

# APA Newsletters

NEWSLETTER ON HISPANIC/LATINO ISSUES IN PHILOSOPHY

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# Hispanic/Latino Issues in Philosophy

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Bernardo J. Canteñs, Editor

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## FROM THE EDITOR

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This edition of the Newsletter includes a series of essays on the nomination of Sonia María Sotomayor to the U.S. Supreme Court. Sotomayor was nominated by President Barack Obama to the Supreme Court on May 26, 2009, to replace Justice David Souter. If she is confirmed, she will be the first Hispanic/Latina and third woman justice. The significance of having a Latina and Puerto Rican in the Supreme Court can be viewed and analyzed from various perspectives. First, we should consider the effect of Sotomayor's nomination on the status of Hispanics/Latinos/as as citizens with equal rights and who deserve equal justice under the law. Eduardo Mendieta, in "The Unfinished Constitution: The Education of the Supreme Court," argues that Sotomayor's nomination and hopeful confirmation to the U.S. Supreme Court will usher a robust sense of inclusiveness among U.S. Latinos/as in the "We" that serves as the core of U.S. identity, purging Latinos of the feeling of living a second-class citizenship. Second, Sotomayor's nomination can be viewed from a legal dimension, questioning what the proper role of a judge is in interpreting laws and whether a judge's race, ethnicity, and gender ought to affect her legal interpretation of the Constitution. According to Jorge J. E. Gracia, in "Sotomayor on the Interpretation of the Law: Why She is Right for the Supreme Court," two central criticisms have been charged against Sotomayor: (1) that Sotomayor makes law when she issues juridical decisions, and (2) that her condition as a woman and Latina affects her juridical decisions. Gracia argues that these criticisms are unfounded because they rely on false assumptions. Moreover, he argues that in a democratic nation united by laws for the common good, "it is important that those who are designated interpreters of the law of the nation reflect the composition of the nation and the cumulative experiences of its citizens." A third perspective of Sotomayor's nomination concerns her national identity as a Puerto Rican. Suzanne Oboler's "The Ironies of History: Puerto Rico's Status and the Nomination of Judge Sonia Sotomayor" addresses this historic event within the context of the tumultuous and complex historical relationship between Puerto Rico (as the colonized) and the U.S. (as the colonizer). Oboler explores how we are to understand the ironic fact "that a representative of the colonized will be defining and determining the future laws of the colonizer." A fourth and more controversial dimension concerns a statement Sotomayor made on various occasions but most notably at a Berkeley Law Lecture in 2001: "I would hope that a wise Latina woman with the richness of her experiences would more often than not reach a better conclusion than a white male who hasn't lived that life." Some conservatives have criticized her comment as being racist, and some have gone so far as to question Sotomayor's objectivity and ability to serve as a Supreme Court justice solely based on this statement.

Angelo Corlett's "A Wise Latina" takes on this criticism by first placing the statement within the context of the larger text, and then going on to argue for the common sense and innocuous nature of the claim once it is properly interpreted and correctly understood. Finally, Sotomayor's nomination raises the question of social identity and rationality, and their complex epistemological relationship. Linda Alcoff argues cogently that our experiences and social identity are an important and relevant part of how we "judge relevance, coherence, and plausibility, that is, how we reason." She notes, however, that in cases where our experiences are intimately connected to our identity, the high epistemological value that is commonly attributed to personal experience is degraded and debased, as in the case of racism, sexism, or homophobia. Alcoff notes that this uncanny epistemological paradox concerning experience in the context of social identity is a phenomenon that requires more analysis and investigation on the part of philosophers.

This edition of the Newsletter also includes three articles. In the first essay, "Aztec Metaphysics: Poetry in Orphanhood," Bertha Minerva Ahumada defends the thesis that the Aztecs were engaged in philosophical thinking as the contemplation of being, primarily through their poetry. The paradigmatic conception of philosophy she relies on for her argument is Heidegger's metaphysics of Being. Ahumada analyzes one poem that appears in a collection named *icnocuicatl* and whose authorship has been attributed to Nezahualcoyotl. Through the analysis of this poem, Ahumada goes on to compare and contrast Aztec thought with Greek thought, using Heideggerian philosophy as the principle intermediary between the two cultures. In the second article, "The Aztec Conception of Time," Alejandro Santana questions whether an understanding of the Aztec conception of time as cyclical is coherent and complete. He argues that the Aztec conception of time, while cyclical in many of its manifestations, ultimately depends on a linear model similar to the West. In the third essay, "Minoritized Thought: Open Questions of Latino/a and Latin-American Philosophies," Carol Moeller reflects on how issues and discussions pertinent to minority studies are relevant to Hispanic/Latino/a Studies and Latin American Philosophy. Moeller uses Elizabeth Kamarck Minnich's critique of how mainstream philosophy excludes alternative ways of doing philosophy and marginalizes these "unconventional" ways of thought to an inferior class of philosophy. She argues that many of these same errors are responsible for the past and sustained absence of Latin American Philosophy from mainstream philosophical circles.

Finally, Agnes Curry offers us a critical review of *Wealth of Selves: Multiple Identities, Mestiza Consciousness, and the Subject of Politics* by Edwina Barvosa (College Station: Texas A&M University Press, 2008).

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## Committee on Hispanics

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The editor of the Newsletter on Hispanic/Latino Issues serves in an ex officio capacity on this Committee.

Above the sixteen marble columns that support the architrave of the west entrance to the Supreme Court's building are carved unadorned four resounding words: "EQUAL JUSTICE UNDER LAW." The words are in clear and plain font English—not Latin, not Greek, not Hebrew, not any of the so-called holy languages. The building is set atop marble steps and it is crowned by a frieze that is reminiscent of a Greek temple. We ascend the steps towards justice, with our eyes fixed on those unambiguous words: "EQUAL"—we all are; "JUSTICE"—we all deserve it and can claim it; "UNDER"—we dwell as citizens under a moral and legal canopy created by humans, as mortals dwell under the heaven with its supreme legislator, the all benign and just God; "LAW"—law, not force, not fiat, not privilege, one made by humans, lawyers, justices, and not gods, churches, parties, or oligarchies. Walking up those steps, as I have, gives one chills to think of what that means: that we live under a government in which the laws are made by other human beings, human beings who, like all of us, have personal, family, ethnic, and racial histories, but who, when they deliberate about how to interpret the Constitution, and thus all the powers of the branches, they do so in a definitive and generative way. When the Supreme Court rules, the "legitimacy" of the law of the land is spoken. The Supreme Court then rules on whether the laws that Congress makes are both "legal" and "legitimate." In this way, the law of the land is always under scrutiny. The law is made, not received; it is also revisable and revocable, because it may be "unjust." The law is perfectible, though never perfect. Yet, the coevalness and co-equality of the Supreme Court was not always this clear and evident. When Washington was designed to be the capital of the new republic, the Capitol and the White House were in the original designs. The Supreme Court, however, was not assigned a building. It was not until 1935 that the Court was granted its own building by Congress, 146 years after its establishment.

Over the duration of its co-evolution with the other branches, the Supreme Court has also learned about its powers and limits. Above all, since its first Chief Justice John Marshall, the Court has been educated about its distinct power of "judicial review," a power that is inchoate, but not explicitly articulated in the Constitution, and this is the power to review the Constitutionality of the laws made by Congress. Over its two hundred and twenty year existence, the Justices that have made up the Court have ruled on how to read the Constitution, and in the process they have taught the two other powers that the Constitution is an unfinished foundational document. The education of the Court about its powers and limits has been above all an education about how the "Constitution" is a foundational document that has to be read and re-read in ever more expansive ways to be able to address the ever changing legal, political, and civic needs of one of the most sophisticated polities ever to have existed. The justices are not just interpreters of the Constitution, they are also supreme legal philosophers who aim to decipher and generate new meanings of civil freedom and legal constraint at the core of that Constitution. In this sense, the power of the justices is not jurisgenerative, but it is also freedom generative. Justice Stephen Breyer has given a name to that freedom that is at the heart of the Constitution and that justices ceaselessly exegete into existence, "active liberty."<sup>2</sup> For this reason, the struggles for the soul or heart of the Supreme Court are key strategic struggles in the overall fight over the idea of the United States as the story of the struggle for freedom, freedom as a form of civic liberty. The struggles over the Supreme Court are struggles over how to shape the grand recit of the United States, and, more specifically, about who is the "We" that makes that history, and who can and cannot be included in it. It is for this reason that the Supreme Court has had such a profound impact on how we understand the "We"

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## ARTICLES

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### *The Unfinished Constitution: The Education of the Supreme Court*

Eduardo Mendieta

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That Sonia Sotomayor may become the first Latina Supreme Court justice will have major impact, if not directly on the Court's decisions, surely on the Court's deliberations on such decisions. Undoubtedly, however, it will have a lasting and irreversible impact on the civic identity of Latinos/a in the U.S. Latino/as have had a long and complicated relationship with the United States that has led to both a feeling of and de facto living a second-class citizenship. Even as recently as 2005 policy trendsetter and Washington insider Samuel P. Huntington advanced the theory that Hispanics were not part of the "We" that is at the core of U.S. cultural, religious, linguistic, and racial identity. Latino/as remain too exotic, Catholic, culturally unassimilated, and unassimilatable.<sup>1</sup> Among the many important signals and symbols of national acceptance, of having won national recognition, and being included among those who can say "We," being on the Supreme Court is surely the most important. And I think this is as it should be. The Supreme Court is to a nation what the Kantian "I" is to the Modern moral subject: the metonym for the will and capacity to rule oneself in accordance with the law, law that is discerned by the light of one's reason. There are some glitches in the analogy, however. While the Kantian "I" is the autonomous rationally willing self, the Supreme Court is made up of nine justices, all representing different backgrounds, appointed also for political reasons and to judge in accordance with a judicial philosophy that advances one or another view about the Constitution. Still, the Supreme Court stands for the commitment to be ruled by laws, and not by men, and to live under the rule of law by the lights of our own reason as it is formed through public deliberation.

in the “We the People,” and the “We” of “Under Law” that is written in stone over the marble steps that ascend to the house of justice in this land.

When Andrew P. Napolitano, the youngest Supreme Court Justice of the State of New Jersey (for full disclosure I should note that I grew up in New Jersey and received my B.A. from Rutgers, the State University of New Jersey), titled his impressive “legal history of race and freedom in America,” *Dred Scott’s Revenge*, he put his finger on the cardinal point where both the history of the U.S., writ large, and the history of law, both pivot to either exclude or include from the “We” of the “We the People.” *Dred Scott* was about slavery, but it was also about who is a citizen, and who may claim “due protection” “UNDER LAW.” Napolitano has given us a powerful way to understand the way in which citizens have made government, literally, by challenging attempts to read the Constitution in ways that denies them equal protection under the law. More specifically, Napolitano is urging us to see how the Supreme Court, over the last half a century, has been on the side of this particular way of understanding our Constitution, the power of Congress, and the freedom generative powers of the Court itself. *Dred Scott* won, in the long run, because too many of us were at one point *Dred Scotts*—former Slaves, women, Mexicans, American Indians, the criminalized poor, the targeted ghetto dwellers, black Latinos, Puerto Ricans, gays, alleged terrorists—and had we all been denied our rights as citizens, this our government would not be a government of humans under law, but a government of a racial oligarchy under their fiat.

For a long time the Supreme Court appeared to be precisely that, a racial oligarchy, until the middle of the twentieth century, when Jews and Catholics began to be nominated and confirmed to the Supreme Court. It is amazing that in the last few decades women, black men, Jews, Italian-Americans, and Catholics have been confirmed to the Supreme Court. Thurgood Marshall was the first black justice, and Sandra Day O’Connor was the first woman. Such appointments were ground breaking. The nominees and confirmations became role models but also alibis for those willing to take a risk on the untried minority. Marshall and O’Connor were appointed during a period when the Court was a defender and advocate of the idea that our Constitution is as incomplete as we remain an unfinished nation. Today, regrettably and sadly, we face a court that has been stacked with some of the most belligerent, conservative, duplicitous, and “activist” judges ever to sit at the bench since the Southern packed courts of the mid nineteenth century when the country was dealing with the aftermath of the abolition of slavery. As the country has moved to the left politically, the Court has been moved to the right by several Republican appointments. The catchwords of legal constructivism, humility, moderation, and deference to *stare decisis* (primacy of precedence), and pragmatism have become euphemisms for the kind of legal philosophy that in its indeterminacy allows for justices to decide cases on ad hoc ways against the preservation of the power of citizens. The shift towards an emboldened legal conservatism, with its wide spectrum of views from Rehnquist and Roberts on one end to Scalia and Thomas on the other, has been over the last two decades rolling back the advances of the Warren court shielded by the vague ideology of judicial restraint. As Jeffrey Toobin put it in a recent article on Justice Roberts, it was during the Warren’s court presiding that the Justices “expanded civil-rights protections for minorities, established new barriers between church and state, and, most famously, recognized a constitutional right to abortion.” This period was, continued Toobin, “in Roberts’ telling the bad old days.”<sup>3</sup> Roberts has become the de-facto leader of a conservative Supreme Court Phalanx, to use the expression by Ronald Dworkin,<sup>4</sup> which is made up of Justices

Scalia, Thomas, Alito, and Roberts, with Kennedy joining on key decisions. Over the last couple of years, the Roberts court has delivered a spate of 5-4 decisions, in which these justices have voted together; mostly to strike down many of the decisions made during the Warren and even Rehnquist courts, rolling back the “bad old days” of protecting the rights of the strong against the weak, the marginalized and discriminated against intolerant majorities, and the rights of women to decide about their own bodily autonomy without intervention from the State, Church, or a male authority.<sup>5</sup>

This phalanx, which is not “guided in its zeal by some conservative judicial or political ideology of principle. It seems guided by no judicial or political principle at all, but only by partisan, cultural, and perhaps religious allegiance,”<sup>6</sup> will surely decide most of the decisions the Court will make over the next couple of decades. Roberts is in his early fifties. Still, the Court belongs to the nation, and above all to the citizens of the republic. They are the voice of constitutional reason. Whether the Constitution is read expansively and in accordance with the civic needs of the polity, or is mummified and ossified by a judicial philosophy of alleged restraint masking a conservative activism, depends on the ability of justices to be in tune with the needs of the polity. This ability to listen and consider the needs of the polity is what Jeffrey Rosen has called “judicial temperament.”<sup>7</sup> In Dworkin’s assessment, the judicial temperament guiding the present court is one bent on subverting the jurisgenerative and freedom generative powers of the Court and, most importantly, on subverting the American Constitution. When the Court abandons its role as defender and creative reader of the Constitution, it betrays its own history, one that has been about educating itself about its ability to keep our founding document open so that our democracy is one not perfect but perfectible. When Justices betray this powerful history, they are betraying their co-citizens, who look up to that building and their inhabitants as the supreme embodiment of their own struggles to make the history of this country the history of struggle for and achieved inclusion. Sonia Sotomayor is likely to be confirmed. Not to confirm her would be political suicide for the Republicans. It would be a slap in the face not just to Latinos, but also women, were they to filibuster and block her confirmation. She will join the Court to essentially take over the vote that Souter has represented since his confirmation. The balance, however, is still tilted towards the right. She will bring to the Court precisely that kind of judicial insight and empathy that President Obama saw lacking in Roberts when, as a member of the Senate he voted against his confirmation. In that speech Obama said: “It is my personal estimation that he has far more often used his formidable skills on behalf of the strong in opposition to the weak.”<sup>8</sup> With Sotomayor, we will have a skilled and experienced legal mind who more likely than not will side with citizens against the power of the state, big money, and religious and racial intolerance. Her presence and extensive court experience will make her a powerful voice in the Court. More 5-4 decisions are sure to follow. But many of them will be harder to procure. Her work will be indispensable in saving the Court’s heart for the Constitution through which we all should speak as “We the people.” Yet, for many Latinos/as Sotomayor the Supreme Court Justice will mean that we are part of that “We the people.” The story of freedom that is this country is now also our history. This history will make claims on us and we will make claims on it. Our nation has become stronger, a political jewel to behold, when its “We” has become more inclusive, and its loyalty more sincere, and when those who make up the “We the People” can live without fear with “EQUAL JUSTICE UNDER LAW.”

Endnotes

1. Samuel P. Huntington. *Who Are We? The Challenges to American Identity* (New York: Simon & Schuster, 2006).
2. Stephen Breyer. *Active Liberty: Interpreting our Democratic Constitution* (New York: Alfred A. Knopf, 2005).
3. Jeffrey Toobin. "No More Mr. Nice Guy." *New Yorker* (May 25, 2009): 45.
4. Ronald Dworkin. *The Supreme Court Phalanx: The Court's New Right-Wing Bloc* (New York: New York Review Books, 2008).
5. For an analysis of the decisions delivered by the Roberts court, see Dworkin's book, *The Supreme Court Phalanx*, especially the last chapter.
6. Dworkin, *The Supreme Court Phalanx*, 47-48.
7. Jeffrey Rosen. *The Supreme Court: The Personalities and Rivalries that Defined America* (New York: Times Books, 2007).
8. Senator Barack Obama quoted in Toobin, "No More Mr. Nice Guy," 51.

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## ***Sotomayor on the Interpretation of the Law: Why She is Right for the Supreme Court***

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The recent attacks against the nomination of Sotomayor to the Supreme Court have been varied in kind, tone, and quality. Most of them lack philosophical interest. To say, as some have stated, that she is not an intellectual heavy weight, for example, has no philosophical relevance, being merely an evaluation of her legal capacity. However, other attacks have more to do with topics that have philosophical substance. One of these in particular, which appears to be at the center of many of the criticisms directed against her nomination, involves the interpretation of the law. Its targets are two views she has voiced at various times. One is that judges, particularly in the Appeals Court in which she has been working for many years, make law when they issue juridical decisions. The other is that her condition as a woman, and perhaps as a Latina, affects in beneficial ways her juridical decisions.

The first view has been criticized by those who claim that the task of a judge is not to create law, but merely draw its implications and apply it. The responsibility for making laws in the U.S. falls exclusively on the legislature, that is, on Congress. The second view has been criticized by those who insist that race, ethnicity, and gender have no role to play in the interpretation of the law. The law should be racially, ethnically, and gender blind, and so should be the judges that draw its implications and apply it. Both points are central to a conservative attack against so-called activist judges who have, in the last fifty years, interpreted the laws in ways which the critics argue go beyond their letter and the intentions of those who framed them. An example frequently mentioned is the constitutional right to privacy used to justify abortion rights; another is the extension of other rights mentioned in the Constitution to justify affirmative actions policies.

Politically, both criticisms have been used to undermine progressive political programs and to advance conservative ones. They are most important in the present political climate of the country because they have been associated with Democratic Party politics and are symbolically attached to the current president. A defeat of Sotomayor would give an enormous boost to the Republican Party and begin to reestablish the right of center political hegemony that has, malgré Bill

Clinton's presidency, dominated U.S. politics since the Reagan years.

My task here, however, is not to tease out the political issues involved in the controversy against Sotomayor, but rather to evaluate the philosophical substance of these two criticisms. I claim that they have no merit because they rest on misguided assumptions about the interpretation of the law and the understanding of a nation.

At least three assumptions concerning the interpretation of the law are pertinent:

1. The interpretation of the law can, and should, be independent of the interpreter.
2. The interpretation of the law can, and should, be independent of the audience.
3. The interpretation of the law can, and should, adhere to the intention of the author.

And at least two assumptions concerning the nation are pertinent:

1. A nation is fixed and unchanging.
2. The racial, ethnic, and gender composition of a nation is irrelevant for its laws.

The three mentioned assumptions concerning the interpretation of the law are misguided because the interpretation of the law cannot be independent of the interpreter or of the audience for which it is framed, and therefore it makes no sense that it should.<sup>1</sup> Moreover, it is questionable whether it can adhere, and therefore it should, to the intention of the author.

Concerning the claim that the interpretation of the law can, and should, be independent of the interpreter, we need to consider that the law is framed in language and the interpretation of the law is either an understanding of it or a tool to produce such an understanding. But languages are not fixed; they are rather constantly changing phenomena in which words change their meanings, both in terms of denotation and connotation. So it is unlikely that a text can always mean exactly the same thing to different peoples at different times. This is a reason why the interpretation of the law cannot, and should not, be independent of those who interpret it.

Consider the notorious defense of Bill Clinton concerning his relations to Monica Lewinsky. According to him, he did not have sexual relations with her because he did not engage in intercourse. But is this what "sexual relations" means? If we have a law in the U.S. that uses the expression "sexual relation," how are we to understand it? And do not the interpreters, that is judges, have the responsibility to reach decisions concerning its understanding? Clearly, interpreters are essential in this process, and it makes no sense to argue that the interpretation of the law should be independent of interpreters. Language is a tool of language users.

Concerning the claim that the interpretation of the law can, and should, be independent of the audience to which it is directed, we need only note that laws are made for the sake of audiences; they are instruments that are supposed to regulate the relations among people. But if this is so, then it is essential that the laws take into account the people in question, for the people need to understand them both so that they can obey them and also because if they should be accused of violating them, they need to be able to defend themselves. Ignorance of a law does not justify its violation, for citizens are supposed to know the law. But the law has to be accessible to the people for which it is intended. It makes no sense to frame laws in a language that is inaccessible to the people to whom it is meant to apply. And this is not just a matter of understanding, but of making sense to them.

