

Decoding the Sonia S. Hearings

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The confirmation hearings of Sonia S. were orchestrated as political gamesmanship. Everyone watching was expected to accept the evasive and coded language. Senators of the judiciary committee kept speaking as though race is Black or Brown or Latina, but never white. They challenged Sotomayor on her views about race and most often kept her gender, all together irrelevant and silent. Maybe the issue of gender is too tied to whiteness for them; as though gender is about white women, and therefore had no “standing” in this instance.

The Senate judiciary hearings were not really meant to be about Sonia Sotomayor the person, or the judge. As a consequence the proceedings revealed more about how some white men remain racially ignorant and arrogant than about what Sonia S. thinks about the major issues of these times. These Senators assume their privileged site of (white) power is “objective”, rational, and not empathetically compromised. They posture and presume that law demands rationality and fairness and that means that a “Latina woman” is compromised if she embraces this heritage and identity. Sonia S. is asked to promise to act like white men, supposedly act. And, Sonia S. quietly gave a nod in this direction.

I loved the controversial statement by Sotomayor: that a “Latina woman” will make better decisions, have more nuanced and complex consciousness, than a white man. Similar to most “rational” people, I knew she probably did not mean “better”, but rather a more “complex” more “inclusive” vision. She repeatedly said that she did not mean that this “Latina-woman’s” stance was automatic, or inherent, but was a probability. I thought it was great that she had said all this. Yet, these white men would not let such a statement stand.

I was disappointed to hear Sonia S. backtrack from this important position and apologize for her words in the last day of the hearings. She said she did not mean what people were saying she meant. She said she meant to insult no one by her words, and apologized for doing so. She said that her phrasing was “rhetorical flourish” that she now regrets. She said that she had used these words while addressing girls and women, many of whom were Latina, to inspire them.

I wish Sonia S. had tried to inspire the rest of the country and stood by her statement and then explained her meaning more fully. I wish she had braved the moment and clarified her thinking about power and its relationship to knowledge. I wish she had said that from the site of power, one sees less because most powerful people do not look

to see from other vantages than their own. In contrast, less powerful people have to look beyond themselves because they *must* know what those more powerful than them expect/demand from them.

One must look from more vantage points the less power one has, because success and/or survival depend on this. One must know what the people with more power want so one can try to do what is expected. There is a connection between power and knowledge: the less power you have, the more knowledge you must discover and use. So a “Latina woman” is usually ahead of the white man when it comes to seeing and understanding a set of “facts”. She has had to learn how to see and know more to just get by, or to succeed.

The Senate hearings were a disappointment and troubling and not just because we did not learn enough about Sonia S.’s legal thought. They were troubling because they authorized a discourse of white male racial privilege in code: rationality and objectivity must be chosen over empathy and compassion, which are too womanly, and not lawyerlike enough. White racial and male privilege parade alongside each other here.

Sonia S.’s statement about a “Latina woman” does not deny the importance of neutrality and objectivity but rather makes clear that neither are achievable without first recognizing how individual experience and identity are present. If one is to achieve justice one first must expose her own biases. Silenced identities that are hidden are the ones that are dangerous; revealed and spoken identities can be held accountable.

Supposedly, in order to be considered worthy of the Court one must represent the mainstream, which is code for status quo. But justices should not be of the mainstream. They instead should be constantly examining and critiquing, especially that which is understood as established and acceptable. This is not judicial activism, or radicalism, or prejudice, but rather intellectual and ethical curiosity. And all kinds of people, from outside the racial, gender, class, mainstream, are needed.

Sonia S. was said to be racist; while white men are assumed to be neutral. Before the hearings right wing talk show hosts called her a bigot and racist. According to Rush Limbaugh Sonia S. hates white men. Look at what she did to the white New Haven firefighters? She judged that a test they took was unfair to Blacks and therefore an inappropriate part of the vetting process.

Sonia S. will inevitably be confirmed as the next justice to the Supreme Court. It would be so much more pleasing that she became the next justice without having to deny her specific contribution as a Latina woman. This would herald an embrace of a diversity that does not hide from the richness of our differences, nor silence the gender and racial privilege that protects an exclusionary mainstream.