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Social Policies and Racial Questions: From the Great Society to Obamacare

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To my mother

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Introduction

The Patient Protection and Affordable Care Act was signed into law by President Barack Obama on March 23, 2010. A week later, on March 30, he signed the Health Care and Education Reconciliation Act into law, which expanded and amended the Patient Protection and Affordable Care Act (in short, Affordable Care Act or ACA). Together they constitute Obamacare, Obama's signature legislation, and a major achievement after nearly a century of failed attempts to enact comprehensive health care policy in the United States.

The health care coverage system that results from the ACA was strongly influenced and constrained by American politics and history. It built on the existing health system, creating a mixed market-based system with some government intervention. Universal coverage is based on three pillars: an employer mandate that compels businesses to offer health care to their employees, an individual mandate that compels every person to carry health insurance, and an extension of Medicaid, the government health insurance program for the poor (just as before, Medicare covers people over age 65). Before the enactment of Obamacare, a majority of Americans already had health insurance through their employer, but this was not mandatory. Similarly, Medicaid has existed since 1965, but the ACA substantially expanded the eligibility criteria to include all able-bodied adults without children based on their income. The individual mandate was new, but the idea had been advocated by conservatives since the late 1980s.

Obamacare sought to address the increasingly pressing problem of health care costs, for which the ACA established a series of cost-containment measures. The ACA particularly focused on increasing health insurance costs. Thus the Act regulates health insurance policies and defines the type of benefits that an insurance policy must cover. To make insurance more affordable for Americans, the government now heavily subsidizes insurance purchase. For people purchasing their insurance on the marketplace, the government provides tax credits based on their income level to help meet the insurance costs. For employer-provided health insurance, the ACA continues the system that was already in place, meaning the tax exemption for health insurance expenditures. The Medicaid extension provides government-financed health insurance for the poorest populations.

The ACA put in place the health exchanges, at federal and state levels. Those exchanges are marketplaces that allow people to determine their eligibility in this complex system and to find out whether they qualify for Medicaid or subsidies. Moreover, the exchanges help them shop for a suitable insurance policy, by providing tools to compare the different health plan offers.

The ACA also addresses some major problems that existed in the American health care system. For example, before the passage of the ACA, insurers could exclude or overcharge clients for a very wide range of preexisting conditions. This was particularly important as it made it difficult for many people to change jobs, because their health insurance was linked to their employment, and in the case of a preexisting condition they would have major difficulties or cost increases if they took on a new job. Consequently, one of the most central elements of the ACA is the ban on the preexisting conditions exclusion.

Obamacare sought to be a strongly redistributive legislation, which addressed some of the problems that had arisen from the previous health care system, and some of the main health issues faced by the American population. Although the enactment of Obamacare was a major victory for the Democratic Party and marked an im-

portant change in American social politics, it is imperfect and unsatisfactory in many respects. The legislation has been criticized right from the beginning. Many claimed that it did not work or would cause major problems and difficulties in the economy, and Republicans immediately vowed to repeal it. Moreover, because of its complexity, the law is vulnerable to attacks, and some key provisions have already been struck down, leaving holes in the universality of coverage. In addition, the effect of the legislation on alleviating racial inequalities, one of Obama's goals, is not entirely satisfactory either.

The Role of Race in the Reform

The reflection for this research started with one sentence in *The Audacity of Hope*, the book detailing Obama's political philosophy, published in 2006 while he was still a senator from Illinois. In the chapter entitled 'Race' Obama wrote: "An emphasis on universal, as opposed to race-specific, programs isn't just good policy; it's also good politics."[1] What were the reasons, the ideas, the reflections, which had influenced this statement? Why discard a race-specific approach when the outspoken intent voiced in the chapter is to alleviate racial inequalities? Further reading and analysis showed that Obama was convinced of both the limited effectiveness of race-specific programs, especially in the form of affirmative action, and of the political impossibility of enacting more race-specific programs. Obama appeared convinced that new social policies in the realms of education and health care, for example, could have a more beneficial impact on the African-American population than any affirmative action program, as blacks face particular difficulties in both areas. The "good politics" part of the statement, referring to a more strategic thinking, was based on Obama's assessment that the white population was largely unwilling to accept race-specific measures, meaning that any race-specific policy proposal would most probably be defeated.

The political result of this assessment was Obamacare, a universal health care legislation, which had a strong redistributive focus and which sought to address some specific issues faced by the black population, such as high uninsured rates, greater exposure to personal bankruptcy and subsequent loss of middle class status caused by unexpected health care costs, or the greater prevalence of certain public health issues such as diabetes or obesity, among others. Furthermore, existing health policies were an impediment to social mobility for the poor and the working poor. A new job could result in the loss of Medicaid coverage without providing health insurance or sufficient income to pay for it out of pocket.

Health care was certainly not Obama's first choice, as illustrated by the fact that health care reform was not initially a central issue in his presidential campaign. However, the political context and pressing problems of the times called for health care legislation. Additionally, health care is not the most obvious domain in which, or through which, to fight for racial equality. Jobs and education appear as more straightforward approaches. Obama's initial education reform, a topic for which he shows more passion, died in Congress, and even if unemployment is strongly linked to the tides of the economy, many measures can be taken, especially regarding racial

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[1] Barack Obama, *The Audacity of Hope: Thoughts on Reclaiming the American Dream* (2006. Edinburgh: Canongate, 2008), 247.

inequalities. Nonetheless, health care insurance, and particularly the lack of it, play a significant role in social mobility and the maintenance of one's social status. Moreover, the American health care system stands out among other Western countries because of its huge costs and comparatively low outcomes, both in terms of coverage and access to care. The problems of cost and difficult access to care, not surprisingly, can also be observed to play out along racial lines. If a primarily economic focus—as opposed to a focus on rights or political power—is taken to tackle the issue of racial equality, then health care becomes a valid and interesting issue to try to improve black social mobility and to strengthen the more fragile grasp black families have on their middle class status.

However, in pursuing this goal, the Obama administration faced tremendous political constraints. Recent decades in American history have not been favorable to social policies in general, and certainly not to race-specific measures particularly aimed at improving the conditions of blacks. This nexus can be seen in the sharp polarization of the two parties over issues of social policies and government intervention, and is exemplified by the sharp Republican attacks against Obamacare. The particular history of the United States and the racial makeup of US society have created a distinctive context for social policies that are heavily marked by the question of race—which plays out as a divisive force. This is particularly remarkable in the case of policies aimed at reducing racial economic inequalities.

These premises led to the following question: how did Barack Obama circumnavigate the racial question in the health care reform? The answer is simple and complex at the same time. Obama chose a race pragmatic approach that consisted in enacting a neutral social policy, which was heavily redistributive and which focused on several economic and health issues, which particularly affected African-Americans. In other words, instead of identifying the black population through its race, it was targeted through its socio-economic characteristics. This approach also included focusing on a policy that is also pertinent for the white middle and working class in order to gather a sufficient majority to support the reform. Health care, being a major problem for the white middle class, appeared to be a favorable field, despite the long and difficult history of health legislation in the US. This strategy built on a certain understanding of the history of social policies in the US and the polarization of the two parties over social policies. Obama carefully took into account the racial divisiveness of such policies, the white backlash against race-specific measures and against means-tested programs, as well as the backlash against social policies in general. To overcome this, he crafted a distinctive discourse based on racial transcendence, a sense of class unity cemented through economic populism, and a forceful argument legitimizing government intervention in order to unite public opinion behind the reform project.

Theoretical Approach

In order to assess the role of race in the reform, it was decided to analyze Obama's reform strategy in terms of its political and ideological foundations, its application, and its outcomes.

The choice to conduct the analysis through the prism of the white and the black population was made for several reasons. First, African-Americans are one of the populations facing the greatest economic and social difficulties in the US. Moreover,

historically, the black-white divide is the deepest one in US society and politics, with specific problems, issues, and attitudes resulting from the past history of slavery and segregation. The concomitant arrival of the first white colonizers and black servants turned into slaves, moreover, provides a clear background for the intersection of racial and economic oppression that still structures US society today, and continues to impact political power relations.

The main analysis is grounded in the comparison between the socioeconomic situation and needs of the black and the white populations, with the white population serving as a reference point, due to their numerical strength and dominance in American political decisions. Political scientist Robert Goodin's definition of politics sheds light on this relationship. He defines politics as "the constrained use of social power," power that according to him takes many forms and is constrained in many different ways.[2] As social power is largely defined by economic status, it led to the close examination of the economic differences between the two groups, in order to determine their respective needs in terms of social policy programs. Economist Patrick Valtriani insists on the fact that social policies, despite containing the term "social," do not belong to the field of sociology, but to economics. According to political scientist Marie-Thérèse Lambert, their aim is to alleviate inequalities resulting from an economy focused on profit, which is necessary in a democratic society to regulate this society.[3] To get a picture of the political stakes of both groups in the new health care legislation it was thus necessary to determine the extent of inequalities between the two groups at the moment of the development of the health care reform to see to what extent their interests were opposed or might converge. This also implied an examination of the extent to which Obamacare addressed universal health care problems and to what extent it focused on specific issues of heightened interest to the black population.

This purely materialistic approach, however, is far too limited, because policy results are only determined to a certain degree by objective needs, just as political opinions or choices are only partially determined by rational considerations based on objective material needs. Political scientist Colin Hay insists on the limited scope of approaches used by materialists or constructivists. While both approaches recognize the importance of ideas in shaping politics, they either limit them as being determined by material factors, such as interests determined by context, or on the contrary attribute ideas to a sort of voluntarist idealism, in which political outcomes are directly attributable to the desires, motives, and thoughts of the actors involved. Hay insists on an approach that combines both material and ideational factors. He insists that

> [p]olitical outcomes are, in short, neither a simple reflection of actors' intentions and understandings nor of the contexts which give rise to such intentions and understandings. Rather, they are a product of the impact of the strategies actors devise as a means to realize their intentions upon a context which favors certain strategies over others and does so irrespective of the intentions of the actors themselves.[4]

To analyze Obama's health care reform from a racial perspective means looking, on the one hand, for the factors that influenced Obama's ideas and informed his choice of political strategy, such as his awareness of racial and economic inequality in the US and the hostile attitude of the population towards social policies and race-

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[2] Robert E. Goodin, ed., *The Oxford Handbook of Political Science* (New York: Oxford University Press, 2011), 5.

[3] Patrick Valtriani, *Les politiques sociales en France*, 2nd ed. (Paris, France: Hachette supérieur, 2011), 9.

[4] Hay 473-4.

specific measures. On the other hand, it also means looking for the factors and events that shaped the reform independently of Obama's wishes and ideas—such as certain institutional constraints—such as the makeup and fragility of the Democratic majority in the IIIth Congress, the threat of a filibuster, or the conservative lawsuits against the ACA.

To understand Obama's strategy, it is important to have a precise view of the historical context that determined his choices. Sociologist, political scientist, and historian Charles Tilly foregrounds the importance of the historical context in political analysis because political processes occur within history, and the moment when they occur influences how they occur by determining them through the cultural materials, such as beliefs, dominating the period.[5] Obama's choice of a race pragmatic approach was informed by the racial history of the US, which has stratified US society along overlapping racial and class lines and which has also given a distinctive shape to the American welfare state. In the history of the American welfare state, the factors of race and class have played out in different ways, depending on which one gained more salience within a given period. Race has been a divisive element in society, which was overcome at certain moments by a stronger class alliance that allowed the welfare state to expand, such as during the New Deal and the Great Society, but which in recent years has had a problematic resurgence, as in the case of the Reagan and Bush presidencies, or more recently in the election of Donald Trump.

For the present analysis, another reason why history matters is of interest. Tilly evokes a "path dependency" that predominates in political processes, which is created by the events that occur at one moment of history and which constrain and influence the range of events that are possible later.[6] Political scientists Robert Goodin, Martin Rein, and Michael Moran insist that this path dependency is particularly strong in the case of public policies, although this needs not be viewed in exclusively negative terms, but also in the sense that it is a form of experimentation through which we get new ideas about how to address some problems and about how to pursue certain goals. Path dependency is not qualitatively loaded, it only means that previous events and the existing public policy domain influence the options available for further policy development.[7] Thus, the historical context impacts the political choices that are made later and influences the political strategy that will be considered for a new policy.

The abovementioned quote from Obama underscores the fact that the race-pragmatic approach is also, and maybe primarily, a question of political strategy. The choice of a political strategy is based on past political experience of what worked and what did not, both as a matter of real effectiveness and political feasibility, and of how the population reacted to policy proposals or events. Thus, the development of the welfare state, of what already exists, is a determining factor in political choices, but so is the public's reaction to and interaction with the welfare state, meaning policies and programs put in place by government to alleviate economic and social inequalities. Thus, beyond the purely material aspect of what kind of programs exist and

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[5] Charles Tilly, "Why and How History Matters," in *The Oxford Handbook of Political Science*, ed. Robert E. Goodin (New York: Oxford University Press, 2009), 524–5.

[6] Tilly 525.

[7] Robert E. Goodin, Martin Rein, and Michael Moran, "Overview of Public Policy: The Public and Its Policies," in *The Oxford Handbook of Political Science*, ed. Robert E. Goodin (New York: Oxford University Press, 2011), 903.

when they were put in place, the perception of this welfare state by the public strongly influences the political choices made for new programs or reforms.

Political scientist Theodore Lowi particularly insists on the strong ideational dimension of redistributive policies, i.e. social policies. According to him "the nature of a redistributive issue is not determined by the outcome of a battle over how redistributive a policy is going to be. Expectations about what it can be, what it threatens to be, are determinative."[8] It is in the range of those expectations and fears that history matters, because these will be influenced by past experience, in conjunction with considerations of present material needs. Obama's choice of a race-neutral policy was determined by the past experience of the white backlash against policies aimed mainly or exclusively at minorities—such as means-tested programs or affirmative action—and the expectation of a new backlash should the new policy proposal be perceived as mainly benefiting minorities.

Given the centrality of ideas and perceptions as determining factors, the decision was made for this research to treat the historical context in two different ways. The welfare state had to be considered first as a set of measures enacted by the various governments since the early 20th century, before moving to an ideational approach of how this welfare state and its different programs are perceived, and how this perception is used in politics. This approach distinguishes between the 'welfare state,' which is the objective fact of government programs aimed at alleviating economic inequalities, and the concept of 'welfare,' which developed later in reaction to perceived unfairness in the welfare state, and which is a pejorative term implying undeserved benefits mainly for racial minorities. Such events or processes are paramount, because, as Tilly points out, "once a process (e.g. a revolution) has occurred and acquired a name, both the name and one or more representations of the process become available as signals, models, threats, and/or aspirations for later actors."[9]

Such ideas and representations have a particularly strong influence in the case of redistributional policies because these concern the society as a whole, and people cannot escape them, as people are categorized according to their being, to what they are in terms of income or age, etc., in order to benefit or not from a social program.[10] Moreover, what social policies do is basically the essence of the most commonly cited definition of 'politics' as the "who gets what, when, and how" formulated by Harold Lasswell in 1950.[11] Which social group or category benefits from what type of program, when can it be enacted, how will it be enacted and how will the benefits be delivered? However, Lasswell's definition leaves out the crucial factor of "from whom," which raises the issue of taxation, which is necessary to finance a program. The fact that for Lasswell the question of "from whom" was not yet at the forefront in his time might be due to the fact that the fiscalization of American politics occurred only in the 1970s and 1980s. The fiscalization of American politics, as explained by political scientist Kenneth Shepsle, means the predominance of financial and budgetary issues epitomized by the central question of the deficit.[12] Any new program today necessarily triggers the question of the deficit and taxation, as the benefits must be paid for.

