

2014

# Challenging Presumed (Im)Morality: A Personal Narrative

Angela Mae Kupenda

*Mississippi College School of Law*, [akupenda@mc.edu](mailto:akupenda@mc.edu)

Follow this and additional works at: <http://dc.law.mc.edu/faculty-journals>



Part of the [Law and Gender Commons](#), and the [Law and Race Commons](#)

---

## Recommended Citation

29 Berkeley J. Gender L. & Just. 295 (2014).

This Article is brought to you for free and open access by the Faculty Publications at MC Law Digital Commons. It has been accepted for inclusion in Journal Articles by an authorized administrator of MC Law Digital Commons. For more information, please contact [walter@mc.edu](mailto:walter@mc.edu).

# Challenging Presumed (Im)Morality:

## *A Personal Narrative*

Angela Mae Kupenda<sup>†</sup>

This narrative essay is about presumptions of (im)morality in academic settings. Such biased presumptions affect our abilities, even as educators, to work together and foster a society built on principles of justice that could help us work, live, and play better together. Learning to understand, work with, live near, and care about others are goals to which many of us would say we aspire. As law professors, we consider collegiality to be one of the factors we use in evaluating candidates for hiring and promotion decisions. However, these evaluations may rest not on the worthiness or respected humanity of others, but on our preconceived notions or presumptions about them. Developing an understanding of these presumptions can be quite difficult and stressful, especially when it is cross-cultural or cross-racial presumptions of (im)morality that we seek to challenge. Presumptions of incompetence about women of color specifically are documented in the widely acclaimed book, *Presumed Incompetent: The Intersections of Race and Class for Women in Academia*.<sup>1</sup>

Just as some may presume a woman of color in academia to be incompetent because she is female and nonwhite, some may also presume she is immoral for similar reasons. Similarly, white men and white women may be automatically presumed moral, regardless of any immoral words and deeds to the contrary. These misguided assumptions may become the basis for the maltreatment of some, or the automatic respectful treatment of others. This automatic respect of others based on racial privilege, regardless of any immoral actions, leads to the excuse of horrible misdeeds.

---

<sup>†</sup> Professor of Law, Mississippi College School of Law. I dedicate this essay to the editors, Gabriella Guterrez y Muhs, Yolanda Flores Niemann, Carmen G. Gonzalez, Angela P. Harris, and the contributors of *PRESUMED INCOMPETENT: THE INTERSECTIONS OF RACE AND CLASS FOR WOMEN IN ACADEMIA* (Utah State University Press 2012). I also thank my law school for the pre and post publication grants that support faculty scholarship, even nontraditional pieces as this essay.

1. *PRESUMED INCOMPETENT: THE INTERSECTIONS OF RACE AND CLASS FOR WOMEN IN ACADEMIA* (Gabriella Guterrez y Muhs, Yolanda Flores Niemann, Carmen G. Gonzalez, & Angela P. Harris eds., Utah State University Press 2012).

I teach in the Deep South, in an area sometimes referred to as the Bible Belt, at a law school supported by a religious denomination. Even there, and in other similar schools, where the mission espouses principles of Christian love and brotherhood, certain presumptions that value white men and white women as more competent—and even more moral—than nonwhites still seem to operate. Admittedly, I do not believe these presumptions are peculiar to the south or to my home state of Mississippi. However, these presumptions are more obvious to me in places that verbally espouse missions of brotherly, and sisterly, love based on religious beliefs. Perhaps this is because my mother raised my siblings and me to put our religion into practice by treating others without respect of person. Treating others without respect of person is based in spiritual premises that we should automatically be respectful toward others, regardless of their race, color, gender, age, economic circumstances, or other characteristics. Religious beliefs and our personal treatment of others were inseparable in my mother's teachings. Hence, I am especially concerned when, in states or schools where religious principles are verbally expressed, racially-biased presumptions predominate.

