

EXPOSING THE INSTITUTIONS THAT MASK US

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I am going to stand in tribute to Professor Montoya and her family and to the *Chicana/o-Latina/o Law Review*, which brings us to this point where we are considering and celebrating Professor Montoya's *Máscaras, Trenzas, Y Greñas: Un/Masking the Self While Un/Braiding Latina Stories and Legal Discourse*,¹ twenty years after its initial publication. Professor Montoya's article is timeless.

I love the title of this panel, which is, *Exposing the Institutions that Mask Us*, because that is exactly what we must do.

Professor Montoya's article, *Máscaras, Trenzas y Greñas*, is what I call "piercing written word" and it is, like I said before, timeless. It is timeless because what she talks about in her piece continues today, continues into the moment that we exist in at this time.

The piece was published in two places. It was published in the *Harvard Women's Law Journal* and in the UCLA *Chicano-Latino Law Review*. Thus in publishing her work in two journals, she recognized that we have audiences and that they differ. I have gained many things from my long acquaintance with Professor Montoya and this is one of them: our written words have specific audiences and our audiences hear multiple things. I think that we have seen this. We see many things in the reflective pieces that we have heard from the panelists and speakers today.

I am presenting from an essay that I have written for the *Harvard Journal of Law and Gender* online journal² in which I answer Professor Montoya's theme of *Máscaras, Trenzas y Greñas*, with three words that represent what the article has meant to me. As an Indigenous person, I recognize that I speak English with an accent and I think that also means I probably speak Spanish with some sort of an accent and I ask that you

¹ Margaret E. Montoya, *Máscaras, Trenzas, y Greñas: Un/Masking the Self While Un/Braiding Latina Stories and Legal Discourse*, 15 CHICANO-LATINO L. REV. 1 (1994). Special thanks to my former student, Joshua D. Schwartz, J.D., UNM School of Law, 2013, for the use of his photography.

² Christine Zuni Cruz, *La Verdad, El Poder, y La Liberación*, HARV. J. L. & GENDER (APR. 2013) (a reflection on Margaret Montoya, *Máscaras, Trenzas, y Greñas: Un/Masking the Self While Un/Braiding Latina Stories and Legal Discourse*, 17 HARV. WOMEN'S L. J. 185 (1994), and 15 CHICANO-LATINO L. REV. 1(1994)), <http://harvardjlg.com/2013/04/la-verdad-el-poder-y-la-liberacion/>.

forgive my Spanish.³ The title of my article is *La Verdad, El Poder y La Liberación*. I like the Spanish tongue, I pay attention to Spanish expression, and to the feminine and masculine assignment of words. I like that truth and liberation in Spanish are feminine. It is interesting to me that power is male. But what I chose to focus on in my essay are three major themes that stood out to me as I re-read Professor Montoya's piece. These three themes are assimilation, narrative, and transculturation. I think we are probably going to have time to address assimilation and narrative. I am not sure I will be able to get to transculturation, except to briefly note something regarding it.⁴

MASKS

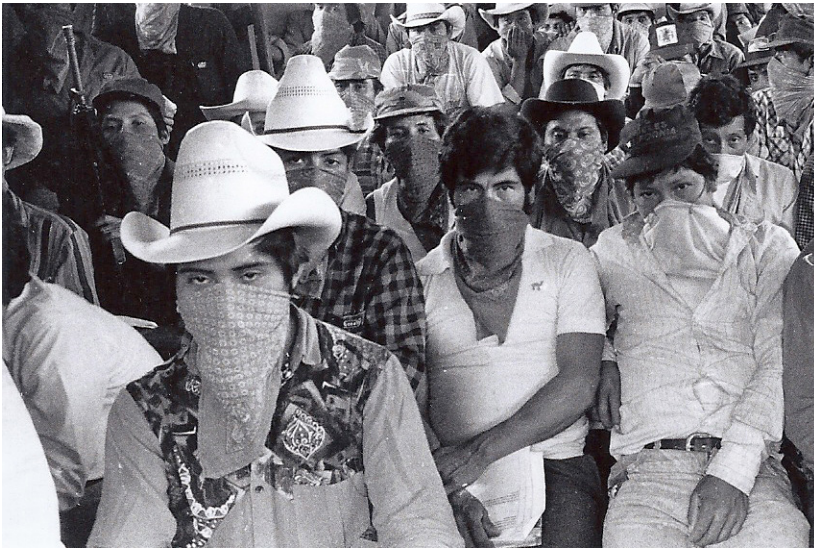
Let me begin with masking. It is a metaphor for the assimilative process and it is a demand of education, at least from my perspective. The mask that assimilative pressure requires for those outside of the dominant frame—the mask that we are required to wear, and the processes and experiences of assimilative masking—affect us. They affect us through this experience of feeling forced to don, and even to desire and to embrace these masks, and to mistrust or to mask the truth of our selves or our difference. Therefore the mask required by educational institutions creates very real challenges to actual intellectual diversity, autonomy, self-determination, and maintenance of identity. It is primarily this ideological sort of masking, which I address, but I would say that almost all masking that academic institutions require, results in the loss of the expression of intellectual diversity, mental sovereignty, and diverse knowledge frames.

