical Race Theory” scholars, a group of writers informally organized in 1989 to pursue progressive-oriented studies of race, culture and law. For a description of the group's aims, see Crenshaw, *supra* note 1, at 195. For citations to the group's work to date, see Richard Delgado & Jean Stefancic, *Critical Race Theory: An Annotated Bibliography*, 78 VA. L. REV. (forthcoming 1992). For examples of criticisms of colorblindness from within the critical race theory genre, see Neil Gotanda, *A Critique of 'Our Constitution is Color-Blind'*, 44 STAN. L. REV. 1 (1991); Gary Peller, *Race Consciousness*, 1990 DUKE L. REV. 758; Patricia Williams, *The Obliging Shell: An Informal Essay on Formal Legal Equality*, 87 MICH. L. REV. 2128 (1989).

7. *Croson*, 488 U.S. at 505-06.

8. *Id.* at 506.

“prove” unreasonable and excessive force was the formal record before the Supreme Court in *Croson*, which expressed the familiar picture of black economic exclusion. The record included (1) Congressional findings of massive discrimination in the construction industry across the country, (2) a fifty percent black population in Richmond, (3) less than one percent of the Richmond’s prime contracting dollars went to minority-owned businesses, and (4) the testimony of the mayor, the city manager and two councilmen as to Richmond’s long and thorough history of racial discrimination, officially sanctioned and practiced in education, voting and housing.⁹

Like the Simi Valley jury, the Supreme Court was confronted with a picture—the near-total dominance of white firms in the contracting business of Richmond, Virginia—and asked to determine if illegitimate power had been exercised. And like the attorneys for the Los Angeles police officers, the Court utilized the process of *disaggregation* to conclude that racial discrimination was the proven cause of the huge disparity between the racial composition of Richmond’s population and the racial composition of recipients of prime construction contracts.¹⁰ Just as the defense attorneys directed the jury’s consideration from the reel-time of the video to the disaggregated stills of the L.A. police and Rodney King, the Court freeze-framed each element of the Richmond setting and isolated them from their meaning-giving context—the history of racial subordination in Richmond, Virginia, the former capital of the Confederacy and one of the central sites of “massive resistance” to desegregation orders in the 1960s. The Court’s opinion considered each piece of evidence individually, determining that by itself each was not sufficient to conclude there had been discrimination, and therefore ruling that there was no “proof” the Richmond construction industry was the site of racial discrimination which could now legally be remedied by affirmative action set asides.¹¹

Once the Court *disaggregated* each factor from its context in the full picture of the racial history of Richmond, it was still left with the glaring statistical evidence that blacks had been shut out of the construction contracting business. And, like the Los Angeles policemen’s defense at trial, once meaning was divorced from context, it was possible to weave the disaggregated images together with new, alternative narratives. In the Rodney King brutality case, the stills were reconnected through a story of King’s power and agency—his body could become “cocked” and could appear “in a trigger position.” In the *Croson* affirmative action case, a new narrative was also created, one which implicitly explained the lack of minority contractors in terms of the (lack of) skill, initiative and choice blacks rather than the exclusionary power exercised by whites.

* * *

9. *Id.* at 484-85

10. *Id.* at 542 (Marshall, J., dissenting).

11. *Id.* at 506.

Part of the great appeal of what has been earlier termed “formal legal equality”—the blanket legal prohibitions against racial discrimination that were achieved in the 1960s—is the belief that the identification of the grossest forms of racial discrimination is straightforward and objective. Rather than leave protection to the whim of politics or the discretion of power, the imagery of the “rule of law” suggests that the prohibition against racial discrimination is clear and determinate. It does not depend on subjective evaluation. What is so enraging about the King verdict is it seems to show that even such clear, objective prohibitions can be subverted by racial power, like that embodied in the all-white Simi Valley jury.

Our first point in drawing out the structural similarities between the construction of narratives in the Rodney King trial and the Supreme Court’s *Crosby* opinion is to question this kind of thinking about the protections of “formal equality.” We are not saying that the Supreme Court is like the Rodney King jury, acting lawlessly or corruptly by violating some objectively identifiable “reality” about race in America, or in Richmond. Rather, our point is to examine critically how ideological narratives work as a form of social power, to show how a belief in formal legal equality—in the objectivity of “the rule of law”—can help obscure the everyday character of racial power.