Concerning the view that the interpretation of the law can, and should, adhere to the intention of the author; we need to consider that intentions are unclear when considered apart from the law, and this for at least two reasons.<sup>2</sup> First, it is not evident that the author of a law has anything other in mind than what the law states. Second, even if the author had something else in mind, whatever that may be turns out to be inscrutable to the audience—for the audience has only the law to determine what it is. The intention of the author is a mysterious notion that has little value in practice. It is relevant only if the author has taken the trouble to write or say something additional, interpreting the laws for us. When I say “Good morning” at 6 p.m. and someone questions what I say by asking: “Did you mean good afternoon?” If I answer “yes,” it is clear that my intention was not to say “good morning” but “good afternoon.” But we do not know this unless we have that additional text assenting to the question. Indeed, it is altogether possible that I meant good morning. Someone can only be sure of what I say and what that means in English today, not of what I meant to say.

Now let me turn to the misguided assumptions concerning a nation.<sup>3</sup> The first is that a nation is fixed and unchanging. This makes no sense. To say that the American nation was the same at the time the Constitution was framed as it is now is simply absurd. A nation is a group of people who are united through a system of laws that regulate their relations presumably for their benefit. But the membership in a nation is in constant change owing to births and deaths as well as to immigration and emigration. In the case of the American nation in particular the changes have been drastic. Consider, for example, that Blacks were not considered American citizens at the time the Constitution was framed, that Latinos were a minute minority, and that women were not integrated into the political life of the nation until the twentieth century. The American nation at the time of the framing of the Constitution was de facto composed of white males who owned property, everyone else was excluded. But the American nation today is a diverse society in which the predominant voters are women, minorities are close to becoming the majority of the population, and owning property is irrelevant.

The second erroneous assumption concerning a nation, namely, that its racial, ethnic, and gender composition is irrelevant for its laws, is clearly mistaken if we take into account two factors. First, in a democratic nation every citizen is supposed to have the right to vote (among many others) and the laws of the nation are supposed to be a way of regulating the relations among citizens. Second, we need to be reminded that laws are supposed to be understood by the citizens in question. This means that laws have to take into account who the citizens are, that is, their identity and composition. If the citizens are white Anglo-Saxon males, then the laws need to take that into account, but if the citizens are Black, Latino, or predominantly female, that certainly needs to be regarded as an important factor. Clearly, the racial, ethnic, and gender composition of the population is relevant for the law.

So where has my argument led? By arguing that the criticisms of the nomination of Sotomayor based on her presumed views about the interpretation of the law and the role that race, ethnicity, and gender play in juridical decisions are misguided, I have added support for her views. Yes, Sotomayor is right in saying that judges make law insofar as judges issue interpretations of written texts that reflect their understanding of those texts and are intended as tools for their understanding by the audiences that are affected by them. And yes, she is right in holding that race, ethnicity, and gender are important factors in the understanding of the law. They are so because they make possible its grasp by the people to whom it applies.

What the Constitution means to me today, as Hispanic/Latino, is relevant for the understanding of the law. And what the law means for Sotomayor, as a Hispanic/Latina, is also relevant for the understanding of the law, even if it was not relevant at the time in which the Constitution was framed. Moreover, it is particularly relevant because a white Anglo-Saxon male may have difficulty seeing how the law affects those who are not white, Anglo-Saxon, or male.

Let me finish with the thought that there is a further significant implication of all this: Insofar as a nation is a group of people united by laws for the common good, it is important that those who are designated interpreters of the law of the nation reflect the composition of the nation and the cumulative experiences of its citizens. A democracy should incorporate the voices of its people in its government and in the understanding of the rules according to which the nation is organized and ruled. This is why it is most important that the voices of women and minorities be incorporated into it, and that we have someone like Sotomayor in the Supreme Court. It is about time that the largest minority in the American nation be represented in its highest juridical institution.

#### Endnotes

1. For recent discussions of interpretation, see Joseph Margolis and Tom Rockmore, eds. *The Philosophy of Interpretation* (Oxford: Blackwell Publishers, 2000) and Robert Stecker, *Interpretation and Construction: Art, Speech, and the Law* (Oxford: Blackwell Publishers, 2003). For my views on interpretation, see Gracia, *A Theory of Textuality: The Logic and Epistemology* (Albany, NY: State University of New York Press, 1996) and *Texts: Ontological Status, Identity, Author, Audience* (Albany, NY: State University of New York Press, 1996).
2. For important texts on the role of the author in interpretation, see William Irwin, ed., *The Death and Resurrection of the Author* (Westport, CN: Greenwood Press, 2002).
3. The literature on nation and nationality is very large, but an interesting treatment is David Miller's in *On Nationality* (Oxford: Clarendon, 1995). For my view on this, see Gracia, *Surviving Race, Ethnicity, and Nationality: A Challenge for the Twenty-First Century* (Lanham, MD: Rowman & Littlefield, 2005).

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## *The Ironies of History: Puerto Rico's Status and the Nomination of Judge Sonia Sotomayor*

Suzanne Oboler

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To judge is an exercise of power  
—Judge Judith Resnick!

“To judge is an exercise of power”—are we all-powerful, then? Certainly, we judge one another; our work, our society, our fields, disciplines, friends, enemies, colleagues. We judge our country's laws, traditions, procedures, politics, policies, and are in turn judged by those of others. To pass judgment: to exercise power; this is certainly what many in the U.S. and beyond have done to the island of Puerto Rico, and its population.

I write this short essay only days after Sonia Sotomayor was nominated to the Supreme Court of the land: the third woman ever to be nominated; the 111th Supreme Court nominee—the first person of Latin American descent. But it is not any Latin American country that she comes from: it is Puerto

Rico—a Latin American country—a Caribbean country to be more precise—that has never been independent.<sup>2</sup> Colonized first by Spain, and then by the United States, ironically, just as Puerto Rico had wrested some political autonomy from Spain in 1898, Puerto Rico is an anomaly in the world's history of colonialism.

After all, Puerto Ricans are citizens since 1917; yet those living on the island are still the rightless U.S. citizens who cannot vote for their own president. They are the living proof of the long history of U.S.-Latin American relations, steeped in nineteenth-century social Darwinist views of the inherent superiority of the Anglo Saxon master race; the incarnation of the long legal contradictions of U.S. history and of the ongoing racial bias underpinning this society's ethnic relations even today. If there were a draft today, they would be sent to every war by the commander in chief, as they indeed were for much of the twentieth century. The army's informal "recruitment" of youth in the nation's inner city public schools today serves as a proxy, while the "tradition" of using Puerto Ricans (and, more generally, all Latino/as) as canon fodder for the U.S. imperialist adventures abroad, continues.

Yet, although it is indeed a Latin American country, very little, if anything, is known about Puerto Rico in that continent, other than that it is part of the United States and that, given their U.S. passports, Puerto Ricans are "Americans," or as Latin Americans often refer to people from the United States, *estadounidenses*. At the same time, in the U.S. itself, Puerto Rico has long been a "testing ground for traditional American civil liberties" (Schoultz, 319). Yet, here too, the Puerto Ricans' citizenship, like the island's history, political status, and complex relations with the United States, is also entirely unknown by the vast majority of their fellow citizens—as was confirmed yet again during the Vieques debacle in 2001, prior to September 11th, when President Bush gave his explanation for why the Navy had decided to pull out of Vieques. Rather than discussing the rights of U.S. citizens not to be bombed by their own government, Bush explained instead that "These [i.e., Puerto Ricans] are our friends and neighbors and they don't want us there" (García 2001).

In this context, what does it mean and what are the implications for the United States, for U.S. Latino/as, and particularly for Puerto Rico—as the Puerto Rican political analyst Juan Manuel García-Passalacqua eloquently noted during a recent roundtable discussion on Democracy Now shortly after Sotomayor's nomination<sup>3</sup>—that a member of the diaspora of a country that is still a U.S. colony has been nominated to the highest court of the land? How do we understand the irony of the fact that a representative of the colonized—"the daughter of colonial subjects," as Juan González, the program's co-host, referred to her, will be defining and determining the future laws of the colonizer?

As the speakers at the Democracy Now roundtable discussion also pointed out, Sonia Sotomayor is well aware of the fact that she is Puerto Rican. From 1980 until 1991, she served on the Board of Directors of the Puerto Rican Legal Defense and Education Fund, an organization explicitly aimed at protecting the rights of Puerto Ricans—again an irony since, after all, dividing the American citizenry into "ethno-national" groups, including Puerto Ricans, is anathema to the very conception of a national community of citizens.

Do Americans know that, like all Puerto Ricans, Judge Sotomayor, too, is not an immigrant? Sotomayor herself has referred to her mother's move to the U.S. as an immigration to the projects in the South Bronx of New York, where she was raised. "Like many other immigrants to this great land, my parents came because of poverty and to attempt to find

and secure a better life for themselves and the family that they hoped to have."<sup>4</sup> But Puerto Ricans can't immigrate—just as New Yorkers or Californians, or Arizonans can't "immigrate" to other parts of the United States—unless, of course, the island is indeed not part of the United States.

Juan González (2009) seemed to suggest as much when he referred to the Insular Cases in his New York Daily News column discussing Sotomayor's nomination. "In the most important [of these Cases], *Downes vs. Bidwell*," González explains, "the court ruled, 5 to 4, that Puerto Rico was a 'territory...belonging to the United States, but not a part of the United States.' All the rights of the Constitution did not apply on Puerto Rican soil, the court said."

In effect, the island territory of Puerto Rico continues to be both a part of, and simultaneously outside the territorial boundaries of the United States. And yet, again, as García-Passalacqua insisted, one of its diaspora's members has been nominated to sit on the highest court of the land. Discussing the Insular Cases, García-Passalacqua explained:

The Supreme Court in 1922 decided that granting American citizenship to Puerto Ricans did not incorporate Puerto Rico into the American union on the way to statehood and created something called the unincorporated territory, which is what Puerto Rico is now, according to the Insular Cases, precisely *Balzac v. Porto Rico* that was decided in 1922.

The fascinating thing is that, again, an entity, an island, eight million people—four million in Puerto Rico, four million in the United States, let's call it a people—eight million people are part of an unincorporated relationship to the United States at a moment in which the President of the United States appoints justice of the Supreme Court of the United States one of those people. One of those people of their unincorporated territory has been appointed Supreme Court justice. (Goodman and González 2009)

It is interesting to observe the extent to which Judge Sotomayor's nomination has galvanized the Latino community in the U.S., regardless of national origins. Puerto Ricans have been treated as if they were just another group of immigrant Latino/as, a point Ramos Zayas has eloquently argued: "Puerto Rican citizenship," she writes, "increasingly approaches a status of illegality equivalent to that produced by the State in relation to other Latino (and Asian) groups during the 'war on terrorism'," (Ramos Zayas 2004, 27). Yet, contrary to other Latino/as, Puerto Ricans are all—without exception—born into U.S. citizenship. This should automatically separate them from other Latino/as—most of whom, with the exception of a sector of the Chicano/a population, have at least some immigrant history in their midst. But today, after over three decades of the ethnic labels created by Directive 15 of the Office of Budget and Management of the U.S. Census, in 1977, the specificity of the Puerto Rican status doesn't matter anymore—at least not in the eyes of those who see Latino/as as "illegals," and "delinquents" (Ramos Zayas 2004).

Undoubtedly, Judge Sotomayor has received a highly insulting and openly racist welcome from conservatives and republicans alike.<sup>5</sup>

What does it mean then for a Puerto Rican to be nominated to sit on the Supreme Court of the United States?—to define the law; to shape it; to (re)direct it; to ensure it protects all citizens—the rights of all persons living in the United States? Will it make any difference? Has it already?

Even before her confirmation hearings, many would say yes, if one were to go by the numerous articles on Judge Sotomayor including given her position as a Puerto Rican Judge, as a role model, especially for the young Latinas growing up in the South Bronx where she herself was raised. As Savannah, a teenage girl who is growing up in the same neighborhood as Judge Sotomayor once did, put it: “Maybe she can show that all Puerto Ricans are not loose and promiscuous. ...She can show we’re not all about that. We can be professional, too” (Marks 2009). But Savannah also points out the “exceptional” nature of this nomination, not just for Puerto Ricans, but for all Latino/as: “It’s cool a Hispanic was nominated, but why does it have to be such a big thing? Why does it have to be so special?” (Marks 2009)

The multiple negative responses to Sotomayor’s nomination, some of which are even invoking such Ku Klux Klan racist extremists as David Duke and other white supremacists (Weiner 2009) serve to explain why it is so exceptional, even today, ninety-two years since the Jones-Shafroth Act, granting Puerto Ricans U.S. citizenship, was signed by President Woodrow Wilson on March 2, 1917. Indeed, the past twenty years of “Culture Wars” show that, despite the election of the nation’s first black president of the United States—and despite the academic studies, political debates, and progressive responses to the multiple attacks on “identity politics,” and to discrimination against women and racial minorities, including Latino/as—since the emergence of the distribution of resources in ethnic terms, the fear of difference continues unabated in the United States.

While Judge Sotomayor’s nomination is undoubtedly the result of the decision of a small “enlightened” political elite in the U.S. to promote some kind of democratic will, the hate speech that has been rampant and repeated ad nauseam in the mainstream and other media across the country, and that at one time would have been prosecuted as the hate speech that it is, has been left legally unchallenged today.

As Henry Giroux pointed out in response to the vicious attacks on Judge Sotomayor’s comments about the role of ethnicity and gender in shaping her experience and judgments on the bench,

All of this saber-rattling rhetoric about the emergence of a new kind of racism, which insists rather ironically that whites rather than people of color are the real victims of personal and institutional racism, does more than suggest a kind of historical amnesia that actually rewrites the meaning of racism. It also points to a long-standing fear among many conservatives that diversity rather than bigotry is the real threat to democracy. (Giroux 2009)

Moreover, Judge Sotomayor’s nomination is being used as an excuse to openly attack all Latino/as, as well as all women: consider only one of the recent denigrating and degrading insults thrown at her, and which have received so much media coverage that their condemnation has been largely drowned out. In the words of conservative talk show host G. Gordon Liddy, as reported by Ali Frick on the Think Progress website<sup>6</sup>:

I understand that they found out today that Miss Sotomayor is a member of La Raza, which means in illegal alien [sic], “the race.” And that should not surprise anyone because she’s already on record with a number of racist comments.

Following his equating of the Spanish language with illegality and his attack on all Latino/as as undocumented, Liddy goes on to discuss his gender-related fears of Judge Sotomayor in

shockingly misogynistic and disrespectful terms—both to Judge Sotomayor and, indeed, to all women:

Let’s hope that the key conferences aren’t when she’s menstruating or something, or just before she’s going to menstruate. That would really be bad. Lord knows what we would get then.

Indeed, the notion of representation seems to be at the heart of the conservative response against Judge Sotomayor’s nomination. As Liddy goes on to note, “And everybody is cheering because Hispanics and females have been, quote, underrepresented, unquote. And as you pointed out, which I thought was quite insightful, the Supreme Court is not designed to be and should not be a representative body.”

Is this the way anyone—much less a nominee for the Supreme Court of the United States—should be addressed?

Certainly, contrary to Liddy’s claim above, representation is at the core of the debates of all Supreme Court nominees. The idea that human beings do not rely, at least to some extent, on their life experience in their professional endeavors, dehumanizes experience, reduces our humanity to bureaucratic surrealism. In this particular case, as I discussed above, the issue of representation is significant in more ways than one. Again, the irony of an unrepresented people having their representative on the Supreme Court of the land cannot be overlooked. Undoubtedly, as I have argued here, the reaction against Sonia Sotomayor is partially the result of over one hundred years of (neo)-colonial domination of Puerto Rico by the United States—a domination that had as its point of departure the venom of over a century of racist discourse and practice against a still-to-become sovereign people. But it is also the result of the society’s indifference to the blatant disrespect for and ongoing mistreatment of all people of Latin American descent in the United States.

As scholars, as citizens, as Latino/as, as women and men living in the United States, it is imperative that we judge and respond to the mistreatment of any Latino/a—that we denounce the extent to which the disdain for all people of Latin American descent—and Americans’ fear of difference—has led to the disappearance of Americans’ sense of justice, of values, of what is right and wrong regardless of what is at stake. As Judge Sotomayor’s citation of Judge Resnick suggests, “To judge is an exercise of power”—and it is time that Latino/as exercise their full power and rights to demand respect and justice for all in U.S. society.

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#### Endnotes

1. Sonia Sotomayor (2009) citing Judge Judith Resnik, in her 2001 speech at Berkeley.
2. For an excellent article on the issue of Puerto Rico's status, cf. Arienna Grody, Puerto Rican nationalism and the Drift Toward Statehood. *Council on Hemispheric Affairs*, 27 July, 2009—<http://www.creative-i.info/?p=9042>. Accessed August 3, 2009.
3. cf. Democracy Now hosted by Amy Goodman and Juan Gonzalez, roundtable panel discussion with Marjorie Cohn, Tom Goldstein, Cesar Perales, and Juan Manuel Garcia-Passalacqua. May 27, 2009; [http://www.democracynow.org/2009/5/27/obama\\_nominee\\_sonia\\_sotomayor\\_would\\_become](http://www.democracynow.org/2009/5/27/obama_nominee_sonia_sotomayor_would_become). Accessed May 27, 2009.
4. Lecture: A Latina Judge's Voice. May 14, 2009. <http://www.nytimes.com/2009/05/15/us/politics/15judge.text.html?pagewanted=all>. Accessed June 20, 2009.
5. For a brief summary of some of the racist and sexist rhetoric and criticism against the nomination of Sonia Sotomayor; immediately after her nomination, see, for example, the compilation presented on the Rachel Maddow Show, MSNBC, May 29th, 2009. <http://www.msnbc.msn.com/id/31046925>. Accessed July 2, 2009.
6. As reported by Frick (2009). For an excellent analysis of right wing attacks on Sotomayor; cf. Rivers Pitt, 2009.

will make a difference in our judging. Justice O'Connor has often been cited as saying that a wise old man and wise old woman will reach the same conclusion in deciding cases. I am not so sure Justice O'Connor is the author of that line since Professor Resnik attributes that line to Supreme Court Justice Coyle. I am also not so sure that I agree with the statement. First, as Professor Martha Minnow has noted, there can never be a universal definition of wise. Second, I would hope that a wise Latina woman with the richness of her experiences would more often than not reach a better conclusion than a white male who hasn't lived that life.

Let us not forget that wise men like Oliver Wendell Holmes and Justice Cardozo voted on cases which upheld both sex and race discrimination in our society. Until 1972, no Supreme Court case ever upheld the claim of a woman in a gender discrimination case. I, like Professor Carter, believe that we should not be so myopic as to believe that others of different experiences or backgrounds are incapable of understanding the values and needs of people from a different group. Many are so capable. As Judge Cedarbaum pointed out to me, nine white men on the Supreme Court in the past have done so on many occasions and on many issues including Brown.

However, to understand takes time and effort, something that not all people are willing to give. For others, their experiences limit their ability to understand the experiences of others. Others simply do not care. Hence, one must accept the proposition that a difference there will be by the presence of women and people of color on the bench. Personal experiences affect the facts that judges choose to see. My hope is that I will take the good from my experiences and extrapolate them further into areas with which I am unfamiliar. I simply do not know exactly what that difference will be in my judging. But I accept there will be some based on my gender and my Latina heritage. ([http://www.berkeley.edu/news/media/releases/2009/05/26\\_sotomayor.shtml](http://www.berkeley.edu/news/media/releases/2009/05/26_sotomayor.shtml). Accessed on June 6, 2009. Emphasis provided.)

I have been invited by the editors of this Newsletter and members of the APA Committee on Hispanics and Latinos in Philosophy to address the following claim of Judge Sotomayor's that was wrested out of context and criticized by some conservative Republican senators during her confirmation hearings: "I would hope that a wise Latina woman with the richness of her experiences would more often than not reach a better conclusion than a white male who hasn't lived that life." It was her existential claim that in-group members are generally better equipped than out-group members in addressing in-group problems. I take her locution, "more often than not" to indicate that Judge Sotomayor believes this to be a general truth which, of course, admits of exceptions, as the words from her longer quotation (above) indicate more clearly. And as a general rule, who would doubt this claim? If it is said that Howard McGary is generally wiser than me in addressing problems faced by blacks, this is uncontroversial. If I stated that I am generally wiser than he in addressing Latino problems, I would think he would concur. So what is all of the fuss about concerning Judge Sotomayor's claim? Would the mostly white conservatives who are "making much out of nothing" here deny that they themselves believe that they, as whites, are generally wiser at addressing white issues than those of us who are not white?

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## A Wise Latina

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Recently, United States President Barack Obama nominated U.S. Court of Appeals, 2nd Circuit Judge Sonia María Sotomayor to serve as Justice David Souter's replacement on the United States Supreme Court. As is typical of these political appointments of high influence, the opposing major political party seeks ways in which to discredit and filibuster such nominations. The nomination in question involves precisely such an attempt. Judge Sotomayor is being accused (indeed, by some white conservatives!) of being a racist and partial in that she made the following statement at the University of California-Berkeley in 2001, which I quote in context:

Whether born from experience or inherent physiological or cultural differences, a possibility I abhor less or discount less than my colleague Judge Cedarbaum, our gender and national origins may and

That kind of thinking alone would not mean that they were using racist language. So by parity of reasoning the common-sense meaning of Judge Sotomayor's words hardly amounts to racist language as some seem to insist. Despite this fact, however, the pressures of the confirmation hearing probably led her to recant her "wise Latina" phrase, referring to it as a "rhetorical riff," a "rhetorical flourish," and "a bad idea" [Response to Senator Kyl (Republican-AZ), July 14, 2009].