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[8] Theodore J. Lowi, *Arenas of Power* (Boulder: Paradigm Publishers, 2009), 34.

[9] Tilly 525.

[10] Lowi 117.

[11] Harold Dwight Lasswell, *Politics: Who Gets What, When, How* (New York: P. Smith, 1950).

[12] Kenneth A. Shepsle, "The Changing Textbook Congress," in *Can the Government Govern?* ed. by John E. Chubb and Paul Paterson (Washington: Brookings Institution Press, 1989), 259.

Thus it is essential to determine who, or which social groups, should be the main focus in health care reform, based on material and political needs. These groups are racial minorities based on economic needs, and the white working and middle class, based both on economic and political needs. The timing of the reform was also significant, when considering the defeated Clinton attempt. Although health care insurance has been a longtime problem for minorities, it only became a major problem for the white working and middle class in the late 1980s and early 1990s. Goodin, Rein, and Moran point to the fact that policy is made in response to problems, which are not, however, predetermined or fixed. The public's policy agenda changes according to the "personal troubles" that drift in and out of what is considered a "social problem," which in turn is determined by the consideration of "whose problem it is," depending on whether a progressive or conservative approach is taken.[13] In other words, to continue with Lasswell's definition, the 'when,' was a confluence of several factors, which included health insurance becoming a sufficiently serious "personal trouble" to be considered as a social problem for it to appear on the policy agenda, as well as a context in which it would be considered to be a government problem. Another condition was to have at the same time a progressive administration, which would consider health care to be indeed government's responsibility, and not just a matter of personal responsibility. With the dramatically increasing health care cost of the early 2000s and the changing economic situation after the 2008 crisis, health care became a pressing issue again. The economic crisis and ensuing Great Recession made it an even more central problem for the white population, although to a lesser degree than for minorities. However, it became urgent enough to propel health care to the forefront of the 2008 presidential campaign and to provide enough momentum to see the reform through.

The 'how' of the implementation of health care reform relates to two aspects. The first is the practical dimension of what type of program, or what type of health system, should be created. This, however, is strongly influenced by the dominant ideas and beliefs, in short, by the political ideology, of the nation. Ideas regarding the role and scope of government, and by extension ideas regarding the issue of personal responsibility as opposed to governmental responsibility, are determining for this and inform whether a full government approach—such as a single payer system—will, or can, be chosen, or whether a market-based system should be favored. Additionally, the particular history of the United States in which the federal government played a major role for racial equality led to very different ideas dividing the two main racial groups regarding the role of government, with blacks favoring a more active and predominant role for the federal government than whites. The 'how' also refers to the issue of political strategy and process, both of which shape final legislation. The strategy is constrained by the interpretation of the beliefs of the population and the opposing party, based on historical assessment; the process constrains and limits the shape and scope of the final Act. During Obama's first term, the power of the Democratic Party to act was heavily constrained by its fragile majority and legislative hurdles; the scope of the reform was limited by the strong partisan opposition of the Republican Party. Both contributed to the shaping of a reform that was far more centrist and moderate than many Democrats, liberals, and activists would have liked.

Lastly, the question of 'from whom' raises the looming specter of taxation. Taxation is a central issue in redistributive policies because it is half of the redistribution

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[13] Goodin, Rein, and Moran, "Overview of Public Policy: The Public and Its Policies," 908.

equation. Redistributing, as opposed to simply distributing, implies taking resources (in the form of money raised through taxes) from one part of the population to give them to another part of the population in the form of social benefits such as health insurance. This implies making the choice of who is going to be taxed and who will get the bulk of the benefits. Both decisions are informed by material questions of who has enough resources that can be taxed, and who needs the benefits. However, beyond that, the issue of taxation raises the political question of whether people will accept being taxed and for whose benefit. These parameters are determined by the views people have about their own situation, about the beneficiaries, about those people or entities constrained by the new policy, about the scope of government, and about the legitimacy of the issue in the first place. These views, moreover, are only shaped to a limited extent by objectively material facts, as the last two points are particularly determined by ideology. Political scientist Diana C. Mutz foregrounds the fact that, within the general public, decision-making is biased, new input is ignored when it deviates from the ideological goal, which is based on the emotion attached to the cue or issue.[14] It is thus necessary to examine the perceptions of who is taxed on the behalf of whom, and what the perceptions of these groups are. These perceptions have been strongly shaped along racial lines throughout American history. It is furthermore necessary to examine attitudes about government and their foundation, as well as attitudes about social policy issues, especially health care. As Tilly pointed out, past historical events determine these attitudes, can be partly informed and explained by historical context, and can be measured through opinion polls.

The political behavior of the public, and by extension, public opinion, which informs the political behavior, are very tricky issues implying a range of debates. Political scientists Russell Dalton and Hans-Dieter Klingemann highlight the fact that in the information-rich environment of Western societies, citizens appear to often use information shortcuts, cues, emotions, and a heuristic trial-and-error approach to reach political choices.[15] Thus it appears all the more interesting and relevant to analyze how history has shaped and influenced these emotions, what has already been tried, what kind of intellectual shortcuts are made based on past experience, and especially how past events can be transformed into cues that influence voter choices.

Another theoretical question had to be addressed before starting the research. When looking at the division of power in the American governmental system, it may seem incongruous to focus on the president for a policy analysis. However, Theodore Lowi points out that redistributive policies are the only policy arena in which the president plays not only a role, but a crucial one, as he demonstrates that social policies are likely to fail without presidential intervention.[16] The president not only has the agenda-setting function formalized through the State of the Union Address, but is also needed for social policy enactment because the president, contrary to Congress, can speak in one distinctive voice, known since Theodore Roosevelt as the bully pulpit. This is particularly necessary for social policies, because of the huge impact they have on society and the strong role public opinion plays in this context.

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[14] Diana C. Mutz, "Political Psychology and Choice," in *The Oxford Handbook of Political Science*, ed. Robert E. Goodin (New York: Oxford University Press, 2011), 352–53.

[15] Russel J. Dalton and Hans-Dieter Klingemann, "Overview of Political Behavior: Political Behavior and Citizen Politics," in *The Oxford Handbook of Political Science*, ed. Robert E. Goodin (New York: Oxford University Press, 2011), 323–24.

[16] Lowi 53–54.

In this respect Goodin insists on the fact that the people in power cannot simply dictate something, they have to persuade.[17] This persuasion operates at two interrelated levels: public opinion needs to be worked on and the legislators in Congress need to be convinced and marshaled. Favorable public opinion will influence Congress's willingness to shape a bill in a specific manner and will influence the congresspeople's likeliness not only to back or cosponsor a bill, but also to ultimately vote for it. Lowi foregrounds that this partisanship is particularly exacerbated over social policies because of their strong ideological dimension.[18] Thus ideology plays a major role because it determines both the public's and the parties' attitude toward social policy, and because public opinion has a significant influence on Congress.

Thus the president has to use the bully pulpit to push for reform and to model the perceptions of social policies and of the specific reform he wants to push, which is achieved through discourse. This discourse is built based on the beliefs of the public, on the policy goal that the president wants to achieve, and is contrasted with the rhetoric of opponents. Since public policy originates within a context, the different actors involved in the process, policy makers, implementers, and the public, have previous views, "notions," which influence their choices and evaluations and affect what is deemed relevant, important, or desirable. These notions are themselves influenced by information, by material assets, institutions, and normative judgments. They function as "enablers and constraints for public policy."[19] Thus the cultural and historical context determines the kind of symbols—or doxa, as termed by rhetorician Ruth Amossy[20]—that are used to shape the notions of both the public and politicians. It also determines how political capital is used to further the political agenda, and how the life histories of political elites are used to shape these notions. As a consequence, the presidential rhetoric that develops regarding a specific reform project should carefully craft a discourse that takes these enablers and constraints into account and should shape and rework them. Thus it is necessary to carefully examine in this work the political discourse that has developed around social policy, including issues of taxation and beneficiary groups, ideas of government and personal responsibility, as well as issues of race and class, in order to determine the ideational constraints that Obama faced. On the other hand, Obama could build upon cultural and ideational enablers, including his personal history and identity, which needed to be analyzed, based on their use in discourse—something Amossy terms persona and ethos.[21]

Finally, it appeared as too limited to focus only on the political strategy and discourse used in the enactment of policy. The policy, the law itself, needs to be analyzed to determine to what extent it addresses the problems that have been identified as needing to be addressed, to what extent the outcome corresponds to the intent of the framers, and to what extent the features of the law reflect the constraints and the opposition against the policy. Furthermore, there is the question of whether the outcomes or expected outcomes correspond to the ones aimed for, or to what extent the outcomes are adverse effects. It is necessary to examine the law to determine

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[17] Goodin 5. Goodin's insistence draws on Richard Neustadt's *Presidential Power and the Modern Presidents* (1960).

[18] Lowi 41, 50-2.

[19] Davis B. Bobrow, "Social and Cultural Factors: Constraining and Enabling," in *The Oxford Handbook of Political Science*, ed. Robert E. Goodin (New York: Oxford University Press, 2011), 919–20.

[20] Ruth Amossy, *L'argumentation dans le discours* (Paris: Armand Colin, 2006), 44.

[21] Amossy 44.

whether it reflects the initially proclaimed will and to what extent the will of the opposition has influenced it. Further, it must be examined how this impacted the population, or the different groups.

Moreover, given the influence of courts in contemporary politics, the role of the Supreme Court in the political battle over Obamacare had to be analyzed. This applies to lawsuits against affirmative action as well, as a key element of the historical context that determined Obama's strategy.

Methodology

The present work analyzes Obama's political strategy of creating race-neutral but issue-focused redistributive policy in terms of its foundation, application, and outcome, based on the main example of health care legislation. First the concepts of race and class will be discussed, then a historical overview of social policies and their racialization in American politics will be presented, the specific discourse crafted for the political purpose will be analyzed, and finally the political outcome of Obamacare will be evaluated.

It was decided to analyze only the black and the white populations because of the particular history of the political and socioeconomic interaction between these two groups. For comparative purposes, economic trends within the Hispanic—and in some rare cases the Asian population will be evoked to highlight the specific situation of the black population or to underline convergences of interests. However, it was not considered possible to conduct a systematic study of the three main racial groups of the US because the Hispanic situation would have added the complexifying element of immigration to the political debate, which deserves a study of its own.

To evaluate the foundation of Obama's approach, meaning taking a class focus instead of a race focus, the two key concepts of race and class will be examined, as well as the historical context that led Obama to formulate this approach.

The concepts of race and class will be studied from a sociological and ideational perspective, and Obama's definition of these concepts will be analyzed in an articulation with the ideational background. The structural intersection[22] of race and class will be analyzed to see if a permutation of the categories is possible to a certain degree. The conceptual definitions of race and class are based on scholarly works going back to the early 20th century, when the economic dimension of race started being discussed, for example by W.E.B. Du Bois. As for the socioeconomic overview, it is

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[22] Professor of law and critical race theorist Kimberlé Crenshaw coined the term intersectionality in 1989 to refer to the specific situation of black women where questions of race and gender intersect. It was chosen not to analyze the health care reform under that angle, because the scope would have been too narrow. It must be noted then that the terms "to intersect" or "intersection" here do not make reference to Crenshaw's intersectionality theories. Andrew M. Penner and Aliya Saperstein, "Engendering Racial Perceptions: An Intersectional Analysis of How Social Status Shapes Race," *Gender and Society* 27, no. 3 (2013): 321.

both based on scholarly works that analyze class in America, as well as on data and statistics gathered by various government agencies.[23]

To further evaluate the permutability of race and class, their structural dimension will be examined, as well as factors of social mobility. Research on the importance of health care for social mobility and economic stability will be closely reviewed to ascertain the salience of health care legislation for the populations concerned. Although class is an undeniable factor in social mobility, the race factor has nonetheless a very important impact on inequalities, for various reasons ranging from the present effects of past discrimination to current discrimination and systemic inequalities. Thus, current opinions, political and academic, about race-specific policies will be examined to show the main arguments in favor of a race-neutral approach, which could help justify Obama's choice. The main arguments that surfaced centered on the question of political feasibility, a concern that Obama strongly shares.

The second step in exploring the foundation of Obama's strategy will be to determine the historical context that led him to the conclusion that race-specific policies are a political impossibility. It is thus necessary to discuss the American welfare state, especially regarding its development and its opponents, as well as the specific history of attempts at enacting health care legislation, to have a clear view of the situation Obama faced for his reform project. Given the subject, it is necessary to carefully analyze the racial dimension of social policies. However, there is neither an academic nor a political consensus about the actual racial dimension of social policies, just as there is no consensus about the fact discrimination occurred or still might occur. Similarly, there is no consensus about whether racial appeals are still made in politics. It was thus decided to distinguish between a factual and consensual overview of the history of social policies, and theories regarding the racialization of social policies. The separation of the two highlights attitudes and ideas, in short, a racialized perception of social policies informing voters' choices. This is based on prior research on those questions, as well as current polls (conducted by Gallup, PEW, or the Joint Center of Political and Economic Studies, as well as some newspapers known for their polling, as for example *The New York Times* or *The Washington Post*).

Current statistics will be used to determine whether or not there is a statistical basis for the perception by part of the white population that social programs benefit only or mainly racial minorities. Medicaid, rather than Medicare, appears as the most relevant program for this part of the analysis. Indeed, it is a health care program, and contrary to Medicare is a means-tested program. Most of all, Medicare is one of the most popular programs in the US, and it does not suffer from the negative perception of social policies, whereas Medicaid does.

Furthermore, beyond the general backlash against welfare, the specific case of affirmative action will be scrutinized. Although affirmative action is not a social program per se, as it redistributes opportunity rather than means, it nonetheless epitomizes and has crystallized the backlash against race-specific policies and has greatly fuelled the rejection of measures perceived as racial preferential treatment. Obama's

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[23] These agencies and foundations inlcude, among others: the Census Bureau, the Current Population Survey within the Census Bureau, the Bureau of Labor Statistics, the Department of Health and Humans Services (HHS), the Office for Minority Health and Health Equity, the Centers for Disease Control (CDC), the Centers for Medicare and Medicaid Services, the US Department of Justice, the Federal Bureau of Prisons, as well as statistical reports from the Kaiser Family Foundation, the Brookings Institution, and the Urban Institute.

views and interpretations regarding the white backlash against race-specific and so-
cial policies will be analyzed, as well as the racial backlash against Obama, to evalu-
ate the relevance of the notion of race both for Obama's political thought and for the
Obama presidency. This will help establishing the historical and ideational back-
ground that informed Obama's choice of political strategy.

The study of Obama's strategy will further be completed by an analysis of the
ongoing partisan divide over social policies during the Obama presidency, especially
in relation to the enactment of health care reform. The interpretations and the analy-
sis presented here were checked against, verified, and corroborated by interviews
conducted with Democratic Congressmen and health legislation staffers of Demo-
cratic Congressmen involved in the health care legislation process.

