

Introduction

On Being Brown in the Democratic Commons

When a young person, even a gifted one, grows up without proximate living examples of what she may aspire to become—whether lawyer, scientist, artist or leader in any realm—her goal remains abstract. . . . A role model in the flesh provides more than inspiration; his or her very existence is confirmation of possibilities one may have every reason to doubt, saying, “Yes, someone like me can do this.”

Sonia Sotomayor¹

Sonia Sotomayor’s nomination and eventual confirmation to the Supreme Court proved to be momentous for the country and of profound cultural and historical significance to Latinos.² This is because Latinos—peoples of Latin American origin or ancestry living in the United States—have the distinction of being both the nation’s largest minority, at over 57.5 million strong, and the most disenfranchised from American institutions and circuits of political power.³ Not surprisingly, Sotomayor’s story of accomplishment and her eventual rise to the pinnacle of American public life seemed to herald an important transformation that augured well

for the legitimation and incorporation of Latinos into the fiber of American civic institutions. Supreme Court confirmations have traditionally served as bellwethers of either significant cultural change or the static perpetuation of the political status quo for the nation. Just as Justices Louis Brandeis (1856–1941), Thurgood Marshall (1908–93), and Sandra Day O’Connor (1930–) marked and signaled the greater acceptance of Jewish Americans, African Americans, and women into the country’s circuits of power through their incorporation into one of its foundational institutions, Sotomayor’s confirmation on August 6, 2009, represented the fulfillment of a promise of equality of access to opportunity that underwrites the American dream. Astonishingly, and for the first time in the history of the country, Latinos had proof that despite their over five-hundred-year presence in what is now the United States,⁴ they were at last part of the nation’s official cultural history with a representative Latina who had a seat at the table on the Supreme Court. Sotomayor’s entry into the hallowed halls of justice ultimately represented what by most accounts was a massive blow to a history of Latino disenfranchisement from the existing political and racial order, and—not inconsequentially—it signaled an important shift in the way the national culture understands the country’s largest minority. In the process, Sotomayor has become “a role model in the flesh,” or what I am here calling “a representative Latina.”⁵ Yet given the profound changes occasioned by the demographic reality of a new Latino “majority minority” to the nation’s founding traditions, cultural history, common language, institutions, and national character, can Sotomayor’s story inspire hope for Latinos and other disenfranchised communities, as well as quell the fears of a majority culture ill equipped to understand its largest majority-minority group?

This book considers Sotomayor's life story to be revelatory and central to understanding what I am here provocatively calling "the Latino question": What is the country to do with its most disenfranchised and misunderstood "majority minority"? And, conversely, what are Latinos to do about their disenfranchisement from American civic life? *Being Brown: Sonia Sotomayor and the Latino Question* tells the story of Sotomayor's formidable rise from poverty and her journey to the Supreme Court as an opportunity to reflect on the complexity of the country's relationship to Latinos at a moment of profound demographic, economic, social, and political upheaval. It is not a conventional biography in that it asks us to consider how Sotomayor's life story can be read in relation to the Latino question at a critical moment of both opportunity and guarded apprehension for Latinos, as well as for the country. *Being Brown* is fundamentally shaped by my interest in understanding what Sotomayor's improbable rise from poverty can tell us about our country's relationship to Latinos and their cultural history, and what we stand to gain or lose by understanding her spectacular story of ascent as a representative Latina for the nation. The need to understand the current historical moment of heretofore unthinkable "blood and soil" Nazism, of blatant racism at the highest levels of government against Latinos, and of politically disenfranchised cultural others, along with media-induced "alternative realities," makes a historical accounting all the more necessary. As we shall see, if in the process I am critical of the use value of Sotomayor's uplifting story and its representativeness to the broader Latino question, I do so only because the evidence I interpret herein requires critical distance from the overwhelming and uncritical adulation that her narrative has received.