An important image underlying the initial consensus in American culture about the videotape and ultimate acquittal of the Los Angeles police officers who beat Rodney King was that the videotape exemplified an old-style mode of racial domination which, today, virtually the entire American culture opposes. The videotape reverberated with the skeletons of American apartheid. On issues of *basic* civil rights, a wide spectrum has embraced the morality of 1960s race reforms ensuring formal equality “regardless of race.” On the other hand, the perceived “disagreements” over affirmative action or multiculturalism seem less clearly focused, less objective and more political.

But this way of perceiving these two arenas of race is already a product of a particular narrative, a particular way of articulating the meaning of race. The granting of legal rights to formal equality—to be treated the same as everyone else regardless of race—is taken as an intrinsically meaningful and comprehensible goal separate from the murkiness that’s supposed to be involved in the morally “tougher” race issues of the 1990s. The prohibition of explicit racial discrimination is seen as a formally realizable goal, in the sense that it can be applied without any more elaboration of controversial value choices. That is why we can be so sure the Simi Valley jury acted “lawlessly,” or “fraudulently,” in a way that seems at first so different from the careful, reasoned, philosophical arguments of Supreme Court opinions. There appears a qualitative difference between what the Simi Valley jury did and what the Supreme Court does. In the cultural imagination, it’s like the difference between rednecks and the gentry.

This contrast between arenas of racial controversy is ideologically

constructed. From the perspective of “narrative” and “disaggregation,” the sharp difference between issues of “formal equality” as opposed to “special treatment” fades as the identification of each is seen to ultimately depend upon which pictures of the world are believed, and which are disbelieved. The sharp distinction usually drawn between them suggests that equality can be achieved outside the realm of power and interpretation because it can be objectively identified by law. But what the King verdict represents is not the corrupt subversion of the rule of law’s values, but rather the ideological power of belief in rule of law itself.

Through the description of “disaggregation,” features of the dominant form of contemporary race ideology appear, linking the Simi Valley jury’s acquittal of the police with the race narratives of moderate, mainstream legal culture. Through the typical process of “disaggregation,” a narrative is created within which racial power has been *mediated* out, like the anesthetic effect of mounting stills on clinically-white illustration board. In both the Simi Valley police brutality trial and the *Crososn* case, a narrative mediates the representation of the world by divorcing the effects of racial power—the number of black contractors in Richmond, the curled body of Rodney King—from their social context and from their historic meaning. In the compulsive legal search for the clearly-defined, objectively verifiable, perpetrating act of illegitimate power—the single, particular offending blow in the frame-by-frame presentation of the Los Angeles police; the particular acts of discrimination that directly caused white economic hegemony in Richmond, Virginia—social events are de-contextualized in both *space*—where things happened, and between whom—and *time*—what larger forces operated to give events their meaning.

Hence the symmetry of the idea of “racism” in mainstream American culture appears. Once race is divorced from its social meaning in schools, work places, streets, homes, prisons and paychecks and from its historic meaning in terms of the repeated American embrace of white privilege, then all that is left, really, is a hollow, analytic norm of “color-blind”—an image of racial power as embodied in abstract classifications by race that could run either way, against whites as easily as against blacks. Finally, this kind of disaggregation, oddly, seems like the very definition of what is neutral and objective—a narrative that does not depend on point of view, that is a tape of the social world with the images so enlarged and slowed down that it could say anything.

Rather than see the jury acquittal as an aberration by some low-down Simi Valley redneck consciousness, consider it the reigning ideological paradigm of how to identify illegitimate racial power. The paradigm is vivid precisely because of the extremity of the conclusion that only “reasonable force” had been used on Rodney King. The virtue of “formal equality” is that there is something important in the fact that power wielders can no longer justify conditions in the social world based on the supposed natural inferiority of Blacks. But the problem of formal equality is that it is appealing precisely because it seems to be able to do

what it cannot do—resolve issues of social power, racial power, once and for all, according to some sort of neutral and objective rules.

Rodney King did, in a sense, get the fruits of formal equality. But the terms that guarantee the rule of law—terms like “reasonable force” or “equal protection”—are necessarily indeterminate. Their meaning must be socially constructed through narratives of place and time for there to be any meaning to them at all. The Simi Valley jury’s deliberations are not so different from those of the Supreme Court. In neither realm is the rule of law subverted. The “law” and the “facts” of the social world do not exist in any objective, ready-made form. They must always be interpreted according to politics, ideology and power.