After identifying the main ideational issues, as well as some issues of representa-
tion and perception, regarding social policies and race-specific policy efforts, the
analysis will focus on how these issues, representations, perceptions, and even stereo-
types were used in political discourse to attack social policies, and especially to create
a class division along racial lines. It was deemed necessary to have a precise view of
the opposition's discourse, in particular because the racially divisive discourse estab-
lished by President Ronald Reagan proved extremely long lasting and strongly
marked these perceptions. This is needed to show how precisely Obama reacted to
this discourse, and how carefully he crafted a counter-discourse aiming at establish-
ing a class-based racial unity in order to find a majority in favor of social policy re-
form. In addition, Obama's racial identity is discussed. First because during the 2008
presidential campaign it was a major issue in the United States, and second, because
the discourse analysis method devised by rhetorician Ruth Amossy[24] emphasizes the
importance of the public identity (persona) of the orator, as well as his discursive
identity (ethos). This appeared all the more relevant since Obama very outspokenly
used his identity in his speeches, as well as his personal and family history.

Obama's strategy will further be assessed by analyzing how this strategy fit into
black political thought and how it sought to address racial inequalities. The assess-
ment that the race-based focus of the Democratic Party was a political liability is pri-
marily a white point of view. The examination of black political thought appeared
essential to situate Obama as a black politician. This is particularly useful to analyze
Obama's strategy to find solutions to tackle racial inequalities, which is not necessari-
ly the focus of mainstream white political thought.

Finally, the application and political outcome of Obama's strategy will be ana-
lyzed in the form of Obamacare. Thus both Acts, the ACA and the HCER—which
amends the ACA—will be analyzed in terms of how they reflected Obama's political
thought. The focus will especially be on measures that were likely to structurally im-
pact the black population, as can be seen in the statistical description of the black
population as compared to the white population.

Further analysis will be centered on the question of whether certain provisions
dealing with specific health issues are of specific interest to the black population
based on their socio-economic situation. Although the main focus is on the question
whether or not the legislation corresponded to the political strategy Obama had cho-
sen, some early statistics and reports on the effects of Obamacare will be exposed. In
this respect an analysis of the lawsuit *National Federation of Independent Business v.*

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[24] Ruth Amossy, *L'argumentation dans le discours* (Paris: Armand Colin, 2006).

Sebelius in 2012[25] will be conducted, because it seriously harmed Obamacare by rendering its Medicaid extension optional. This was considered particularly relevant as the Medicaid issue encompasses two major elements in relation to race: Medicaid is a health care intersection of race and class, but it is also a nexus of the question of federal versus state power. This question of the interplay between federal and state level plays a major role in the question of the scope of government in general and in social policy in particular. This analysis will focus on the Supreme Court decision and on the racial impact of the decision, to highlight the impact of adverse conditions on the outcome of a policy.

Fieldwork

In order to buttress the theoretical findings of the research, interviews with congresspeople involved in the elaboration of the health care reform were conducted.[26] The interviews were not meant to function as a basis for the research, but rather as a means to corroborate the analysis and the findings. This is due to the fact that the number of people involved in the drafting of the reform was too limited for a quantitative research. In the House of Representatives, three committees were involved: Education and Labor, Energy and Commerce, and Ways and Means. In the Senate, the Health, Education, Labor, and Pensions Committee, as well as the Senate Finance Committee, worked on the health reform. Except for the bipartisan Gang of Six in the Senate, which included three Republicans, only Democrats in these congressional committees participated in the reform bill. Senators were not considered for the interviews because of their limited availability. Only representatives were targeted because of their greater availability. It was not considered problematic that the final Act is based on the Senate bill, as the questions of the interviews focused on the process, the guiding principles, and the interaction between the legislative and the executive branch. This narrowed the pool to 91 representatives and their health staffers, which represents too small a sample to serve as an analytical basis, especially as it was obvious that only a small share of these representatives would accept to be interviewed.

Thus, the research is a qualitative one, meaning a small number of extensive interviews, which lasted, depending on the availability of the interviewees, between 30 minutes and an hour. The interviews were semi-directive, guided by a few broad and some very specific questions. All questions were very open-ended as to elicit additional information and to prompt free thought. To be able to elaborate the interview questionnaire in the most relevant way, it was decided to conduct the interviews relatively late into the research process, during the third year. This time period was chosen to make sure that the theoretical foundation for the interviews was solid, but to allow for enough flexibility should major new insights occur.

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[25] *National Federation of Independent Business et al. v. Sebelius, Secretary of Health and Human Services, et al.*, 567 US 519 (US Spureme Court 2012).

[26] This fieldwork was made possible by several research grants. The first was the *Contrat Doctoral Unique* I obtained for my PhD research, which provided me with a three-year research and teaching position, making the fieldwork possible not only in financial terms, but also because it provided extensive research time. The second grant I obtained was specifically dedicated to post-graduate fieldwork and was granted by the *Institut des Amériques*. The third grant was an international mobility grant for PhD students financed jointly by my research laboratory (CAS EA 801) and the *Commission de la Recherche* of Jean Jaurès University.

Although more representatives and staffers had initially agreed to be interviewed, I finally managed to interview nine persons in total, five former representatives and four staffers working for different representatives. Some of the interviews were conducted by phone or Skype, others were conducted on site in Washington, either in the offices of the congressional buildings or at the workplaces of the former representatives.

The following persons were interviewed:

Robert E. Andrews represented New Jersey's 1st district from 1989 to 2014. He described himself as a moderate Democrat and sat on the Education and Labor Committee. He was chairman of the subcommittee on Health, Employment, Labor, and Pensions and strongly involved in the legislative process. His district was majority white with about 17% of blacks and was rather solidly Democratic.

Bruce Braley, representative for Iowa's 1st congressional district from 2007 to 2015. He was on the Committee on Energy and Commerce. His district was over 90% white. His district is now represented by a Republican. Braley described himself as a progressive populist. In 2009, he founded the Congressional Populist Caucus, whose focus seems to be mainly on middle class issues.

Bart Gordon, representative for Tennessee's 6th congressional district from 1985 to 2011. He was on the Committee on Energy and Commerce. His district was majority white and rather conservative. Gordon was one of the conservative Blue Dogs, but described himself as personally rather more liberal than his district.

Earl Pomeroy represented North Dakota's at large district from 1993 to 2011. He is one of the conservative Blue Dogs and was on the Ways and Means Committee and its subcommittees on health as well as Social Security. His district was majority white. He was part of the bipartisan Rural Health Care Coalition. He had worked, prior to his time in Congress, as insurance commissioner, an elected state executive position, in North Dakota from 1985 to 1992, regulating the health insurance industry. Both Pomeroy and Gordon ended their political careers over the health care vote.

John F. Tierney, representative for Massachusetts's 6th district from 1997 to 2015. He was on the Committee on Education and Labor. His district was majority white with low levels of poverty. His district was rather solidly Democratic and he describes himself as very progressive.

Thomas Dorney is a staffer for Congressman John Lewis who has represented Georgia's 5th district since 1987. Lewis is on the Ways and Means Committee. His district is majority black with some poverty issues and solidly Democratic. Lewis is a member of the Congressional Progressive Caucus and the Congressional Black Caucus.

Yardly Pollas is the health advisor for Congressman Bobby Rush who has represented Illinois' 1st district since 1993. Rep. Rush is on the Committee on Education and Labor. His district is majority black and very Democratic. Rush is a member of the Congressional Black Caucus and of the Congressional Diabetes Caucus.

Megan Sussman is a senior legislative advisor for Congresswoman Doris Matsui who represented California's 5th district from 2005 to 2013, and was elected in the 6th district in 2013. It is a strongly Democratic majority-minority district. The 5th district was slightly majority white with a strong Asian population and very Democratic. Rep. Matsui is on the Congressional Asian Pacific American Caucus and co-chair of the Congressional Caucus on Women's Issues. She is on the Committee on Energy and Commerce.

In addition, Dan Riffle, health advisor to Congressman John Conyers, accepted to be interviewed. Conyers has represented Michigan's 13th district since 1965. The district is majority black with rather high levels of low and moderate incomes. Conyers is the Dean of the House, the longest-serving member in the House. He is not a member of any of the Committees with jurisdiction over health care, but this interview was included because Conyers is a longtime champion of single payer and has re-introduced a single-payer bill in 2017. He is a member of the Congressional Black Caucus and the Congressional Progressive Caucus, among others.

And finally, a last interview was conducted with *New York Times* journalist David Herszenhorn. Together with journalist Robert Pear he covered the Obama health care reform for the *NY Times*. Pear focused more on the technical health care aspects, Herszenhorn dealt more with the political process.

Despite the sample being small, it nonetheless reflects political diversity, as it comprises members of all the House committees involved in the ACA. Moreover, the representatives occupied varying positions on these committees. It also represents an important ideological diversity encompassing the whole spectrum of Democratic ideologies from very progressive through moderate to conservative. The districts the interviewees represented are very diverse as well, ranging from almost all-white districts to majority-minority districts, including one district with an important Asian and Hispanic population. In addition, the districts also present geographical diversity, as all main regions of the US are covered. Thus the sample provides a good overview of the different political interests and situations in very different regions of the US.

Sources

The analysis of Obama's discourse and opinion, meaning the rhetorical construct of his *Weltbild* and political ideology, is based on a set of texts encompassing some of Obama's writings, political speeches, and interviews with journalists.

Two books Obama had written prior to his presidential bid were selected, *Dreams from my Father: A Story of Race and Inheritance*, and *The Audacity of Hope: Thoughts on Reclaiming the American Dream*.[27] The first, his autobiography, was included because it extensively discusses Obama's search for identity, which is relevant for the discussion of his persona and even his ethos. This autobiography extensively discusses Obama's family, and to some extent his professional background, which sheds light on his sensitivity in questioning racial and class issues. It also informs his particular interest in the specificity of the economic situation of the black population. *Dreams from my Father*, written by Obama after he had been elected first black president of the *Harvard Law Review* and first published in 1995, has the advantage of providing insights into Obama's racial and class thinking without the constraining filter of electoral politics. The second book is particularly interesting and was extensively used to discuss Obama's political ideology. As was explained by David Plouffe, Obama's campaign manager in 2008, the book tour organized after the publication of *The Audacity of Hope* in 2006 gradually transformed into the foundation of the presidential nomination campaign. Plouffe insists on the fact that the campaign program

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[27] Barack Obama, *Dreams from My Father: A Story of Race and Inheritance*, 2nd ed. (Edinburgh: Canongate, 2008); Obama, *Audacity*.

was strongly based on the content of the book.[28] Beyond that, the book has the additional interest of discussing issues in more detail than any speech could do it, as well as being more radical in its formulation and the positions defended, because it was written from the perspective of a senator, not a president, or presidential candidate, and thus was slightly less politically constrained.

The speeches selected for the study start with Obama's keynote address at the 2004 Democratic National Convention, which attracted a lot of attention and was a major success. They continue with speeches made during the first presidential campaign, and end with the year 2010, because Obamacare was passed in March 2010. Later speeches were considered less relevant, although in many respects it would have been interesting to explore if his discourse on the various issues changed afterwards. The time range is wide because the intention was to analyze the overall rhetorical and ideological construct that Obama had built around social policies. Major presidential speeches, such as the 2009 Inaugural Address, the 2009 Address to a Joint Session of Congress, and the 2010 State of the Union Address, were included because of their wide scope of themes, and especially because of the heightened public attention they garnered. Other presidential speeches over the 2009-2010 period were included based on their content. The focus was on speeches that addressed issues of race, the economy, social policy, class issues, and health care specifically. Three interviews were also used. Two of which were conducted after the selected time period, but they focused on his presidential terms. Because of this, the content was used to put certain events in perspective, rather than to establish his political ideology.

In addition to these main primary sources, several works are the cornerstones for the theoretical and historical analysis developed in this dissertation.

The reflection on the intersection of race and class is partly based on works from the late 19th and early 20th centuries, such as analyses by sociologist W.E.B. Du Bois in *The Souls of Black Folk* or *The Conservation of Races*,[29] because they are seminal works on the structuring effect of race. The 1944 work of economist and sociologist Gunnar Myrdal in *An American Dilemma: the Negro Problem and Modern Democracy* is similarly important because it stresses the fact that "the Negro problem is primarily a white man's problem," and that the subordinate position of blacks primarily reflects white economic interests.[30] The continuity of this structuring effect has been studied by sociologist and race theorist Howard Winant, who posits that the situation has not significantly changed between the pre- and post-Civil Rights era.[31] The analysis of this structuring effect, and more precisely of the social, economic, and political mechanisms that contribute to reinforcing and maintaining it, was greatly based on historian and political scientist Ira Katznelson's 2005 book *When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth-Century America* and on sociologist Joe R. Feagin's 2012 book *White Party, White Government: Race, Class, and*

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[28] David Plouffe, *The Audacity to Win: The Inside Story and Lessons of Barack Obama's Historic Victory* (New York: Viking Penguin, 2009), 5.

[29] W. E. B. Du Bois, "The Conservation of Races 1897," in *Theories of Race and Racism: A Reader*, ed. Les Back and John Solomos, 2nd ed. (London, UK: Routledge, 2009); W. E. B. Du Bois, *The Souls of Black Folk*, ed. Jim Manis, Electronic Classics Series (Hazelton, PA: Pennsylvania State University, 2006).

[30] Gunnar Myrdal, *An American Dilemma: the Negro Problem and Modern Democracy*, ed. Sissela Bok, vol. 2 (London: Transaction, 1996), 669.

[31] Howard Winant, "Race and Racism: Towards a Global Future," in *Theories of Race and Racism: A Reader*, ed. Les Back and John Solomos, 2nd ed. (London, UK: Routledge, 2009), 679, 686.

US Politics.[32] Katznelson analyzes how social policies contributed to creating an additional greater advantage for whites on top of the negative structural barriers blacks faced, thus contributing to widening the gap between the two populations. Feagin has a more political perspective in demonstrating the systemic racism that skews resource allocation towards white interests. The more recent assessment of racial economic inequalities was mainly based on the works of sociologists Melvin L. Oliver and Thomas M. Shapiro in their 1995 book *Black Wealth/ White Wealth: A New Perspective on Racial Inequality* and sociologist Dalton Conley in his 2010 book *Being Black, Living in the Red: Race, Wealth, and Social Policy in America.*[33] The two books assess the impact of past discrimination on racial economic inequalities, and Conley particularly insists on the role social policies can play in addressing such inequalities. Oliver and Shapiro detail the greater fragility of the black middle class. The description of the economic situation of blacks during the health reform period was completed by recent government reports and statistical data.

Sociologist William Julius Wilson's classic *The Declining Significance of Race: Blacks and the Changing American Institutions,* first published in 1978, provides the first major analysis of the limitations of affirmative action and of the need to take class differences within the black population into account.[34] The work of sociologist Karyn R. Lacy in her 2007 book *Blue-Chip Blacks: Race, Class, and Status in the New Black Middle Class* provided the basis for analyzing class differences within the black population.[35] Attitudes regarding race issues in recent decades are mostly informed by sociologist Lawrence Bobo's various studies.