Furthermore, what the perhaps not-so-well meaning white conservatives fail to grasp is that simply because a statement is racial does not in itself make it racist. While a statement's being racial in many cases hardly requires much evidence, that a claim is racist often does. For a racist statement typically requires that we understand a speaker's intended meaning of the words she uses, that is, if Paul Grice is generally correct about linguistic meaning.<sup>1</sup> Simply uttering words that might be taken as being racist is insufficient to make them racist. Applied to the words of Judge Sotomayor, it is transparent that her statement is racial vis-à-vis browns and whites in the U.S. But what is hardly evident is that her words make her a racist against whites. How exactly does it follow from the general fact that, according to Judge Sotomayor, different experiences make in-group members better able than out-group members to address in-group problems that she is an anti-white racist?

What is becoming obvious with the Sotomayor nomination is that Republican anti-Latino/a racism is rearing its ugly head... again. Many Republicans do not have the moral equipment to feel the utter shame they ought to feel for the rest of their lives as the result of being the political party primarily responsible for one of the worst human rights violations of our time (I refer here to the unjust invasions and occupations of Iraq and Afghanistan). And they have not changed much as the result of the initial perpetrations of such evils. Instead, they continue on with the same old racist ideology that has become the hallmark of the Republican party. And since Judge Sotomayor is both brown and a woman, she incurs the double wrath of many Republicans (and of U.S. society in general), though her being brown is perhaps harder for them to accept as a mostly white person's political group that has many female constituents.

I can imagine a conservative responding to my take on Judge Sotomayor's words, charging me with an overly charitable interpretation of them. The fact is, she might insist, Judge Sotomayor's use of "better" to describe a "wise Latina's" decisions compared to a white man's decisions implies that she believes that Latinas would make better decisions on the bench than white males. But consider the context of her utterance. Judge Sotomayor is juxtaposing the ability of a wise Latina with the history of some distinguished white males who have made some poor decisions in some cases concerning ethnic oppression. Is it not true that a wise Latina could decide such cases better than the white male judges did, absent the racism and sexism that motivated those decisions? And would it not quite possibly be that a wise Latina such as Judge Sotomayor who experienced racism and sexism would then become and remain more sensitive to racist and sexist beliefs and policies that ought to be addressed by law rather than exemplified by it? Or, is it that some white conservatives are implying that they really deny that anyone can make legal decisions as well as white men? Racism has many instantiations in everyday life. If we keep our minds open and alert, it is usually easy to discern. I suspect that we may have such a case here.

Conservatives have also suggested that Judge Sotomayor's "wise Latina" statement reflects her belief that it is impossible and ill-advised for judges to seek and find total impartiality in decision-making. In answering Senator Patrick Leahy (Democrat-VT) on the matter, and after setting her "wise Latina"

comment in wider context of her attempting to inspire young students and others to believe that they can become anything they wish to become, Judge Sotomayor states: "I do not believe that any ethnic, racial, or gender group has an advantage in social judgment. I do believe that every person has an equal opportunity to be a good and wise judge regardless of their background or life experiences" (U.S. Senate Confirmation Hearing of Judge Sotomayor; July 14, 2009). And on that same morning she answers U.S. Senator Jeff Sessions' (Republican-AL) queries on the same matter by stating that young Latinos/as' "...life experiences add value to the process." Not only is Judge Sotomayor's "wise Latina" statement not racist, but it does not reflect a view that somehow her mere Latinahood makes her better-equipped than a white male to serve on the Court.

During the Sotomayor confirmation hearings on July 13, 2009, Senator Chuck Grassley (Republican-IA) argued that U.S. Supreme Court justices must respect the separation of powers, a longstanding political doctrine based partly on the fact that the Constitution makes no branch of government more powerful than the others. Of course, this doctrine is meant to safeguard the autonomy of each of the branches of the federal government from incursion by another. But what he and other conservatives mean by "separation of powers" makes the Court subservient to the Legislature. These conservatives argue further that judges must decide cases based on what the law is, not according to what the law ought to be. But as Ronald Dworkin has famously argued,<sup>2</sup> what about hard and so generous cases, those which are not addressed by the Constitution or where *stare decisis* does not apply? Many conservatives object to President Obama's "empathy" standard of judicial interpretation of the law on the grounds that it invites judicial bias. But the fact is that no judge makes decisions outside the bounds of bias, as the Roberts Court proves beyond reasonable doubt in *Bush v. Gore*. I refer here to the unconstitutional decision to effectively appoint former president Bush, instead of awaiting a recount of the election votes in 2000.<sup>3</sup>

Furthermore, Joel Feinberg points out that the complaint that judges might be biased is really a complaint about the reality of judicial decision-making in general: other than one's own biases, whose biases should judges consult in deciding cases against, he asks.<sup>4</sup> Liberal scepticism about the possibility of complete judicial impartiality does not relate to considerations of basic evidence (e.g., that someone is employed by a company), but rather the guarding against those of racism, sexism, and classism, among other things that affect how basic evidence is sometimes evaluated in the light of other important factors in a case. So the conservative attempt to skew the liberal recognition of the difficulty, if not the impossibility, in achieving complete judicial impartiality fails. All in all, constitutional originalism is a conservative doctrine that seeks to make the Court subservient to the whims of the Legislature. But this precisely prohibits the reforms needed such as *Brown v. Board of Education* (1954) wherein the Court declared the law of the land unconstitutional regarding Jim and Jane Crow and education. If "separation of powers" means anything, it means at least the autonomy of the Court to correct lawmakers when they are truly wrongheaded and unconstitutional.<sup>5</sup>

I had a quite different response to Judge Sotomayor's nomination. I was overwhelmed by the fact that a Latina was finally nominated to the Court, hopeful (after studying some of her major decisions) that her nomination would be confirmed, and rather impressed with her credentials. She has the judicial experience that rivals Justice Roberts by about ten times the number of cases he had decided when he was a nominee to the Court. Moreover, she has received the American Bar Association's unanimous and highest approval to serve on the Court. So her amount, quality, and level of judicial experience is

indisputable. Coming from an economic and ethnic background similar to hers, it serves as an inspiration to me that she would have reached such a grand level of success and influence. Perhaps she can, in her own way, assist in the turning around of this society. But that will take much more than what even a courageous Latina can bring to the bench. On the other hand, it will take no less than what a wise Latina has to offer!

Of course, from the standpoint of a political party that has demonstrated to the world precisely how morally bankrupt it really is and in a myriad of ways, if an opposing party's nominee's credentials are impeccable and cannot be challenged without the unmasking of a blatant form of your own anti-Latino/a racism, then why not just obfuscate the matter by attempting to confuse the public by trying to label her a racist, and hoping the public is sufficiently benighted to believe it? My suggestion is that we Latinos/as learn as we should from black folk in the U.S. Learn to celebrate what many white folk do not want you to acknowledge or remember, namely, that we can and do rise above the several obstacles placed in our paths in order to reach new heights of achievement, and these milestones should never be allowed to be downplayed by the jealous or mediocre. This is a moment for us brown folk to see the (albeit rough) similarity between what Justice Thurgood Marshall meant (and still means) to blacks (and to many others of us as well) in terms of the possibilities of real world justice and what Judge Sotomayor can mean to us in terms of the same. Do not permit the white (or other) conservatives, several of whom had significantly ruined the world in merely eight years, to even attempt to devalue this moment of possibility. (It takes *huevos grandes* to support a political party that undermined democratic institutions in the U.S. by stealing an election, setting back international relations decades, and supporting an unjust invasion and occupation of more than one sovereign nation, only then to have the nerve to attack the nomination to the Court of a highly intelligent and qualified person largely because she does not represent the perverse ideology of that morally inept political party.) Indeed, the nomination confirmation of Judge Sotomayor to the Court can send the message that the U.S. is finally becoming serious once again about justice and fairness. And she should be confirmed to serve on the Court to the extent that her formal credentials warrant her service thereon and to the extent to which she decides cases according to a viable conception of the living Constitution.<sup>6</sup>

In reviewing some of Judge Sotomayor's thousands of decisions on various constitutional issues, I find myself hard-pressed to find her decisions unreasonable once the complexities of the cases are taken into consideration. A radical judge she is not; nor is she a conservative. As a July 20, 2009, Newsweek article states: "Her opinions are mostly solid, careful, noncontroversial." I would add that based on her high acclaim for *stare decisis*, her only 2 percent rate of decision-overturn by higher courts, her unanimous and strong support by the ABA, as well as her judicial philosophy more generally, I consider her to be a moderate, though she does show some obvious affinities with Justice Benjamin Cardozo<sup>7</sup> in her claim that she applies principles to the rule of law [Senate Confirmation Hearings, response to Senator Kyl (Republican-AZ), July 14, 2009]. As is consistent with his method of operation once he assumed the White House, President Obama has nominated a moderate in Judge Sotomayor.<sup>8</sup> She will receive criticism for her politics from some leftists, and conservatives also. But even if I do not share all of her moderate views, this does not mean that I think that Judge Sotomayor's nomination to serve on the Court is unreasonable. Indeed, sometimes moderates are needed in order to keep leftists honest, and to keep conservatives from once again doing far more harm than we ever thought they could do.<sup>9</sup>

## Endnotes

1. H. P. Grice. "Meaning." In *Readings in the Philosophy of Language*, edited by Jay F. Rosenberg and Charles Travis (Englewood Cliffs: Prentice-Hall, 1971), 436-43.
2. Ronald Dworkin. *Law's Empire* (Cambridge: Harvard University Press, 1986).
3. Vincent Bugliosi. *The Betrayal of America* (New York: Thunder's Mouth Press, 2001); Alan Dershowitz. *Supreme Injustice* (Oxford: Oxford University Press, 2002).
4. Joel Feinberg. *Problems at the Roots of Law* (Oxford: Oxford University Press, 2003), Chapter 1.
5. For a discussion of such matters, see J. Angelo Corlett, *Race, Rights, and Justice* (Dordrecht: Springer, 2009), *Law and Philosophy Library*, Volume 85, Chapters 1-2.
6. For a discussion of this perspective on judicial interpretation, see Corlett, *Race, Rights, and Justice*, Chapters 1-2.
7. Benjamin Cardozo. *The Nature of the Judicial Process* (New Haven: Yale University Press, 1921). For a discussion of the Cardozian foundations of Ronald Dworkin's theory of law, see J. Angelo Corlett, *Race, Rights, and Justice* (Dordrecht: Springer, 2009), Chapter 2. I assume that Judge Sotomayor also believes with Cardozo and Dworkin (among others) that the Constitution is a living document, not frozen in time, and that it is to be treated that way in the process of judicial interpretation.
8. I assume here that a Cardozian and Dworkinian theory of law is moderate relative to that of critical legal studies and critical race theory, and that a Borkian theory of law is for the most part conservative.
9. I am grateful to Burleigh T. Wilkins for helpful discussion on this topic.

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## *Sotomayor's Reasoning*

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Like the campaign and election of Barack Obama, the nomination of and debate over Sonia Sotomayor concerns so much more than the individual herself, her history of legal decisions, or even her future effect on the Court. The public discourse that ensued around both figures is an opportunity to look at the state of thinking in our society about race, ethnicity, gender, social identities generally, and their relationship, if any, to rationality and judgment. Much of the debate about Sotomayor has been particularly striking in its focus on epistemological issues: Does her identity make a difference? Should it make a difference? What kind of difference does it make? And what does this indicate about what the optimal normative practices should be in regard to the elections and appointments of political leaders?

Sotomayor's comments that gender and ethnicity "may and will make a difference in our judging" has brought to the center stage in the national discourse the question of the relationship of social identity and judgment. I would argue that the views she expressed are widely held among people "on the ground," but not widely expressed or defended by intellectuals and political leaders. And they are far too rarely explored in academic philosophy, despite endless books on the nature and limits of human reason. Philosophers should look at the state of the debate in the public domain to see what issues an account of rationality and reasoning should address.

Conservative politicians continue to raise simple-minded notions of total neutrality in judgment and pure objectivity in reasoning to discredit Sotomayor's views. They portray the

situation as consisting in only two options: objective judgment versus biased reasoning. The Republicans in particular cannot countenance the idea that social identity might play any legitimate or productive role in reasoning; after all, such an idea would make the pallor and body types that generally run the government more of an evident problem.

But the public discussion among liberals and the left has often been just as confused on the topic of identity's role in reasoning. Some believe that if we allow identity to affect judgment, then politics or strategic considerations will replace an open-ended reason, the sort of reasoning that remains open to new considerations beyond strategic assessments of one's group interests. Such a foreshortening of reason would be a particular problem today, many believe, because reason is generally the best arm of defense the left has against the increasingly hysterical and emotional appeals of the right. Identity considerations seem to be extra-rational. Leftists and liberals also worry that the gender and ethnic identities Sotomayor refers to will be taken up in the public airwaves as stereotypical, that is, flat, monochromatic categories without any internal diversity or historical fluidity.

I would argue that if we look below the level of the mainstream public media and political leadership, many people on the street actually have a more nuanced, realistic view of the matter. They know that every African American in government is not going to think alike—with the prime example of Condoleezza Rice and Clarence Thomas—but that it is not entirely coincidental that the only member of Congress who voted against former President Bush's war resolution in 2002 was a black woman. It is indubitable that there is a relationship between identity and critical consciousness, or lack thereof, because identities are often correlated to different sets of social experiences. But that relationship is complex: given group heterogeneity, individual agency, and the fact that experiences are subject to diverse interpretations, identities provide only a rough guide. Still, there are group patterns in experience, as Sotomayor notes, especially in regard to certain kinds of social experiences. Therefore, she is right to argue that experience affects how we see things, what we notice, how we gauge the plausibility of a story, the relevance of a piece of evidence, or the credibility of a speaker. It also affects what background understanding we have at our disposal, and what baseline information we happen to know without having to do any research. In short, experience affects how we judge relevance, coherence, and plausibility, that is, how we reason.

When Anita Hill testified against Justice Clarence Thomas nearly two decades ago, many Congressmen expressed perplexity over the fact that she didn't "immediately report" the incidents when they occurred. How could such egregious offenses have really happened if she did not march right down to the Human Resources office and report the crime? Many of us watching, many women, wondered what planet these guys lived on. Give up a good job for what would surely be a long drawn out fight with little chance to win while gaining an almost certain reputation as a trouble maker? It is hopeless nine times out of ten to fight the boss on sexual harassment, and most women know this from personal experience.

It is significant that Anita Hill chose to go public with her grievance when more than her own situation was at stake, when Thomas was put forward for a position with unimaginable power in which his petty misogyny could conceivably harm many others. At that point, the lives of others were at stake, and she must have reasoned that it had then become worth the gamble of losing. Still, Hill lost—such reasoning was apparently lost on the Senate—and the nation will be saddled with Thomas on the court for many years to come.

I also found it interesting that after Hill came forward to testify, numerous women volunteered to testify in her support. The vetting team on the Senate asked each volunteer whether they themselves had ever been sexually harassed; if they had, they were nixed from the list. This indicates a set of epistemological assumptions about the nature of judgment that we can only guess at: Perhaps that victims of sexual harassment will be so traumatized that their capacity for rational judgment on future cases will be seriously impaired? Or that women who claimed victimization were probably making it up, just as much of the Senate committee believed Hill was?

Notice that here, the Senate went against ordinary empirical practice in which we generally assume those persons who have direct experience of something, say, war, for example, or living through cancer, will know something more about such an issue than the rest of us. We generally accord persons with such experience more, not less, epistemic credibility in regard to issues that may bear on such experience.

Yet, our society accords less epistemic credibility to those whose experiences have a relationship, perhaps a unique relationship, to their identities. In other words, if the experience is not universalizable to all groups, such as in the case of racism, sexism, or homophobia, often such persons are accorded not only less epistemic credibility, but none at all. Their claims are seen as naked attempts to use "the race card," or as exhibiting paranoia, or indicating the absence of an objective assessment of the facts.

I would suggest that the public discourses around Sotomayor's candidacy as well as other cases should give philosophers some work to do. They might look to the work of Lorraine Code, Charles Mills, Sandra Harding, Miranda Fricker, and others as a starting place to think through the issue of the role of social identity in rational judgment. They might wonder why this is such a neglected issue in epistemology, despite how obviously complex and rich a topic it would be to think carefully through. Perhaps this has to do with identity?

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## *Aztec Metaphysics: Poetry in Orphanhood*

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For hundreds of years, Aztecs have been seen as a tribe in ancient Mexico that committed savage sacrifices on behalf of their gods. Stories about their religious ceremonies are abundant. These stories tell us, among other things, about the priests eating a young female's heart while she is still alive. Grisly stories about tributes, sacrifices, tortures, and punishments seem to define the familiar concept of the Aztec. While these stories are not a product of the imagination, the reduction of this society to such terms entails the disavowal of the richness and complexity of thought that also arose in the Empire.

This project aims to open up a conversation among Aztec poetry and Western metaphysics, as developed by Heidegger. In the following paragraphs I present a brief introduction to Heideggerian thought, which explicitly addresses the possibility of unconcealing Being through an exploration of Greek thought. Such structure will be helpful in order to bridge the conversation to Aztec thought. In order to do so, I will provide a short account of the Aztec vision of the world, as it is relevant to understand their conception of Being. The last step in this conversation will be to analyze and discuss the similarities that the Aztec project seems to have with the Greek one, following the Heideggerian structure already discussed. This last step will require the

examination of one of the poems, one that has been ascribed to Nezahualcoyotl and that appears in a collection named *icnocuicatl*.

But before we continue, one has to realize that one of the difficulties this enterprise has is the quality and depth of linguistic analysis required. If we agree with Heidegger in thinking that Being has unconcealed itself to the poets, we see the relevance of this point. Poets have presented Being not in an explicit description, but through the words they have employed. In *A Dialogue on Language* Heidegger heightens his understanding of language as the House of Being, thus one must understand that the words used by poets are rooted in “the metaphysical manner of forming ideas” (Heidegger 1982, 25) that is unique to each culture which, according to Heidegger, seems unavoidable. While this view supports the idea of Being inhabiting houses that are completely unrelated, Heidegger is willing to accept that a dialogue from house to house may be possible. The possibility of dialogue is possible because languages arise from a same nature, which makes them comparable while at the same time allowing for an understanding of where Being resides, according to particular and unique cultural achievements. Thus, the key to analyzing the work of the poets is not based on the word, *per se*, but on the notion that it is aimed at, which is always restricted to the words of a language.

Such restriction highlights the fact that although we must start from the words that have been provided to us by the poets, it is also necessary for us to understand the complex way in which words come to be used. This attempt requires us to think in the culture’s own way, as this will allow us to enter into contact with the nature of language and, through it, with Being. In a certain way, it seems easier to think in a Greek manner than in an Aztec one. There is more information about the former and there is an understanding of how their language was formed. In the case of the latter, they did not have a written alphabet, which is why some of the extant codices still used pictographs and a phonetic alphabet. In addition, after the conquest, Nahuatl suffered from the imposition of the Spanish language and domination. However, through a careful analysis of the Aztec history and stories available to us, scholars have developed certain understandings of Nahuatl, both its language and culture, which makes a project like the present one attainable.

In this analysis of how Being unconcealed itself to Aztec poets, there is one more consideration we must have at hand. The concepts to which the poems will be related are taken from a Western culture. I do not intend to impose Heidegger’s findings on the Aztecs or to say that these two cultures understood Being in the same way. However, the purpose of this paper is to understand the Aztec thought in more depth, and the structure that Heidegger has developed by his understanding of the Greeks is one that can be applied to what we know about the Aztecs for this purpose. By doing this kind of analysis we can penetrate Aztec thought and see how alike or different it is from that of the Greeks, or from other cultures that can also be explored through this structure. In this way I am establishing a dialogue from house to house in order to obtain enlightening information.

### Heidegger’s Metaphysics of Being

In *Introduction to Metaphysics* Heidegger says: “All essential questioning in philosophy necessarily remains untimely, and this is because philosophy either projects far beyond its own time or else binds its time back to this time’s earlier and inceptive past” (Heidegger 2000, 9). I believe that Heidegger’s analysis can be used to explore the insight that the Aztecs gained in their time. If this is true, then the fundamental philosophical

question, that about being has to find some answers in Aztec poetry. Heidegger asks the question, “Why are there beings at all instead of nothing?” (Heidegger 2000, 1). This is, for Heidegger, the fundamental question that philosophy should address, essentially because its core is metaphysics and this implies the activity of questioning beyond beings (*meta ta phusika*). It seems that if philosophy is to accomplish its goal, it needs to get a better understanding of being and what is after being.