In *Being Brown*, I contend that we ultimately perform a disservice to democracy, and its attendant promise of equality of access

and egalitarian inclusion for all, when we allow biographies of uplift, however compelling, necessary, and alluring they may be, to substitute for the political work of inclusion that democratic practice and civic responsibility demand. I also contend that celebrating a public figure's attributes as a representative of group identity too often runs the risk of actually leaving in place the very forms exclusion that such symbolic representation seeks to remedy. In the process, *Being Brown* also tells the story of what we stand to lose as a country if we continue to sleepwalk through history by allowing stories of inclusion and social mobility to sedate us to the lived realities and the daunting collective work that democratic inclusion truly demands at this pressing historical juncture characterized by crisis and media spectacles. Imagining just what that daunting collective work of liberation might look like, and moving toward its enactment, may require that we lose Sonia Sotomayor. Not the person, of course, or—as we shall see—the exceptional life story that has already helped inspire such a task, but the exhausted recourse to an exemplary biography that promises inclusion but paradoxically erases the necessary historical accounting that might make such inclusion possible. That accounting requires that we eschew the ever-seductive but always elusive embrace of symbolic inclusion in order to imaginatively instantiate democracy's ever-regenerative promise of social equity and equality of access. Doing so requires an understanding of “being Brown” as both a state of being and a relational identity within the state of U.S. political culture.

BEING BROWN

I am interested in a mode of affective particularity that I am describing as brownness, and this focus leads me to the project of describing particular

performances of brown feelings that produce knowledge about singularities and pluralities that do not conform to anticipatable notions of reason.

José Esteban Muñoz⁶

José Esteban Muñoz (1967–2013) described “brownness” as a *being* in the world marked by epistemological invisibility. Muñoz’s project was decidedly philosophical in its attempt to make visible how certain forms of *being* and *knowing* by cultural others are erased when those ways of being and knowing are marked as “unreasonable.” His work called for a rethinking of “philosophical universalism” and its insistence on a universal ethic that applies to all people regardless of racial, sexual, cultural, gendered, or other human differences. Accounting for how certain ways of being and knowing fall outside the strictures of philosophical universalism required generative framing questions. What types of knowing and being are excluded from analytical engagement and meaningful world making? What ways of being in the world are erased when we presume certain forms of knowledge to be unworthy of philosophical interrogation and investigation? Muñoz called this process of unlearning philosophical universalism “thinking otherwise,” and phenomenology provided an entry point for understanding the “Brown democratic commons” as a space for participation unhampered by normative forms of legal and epistemic violence that delimit and demean “other” ways of being in the world. Muñoz explained his purpose plaintively in an early essay in which he intended “to enable a project that imagines a position or narrative of being and becoming that can resist the pull of identitarian models of relationality.”⁷ His engagement with continental philosophy was nothing short of daunting insofar as it required breaking universalism’s “ecumenical standard”—a universalizing standard or measure

that ignores ethnic, racial, or other differences—in order to imagine ways of being and knowing that would allow people to understand how epistemic or state-sanctioned violence differently affects cultural others.

Universalists consider identity politics counter to reasonable philosophical inquiry because “identitarians”—those who stress their social situatedness as “Latinx,” “African American,” “queer,” and so on, beyond their common humanity—are purportedly too beholden to their social estrangement to the detriment of their participation in the broader democratic commons. While there is much to learn from analytically distancing ourselves from our social situatedness, such a universalist response to difference runs the risk of assuming that we all have equal access to social agency, irrespective of our differences. Universalists seem to forget that while, for example, getting hit over the head with a baseball bat hurts everyone similarly, regardless of whether you are a white man or an African American teenager, it is the bodies of Black and Brown cultural others who bear the brutal brunt of such violence. The literal and epistemic violence against cultural others manifests itself in the unequal application of the law, which belies the purported “equal treatment under the law” that universalists presume *a priori*. That the Black Lives Matter movement has endeavored so assiduously to make this commonplace visible should reveal the ecumenical standard for the fiction that it is.⁸ That is to say, a universalist call for an “ecumenical standard” across differences erases the very violence and the necessary accounting that would make “equality for all” meaningful in the democratic commons. The democratic commons, that space of messy self-governance in the unruly town square, is under assault, and such a value-neutral position in the face of unparalleled racism, ethnonationalism, and xenophobia should be considered ethically untenable and met with resistance. Muñoz

walked that fine line between materialism and idealism in order to instantiate in the world a *being* that is responsive to differences but not beholden to them, thereby mapping the exigencies of what in the future might be a democratic commons inflected with “a sense of brown.”