The issue of racial differences in attitudes and conceptions of social mobility and inequality was strongly informed by political scientist Jennifer Hochschild's 1995 book, *Facing Up to the American Dream: Race, Class, and the Soul of the Nation.*[36] The discussion of class issues draws mostly from political scientist Larry Bartels' 2008 book, *Unequal Democracy: The New Political Economy of the New Gilded Age,*[37] which strongly highlights the link between politics and growing class inequalities. The 2014 book by sociologists Earl Wysong, Robert Perrucci, and David Wright, entitled *New Class Society: Goodbye American Dream?,*[38] offers a historical analysis of the changes in the American class structure and strongly emphasizes the growing class inequalities in the US.

Regarding the problem that race represents in terms of political strategy, two works proved particularly important. The first is political scientists and journalists

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[32] Ira Katznelson, *When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth-Century America* (New York: Norton, 2005); Joe R. Feagin, *White Party, White Government: Race, Class, and US Politics* (New York: Routledge, 2012).

[33] Melvin L. Oliver and Thomas M. Shapiro, *Black Wealth/ White Wealth: A New Perspective on Racial Inequality* (New York: Routledge, 1995); Dalton Conley, *Being Black, Living in the Red: Race, Wealth, and Social Policy in America*, 2nd ed. (Berkeley: University of California Press, 2010).

[34] William Julius Wilson, *The Declining Significance of Race: Blacks and Changing American Institutions*, 3rd ed. (Chicago: University of Chicago Press, 2012).

[35] Karyn R. Lacy, *Blue-Chip Black: Race, Class, and Status in the New Black Middle Class* (Berkeley: University of California Press, 2007).

[36] Jennifer L. Hochschild, *Facing Up to the American Dream: Race, Class, and the Soul of the Nation* (Princeton: Princeton University Press, 1995).

[37] Larry M. Bartels, *Unequal Democracy: The Political Economy of the New Gilded Age* (Princeton, New Jersey: Russell Sage Foundation/Princeton University Press, 2008).

[38] Earl Wysong, Robert Perrucci, and David Wright, *New Class Society: Goodbye American Dream?*, 4th ed. (Lanham, MD: Rowman and Littlefield, 2014).

Thomas and Mary Edsall's book, *Chain Reaction: The Impact of Race, Rights, and Taxes on American Politics* (1991), which best explains the racial division of the class-based New Deal Coalition, and strongly focuses on the type of discourse Reagan devised to exploit this division. Moreover, Edsall and Edsall provide proposals for Democratic counter-strategies based on their analysis of Reagan's electoral victories and his discourse emphasizing values. This includes a stronger focus on the white middle class.[39] As for the importance of the divisiveness of race on the left, it is also greatly tackled by political scientists Paul Sniderman and Edward Carmines' 1997 book, *Reaching Beyond Race*.[40] Only an analysis by political scientist and sociologist Frances Fox Piven provided an additional dimension to the Edsalls' thesis by integrating the issue of globalization.[41]

On the African-American side, Cornel West's perspective in *Race Matters* (1993)[42] is decidedly more racial than the Edsalls' perspective, but he reaches a similar conclusion by way of a different path: the political stalemate between liberals and conservatives and their congealed discourse has had nefarious effects on the black population. West proposes a different strategy to further black interests, the idea of an interest-based interracial class alliance that would integrate some conservative ideas such as a greater emphasis on constructive values. The more recent trends and arguments showing this perspective can be found in different books by historian and professor of public affairs Manning Marable, such as his 2009 *Beyond Black and White: From Civil Rights to Barack Obama*.[43]

The theoretical reflection on policy types is based on political scientist Theodore Lowi's 2009 book, *Arenas of Power,* which categorizes legislations into constitutional, regulatory, distributional, and redistributional policies. This categorization depends on the area of application of the policy and the degree of intervention of different political actors in the legislative process, including the executive. This typology includes the ideological potential of different types of policies. Lowi asserts the influence of the president on social policies and highlights the ideological polarizing potential of social policies.[44] Furthermore, for the more specifically racial dimension, political scientist Robert Lieberman's 2007 book, *Shaping Race Policy: the United States in Comparative Perspective,* proved a useful foundation. Lieberman's analysis and typology categorizes policies not based on their racial intent, but on their racial outcome.[45]

The analysis of the historical context from a racial perspective (and especially the racialization of social policies) was based to a great extent on the above-cited works of Feagin and Katznelson, but also on the detailed work of political scientist and sociologist Theda Skocpol in her 1995 book, *Social Policy in the United States: Fu-*

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[39] Thomas Byrne Edsall and Mary D. Edsall, *Chain Reaction: the Impact of Race, Rights, and Taxes on American Politics* (New York: W.W. Norton, 1991). More recent books making the same, or similar, arguments quote Edsall and Edsall.

[40] Paul M. Sniderman and Edward G. Carmines, *Reaching Beyond Race* (Cambridge: Harvard University Press, 1997).

[41] Frances Fox Piven, "Globalization, American Politics, and Welfare Policy," *Annals of the American Academy of Political and Social Science* 577, no. Reforming Welfare, Redefining Poverty (2001): 26–37.

[42] Cornel West, *Race Matters*, 3rd ed. (New York: Vintage Books, 1993).

[43] Manning Marable, *Beyond Black and White: From Civil Rights to Barack Obama*, 2nd ed. (New York: Verso, 2009).

[44] Lowi 41, 50-2.

[45] Robert C. Lieberman, *Shaping Race Policy: the United States in Comparative Perspective* (Princeton: Princeton University Press, 2007).

ture Possibilities in Historical Perspective,[46] which highlights the constraints that the history of social policies represents for the development of new programs. Other works that contributed strongly to this part were the 1999 work, *Why Americans Hate Welfare: Race, Media, and the Politics of Antipoverty Policy,* by political scientist Martin Gilens and *The Welfare State Nobody Knows: Debunking Myths About US Social Policy* (2007) by political scientist Christopher Howard.[47] Gilens minutely analyzes the negative perception of social policies, and welfare in particular, in racial terms, and speaks of a racialization of social policies when they are perceived to mainly benefit minorities. These trends were verified for the period under study either through later studies replicating some of Gilens' analyses, such as the study conducted by political scientist Bass van Doorn,[48] or through recent polls on the issues and cue words identified by Gilens. Howard particularly insisted on the gap between the perception and the reality of various programs. The issues that Howard identified were verified for the period under study based on the data provided, among others, by the Centers for Medicare and Medicaid Services.

Two books served as a major basis for the discursive analysis in terms of content, in addition to the previously mentioned theoretical work *L'argumentation dans le discours* by Ruth Amossy. The analysis of coded racial discourse is greatly based on *The Race Card: Campaign Strategy, Implicit Messages, and the Norm of Equality* (2001) by political scientist Tali Mendelberg.[49] The racial discourse of health policies is best decoded by political scientist Gerard W. Boychuck in his comparative study, *National Health Insurance in the United States and Canada: Race, Territory, and the Roots of Difference,* published in 2008.[50] The comparative perspective precisely highlights the impact of race on the development of American health policies. Adjacent issues of public opinion impact analysis, especially regarding health care, were to a great extent based on the 2000 book *Politicians Don't Pander: Political Manipulation and the Loss of Democratic Responsiveness,* by political scientists Lawrence Jacobs and Robert Shapiro.[51] This was particularly relevant because they conducted a case study of the Clinton health reform defeat, which served to identify certain issues that could be critical for the Obama reform.

Regarding salient issues in the health care reform process and the understanding of the health care legislation, three books were particularly helpful. The specific relationship of the executive branch with health care reform efforts and the role presidents have played in health care legislation since the 1910s was analyzed by political scientist James Morone and health care policy expert David Blumenthal in their 2009

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[46] Theda Skocpol, *Social Policy in the United States: Future Possibilities in Historical Perspective* (Princeton: Princeton University Press, 1995).

[47] Christopher Howard, *The Welfare State Nobody Knows: Debunking Myths about US Social Policy* (Princeton: Princeton University Press, 2007); Martin Gilens, *Why Americans Hate Welfare: Race, Media, and the Politics of Antipoverty Policy* (Chicago: University of Chicago Press, 1999).

[48] Bas W. van Doorn, "Pre- and Post-Welfare Reform Media Portrayals of Poverty in the United States: The Continuing Importance of Race and Ethnicity," *Politics and Policy* 43, no. 1 (2015): 142–62.

[49] Tali Mendelberg, *The Race Card: Campaign Strategy, Implicit Messages, and the Norm of Equality* (Princeton: Princeton University Press, 2001).

[50] Gerard W. Boychuck, *National Health Insurance in the United States and Canada: Race, Territory, and the Roots of Difference* (Washington DC: Georgetown University Press, 2008).

[51] Lawrence R. Jacobs and Robert Y. Shapiro, *Politicians Don't Pander: Political Manipulation and the Loss of Democratic Responsiveness* (Chicago: University of Chicago Press, 2000).

book, *The Heart of Power: Health and Politics in the Oval Office.*[52] Sociologist Paul Starr provided an overview of specific problems in American health care reform in his 2011 book, *Remedy and Reaction: the Peculiar Struggle over American Health Care Reform.*[53] An overview of the Obama reform was provided by Jacobs and Skocpol in their early analysis *Health Care Reform and American Politics: What Everyone Needs to Know* (2012).[54]

These books constitute the core references used in this research. In addition, each part of the dissertation tries to provide an overview of different and evolving perspectives on the varying subjects involved in the analysis.

Outline

To analyze, on the example of health care reform, the foundation, application, and outcome of Obama's strategy, which consists in using a race-neutral but issue-focused approach (race pragmatism), to circumvent the racial problem in social policy questions, several steps will be taken.

The first part deals with the concepts of race and class, their uses (academic, sociological, political), and the difference between the perception and the socio-economic reality of these notions. Obama's position and conception of these notions are analyzed. Specific attention is paid to the structural intersection of race and class and to the issues where black and white interests, based on material reality, might converge or diverge. In this respect, the influence of health care on social mobility and stability of class status is explained. Finally, the part closes on the analysis of the current debate over colorblindness, which underlines the decisive factor of political feasibility in choosing the race-neutral but class-based approach.

The second part focuses on the development of the welfare state and provides an overview of the previous health care reform efforts. This presentation is followed by a more interpretative analysis of social policies based on theories by both black and white scholars positing race as an influential factor in the shaping of the welfare state. This section focuses primarily on the impact of the 1970s white backlash against social policies, and the ongoing effects of this backlash, analyzing Obama's opinion and thoughts on the issue, as well as the racial backlash against Obama. This part establishes a historical context in which a class division operates along racial lines over issues of social policy, thus serving as a background to Obama's choice of a neutral reform strongly focused on the middle class. It also introduces the continuing strong partisan polarization over social policies. Through an overview of the Obama reform process, specific attention is paid to the constraints of partisanship and the makeup of the Democratic majority, which influenced and determined the leeway that existed for reformers.

The third part focuses on discourse. It explores the functioning of coded racial discourse and its relation to stereotypes. This analysis is completed by an overview of the impact of the media on politics and political discourse, followed by a discussion of how congresspeople perceived the role of the media in relation to the ACA. Several

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[52] David Blumenthal and James A. Morone, *The Heart of Power: Health and Politics in the Oval Office* (Berkeley: University of California Press, 2009).
[53] Paul Starr, *Remedy and Reaction: the Peculiar American Struggle over Health Care Reform* (New Haven: Yale University Press, 2011).
[54] Lawrence R. Jacobs and Theda Skocpol, *Health Care Reform and American Politics: What Everyone Needs to Know* (New York: Oxford University Press, 2012).

racial code terms, which were selected through the exploration of the specific history of health care, are then explained in historical perspective. Their relevance is shown through examples of how either Obama or the health care reform were criticized. Particular attention is paid to the responsibility discourse, from Reagan to Obama, because this issue subsumes and encapsulates all the sub-issues that appear in the social policy debate, especially when viewed from a racial perspective. Moreover, this section reveals Obama's centrist approach, which integrates certain conservative elements, to rework them with a progressive aim. This is in accordance with a long tradition of black thought, such as Du Bois' for example. Finally, Obama's rhetorical construct is examined in detail. Themes were selected based on their relevance regarding the historical context, the coded racial discourse, and their usefulness in arguing for a class-based interracial unity in favor of social policy and health care reform. Thus themes like unity, racial transcendence, class populism, an issue-focused approach, but also the American Dream and government intervention, are discussed.

The fourth and last part specifically explores pragmatic race theory and to what extent Obama appears to adhere to the theory, followed by a discussion of reactions to Obama's approach. After this, the two health care Acts are analyzed to uncover the aspects of the universal class-based approach that have a beneficial structural impact on the black population, followed by an analysis of the provisions that specifically focus on issues that are particularly problematic for the black population. Preliminary results of the implementation of Obamacare are examined, as well as the fragility of the reform. The main focus here is the 2012 *Sebelius* lawsuit and the impact of the decision on the black population. In relation to the fragility of the reform, the issue of single payer and its new political potential is analyzed.

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Race and Class:
Concepts and Reality
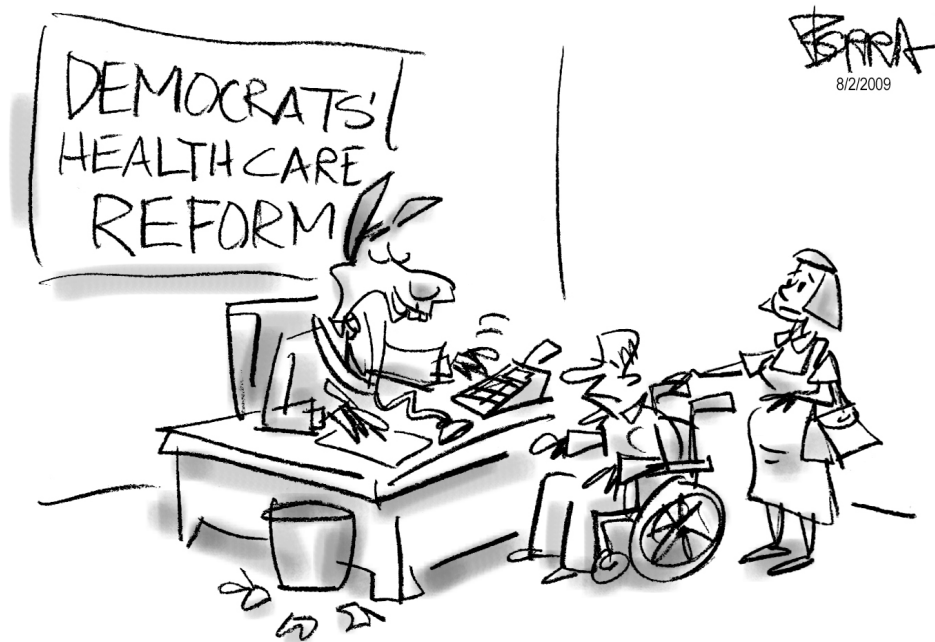
"We don't consider your father worth saving. But if it's any consolation,
we *do* consider your *child* worth *aborting*."

John Francis Borra. Published on veritasthecartoon.blogspot
on August 2, 2009 and published on October 19, 2009 on the website Operation Rescue.