For Heidegger these fundamental philosophical questions can only be answered by going back to ancient Greece, before Socrates and Aristotle. Heidegger explores the Greek world as a pioneer in the unconcealment of Being. By going back to the original conceptions of the language, Heidegger tries to find where Being has been hiding. It is in this more unique and authentic way of reading the Greeks that he finds openness in Being. He traces back the etymological concept of *phusis*, and the concepts related to it, in *Oedipus Rex*, *Oedipus at Colonus*, *Antigone*, and the works of *Parmenides* and *Heraclitus*. Heidegger discovers that the Greeks addressed the question of being by their use of the word *phusis*, a word that in the following years was to be translated into Latin as *natura*, where it departed from its original meaning. These kinds of translations followed and were immersed in different historical changes and, with them or through them, the word “acquired” new meanings. These meanings are the ones we see in common use. Yet, the original conception developed by the Greeks has been hidden to such a degree that one could think of it as lost. Thus, Heidegger thinks that in order to understand Being one needs to go back to the Greeks so as to extract its original meaning.

Heidegger’s project is based on the understanding that “essence and Being speak in a language” (Heidegger 2000, 57). Thus, language is relevant not only for its grammatical functions but for hermeneutical purposes, as a way into the real thought of those who entered in connection to Being. This comprehension of language is expressed and required by Heidegger. Through it, he equates Being with *phusis*, which “means the emerging sway, and the enduring over which it thoroughly holds sway” (Heidegger 2000, 16). In this conception, *phusis* is also a becoming “the event of standing forth,” that which presented itself to the poets, arising from what was concealed (Heidegger 2000, 16).

In order to explain Being, Heidegger goes back not only to the etymology of the word, but to a comprehension that requires him to think in a Greek manner. He recreates the connections that the word has, as used by *Heraclitus*, and shows us that words acquire new meanings in their standing against Being. Being has been disclosed to the Greeks, in a world where logic and science were not the guiding principles. Philosophy was conceived differently, in a more fundamental way. But it was also conceived in that particular language, which is why a linguistic enquiry is necessary. “In the word, in language, things first come to be and are” (Heidegger 2000, 15). Under this premise, Heidegger states that *polemos* does not mean war in the historical sense, but “a strife that holds sway before everything divine and human” (Heidegger 2000, 65). *Logos* is not organized thought for Heidegger but a gatheredness. In Heidegger’s understanding of *Heraclitus*, it is the confrontation which makes this gatheredness possible; Heidegger insists that it is only through *logos*, understood in this way, that Being is unconcealed (*aletheia*). Therefore, it is in and through confrontation that unity is accomplished; this is why Heidegger claims that “Where struggle ceases, beings in fact do not disappear, but world turns away” (Heidegger 2000, 65).

It is, then, in a similar way that I proceed to explore whether or not the fundamental question, as understood by Heidegger, was also present in the Aztec conception of the world.

## Aztec Culture

In correct usage, the word Aztec refers to the empire built by the Mexicas. The Mexicas were one of the eleven Nahuatl tribes in Chicomoztoc.<sup>1</sup> They were a tribe that had to overcome slavery, captivity, persecution, and rejection, among many other things, before they became rulers of this magnificent empire. They made major discoveries in mathematics and astronomy. They developed commerce in a profitable way. They had a rigorous educational system. In addition, they engaged in art and literature, which opened the way to engage in philosophical reflection. The Aztecs engaged in long dialogues trying to provide a meaning to life, to their existence, to the future to come, which they thought was not in this realm.

The belief that the world had already been created and destroyed four times was common among the Nahuatl tribes. However, the gods gave them another opportunity and created the Fifth Sun. This Sun was created in Teotihuacan (Land of the Gods). The mythos about the creation of this new period on earth is surrounded by the idea of war and sacrifice. The gods gave their blood in order to provide energy to this new world. Humans were brought back from the Mictlan (Land of the Dead). Thus, life commenced on earth, again. However, humans knew this Fifth Sun was not going to last forever. The fatalism expressed by this mythos can be traced in almost all conceptions of the Aztec world. But maybe it is for that same reason that they did not dare defy the gods. It is in this belief that the Mexicas, guided by their war-god Huitzilopochtli, began their pilgrimage from Aztlan<sup>2</sup> to Tenochtitlan, their promised land. They were the last Nahuatl tribe to reach the valley (ca. 1248). This obliged them to serve others while moving, trying to find the place in which they would build their own kingdom.

However, their transition from settlers to rulers was still in the making, and many years of war had to follow this finding. The Mexicas began their settlement in the Mexican plateau acting as warriors for several other kingdoms, such as those in Azcapotzalco and Culhuacan. The Lord of Culhuacan did not like the Mexicas—often perceived as more barbaric, less educated than the rest of the groups in the valley—and wanted to get rid of them; he sent them to a land inhabited by snakes.<sup>3</sup> But the Mexicas felt grateful and not only ate the snakes but remained in this place for a number of years.

The Mexicas worked hard at creating different kinds of alliances with the neighboring kingdoms—from using military might to arranged marriages—and also at developing a strong sense of belongingness among their kind, which one could read as a sort of national identity. Relations between Mexicas and the tlatoani<sup>4</sup> of Culhuacan<sup>5</sup> flourished until the Mexicas were summoned by Huitzilopochtli again; they had to sacrifice the tlatoani's daughter. For this they were persecuted and had to flee to another region. Their shelter was a small swampy island in the lake. Here they found the omen Huitzilopochtli had for them: an eagle sitting on a cactus, devouring a snake.<sup>6</sup> The Mexicas had finally reached their promised land, and settled permanently in the city of Tenochtitlan with no need to serve others.<sup>7</sup>

In the year 1426, after many Aztec centuries<sup>8</sup> of being dominated by others, the great warrior Tlacaélel shifted the balance of power entirely in their favor. Their allies were summoned and they organized different groups to fight the kingdom of Azcapotzalco, the most powerful one at the time, and the one that collected taxes from all the other tribes. The Mexicas conquered their enemies and subjugated them to their power (ca. 1428). This made them the most powerful tribe in that territory. They united powers with the lordships of Texcoco and Tlacopan, which would greatly influence the cultural development of the Aztec empire while it reached

its maximum levels of expansion—as they conquered all of the valley of Mexico to the Atlantic, and almost reaching the Pacific as well, where the Purepecha tribe proved to be their fiercest opponent. Such growth gave the Aztecs the opportunity to improve their societal organization, and thus began the splendor of their civilization. The Aztec empire was born and soon tlatoanis such as Itzcoatl (1428-1440) and Moctezuma (1440-1469) ruled the vastest empire in what is now known as Mexico. Unfortunately, it was only going to last a century, as Hernan Cortez would make his appearance in 1527.

But let us go back to the period when the Aztecs were rulers of Central Mexico, around 1428 when Itzcoatl was in power. There are two figures that are worthy of consideration. Tlacaélel was the military leader who led the Aztecs to this century of glory. He used a mystical-military vision that transformed the Aztec warriors into the very best. This vision allowed them to conquer many tribes and to develop their city. It was also because of Tlacaélel and his influence on the government that the Triple Alliance became possible. This Triple Alliance included the lords of Tenochtitlan, Tlacopan, and Texcoco. This alliance, as mentioned before, allowed the progress of arts and sciences; but most of all, it allowed the development of philosophical thought. Tenochtitlan became the city in charge of the military operations and Texcoco became the center for arts, culture, and laws. The most noted character that this Alliance brought is that of Nezahualcoyotl, lord of Texcoco. The Lord of Texcoco brought laws and legislation to the Aztec empire. His sense of justice permeated several institutions, from the pacific life in the polis to the optimization of resources in it. He is considered to have been a powerful and righteous man.

The differences between these two figures, Tlacaélel and Nezahualcoyotl, could not be greater. Tlacaélel ordered the Aztec troops to advance over other kingdoms and make them subjects of the Aztec empire. Not content with military force, he also ordered that these kingdoms burn whatever annals they had and that they remake history. The Mexicas rewrote their journey from Aztlan to Tenochtitlan in a grandiose manner, depicting themselves as the chosen tribe, elected by Huitzilopochtli to rule over those who lived in Mexico's central plateau. Scholars claim that under Tlacaélel's advice the number of human sacrifices increased, as the strategist created the "guerras floridas" (flower wars), with the active intent to capture sacrificial victims. Although sacrifices were a part of the worldview of all these tribes (they all believed that the sun was the source of life, and that sacrifices were necessary in order to feed the sun), sacrifices had not been used as a form of intimidation against other tribes. Now it was a political tool. On the other hand, Nezahualcoyotl's advice is documented to have been on matters of social policy and education. But as close as he was to the Mexica Lord in this role, he still disagreed with the way in which their philosophy was being used. Active as he was in government and faithful as he might have presented himself before Tlacaélel's eyes, Nezahualcoyotl did much to protect his lordship from falling completely under the orders given by Tlacaélel.

It was Nezahualcoyotl's view of life that provoked change in the Aztec concept of self during the time of the Triple Alliance.<sup>9</sup> He was a great statesman, and also a great poet. His poems talk about life, not only as what we experience on earth, but also as the uncertainty of life itself. He was one of the various wise men (tlamatinime) in the Empire who used to gather and question the martial-mystical attitude of the Mexicas. According to León-Portilla's *The Broken Spears*, because of this rejection the Mexicas oriented their thinking along philosophical lines that yielded a different nature for the divine, with a less conflictive image of its relation to humankind, a less aggressive image

of human nature, a more ambivalent purpose for humanity's existence, and some hope that an escape from the anguish produced by the transitory nature of all things was possible (León-Portilla 1992b, 163). Indeed, the change the tlamatime were proposing was so significant that it even included a vision of a unique god, which they named Tloque Nahuaque.<sup>10</sup> The idea of a single god was completely opposed to the way in which the Aztec world functioned.

These sages developed a way to engage in philosophical observations. They used poetry to connect in these reflections, and gave them the name "Flower and Song" (xochicuicatl). Lord Tecayehuatzin was the first to organize a gathering. The purpose was to "try to clarify the nature and significance of poetry" (León-Portilla 1992b, 165). It is during these gatherings that they differentiated the peaceful character of their cities from that of Mexico-Tenochtitlan. It was as a result of this and other reunions that these wise men "who soon demonstrated their deep poetic and philosophical sense, composed songs and poems to express their deepest concern" (León-Portilla 1992b, 167). Even if written in form different from that of more common philosophical texts, the depth of these writings has shown us a profound people asking the same questions that other reflective civilizations have pondered.

### **Incnuicatl and Metaphysics of Being**

A collection of poems by the name of incnuicatl was one of the results of these gatherings. According to Shorris and León-Portilla, in *In the Language of Kings*, "The incnuicatl, songs of orphanhood, are often described as metaphysical poems" (Heidegger 2000, 76). Shorris and León-Portilla further their explanation by saying that

these works raise the problem of speaking the truth in this world, the evanescence of existence, the ethical dilemma of distinguishing good actions from bad, a concern for human destiny in the beyond, and how to approach mysteries surrounding ultimate realities. (Heidegger 2000, 77)

Because of the nature of this project, this collection is the one from which a poem will be presented and analyzed. It also seems to hint something to us. The name of the collection is "songs of orphanhood." The term orphanhood seems to suggest that the Aztecs felt that they were abandoned. We have a closer identification to this idea by the French translation être abandonné, rester orphelin. From the Nahuatl we can see that incnuicatl is formed icnotl and cuicatl. The latter means songs, as in *Flowers and Songs* (xochitl and cuicatl); this word refers us to art and the way in which the Aztecs wrote their philosophical insights. The word icnotl means poor, which for the Aztec life represents a sense of desperation, of not belonging or not finding their place. From these two morphemes, incnuicatl can be understood as the art developed by the Aztecs for questioning their belonging to a place.

There might be a relation between this word and that employed by Heidegger: das Unheimlich. He presents the uncanny as "that which throws one out of the 'canny,' that is, the homely, the accustomed, the usual, the un-endangered. The homely does not allow us to be at home" (Heidegger 2000, 171). The Aztecs, at least their artists, seem to have reached a state in which they experienced this thrown-ness, a condition that does not let them feel that they are at home, but which makes them act with violence, as violence-doers if they are to stand against the overwhelming. It is precisely this overwhelming force that makes them question.

Before we start the analysis, we must have in mind that "the language used by Aztec poets and thinkers is richly metaphorical, making abundant use of double epithets, with

which paired nouns have a third, inner meaning" (León-Portilla 1992b, 192-3). One of the trademarks of the education of the tlamatime was their ability to use the diphral metaphor, which combines two phrases in order to give a metaphorical explanation (icnuicatl is an instance of diphralism, as is xochicuicatl). Therefore, we cannot rely only on the expressed meaning of the words; we must observe the relation they keep with the Aztec lifestyle, their conception of the gods, and, above all, the subtle references that hint at the hidden meaning that points towards Being.

The incnuicatl that will be analyzed here is one ascribed to Nezahualcoyotl, written between 1430 and 1450. One of the reasons for selecting this poem is that several meanings can be extracted from it. The other reason is that it has references to several of the questions that appear in other poems of other poets, thus making it a great first introduction to Aztec thought.

The Giver of Life is a mocker;  
We pursue only a dream,  
Oh friends of ours,  
Our hearts trust,  
But truly he mocks.

Being moved, let us enjoy ourselves,  
In the midst of the greenery and the paintings.  
The Giver of Life makes us live,  
He knows,  
He decides,  
How we men will die.

Nobody, nobody, nobody  
Truly lives on earth.<sup>11</sup>

In this poem, Nezahualcoyotl presents his complaint about the one he calls The Giver of Life (Ipahnemohua). The use of the word ipahnemohua, as will be shown later, represents one of the several complexities that are found in Aztec poetry. To begin with, we must acknowledge what León-Portilla has to say about the ode to the divine:

References to supernaturals in the prayers and hymns are often shrouded in epithets, the divinity seldom being addressed by his or her true name. This was especially true of Tezcatlipoca, for whom were reserved such terms as 'Lord of the Near, of the Night', 'Night Wind', 'The Enemy on Both Sides', or 'The Mocker'. To be able to narrate such discourse, and to understand it, was the mark of an educated person. (Heidegger 2000, 193)

Being aware of this, we can try to understand why in the first line Nezahualcoyotl writes: "The Giver of Life is a Mocker." Analyzing the sentence while keeping in mind the relevance of diphralism, in the first instance we have that the word "Mocker" is a direct reference to Tezcatlipoca (Smoking Mirror). Yet, it is not only that diphralism is at the core of the sentence here, but also that Nezahualcoyotl might have been pointing out the way in which deities were always referenced in pairs. Dualities are common in the Aztec pantheon. Here, Nezahualcoyotl's use of the term "The Giver of Life" is what points this investigation in such a direction. If one keeps in mind the Aztec myths of creation, the legend of the Fifth Sun and the origins of this world should come to mind. In that

myth, it is not Tezcatlipoca who restores life on earth, but his brother Quetzalcoatl (Feathered Serpent). Quetzalcoatl is the one who recuperates the bones from Mictlan. Thus, that first line indicates the dual connectedness between the brothers, Tezcatlipoca and Quetzalcoatl, while it already alludes to the powers that have set the world in motion. Furthermore, these two deities are often considered to be the patrons of Texcoco, Nezahualcoyotl's kingdom. The presence of the two in the poem is relevant to this project because, as Elizabeth Hill Boone indicates in her book *The Aztec World*:

These two, described as brothers who separated heaven from earth and as opposing forces at ancient Tula, were often juxtaposed in Aztec thought. Tezcatlipoca, the dark force, could be malevolent, although he was also the patron of rulers and the god of divination. Quetzalcoatl, the light force, was considered beneficial; he brought back the ancestral bones of which the first humans were formed; he brought knowledge to human kind; and he was also the patron of the priests. (108)

Thus, Nezahualcoyotl invokes two deities that are complementary. He introduces them as one. This duality and its explanation will broaden our understanding of Being in Aztec philosophy, but before we can do this, we should ponder something else here.

According to Townsend, in *The Aztecs*, because of the influence that Spaniards had, every reference the Aztecs make to their word *teo*, is equated to "god," a divinity. Thus, "the Giver of Life" would simply refer to another deity. But according to this scholar,

the word *teo* may similarly be used to qualify anything mysterious, powerful or beyond ordinary experience, such as animals of prey, a remote and awe-inspiring snow-capped mountain, a phenomenon of terrible power such as the sun or a bolt of lightning, or the life-giving earth, water and maize, or even a great tlatoani at the time of his coronation. Nor was its application restricted to good or ethical things, for malign phenomena might also be designated by *teo*. (116)

In the Aztec conception, *teo* was not necessarily a god acting upon earth, but something that made them think of their being-here, something bigger than nature. *Teo* presented the question of beings being here. There is an interesting connection here to Heidegger, who says:

Thus *phusis* originally means both heaven and earth, both the stone and the plant, both the animal and the human, and human history as the work of humans and gods; and finally, and first of all, it means the gods who themselves stand under destiny. (Heidegger 2000, 16)

If we pay attention to the Nahuatl word *teo* and the Greek *phusis* there seems to be a close relation between what each culture means by this word. For the Aztecs *teo* is that which makes them question their own existence, all those features of nature that make them inquire into the existence of something bigger than themselves. For the Greeks, as postulated by Heidegger, *phusis* is that which holds sway over the world, divine or not. Heidegger says that *phusis* is the emerging, overwhelming sway and thus understands it to represent Being. It seems that, for the Aztecs, the word *teo* encapsulates some of the same meaning: it is a force that is present in nature but also in what arranges the world, such as the tlatoani. Maybe if we understand *teo* not only as that which is supematural, but as

that which is sublime, we can have a nearer encounter between these two words and how they represent the overwhelming to these two cultures.

Drawing from the similarity found between these two words, we can look back to the phrase "The Giver of Life is a Mocker." Quetzalcoatl represents for the Aztecs knowledge, the light brought to earth. He is the reason why there are humans on earth. If we connect this idea to Heidegger, we could say that Quetzalcoatl resembles *dike*: "Being is fittingness that enjoins" (Heidegger 2000, 171). On the other hand, Tezcatlipoca is "the Mocker," that which represents violence, a dark force but also related to the government, to foreseeing. In Heideggerian terminology, *techne* is knowing, it "means initially and constantly looking out beyond what, in each case, is directly present at hand" (Heidegger 2000, 169).

These two divinities resemble the account Heidegger presents for *deinon*. These two brothers oppose each other and, yet, they represent the coming together for Nezahualcoyotl; Heidegger says:

the *deinon* as the overwhelming (*dike*) and the *deinon* as the violence doing (*techne*) stand over against each other; although not as two present-at-hand things. This over-against consists, instead, in the fact that *techne* breaks out against *dike*, which for its part, as fittingness, has all *techne* as its disposal. (Heidegger 2000, 171)

Following Nezahualcoyotl's poem, he is concerned with a life that pursues a dream, a life in which we cannot see reality. He says that this *teo* let us live among the vegetation (*greenery*), in nature and surrounded by art (*paintings*), and yet we do not possess a will of our own. Here on earth we neither know nor decide anything that is real, as will be explained later. This is only a dream, a seeming. It can be argued that Nezahualcoyotl introduces the concepts of "greenery" and "paintings," because through observation of them we can apprehend the work of *teo*, Being. This conception of art as a way to understand the world is also present in other poets and, thus, in several poems.

The last two lines of the poem also have great relevance for this project: "Nobody, nobody, nobody / truly lives on earth." The word that is being translated as "truly," or true in other poems, is *neltiliztli* in Nahuatl. In *The Aztec Concept of Self*, León-Portilla provides an explanation for it:

*Neltiliztli* (truth) is a term derived from the same radical as *tlanelhuatl* (root), from which *nelhuayotl* (base, foundation) is also derived. Therefore, the statement that the stem syllable *nel-* originally connoted the idea of a "fixing solidity" or a "deep rooting" is not a mere hypothesis. From this it follows etymologically that "truth" in its abstract form (*neltiliztli*) implied among the Nahuas the quality of being firm, well established or rooted. (171-2)

Nezahualcoyotl seems to suggest that no man has the quality that makes him stand solidly rooted against the divine, the overwhelming sway. That is why he has accepted in the strophe that precedes this declaration, that it is the Giver of Life who decides. Knowledge belongs to the deity, to *teo*, not to human beings. Nezahualcoyotl cannot prove that whatever knowledge he might have is real. Not even his stance here on earth (*tlaltipac*). All that we have is what this deity decides to share with the poet in this dream-like life. Yet, there might be a way out of uncertainty, or at least something that can be enjoyed: the greenery and the paintings. Art is something that we can have, that is there for us to have. The Giver of Life—Quetzalcoatl, fittingness—has perhaps given us art as a way to unconceal him, thus the enjoyment.

Nezahualcoyotl's poem allows us to see some similarities between his questioning of existence and that of the Greeks. These similarities should be explored in more depth, with an appreciation of the Nahuatl language, in order to acquire better understanding of how the Aztecs thought of Being.

The structure created by Heidegger to answer the question of why there are beings at all instead of nothing, the most fundamental philosophical question, has allowed us to see the Aztecs in a different light. Not only as bloodthirsty warriors, but as beings who questioned their existence on earth. They were not satisfied with the myths of creation; their pantheon did not provide enough information about their existence—they had to posit questions that would grant them some sense of being grounded, that could explain their existence in this world. Poets such as Nezahualcoyotl were successful at proposing the question of being; or maybe Being was successful unconcealing itself by choosing poets like him.

