Introduction

THIS BOOK STARTS WITH A FAIRLY STRAIGHTFORWARD QUESTION: how do blind people understand race? Given the vast and sprawling writings on race over the past several decades, it is surprising that scholars have not explored this question in any real depth. Race has played a profound and central role to human relationships. Yet how is it possible that this basic question has escaped deeper contemplation?

This gap in the scholarly literature and public discourse points to a fundamental assumption that we almost all make about race, its significance, and its salience.[1] Race has been central to human relationships. Yet, there seems to be at least one thing that most people can agree upon: that race is, to a large extent, simply what is seen. There are surely many variables that inform individuals' racial consciousness, such as religion, language, food, and culture. But race is primarily thought to be self-evidently known, in terms of reflecting the wide variation in humans' outward appearance tied to ancestry and geographic origin such as skin color, hair texture, facial shapes, and other observable physical features. Thus, race is thought to be visually obvious; it is what you see, in terms of slotting visual engagements with human bodies into predefined categories of human difference, such as Black, White, and Asian. Given the dominant role these visual cues play in giving coherence to social categories of race, it is widely thought that race can be no more salient or significant to someone who has never been able to see than the musical genius of Mozart or Jay-Z can be salient to someone who has never been able to hear.

Therefore, one plausible explanation for why questions concerning blind people's understanding of race have not been explored is that, from a sighted person's perspective, the answer seems painfully obvious: blind people simply cannot appreciate racial distinctions and therefore do not have any real racial consciousness.

This pervasive yet rarely articulated idea that race is visually obvious—a notion that I call *"race" ipsa loquitur,*[2] or that race "speaks for itself"—has at least three components: (1) race is largely known by physical cues that inhere in bodies such as skin color or facial features,[3] (2) these cues are thought to be self-evident, meaning that their perceptibility and salience exist apart from any mediating social or political influence, and (3) individuals without the ability to see are thought, at a fundamental level, to be unable to participate in or fully understand what is assumed to be a quintessentially ocular experience. Through this *"race" ipsa loquitur* trope, talking about race outside of visual references to bodily differences seems absurd, lest we all become "colorblind" in the most literal sense. Indeed, as I discuss in Chapter 4, much of the ideological value in the emerging colorblindness discourse works from the idea that race and racism are problems of visual recognition, not social or political practices.[4]

But, how much does the salience of race—in terms of it being experienced as a prominent and striking human characteristic that affects a remarkable range of human outcomes—depend upon what is visually perceived? To play upon the biblical reference to 2 Corinthians 5:7 discussed in the Preface, do we simply "walk by sight" in that the racial differences are self-evident boundaries that are impressionable on their own terms? Or, is there a secular "faith" about race that produces the ability to "see" the very racial distinctions experienced as visually obvious? And if we take this idea seriously, that the visual salience of race is produced rather than merely observed, precisely what is at stake—socially, politically, and legally—when we misunderstand the process of "seeing race" as a distinctly visual rather than sociological phenomenon?

I push the boundaries of the *"race" ipsa loquitur* trope by investigating the significance of race outside of vision. I critique the notion that race is visually obvious and suggest that the salience of race, in terms of its visually striking nature and attendant social significance, functions more by social rather than ocular mechanisms. Though perhaps counterintuitive, I begin with the hypothesis that our ability to perceive race and subsequently attach social meanings to different types of human bodies depends little on what we

see; taking vision as a medium of racial truth may very well obscure a deeper understanding of precisely how race is both apprehended and comprehended, and thus how it informs our collective imaginations and personal behaviors as well as how it plays out in everyday life.

I explore this issue through a series of interviews with people who have been totally blind since birth. Since race is strongly connected to visual cues, it is largely assumed that race must be of diminished significance to blind people's daily lives. But this may not necessarily be the case. All things being equal, race may very well be as significant—even *visually* significant—to the blind community as it is to sighted persons. Moreover, it is likely that the social, cognitive, and other nonvisual interactions shaping blind people's racial experiences are not unique to them. A comparative approach that analyzes the racial experiences of blind and sighted people can offer important insights into the ways in which fixing race as a visual experience may limit a deeper understanding of the extent to which race shapes everyday life, and everyday life shapes our ability to see race. Therefore, exploring blind people's racial experiences and understandings may provide a rich grounding from which to appreciate how race is not simply what we see. Rather, there may be social practices that produce our very ability to see race.