The belief in what we have called “formal equality” resulted in one particularly intense set of reactions to the verdict. Many (particularly integrationist-oriented) blacks who invested more than symbolic meaning in the guarantees of objectivity presented by law in particular and the wider cultural rhetoric in general felt extreme disillusionment. Like the white cultural mainstream, many Blacks believed that the baton against the Rodney King’s skull would speak for itself, just as many believed that principles of colorblindness and other varieties of formal equality provide a clear, almost self-generating protection against racial discrimination. What many people did not comprehend was that police brutality, just like discrimination, does not speak for itself. This very struggle over meaning is precisely what the intense contestations about race in the law are really about. Rather than providing some kind of firm ground to challenge racist institutional practices, notions of “formal equality,” “objectivity,” “neutrality” and the like tend to obscure the way that race is experienced by the vast majority of African Americans in this society.

* * *

We have described “disaggregation” as a narrative technique that narrows the perception of the range of illegitimate racial power by divorcing particular episodes from their larger social context. Implicitly this kind of distortion is contrasted with “real” time. Considering things as they “are” is contrasted with freeze-framing space and time into isolated stills that can be reinterpreted through a benign narrative of justification. The identification of “disaggregation” as part of conservative ideology is made easier by the image we all share of Rodney King being beaten, and the confident sense we have that we see the *meaning* of the videotape. By implicit reference to this “real” time, the disaggregation technique looks like a distortion.

But the concept of “real” time, which up to this point has been assumed, should also be questioned in order to consider the implications of thinking that we can identify the corruption of the Simi Valley jury by contrasting its verdict with the reality depicted on the videotape. Consider the possibilities that even the videotape itself has no special, objective status. What we progressives “see” in the images is the product of mediating narratives in much the same way as what the Simi Valley jury

“saw” depended on the technique of disaggregation previously discussed.

People invested very different meanings in the Rodney King videotape. For many, the existence of the videotape was a source of excitement that technology was finally utilized in service of the masses, so that “they” (the authorities) could not say that people were just making up charges of police brutality. The underlying assumption for many people was that such conduct is a more or less regular feature of many police encounters with blacks, particularly in Los Angeles. The underlying frustration has been the inability to stop these practices through creation of formal legal prohibitions because of the inability to “prove” what happened. When the tape was first broadcast, in addition to the pain of seeing such brutality, there was also exhilaration that the videotape would solve the problem of “proof” so that the police would finally be disciplined. Simply put, the significance of the video was not that it proved to masses of Blacks and others that the Los Angeles police are brutally racist, but rather that it was projected as what would satisfy “the law” that brutality against blacks occurred.

But also within the initial national outrage at the King videotape were many who saw the brutality depicted in the videotape as awful but exceptional, part of another era exposed occasionally and rarely caught on videotape. The videotape “proved” brutality, but the brutality and the fortuity that was recorded were viewed as equally random partners. In short, a gulf of comprehension existed underneath the broad American consensus that the videotape depicted outrageous police behavior. For some, the existence of the videotape was critical to comprehending that this kind of racist brutality *still* occurs in American society, because the videotape presented “objective” proof. In other words, without the videotape, they would have had no outrage, indeed no consciousness of the conditions of police and community relations in Los Angeles. For others, the videotape didn’t serve to *establish* this kind of police behavior, but rather simply to document it and thus hopefully satisfy the powers that be.

Questioning the centrality that the videotape had for so many people exposes a deep connection between the ideological need for “objective” proof and the more general ways race is understood in American culture. The special status accorded the King videotape as “objective proof” was a social construct, just as the particular interpretation of the tape embraced by the Simi Valley jury was constructed. *Both* the perception of the tape as showing a “reasonable exercise of force” *and* the perception of the tape as showing “racist brutality” depend, not simply on the physiology of visual perception, but rather on *interpretation*, on the mediation of perception with background narratives that give visual images meaning.