1.1. Race

There is an ongoing debate about the salience of race in the USA, which has intensified in the wake of President Obama's election. This historic election has been heralded by many as the coming of post-racial America, but there are just as many who see race as all-defining in American society.[1] The concept/term of "race" is a very difficult one and its meaning has changed over time, hence the importance of clearly defining it and describing the context of its use.

It is very difficult to distinguish between race, racism, and prejudice. It is also hard to provide an overview of the changing use of race as a category, the changing use of racism, i.e. how racism is expressed, or how it is defined according to periods. This is especially complicated because it is a very sensitive issue, one in which people are emotionally implicated, either because they see race as a life-defining issue, or because they want to conform to political correctness.[2] The issue is so sensitive because right from the first establishment of racial categories based on physiognomic differences, these racial categories have been used in a negative and harmful way (racism) to justify the oppression of the native people of Africa and the Americas. Depending on the context of country and issue, people become wary of the use of race, precisely because of this difficult history. For example, the US allows for a racial census, allows racial statistics, and today sees this data as a means to fight discrimination. France, on the other hand, views any form of racial data, whatever use may be made of it, as inherently racist, since racial statistics could imply that there *is* a difference between people according to race. But what kind of difference would that be? Does it necessarily mean that some are biologically inferior to others, as biologically racist theories of white supremacy and Aryan Nazi ideology imply? Is it a cultural difference, as conservatives argue today in the US? Does difference necessarily imply a superiority-inferiority relationship? And in these circumstances, how to explain the economic and social structural differences that appear along racial lines? More importantly: what causes what? Does race cause structural differences or do structural differences cause race?

1.1.1. Use as a Category

Elizabeth Anderson proposes a minimal conception of race, where she distills the main aspects of racial differences that are central to a biological conception of race: "1: real or imagined bodily differences, 2: real or imagined common ancestors, 3: real or imaginary common geographical origins." These minimal criteria used for racial differentiation allowed for a very fine-tuned conception

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[1] Manning Marable, *Beyond Black and White: From Civil Rights to Barack Obama* (New York: Verso, 2009), 185; Michael C. Dawson, *Not in Our Lifetimes: The Future of Black Politics* (Chicago: University of Chicago Press, 2011), 63.

[2] Howard Schuman *et al.*, *Racial Attitudes in America: Trends and Interpretations*, Revised Edition (Cambridge: Harvard University Press, 1997), 5–6.

of race in the 19th century and the early 20th century because they mingled with what today would be considered ethnic distinctions.[3]

Race, in its biological conception has mainly been used to argue for genetic racial inferiority, and it was only in the early 20th century that the environment and cultural differences started to be used to explain and justify racial differences.[4] W.E.B. Du Bois expressed this link in one of his early essays:

> The American Negro has always felt an intense personal interest in discussions as to the origins and destinies of races: primarily because back of most discussions of race with which he is familiar, have lurked certain assumptions as to his natural abilities, as to his political, intellectual and moral status, which he felt were wrong.[5]

Du Bois also showed that this biological conception of race was primarily a white conception of race.

Despite this approach having been abandoned for a long time, Charles Murray, a political scientist, and Richard J. Herrnstein, a psychologist, tried to bring back genetic racial inferiority in their book *The Bell Curve: Intelligence and Class Structure in American Life* first published in 1994. The book rapidly became a best seller. Sociologist Stephen Steinberg explains that although this genetic racism had been discredited by the social sciences, its resurgence was possible because of what he calls the "permanent 'underclass.'"[6] Despite its popular success, the book had no lasting impact on the social sciences.

However, the rejection of biological racism is mainly an academic development. The popular success of books like *The Bell Curve* points to the fact that there might be lingering beliefs in biological racial differences within the general population. Ta-Nehisi Coates defends this idea: "Americans believe in the reality of "race" as a defined, indubitable feature of the natural world."[7] Sociologist Robert Miles shares this observation and points out the paradox of the abandonment of the biological concept of race as it was defined in the 19th century by the scientific world, but its ongoing use in a "common sense" way. He points out that people continue to believe in a rather "biological conception of race".[8] This schism in the understanding of what race is, emphasizes the need to explain race as a social construct.

It is very difficult to accept the idea of race as a social construct precisely because the features included in the idea of race, such as skin color, hair, facial features, and to a certain extent the shape of the body, are so visible and thus inevitably have a huge impact on our lives. Howard Zinn highlights this difficulty in the essay *The Southern Mystique* first published in 1963:

> It seems to be the hardest thing in the world to convince ourselves that once we've noted skin color, facial features and hair texture, we have exhausted the subjects

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[3] Elizabeth Anderson, *The Imperative of Integration* (Princeton: Princeton University Press, 2010), 157.

[4] Gunnar Myrdal, "Racial Beliefs in America," in *Theories of Race and Racism: A Reader*, ed. Les Back and John Solomos, 2nd ed. (London, UK: Routledge, 2009), 117.

[5] Du Bois, "The Conservation of Races 1897," 104.

[6] Stephen Steinberg, "America Again at the Crossroads (2000)," in *Theories of Race and Racism: A Reader*, ed. Les Back and John Solomos, 2nd ed. (London, UK: Routledge, 2009), 634–35.

[7] Ta-Nehisi Coates, *Between the World and Me* (New York: Spiegel and Grau, 2015), 7.

[8] Robert Miles, "A Propos the Idea of 'Race' ... Again," in *Theories of Race and Racism: A Reader*, ed. Les Back and John Solomos, 2nd ed. (London, UK: Routledge, 2009), 193.

> of race—that everything beyond that is in our heads; put there by others and kept there by ourselves, and all the brutal material consequences of centuries, from lynching to patronizing friendship, were spun from an original thread of falsehood."[9]

Because of this visibility, race is a concept that cannot be discarded. Although the objective basis of race as a biologically significant category that can be used to justify a racial hierarchy and claim white supremacy is widely rejected, the social reality of the concept persists. Sociologist and race theorist Howard Winant insists on the fact that the questioning of the future of the race concept is only possible because it is now considered a social construct.[10] For example, researchers, such as political scientist Jennifer Hochschild, have speculated over the possible disappearance of the use of race categories in the US by 2050, as announced in an issue of *Migration News*, a scholarly journal about immigration.[11] The increasing acceptance of multiculturalism and diversity seems to justify these speculations, as well as the broadening of the Census questionnaire since 2000, allowing for mixed racial categories and self-statement of racial category. Winant also points to the increasing use of "ethnicity" instead of race; race referring only to major distinctions according to skin color.[12] Manning Marable sees this social construct primarily as a relationship:

> 'Race' is first and foremost an unequal relationship between social aggregates, characterized by dominant and subordinate forms of social interaction, and reinforced by the intricate patterns of public discourse, power, ownership and privilege within the economic, social and political institutions of society.[13]

In this sense, race in its form as social construct must be understood as a force that structures society, that has an economic impact on people's lives, and that has a political dimension. Sociologist Eduardo Bonilla-Silva, among others, has argued for the need of a deeper understanding of this structuring force, even if it is a social construct.[14]

Already in 1944, in his seminal work *The American Dilemma*, Gunnar Myrdal pointed out the ideological use that was being made of biological racism to explain the oppression of part of the population.[15] Later, in 1980, Colette Guillaumin, a sociologist at the CNRS (*Centre National de Recherche Scientifique*), demonstrated the inherently ideological dimension of race as a tool to explain existing social relations:

> Hence, any analytical use of the idea of 'race' disguises the fact that it is an idea created by human beings in certain historical and material conditions, and used to represent and structure the world in certain ways, under certain historical con-

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[9] Howard Zinn, "The Southern Mystique 1963," in *On Race*, 12th ed. (New York: Seven Stories Press, 2011), 18.

[10] Winant 679.

[11] Jennifer L. Hochschild, "Looking Ahead: Racial Trends in the United States," in *Theories of Race and Racism: A Reader*, ed. Les Back and John Solomos, 2nd ed. (London, UK: Routledge, 2009).

[12] Winant 645.

[13] Marable, *Beyond Black and White*, 186.

[14] Eduardo Bonilla-Silva, *Racism without Racists: Colorblind Racism and the Persistence of Racial Inequality in America* (Lanham, MD: Rowman and Littlefield, 2014), 8.

[15] Myrdal, "Racial Beliefs in America," 115.

ditions and for certain political interests. The idea of 'race' is therefore essentially ideological.[16]

Sociologist Joe R. Feagin argues in his 2012 book *White Party, White Government: Race, Class, and US Politics* that race has been used as a means of subordination since the origins of the United States.[17] It is in this use to justify subordination in social hierarchy that race becomes racism. Political scientist Rickey Hill shares this view on the ideological use of racism in US society:

> Conceptually, race specifies a system of ideas and values, of advantages and disadvantages. Racism is the ideology that rationalizes racial domination and white supremacy. Moreover, racism gives a framework to the superstructural, substructural, and infrastructural processes and institutions that practice racial exclusion, circumscription, and proscription. In broad terms, racism in the United States operationalizes a racial contract of *whiteness*. Whiteness is about privilege and the normality and visibility of white people as the dominant group and class in American society. Historically, whiteness has privileged white people over and against non-white people as the "Other." Moreover, whiteness socially categorizes white people into a dominant power relationship with non-white groups. This conceptualization accounts for the differentiation in the resources, power, authority, and influence among white people writ large.[18]

The essential aspects of this ideological construct are that it is a white vs. non-white construct and that the ultimate goal is to justify an unequal distribution of resources.

1.1.2. Race, Racism, Prejudice

It is precisely within this harmful use of race to justify subordination that the definition of racism can be ascertained. Albert Memmi points out that racism revolves around difference and in the negative use made of those physical differences. The differences themselves, initially, do not necessarily contain a judgment of value:

> Therein lies the real depravity of racism. This can all be summed up in three points. Differences can exist or not exist. Differences are not in themselves good or bad. One is not a racist or anti-racist in pointing out or in denying differences, but one is racist in using them against someone to one's own advantage.[19]

This use of racial differences to 'one's own advantage' differentiates the notions of race and racism. It is in this use that racism becomes a tool of oppression:

> Racism is both the ideology and the active manifestation of domination. Each time one explores a relation of oppression, one discovers within it a racism, like a ghost or a shadow, as its inevitable extension. An aspect of all forms of dominance, it is a laborious and self-concerned form of bad faith. If I dominate you, it is

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[16] Quoted in Miles 192.

[17] Feagin 6.

[18] Rickey Hill, "The Race Problematic, the Narrative of Martin Luther King, Jr., and the Election of Barack Obama," in *Barack Obama and African-American Empowerment: The Rise of Black America's New Leadership*, ed. Manning Marable and Kristin Clarke (New York: Palgrave Macmillan, 2009), 134.

[19] Albert Memmi, "Racism and Difference," in *Theories of Race and Racism: A Reader*, ed. Les Back and John Solomos, 2nd ed. (London, UK: Routledge, 2009), 131.

> *because* you are an inferior being; the responsibility is yours, and the differences that exist between us prove it.[20]

There is no consensus on the use of the appropriate terms to discuss the issue of race. The system of oppression based on race that Feagin, Zinn, and Memmi call racism, is called racialism by historian and philosopher Tzvetan Todorov, which he sees as different from racism. He defines racism as the "hatred or contempt for individuals who have well-defined physical differences from your own."[21] This is closer to the notion of prejudice that will be discussed later. Todorov defines racialism as follows: It relies on 5 postulates: 1. races exist and have relevant differences. This is often linked to an opposition to the mixing of races. 2. there is an interdependence of physical and moral character, meaning that physical differences imply cultural differences. 3. the behavior of the individual largely depends on the racio-cultural (or ethnic) group to which they belong. 4. One's own race is asserted as being superior, which includes morality and beauty. 5. it is used to justify subordination (and even the elimination of so-called "inferior" races).[22] This rather brutal aspect of racialism or racism is echoed by Coates, who defines racism as "the need to ascribe bone-deep features to people and then humiliate, reduce, and destroy them".[23] Todorov's definition of racialism contains the same major important feature of the definition of racism as made by Feagin and Zinn: the use of race in a negative way to justify subordination. The terms racism and racialism largely mean the same thing, but for the sake of simplicity the term of racism will be kept because it is more widely used.

Todorov's definition, however, introduces some important factors, such as the link between physical and cultural differences, superior/inferior values, and group behavior superseding individual behavior. Todorov's first postulate, the belief in races as biological reality is discarded by academia, but continues to exist as a popular belief, albeit not a very conscious belief. Ti-Nehisi Coates is convinced that in the United States there is still a more biological conception of race which allows racism or a racially structured society seem natural and normal, more precisely to use it to justify this subordination:

> In this way, racism is rendered as the innocent daughter of Mother Nature, and one is left to deplore the Middle Passage or the Trail of Tears the way one deplores an earthquake, a tornado, or any other phenomenon that can be cast as beyond the handiwork of men.[24]

The fact of believing in a "natural" racial order is central to the justification of inaction, of non-intervention. In this sense, Coates also sees racism as preceding the notion of race: the need to justify oppression leads to the creation of racial categories whose differences could be exploited in the negative use justifying the said oppression:

> But race is the child of racism, not the father. And the process of naming "the people" has never been a matter of genealogy and physiognomy so much as one of hierarchy. Difference in hue and hair is old. But the belief in the preeminence

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[20] Memmi 131.

[21] Tzvetan Todorov, "Race and Racism," in *Theories of Race and Racism: A Reader*, ed. Les Back and John Solomos, 2nd ed. (London, UK: Routledge, 2009), 68.

[22] Todorov 68–69.

[23] Coates, *Between the World and Me*, 7.

[24] Coates, *Between the World and Me,* 7.

> of hue and hair, the notion that these factors can correctly organize a society and that they signify deeper attributes, which are indelible—this is the new idea at the heart of these new people who have been brought up hopelessly, tragically, deceitfully, to believe that they are white.[25]

Elizabeth Anderson also points out this deep-seated, almost biological, dimension of race that continues to persist. According to her, this is the condition for race to "work" as a stigmatizing tool, it has to associate specific character traits and talents with different races to allow for the differentiation and the creation of a feeling of superiority for one group based on the perceived negativity of the characteristics of other groups. These characteristics need to be seen as "intrinsic" to a group: this excludes the notion of free choice, situational explanations, or discrimination.[26] Murphree and Royster insist on the fact that the justifications for group patterns developed to maintain hierarchy make this hierarchy seem logical, natural, and deserved by virtue and merit.[27]

Schuman, Steeh, and Bobo demonstrate that in the 1880s and 1890s the South developed a new form of biological racism based on Social Darwinism to justify segregation. Inherent biological differences to justify segregation were used for example in the famous *Plessy v. Ferguson* case.[28] It illustrates the need to find a natural explanation for social oppression, which, in reality, has been orchestrated by humans. However, World War II and the fight against Hitler, Nazism, and biological racism as stated by Nazi-ideology to justify the elimination of entire populations, started to erode the foundations of biological racism in the US.[29]

But this by no means meant a disappearance of the belief or racial hatred, especially not in the South of the USA. In his 1963 essay *The Southern Mystique* Zinn describes what he perceives to be the uniqueness of Southern racial animus:

> The mystery of the white Southerner comes from a trait that he is presumed to possess in quantity and quality sharply distinct from everyone else. That trait is race prejudice.
>
> Other white people, it is acknowledged, are color-biased. There is considered to be, however, something special about the quality of the white Southerner's prejudice. The Yankee is rather businesslike in his matter-of-fact exclusion of the Negro from certain spheres of ordinary living. The British imperialist was haughty and sure of himself. But the violence, the passion, the murderous quality of the white Southerner's feeling against the [...] Negro has become a canon of American thought deep in our consciousness and our literature (and of European literature; see Sartre's *La Putain respectueuse)*. And what is more significant, while the outward signs of this prejudice are clear enough, at its core, at the *why* of this crazy feeling, is a mystery.[30]

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[25] Coates, *Between the World and Me,* 7.