The findings from this research are quite surprising. After conducting over a hundred interviews with blind individuals—people who have never seen anything, let alone the physical traits that typically serve as visual markers for racial difference—one consistent theme resonates throughout the data. Blind people understand and experience race like everyone else: visually. That is, when asked what race is, blind respondents largely define race by visually salient physical cues such as skin color, facial features, and other visual characteristics. But what stands out in particular is not only blind people's visual understanding of race, but that this visual understanding shapes how they live their lives; daily choices, experiences, and interactions such as where to live and whom to date are mediated by visual understandings of race in the blind community as much as they are among those who are sighted. Despite their physical inability to engage with race on the very visual terms that are thought to define its salience and social significance, blind people's understanding and experience with race is not unlike that of sighted individuals.

These data present a tremendous challenge for existing lay and scholarly conceptions of race. How can it be that individuals who cannot see have a *visual* understanding of race? And how is it possible that this visual

understanding is so significant that it fundamentally shapes their everyday lives just as it does for anyone else? How can someone not have vision, but be able to, for all intents and purposes, "see" race? *Blinded by Sight* unravels this mystery so as to understand this phenomenon as an empirical matter. Through qualitative research methods, I capture these experiences and unearth the broader sociological patterns that give rise to blind people's ability to "see" race. These empirical findings can have wide-ranging implications for rethinking the relationship between race, legal doctrine, public policy, and social relations. This research ventures into an area that many assumed did not exist in any meaningful sense—the racial lives of blind people and, moreover, the visual acuity with which they experience race—and uses the empirical data to discuss this discovery's implications for reconceptualizing the ways that race plays out in law and society.

I leverage these empirical findings to intervene in at least three separate scholarly conversations relevant to race, law, and society. At the broadest level, this book offers a fresh intervention into a concept that is so prominent and unthinkingly accepted across almost all areas of race scholarship that it is rarely subject to any meaningful critique: the social construction of race. The idea that race is a social construction is often meant to convey that the meanings placed upon particular racialized bodies are not caused by nature or driven by inherent biological differences. Rather, these meanings and their attachment to specific groups are a product of social, economic, and political forces. Social constructionists have paid painstaking attention to this meaning-making process and how specific concepts come to attach to certain groups, whether it is eastern European immigrants "becoming" White or the racialization of Mexican Americans.[5] However, this emphasis on meanings attaching to bodies has obscured a more fundamental question: how does race itself become visually salient? More so than meanings adhering to bodies, there seems to be an underlying social process that produces the visibility of group difference. It is largely assumed that racial differences become salient merely because they are self-evident and visually obvious, but this book challenges this idea and contributes to broader constructionist debates by developing a *constitutive* theory of race that highlights the way in which social practices produce the ability to see and experience race in particular ways.

Secondly, I use the data collected on blind people's visual understanding of race to offer critical new insights and interventions into law—specifically Equal Protection jurisprudence. Fourteenth Amendment Equal Protection

jurisprudence has offered the most robust legal mechanism from which to advocate racial equality for disadvantaged minorities. Equal protection has been at the heart of the United States' most heated and divisive debates on race, from school desegregation to affirmative action. However, what is uncovered in Part 2 is that despite shifting understandings and applications of the Equal Protection Clause, a basic assumption about race has been enmeshed throughout the jurisprudence: that it is visually obvious and its salience stems from self-evident visual cues. This understanding of race drives the legal and moral basis for the Court's ability to review and strike down laws that impermissibly categorize individuals by race. I will argue that this limited understanding of how and why race becomes salient warps Equal Protection jurisprudence by treating race as a visually obvious and self-evidently knowable trait, which fails to take account of the sociological factors that produce our very ability to see racial differences. Thus, by engaging the qualitative data discussed in this book, we gain an empirical basis from which to rethink Equal Protection's normative contours with respect to the scrutiny inquiry, the intent doctrine, and theories of colorblindness that have come to orient this body of law.