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#### Endnotes

1. Chicomoztoc means "The Seven Caves." It is the place that the ancient Mesoamerican tribes inhabited before starting their pilgrimage to the Valley of Mexico.
2. The name indicates "Land of Whiteness." The exact location of this place is unknown, although several studies say that it is located in the Northwestern part of the Mexican territory. 1168 is the estimated year in which the pilgrimage began.
3. This place was called Tizapan, "Land of Snakes."
4. Tlatoani is the name given to the wise ruler of the tribe.
5. It is estimated that the Mexicas became vassals to the lordship of Culhuacan in 1300.
6. This is the same image that appears in the Mexican flag. This is its relevance.
7. The city of Tenochtitlan is founded between 1300 and 1375, according to historians.
8. The Aztec century lasted a period of fifty-two years. At the end of each century they had the ceremony of the Last Sun, which lasted for five days; they believed that the evil spirits were among them. No one was allowed to leave their house. No food was prepared. If they saw the sun rise again on the sixth day, they were content.
9. The Triple Alliance was formed in 1431.
10. Sometimes he was called Tloque-Nahuaque, "Lord of the Close Vicinity," sometimes Ipalnemohuani, "Giver of Life,"

sometimes Moyocoyatzin, "He who Creates Himself." He also had two aspects, one masculine and one feminine." *The Broken Spears*, 42.

11. This poem forms part of the collection called *Cantares Mexicanos* (vol. 13v).

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## *The Aztec Conception of Time*

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### Introduction

It is generally recognized that time and timekeeping were dominant elements in Aztec thought. Aztec time worked in conjunction with Aztec astronomy, mathematics, religion, and mythology to order virtually every major institution of Aztec life.<sup>1</sup> It played a significant role in ordering their agriculture, architecture, economy, and politics.<sup>2</sup> It ordered when crops were planted and harvested, when business trips were taken, how building projects were undertaken, and when war was made.<sup>3</sup>

Scholars have devoted much attention to outlining the workings of Aztec time and explaining how it provided a manifold where other aspects of Aztec thought converged.<sup>4</sup> This work is obviously important, indeed indispensable, for philosophers who have an interest in understanding it from a philosophical point of view.

In this paper, I will first present a brief reconstruction of the Aztec conception of time. I will then raise the question of how we should understand the cyclical aspect of Aztec time. I will do this by revealing what I take to be a serious philosophical problem with this aspect, one that possibly undermines the conception at its very foundation or, at least, undermines how it is commonly understood by interpreters. More specifically, the problem is that Aztec time is commonly understood to be cyclical, but since the Aztecs needed historical events to distinguish between cycles, it seems that their cyclical temporal system rests on a foundation of linear temporality.

I do not raise this problem in the spirit of negative criticism, nor do I intend to suggest that the Aztec conception of time must meet some western standard of philosophical or theoretical coherence. Instead, I do this to gain a better understanding of Aztec time in its own right. It might be that this problem can be solved by pointing out some relevant historical, anthropological, or archeological data. Or it might be that the Aztecs would reject one of the western-oriented assumptions that give rise to the problem; instead, they might make other assumptions that reveal this problem to be inapplicable. However this problem is solved, I hope that addressing it provides an opportunity to more closely examine the philosophical implications of Aztec time and thereby advance our understanding of it. Let me begin by briefly reconstructing this conception.<sup>5</sup>

### I. Brief Summary of the Aztec Conception of Time

Aztec time keeping is divided into three basic systems: the counting of the days (tonalpohualli), the counting of the years (xiupohualli), and the "binding of the years" (xihmopilli).<sup>6</sup> The workings of the tonalpohualli and the xiupohualli have often been described by the image of two intermeshed wheels.<sup>7</sup> On one wheel, days are assigned a number 1 - 13<sup>8</sup>; on the other, days are assigned one of the following twenty day signs:

- Reed.
- Jaguar.
- Eagle.

- Vulture.
- Motion.
- Flint knife.
- Rain.
- Flower.
- Crocodile.
- Wind.
- House.
- Lizard.
- Serpent.
- Death.
- Deer.
- Rabbit.
- Water.
- Dog.
- Monkey.
- Grass.

The tonalpohualli consisted of 260 days, which itself consisted of twenty groups of thirteen days; the xiupohualli consisted of 365 days, which itself consisted of eighteen groups of twenty-day months, plus five single-digit days (nemontemi) at the end of the year; the xihmopilli consisted of fifty-two years, which itself consisted of four groups of thirteen years.

The 260-day count worked as follows. A thirteen-day group consisted in a cycle through each of the day numbers 1 – 13. The days would proceed by counting day numbers with each successive day sign. Suppose, for example, that a group began with 1-reed.<sup>9</sup> The days would proceed with 2-jaguar, 3-eagle, 4-vulture, and so on until the thirteen day numbers were counted. After the thirteenth day, a new group would start with 1 and a next day sign, death. Each cycle would begin with 1 and a new day sign until each day sign had a turn beginning a new group. Thirteen days after 1-death, the next group would begin with 1-rain, the following group would begin with 1-grass, and so on until each day sign began a new thirteen-day group.

After twenty cycles of the thirteen-day numbers with the twenty day signs, each combination of day numbers with signs would occur only once. Additionally, each day sign would appear thirteen times during the year, though with a different day number; and there would emerge thirteen groups consisting of the days on which each of the twenty day signs would appear. Thus, the year would consist of twenty cycles of the thirteen-day numbers or, alternatively, twenty groups of the thirteen days on which each day sign would appear. In either case, the year amounted to twenty groups of thirteen days, which amounted to 260 days.<sup>10</sup>

The 365-day count worked as follows. Each year would begin with one of four possible year bearers: reed, flint knife, house, or rabbit (underscored above). The year bearer indicates the day sign that would begin each twenty-day month. For example, the year bearing the sign “reed” would be the year in which each month would start with a day number, 1 – 13, and the day sign, “reed.” A twenty-day month consisted in a cycle through each of the twenty day signs listed above, with each new month beginning with a day number and the day sign, “reed.” For example, the days of a month beginning with 1-reed would proceed with 2-jaguar, 3-eagle, and 4-vulture, and so on through each day sign until the cycle returned back to reed, more specifically, 8-reed, which would begin a new month.<sup>11</sup> The cycle would return to 8-reed because the cycle of thirteen days would terminate at 13-serpent, restart at 1-death, and continue to 8-reed.

When this cycle was completed eighteen times, 360 days will have passed, after which five single-digit days would be added to keep the calendar in line with the cycle of the sun. These extra five days would pass the next year onto the next year bearer, flint knife, which is five single-digit days after reed. The next year would then begin anew with flint knife as the year bearer.

The fifty-two-year count worked as follows. Each year was assigned a number 1 – 13 and named after one of four year bearers, reed, flint knife, house, or rabbit. Suppose, for example, that a thirteen-year group began with the year bearer reed. The count would begin with the year 1-reed. The following year bearer would be flint knife and would be counted as the year 2-flint knife. The next year would be 3-house, followed by 4-rabbit, 5-reed, 6-flint knife, and so on until thirteen years were counted. The thirteenth year would fall on the year bearer on which the cycle started, reed, and a new thirteen-year cycle would begin with 1 and a next year bearer, flint knife.

Each thirteen-year cycle would begin with 1 and the next year bearer until each year bearer had a turn beginning a new thirteen-year cycle. Thirteen years after 1-flint knife, the next cycle would begin with 1-house, followed by a cycle beginning with 1-rabbit. This would amount to four cycles of thirteen years, which amounted to fifty-two years. This cycle was significant because the 260-day count coincided with that of the 365-day count every fifty-two years. Thus, as Boone says, “the Aztecs metaphorically bound the years and understood the great cycle to be complete.”<sup>12</sup>

Aside from the quantitative aspects of Aztec timekeeping, there are also qualitative aspects. To begin with, Aztec time is cyclical. As Boone states:

Multiple, ongoing, and intermeshing cycles of the calendar created reoccurring junctures in time, so that each action and every human took its place in multiple cycles. As the cycles advanced, new junctures continually came to the fore until the cycles completed their span. Thereafter the same previous junctions reoccurred, already occupied by remembered past events but remaining open to present and future actions.<sup>13</sup>

The Aztecs also considered these cycles to be what Maffie calls “the unfolding of teotl,” which he describes as “a single, dynamic, vivifying, and eternally self-generating-and-self-regenerating sacred energy, power, or force.”<sup>14</sup> The cycles of time are ultimately expressions of teotl, which is the most fundamental generative and animistic force in the Aztec universe.

Moreover, Aztec time was spatial. Year bearers and day signs were assigned regions of space according to the four main directions: east, north, west, and south. For example, the east was assigned the year bearer, reed, and the day signs water, motion, serpent, reed, and crocodile; the north was assigned the year bearer, flint knife, and the day signs wind, dog, flint knife, death, and jaguar.<sup>15</sup> With the assignment of year bearers and day signs to spatial regions, time and space are unified into a single time-space manifold.

Further, Aztec time was infused with various other qualities. The numbers assigned to the days had different qualitative characteristics. As Maffie notes, “The number three, for example, is propitious; the number nine, unpropitious. ... Days bearing the number 13 are auspicious since they reflect order; days bearing the number nine are inauspicious as they reflect disorder.”<sup>16</sup> And the regions of space were infused with characteristics as well. For example, the east was associated with the color red and was considered the region of life, whereas the north was associated

with the color blue (or black) and considered the region of the dead.<sup>17</sup> Each region was also assigned representative trees, tree sources, and birds.<sup>18</sup> Additionally, they were assigned various gods and corresponding rituals.<sup>19</sup>

Since the days were cyclical and imbued with various characteristics, the Aztecs conceived of them as “bearing destinies and burdens.”<sup>20</sup> In the 260-day ritual count (tonalpohualli), Aztec soothsayers used this information to prognosticate on the conditions that the coming days would bring. As Townsend points out, these prognostications offered “a picture of the cosmic circumstances surrounding a particular problem, and counsel for what may be done to arrive at the right course of action.”<sup>21</sup>

They also used this information to determine whether one was born on an auspicious or inauspicious day and what destiny one would bear as a result of being born on that particular day. For example, 1-crocodile was considered to be a good and auspicious day; those born on this day (and the twelve days that followed), regardless of their place in society, were destined to prosper in their respective place.<sup>22</sup> 1-jaguar was bad and inauspicious; those born on this day were destined to suffer a miserable fate.<sup>23</sup> 2-rabbit was also inauspicious, for those born on that day were destined to be drunkards.<sup>24</sup> This is not to say that such fates were irreversible. One born on 1-crocodile could undermine one’s good fate by failing to honor ritual obligations or failing to exercise good forethought.<sup>25</sup> One born on 1-jaguar could escape one’s bad fate through various acts of piety, conscientiousness, and forethought.<sup>26</sup>

It is difficult to determine precisely how an Aztec soothsayer would interpret the conditions of a particular day, for the influences on a particular day came from many different sources.<sup>27</sup> The diviner also had to interpret these influences with the aid of several divinatory books, many (or most) of which have not survived.<sup>28</sup> Moreover, both the influences and the information contained in the divinatory books would have to be interpreted in conjunction with the specific circumstances of the person for whom the interpretation is made. As Boone says,

Divination...was not a simple one-step process, as much as Sahagun’s written account might make it seem. It was a complex performance in which the patron, the diviner, and the codical tonalamatl all interacted. ...The diviner had to compile and sift data about all the pertinent cycles, weighing the divergent information against each other in order to read a fully balanced fate. Divination was not a simple act of reading but was fundamentally a work of judgment and interpretation, where the diviner mediated between the spirit world and the concerns of the individual who sought guidance.<sup>29</sup>

At any rate, Aztec time-space, as Maffie puts it, is both “quantitative and qualitative.”<sup>30</sup> Aztec time-space was saturated with the qualities associated with numbers. It was also steeped in the colors and characteristics associated with the four directions. Moreover, it was infused with the powers and personalities of the various deities that rule on their assigned days or day groups. If we include Boone’s point that Aztec time was “open to present and future actions,” then with all these characteristics, the days of Aztec time would set the conditions in which human events would occur:

And given the cyclicity of Aztec time, these conditions would repeat themselves over and over again. León-Portilla, presumably endorsing Soustelle, cites him as saying

The world may be compared to a stage screen on which a number of different light filters of various

colors are projected by a tireless machine. The color projections follow one another, overlap, and infinitely adhere to an unalterable sequence. ...Today the East is dominant; tomorrow the North; today we live in good times, and without gradual transition, we shall pass into the unfavorable days (nemontemi). The law of the universe is the alternation of distinct qualities, radically separated, which dominate, vanish, and reappear eternally.<sup>31</sup>

If this brief reconstruction is correct, then it seems that Aztec time-space is fundamentally cyclical; it simply starts over at the same point at which it began and begins with a new cycle of the same days, along with their same characteristics. And although different events would occur within these times, such events would take place within this fixed time-space manifold. Let me now turn to my main question and problem.

## II. Problems with the Aztec Conception of Time

One of the main questions I have is this: How we are to understand the cyclical aspect of Aztec time?<sup>32</sup> This question is important in light of Townsend’s remark that the Aztecs did not have a calendrical way to distinguish between fifty-two-year cycles. He states:

Curiously, the succession of 52-year cycles was not calendrically differentiated. It is as if our centuries were not distinguished as being before or after Christ. Thus the voyage of Columbus would have been recorded as ’92, or the meeting of Cortés and Motecuhzoma as ’19, or the end of the Second World War as ’45. In the Aztec system, only a knowledge of historical events would allow one to place them in the appropriate 52-year cycle.<sup>33</sup>

And other scholars seem to agree, for Carrasco and Matos Moctezuma point out that the Codex Mexicanus recounts significant events in Aztec history by using pictorial representations combined with year dates like 4-reed, 6-house, and 7-rabbit that do not distinguish between fifty-two-year cycles.<sup>34</sup> I would add that in the Annals of Cuahtitlán, the various suns that have come into existence are said to have lasted hundreds of years, but they nonetheless are said to have been born or destroyed on years like 1-reed or 1-flint, again without reference to any sets of fifty-two-year cycles.<sup>35</sup>

If Townsend is correct, then it seems that Aztec time intervals are distinguishable from the events that occur within them. More specifically, Aztec time-space intervals repeat in a perfectly uniform and cyclical way with identical days repeating over and over again. And this occurs in a way distinguishable from the events that occur within them, which would make sense of event x occurring on 1-reed in one fifty-two-year cycle, and event y occurring on 1-reed in the next fifty-two-year cycle. On this view, the same day, 1-reed, will have passed in both cycles, but different events will have happened on that day.

Townsend’s observation, however, raises the abovementioned problem: Aztec time is commonly understood to be cyclical, but since the Aztecs needed historical events to distinguish between cycles, it seems that their whole cyclical temporal system rested on a foundation of linear temporality.

To my knowledge, this problem has been generally overlooked in the scholarship on Aztec time, but one scholar, Ross Hassig, presents a strong case against the idea that the Aztecs had a fundamentally cyclical conception of time and for the idea that they had a linear one. To do this, Hassig offers an argument that makes use of extensive historical, anthropological, and archeological evidence.<sup>36</sup> It is beyond the scope of this essay to give a careful analysis and evaluation of

his arguments. However, it seems to me that Hassig is correct at least about this: the cyclical conception of Aztec time is problematic. And apart from the evidence that Hassig brings to bear on this issue, there are philosophical reasons to think so.

To see this, it helps to bring the Aztec conception into dialogue with the western discussions on the philosophy of time. One central question in these discussions has to do with the topological, or structural, properties of time. Within this question are others that have to do with how intervals of time are related to each other. McTaggart argued that intervals of time can be understood in two ways: (1) Past, present, and future, which he called the A series; or (2) earlier and later, which he called the B series.<sup>37</sup> According to McTaggart, both the A and B series are essential to time, but he regarded the A series to be more fundamental, for it provided the structure in which change could be understood, and he thought time was inextricably linked to change.

McTaggart also thought that both the A and B series have a linear ordering. For McTaggart, an event in the A series could be understood as moving from being a future event, to then being present, and then moving into the past.<sup>38</sup> He says, "It began by being a future event. It became every moment an event in the nearer future. At last it was present. Then it became past, and will always remain so, though every moment it becomes further and further past." An event in the B series could be understood as being in a fixed and permanent relation of earlier and later. He says, "If N is ever earlier than O and later than M, it will always be, and has always been, earlier than O and later than M..."<sup>39</sup> McTaggart's linear understanding of time raises another question about the overall shape of time: Is time linear or does it have a different shape?

Newton-Smith considers this question and offers weighty arguments against the idea that time is cyclical.<sup>40</sup> According to Newton-Smith, the cyclical conception of time is often understood as "the same time's occurring again and again ad infinitum."<sup>41</sup> But he argues that this is simply contradictory and incoherent, for it implies that the same time occurs at different times. According to Newton-Smith, "Times are particulars. Each time occurs only once and there are no two ways about that."<sup>42</sup> He adds:

If we are inclined to think otherwise it is probably because we are incoherently trying to combine notions of linearity and cyclicity. In order to have the idea of repetition we need to think of a linear ordering of the repeated visitations of the present to some given time. But in that case the times in virtue of being present at different times are different times and we have lost the idea of cyclicity.<sup>43</sup>

For Newton-Smith, a cyclical conception of time with repeating time intervals requires a linear ordering of different visitations of that same time; however, once this is done, the cyclicity of time is lost, for the different visitations of the same time are placed on a more fundamental linear sequence. Consequently, on his view, a cyclical conception of time is fundamentally incoherent.

In light of these two views, Townsend's observation raises the problem in the following way. If the Aztecs did not calendrically distinguish between fifty-two-year cycles, and if historical events were needed to distinguish them, then it seems that the Aztecs would have used the historical events to determine which fifty-two-year cycle came before which. If so, then it seems they also needed to have a concept of earlier and later; for they would have to know that historical event x came earlier than event y in order to tell which fifty-two-year cycle came before which. And this concept of earlier and later

would have to be linear, for it would have to correspond to the linear ordering of historical events. If so, then the Aztecs would have also needed to employ what McTaggart called a B-series conception of time in order to make sense of the temporal order of fifty-two-year cycles.

This raises a problem for the Aztec conception of time, for it threatens the coherence of the whole system, or, at least the way that the system is understood by many scholars. If Aztec time requires a B-series, then it seems to be fundamentally linear; for it requires a linear B-series to render it coherent. That is, complete cycles of time, like the fifty-two-year cycle, would have to be ordered in a linear series of earlier and later, which would thus place them on a linear temporal foundation. If so, then as Newton-Smith points out, the fundamental cyclicity of Aztec time would be lost.

And this problem would remain even if the Aztecs counted in larger cycles of time. Even if fifty-two-year cycles were counted in the context of a larger cycle, say 104 years, it would seem that this larger cycle itself would have to be placed on a linear foundation of earlier and later. And to my knowledge, the Aztecs did not count in larger and larger cycles of time ad infinitum.

Thus, it might be that Aztec time is cyclical when it comes to counting years, bundles of years, and even larger units of time. However, it seems that the whole Aztec system rests on a foundation of linear temporality, which seems entirely inconsistent with the cyclical foundation on which it is commonly understood to be grounded.

## Conclusion

If I have reconstructed Aztec time accurately, and if what I argue here is correct, then there seems to be a fundamental philosophical problem in the cyclical aspect of Aztec time, or, at least, there is a philosophical problem with how Aztec time is understood by many interpreters. At the very least, it seems that there are gaps in our understanding that need to be filled. Again, it might be that I am overlooking some relevant data or making an assumption that the Aztecs would have rejected. It might also be that the Aztecs saw this problem but simply were not bothered by it. If we take Hassig's view seriously, then another alternative might be that the Aztecs saw this problem and indeed opted for a linear conception.

In any case, it seems that the Aztec conception is subject to the same tension that we encounter in our phenomenological experience of time, which in turn affects our metaphysical conceptions about time itself. This tension emerges in the attempt to reconcile the idea that some temporal units seem to repeat in a fixed sequence (and with similar repeating qualities) with the idea that each visitation of that temporal unit is unique. For example, our phenomenological experience of time involves a sense of cyclicity. Year after year, the seasons come and go in a fixed sequence, and with them, we observe the corresponding environmental changes that occur in each season. Seasonal changes alter the conditions in which we live, and they affect our behavior in regular, fairly uniform ways. Yet our phenomenological experience involves a definite sense of linearity. A new season approaches, occurs, and then moves into the past, never to occur again. The same season will occur again, but it will not be identical to the previous one. Needless to say, how we reconcile this tension will have tremendous effects on our metaphysical conception of time.

The Aztecs, like all pre-Columbian Mesoamericans, emphasized the cyclicity of their temporal experience, and thereby had a metaphysical conception of time that expressed this emphasis. However, it now seems to be an open question as to whether the Aztec conception of time was fundamentally

cyclical. A problem with this conception emerges and calls out for some kind of solution. And however we solve the problem, if the problem is solvable, the result can only lead to a deeper, more coherent understanding of Aztec time.

