

## A Touch of Class, with Layers of Race and a Sprinkling of Gender

First, the good news: President Barack Obama nominated Judge Sonia Sotomayor as the next Justice of the US Supreme Court (by the time this appears in print, Judge Sotomayor will presumably have been approved and is now sitting on the US Supreme Court). A native of the Bronx, New York and the child of Puerto Rican parents she was the first non-white woman to be so designated. Clearly, this nominee represents the same sorts of possibilities of a post-racial America embodied in the successful campaign of President Obama himself. It seemingly offers us a glimpse into the new world order in a multi-cultural nation run by people who will soon represent the 'majority' in this country (that is, whites will no longer be the majority category on official statistics). She is, like Obama, well educated, the product of the best elite academic institutions of this country, having achieved that accomplishment through natural intelligence, hard work, and overcoming the prejudices of the time. Her judicial record is squarely in the mainstream of the judicial rulings of the day. It would seem obvious that her nomination should be beyond reproach, her confirmation a foregone conclusion.

But if we ever needed a lesson in the core social make-up of and basic racism defining our nation, this nomination is a case in point. Sonia Sotomayor represents the so-called American Dream of opportunities for all, and yet she also has come to either represent or embody all that is problematic in this country. To begin with we must not lose track of the class nature of our society – the ranks of the ruling class still come from among the elite institutions, and only on occasion are those ranks populated by students from traditionally disenfranchised groups. Obama is the product of Columbia and Harvard, Sotomayor is a product of Princeton and Yale. It would seem, even while reaching out to include previously underrepresented members of our society, for the ruling elites (whether by elders in the Democratic Party nominating potential candidates to national office or legal advisors to the President looking to fill key positions in government) diversity seems to have a narrow interpretation – choosing graduates from among more elite institutions. Whether at the highest ranks of government or industry, those in high positions are part of the same small club. Yes, Obama and Sotomayor are remarkable people with truly uplifting personal histories – the great American story once more told that poor people can pull themselves up from poverty and overcome challenging life histories by the dint of their hard work and determination. It is the story of the

youngster who starts at the bottom and rises up to be the CEO of a major company; but theirs is the shining example of success that in reality masks the more general tale of structural limitations and unfulfilled promise if you are not born with the correct gender and race, and into the right class. After all, how does one pull oneself up by one's bootstraps if one does not have any boots!

In the models of achievement presented by Obama and now Sotomayor poor non-white children can once again dream about overcoming every obstacle and acquiring the trapping of class position through the associations and relationships acquired at elite institutions. It is a good dream. But it remains a dream notwithstanding. There is an oft repeated truism that a poor black child growing up in the worst of our inner cities has a better chance of becoming a neurosurgeon than they do of becoming a highly paid professional athlete. Statistically that may be true, but it ignores the fact that at least the inner city poor child has a chance at developing skills on the playing field that may provide them with entree into professional sports. The same will never be said about an aspirant wishing to go into medicine or law or other elite professions but saddled with the deplorable education of a bankrupt inner city school system.

I do not wish to minimize what both have accomplished in their lives and indeed for this country both Obama and Sotomayor represent an achievement (even with their elite education) of the highest order. During the election campaign and after his inauguration Obama was still the target of racially motivated comments and criticisms. Recently the comedienne Wanda Sykes jokingly pointed out that Obama was half-white if he succeeds, but half-black if he fails! This is humorous because sadly it is true. Race remains at the heart of our political and social lives. Consider the 'magic Negro' (<http://www.youtube.com/watch?v=NfxVkJhlu5s>), a song written during the election and happily played on Rush Limbaugh's radio show. Or the photo of watermelon on the White House lawn, depicting what would happen if Obama was elected ([http://www.huffingtonpost.com/2009/02/25/white-house-watermelon-em\\_n\\_169933.html](http://www.huffingtonpost.com/2009/02/25/white-house-watermelon-em_n_169933.html)). These are just some of the comments made about Obama, but they are surprising because they are more blatant and explicit than one might imagine after 50 years of civil rights (it must be noted that much of the past decade has witnessed the unraveling of many of those gains on the grounds that we no longer need 'special' protection for minorities), clearly pandering to the core racism that permeates our society. Normally these comments are more subtle, almost as if there is no racism (we will come back to that point in a moment) as Bonilla-Silva points out when he tell us usually we experience 'talking about race in a world that insists race does not matter rather than a tool of color blindness' (2002: 62). It is color blind racism, as he calls it, which is normally represented by slippery and ambivalent language of post-civil rights non-racialism in this country.