Valorizing the so-called “objective proof” of the videotape is problematic, because, to the extent that the videotape was understood to “prove” the racist brutality of the L.A.P.D., such a conclusion implicitly

rested on the idea that, but for the tape, no “objective” proof was available. Yet an important piece of the background context to the Rodney King events was the availability of witnesses and the testimony of hundreds of thousands of victims of police brutality. They can attest to the practices of the Los Angeles police, as well as those of many other departments. Typically, such victims are arrested for “disorderly conduct” after they have been beaten. So deep is the street-level understanding of the uselessness of the processes of the “rule of law” that, in the overwhelming run of cases, no complaint is ever made. The emphasis on the video tape’s “objective proof,” in short, marginalizes as merely subjective. All those whose reality is devalued because there was no tape, only their word and the longstanding community’s experience of the L.A.P.D.

Underlying the elevation of the videotape as “objective proof” of the racist brutality of the L.A.P.D. is a hierarchy of evidence and meaning. This hierarchy distinguishes between objective proof and subjective assertion, fact and opinion, disinterest and bias. These categories are neither natural nor independent criteria with which to evaluate various narratives about the world. They, themselves, form the vocabulary for a particular narrative, one that assumes the possibility of a vantage point of “objectivity” that could exist outside of any particular vision or interpretation. This vantage point is seductive because it seems to transcend the partialities of history and geography, of time and space. But the images of objectivity and impersonality, like the allied distinctions between fact and opinion, between colorblindness and discrimination—and between law and politics—are, in our social context, the terms of a particular discourse of power. Here that power is manifest in the inability of L.A.’s Black people to get redress when the police beat them unless they have what will satisfy others as “proof.”

To see how the hierarchies of objectivity and subjectivity work as a discourse of power to marginalize the victims of these racist police practices, consider that it is not the videotape—the disinterestedness of technology—that makes us “see” what happened to Rodney King. The videotape images of the Los Angeles police officers and Rodney King do not mean what they mean for us as a matter of objectivity, but rather as a matter of social construction. We must, necessarily, weave narratives into the images to give them a life in some time and space. Just as the legal concepts of “formal equality” are indeterminate and only acquire meaning in a social struggle over describing the world, as *Croson* revealed, so the video images are clear to us because we bring our own narratives to them. We see in them the images of Bull Connor and Soweto and various episodes of the long story of racial apartheid being brutally enforced, images and narrative lines that we carry around in our collective memory. In this sense, our judgment, like that of the Simi Valley jury and the Supreme Court in *Croson*, is mediated by background narratives that tie together what otherwise would be a random set of images.

* * *

The different images underlying peoples' first impressions of the King videotape help make sense of the various reactions to the verdict. Of course, the sharpest contrast was between those who responded to the verdict by taking to the streets in Pico and South Central and, at the opposite pole, the police department personnel who cheered the news. But most across the spectrum of mainstream culture who deplored the "rioting" did not do so because they agreed with the verdict or with the cheering police. To the contrary, for the most part they sought to preserve the very value they thought the Simi Valley jury had impugned—the value of the "rule of law." The public discourse of the "L.A. riots" quickly became articulated as an opposition between those urging restraint and advocating respect for the "rule of law" and those articulating an alternative first principle of "no justice, no peace." The contrast between the rhetoric of "rule of law" and "no justice, no peace" was soon translated by the dominant culture into a contest between an objective, reasoned, responsible reaction and an emotional, passionate, irresponsible one. These strands of narrative culminated in the symbolic conflict between whether the people out in the streets should be seen as a "mob" "rioting" or as part of an "insurrection."

It did not seem ironic that many people who deplored the Simi Valley verdict also deplored the "rioting." In fact, from within the discourse of objectivity and respect for "the rule of law," it seemed obvious that there was a deep link between the jurors who acquitted the police who "restrained" Rodney King and the rioters on the street. In the dominant cultural narrative, both embodied a form of irrationality, of emotion-driven distortion. In the case of the jurors, their irrationality with respect to the videotape was seen in terms of white racism and fear of black crime. The people on the streets looked simply like a chaotic, emotional reaction, one without "reason" in the burning of neighborhoods, stores and the like.