I want to talk very briefly about masking from an Indigenous perspective. It is important to me because when I think of masking—when I think of everything—I am coming from that perspective. I come from Pueblo peoples in New Mexico and to us masks have symbolic power. They also have spiritual significance, so I think of two things when I think of masks: I think of masks as symbolizing some sort of power and as having spiritual significance. In modern Indigenous resistance movements, masks also have come to have significance, and in both instances, that is,

³ Upon review of these remarks, Margaret Montoya responded with this, “In her article on Accent Discrimination, Mari Matsuda says something like this—in accents we can hear the echoes of our ancestors. No forgiveness necessary.”

⁴ I did not get to transculturation in this presentation and the reader is referred to Zuni Cruz, *supra* note 2.

in the experience of Pueblo peoples and modern Indigenous resistance movements, the meanings of masks run very deep. For example, for the Zapatistas who wear masks, their masks symbolize autonomy and egalitarianism. They say that they gave up the word or their voices so they could be heard; and by wearing masks they gave up their faces so they could be seen. As one Zapatista said, “With my mask, I am a Zapatista in a struggle for dignity and justice. Without my mask, I am just another damn Indian.”



Representatives from surrounding villages, gathering to discuss the Mexican government's peace proposal. March, 1994, Highlands of Chiapas. ©2014 Joshua D. Schwartz. [All rights reserved.] Used with permission.

We see a complexity regarding the Zapatista mask. By putting masks on, there can be an assumption and seizure of power, but there can also be a critique of power. Because if you consider the multiple representations that are contained in the masks worn by the Zapatistas, one representation is of no face, in the sense of the representation of a faceless global majority which is excluded from decision making; at the same time the mask is the representation of the disguise of the modern state, and the increasingly small global ruling party. So we have an example here of a complex mask, in the sense that it can have more than one meaning. We see that the concept of masking can involve the ceremonial and traditional idea of masks, as well as the use of masking in a more

modern political sense. We see that masks accomplish several things. They can be transformative, they can be representations of another symbolically significant identity, they can obscure identities to protect one's own identity, and they can challenge and they can critique power. Finally they can give face to previous invisibility.



**Major Marcos, Chiapas, Mexico, March 1994. ©2014 Joshua D. Schwartz.
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We can see the same things when we consider masks in educational institutions. The masks can represent assimilation into the dominant knowledge frame, which the educational institutions that we are a part of represent. The mask can also represent the masking of identity that occurs to protect our true identities in these institutions. In academia masks represent the many ways in which the true self, particularly if it is Other, is transformed, cloaked, suppressed, oppressed, or protected, including in the performance of identity, expression, and production of knowledge.

Three questions emerge regarding masks in institutions. What are the masks that we are asked to wear in our academic institutions, and why? Are we being asked to wear masks that hide our differences or otherness? Are these masks intended to subvert diversity or reject the place of diversity, or diverse expression in the institution? Professor Montoya, in her article, timelessly depicts for me a mask of whiteness, representing in part the expectations of conformity to the dominant norm that is represented by whiteness, including English proficiency, as well as the dominant Western frame of knowledge, knowledge reproduction, and manner of cultural and written expression.

As I think about masking and educational institutions the metaphor of masking is directly linked to assimilation. I think of the “mask of

assimilation” because assimilation was the primary task of the American educational system for Native Americans. There is a danger of masking for Indigenous peoples, and that danger lies in the forgetting of the masked self, the tribal self, and the eventual transformation into the mask of whiteness. This act of masking illustrates for me the shifts and the changes that are fundamentally required in a movement from tribal knowledge systems to another knowledge system. It is the Indigenous cultural understanding of masks, and even the modern Indigenous resistance’s use of masking that helps us to understand not only the transformative power of masks, but also the protective power and the symbolism of masks.

When the United States’ enterprise to educate Indigenous peoples began back in the 1800’s, the mantra for that movement was, “Kill the Indian in him and save the man.” This mantra contained the message of what education was intended to do for Indigenous peoples. The intent was that the linguistic, the cognitive, the social, and the cultural knowledge frame that Indigenous peoples adhered to was what was targeted as the “Indian” in need of killing.

The message of masking carries with it an extremely powerful message for me, as someone who went through nineteen years of education to become a lawyer and has spent twenty years of my life with Professor Montoya in the law school at UNM, the legal academic institution. This idea that institutions require you to mask, that there is some “sameness” that is being required with the mask, and that underneath the mask are our true selves; for Indigenous peoples, true selves with a different knowledge frame, with a different mode of expression, with a different manner of expressing oneself, whether it be orally or in writing, is very important to consider. I think that the most important part of the article was that it spoke to me in terms of the truth that I not only recognize, but in terms of the importance of being able to unmask and being able to retain the true self. The use of *trenzas* and messy hair contains a powerful message of performance of identity, where we move from messy hair to *trenzas*, from messy hair to smooth braids. It also speaks of how parts of our identities are required to be covered and assimilated. Through this powerful imagery of masks Professor Montoya un/masks education’s assimilative power.

