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Associate Professor Estelle Law

PHOTO BY JOHN HICKLEY
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Estelle Lau’s Research Looks at How Society Defines the Individual

Who are you?
That basic question is trickier than it looks.
It is one that Estelle Lau, who joins the UB Law School faculty this academic year, has spent years thinking and writing about.

Lau’s research interests lie at the intersection of sociology and law. She concentrates on the various ways identity is negotiated between the individual and the larger society. In cultures throughout history and continuing today, she says, who we are is an open question — one arrived at in the uneasy give-and-take between the person and the society. “When the government acts,” for example, “it influences who we are and how we define ourselves,” she says.

Take, for example, one society at one point in history: Venezuela from the 1780s to about 1805. It is a period Lau researched at Harvard Law School, where she earned the J.D. degree in 1992. (She is now completing thesis work for her Ph.D. in sociology from the University of Chicago.)

Reading through archival materials in Spanish from that period in Venezuela’s history, Lau found an extensive system of racial classification “eight or nine levels of blackness or whiteness.” One’s race, as it was defined by the government, determined whether one was allowed to own land, what kind of job one could hold, even the kind of clothing one could wear and the social status one enjoyed.

Even after the birth certificate marked one’s race for life, individuals could and did buy their way out of their given category into another. For example, because only “whites” were permitted to attend medical school, a person decreed “black” would seek to purchase a “white” identity in order to become a doctor.

Rights and entitlements were not only associated with race but extended to gender. Accordingly, some women sought to purchase a male identity in order to gain the right to own land, a privilege reserved for men.

A more recent example of malleable identity comes from the experience of the Chinese immigrants to the United States in the early and middle parts of the 20th century. Lau, whose own parents emigrated here from China in the 1960s, has studied the phenomenon of “paper families” as part of her doctoral work, plowing through Immigration and Naturalization Service records in San Francisco.

It’s not a pretty picture. From the turn of the century to 1946, the U.S. government imposed a ban on immigration from China. From 1946 through the 1970s, there was a limit of only 1,500 Chinese immigrants yearly. But there were exceptions: Chinese were allowed in if they could show they were the child of a U.S. citizen.

From this loophole arose a whole series of transactions in which Chinese nationals bought and sold their family names and the pretense that they were related to a U.S. citizen.

The INS soon caught on to this “paper family” subterfuge, and began questioning — “interrogating” may be a better word — the would-be immigrants who arrived in California. The government asked the new arrivals:

How did you wear your hair when you were 7 years old? How many windows were in your home? How many panes of glass were in each window? These answers were then compared with those of their putative families in America. That most people, immigrants or not, could not answer such questions did not concern the government.

Nonetheless, enterprising Chinese sold “crib sheets” listing common INS questions and good responses to them.

The cat-and-mouse game had the effect of turning kinship topsy-turvy. “Chinese immigrants changed who they were in order to meet the INS standards,” Lau says. “People lost their ties to their real family names in an effort to maintain these fictions. Over a period of time, it became easier to forget your real history. And now you get a Chinese community which is still feeling the effects of these decisions.

“We believe that certain things are just fundamental to the way we are — our race, our gender, our family. But the truth is that many Chinese who emigrated in that time don’t know their family history. That is something that most of us take for granted.”

Lau has seen a lot of the world:
She grew up in Fresno, Calif., and then Massachusetts, and along the way she lived for a time in Barcelona and Saudi Arabia. Her undergraduate work was done at Wellesley College, where she had a double major in philosophy and sociology. Lau comes to UB Law from UCLA School of Law, where she was a research associate.

In Buffalo, she says, she will teach immigration law, sociology of law, and race and racism in the law.