The language of an "insurrection" suggests, however, a counter-narrative, one which implicitly rejects the various rhetorical clusters that came to define the way the Rodney King events were incorporated in mainstream discourse—including the reference points of objectivity, rationality, colorblindness and legalism. The narrative of "insurrection" suggests a competing view of the whole Rodney King episode. Rather than view the beating of King as an aberration from a legal norm of the "reasonable" use of force, the "insurrection" narrative implies a focus on the power relations and dynamics existing between the "rioters" and the police. While the image of the "riot" suggests a kind of instantaneous, emotional reaction to the verdict, the image of an "insurrection" directs attention from the shock of the verdict to the day-to-day subordination of the Los Angeles African American community. Rather than seeing King's beating as an outrageous deviation from the norm of police objectivity, the image of community subordination comprehends a systematic set of social dynamics—including a geographic context in

which a largely Anglo police force with enforcement responsibility for the sprawling metropolis of Los Angeles speeds through Black neighborhoods in fortified, heavily armed, cruisers dispatched from some remote location, and a historical context in which police brutality to Blacks has been common and repeatedly the subject of investigation, expert commission report and inaction. In contrast to the image of the uprising as an explosive reaction to a disappointing verdict, the language of "insurrection" conceives the uprising as a communal response to a much larger set of social power issues. The image of "insurrection," in short, is part of a narrative that sees the relations of police and Blacks in Los Angeles, not as the disaggregated diad of state officials and private citizens, mediated by neutral legal norms of reasonableness and nondiscrimination, but instead in terms of the power-laden relationship of communities defined by race, within which whites, through the police, exercise a kind of occupying power and within which Black neighborhoods appear as something like colonies. In these terms, an "insurrection" is not the blindly irrational acts of "rioters" (who, in the dominant narrative, should be expected to peacefully protest), but the concerted action of a community determined to raise the cost of peace to the colonizers, and thereby to increase its leverage on the continuing power relations.

* * *

Following the widespread urban unrest of the 1960s, the Kerner Commission concluded that the "riots" expressed an angry frustration with the slow pace of racial integration.¹² The dominant reaction to the recent disorder in L.A. evidences the same kind of ideological framing of the issue. But the narrative of "insurrection" challenges the vision of race and racial power implicit in the conventional idea that racial justice means the end of "discrimination" and the achievement of formal equality and integration into the dominant community. Instead, the imagery of occupation and subordination points to a wholly different comprehension of race relations, one which looks to the power relations between historically defined racial communities, rather than away from race and towards colorblindness. Accordingly, rather than see justice in terms of achieving police colorblindness, a race-conscious focus on power between communities focuses attention on the legitimacy of the dominant community administering the "colony" in the first place. Most who deplored the L.A. riots assumed a legalist model of racial justice in which the norms of objectivity and neutrality are central to the achievement of racial integration. From within that kind of ideology, there is simply no place for ideas like community control over police, education and other public services, because the Black community is no longer even perceived as separate or unique. There are just people who "happen to be black." *Power* as the constituting factor of inter-commu-

12. See REPORT OF THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS 205-238 (Bantam ed. 1968).

nity relations becomes invisible as it is imagined that law, objectivity and neutrality have some transcendent ground.

Rejecting the proposed “grounds” for determining the “real” in “objective” and “impartial” fashion, relations between communities cannot be mediated in a neutral fashion through the recognition of formal legal rights. Accordingly, the problem in the Simi Valley verdict acquitting the L.A. police was not that it corruptly deviated from some objective norm of legality or objectivity. Instead, those “norms” themselves constitute a narrative, an ideology for understanding race that excludes from its vision the political and power-laden terms of race relations.

But believing that issues—like the meaning of the Rodney King videotape or the racial composition of Richmond’s construction contractors—are necessarily and always subject to interpretation rather than “objective” proof does not mean that we are any less outraged by the verdict. The identification and enforcement of legal rights requires acts of meaning-attribution—of narration—as does comprehending the “meaning” of a videotape. But such a conclusion does not mean that everything is therefore relative, or that anything goes since it is all power anyway. To the contrary, once the narratives become so disparate between a community and the police or the legal system, we realize that it is time to recognize that, in a deep sense, Blacks in Los Angeles live in a different world from whites—something like a different nation. The police and the people are like foreigners to each other. Understanding this distance means comprehending relations, not according to norms of universal equality and equal treatment, but as the rule of one community over another.

From this counter-narrative, what is needed is not colorblindness on the part of the police force, but the redistribution of power so that the police force is not an outside occupier, but rather a part of the community itself, subject to regulation by the Black community in Los Angeles. The community does not need formal equality from the police, but actual control *over* the police—as well as other public institutions.