

## Race, Law, and the Body Politic- Notes 2

Law: system of rules which a particular country or community recognizes as regulating the actions of its members and which it may enforce by the imposition of penalties.

### Assumptions in a Liberal Society

1. Division between the public sphere and the private
2. Equality of citizens
3. Rule of Law
4. Democracy

The promise of liberalism very rarely realized. The claim is liberty and justice for all, but its aim is to continue sovereign power. Makes exceptions, that is it rules out certain people from consideration.

Racial groups

Religious groups

Economic groups

Liberal societies will claim that exception-making is necessary in the moment, but later claim they were errors in thinking.

The errors are committed because sovereign power attempts to protect itself from “the unruly.” Who are the “unruly”?

- The unpredictable
- Undependable
- Or a threat to political order.

How does race enter the conversation?

Racialization is the process by which a population is divided by the sovereign power and one group is pushed farther from the promises of liberalism both in law and mindset. “Racialization is the process delineating a population in contrast to a dominant population and a corresponding political tension. “(Falguni Sheth, *Towards a Political Philosophy of Race*, 2009)

Racialization is how sovereign power creates exceptions to its own rules and then makes these exceptions legitimate.

Sovereign power uses the threat of violence against the “unruly.”

The unruly share two main characteristics:

1. Some distinguishing feature
2. Existing vulnerability

Sheth suggests that these characteristics are presented as the reasons to exclude group from liberal society; claim of equality and law, but actually it is a tool to maintain power over the “unruly.”

Racism, then, is a subcategory of discrimination. It is neither a biological phenomenon nor a social construction, but a technology used to maintain power of the ruling against the perceived unruly.

Law is changed or abolished to:

1. Maintain power.
2. Quash perceived threats to power.

Suggested Readings:

Falguni Sheth, *Towards a Political Philosophy of Race*, 2009) ISBN-13: 978-0791493984

**Understanding Race and Ethnic Inequality in Sociological Terms,**  
**[www.universalclass.com/articles/psychology/race-and-ethnic-inequality-in-sociological-terms.htm](http://www.universalclass.com/articles/psychology/race-and-ethnic-inequality-in-sociological-terms.htm)**

**[Bad Faith and Antiblack Racism: Gordon, Lewis R ... www.amazon.com/Faith-Antiblack-Racism-Lewis-Gordon/dp/1573925349](http://www.amazon.com/Faith-Antiblack-Racism-Lewis-Gordon/dp/1573925349)**