The book Muñoz was completing before his untimely death, *Sense of Brown*, would have undoubtedly provided a theoretical anchor to *Being Brown*.⁹ While Muñoz was concerned with finding a phenomenological way out of this “identitarian” impasse, my purpose here is far more modest. In grounding my project in materially related relations of cause and effect, I situate “brownness” vis-à-vis the Latino question. I do this for two principal reasons: first, to demand an accounting that would render the Latino body legible within the national body politic and, second, to foreground a conversation about how fortifying the democratic commons necessarily requires Latino political emergence and participation. In this project, I propose that being Brown should be understood primarily, though certainly not exclusively, as a relation to the state, something that would have been too myopic for Muñoz’s expansive philosophical enterprise. I do so because unless we make the Brown commons visible, and the state responsible for responding to the exigencies that the Latino question requires, we will continually run the risk of social invisibility and continued political disenfranchisement. *Being Brown* therefore insists on foregrounding the discourses of law, media studies, and cultural representation as the most propitious lenses through which to understand the dynamics of being Brown in the United States at this historical juncture. It is therefore in this spirit of visibility and accountability that *Being Brown* seeks to provide an archive of minoritarian resistance, as well as a potential method for creative world making in the face of historical

erasures, through a shared vocabulary of facts that takes the Latino question to task. Latino agency is and has been central to the democratic commons, and this book is another example of Brown agency as democratic *doing*.

ENGAGING THE LATINO QUESTION

Opening with this introduction and closing with a coda, *Being Brown* is divided into two parts. A separate and accompanying web page archives images and resources, and expands the utility and purpose of the book to readers (<https://www.lazarolima.com/being-brown.html>). In the chapters that follow, I provide a combination of historical context for Sotomayor's life story and critical analysis of the processes through which she has become the most visible representative Latino figure in the nation, as well as the costs that such a representative character enacts on the American body politic when the use value of a media image substitutes the work of historical and political accounting that our moment demands and her significant life story requires. This is particularly urgent when we consider not only that Latinos have been historically disenfranchised from American civic institutions but also that they are currently the most discriminated-against national minority, even to the point of being considered "racially" inferior in "respectable" public discourse. Even though Latinos do not constitute a "race," since they can comprise a gamut of racial and ethnic configurations, and even though race is a specious category devoid of analytical validity, pundits have gone so far as to suggest that Latinos are a national imposition *because* they are genetically inferior. If this seems like an exaggeration, the following chapters will both document and illustrate otherwise by foregrounding the exigencies of the Latino question.

Part I, “A Latina for the Nation,” analyzes Sotomayor’s story of success in the context of rising anti-Latino sentiment and the neoliberal gutting of education. Chapter 1 traces how anti-Latino sentiment emerged before and during Sotomayor’s ascent to the Supreme Court, as well as how “science” is being weaponized against the Latino body politic. The chapter also engages the legacy of the civil rights era and how a little-known Supreme Court case, *Hernández v. Texas* (1954), extended Fourteenth Amendment protections to Latinos, as well as how the histories of Latino jurisprudence might help bring us closer to democratic enfranchisement. In chapter 2, the “American dream” is analyzed in relation to the stories of social mobility through education that make it more implausible than ever after the gutting of public education. As the critic Tavia Nyong’o has reminded us, the American dream is a Janus-faced trope “that demands that the U.S. remain the object of the other’s desire,” and this chapter elaborates that which the American dream narrative obviates through violent erasures.¹⁰

Part II, “Losing Sonia Sotomayor,” frames how the end of expertise and the rise of “alternative facts” threaten democratic practice by evacuating history from the national consciousness. Chapter 3 puts into dialogue the spectacular versions of Sotomayor’s story of success and how various constituencies used that story to wildly different ends. The chapter further explains how historically driven relations of cause and effect have given way to the rise of “alternative facts” in the current “bread and circuses” regime of the day. Chapter 4 brings into focus the story of Sotomayor’s parents’ migration within the broader history of U.S.–Puerto Rican relations and the legacies of American empire building in the Caribbean. It provides the necessary groundwork for understanding how the Puerto Rican diaspora in the United

States still remains regrettably underanalyzed yet key to understanding whether Sotomayor's life story is in fact representative of the various national Latino communities that she is made to represent. The chapter also necessarily engages the question of debt and indebtedness in a political moment of austerity and profound economic transformations. Neoliberal austerity, the reigning economic paradigm, posits that spending less, refusing to forgive debt, and shrinking government is the solution to a persistent economic crisis; it here serves as a useful analogue to Sotomayor's story of indebtedness to familial sacrifice and the broader largesse of the nation she credits with her success.