#### Endnotes

1. Carrasco and Matos Moctezuma 1992, 161; Coe 1994, 180; Carrasco 1998, 62-63; Townsend 2000, 130.
2. The solar calendar was used to determine planting and harvesting (Coe 1994, 180; Townsend 2000, 135-36; Aveni 2002, 231). Architecture was positioned and designed to aid in observing celestial phenomena (Aveni 2001, 38, 235-44; 2002, 242-45; Carrasco and Matos Moctezuma 1992, 151). Traveling merchants, the *pochteca*, were allowed to travel only on favorable days of the calendar (Coe 1994, 169; Carrasco 1998, 152). The Aztec warfare state was grounded mainly on aim of keeping the cycles of time moving by maintaining the strength of the sun (León-Portilla 1963, 56, 60-61, 160-4; Aveni 2002, 241-42). Families consulted with soothsayers to determine propitious days for a wedding (Coe 1994, 170; Carrasco 1998, 117).
3. Carrasco and Matos Moctezuma 1992, 161. See also Carrasco 1998, 62.
4. Speaking of the “Maltese Cross” cosmogram in the *Codex Fejervary-Mayer*, Aveni states: “A wealth of information converges in this all-encompassing space-time diagram” (2002, 232).
5. My reconstruction here is grounded largely on the work of Sahagun (1953, Book IV 137-46; Book VII, 25); Boone (2007, 13-32; Aveni (1993, 115-21; 2001, 12-48, 127-55, 217-44; 2002, 225-46), Townsend (2000, 116-62), Coe (1994, 177-83), León-Portilla (1963, 25-61), Carrasco (1998, 35-63), Carrasco and Matos Moctezuma (1992, 166-71), and Maffie (2004, 95-99).
6. Sahagun also notes that the Aztecs counted other cycles. To begin with, they counted fifty-two-year cycles, two of which amounted to what they called “One old age” of 104 years (1953 Book VII, 25). Sahagun (1957 Book IV, 141-42) also observes that the Aztecs counted cycles of eight years and four years. In the four-year cycle, they observed a “leap year” by counting six unlucky days (*nemontemi*), instead of the usual five. Moreover, Sahagun says that the Aztecs observed weeks of five days and twenty-day months of four weeks (1957 Book IV, 142). Sahagun, however, claims that the three cycles reconstructed above are the main counting systems (1957 Book IV, 137-39). Boone notes that within the 260-day ritual count (*tonalpohualli*), other cycles of 26, 40, 52, and 65 days were counted (2007, 14). Maffie (2004, 95) notes that the Aztecs observed the “65 ‘years’ of the cycle of *Quetzalcoatl* (the Venusian cycle).”
7. See, for example, Townsend 2000, 132 or Coe 1994, 180.
8. These numbers should not be understood to function as amounts or quantities; instead, they should be understood as “pure ordinals or cardinals” (Boone 2007).
9. The ritual count began with 1-crocodile, but I use reed here to more easily explain all three counting systems.
10. While the 260-day cycle was mainly used for divinatory purposes, it also had astronomical significance. As Boone notes:  
Astronomically it approximates the average time between the first appearance of Venus as the morning star and as evening star (263 days); and, less closely, it approximates nine lunar months (265.5 days). Doubled (520 days), it equals three eclipse years (519.93); tripled (780), it approximates one synodic revolution of Mars; quintupled (1,300), it equals forty-four revolutions of the Moon. (2007, 16-17)  
Despite its astronomical significance, Boone suggests that the 260-day cycle likely originated from women, who recognized that “it approximates the average duration of a pregnancy (266 days)” (2007, 17).

11. In this example, each month would begin successively with the following days: 1-reed, 8-reed, 2-reed, 9-reed, 3-reed, 10-reed, 4-reed, 11-reed, 5-reed, 12-reed, 6-reed, 13-reed, 7-reed, 1-reed, 8-reed, 2-reed, 9-reed, 3-reed, 10-reed.
12. Boone 2007, 17.
13. Boone 2007, 13 (my italics). See also Soustelle who says, “The qualities peculiar to each ‘moment-loci’, expressed by the sign which indicated the days of the *tonalpoualli*, follow one another cyclically in an abrupt, total change according to a determinate rhythm, in conformity with an everlasting order” (1961, 112). Aveni says, “Aztec time was a sequence of bundles that needed to be joined together in order to make a circle” (2002, 236). When describing the “Maltese cross” cosmogram in the *Codex Fejervary-Mayer*, Aveni also says, “To read the Aztec New Year’s calendar we must journey outward along a space that continually brings us back to the same point and ends where it began. ...Every native American calendar is cyclic and reusable: like time itself, the calendar has no end” (2002, 237).
14. Maffie 2004, 96 Maffie gives a detailed description of *teotl* in the following statement:  
The cornerstone of Aztec metaphysics is the monistic claim that there exists a single, dynamic, vivifying, and eternally self-generating-and-self-regenerating sacred energy, power, or force. The Aztecs call this sacred energy *teotl*. *Teotl*’s self-generation-and-regeneration is consubstantial with its generation-and-regeneration of the cosmos. *Teotl* created and continually recreates, permeates, and encompasses the cosmos. ...As the single, all-encompassing life force of the cosmos, *teotl* animates and vitalizes the cosmos. Furthermore, *teotl* presents itself primarily as the ceaseless, cyclical oscillation of paired, dual, complementary forces such as being and not-being, order and disorder, life and death, and light and darkness. ...Finally, all creation is *teotl*’s in *xochitl in cuicatl* or “flower and song” i.e., its continuing artistic performance and self-presentation.
15. The west was assigned the year bearer; house, and the day signs eagle, house, monkey, rain, and deer. The south was assigned the year bearer; rabbit, and the day signs rabbit, vulture, grass, lizard, and flower.
16. Maffie 2004, 96. See also Carrasco 1998, 62 and Soustelle 1961, 111.
17. The west was associated with the color yellow (or white) and associated with home and women, whereas the south was associated with the color green (or blue). León-Portilla reports that the south had an unspecified character due to the unpredictable movements of its year bearer; the rabbit (1963, 47).
18. Aveni 2002, 233-38.
19. According to Aveni, the sequence of nine night gods also constituted another cycle of time (2002, 235). Townsend (2000, 132) and Coe (1994, 180) note how the days were governed by both thirteen day gods and nine night gods. Boone gives an excellent listing of these gods (2007, 45-46). Additionally, she outlines the gods that govern each of the twenty day signs, as well as the patron gods for the day signs governing their respective thirteen-day group (or *trecena*) in the ritual year (2007, 47-48).
20. Maffie 2004, 96.
21. Townsend 2000, 134.
22. Sahagun 1957 Book IV, 1-2.
23. Sahagun 1957 Book IV, 5.
24. Sahagun 1957 Book IV, 11.
25. Sahagun 1957 Book IV, 2.
26. Sahagun 1957 Book IV, 5-6.
27. Boone 2007, 32.
28. Boone 2007, 32. Boone (2007, 19) notes that lost divinatory books include “special-function” books devoted to “dreams, astronomy and other sciences, theology, sacred

songs, marriage, the washing and naming of children, and planting..." Most of these topics are covered in other codices that have survived, but it is not clear how extensive these topics are covered in comparison to the lost texts.

29. Boone 2007, 32.
30. Maffie 2004, 96.
31. León-Portilla 1963, 57. See also Soustelle 1961, 112.
32. Another important question we could ask is: How are we to understand the unification of Aztec time with space? Although this is an important question, it is beyond the scope of this essay and will be set aside for another project.
33. Townsend 2000, 135.
34. Carrasco and Matos Moctezuma 1992, 166-73.
35. León-Portilla 1963, 38-39.

36. Hassig attempts to show that "the Aztecs did not have a primarily cyclical notion of time; rather, they manipulated time by way of the calendar, for political purposes (Hassig 2001, xiii). First, he argues that Aztecs saw their history and even fundamental elements of their worldview as alterable. This is supported, according to Hassig, by data suggesting that the Aztecs manipulated their official cosmology (Hassig 2001, 63-69). For example, the Legend of the Suns tells of the creation and destruction of several suns and thereby several worlds. The Aztecs increased the number of suns from four suns to five (Hassig 2001, 63-65). At around the same time, the Aztecs also increased the number of levels in the heavens from nine to thirteen (Hassig 2001, 65-69).

Second, Hassig argues that the Aztecs saw their relation to their calendar as malleable. The Aztecs, he argues, manipulated the location and timing of their fire ceremony, which commemorated the ending of one fifty-two-year cycle and the beginning of a new one (Hassig 2001, 82-89). The Aztecs moved the fire ceremony from Templo Mayor (the central ceremonial site of the Aztec capital, Tenochtitlan) to a nearby and higher location at Huixachtecatl, which allowed the ceremony to be viewed throughout the Valley of Mexico (Hassig 2001, 86). At the same time that the location was moved, the timing was also moved forward by one year (Hassig 2001, 82, 84). This created a distinct and highly visible ceremony that only the Aztecs performed. For Hassig, this was done for political purposes to improve the integration and efficiency of the Aztec empire (Hassig 2001, 80-82). The ceremony served to synchronize the varied calendars of tributary states to the official—and imperial—Aztec calendar (Hassig 2001, 82). This set the official timing for when tribute was to be paid and bypassed the various differences in the calendars of the tributary states. Since the Aztec empire was fundamentally grounded on a tributary system, the moving of the fire ceremony had tremendous political significance (Hassig 2001, 80-82).

Third, Hassig argues that the Aztecs did not have a primarily cyclical notion of time; instead, they emphasized a linear notion of time. This is evidenced in their historical annals, which recorded major political events (death/ascension of a king, significant conquests, public works undertaken, etc.), natural events (famines, earthquakes, etc.), or unusual astronomical observations (eclipses, comets, etc.). According to Hassig, the annals exhibit a fundamental shift from the cyclical notion to a more linear notion (Hassig 2001, 112). This shift occurs with the emergence of kings and the recording of actual state events. From this point on, historical Aztec annals exhibit a linear temporality with year dates indicating the year during which an important event occurred (Hassig 2001, 113).

Lastly, Hassig argues that the Aztecs placed fifty-two-year cycles on a linear ordering, which shows that they had a linear notion of time. In the historical annals, the fifty-two-year cycles during which these events occurred were distinguished from each other by way of fire ceremony glyphs (Hassig 2001, 116). According to Hassig, these glyphs were used in the annals as "temporal markers" to distinguish in

which fifty-two-year cycle an event took place (Hassig 2001, 118-19). This showed that the Aztecs placed fifty-two-year cycles on a linear ordering, which shows that they had a fundamentally linear conception of time.

37. McTaggart 1908, 32. McTaggart also thought that there was a non-temporal C-series, which referred to the fixed order of events (1908, 462), but this series is not relevant to my purpose and so will be left out.
38. McTaggart 1908, 460.
39. McTaggart 1908, 459.
40. Newton-Smith 1980, 57.
41. Ibid.
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## ***Minoritized Thought: Open Questions of Latino/a and Latin-American Philosophies***

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Attention to Latino/a and Latin American philosophies immediately raises deep issues about what philosophy is and what it could be. Answers—even tentative ones—remain elusive. What is philosophy? How has dominant philosophy been so constituted as to make Latino/a and Latin-American philosophy so invisible to so many? Having only recently started reading and reflecting upon Latino/a and Latin American philosophy, I am new to these particular intellectual conversations. From that perspective, I offer some reflections and questions. I present some tools from Elizabeth Kamarck Minnich's *Transforming Knowledge* to relate questions from

the Latino/a and Latin-American philosophy context to those of other minoritized knowledge. Minnich identifies specific intertwining errors that show, conceptually, how dominant groups de-legitimize most of the world's minoritized thought. What lessons can her work offer to Latino/a philosophy and Latin-American philosophy? What do these philosophies teach in relation to other minoritized knowledge?

My own first readings in Latina/o and Latin American philosophy (specifically described as such) began fairly recently. Two friends and colleagues at a conference/gathering of the Future of Minority Studies Project cited quotations from Walter Dignolo's work. My colleagues, Ernesto Martinez and Michael Hames-Garcia, each used a few lines from Dignolo to begin a session, bringing in Dignolo's critical notion of "coloniality." In both cases, Dignolo's words brought about a palpable shift in the atmosphere of the room. Dignolo's words inspired a re-imagining of the world in ways that make liberation seem entirely possible. (This, of course, is a feat not easy in these times). To paraphrase, one quote from Dignolo reminded us that there is always a north to someone else's south. Dignolo thus made clear what should perhaps be obvious and yet is so often obscured: that our social locations are always relational, that naming involves power; that categories so often appearing natural are anything but. After hearing even these short passages of Dignolo's words and resonating deeply with them, I wondered why I had not heard of him before. In looking into Dignolo's writings, I thus discovered Latin-American philosophy.

Of course, the notion of "discovery" is ridiculous in this context, however appropriate the phrase seems to my experience at the time. Like many other narratives of "discovery," it posits a Eurocentric reference point. Mine involves stumbling into conversations that had been going on for at least as long as those of recorded "Western" philosophy—probably longer. As Eduardo Mendieta writes, it is no accident that over five hundred years of lively Latin-American philosophical activity were invisible to me:

An unsuspecting young philosopher, browsing wide-eyed, pliant and expectant, naïve and eager; trudging and flipping through numerous pages of recently published volumes on everything from Asian philosophies to world philosophies, would walk away without having noticed what she was not looking for; which betrays precisely what these sorts of books are all about. (Mendieta 2003, 1)

### **Elizabeth Kamarck Minnich's *Transforming Knowledge***

Many years prior to Mendieta's writing of the above lines, Elizabeth Kamarck Minnich was such an unsuspecting young philosopher. In *Transforming Knowledge*, Minnich discusses how she had spent half her life studying philosophy without ever noticing that those philosophers studied were almost invariably white men. How could she not have noticed? How could what counts for knowledge be so exclusivist, so unrepresentative, so silencing of those not of the dominant groups and yet be so seldom challenged? How could it appear so natural, even to those excluded long from the ranks of knowers? After years of studying these questions and working on curricular transformation with the American Association of Colleges and Universities, Minnich has published a second edition of *Transforming Knowledge*. There, Minnich argues that there are interconnecting conceptual errors that mutually constitute conceptions of knowledge with relations of oppression. They buttress oppression while simultaneously rendering it either invisible or seemingly justified. She argues that these

mutually reinforcing relations of oppression and conceptual mistakes—and obliviousness to those mistakes—derive from a fundamental error as well as four basic conceptual errors that are built upon that foundation.

First, Minnich identifies the root error: taking people to be inherently divided into a number of groups, substantively different types of people. Minnich describes "classifying humans by kind" as the "root conceptual error that feeds knowledges that...derive from and legitimate systems of domination" (Minnich 2005, 25). Here, Minnich is shifting from the earlier (1990) edition of *Transforming Knowledge*. There, she considered the basic error to be "taking a few privileged individuals to be Man and then using "Man" as if it were nevertheless the inclusive term, the form, and the ideal for all of us, as if a noninclusive, singularized abstraction from the great diversities of humanity could possibly be other than wrong in all senses of the term" (25). Now she argues that divisions of people into groups must already be assumed before such hierarchies of people are made of them. Minnich wonders how she failed to notice this before. After all, the very notion of groups being deemed superior and inferior to each other presupposes the constitution of such groups in the first place.

Minnich recognizes diversity as a fact of human existence. However, that variation does not by itself translate into the reified, categorical differences built into what comes to be thought of as race, sex, disability, etc. She writes that the error of superior/inferior relations described above are "preceded by another that entailed it: dividing humans into 'kinds', not in the form of flexible, mutable distinctions, but as real divisions that are taken to be given (by gods, by a supreme deity, by nature—that is, not by the human agency and choice that make us responsible)" (25). Minnich calls this dynamic turning distinctions among people into "abstract, hierarchical divisions by 'kind' such that a particular few emerge as the imperially inclusive 'kind' or term, the norm, and the ideal for all" (104).

Minnich identifies four other, basic errors premised upon this root error. She does not claim that this list of errors is comprehensive. Rather, they are helpful "touchstones" to watch for in unearthing how conceptual frameworks often support oppression. They are not derived from a particular theory but rather are patterns emerging from the discourse of academic and everyday life. These four errors are:

First, "faulty generalization and hierarchical invidious monism," involves one sort of person being defined as ideal and the others as deficient insofar as they differ from that ideal. Minnich challenges the common notion that such Western hierarchies are dualisms. If they were "true dualisms" each term of the pair would be a powerful opposite, such as life/death, yin/yang, something/nothing. Instead, monism places one notion of humanity at the center, a single ideal.

Second, "circular reasoning" here as in logic generally, assumes what it sets out to prove. Circular reasoning looms large in defining traditional academic fields. In academic fields, some small, very unrepresentative sample of humanity tends to define a subject, problems, methods, and texts on their own terms, falsely universalizing them as if they represent the subject in itself. Not surprisingly, they tend to choose standards as those embodied in that small sample. They exclude other contributions as not measuring up to these (supposedly universal) standards.

Third, "mystified concepts" involve ideas, terms, and phrases that are so bound up with accompanying meanings, justifications, and ideological constructions that they carry their meanings with them. In using mystified concepts, one can give an impression of making arguments when in fact all that one has done is to line up with the already obscuring dominant account.

Minnich gives the example how many affirmative action criticisms rely on mystified notions of “discrimination,” such that calling it “reverse discrimination” shows its self-evident wrongness. Discrimination is not inherently wrong, however. People discriminate anytime we make a distinction from among alternatives, such as in choosing whether to plant hot or sweet peppers in one’s garden. However, the mystifications surrounding “discrimination” serve to carry the weight of an apparent argument.

Fourth, “partial knowledge,” a result of the first three errors, is how the accounts of some subset of the world are taken to be universal. This privileging of certain accounts tends to involve partiality in two senses: a) it is partial in the sense of not whole, as the few standing in for the many; but also b) it is partial in the sense of interested, favoring some few at the expense of others.

Minnich’s approach shows how these four errors—plus the root error—function together to reinforce hegemonic accounts of the world. For example, in an academic discipline like philosophy, some people with the power to define (in a mystified manner) what counts as truth, knowledge, reality, develop philosophy as an institutional discipline. Though it actually is the thought of only a few, it represents itself as if it is philosophy as such. It avoids challenges, reinforcing its narrow parameters through mystified notions of knowledge, culture, reasoning, etc., which it keeps intact by circular reasoning.

Credentials in the discipline are meted out insofar as others reproduce their standards and approaches. What is philosophy? It’s what philosophers say it is. Who are those philosophers who get to say? Those already recognized as philosophers on the dominant terms. Why is the list of “great philosophers” so unrepresentative of the diversity of humanity? Well, others have not produced philosophy. Circular definitions enshrine particular standards as if they are capable of measuring universally. Thus, what counts as philosophy consists of partial knowledge (both of and for certain privileged white straight able-bodied U.S. and European males). As Minnich writes in the case of the discipline of philosophy:

Philosophy teachers claim to be teaching a subject that is primarily about reasoning itself. In fact, they are “covering” certain texts and the problems the texts’ authors are treating—which are, of course, the problems those authors already assumed to be “proper” philosophical problems. Thus, the texts lock in definitions of philosophy-itself. Even a philosophy text organized around different modes of reasoning rather than around texts or problems will almost certainly introduce, or be correlated to, a reading list of the same familiar texts, now introduced as examples of the various sorts of reasoning rather than their sources. That, too, is circular—an error defined within, but seldom used to critique, the dominant philosophical tradition. (163)

Much has happened since Minnich noticed both the absence of oppressed people’s voices in philosophy and the remarkableness of her not having noticed that absence previously. Thanks to liberation movements inside and outside of the academy, minoritized voices have, of course, made inroads. By the time I was an undergraduate through the late 1980s, there were theoretical resources in place to learn how the majority of the world’s people had been minoritized, their voices rendered irrelevant to dominant accounts of the world. I learned to question how the location of the thinker could matter; to notice and ask about the voices that do not appear; to critically examine whose interests might be served by excluding

and silencing. Significantly, such critical tools were available not primarily in philosophy but rather in women’s studies and in black studies. I attempted to apply these tools in philosophy classes, but their genesis was elsewhere.

From the start I took very seriously the importance of multicultural inquiry as conducive to knowledge. I consciously attempt—and have for years—to seek out minoritized thought, and I have been fortunate to encounter many pivotal thinkers and works that, retrospectively, seem relevant to Latino/a and Latin American philosophy. For instance, I took an intensive course called “All American Women” with Johnetta Cole in which I learned one of the most obvious and yet hidden points of common language—that the U.S. does not actually “own” the term “American” but rather shares it with the rest of two continents. I had a course with Cherrie Moraga and Ana Castillo on Latin-American women writers in translation. I took women’s studies courses such as “Women and Development,” and “Feminist Theory and the Challenge of Third World Feminisms” with Chandra Mohanty, where we learned about “North”/“South” relations, neo-liberalism, structural adjustment programs (topics not often taught in philosophy courses). I lived in an anti-racist, activist-intensive program dorm called Third World House. I took an EXCO (Experimental College) class in Latina Health. (There, we looked at some deep issues about diversity in feminism, such as difficulties for Latinas with mainstream feminism’s tendency to narrow reproductive justice issues to abortion access, ignoring such realities as sterilization abuse.) Though my philosophy graduate training was largely analytic, I supplemented that training with graduate work in women’s studies and in cultural studies.