Most reading this paper are likely concerned with issues of morality and justice and seek to be citizens of a nation where morality, or even spirituality or religiosity, is sought with great vigor. Especially in the Deep South, the number of churches and those proclaiming to be Christian are abundant among both whites and nonwhites. Yet, the southern governmental system has consistently acted as a seat of racial injustice, engaging in the proliferation of arms and violence to quell racial quests for justice, and acting in ways far less than welcoming to those who challenge ongoing principles of supremacy. Engaging in, and even permitting, these acts of racial violence is inconsistent with a Christian's stated message of brotherhood, sisterhood and love. Oppressive racial behavior operates on an initial premise and presumption of being moral, whereas behaviors challenging these unjust behaviors and presumptions may be called into question and, at least initially, labeled immoral. For example, during the civil rights movement, those who nonviolently struggled for racial justice were called lawbreaking troublemakers and punished by southern governmental officers. And, those southern authorities who violated constitutional rights of minorities, and those whites who openly supported the quest for racial justice, were called law-abiding citizens seeking to maintain the southern way of white superiority. This presumption—that whites who treat racial minorities unjustly are moral—and the related presumption—that nonwhites seeking justice are immoral—are evident even in the academic ivory tower. In this essay, I explore some recent encounters with the academic pillars of the Deep South, along with complementary voices from *Presumed Incompetent*.

#### **A WHITE PROFESSOR'S THESIS AT AN ACADEMIC CONFERENCE: "THE BLACKS ARE TOO GHETTO"**

Several summers ago, I attended a law conference in the South that was

promoted as offering a relaxed, family-inclusive and, what seemed on the surface to be, a generally collegial atmosphere. As a black woman, I did notice the scarcity of racial and cultural diversity among the legal professionals in attendance. However, I had been told that this conference had been actively working to be more welcoming to nonwhites and to increase its diversity, especially in recent years. The program topics were relevant and thoughtfully planned. I was especially interested in the sessions on Constitutional Law, a subject area in which I teach. I was looking forward to hearing diverse perspectives and enjoying both the learning and the tranquil, inviting geographical climate.

At a panel session on Constitutional Law and Diversity, I expected to hear diverse, even vigorously expressed, viewpoints about the United States Supreme Court's rulings and pending holdings in the area. I expected to witness a lively debate. But, I did not expect what I encountered. The panel was somewhat diverse, with two younger, black female professors and two older, white male professors presenting. A black female presented first, reflecting on the Court's recent rulings on diversity. She started her presentation with a narrative of her own educational story and then that of her mother, which occurred prior to court-ordered desegregation.

Next, one of the older white males presented. He announced to the room that he was going to start with what "we all knew and must admit." He also pointed out that, having tenure, he could say whatever he wanted without consequence. He proceeded to argue that diversity initiatives should end because the real problem is with "the blacks." "The blacks," he said, "lack morals, lack family values, and lack intellectual ability." He went on to describe "the blacks" as being "too ghetto" to achieve. According to this presenter, even "the blacks" with high GPAs who score in the 90<sup>th</sup> percentile on the LSAT should not be admitted to the elite law schools because they cannot succeed at Ivy League institutions. It is worth noting that the first black female speaker held Ivy League degrees.

As he spoke I glanced around the room. The audience was made up primarily of white attendees. Initially, some were cheering this white professor on with hushed, but enthusiastic voices. Prior to the session, I overheard many in the gathering audience discussing how much they enjoyed hearing what this speaker had to say and that they thought he was "on point" and "great." These same folks were now gladly encouraging him, apparently getting what they had hoped for. When the presenter concluded, he sat down, folded his arms and smiled broadly from ear to ear. After him, the second black female professor gave her presentation. Like the first black female, she, too, had an Ivy League education. She briefly responded to the white male professor's remarks, and then went on with her comments about the Court. The second older white male took the podium next. He continued with more of the same as the first white male professor, also referring to "the blacks" as being "ghetto" and unable to compete. I again glanced around the room. Even those whites who initially cheered the

first white male speaker on seemed to now be hanging their heads low, almost in shame. For some reason, I think it important to point out that this did not occur in my home state of Mississippi.