As a third intervention, this book attempts to draw attention to the scholarly opportunities that await when Critical Race Theory and empirical methods are brought into conversation with one another. Historically, these two fields have not had a comfortable relationship. Critical Race Theory—a field that has been skeptical of the idea that the complexity of human relationships and group interactions can be fully captured through observation and measurement—has not always embraced social science methods. Instead, critical race theorists have used other approaches—textual and doctrinal critiques, personal narratives, among others—to unearth the various forms of oppression embedded in seemingly neutral social norms and legal rules. Social scientists, on the other hand, appreciate and engage theory yet nonetheless privilege what they consider to be the objective assessment of scientifically collected data. These tensions have led to a fragmented race scholarship. For example, the claims made by critical race theorists may not be as strong as they otherwise could be since their hesitancy to engage empirical methods and datasets makes it difficult to verify these perspectives as bona fide social phenomenon. At the same time, the social sciences' emphasis on observable and measurable data does not fully attend to the often transparent manner in which racial hierarchy and White racial privilege shape law and

social relations—a process that can only be fully revealed through humanistic endeavors and often escapes capture by empirical measures. I attempt to mitigate this tension by giving further voice to a nascent but blooming project that is at once conceptually oriented by Critical Race Theory while also based upon traditional qualitative research methods.[6] The hope of this intervention is to further establish a new approach to race that blends these two fields to produce race scholarship that is both theoretically sophisticated and methodologically rigorous—an *empirical Critical Race Theory* that at once uses critical race perspectives to deepen the interrogation and analysis of empirical findings while also further substantiating Critical Race Theory's critique and normative aspirations through engaging empirical methods.

Blinded by Sight is somewhat unconventional in its scope and method. Not only do I ask the novel question about blind people's understanding of race and approach it in a unique way, but I pursue this work through a mixture of personal stories, pop culture references, empirical research, doctrinal critiques, sociological references, and other narratives. This may seem odd to some readers but nonetheless reflects my training as a legal scholar and social scientist working at the intersection of several fields to offer new insights that can hopefully make a contribution to both public and scholarly conversations on race. Race scholarship is in a moment of crisis and it will take unconventional tactics to reboot the race conversation in pursuit of racial justice. It is my ultimate goal for this book to not only offer a thoughtful scholarly discussion about a sociological phenomenon with important legal and policy implications, but to also provide a broader intervention into lay understandings of race that is readable and serviceable to a wide audience.

Each chapter begins with a short story or essay that introduces the ideas and concepts discussed in that section. In Chapter 1, I provide an overview of the context from which most race scholarship moves forward—the social construction of race—to situate the gap that can be filled and contributions that can be made by inquiring into blind people's understandings of race. Chapter 2 offers an in-depth discussion of the theoretical contexts and methodological approaches behind this research question in order to provide insight on how I approach empirical research and the theories of race I develop. Here, I propose a *constitutive theory of race* that draws upon yet goes beyond the constructionist focus on how social meanings attach to bodies to offer an understanding of how racial bodies become visually salient in the first place. This chapter also discusses initial findings from the empirical

data showing that blind people have a visual understanding of race. Chapter 3 continues this discussion of the empirical data to sketch out the ways in which blind people not only have visual understandings of race, but that these understandings orient their daily experiences as much as they do for sighted individuals. This suggests that shared social practices rather than any sense of obviousness produces the visual salience of race—a finding that runs counter to lay and scholarly understandings of racial difference. Where Part 1 discusses the data that I collected and research findings, Part 2 discusses their broader social and legal ramifications. Chapter 4 explores their implications for colorblindness—a normative theory of law and public policy that advocates racial nonrecognition in all government decision making that is based, at least in part, on a metaphor premised upon the idea that blindness to color difference leads to equitable outcomes. I use the data from my research to empirically destabilize colorblindness as a metaphor and the problematic reasoning it promotes. Chapter 5 then discusses these findings' implications for legal doctrine—specifically Equal Protection law, whereby its theory of race and remedial approaches revolve around the idea that the salience of race emanates from its visual obviousness. In Chapter 6, I conclude with a broader discussion of this research's significance for lay and scholarly understandings of race, particularly in relation to emerging claims that we have now entered a post-racial era.