[26] Anderson, *The Imperative of Integration*, 157.

[27] Adam Murphree and Deirdre A. Royster, "Race Threads and Race Threats: How Obama/Race Discourse Among Conservatives Changed Through the 2008 Presidential Campaign," in *Race in the Age of Obama: Research in Race and Ethnic Relations*, ed. Donald Cunnigen and Marino A. Bruce, vol. 16 (Bingley, UK: Emerald, 2010), 271.

[28] Schuman *et al.* 10.

[29] Schuman *et al.* 11.

[30] Zinn, "The Southern Mystique 1963," 14–15.

Although Zinn points out the uniqueness of the Southern racial feeling (unique in its violence), he qualifies this statement a few pages later when he says that "the South is but a distorted mirror image of the North."[31] It is important not to overlook that the race issue might be more visible and violent in the South, but not confined to it. In his 1964 speech *The Ballot or the Bullet* Malcolm X states this similarity more bluntly: "If you black, you were born in jail, in the North as well as the South. Stop talking about the South. Long as you south of the Canadian border, you're south."[32] The violence of Southern racism seems to contain an internal contradiction. On the one hand, Zinn's description of the Southern racial violence is very familiar and is exemplified by the use of whippings and lynchings. On the other hand, Southern racism was also very often expressed in the form of paternalism, which Murphree and Royster identify as a form of racism and of subjugation. In this type of racism, the affection for the subordinate individual is a wanted feature, and part of the elements that reinforce the group hierarchy. But when this hierarchy is threatened, the feeling of affection turns into open hostility. [33] Paternalism, and theories to justify slavery were largely based on ideas of biological inferiority and the idea that blacks were like children, unable to take care of themselves, hence the need for white people putting them to work and telling them what to do. This form of racism is echoed by the British imperial variation of colonial racism expressed in the idea of a "white man's burden" who has to bring civilization to primitive people, which was first popularized in a poem in 1899 by Rudyard Kipling.

In 1944, Myrdal pointed to lingering paternalism inherited from slavery times, when he identified very racist and very radical attitudes in people, who would nevertheless defend "their" blacks.[34] This paternalistic form of racism can account, even today, for seemingly contradictory attitudes in people who would be very kind to their own black (nowadays more likely Hispanic) household employee, but who defend political orientations that are detrimental to minorities in general.

With the Civil Rights Movement, racism has undergone tremendous change, especially regarding the expression of racial beliefs with the introduction of political correctness in racial matters.[35] Robert Lieberman points out this change in the American conception of racism:

> More sophisticated versions of the racism thesis suggest that even though out-and-out racist expression is frowned upon, racial stereotypes remain a powerful framing device that can shape political behavior and policy debates, often in ways that remain hidden behind a norm of color-blind equality.[36]

But the changes also concern, and more importantly so, perceptions of race and racism since the 1964 Civil Rights Act. Like Ronald Reagan,[37] many whites be-

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[31] Zinn, "The Southern Mystique 1963," 20.

[32] Malcolm X, "The Ballot or the Bullet," 1964.

[33] Murphree and Royster 271.

[34] Gunnar Myrdal, *An American Dilemma: the Negro Problem and Modern Democracy*, ed. Sissela Bok, vol. 2 (London: Transaction, 1996), 680.

[35] Schuman *et al.* 2–3.

[36] Lieberman, *Shaping Race Policy*, 6.

[37] Françoise Coste, "La longue marche de Ronald Reagan contre le mouvement des droits civiques : une croisade idéologique finalement vaine?" (Conférence, Journée d'Etudes Mémoires du Mouvement pour les Droits Civiques, Université Toulouse-Jean Jaurès, February 28, 2014).

lieve that discrimination along racial lines disappeared overnight in the mid-1960s and that most whites have become colorblind.[38] According to Bonilla-Silva, this commonsense view about race and racism became more and more widespread during the 1970s and is easily shared, since racism has become more subtle.[39]

Bobo compares this change to biological racism as denounced by Du Bois: where biological racism stated a natural, biological, innate physical and mental inferiority, the modern "laissez-faire racism" emphasizes negative black behavior (more violence-prone, lazier, more sexually irresponsible, less educated). This conception is often muted, but it tacitly accepts negative black stereotypes, which are seen as cultural and based on volitional difference.[40] It must be highlighted, however, that many of these characteristics, that are now seen as cultural differences, very strongly echo earlier racial images based on biological differences. The nearly animalistic inferiority previously attributed to blacks by the biological racists, finds an echo in the predisposition to violence, sexually promiscuous behavior, and perception of supposed irresponsibility in sexual relations (exemplified today by teenage pregnancies and single mothers, and the persisting image of the black man as a sexual predator, inherited from slavery times). "Natural laziness" is rephrased as "lack of work ethic", and "natural lower intelligence" is converted into "lack of education due to cultural differences". Despite the underlying similarities in the perception, Bobo and Charles consider these changes as "substantial".[41] This echo allows for a smooth transition from the old biological to the modern laissez-faire racism. The most important aspect of this, however, is the fact that this cultural explanation is still used to justify the social hierarchy which puts blacks at the bottom, and is still used to blame them for it: their biological inferiority transformed into cultural deficiencies and lack of willpower. Moreover, it could be argued that the perception of a lack of willpower strongly resembles a biological conception of race, associating a physical with a behavioral trait.

Wornie L. Reed cautions against the confusion between racism and prejudice, although they reinforce each other. Nowadays the focus is mainly on individual or small group racism with a strong emphasis on intentional racism. But very often, racism is quite unintentional, for example when a person assumes that a black man in a suit in front of a restaurant is the parking valet. In *The Audacity of Hope*, Barack Obama's book on his political philosophy, he recounts having experienced that type of racial profiling:

> [...] I can recite the usual litany of petty slights that during my forty-five years have been directed my way: security guards tailing me as I shop in department

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[38] Wornie L. Reed, "Social Justice in the Age of Obama," in *Race in the Age of Obama: Research in Race and Ethnic Relations*, ed. Donald Cunnigen and Marino A. Bruce, vol. 16 (Bingley, UK: Emerald, 2010), 194.

[39] Eduardo Bonilla-Silva, *Racism without Racists: Colorblind Racism and the Persistence of Racial Inequality in America* (Lanham, MD: Rowman and Littlefield, 2014), 25.

[40] Lawrence D. Bobo, "Reclaiming a Du Boisian Perspective on Racial Attitudes," *Annals of the American Academy of Political and Social Science* 568 (2000): 198–99.

[41] Lawrence D. Bobo and Camille Z. Charles, "Race in the American Mind: From the Moynihan Report to the Obama Candidacy," *Annals of the American Academy of Political and Social Science* 621 (2009): 246.

> stores, white couples who toss me their car keys as I stand outside a restaurant waiting for the valet, police cars pulling me over for no apparent reason.[42]

According to Reed, the major difference lies between attitude and treatment. Racial prejudice is thus defined as a negative attitude towards people belonging to other racial groups, whereas racism would be the negative treatment of people belonging to other racial groups. Racism is often viewed as the behavioral manifestation of racial prejudice.[43] Bobo defines race prejudice as "the ideas, beliefs, feelings, and consequent patterns of behavior of whites toward blacks."[44]

Both of these definitions, however, are too narrow. Going back to Du Bois, it appears that open contempt and hostility play a central role in prejudice, alongside a belief in the superiority of white culture and values.

> Men call the shadow prejudice, and learnedly explain it as the natural defence of culture against barbarism, learning against ignorance, purity against crime, the "higher" against the "lower" races. To which the Negro cries Amen! and swears that to so much of this strange prejudice as is founded on just homage to civilization, culture, righteousness, and progress, he humbly bows and meekly does obeisance. But before that nameless prejudice that leaps beyond all this he stands helpless, dismayed, and well-nigh speechless; before that personal disrespect and mockery, the ridicule and systematic humiliation, the distortion of fact and wanton license of fancy, the cynical ignoring of the better and the boisterous welcoming of the worse, the all-pervading desire to inculcate disdain for everything black, from Toussaint to the devil, [...].[45]

Du Bois shows the intricate link between the belief in white superiority, disrespect of blacks, the denial of reality, and the willingness to assume the worse of two possibilities, and the overall association of blackness with negativity. Most of those themes have not disappeared in the definitions of racism seen above, although some occur at a rather sub-conscious level. The major difference is the mentioning of open hostility and racial violence contained in "[the] personal disrespect and mockery, the ridicule and systematic humiliation." Du Bois's definition of prejudice still intermingles a separate notion of prejudice with what has been defined as racism above, meaning the use of race in a negative and harmful sense to justify social, economic, and political subordination. At the time of the publishing of Du Bois' text, 1903, a distinction between the two was indeed not necessary, since open prejudice was condoned and a full part of the system of racial oppression and social structuring. Du Bois saw prejudice as a tool for shaping the social hierarchy according to racial lines.[46] According to Cox, the function of race prejudice was precisely that: "a social attitude propagated ... by an exploiting class for the purpose of stigmatizing some group as inferior so that the exploitation of either the group itself or its resources or both may be justified."[47]

Political scientists Ted Brader and Nicholas Valentino use a watered-down definition of prejudice, in the sense that it seems to be understood as the notion

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[42] Obama, *Audacity*, 233.

[43] Reed 196–97.

[44] Bobo, "Reclaiming a Du Boisian Perspective on Racial Attitudes," 191.

[45] W. E. B. Du Bois, *The Souls of Black Folk*, ed. Jim Manis, Electronic Classics Series (Hazelton, PA: Pennsylvania State University, 2006), 13.

[46] Du Bois, *The Souls of Black Folk,* 71.

[47] Cox, *Caste, Class, and Race* (1970) 393, quoted in Miles in Back and Solomos 183.

of a negatively biased attitude, leaving out the element of open hostility and even violence. According to them, prejudice is "built on the belief that blacks violate cherished values of hard work and self-reliance and do not deserve the resources they demand."[48] Robert Lieberman seems to share this definition of prejudice as a negatively biased attitude, since he opposes it to "out-and-out racist expression".[49] It seems that these definitions of prejudice are quite close to the definition of simple cultural racism, in its sense of viewing black cultural attributes as inferior to white culture and associating black culture with failure and a lack of virtue and values.

To avoid confusion between some very different aspects, I chose to include in the definition of prejudice the idea of a negatively biased attitude towards blacks, but at a conscious level, which can include the open expression of racist remarks and racist insults. There are several reasons for this inclusion. First, the basic definition of the Oxford English Dictionary mentions this element of hostility.[50] Violence and hostility also have a central place in Du Bois's definition. Moreover, there is a need to distinguish between laissez-faire racism that is not defined by open expressions of hostility, rather quite the contrary, and un-rationalized racial contempt, which, moreover, is often due to a lack of racial interaction. The term "prejudice", meaning a pre-conceived and unfounded notion, highlights this aspect. Prejudice also needs to be distinguished from a simple negatively biased attitude. Racial bias is a very complex matter and very often plays at an unconscious level, as illustrated by the classic assumption about the parking valet. This racial bias is not necessarily linked with conscious beliefs in racism and can even occur in people with racially friendly attitudes. Du Bois already noted this and insisted on the fact that the negative attitude was not necessarily "intended to annoy."[51] They are so widespread because they are produced and fostered by a wide range of racial images and stereotypes spread by the media and popular culture.[52] But this distinction is also necessary because most people do not notice this influence of negative images and associate racism with racist comments. This is reflected in the belief (among whites) that racism is an individual act and that discrimination has generally ceased in the United States.[53] A 2010 study by the PEW research center showed that there are huge differences in the perception of discrimination according to race. In 2009, 43% of blacks said that they perceived "a lot" of discrimination against blacks, whereas only 10% of whites shared this opinion. This trend has been declining since 2001, when 48% of blacks and 15% of whites saw "a lot" of discrimination against blacks. PEW point out that, based on a

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[48] Nicholas A. Valentino and Ted Brader, "The Swords Other Edge: Perceptions of Discrimination and Racial Policy Opinion after Obama," *The Public Opinion Quarterly* 75, no. 2 (2011): 204.

[49] Lieberman, *Shaping Race Policy*, 6.

[50] OED first entry definition of prejudice: "Preconceived opinion not based on reason or actual experience; bias, partiality; (now) *spec.* unreasoned dislike, hostility, or antagonism towards, or discrimination against, a race, sex, or other class of people." Consulted Jan. 13, 2016.

[51] Du Bois quoted in Bobo, "Reclaiming a Du Boisian Perspective on Racial Attitudes," 193.

[52] For a more detailed overview of see 3.5.1.1 Stereotypes, Image, Media, Representation.
For stereotypes and conservative advertisement in popular culture, see David Sirota, *Back To Our Future: How the 1980s Explain the World We Live In Now—Our Culture, Our Politics, Our Everything* (New York: Ballantine Books, 2011).

[53] Reed 194.

Princeton Survey between 2000 and 2005, this has been a steady decrease.[54] This shows that the decline was not only due to the election of Obama.

Here is a situation that easily leads to confusions and makes it harder to talk about racial issues. According to Bonilla-Silva, there are different conceptions of racism according to color: whites tend to see prejudice, where blacks tend to see institutionalized or systemic racism.[55] Whites tend to have a definition of racism that is closer to the above-given definition of prejudice that tends to play at an individual level and often finds expression in voiced hostility. This white view of racism "as overt racial divisions and oppression" leads many to think that "black victimology" has lost its salience, that complaints about discrimination and inequality are now unfounded. Thomas *et al.* also noted differences in the conception of racism between blacks and whites. Blacks are still very aware of the role of past and contemporary racism in the creation of inequalities, whereas whites tend to downplay this.[56] This indicates that blacks tend to have a laissez-faire and structural conception of racism, whereas whites tend to view racism in the sense of prejudice.

Elizabeth Anderson offers an additional dimension to Bobo's analysis of laissez-faire racism, which she calls cultural racism. She explains that (white) conservatives have adopted the "oppositional culture" hypothesis to explain differences in achievement and outcome. The common example that is given is to explain black-white differences in educational attainment. The conservative frame is that black youths lack academic motivation, or oppose it, supposedly because success in school is equated with "acting white". Anderson admits that there might be an underlying reality to this frame and shows that, to a certain extent, this has been fuelled by white behavior and discourse, which associates school success with whiteness and failure with blackness.[57] Unfortunately, there are no statistics or other data that would make it possible to confirm or to deny this cultural explanation. However, the important point here is that this explanation is used to discard discrimination and structural inequality, instead of envisaging both acting in tandem.