### **PROTECTING EDUCATED WHITES' "RIGHTS" TO DEMORALIZE**

The next day, in a roundtable session, some speakers brought up the events of the day before for discussion. Several sympathetic white male professors who annually attend this conference suggested that the people of color should simply ignore or overlook these two older white males. These sympathetic whites also offered that these two men regularly speak as they did at the panel and can become quite racially unprofessional, disrespectful, rude, and crude in their presentations. Still, they are frequently placed on the program. Many of us wondered aloud whether the conference was in fact interested in promoting diversity and inclusiveness, given its continued support for these two men's alleged right to demean.

After this session, I returned to my hotel room sorely disappointed. I sat on the balcony considering the contrast between the beautiful setting and the ugliness of the racial prejudice and disdain I believed I had witnessed. I wished to myself that my mother was still alive and just a phone call away. Before my mother passed away, when I would experience such "speakers," I would immediately call and tell my mother about them. She would always respond, "Do you mean some educated white people with influential jobs act like that and speak so offensively in public? I have experienced some whites who are not formally educated to talk that way, but educated white people? Lord help! We all need God's help."

My mother's point does not escape me. Perhaps, these two older white males are not really educated: not really educated about the values of diversity; not really educated about professionalism; and not really educated about how to engage respectfully with, or about, others who are different from their white cultural or racial norm. I definitely agree with my mother that "we all need God's help." And I think the two older white men do too, even if they do not realize it. This story suggests what further experiences of diversity could bring to some whites. Experiences of diversity could help some whites to eventually understand that whiteness does not have the corner on intellect, and certainly does not have the corner on morality and basic values of the dignity of life.

### **PRESUMPTIONS OF (IM)MORALITY: DEFLATING LESSONS FROM A STUDY ABROAD IN MISSISSIPPI**

Earlier that summer, prior to the conference, I was invited to make a presentation for a diverse group of college students from across the country. These students were enrolled in a civil rights course entitled "Race in America Then and Now: 'Post-Racial' Perspectives on the Civil Rights Movement." The class, a collaboration between the Minnesota-based Higher Education

Consortium for Urban Affairs and the Fannie Lou Hamer National Institute on Citizenship and Democracy at Jackson State University in Mississippi, allows students to travel to a designated region of the country to examine various topics. The topic that summer was race in Mississippi.

My session with the young college students was a kind of debriefing after the students took a tour of Jackson, Mississippi, and noted any racial observations. I congratulated the students and their faculty on being open to learning about others and spending an intense month with a diverse group of students living and learning in the Deep South. After my presentation, one of the young, white female college students approached me. She explained that she was interested in attending law school and wondered if she could email me from time to time with questions. I delightfully agreed. The young white woman was pleasant and polished; I could see her as a student in my law school classes.

After the college students returned home, they were to discuss with their families and friends the civil rights and race issues they studied, and then write a final paper for the course. Subsequently, the young white woman emailed me, saying she was confused. She explained to me that her summer professor had cautioned them that they may feel confused as they returned home and reflected on what they personally experienced and learned, if it conflicted with ideas they had learned in their upbringings. The young woman also explained that when she discussed some of the issues with her family, she was surprised by some of their responses and wanted to have a phone visit with me. I readily agreed and she called me the next Sunday afternoon.

I remember sitting back in my recliner as I prepared to have a racially intimate conversation with this young white woman. After pleasantries, she went right to the point. The issue she raised was about black people and morals, and whether it was true that black people have lower standards of morality than whites. If so, she wondered, and perhaps as some of her family implied to her, is black immorality the major reason for white flight when blacks move into a neighborhood, and why many whites may not want to go to school with, live next door to, or even work for a black person.