NARRATIVE

The second aspect of the article, its use of narrative, is another important way that this piece speaks to me. It speaks to me because for Indigenous peoples whose knowledge base is contained in oral word or the oral tradition, this is one of the places where we find our law. We find our law in narratives. So to dismiss narrative, for Indigenous peoples who consider narratives to contain law, is a disempowering and dominant cultural reproduction of the concept of “law.” When I read the narratives in *Máscaras* and could feel the power of the personal narrative in the article, I related it not only to the personal narrative—the power of personal narrative—but also to the power of collective narrative, and contrasted that with the common law legal tradition, which normalizes this idea of partial narrative and has lost its experience with the chthonic legal tradition and with whole narrative containing law.

Reflecting on the effectuality of narrative in *Máscaras* was very helpful to me—to see the unmasking of the law that has been required for my work in the legal institution. In studying the Indigenous legal tradition there is a need to break away from the dominant frame in thinking about the law, and to recognize the diversity in law and legal traditions. There is a need to break away from the “mask of sameness” imposed on the law. My true self (under the mask of American legal education) is embedded in a different experience of law, which is an experience of law contained in narrative and other unwritten texts. I found there to be a connection, between personal narrative and collective narrative and to the work that I have been doing with the Indigenous legal tradition. The Indigenous legal tradition is contained in many unwritten texts not typically associated with the law—such as the land itself, and in what I am identifying as a collective narrative text. I was able to see an even greater influence that the article had on my appreciation of the significance of narrative. There is a connection between respecting narrative and my own ability to unmask the law and to grasp the importance of collective narrative to the Indigenous legal tradition.

Let me explain very briefly this linkage between personal narrative and collective narrative. The Indigenous knowledge system is grounded in specific ecological orders. There is very specific ecological knowledge that is derived from specific locations. This specific knowledge of an ecological order is understood to be connected to the surrounding regional ecosystems, and then to a larger global ecosystem, and then to the

cosmic. There is a connection from local, to regional, from regional to global, and from global to the cosmic.

In this respect, personal narrative represents the local, and the local personal narrative then is connected and governed by the collective narrative, and this larger narrative through which the Indigenous legal tradition is transmitted is connected to the spiritual—this is how collective narrative contains law. Because of the critical importance of the narrative, spoken oral words are greatly valued, and narrative emerges as a vessel containing understanding and knowledge in the Indigenous legal tradition. Knowledge is contained in collective narratives. The local, the personal stories become necessary sites of resistance as they are connected to that all-important, collective narrative.

The recognition of the importance of narrative in the *Máscaras* piece is what contributes to its timelessness. In concluding, I want to speak further of the timelessness of the piece. The timelessness is connected to the continuing struggle that exists within these institutions that we are in. I want to speak to this idea of writing and speaking using metaphor—I mean employing masks as metaphors for assimilation and “unmasking” as metaphor for retaining the strength and the resilience of the true self—as representing a manner of speaking poetically, of speaking politically. Maybe this poetic/political speech is so critical because, for some of us, that is the kind of speech that speaks truth. I think that it is compelling speech and profound written word.

The article also links to anti-subordination work, the type of work—the type of writing—that is necessary for those of us engaged in ending subordination of others and ourselves. Professor Montoya and I have been engaged for many years in what we call guerilla scholarship. In this guerrilla scholarship that we do, we braid narratives together. And this narrative braid twists and pulls and wraps around our racialized experiences—mine as a Pueblo Indigenous woman and hers, as a *Chicana* from New Mexico. Given the tensions that exist between the two, Native peoples and the Other peoples in New Mexico, many issues lie deep below the surface of our narrative, including the tension in these separate identities, the historical oppositional history and relationships, and competing allegiances that are based on our identities. We have discussed tensions that are linked to aspects of our performance that require race traitor analysis and expositions. We use extensive personal narratives, and we are hyper-conscientious of race and color. Perhaps

most obviously we depart from traditional legal discourse, certainly from traditional legal scholarship, and use narrative to analyze law in order to provide the person the ability to analyze their common everyday lived reality from a critically conscious lens.



**SubCommandante Marcos, March 1994, Chiapas, Mexico. ©2014 Joshua D. Schwartz.
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And so in this work that we continue to develop, we have found that in the poetic/political speak of Subcommandante Marcos, “words are truly weapons,” and narratives, as personal words describing our personal lives, are keys—certainly for myself and I hope for others—to doors that open to liberate people in terms of their thinking as well as their expression. I am truly grateful for the time to reflect on the work of Professor Montoya in the *Máscaras* article and for the work of CLLR that focused our attention on the importance of this piece. I thank you for the time.

Kor’hem.