Bonilla-Silva shares Bobo's interpretation of a change in the type of racism but he uses the term "colorblind racism" to refer to what replaced Jim Crow and the idea that "blacks are subhuman." Bonilla-Silva's concept integrates Bobo's laissez-faire racism, which he calls cultural racism. His concept of colorblind racism is based on four "frames": abstract liberalism, naturalization, cultural racism, and the minimization of racism.[58] Abstract liberalism, according to Bonilla-Silva, is the use of ideas associated with liberalism in an abstract manner to explain racial matters, which is the case for example when an abstract, out of context conception of equal opportunity is used to oppose affirmative action. Naturalization is the explanation of racial phenomena as natural occur-

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[54] "Blacks Upbeat about Black Progress, Prospects" (Pew Research Center, January 12, 2010), 38, http://www.pewsocialtrends.org/2010/01/12/blacks-upbeat-about-black-progress-prospects/.

[55] Bonilla-Silva, *Racism without Racists,* 8.

[56] Melvin E. Thomas, Cedric Herring, and Derrick Horton, "Racial Differences in the Perception of Racial Equality in the Obama Era," in *Race in the Age of Obama: Research in Race and Ethnic Relations*, ed. Donald Cunnigen and Marino A. Bruce, vol. 16 (Bingley, UK: Emerald, 2010), 180–81.

[57] Anderson, *The Imperative of Integration*, 81–82.

[58] Bonilla-Silva, *Racism without Racists,* 73–74.

rences, which is often used, for example, when housing segregation is explained as grouping by natural affinity. Cultural racism is the explanation of inequalities through behavioral arguments. Bonilla-Silva gives the example of explaining Mexican underachievement by the fact that they do not put much emphasis on education, or welfare restrictions by accusing blacks of having too many babies. And finally, minimization consists in suggesting that discrimination no longer plays a central part in minority life opportunities and thus ignoring the effects of past and present discrimination. The use of equal opportunity and meritocracy rhetoric plays a central role in this colorblind racism, suggesting that the only thing minorities have to do is to meet the (white) standards. He lists other names for the concept, such as Bobo's laissez-faire racism, or competitive racism. The denial of the salience of race, the scorning of people who talk about race, and the increasing insistence on the fact that "We are all Americans" together with a denial of inequalities, are central features of colorblind racism, according to Bonilla-Silva.[59]

These changes in types of racism correspond to a change in the attitudes of whites toward blacks. Murphree and Royster point out that some of these changes are quite superficial and do not concern aspects of deep racial inequalities.

> White attitudes toward blacks have undergone a series of strategic modifications (some quite superficial) that are principally designed to evade accusations (and feelings) of racism while still allowing the dominant group to benefit from structural legacies and contemporary practices that perpetuate racial inequality.[60]

This creates an apparent paradox by putting the emphasis on the fact that racism is not politically correct while still allowing for the underlying structures to reproduce the old racial hierarchy to exist. For Murphree and Royster this attitude is central to "laissez-faire racism" because it allows society to reject the responsibility of inequality on those who suffer from those inequalities.[61] Schuman *et al.* also insist on the fact that people's inner conviction is often significantly different from both their attitudes and behavior, which are regulated by societal norms.[62] This impact of political correctness, not necessarily reaching to the deepest entrenched beliefs, leads to a lose-lose situation for many minorities in the way they are viewed by parts of mainstream society. According to Anderson, there are "[...] attribution biases central to racial stigmatization: blaming blacks' disadvantages on internal vices, and blacks' advantages on (undeserved) external help."[63] People seem to believe that, because of the absence of overt prejudice, discrimination has largely disappeared while being exposed to the muted form of laissez-faire racism with its negative behavioral stereotypes that still maintain an image of racial inferiority not significantly different from old classical biological racism.

Four terms thus emerge for one concept, although sometimes with minor variations: laissez-faire racism, cultural racism, colorblind racism, and competi-

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[59] Bonilla-Silva, *Racism without Racists,* 75–78,80; Eduardo Bonilla-Silva, Les Back, and John Solomos, "From Bi-Racial to Tri-Racial," in *Theories of Race and Racism: A Reader*, 2nd ed. (London, UK: Routledge, 2009), 654.

[60] Murphree and Royster 272.

[61] Murphree and Royster 273.

[62] Schuman *et al.* 7.

[63] Anderson, *The Imperative of Integration*, 62.

tive racism. To avoid confusions with later discussions about colorblindness and to avoid giving the term too negative a connotation, I will use the term "laissez-faire racism". The dimension of political ideology it includes also motivates this choice. Indeed, the French "laissez-faire" (literally: let do) meaning "let it run its natural course" or "let it happen" can also be translated as "do nothing". This is a nice reminder of an essential aspect of this form of racism that suits the conservative behavioralist/cultural explanation for racial inequalities, which is the conservative principle of governmental non-intervention. The attribution of the responsibility for inequality to minorities serves to strengthen the idea of governmental non-intervention.

Laissez-faire racism is mainly expressed in political discourse and finds concrete application in the dismantling of the welfare state and in the attacks on affirmative action. There is, however, another form of racism, which is very real, but does not find expression in discourse. This is systemic or structural racism.[64] Robert Lieberman, a political scientist at Johns Hopkins University, describes structural racism as a"[...] racial inequality [that] can be "built into" the very structure of American politics, and [...] citizens need not have racist intentions for a society systematically to subjugate racial minorities." He insists on the fact this does not need to be intentional, it is the structure of the institutions or the framing of the policy that can shape outcomes along racial lines.[65] Structural racism is less acknowledged because it is more difficult to spot and conflicts with the common-sense conception of racism, especially concerning unintentional outcomes.

1.1.3. Obama's Conception of Race

Although Barack Obama is not a race scholar, an overview of his beliefs and conceptions about race is necessary in order to understand his politics. Obama has thought and written about race in three main works: *Dreams from My Father*, *The Audacity of Hope*, and his famous speech *A More Perfect Union*. Only *The Audacity of Hope* is not centered on race, dealing instead with Obama's whole political philosophy, but an entire chapter is specifically devoted to the question of race. Each of the three works deals with a different aspect of race. *Dreams from my Father* already shows through its subtitle *A Story of Race and Inheritance* that race has played a central role in Obama's life. In his autobiography, written when he was at Yale Law School,[66] Obama narrated his search for identity.

He describes and analyzes the difficulties of a young man of mixed ancestry, whose father was a Kenyan exchange student, whose mother was a young middle-class woman from Kansas, who was raised by his white family, and mostly by his grandparents, to grow up in an American society that had no

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[64] Feagin xii.

[65] Robert C. Lieberman, *Shifting the Color Line: Race and the American Welfare State* (Cambridge: Harvard University Press, 1998), 12.

[66] The book was first published in 1995. Obama had been contacted by a publisher after he had been elected as the first African-American president of the *Harvard Law Review* while he was still in law school.

place for him. In search for his own identity, Obama was confronted by the rigidity of the American race system, not allowing for a biracial identity.[67] The fact that Obama grew up in a white family without a black male role model in a society that identified him as a black male gave him a singular perspective on American race relations and pushed him to analyze and search for black identity: "Away from my mother, away from my grandparents, I was engaged in a fitful interior struggle. I was trying to raise myself to be a black man in America, and beyond the given of my appearance, no one around me seemed to know exactly what that meant."[68] Obama read authors like James Baldwin, Ralph Ellison, Langston Hughes, Richard Wright, and W.E.B. Du Bois to find out about black identity and possibilities for his own identity, but found no satisfying answer,[69] in the sense that their experience was different, stemming from a life in the black community on the continent, whereas Obama was brought up in a white family in multicultural Hawaii and in Indonesia.[70]

This search, along with his work as a community organizer in the South Side of Chicago, profoundly shaped Obama's views about race and race relations. Obama grew up with a deep-seated awareness of race as a social construct that was ascribed to him. Clearly, his conception is extremely far from any biological one of race: "My identity might begin with the fact of my race, but it didn't, couldn't, end there."[71] The social construct might be ascribed to him, but he clearly rejects race as an all-defining element of his person. In *Dreams from my Father*, Obama just as openly criticizes any cultural difference as an explanatory factor:

> [...] the explanations that whites had always offered for black poverty: that we continued to suffer from, if not of genetic inferiority, then cultural weakness. It was a message that ignored causality or fault, a message outside history, without a script or plot that might insist on progression.[72]

Obama seems to have noted the closeness of the idea of "genetic inferiority" with cultural racism, making the likeness apparent through the use of the synonym 'weakness' for the cultural explanation, and insisting that it creates the same static situation and the same negation of the effects of discrimination.

His upbringing also gave him a better understanding of both, black and white, points of views about race relations. In his autobiography he insists on his living in both worlds:

> As it was, I learned to slip back and forth between my black and white worlds, understanding that each possessed its own language and customs and structures of

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[67] Obama was born in 1961. The Census introduced multiracial identity options only in 2000. Discussions and debates about Obama's identity during his first campaign and after his election showed that American society still had a rather rigid conception of racial identity, heavily influenced by the long tradition of the one-drop rule. Obama's census choice "African-American or black" in the 2010 Census can be seen as a confirmation of the rigidity of race categories in the US.

[68] Obama, *Dreams*, 76.

[69] Obama, *Dreams,* 85–86.

[70] For a detailed analysis of Obama's identity and the political use he made of it, see 3.3. Obama's Image.

[71] Obama, *Dreams,* 110–1.

[72] Obama, *Dreams,* 198.

meaning, convinced that with a bit of translation on my part the two worlds would eventually cohere.[73]

This upbringing and belonging to both worlds shows in his willingness to be a "translator" or "bridge" between the two racial worlds that was most admirably shown in his speech *A More Perfect Union*. In this speech Obama showed that he has a deep understanding of the racial grievances of both communities. At the beginning of his speech, Obama acknowledges that Reverend Wright's harsh words about America "were not only wrong but divisive" and qualifies Wright's sermon as a "use [of] incendiary language to express views that have the potential not only to widen the racial divide, but views that denigrate both the greatness and the goodness of our nation, and that rightly offend white and black alike." This preliminary condemnation of Wright's words serves mainly as a mollifier for the audience, before moving on to a long description of current racial inequalities. He roots the origins of these inequalities in history, insisting on past discrimination, as a concession to the white part of the audience, but for each point, be it work, education, or housing, he insists on the present state of inequality and the still all-pervading effects of past discrimination, thus defending the black point of view. To contextualize Reverend Wright's words for the white audience, Obama makes a short description of the perception of reality for the black Civil Rights generation:

> This is the reality in which Reverend Wright and other African-Americans of his generation grew up. They came of age in the late '50s and early '60s, a time when segregation was still the law of the land and opportunity was systematically constricted. What's remarkable is not how many failed in the face of discrimination, but how many men and women overcame the odds; how many were able to make a way out of no way, for those like me who would come after them.
>
> For all those who scratched and clawed their way to get a piece of the American Dream, there were many who didn't make it—those who were ultimately defeated, in one way or another, by discrimination. That legacy of defeat was passed on to future generations—those young men and, increasingly, young women who we see standing on street corners or languishing in our prisons, without hope or prospects for the future. Even for those blacks who did make it, questions of race and racism continue to define their worldview in fundamental ways. For the men and women of Reverend Wright's generation, the memories of humiliation and doubt and fear have not gone away; nor has the anger and the bitterness of those years.[74]

To show his understanding of white prejudice, he gives the example of his own grandmother who raised him:

> I can no more disown him [Reverend Wright] than I can disown my white grandmother—a woman who helped raise me, a woman who sacrificed again and again for me, a woman who loves me as much as she loves anything in this world, but a woman who once confessed her fear of black men who passed her by on the street, and who on more than one occasion has uttered racial or ethnic stereotypes that made me cringe.[75]

Through this dual presentation, Obama wanted both parts of the audience, black and white, to understand that each community's point of view is heavily influenced by its racial past, in the hope of fostering a better understanding for each other's reactions. In *The Audacity of Hope* Obama explaines exactly where

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[73] Obama, *Dreams,* 82.
[74] Barack Obama, "A More Perfect Union" (Philadelphia, March 18, 2008).
[75] Obama, "A More Perfect Union."

he draws the line between acknowledging ongoing prejudice, lauding progress, and admitting the real impact of ongoing prejudice and negative stereotypes. Although he readily admits widespread prejudice and the impact of negative black stereotypes on whites' behavior, he insists on the gradual overcoming of those prejudices, albeit in individual experiences:

> I maintain, however, that in today's America such prejudices are far more loosely held than they once were—and hence are subject to refutation. A black teenage boy walking down the street may elicit fear in a white couple, but if he turns out to be their son's friend from school he may be invited for dinner. A black man may have trouble catching a cab late at night, but if he is a capable software engineer Microsoft will have no qualms about hiring him.[76]

Even if Obama highlights the progress made regarding deep-seated racism at a social level, he does not downplay the effects of negative stereotypes and ongoing prejudice on the psyche of minorities, thus acknowledging an ongoing impact of prejudice:

> It's the added weight that many minorities, especially African-Americans, so often describe in their daily round—the feeling that as individuals we must prove ourselves anew each day, that we will rarely get the benefit of the doubt and will have little margin for error. Making a way through such a world requires the black child to fight off the additional hesitation that she may feel when she stands on the threshold of a mostly white classroom on the first day of school; it requires the Latina woman to fight off self-doubt as she prepares for a job interview at a mostly white company.[77]

Obama sees race as an ongoing burden that impacts life in society. Despite race being a social construct, or maybe precisely because of its unjustified nature, Obama sees it as having substance in real social life, still representing a barrier that has to be overcome.

It would be, however, a deep misunderstanding to think that for Obama race only has a psychological impact. In the speech *A More Perfect Union* he explains exactly how he sees the impact of past discrimination on inequalities today. In *The Audacity of Hope* he exposes the current economic gap between the communities, denounces present discrimination that has a severe economic impact, and denounces the Bush administration's lack of enforcement of Civil Rights.[78] Thus, Obama does not discard the real impact of current prejudice and discrimination and sees race in its structural dimension.

Despite this strong structural understanding of race, Obama includes, to a certain degree, a cultural dimension. At first sight it could seem that he buys into the negative black stereotypes favored by cultural racism to explain blacks' lower socio-economic status. Indeed, he denounces some aspects of black "pathological" behavior[79], but does not present it as inherently black: "Many of the social or cultural factors that negatively affect black people, for example,

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[76] Obama, *Audacity*, 236.

[77] Obama, *Audacity*, 236.

[78] Obama, *Audacity*, 242–43.

[79] The term "pathological behavior", especially in relation to the 'underclass,' is widely used, and just as widely criticized. The term will be used here, albeit with the caution that different types of behavior or patterns of action are considered pathological and encompasses behaviors that have a negative impact on upward social mobility and economic well being, such as drug use and not going to school. Here, the use of the term does not mean to transfer the term pathological to the population where part of the population has this type of behavior.

simply mirror in exaggerated form problems that afflict America as a whole [...]" Furthermore, he certainly uses these factors (too much television, bad eating and drug and tobacco habits, lack of education, and increasing number of single mom's) to explain blacks' lower socio-economic status. The difference is that he does not view these factors as being inherently black cultural traits as cultural racism does, but as factors that make social upward mobility more difficult, which thus must be overcome.[80] His view about the negative impact of black pathological behavior markedly differs as well because he insists heavily on the fact that discrimination plays a major role in maintaining these pathological behaviors:

> A lack of economic opportunity among black men, and the shame and frustration that came from not being able to provide for one's family contributed to the erosion of black families—a problem that welfare policies for many years may have worsened. And the lack of basic services in so many urban black neighborhoods—parks for kids to play in, police walking the beat, regular garbage pickup, building code enforcement—all helped create a cycle of violence, blight and neglect that continues to haunt us.[81]

To sum up, Obama sees race as a social construct with a real impact and a structural effect, coupled with a cultural dimension that is partly fostered by ongoing discrimination.