#### **EVALUATING HOW WE PRESUME AND EVALUATE (IM)MORALITY**

The young woman's questions were earnest. I imagined her being at a crossroads. If her parents were correct that the immorality of blacks forces whites to flee their presence, then this perspective contradicted much of what she learned over the summer about the history of race in America and its ongoing problems. Her questions led us into a long conversation about how we evaluate morality. She wondered whether black arrests, black teen pregnancy, and the lower incomes and lesser wealth of nonwhites suggest problems with black morals, family values, work ethic, and spirituality. Her statistics and questions, as I recall, were far more thoughtfully prepared and articulated than the derogatory outburst of remarks about "the blacks" made by the much older,

white, male law professors at the conference.

Her questions led the young white woman and me into an extended phone conversation. Although I was leaning back and relaxed in my recliner chair, my impulse was to sit up straight or maybe even get up and pace. I decided to stay relaxed. I resisted the urge to get up, pace, and energetically direct her thought processes. Instead, I preferred to stay relaxed, reclined in my chair, hoping that my carefully probing, thoughtful questions would help lead her to personal clarity, but only after she conducted *her own* critical examination of morality. I did not want to push her into a perspective, but, rather, wanted her to find her way by critically examining her—or her family's—concepts of morality. So, after she explained her family's views on black immorality, I proceeded with a few questions.

I asked her whether there is a societal presumption that white people have good morals, and a presumption that black people do not. If a white person gets an automatic presumption of having good morals, then we excuse any bad morality in whites as being unique to the individual white person, rather than finding a pervasive characteristic of whites as a group. Whereas, if blacks as a group are automatically presumed to lack morals, we excuse the widespread examples of black people who are hardworking and moral citizens, as being peculiar to those individual blacks and not blacks as a group. Her reply was based on statistics she had shared earlier. I agreed with her that the statistics do suggest some problems in the black community, but asked if it was possible that the media magnifies many of those problems. I further questioned whether the problems she identified might have roots, and continuing branches, in the ongoing structural nature of American racism. Then, having questioned black morality, we proceeded to examine whether there is any widespread evidence of white immorality.

The young white woman was initially puzzled as to what “white immorality” I could have been asking about. So, we journeyed back into history. I asked her who she thought was more lacking in morals, the black enslaved persons who, by law, were not allowed to learn to read English, marry, or raise and protect their children, or their white slave masters, who treated human beings as animals and raped the same slaves they regarded as such? We then traveled to the discussion of Jim Crow and racial school segregation and how brutally some whites acted to maintain white privilege, racial segregation, and the humiliation and degradation of blacks. I wondered whether the white governmental structure that required black people to pay taxes for public education they were lawfully denied was moral. Or whether the whites who forced pregnant or aged black women to stand so that white men could sit on buses were moral. Were the white parents and governors acting morally when they threatened innocent, little black children simply trying to obtain an education?

I then shared with her that some white southern Christians say that things went downhill, or societal morality declined, when prayer was taken out of the

schools. Yet, even when the predominantly white public high school I attended still had intercom prayer, black persons were never permitted to be the praying voice on the intercom. Also, the white students at my high school, many of whom led the prayers and the student body, would not, as a whole, elect a black person to the student government, permit a black person to be a cheerleader, or allow a black person to dance and sing in the school's group, unless their required dance partner was also black. Our white, male teacher, who served as the event photographer, always seemed to find a way to turn his back when black students were in view, and so we were conveniently omitted from pictures of school events, even at the school's Bible club. In addition, we never had any black speakers at our large Bible study assemblies. After recounting these experiences from my own past, I asked the young white woman, did those actions exhibit high values of white morality?