I give this bit of my intellectual genealogy to point, once again, to the magnitude of the ignorance (and obliviousness to that ignorance) with which I related (or did not relate) to Latin American and Latino/a philosophy. By the time I happened upon those quotes from Mignolo, I had worked for years in ethics, social and political philosophy, critical race and ethnic studies, feminist theory, anti-colonialist studies, cultural studies, “Eastern” philosophy. I was already quite practiced in asking questions about what was deemed “canonical.” It had long been nearly second nature to ask: To whom? For whom? In whose interest? etc., since these things are always relational, power-laden, and partial. How did faulty generalizations, circular reasoning, mystified concepts, and partial knowledge combine to keep the very notions of Latino/a and Latin-American philosophies from occurring to me, despite my specific focus upon the voices of oppressed people in philosophy?

### **Minoritized Knowledge and Latin American and Latino/a Philosophy**

How might Latino/a and Latin-American philosophies offer some of the very resources needed to explain and to challenge its own non-accidental invisibility to mainstream philosophy—and also to non-mainstream philosophy, to theoretical work specifically devoted to other minoritized thought? How could Latino/a and Latin-American philosophy contribute to addressing parallel questions in other minoritized knowledge fields, and vice versa?

Minnich’s analysis offers some general help. She teaches us to ask how “philosophy” constitutes partial knowledge, how it assumes the division of people into reified kinds, what prevailing concepts are mystified, and how hegemonic notions of “philosophy” are institutionally reproduced.

Minnich hints at some positive suggestions for philosophy and for other fields. She argues that we ought not to settle for circularly defined disciplines. Rather, academic fields ought to be “held responsible for addressing the complex and fascinating

continuing and evolving questions of what their subject matter has been, is elsewhere among others, and could be taken to be" (163). What is/are the subject(s) of philosophy? What constitutes the subject matter of philosophy to various people around the world? to everyday people? to those recognized as philosophers within their cultures?

What is "Hispanic" philosophy? Or is it best to speak in the plural, of Latino/a and Latin American philosophies? Who are Latino/a and Latin American philosophers—past, present, and future? How useful is it to retain a distinction between philosophy and other disciplinary and inter-disciplinary brands of theory? Are Gloria Anzaldúa, Chela Sandoval, and Cherrie Moraga Latina philosophers? Does it depend upon their Ph.D. department? Why or why not? If one rejects circular notions of philosophy being what dominant traditions have said it is, what legitimate criteria might there be for what constitutes philosophy? Does liberation theology "count" as Latin-American Philosophy? Are religious studies scholars and theologians who work on liberation philosophy to be called philosophers? What are Latino/a and Latin American philosophical issues—past, present, and future? What is/are potential tensions/conflicts from conceiving of Latino/a and Latin American philosophy together?

What of critical geography—the myth of continents, the recognition that distinct geographic units of land that we assume to be natural are anything but? How does V.Y. Mudimbe's notion of "the idea of Africa" relate to parallel questions about the "idea of Latin America"? How does the rich discourse of African philosophers contesting definitions of African philosophy relate to these questions in Latino/a and Latin-American contexts?

What of Paulo Freire and others from Latin American and Latino/a contexts whose work is already taken seriously in North America (though seldom in "mainstream" philosophy)? Take Freire, though, how many (often white U.S.) scholars know the discourse of Freire critical studies, complete with major jargon, yet operate remotely from any kind of non-elite realms? Freire is often abstracted entirely away from his Latin-American context. Similarly, Cherrie Moraga's work has often been read—and misread—in feminist theory and philosophy, precisely in being de-contextualized. Paula Moya's *Learning from Experience* powerfully elaborates what she calls Moraga's "theory in the flesh" and reclaims it from frequent and influential appropriation that obscures its meaning. (Moya's book was reviewed in this Newsletter in Volume 03 No. 2, Spring 2004.) Is Paula Moya (professor of Modern Thought and Literature at Stanford) a Latina philosopher? Her book deals with such topics as realism, reference, knowledge, and philosophy of science, and she uses philosophical analysis and argument. Again, what criteria are relevant?

What is at stake in identifying thinkers as philosophers or not?

### **Faculty Development in Latino/a and Latin American Philosophy**

So what am I to do with waking up to the existence of Latino/a and Latin American philosophy, discovering this further lack in my conception of philosophy and my training in it? Realizing all of this is good news and bad—or perhaps challenging—news. The good news is that there are many intellectual resources and interlocutors to whom I had previously been oblivious. As (philosophically oriented) literary theorist Satya P. Mohanty argues, "multiculturalism should be defined as a form of epistemic cooperation" (1997, 240). Whatever the similarities and differences among Latino/a and Latin-American philosophies and other minoritized knowledge, there are

clearly advantages to greater diversity to the conversations, to learning from each other; to continuing to ask who is not presently included in the intellectual conversations in which we are involved.

The challenging news is that it looks like it will take a lot more than philosophical openness, commitment to genuinely engaged multiculturalism as vital to epistemic inquiry, a focus upon minoritized knowledge (generally, as well as some specific areas), as well as much learning from others to really stimulate and maintain broad, informed, and engaged philosophical communities that avoid the patterns that make Latin-American and Latino/a philosophies invisible to so many. Minnich's errors, after all, affect not only arrogant defenders of the status quo but also many committed to just transformation.

Latino/a and Latin American philosophies explode many assumptions—too many to name—about the mystifications of philosophy and of academic work generally. Still, I must confess that the prospect of faculty development in this direction is a bit intimidating. Having identified yet another glaring lack in my training, I am a bit overwhelmed at the thought of becoming at all familiar with the range of work that is Latino/a and Latin American philosophy. How have scholars in the field been answering these over-arching questions? Let me note some of the hesitations I have about embarking on such study? How should my awareness of these areas change how I teach "Introduction to Philosophy" or other courses?

Some of the challenges to a beginner exploring Latino/a and Latin American philosophies seem entirely appropriate. They involve tools and resources that seem crucial to such study. Others seem to be those of Minnich's described errors—ways that professionalizing norms, for example, reinforce narrow visions of philosophy. These ought to be challenged.

### **Barriers that Ought to be Changed**

These are challenges that would be used to keep Latino/a and Latin American philosophies from being admitted to philosophy, or at least potentially significant philosophy. These would come primarily—though not exclusively—from "mainstream" philosophers and other gatekeepers, such as deans, presidents, and boards of trustees.

"That's not philosophy!" Defenders of the status quo have often leveled this charge, using spurious objection from circularity. Transforming philosophy in ways that take seriously minoritized knowledge would require great changes in curricula, attitudes, disciplinary self-conception, systems of reward, and the culture of philosophy and of the academic world in general. Of course, well beyond the academy, tremendous social change is required to create any kind of genuine access to higher education across such lines as race, class, and disability.

There continue to be professional risks—in going against a still hegemonic canon. Much philosophy is still not recognized as part of philosophy-as-such. Such challenges are threatening to many with power. One may still face charges that one's research is scattered, too political, and polemical, etc. Senior faculty members often perceive it as simply "not philosophy" not "pure."

People from many political and intellectual sides often delegitimize intellectual work perceived as identity related. This penalty tends to be especially harsh for people of color.

Of course, professionalizing norms, assumptions, and curricula continue to reproduce narrow Eurocentric notions of philosophy. How many philosophers today continue to be trained and credentialed in the discipline and yet have failed to read, to hear of, or to even notice that they have not heard of Latin-American and Latino/a philosophy?

Academia often does not value public intellectual work and, in fact, penalizes people for it. Whereas Latino/a studies has a long history of community involvement and activism, this is not so in philosophy generally. How might attention to the material conditions of Latino/as and Latin Americans demand topics, methods, and engagements not commonly associated with academic philosophy? For example, how can philosophy address the disproportionate incarceration of Latino/as in U.S. prisons? How does the global debt issue raise philosophical questions for ethics, social, and political philosophy? The above challenges pertain to how Minnich describes academic fields as circularly defined (Minnich, 162). These are patterns of how philosophy continues to reproduce itself as a discipline, partial knowledge disguised as philosophy-itself.

### Challenges that Ought to be Maintained

In contrast to the above, there are legitimate challenges to a person beginning study in Latino/a or Latin American philosophy. This group of challenges seems appropriate, since they are ways to establish and maintain legitimate standards and methods of Latino/a and Latin American philosophy. Most of them are not unique to Latino/a and Latin American philosophies. Rather, many traditions critical of hegemonic philosophy, whether from ethnic studies, feminist, disability, anti-colonialist, gay/lesbian/bisexual/transgendered studies, or other directions challenge norms of philosophical method as purely text-based, abstract and largely de-contextualized. As one opens to the more contextualized, interdisciplinary methods, though, how do we re-conceive philosophy to proceed in developing these enhanced tools and handling them responsibly?

**Language.** Many Western philosophers do not speak Spanish, nor Kichua or other indigenous languages, nor Portuguese. (However, it does not “just so happen” that Spanish did not count as an option for our graduate school’s “foreign language requirement” as did Greek, Latin, German, and French.)

**General Background Knowledge Base.** Many Westerners (especially in the U.S.) are wholly ignorant and untrained regarding Latino/a and Latin American philosophy. Worse than that ignorance and lack of training, though, is that we are often deeply trained into the very mystifications and circular reasoning that lead to such philosophy’s invisibility. For example, my U.S.-centric perspective and analysis is deeply entrenched, as evidenced in the persistence of my impulse to use the word “American” to mean “U.S.” despite my longterm conscious efforts to avoid doing so. Worse than pure ignorance, too, in general background knowledge and worldview, is how thoroughly trained we often are in distorting U.S.-centric accounts of Latin America past and present. While I have stumbled onto critiques of these (often U.S. government sponsored) distortions, e.g., of U.S. “help” to Columbia in the “drug wars,” and I have a general healthy skepticism to guide me, these are a far cry from people who have experienced and/or are in conversation with those who have more accurate understandings of Latin American realities.

**Historical Knowledge.** Like many philosophers, I am not well versed in history. While theoretical work in subaltern studies is important, it does not replace knowledge of the historical relations of coloniality.

**Social Scientific Training.** Similarly, once one admits the relevance of empirical matters to philosophical analysis, refusing the illusion of utter abstraction (another mystification, as it simply denies rather than “rises above” the material relations grounding it) the lack of training in empirical analyses seems limiting

Despite these challenges, there are many reasons to continue to venture into the field. Fortunately, there are tremendous resources now published (including many in English) such as anthologies and this Newsletter to serve as guides. The Newsletter on Hispanic/Latino Issues in Philosophy issue (Fall 2007, Vol. 07, No. 1) on teaching Latin American philosophy demonstrates the richness of Latin American philosophy—how it focused upon everything in philosophy, including metaphysics and epistemology. At the very least, my awareness of Latino/a and Latin American philosophy will keep me from perpetuating its invisibility. As Minnich writes, “If we uncover where and how knowledge is partial, we open spaces for other modes of knowing and knowledge systems....[we realize] that philosophy is not a list of texts or familiar problems from one tradition, but a quest for wisdom, an effort to find meanings as well as truths and to think about what that effort itself means” (268).

### Conclusion

I end with my initial question: What is philosophy? This question arises especially with regard to philosophy’s accepted methods, its tendencies toward de-contextualized analysis, its refusal to recognize its own social location, and how that refusal continues to shape our sense of what philosophy is. Of course, there are complex histories to how Western European and Anglo-U.S. came to have a monopoly on “philosophy”—while other, usually non-white people, are thought to have ethnophilosophy, cosmologies, worldviews, beliefs, or simply thought. It raises questions of how even those who have looked at philosophy beyond the hegemonic often fall prey to exclusionary thinking.

As with other minoritized knowledges, Latino/a and Latin American philosophies require resisting many of the norms of mainstream philosophy—disciplinary divides, challenging the notion that philosophy as a discipline has its subject matter already established, questioning the abstraction of so much philosophy. How much do philosophers have to learn from historical, economic, interdisciplinary, literary, ethnic, feminist, disability, gay/lesbian/bisexual/transgendered studies?

Perhaps the strongest lesson of multicultural thought, global philosophies, feminist thought, and other work from people and issues still marginalized by dominant philosophy is just how collective and diverse such inquiries must be. Minoritized thought arises from particular contexts and histories. It is not surprising that when I finally did hear about Latin American and Latino/a philosophy it was in an interdisciplinary space in the Future of Minority Studies Project, where I (the philosopher) learned from scholars in literary studies, ethnic studies, and women’s and gender studies, about this significant area of philosophy.<sup>1</sup>

Minnich’s analysis of the conceptual errors of oppressive thought is helpful. Of course, attention to such conceptual errors cannot replace actual engagement across differences. As Minnich notes, knowledge from the formerly excluded cannot simply be added to the dominant accounts. She notes that the dominant few “defined and came to know themselves in contradistinction to all others” and so “we cannot just add equalized ‘others’ onto established systems.” Rather, she writes that what is required is “reconfiguring, transforming so that the devalued and excluded can be included not within the same systems that cast them out and down a scale of worth, but on their own, differing terms” (266).

Required is something further than such inclusion on differing terms, though. Formerly excluded, minoritized knowledge is generally not merely supplemental but rather corrective of dominant accounts (e.g., African American U.S.

history is challenging to dominant (white) accounts of U.S. history). One cannot give an adequate account of U.S. history that distorts, leaves out, or minimizes African Americans. People's lives—across racial lines—historically have been relationally constituted, our lives intertwined. White privilege corresponds to non-white disadvantage; relations of coloniality continue to make profits for the few at the expense of the many. Latin American and Latino/a philosophies (at least some of it) may well be corrective to much U.S. (or North American)-centric, Eurocentric philosophy. As Walter Mignolo argues, “coloniality is constitutive of modernity and cannot exist without it” (Mignolo, p. xiii). The two terms are intertwined for all of us, and this shapes the discipline of philosophy, what it has been, is, and might be in the future. This is so for everyone, not simply for Latin American and Latino/a philosophers, or for those who happen to be interested in coloniality.

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#### Endnotes

1. For another twist in the disciplinary complexities, I now realize that Walter Mignolo is located not in a philosophy department but in Duke University's department of Romance Studies, a professor of literature and cultural anthropology, according to the contributor notes at the end of *Latin-American Philosophy: Currents, Issues, Debates*. (Despite my awareness of the fluidity of disciplines when it comes to minoritized knowledge, I had simply assumed Mignolo to be a philosopher because of his inclusion in this volume on Latin-American philosophy, and because his methods struck me as philosophical.)

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## BOOK REVIEW

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### *Wealth of Selves: Multiple Identities, Mestiza Consciousness, and the Subject of Politics*

Edwina Barvosa (College Station: Texas A&M University Press, 2008). 290 pp.

Reviewed by Agnes Curry  
Saint Joseph College in Connecticut

This is an important book. In *Wealth of Selves*, Edwina Barvosa has made a significant contribution to the growing literature on multiple identity in social-political thought. She gives an in-depth examination of a decentered, multiple model of self-identity that demonstrates its relevance for all agents, not just those more usually socially marked as “mixed” or “conflicted” in various respects. Building upon Gloria Anzaldúa's accounts of the contours of mestiza consciousness, Barvosa argues further that subjective multiplicity can be a resource for strength in personal agency and integrity.

Barvosa's rhetorical style is for the most part measured and sober. Her aim is to speak in relatively plain language to readers in a variety of academic fields, as well as to interested general readers, and she generally succeeds in moderating her use of specialized jargon. Yet it is also daring and imaginative in its interdisciplinary methods. Even when her methods seem awkwardly stitched together, one has to credit her ambition in offering a comprehensive model of multiple identity and its political uses and implications.

This review will sketch Barvosa's overall argument. In the process, I will offer a few, relatively minor, points of critical comment.

Barvosa's first, quick pass at the notion of multiple identity mentions such factors as sexual or professional identity, identification by age or generational grouping, and subcultural group membership linked by interest or avocation. Insofar as these sorts of factors present to the reader “distinct, but also linked ways of thinking and acting in the world” (1) and these repertoires of thought and action are experienced as integral to one's being and acting, then at least some clues to the character and political implications of multiple identities are accessible to any reader (2).

It remains, however, that philosophical accounts of soul and self have privileged individuation, unity, and coherence as the conditions for rationality and agency, in spite of the manifest evidence of multiplicity in subjectivity. This history is not monolithic, however, as she notes. Thinkers like Hume and James recognized the diversity of subjective experience, while Horkheimer and Adorno rejected Enlightenment reason and argued that the self was deeply decentered, and political pluralists like Robert Dahl saw the potential benefit for democratic politics of cleavages in citizens' allegiances. Yet, until the full force of the linguistic turn and the depth of social construction were recognized (7), the unitary subject remained normative. While more positive assessments of multiple identity, particularly by feminists and liberal pluralists, have been produced in recent years,<sup>1</sup> internal diversity is often theorized as a problem for agency, conducive to psychic fragmentation, and to political problems running the gamut from split alliances to fascism (9). This is particularly the case in the work of neoclassical assimilationists like Samuel Huntington and communitarian thinkers like Alasdair MacIntyre. To develop her arguments about the political ramifications of multiple identities, Barvosa gives careful consideration to Huntington (in Chapter One) and MacIntyre (in Chapter Three), noting the range of common ground between their perspectives and hers even as she diverges in her final assessments.

Nonetheless, Barvosa claims, the debates about the political ramifications of multiple identities have largely relied on brief and philosophically thin accounts of multiple identity itself, its character, varieties, and sources, and the pros and cons of agents' strategies for recognizing and handling internal diversity (9). Providing a richer account compels the researcher to construct an interdisciplinary method grounded in political and social theory but also gleaning insights from philosophy, racial and ethnic studies, borderland studies, psychoanalysis, anthropology, sociology, postcolonial studies, feminist theory, and various subfields of psychology, particularly the Social Identity Theory originated by Henry Tajfel (13-14). Other major influences on Barvosa's investigations are William James and especially Gloria Anzaldúa, as mentioned, but also Jane Flax and Amélie Oksenberg Rorty. Barvosa is clear on the drawbacks of her interdisciplinary approach with respect to accessibility of information and concepts, as well as depth of investigation. She admits that addressing all the debates about the self and subjectivity within any single discipline will prove impossible,

and that academic standards for interdisciplinary work are still nascent or disputed. To foster accessibility, Barvosa makes ample use of examples drawn from film and autobiography, as well as interviews from sociological studies. Much of her initial effort, taken in conjunction with examining Huntington and MacIntyre, involves building taxonomies of the characteristics of multiple identity, providing an account of how various elements of identity can intersect, and, in a key move, exploring the effects of various forms of contradictions upon identity. The experience of contradictions within one's identity formations is necessary to move the subject to critical distance upon one's socialization. But not all contradictions are equally fruitful for agency and political discernment, and it remains to the subject to choose to engage in the difficult work of what she will later call "selfcraft."

In Chapter Two, Barvosa considers the variety of loyalties and commitments characterizing Latino/a immigrants in light of Huntington's claim that the multiple ethnic identities of U.S. Latinos prompt patterns of bifurcated identity that threaten to destabilize the cultural grounds for U.S. national identity (25). In the process she retrieves from Huntington's own work a list of eight claims about the basic characteristics of multiple identities she finds well-rendered. These are:

1. that identities are socially constructed;
2. that individuals with identities stemming from multiple group memberships can shift among their multiple identities depending on which of these identities they find relevant in each context;
3. that the identities characterizing a person may conflict or place competing demands upon him or her;
4. that identities may be interrelated in a variety of ways, including hierarchically ordered, compatibly nested, or mutually exclusive;
5. that different members of one social group may identify with the group by selecting various subsets of the range of markers commonly seen as signaling group membership;
6. that group members may exhibit varying intensities of identification with a group;
7. that identities are contextually ordered by salience, such that agents find some identifications and presentations activated in some contexts and suppressed in others;
8. that possibilities for identification and self-presentation are never simply up to particular agents themselves, but are significantly co-constructed by interaction with others (26-33).

These key points are undermined in Huntington's thought by a crude, quality-based definition of identity, however; and Barvosa utilizes Social Identity Theory to discuss the role that collective processes of meaning-contestation and boundary-setting play in constructing identities at both the social level of roles, groups, and categories, and the personal level of relationships to specific others (28-9). Huntington's neglect of the collective, contested, and thus mutable nature of identifications leads him to erroneously isolate ethnic from cultural identity, and to enshrine a particular (Anglo, Protestant) cultural identity as necessary for cohesive national identity. His intentions to the contrary, Huntington falls into the trap of ethnic nationalism (30).

Barvosa's next step is to distinguish between ethnic and national identity (31), and then examine the empirical evidence available with respect to the relationships between varieties of Latino/a biculturalism and national identities.

After rehearsing the conclusions about the positive effects of biculturalism, including evidence that among some racialized immigrants, retention of strong ethnic identity actually fosters identification with the U.S., Barvosa insists that perceptions to the contrary, most U.S. Latinos do not in fact have multiple national identities (34) but exhibit a fundamental commitment to participating in the U.S. political system to the extent they are allowed. With respect to the groups most likely to have multiple national identities (recent immigrants, transmigrants, and sojourners), empirical evidence is sparse, so in speculation Barvosa takes up the metaphors of marriage, divorce, and remarriage to illustrate the complex contours of their distributed loyalties. These metaphors are illuminative in this context. Likening the situations of immigrants to those who divorce one spouse and marry another, she notes that complex ties of obligation can remain to prior family members while one's fundamental spousal obligation has irrevocably shifted. And, as our condemnation of deadbeat parents illustrates, far from illustrating unfitness for participation in the political life of one's new country, the retention of some loyalties to those left behind actually indicates greater capacity to honor one's new social and political commitments (43). In particular, Barvosa reads immigrants' commitments to their places of origin through such institutions as hometown associations as enactments of U.S. principles of democratic civic engagement (47). Finally, Barvosa takes Huntington to task for overstating the lack of congruence between common Latino values, like family, work, and faith, and the Anglo values he takes as foundational for U.S. political life.