DEMOCRACY'S HEIRS

Being Brown ultimately underscores and puts into dialogue key events from Sotomayor's biography and their relationship to significant debates in U.S. cultural history about the nature of Latino belonging, Latin American immigration and migration, the politics of civic participation for racialized minorities, and the virtually unknown history of U.S.–Puerto Rico relations in public culture. Sotomayor stands among the most recognizable Latino figures in the nation, and she has already received considerable notoriety for broadening the discussion about the Latino question. But as a representative Latina, she has also been the subject of timeworn “Latin” stereotypes in the media about the nature of legality and national belonging, as well as newer, more complex mythologies. The latter attempt to divorce her public success from the necessary personal, sexual, historical, and affective life that should be integrated into the broader public story about this remarkable human being who identifies as a Latina.

The separation of the personal from the public, the sensual from the political, is insidious in its ability to trap important stories into an impossible Manichean duality of either a “good” or “bad” ethnic subject, a duality that delimits agency for both the real person and those who stand to learn from her.

Given the complexity of Sotomayor’s story, its relevance and valence to various constituencies, I have made an effort to draw on a variety of materials that include archival sources, newspapers, television reports, talk radio, oral interviews, speeches, correspondence, and digital and social media. The versions of Sotomayor’s Latina life story that circulate in and through mass media, in respected outlets as well as the less regulated terrain of Twitter and the blogosphere, ultimately help construct and produce knowledge—wittingly or not, disinterestedly or not—about the nature of belonging, and they shape the national discussion on who should matter, and who should not, within the broader national body politic. Indeed, at no other time in history have digital media played such an important role in the creation of a representative Latina for the nation who can move so effortlessly across generational, economic, racial, class, linguistic, and gendered registers. Focusing on diverse media also allows us to investigate how new forms of technology also produce new kinds of political spaces and subjects, as well as how the internet both conditions and delimits these social spaces of emergence and contestation, while paradoxically creating and speeding this process. The arrival of these new technologies that circulate knowledge with unimaginable speed, and without accountability, have fundamentally altered our ability to parse truth from fiction, and Sotomayor’s arrival on the national scene coincides with this phenomenon broadly known as “deepfake.”

The term *deepfake*, combined from *deep learning* and *fake news*, refers to technologies that emerged from a 2018 desktop application called FakeApp, which allows users to share videos with faces swapped. After the 2016 election, when the presidency of the world's most powerful nation was purported to have been undermined by Russian interference, it becomes ever more necessary to understand and name phenomena that can alter perception and political culture in ways that were previously unimaginable and that are antithetical to democratic practice.

It is in this context that it becomes particularly important at this historical moment to be explicit about the limits of inclusion and education as the means through which to achieve social mobility when the systemic and ideological structures that purportedly establish equality of access have frustrated rather than facilitated upward mobility and political enfranchisement. Ultimately, the goal of the book is to understand Sotomayor's rise in prominence in order to engage in a broader national conversation, with respect and clarity, for the complexities that the Latino question raises in relation to her role as a representative Latina for the nation. As Latinos and as Americans, we should honor and recognize how exemplary stories such as Sotomayor's can give us the courage to imagine and even invent more equitable and democratic futures, provided we learn to distinguish between inclusion's ever-elusive and perennially deferred embrace and the actual instantiation and political enactment of lived equality of access, which is required for the flourishing of robust democratic practice through *doing*. I contend in what follows that only then can we, as democracy's aspirants, become democracy's heirs. *Being Brown* constitutes an attempt at deciphering what is still a larger and misunderstood history of Latinos' relationship to national identity, inequality, race, resistance,

and power relations in contemporary American political culture through its most representative and public Latino figure in the country, Sonia Sotomayor. Such an understanding is crucial now more than ever as the nation struggles to understand its constitutive identity and the role of the Latino body politic in its potential futures.