As our discussion moved to the present day, on the issue of teen pregnancy, I asked, according to her personal beliefs, what was immoral—having sex outside of marriage or having a baby out of wedlock? If some white girls are sexually active but using birth control, is that a lack of morals, considering they engage in sexual behavior? Is it immoral, I wondered, for a white supervisor today to pay a black person far less money for doing the same, or more, work than a white employee does? Or to refuse to interview a black person with a “black sounding” name? Is it immoral to interview a white male with a criminal record more readily than a black male with no criminal record? Or to send a black person to prison for a very long time, or to death, but sentence a white person who committed the same offense to probation? All of these questions, of course, were based on statistical determinations, court rulings, and more. I explained to her that in her future Constitutional Law classes in law school—which I hoped she would take with me—these cases would be covered in great depth.

We considered all of these questions, then discussed the injuries these presumptions of morality for whites and immorality for blacks inflict on us all. I suggested to her that this presumption for whites may lead to horrific and extensive injuries. For example, the white Penn State coach's sexual abuse of so many economically disadvantaged young boys and the white administrators' alleged cover-ups seemed to excuse the coach's deeds of immorality. Similarly, the same conclusion can be reached regarding the cover-ups of sexual abuse by Roman Catholic priests. Without the automatic presumption of white morality, perhaps fewer innocents would have been harmed.

We talked for a long time, and the young, white woman told me she would have to think about all that we discussed. I agreed, as I, too, needed to think more. Our cross-cultural discussion, our meeting in the midst of diversity, sent us both on a moral/religious/spiritual journey to examine morals. How do we—or should we—define morality or spirituality? How should we measure, or grade, the morality—or lack thereof—of others? And how do our presumptions of (im)morality harm others and ourselves?

My discussion with this thoughtful young white woman set me to thinking back about my earlier conference experience that summer. For the older white males who presented at the conference, I wondered whether they considered the people's feelings they were hurting or the potential colleagues they were perhaps chasing away from future conferences. The picture of them at the table haunts me. I still hear in my ears their debasing talk about "the blacks" as they sat with their two young, black, female colleagues, eager and prepared to have a cross-cultural discussion about the Court and diversity. Unfortunately, these presumptions are not just evident in conference sessions; they can also follow us into our institutions.

### **HOW DARE YOU SUGGEST I SEE A BLACK AS MORAL OR FIT?**

In the book *Presumed Incompetent*, we see the devastating effects of the presumption of incompetence leveled against well-educated, capable, and deserving women of color in academia. But the presumptions are not limited to presumptions against their competence as professors. There is also the undercurrent of a presumption against them as moral or fit human beings.

While serving on the Admissions Committee of a law school one year, a particular candidate's file came under review. The white, female administrator said the black, female candidate was not the right type of person for admission to a Christian school. "This girl is from a bad and poor neighborhood," the white, female administrator argued. "I grew up in that same neighborhood," I replied. "She attended a black college," the administrator added. I answered, "Yes, I attended the same college and also later graduated first in my law school class." I saw myself in the candidate, and other girls and boys from my family and neighborhood. The white, female administrator saw a person who was undeserving: black, poor, female, lower income, not socially elite, and a graduate of a historically black college.

Growing frustrated and then angry, the white female administrator had some not-too-kind words for me. The situation eventually became so difficult that I ultimately sought removal from the committee. Later, other white colleagues who were present in that meeting came to me and said they felt badly for me and for what happened to me in the meeting. I asked them, "as moral and spiritual persons, why didn't you speak up for what's right? Why didn't you at least speak up when the administrator ceased to have a debate about a candidate and turned to a nasty attack on me because I disagreed with her assessment of who is worthy to become a lawyer? Why didn't you challenge the, perhaps, immoral actions of your colleague . . . as you are friends, perhaps she would have listened to you?" Or perhaps, not, I wonder today. Regardless, they offered no answer as to why, as white persons, they did not express moral indignation toward their white friend, but, instead, secretly sought forgiveness out of their white friend's sight. I tried to explain to them how their friend's assessment of blacks from certain neighborhoods could defeat a move toward a more inclusive

society. Moreover, the presumption against the merits of certain groups can hinder growth in the spirituality and morality of even the whites who judge them.