This brings us back to the case of Judge Sotomayor and her confirmation hearings by the US Senate. Intended to be an assessment of her judicial record, this hearing was in reality a drama informed by race and gender. Questions about her behavior on the bench and her comments made off the bench became more of a scolding of the judge, in a tone only CNN analyst Jeff Toobin noted would never have been used if the nominee was a man. At one point Sotomayor was asked to defend herself against anonymous comments by

lawyers criticizing the judge for the way she handled herself on the bench. Had the same pronouncements or cautions to lawyers been made by a male judge, these comments would have been viewed as reflecting a commanding and assured jurist in control of his courtroom. Instead, she was asked why she was shrill and rude to lawyers appearing in her court. To her credit Sotomayor deflected and refused to engage in the questioning, but it nonetheless reflected the continued gender biases operating in our society.

But the real story emerging from these hearings is the overt racism in the guise of objective inquiry that characterized the questions posed to Judge Sotomayor. The US Senate and Supreme Court are institutions that have been, for almost their entire history, a club of mostly males and whites from privileged backgrounds and as such have developed the 'white habitus' (as defined by Bonilla-Silva et al. 2006) that psychologically limits their ability to establish a connection with non-whites. Senator Tom Coburn (Rep-Oklahoma) channeled the TV caricature of Ricky Ricardo rather than the bilingual media mogul and actor Desi Arnaz when he told Judge Sotomayor, 'You'll have lots of 'splainin' to do', in response to her answer to one of his questions. Senator Lindsey Graham (Rep-South Carolina) spent most of his time asking her to explain what she meant when she referred to the judgment of a wise Latina, and asking her to explain why that comment was not a racist statement (early comments of unelected Republican commentators, like former Speaker Newt Gingrich and Rush Limbaugh, labeled Sotomayor a racist even before the hearings began). Indeed, rather than addressing the legitimate concerns about the underlying structure of racism, they turned this into a case of reverse discrimination. Bonilla-Silva points out that in the face of racism whites may 'acknowledge its occurrence ... and proceed to blame minorities for playing the "race card"' (2006: 209) when pointing out the racist nature of white society.

One can only imagine how Sotomayor felt about this line of inquiry (she wisely refrained from engaging). Mary Romero gives some insight, albeit in a different context, when she points out '(m)icro-aggressions are racial affronts on a personal level' (2006: 453) when a Latina (in her case, Mexican-American) is challenged to prove her citizenship simply because she is a Latina. Sotomayor's comments were made while expressing her pride (as a Latina woman), and encouraging young Latinas to do the same and to aim high, yet she has to demonstrate that she is not motivated by racism merely because she is a Latina talking to other Latinas. At the end of the day, Sotomayor will have been confirmed by the Senate and will become a Justice of the Supreme Court. But the underlying dimensions of racial oppression – whether it is overt or covert – remain for people of color (even describing people who are non-whites in this way, as noted by some of the authors in this issue, is rooted in racist discourse).

The articles in this issue of the journal delve into the ongoing analysis of the domination and oppression of racism. As the confirmation hearings for Judge Sotomayor demonstrate, this is a topic that still sits front and center in our society. The recent arrest in Cambridge, Massachusetts of Henry Louis Gates, a Harvard professor, for apparently breaking into his own Harvard owned house (the formal charge was disorderly behavior in the face of police questioning, immediately dropped) shows that it is not a class issue (Gates is the director of Harvard's W.E.B. Du Bois Institute for African and African American Research, and

arguably the nation's most recognized and lauded black scholar). There is an underlying pattern of harassment and suspicion permeating the normal experience of all non-whites especially when confronted by our forces of social control, whether you are a senior jurist, a prominent scholar, or just someone browsing in a store anywhere in the country. Clearly 'driving while black' is well documented (Bates and Fasenfest, 2005) and there are ample anecdotal accounts of other forms of vigilance or harassment in the normal course of one's everyday activities if one is not white. Commentators on this recent incident somewhat ironically point out that perhaps now we can add 'housing while black' as another form of criminalization of this profiled community.

Jared Sexton's introductory essay ably outlines both the parameters of the special issue and the contribution of each of the authors. These accounts are about both the agency of individuals and the social structures that contribute to and define racial oppression. We are often told that our society is now becoming a post-racial society – and indeed the younger generation today (at least in response to surveys) seem both more tolerant of others and less patient with the old rituals of racism. Perhaps Obama represents the new wave of our emerging multi-cultural multi-racial society. But we should not forget that the foundation of that new building still is largely shaped by 200 years of racism, slavery and oppression. New forms of slavery around the world are constantly revealed (of child soldiers, of poor women forced into prostitution, of child labor) reminding us humans have not changed as much as we like to believe. We are seeing racist behavior rooted in religious or cultural differences by both individuals and governments. At times this is represented simply through the nature of personal interactions, at times through the passing of formal laws targeting groups in society, and at other times it results in genocide. The articles in this issue go a long way toward refocusing our attention on an old problem.

## References

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