While she is correct that there are obviously some overlaps between specific Latino and Anglo categories of value, Barvosa does not explore the consequences of the likelihood that there are large-scale disjunctures in their patterns of ordering, with Latinos demonstrating more willingness to subordinate family life to individual economic success, for example. Likewise, with respect to patterns of political loyalty, she is more concerned to press the point that U.S. Latinos are largely loyal to the U.S. and less concerned to explore the implications of her point 5 above, that the subset of features characterizing Latino identifications with the U.S. may differ interestingly from those characterizing other groups. Insofar as both patterns of differentiation could ground significant political critique of the U.S., they warrant at least more mention in this context.

Chapter Two delves into "mestiza consciousness," the term Anzaldúa coined for describing the embodied experience of living among and between the plural systems of reality, knowledge, and symbology (55) that have fundamentally constructed one's subjectivities. Anzaldúa's descriptions, particularly of contradiction and interior conflict as an ongoing, continually maintained, and felt condition, significantly deepen the resources brought to the discussion of multiple identity by political thought and Social Identity theory. First, Barvosa draws on philosophy and social psychology to articulate a model of subjectivity. She defines an "identity scheme" in ultimately cognitivist terms as a "system of internalized pieces of knowledge made up of the cognitive, affective and motivational elements related to understanding and enacting a particular identity" (59-60). These include systems of meanings and concepts, schemes of valuation and preference, patterns of motivation, and sets of practices encoded in memory in linked schemata and activated by salient cues within specific social contexts. Thus, subjectivity involves interrelated webs of self-knowledge in which different identity schemes may nonetheless intersect by shared pieces of knowledge (60, 63). In addition to the cognitive capacities mentioned above, she emphasizes that subjectivity is also comprised by the behavioral system of habituated repertoires for motoric action, and the

psychophysical system involving physiological response that, while generally involuntary, can be influenced by conscious processes. In interaction with the social environment, we organize cognitive, affective, and motivational self-constructs by which to act in terms of social categories.

A key feature of subjectivity is the experience of having some aspects of identity foregrounded by specific social contexts, such that some of one's various self-constructs for thinking, feeling, and acting are activated rapidly and seamlessly, while others are relegated to the background and can be quite difficult to retrieve in the context. This experience can be part of the distress felt by those conscious of their multiplicity, for it undermines notions of integrity and investment in one's own selfhood. Barvosa explores the phenomenon of identity activation by salience as a function of how subjects understand and choose to engage their identities in light of perceived environmental opportunities and limits, including intersubjective co-construction. For those whose multiple identities "are more or less nested and compatible" (71) and contained within accepted social categories, negotiations of salience may be easy and untroubled and thus predominantly *unfelt*, in contrast to those whose identities are socially constructed as mutually exclusive. Of particular use is a discussion of how self-constructs fall into patterns of unequal accessibility for agents. Subjective investment, as well as both frequency and order of activation of a scheme, affects how accessible a subject finds aspects of herself. On one hand, this means that identity schema are useful for political manipulation; on the other, however, individuals can self-manipulate and change their patterns of perception and response, up to a point. Such processes will prove crucial to practices of self-craft (73).

Finally, Barvosa turns to consider when different elements of multiple identity intersect for the agent. This is a function not only of stereotypical social linkages, but also of the agent's cognitive and evaluative associations, and recognition of shared contents between schemata. Hence, novel patterns of intersectionality can intentionally be cultivated by specific agents. Plural and even conflicting identity schemata can thus be "connected in subjectivity as a whole, and thus may become salient together as intersecting frameworks for thought and action even if they are regarded socially as contradictory or have contradictory content" (81). That is, they can be both consciously felt and, as such, influence the political agent's actions. This conclusion, counter to the claims of both Social Identity Theory and mainstream political thought, is key to Barvosa's later arguments.

In Chapter Three, Barvosa explores how internal contradictions can ground critical thought. She builds her case by examining MacIntyre's arguments that critical thought depends on worldviews that are somehow independent of identities, and that a fragmented society produces fragmented selves incapable of assuming identity-independent perspectives (85). As with Huntington, Barvosa agrees with elements of MacIntyre's framework and finds significant concord between him and Anzaldúa, while disagreeing with his examples and his conclusions. In particular, she disagrees with both the possibility and the necessity of an identity-independent perspective, and with the notion that a divided self can move "cleanly" through various contexts, answering moral questions in terms only of specific contexts without reference to others. Utilizing Anzaldúa's concepts of *conocimiento* and *nepantla*, Barvosa argues that meta-frameworks emerge from within the knowledge one has gained through socialization in conjunction with the ongoing function of consciousness (93), and that tension between frameworks is key to the development of a meta-framework.

With these conclusions in mind, Barvosa considers MacIntyre's examples of a corporate scientist who slides effortlessly between conflicting standards of honesty, and of a Nazi collaborator. She has fairly little trouble showing in the case of the scientist that evaluative standards from one domain can be activated across domains, and that failure to apply such standards is not structurally impossible but instead rooted in individual factors (97-100). In the case of "J.," a man whose various roles, as father, sportsman, military officer, and railway engineer, encouraged a compartmentalization that rendered him incapable of questioning his place in transporting Jews to the gas chambers, Barvosa argues that the problem facing J. is a fundamental lack of meaningful conflict within these roles (104). All are reconcilable to a basically patriarchal, authoritarian morality. Thus, it turns out that it is excess homogeneity that is the problem, not excess diversity. Past a certain threshold of homogenous and mutually reinforced identities, it may become too difficult to unsettle sustained patterns of salience enough to open space for critical thought (107).

In Chapter Four, Barvosa examines various strategies for recognizing and coping with contradictions within one's identity schemata, for "the primary political implications of multiple identities result largely from how individual choose to cope with their identity contradictions that have been internalized within ongoing political conflicts" (109). She offers a two-tiered model of how a multiple, decentered, and contradictory subjectivity can nonetheless cohere as a sort of whole.

To explain the first tier, she utilizes William James' metaphor of a Herdsman overseeing a group of thoughts and affects variously wandering like cattle, and his notion of "judging-Thought" to describe how subjectivity inevitably contains a thread of self-recognition as salient in spite of various levels of ownership of cognitive contents. She claims that judging-Thought, as a raw capacity, is grounded in the five-part model of subjectivity outlined in Chapter Two, though the mechanisms remain somewhat unclear in her discussion.

The second tier of self-cohesion is less inevitable and depends more on the agent's choices regarding identity contradictions and intersections. To further explain this level, she utilizes the work of Amélie Oksenberg Rorty. Second-tier coherence turns out to depend on the creation of intersectionalities among one's self-constructs. This can occur through socialization as a relatively passive process, or more actively through efforts at integrative selfcraft (126). Rorty discusses *akrasia* and self-deception as two false routes to self-cohesion that ultimately result in self-fragmentation. *Akrasia* involves consciously and voluntarily deviating in a situation from the course of thought and action that one judges as preferable, while self-deception can be accomplished less consciously. Barvosa claims that self-deception happens in two ways: "self-care under conditions of uncertainty, and rigid adherence to motives or beliefs that one is actually finding suspect" (123). It is unclear from her discussion how these two strategies are in fact much different. What is clear, however, is that *akrasia* and self-deception are resultant of normal psychological processes and may actually be functional in the short term while eventually resulting in the betrayal of one's deeply held beliefs and fragmenting one's beliefs from one's actions.

Finally, Barvosa uses Jane Flax's work to highlight political implications of a life of disordered contradictions. Patterns of personal and social identity fragmentation can be mutually reinforcing, creating social patterns of psychological rigidity and *myopia*. Insofar as we have all been socialized to sexual, gender, and racial self-constructs that are both relational in their expression and inherently contradictory, we are all subject to identity contradictions. What distinguishes potentially

emancipatory responses from destructive ones is, she contends, the abilities to tolerate long-term ambivalence, multiplicity, and ambiguity in the face of akratic and self-deceptive urges.

Chapters Five and Six continue to press the point that it is, paradoxically, the self-consciously disintegrated agent who may act with more wisdom and integrity than the agent seeking premature intelligibility or closure. Chapter Five contains detailed and helpful examinations of the narratives of the philosopher Maria Lugones and a young Korean-American man named Christian Park, and of the film *Casablanca*. Chapter Six looks into the curious lapses in the autobiographical narrative of Minnie Bruce Pratt.

In Chapter Five, Barvosa introduces the idea of a self-integrative “life project” or overarching commitment consisting of loosely networked endorsements. She argues against Harry Frankfurt, MacIntyre, and Charles Taylor that “while self-chosen rank-ordered endorsements, narrative unity, and self-fulfilling authenticity may have roles to play for some individuals in their particular processes of self-integration, these three elements alone are inadequate to explain the complexity of self-integration of multiple identities” (141). Indeed, in situations where people’s multiple identities are constructed as mutually exclusive, “lasting internal contradictions and inconsistencies can be markers of effective efforts to self-integrate multiple identities” (142). In the case of Lugones, for example, Barvosa reads her integral commitment to a life project of resisting patterns of social subordination. Given her commitment to enacting this life project in communities that construct her identities as Latina and a lesbian as mutually exclusive, her strategic recourse to some ambiguity in her self-presentation, in conjunction with her reflective ambivalence about her endorsements, is in fact supportive of her life project.

Barvosa reads *Casablanca* as illustrating a range of strategies, from more fragmentary to more integrative, for handling irrevocable conflicts in life projects themselves. Reading the three main characters, Rick, Ilsa, and Laszlo, as illustrating responses to the war’s setting at odds the projects of personal love and political involvement, Barvosa argues that it’s only Ilsa who in fact finds ways to balance the contradictory demands her fidelity to these projects places upon her (168).

Chapter Six continues the theme of love and politics in its examination of Minnie Pratt Bruce’s autobiographical work in light of Barvosa’s model of selfcraft. Her model owes much to Anzaldúa’s concepts of inventory, discernment, and revisionary living (176-8). Inventory involves “the task of searching out and learning the history of the elements of one’s subjectivity—our habits, schemes of thought, and action—with attention to the politics and force labor; and the possible atrocities and/or beauties involved in their construction” (177). On the basis of such work of inventory, Barvosa claims, with Anzaldúa, that practices of critical discernment will not be neutral with respect to oppressive and inequitable traditions but will in fact seek to rupture them (178). Finally, revisionary living involves finding ways to enact the newly privileged self-endorsements, even when this involves surrendering previous notions that granted safety, and foregoing akrasia and self-deception. It involves confronting the specters of a lost positive self and sense of belonging (188-89). Selfcraft is thus difficult and rigorous, and there are relative limits (203-6).

And for all its rigors, it is not necessarily the case that successful self-craft will result in self-narratives that are seamlessly stitched together, or even fully expressible. Indeed, contra MacIntyre et al., efforts at self-narrative can produce self-fragmentation (198). Barvosa’s discussion of the insufficiencies of narrative coherence is detailed and convincing.

In her concluding chapter, Barvosa returns to the topic of multiple identities in political life, focusing on three elements:

1. the role of multiple identities in the social construction of social life;
2. the effects of identity contradictions on subjects as political actors;
3. the role of selfcraft as a means for political intervention (207).

Taking as her example the ubiquity of socialization into both racist and anti-racist attitudes and practices experienced by the vast majority of U.S. agents, Barvosa argues that identity contradictions could thus become manifest quite anytime and place that race is salient, and thus could characterize the majority of the population. These may be unnoticed for a while, though eventually they will be responded to through akrasia, self-deception, resolution of the contradictions, or management of the contradictions through ambivalence, flexibility, and/or integrative life projects (212). The strategies of selfcraft have greater potential than the others for responding to the social conditions that gave rise to the contradictions in the first place. In her discussion Barvosa introduces the intriguing notion that along with institutional, social, and discursive levels of politics, we should recognize the realm of intrapersonal politics, the domain of selfcraft by which “political subjects/agents can intervene in the loop of social construction between selves and political outcomes” (222).

Finally, while again emphasizing the risks of selfcraft, Barvosa concludes by hearkening to her title’s evocation of multiple identities as a wealth of possibilities, rather than a liability, for mending conflict-based fragmentation and promoting positive social transformation (229).

For the most part, Barvosa’s work is convincing, particularly at the level of social theory. At the level of a metaphysics of the self, some questions remain troubling. Her discussion of consciousness itself, via James and his herdsman metaphor, is key to arguments about the possibilities of selfcraft, but it remains obscure, at least to this reader. She admits that her notion of selfcraft does not address the question of whether there are elements within one’s subjectivity that are personally irrepressible, such that revisionary living in accordance with one’s critical discernments may lead the subject along a path we could describe as inauthentic (228). Likewise, what ultimately differentiates the person who responds to interior contradictions with varieties of wantonness or weakness from the one who undertakes the rigors of selfcraft—a philosophical question which returns us to the mysteries of authenticity—is not dealt with. While Barvosa admits the limits of her interdisciplinary approach and so it is in a sense unfair to press these criticisms too far, these questions remain important areas for further research.

#### Endnotes

1. Barvosa specifically cites Bonnie Honig, “Difference, Dilemmas, and the Politics of Home” (1996), John Francis Burke, *Mestizo Democracy* (2002), Paul Barry Clarke, *Deep Citizenship* (1996), Maria Lugones, *Pilgrimages/Peregrinajes*, and Diana Tietjens Meyers, *Being Yourself: Essays on Identity, Action, and Social Life* (2004). She singles Nancy Hirschmann’s *The Subject of Liberty* (2004) and P.E. Digester’s *Our Politics, Our Selves?: Liberalism, Identity and Harm* (1995) out for more extended discussion, crediting Hirschman with doing significant spade work on theorizing the freedom of a socially constructed subject, and Digester with articulating aspects of the relationship between liberal democratic institutions and possibilities for positive selfcraft (19-11).

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## SUBMISSIONS

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### Call for papers

The fall 2009 issue of the APA Newsletter on Hispanic/Latino Issues in Philosophy will be devoted to issues on Ethnicity and Race (construed broadly). However, papers on any topic on Hispanic/Latino philosophy will be considered. Submissions should be accompanied by a short biographical summary of the author. Electronic submissions are preferred. All submissions should be limited to 5,000 words (twenty double-spaced pages) and must follow the APA guidelines for gender-neutral language and The Chicago Manual of Style formatting.

### Call for book reviews

Book reviews in any area of Hispanic/Latino philosophy, broadly construed, are welcome. Submissions should be accompanied by a short biographical summary of the author. Book reviews may be short (500 words) or long (1,500 words). Electronic submissions are preferred.

### Deadlines

January 15, 2010

Please send all articles, book reviews, queries, comments, or suggestions to:

Editor: Bernie Cantens  
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### Formatting Guidelines

The APA Newsletters adhere to The Chicago Manual of Style.

Use as little formatting as possible. Details like page numbers, headers, footers, and columns will be added later. Use tabs instead of multiple spaces for indenting. Use italics instead of underlining. Use an “em dash” (—) instead of a double hyphen (--).

Use endnotes instead of footnotes. Examples of proper endnote style:

- John Rawls. *A Theory of Justice* (Cambridge: Harvard University Press, 1971), 90.

### Future Topics

Fall 2010: Any topic on Hispanic/Latino philosophy (Deadline: June 15, 2010)

Spring 2011: Any topic on Hispanic/Latino philosophy (Deadline: January 15, 2011)

Social and Political Philosophy (Globalization, Philosophy of Law), Metaphysics, Philosophy of Language, and Latin American Philosophy.

**J. Angelo Corlett, Ph.D.**, is professor of philosophy and ethics at San Diego State University. He is the author of the following books: *Heirs of Oppression* (forthcoming); *The Errors of Atheism* (2010); *Race, Rights, and Justice* (2009); *Responsibility and Punishment* (2001, 2004, 2006); *Interpreting Plato's Dialogues* (2005); *Race, Racism, and Reparations* (2003); *Terrorism: A Philosophical Analysis* (2003); and *Analyzing Social Knowledge* (1996), as well as almost 100 articles in various philosophy journals. He serves as the editor-in-chief of *The Journal of Ethics: An International Philosophical Review*, and specializes in moral, social, political, and legal philosophy, epistemology, philosophy of religion, and Plato.

**Agnes Curry, Ph.D.**, is of mixed Mexican/Anglo descent, teaches philosophy, and directs the Honors Program at Saint Joseph College in Connecticut. Her research interests include ethics and social philosophy, philosophy of race and ethnicity, feminist critical theories, popular culture, Continental philosophy, and global Indigenous philosophies. She has published articles and presented on diverse topics, from Habermas, Derrida, and Irigaray to *Buffy the Vampire Slayer* and *The Wizard of Oz*. More seriously, she serves as co-editor, with Anne Waters, of the SUNY Press series *Living Indigenous Philosophies* and has presented on aspects of Indigenous philosophy for The American Philosophical Association.

**Jorge Gracia, Ph.D.**, holds the Samuel P. Capen Chair in Philosophy and is State University of New York Distinguished Professor. Gracia is the author of fourteen books; some of the most recent are *Latinos in America: Philosophy and Social Identity* (2008), *Race or Ethnicity? On Black and Latino Identity* (2007), *Surviving Race, Ethnicity, and Nationality: A Challenge for the Twenty-First Century* (2005), *Old Wine in New Skins: The Role of Tradition in Communication, Knowledge, and Group Identity* (2003). He has also authored over 200 articles published in the U.S., Europe, Latin America, and China.

**Linda Martín Alcoff, Ph.D.** *Visible Identities: Race Gender and the Self* (Oxford 2006) takes up these questions at greater length. She is professor of philosophy at Hunter College/CUNY Graduate Center: [www.alcoff.com](http://www.alcoff.com)

**Eduardo Mendieta, Ph.D.**, is professor of philosophy at the State University of New York, Stony Brook. He is the author of *The Adventures of Transcendental Philosophy* (Rowman & Littlefield, 2002) and *Global Fragments: Globalizations, Latinamericanisms, and Critical Theory* (SUNY Press, 2007). He recently co-edited with Chad Kautzer, *Pragmatism, Nation, and Race: Community in the Age of Empire* (Indiana University Press, 2009). He is presently at work on another book entitled *Philosophy's War: Logos, Polemos, Topos*.

**Carol Moeller, Ph.D.**, is assistant professor at Moravian College, Bethlehem, PA. She specializes in Ethics, Feminist Philosophy, Bioethics, Social and Political Philosophy, Moral Epistemology. Her most recent publications include “Interdisciplinarity and Challenges to Received Traditions,” *Proceedings of Moravian College Learning in Common Faculty Workshop*, May 2006; “Thoughts on Academic Rigor and Pedagogy,” *Proceedings of Moravian College Learning in Common Faculty Workshop*, May 2005; “Moral Responsiveness in Pediatric Research Ethics,” *The American Journal of Bioethics*, Fall 2003, Volume 3 Number 4, W1-W3; and “Marginalized Voices: Challenging Dominant Privilege in Higher Education,” in *Theorizing Backlash: Philosophical Reflections on the Backlash Against Feminism*, edited by Ann Cudd and Anita Supersons, 2002, Book Series: *Studies in Social, Political, and Legal Philosophy*, Series edited by James P. Sterba, Rowman & Littlefield. She is currently

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## CONTRIBUTORS

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**Minerva Ahumada Torres, Ph.D.**, is a visiting professor in the Philosophy Department at Northeastern Illinois University, where she teaches introductory courses as well as seminars on Social and Political Philosophy and Latin American (Liberation) Philosophy. She has a Ph.D. in philosophy from Loyola University Chicago. Her research covers areas such as Narrative Ethics (especially the way in which moral phenomena are always presented as stories in medias res),

working on an original book, *Empowering Knowledge: Gender, Race, and Voice*.

**Suzanne Oboler, Ph.D.**, is professor of Latin American and Latina/o Studies at John Jay College of Criminal Justice, the City University of New York. She is the founding editor of the international academic journal, *Latino Studies*, and co-editor in chief of the 4-volume Oxford Encyclopedia on Latinos and Latinas in the United States. She is the author of *Ethnic Labels, Latino Lives: Identity and the Politics of Representation* (U. of Minnesota Press, 1995), and the editor of the anthologies, *Latinos and Citizenship: The Dilemmas of Belonging* (Palgrave, 2006) and *Behind Bars: Latino/as and Prison in the United States*, Palgrave, forthcoming, 2009). In 2005, she co-edited *Neither Enemies Nor Friends: Latinos, Blacks, Afro-Latinos*. She has published a number of articles and book chapters on race, citizenship, identity, and national belonging in the Americas.

**Alejandro Santana, Ph.D.**, is associate professor of philosophy at the University of Portland. He works in Ancient Greek philosophy, more specifically, Socratic methodology. He is the author of “Constructivism and the Problem of the Socratic Elenchos” and “Reasons and the Problem of the Socratic Elenchos.” He also studies Nahuatl thought and is the author of “Did the Aztecs Do Philosophy?” He is developing his work in this area into a book-length examination of points at which Nahuatl thought makes contact with fundamental problems of philosophy.