While the other whites did not speak up in the meeting, they did vote to admit the young, black woman. Her admittance was overturned, however, by a high-level, white, male administrator to whom the white female administrator complained. He even confronted me and attempted to chastise me for arguing in a way so as to sway the vote in favor of the young, black female. Many years later, I still think about these incidents. The major point I glean comes from the question the administrators implicitly, and to some extent explicitly, seemed to ask me: "How dare you suggest that the young, poor, black-school educated, black female is fit, when the moral, churchgoing, refined, white, female administrator found her unworthy?"

### **HOW DARE YOU QUESTION THE MORALITY OF WHITES?**

It is interesting how presumptions of white morality play out in the routine exchanges between a female of color academic and her formally-educated colleagues. After the incident with the white female administrator, a white male administrator, with whom I had a cordial relationship and who was present at the committee meeting, came to pay me a visit. He came, I think, to resurrect the presumption of morality for his white female administrator friend.

He started the conversation by pointing out that we all have faults, with which I agreed. He then said that one fault may seem worse to some because of how it injures them. To this I listened. He went on to explain that he believes that it is very possible for a white person to be extremely racist and, at the same time, a wonderful Christian. At this point, I generally referenced a few scriptures from the Bible about a Christian's call to love others, pointing him to the New Testament and the charge to love others as we love ourselves. He conceded those principles, but continued to vehemently argue that the white female administrator could have a major problem with race, yet still be a great Christian. I assured him that I believed we are each entitled to our own opinions, and that it is not my place to judge her Christianity.

At this point, I thought we would be done with the conversation, but he wanted more. He wanted me to affirmatively state that the white female administrator was a great Christian, to which I declined. I explained that I did not seek to judge her nor say she is not a Christian, but I was definitely not prepared to say, based on my observations, that she was one. After we covered the same ground for an extended time, he frustratingly accepted that we would have to agree to disagree.

This experience reminds me of a similar encounter with a white, female, feminist professor. We conversed regularly, especially about gender issues. One day, the conversation turned to slavery and race. My colleague wanted me to join her argument that many white, male slave masters were good, Christian men who loved their families and wives. I asked her what about the ones who raped

their female slaves and sold their own resulting mixed-race children. She insisted that even these could be Christian men with hearts full of love, who were just a product of their times. I asked, too, did they really love their wives if they were seeking sexual pleasure from their slaves? Her response was that we must give these white gentlemen the benefit of doubt, or rather, a presumption of morality.

In both of these experiences, my friendly white colleagues were looking to defend white morality. My white male colleague sought to resurrect the white female administrator's presumption of morality, and even Christianity, despite evidence of racial prejudice and the use of that prejudice to deny opportunities to nonwhites. My white female colleague similarly sought to justify the behavior of white slave owners to ensure that the presumption of white morality remained intact. Furthermore, not only did both individuals hold these presumptions, they both insisted that I reach the same conclusion. The strongly held belief in presumed white morality, in spite of horrible deeds to the contrary, keeps us, as a country, from living in a more just society. It excuses the unjust behavior of whites that, taken collectively, perpetuates a systematic denial of equal treatment for blacks. This consistent denial of justice further perpetuates many of the social ills facing the black community. Without a better understanding of our presumptions of (im)morality and a willingness to overcome these presumptions, we will be unable to achieve a truly just society.

#### **WHEN THE PRESUMPTIONS OF (IM)MORALITY LEAD TO PERSONAL CONFUSION**

A presumption of white morality seems to necessarily lead to a presumption of black immorality. Sometimes, those operating under these presumptions reach a point of confusion. At one school where I taught, my office was next door to an older, white, female professor who was very dignified, intelligent, and cordial. We shared many conversations about work ethic, family, food, teaching, women's rights, and the church. I attended a weekly woman's Bible study and lunch with her and other white, female faculty. It seemed that she, a white woman, saw me, a black woman, as an individual who was moral.

When I was assigned to teach one of my favorite subjects, Constitutional Law, I rushed over to share my great news with my office neighbor, this white, woman professor. Her response was, "Finally, I am so glad! We need a good God-fearing, conservative Republican like you teaching Constitutional Law, and not all of those un-churched liberal Democrats." While some of the adjectives I will not respond to, let me assure you that I am not a Republican. Yet, it seemed that her affirmation of my good traits necessarily meant she had to also see me as a right-wing Republican. I was speechless at her proclamation and, later, told one of my friends the story. He suggested I let her think what she wanted, at least until I got tenure. And I did. At her retirement party, during her roasting event, I recounted this story, and we all laughed as I suggested she read some of my articles about race and understand more about what I believe and who I am.

This incident taught me a very important lesson. It seems that because we were friendly and I was, in her eyes, moral, I had to be a black Republican. I also had to be a rare black in her mind because I shared many of her basic principles. A few years after our conversation about the course, as I was struggling through the tenure process, I started to seek alternative employment opportunities. I asked my colleague if she would prepare a letter of reference for me. She did not want me to leave, but said my letter would be excellent. I applied for a position as an administrator at the Historically Black College and University where I received my undergraduate degree. I thought it could be a relief to work in a setting where, perhaps, I was not automatically presumed incompetent and immoral because I am a black woman. I saw my colleague in the ladies room and was so excited about my application that I quickly told her about the position and asked her to prepare the letter. Her response was quite interesting. She became visibly flustered and blurted out, "I can't believe that you want to go work at that b-b-b-black school! You are better than that, but I will do the letter if you want to do that."

As I watched her face, and washed my hands, I wondered if she had forgotten that I, too, am black, that my undergraduate degree is from the historically black school she now denigrated, and that I had a close relationship with people working at or enrolled in the school. She even had had difficulty saying "black"! I think this illustrates my point. Blacks as a group are perceived to be less competent and immoral. The few blacks who rebut the presumption of immorality are then perceived to be no longer black. This is quite troubling for a person like me, who is indeed black and proud, and who also works diligently to be a moral and spiritual person.

#### **OTHER WITNESSES OF THE PRESUMPTIONS**

The presumptions of immorality I have witnessed or experienced are unfortunately not unique to my experience. Several months ago, I attended Professor Yxta Maya Murray's presentation of her paper, *Inflammatory Statehood*. She used artistic depictions to discuss reactions to tyrants who project themselves as the good father that protects the good child from the bad child. Murray's presentation especially examined the tactics of some state leaders in their oppression of undocumented immigrants. One of her themes was how immigrants, or the "other," are often portrayed as being unclean or filthy.

As I listened to her presentation, I thought about race and presumptions of morality. This presumption of uncleanness is also assigned to blacks. During the civil rights movement in the Deep South, it was common for whites to turn fire hoses on civil rights protestors who were merely seeking their constitutional rights. The protestors would be dressed cleanly and neatly—in suits for the men and dresses and stockings for the women. They often marched in nonviolent protests wearing their Sunday best. Still, the water hoses were turned on them full force, as if they were dirty and needed the cleansing of white supremacy.

These pictures of the protests visibly articulate my thesis here: many whites, even in their bad conduct against the marchers, and even against the *children* who marched, were presumed as clean and just; whereas, the black and white protestors seeking racial justice, even in their clean attire and pure motives, were presumed to be in need of cleansing or purging. While black, educated, moral people are presumed to be incompetent, immoral, and lacking, whites who historically sold blacks—even children—as property, raped them, killed and lynched them, carry a presumption of being moral people just responding to their times. Even in the academic setting, some whites work very hard to maintain these presumptions for their white colleagues, though they're privately willing to admit that their white colleagues' behaviors were unjust.

Other authors of *Presumed Incompetent* have also referenced this theme. Professor Carmen R. Lugo-Lugo discusses presumptions about Latinas that represent them as sexualized commodities, rather than the presumption given to white males of being “knowledgeable, wise and capable.”<sup>2</sup> Perhaps this explains why some whites reacted with such hostility when Supreme Court Justice Sotomayor referred to “wise” Latinas.

In the above-mentioned conference story, I related how the white, male professors constantly referred to “the blacks” as being “too ghetto.” Professor Sherree Wilson also emphasizes this theme in her chapter of *Presumed Incompetent*.<sup>3</sup> Wilson writes about how even phrasing, such as calling blacks “you people” can project a demoralization of blacks as a group.<sup>4</sup>

My older, white, female colleague was confused as to how I could identify as a black, and desire to work at a historically black institution, yet still be the moral colleague she saw me to be. One chapter in *Presumed Incompetent*<sup>5</sup> relates a similar story of a Latina professor who was from the upper-class in her home country. Her white colleagues had great difficulty accepting that she defied the presumptions they held about Latinas, saying, “How can you be rich? That’s not right.”<sup>6</sup> Even blacks who, during their early years, were treated as if they were “‘different’ from the other blacks in town”<sup>7</sup> discover that, in academia, they often cannot escape “racial interruptions,”<sup>8</sup> or presumptions.

The presumption of black immorality, similar to the presumption of black incompetence, is lodged against all blacks and it lingers. Regardless of the

---

2. Carmen R. Lugo-Lugo, *A Prostitute, a Servant, and a Customer-Service Representative: A Latina in Academia*, in *PRESUMED INCOMPETENT*, *supra* note 1, at 41-43.

3. Sherree Wilson, *They Forgot Mammy Had a Brain*, in *PRESUMED INCOMPETENT*, *supra* note 1, at 65.

4. *Id.* at 71.

5. Kimberly R. Moffitt, Heather E. Harris, & Diane A. Forbes Berthoud, *Present and Unequal: A Third-Wave Approach to Voice Parallel Experiences in Managing Oppression and Bias in the Academy*, in *PRESUMED INCOMPETENT*, *supra* note 1, at 78.

6. *Id.* at 83.

7. Serena Easton, *On Being Special*, in *PRESUMED INCOMPETENT*, *supra* note 1, at 152.

8. *Id.* at 153.

morality of an individual black person, that person cannot escape the omnipresent presumption. One may be a special black person for a while, but can lose that temporary status in a minute. Hence, attempting to rebut the presumption by proving that one individually is a moral black person does not eliminate the force of the presumption.<sup>9</sup> The presumption itself must be challenged, just as the presumption of the morality of whites must also be challenged, if we hope to create a more just, honest, inclusive and productive society.

### CONCLUSION

So, what are we to do? As I mention in my chapter,<sup>10</sup> one step is to stop being speechless and to speak up more. We need to challenge these presumptions of incompetence and immorality. To challenge the presumption is different from rebutting the presumption. Rebutting the presumption leaves the presumption intact and allows some to say that one black is unique and moral, or one white is unique and immoral. To challenge the presumption is to challenge its premises and to point out its fallacies.

The hoped-for results may not be immediate, but some fallacies may at least be questioned as automatic presumptions that dwell in the minds and practices of many. Perhaps challenging the presumptions may have an effect especially on younger individuals,<sup>11</sup> like the young, white female who set me to thinking about morality; perhaps, one day, such challenges may impact the older ones, like the older, white, male professors who presented at the conference, too.

---

9. *Id.* at 158 (“to them, black would always mean incompetent, regardless of social class, background, or education”).

10. Angela Mae Kupenda, *Facing Down the Spooks*, in PRESUMED INCOMPETENT, *supra* note 1, at 20.

11. *See, e.g.*, Easton, *supra* note 7, at 162-63.