1.1.4. A Post-Racial America?

Such differences in conceptions of racism, seen on the one hand as open hostility and discrimination (such visible barriers as "colored only" signs) and on the other hand as a wide range of practices that lead to an unequal society structured along racial lines, explain the debate about whether or not the election of Barack Obama as president of the United States marks the beginning of post-racial America. Opinions range from "yes" through "maybe" to "no" and a closer analysis shows that this is heavily informed by one's definition of racism.

Bobo identifies different possible meanings for "post-racialism." According to him, in its feeblest form, it could "signal a hopeful trajectory for events and social trends," or that "black victimology" does not apply anymore, or point to the change in identity choices that suggest that the black-white divide is not relevant anymore and that interraciality or multiraciality is growing in importance.[82] Michael P. Jeffries, a sociologist and political science professor at Harvard, thinks that "Postracialism is a direct descendant of colorblindness." In this view, colorblindness would be aspirational, a way out of a racial society and post-racialism would be the achievement of this race-innocent society. Jeffries insists on the fact that if speaking about racism was already difficult during the phase of colorblind aspiration and was seen as rejecting colorblindness' "right-

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[80] Obama, *Audacity*, 245.
[81] Obama, "A More Perfect Union."
[82] Lawrence D. Bobo, "Somewhere between Jim Crow and Post-Racialism: Reflections on the Racial Divide in America Today," *Daedalus* 140, no. 2 (2011): 13.

eous path", it would become excruciatingly difficult with claims of a post-racial era.[83]

Marable identifies a post-racial trend in black politics. Here post-racial means that the new generation of black politicians have a more pragmatic approach, meaning that the political agenda is no longer based solely on racial issues and do not advocate race-conscious, affirmative-action type policies as remedy to inequalities.[84] Jeffries and political scientist Theodore J. Davis Jr. share this interpretation of "post-racial" in the context of black politics.[85] According to Jeffries, this results from the abolishing of former formal barriers that resulted in "expanded career options" for black politicians to address a wider audience.[86] Some more recent examples of such postracial politicians include Cory Brooker, the young mayor of Newark, N.J., Deval Patrick who was elected governor of Massachusetts in 2006,[87] and Michael Nutter, who was elected mayor of Philadelphia in 2008.

Historian Peniel E. Joseph shares this interpretation of post-racialism as used in the context of the Obama election:

> For most Americans, Obama's ascension to the pinnacle of political power vindicates King's vision of a color-blind democracy. The image of the nation's first African-American president-elect instantly reverberated around the world as a triumphant testament to historic struggles for racial justice. However, Obama's election also called into question the civil rights-era understanding of domestic race relations and the continued viability of the politics of racial solidarity. Conservative pundits put the matter more crudely, arguing that Obama's election would end the politics of "racial grievances" practiced by "professional agitators" such as Jesse Jackson and Al Sharpton.[88]

Joseph's assessment of the situation highlights three major elements: Seeing Obama's election as King's dream come true suggests indeed the view that the race-innocent society has been achieved. The view that Obama's election signals the death of the old, civil rights-type of black politics reflects Marable's definition of post-racialism in black politics, and the pithy summary of the comments of conservative pundits reflects the interpretation that post-racialism means that discrimination claims have lost their salience. Marable shares this interpretation of "post-racial" understood as the end of racial political claims in the context of Obama's election: "To many, the impressive margin of Obama's popular-vote victory suggested the possibility that the United States had en-

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[83] Michael P. Jeffries, *Paint the White House Black: Barack Obama and the Meaning of Race in America* (Stanford: Stanford University Press, 2013), 83.

[84] Marable, *Beyond Black and White*, 205, 209–10.

[85] Theodore J. Davis Jr., *Black Politics Today: The Era of Socioeconomic Transition* (New York: Routledge, 2013), 2–3.

[86] Jeffries 85.

[87] Carly Fraser, "Race, Postblack Politics, and the Democratic Presidential Candidacy of Barack Obama," in *Barack Obama and African-American Empowerment: The Rise of Black America's New Leadership*, ed. Manning Marable and Kristin Clarke (New York: Palgrave Macmillan, 2009), 165.

[88] Peniel E. Joseph, *Dark Days, Bright Nights: From Black Power to Barack Obama* (New York: Basic Civitas Books, 2010), 4.

tered at long last an age of postracial politics, in which leadership and major public policy debates would not be distorted by factors of race and ethnicity."[89]

Visions of America entering such an era of post-racialism are obviously founded in a superficial understanding of racism that leans toward prejudice. It is understandable that the election of a black man to the symbolic heavyweight position of President of the United States is interpreted as a symbol of overcoming discrimination. This interpretation is, by the way, shared by many African-Americans, as shows the anonymous poem that became popular shortly after Obama's election:

<div align="center">
Rosa sat,
so Martin could walk,
so Barack could run,
so that our children can fly.[90]
</div>

This rhyme, however, contains a sharp difference with a whiter interpretation of post-racialism: Obama is *not* seen as the fulfillment of the Civil Rights Movement's aspirations, here he is the penultimate station in achieving these hopes: Obama is only "run[ning]", the children will "fly". It is clear that blacks see his election as overcoming a barrier of discrimination, but it was by no means the last hurdle. This opinion is shared by Obama himself: "I never bought into the notion that by electing me, somehow we were entering into a post-racial period."[91]

Already in *The Audacity of Hope* Obama directly refuted the idea that his words, and in particular his speech given at the 2004 Democratic National Convention, could be honestly interpreted as celebrating a post-racial America:

> Still, when I hear commentators interpreting my speech [2004 DNC] to mean that we have arrived at a "postracial politics" or that we already live in a color-blind society, I have to offer a word of caution. To say that we are one people is not to suggest that race no longer matters—that the fight for inequality has been won, or that the problems that minorities face in this country today are largely self-inflicted. We know the statistics: On almost every single socioeconomic indicator, from infant mortality to life expectancy to employment to home ownership, black and Latino Americans in particular continue to lag far behind their white counterparts. [...] To suggest that our racial attitudes play no part in these disparities is to turn a blind eye to both our history and our experience—and to relieve ourselves of the responsibility to make things rights.[92]

Not only did Obama remind the nation about existing inequalities, which are real and statistically proven, but he also stressed the wrong use that is regularly made of the notion of post-racialism: an excuse not to take action and address racial inequalities.

Many speeches made by Obama openly expressed his insistence that racial inequalities persist. For example his speech at the *NAACP Centennial Convention* in 2009 addresses the race situation and rejects the idea that a post-racial America has been achieved with his election. Joseph greets this speech as

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[89] Manning Marable, "Introduction: Racializing Obama: The Enigma of Postblack Politics and Leadership," in *Barack Obama and African-American Empowerment: The Rise of Black America's New Leadership*, ed. Manning Marable and Kristin Clarke (New York: Palgrave Macmillan, 2009), 1.

[90] Quoted in Joseph 2.

[91] Obama in a *Rolling Stone* interview in 2012, quoted in Jeffries 81.

[92] Obama, *Audacity,* 232–33.

the "navigation of a racial tightrope". [93] Another example would be his 2012 In-
augural Address where he highlights the persistence of racial inequalities,
among other inequalities. The speech that maybe best expressed Obama's
complex view about race-relations in the US is *A More Perfect Union* given in
2008. In this speech Obama explained his point of view as follows:

> The profound mistake of Reverend Wright's sermons is not that he spoke about
> racism in our society. It's that he spoke as if our society was static; as if no progress
> had been made; as if this country—a country that has made it possible for one of
> his own members to run for the highest office in the land and build a coalition of
> white and black, Latino and Asian, rich and poor, young and old—is still irrevo-
> cably bound to a tragic past. But what we know—what we have seen—is that
> America can change. That is the true genius of this nation. What we have already
> achieved gives us hope—the audacity to hope—for what we can and must achieve
> tomorrow. [94]

Obama strongly insisted on the complexity of not denying the racial progress
that has been made, here exemplified by his own candidacy for the presidency,
while at the same time highlighting all that still remains to be done to achieve a
more equal society. Moreover, Obama was careful to insist on the fact that ine-
quality is present, and the nation must address this:

> In the white community, the path to a more perfect union means acknowledging
> that what ails the African-American community does not just exist in the minds of
> black people; that the legacy of discrimination—and current incidents of discrim-
> ination, while less overt than in the past—are real and must be addressed, not just
> with words, but with deeds, by investing in our schools and our communities; by
> enforcing our civil rights laws and ensuring fairness in our criminal justice sys-
> tem; by providing this generation with ladders of opportunity that were unavaila-
> ble for previous generations. [95]

However, Obama's call for addressing inequalities was made in a transcending
and post-racial fashion. He advocated investments in more social policies for
everyone to create common prosperity.

Persisting racial inequalities and an interpretation of racism as the une-
qual structuring of society along racial lines is the argument that some use, like
Obama, to reject the idea that a post-racial era has begun in the US Political
scientist at the University of Chicago Michael C. Dawson refutes the idea of
having reached a post-racial America on the grounds of the persisting racial
gaps in all areas. However, he acknowledges that Obama's election has trig-
gered black optimism about the "prospects for achieving racial justice in the
United States."[96] Anti-racism activist Tim Wise has a very harsh view of what
Obama's election might bring. He fears:

> [...] that Obama's election, far from serving as evidence that racism had been de-
> feated, might signal a mere shape-shifting of racism, from Racism 1.0 to Racism
> 2.0, an insidious upgrade that allows millions of whites to cling to racist stereo-
> types about people of color generally, while nonetheless carving out exceptions

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[93] Joseph 5.
[94] Obama, "A More Perfect Union."
[95] Obama, "A More Perfect Union."
[96] Dawson, *Not in Our Lifetimes*, 63, 65.

> for those who, like Obama, make us comfortable by seeming so "different" from what we view as a much less desirable norm.[97]

Wise's interpretation of possible consequences suggests indeed the idea that colorblind and cultural racism will grow even stronger and that Obama's example will serve to highlight the supposed lack of willpower to overcome deficient values in the struggling masses.

1.1.5. Race as an Analytical Tool

These different conceptions of racism also inform part of the problem when envisaging race as an analytical category. Levi Martin and Yeung highlight in their research the different, and sometimes problematic, uses made of race as analytical category. This use has steadily increased in scholarship over the 20th century and is very varied. The use ranges from very specific analyses, through just mentioning race, to pointing out that it will be a whites-only study. They point out that the category is commonly used by social scientific and medical research, as well as in public health research. [98]

With medical research, this use can be seen as problematic since it allows for the easy shortcut that race has a biological foundation and is not entirely a social construct. However, the use of race in medical and public health research can be justified on two grounds that also show that there is no foundation to the conception of race as a biological category, creating a link of causality between physical and mental or character attributes. In the medical domain, race can be used because of some existing biological differences in predisposition of diseases or type of manifestation of an illness. Blacks, for example, present a higher and stronger form of hypertension, making the use of different medication relevant.[99] Some forms of blood-disorder, like Sickle cell anemia occur only in blacks. These different predispositions by no means imply any notion of biological inferiority/superiority.

In the case of public health, it is the factor of intersectionality that makes racial categories relevant. Intersectionality completes the view of racism as a means of structuring society along racial lines, and shows how race and class intersect. Depending on social class, lifestyles tend to change and have an impact on public health issues. However, it is easier to establish statistical data along racial categories rather than along income lines. In the example of diabetes it is easy to see how race and class intersect: diabetes is a possible side effect

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[97] Tim Wise, *Colorblind: The Rise of Post-Racial Politics and the Retreat from Racial Equity* (San Francisco: City Light Books, 2010), 15.

[98] John Levi Martin and King-To Yeung, "The Use of the Conceptual Category of Race in American Sociology, 1937-99," *Sociological Forum* 18, no. 4 (2003): 522, 526.

[99] John M. Flack, Samar A. Nasser, and Philip D. Levy, "Therapy of Hypertension in African-Americans," *American Journal of Cardiovascular Drugs* 11, no. 2 (2011): 83.

of too rich a diet and often occurs among the lower classes of society.[100] Hispanics and blacks are disproportionately concentrated on those lower rungs of the social ladder, which incidentally coincides with the higher proportion of diabetes in these populations. In 2011, 5.5% of whites were diagnosed with diabetes compared to 9.5% of blacks.[101] The difference is quite significant and the racial statistics can help improve preventive education and providing treatment.

In 1999, sociologist Mara Loveman argued for abandoning race as an analytical category. She does not reject the idea of race having a structural impact on society, it is rather a matter of terminology. She prefers the term ethnicity. In her opinion "[t]his would increase analytical leverage for the study of race as a category of practice."[102] Loveman makes a valuable point, since this change would reflect the evolution in terminology and integration/assimilation of white ethnics that during the 19th century were still considered as different races. It could be hoped that by changing the terminology a similar change could occur for blacks. However, the change in terminology for Hispanics shows that this is not necessarily the case. Hirschman *et al.* argue that since the establishment in 1970 of Hispanic as a distinct ethnicity applying to people whose race is either black or white, the concept has not really gotten hold. The popular understanding still treats Hispanic as a racial category, and even the use made by administrations is closer to race than ethnicity, despite the fact that the "ethnoracial pentagon", as historian David Hollinger called it, of white, black, Asian, Native American/Pacific Islander, and Hispanic ethnicity was officially adopted by the Office of Management and Budget in 1977.[103] Moreover, John Sibley Butler sees one fundamental political implication in the difference between race and ethnicity: "minority group status was and is associated with resources or special consideration in the public square. It must be separated from the ethnic group category, which means that one is proud of one's heritage and traditions."[104] This distinction is paramount for the analysis of social policies and issues of redistribution.[105] Based on this experience with the Hispanic ethnicity, the use made in government data, and its implication for social policies, I chose to maintain the category of race. Moreover, this use also incorporates the lingering biological conception of race as explained above.

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[100] In 2008, the highest concentration of diabetes was in the population with incomes up to 100% FPL at 15.7%, it was 14.9% for incomes with incomes between 100% FPL to 199% FPL, 10.2% for incomes 200-399% FPL, and 7.7% for incomes above 400% FPL. Age-adjusted, physician diagnosed and undiagnosed diabetes. "Health, United States, 2010: With Special Features on Death and Dying" (Hyattsville, MD: US Department of Health and Human Services/Centers for Disease Control and Prevention/National Center for Health Statistics, 2011), 210.

[101] "Age-Adjusted Rate per 100 of Civilian, Noninstitutionalized Population with Diagnosed Diabetes by Race and Sex, United States, 1980-2011" (Centers for Disease Control and Prevention, September 5, 2014).

[102] Mara Loveman, "Is 'Race' Essential?," *American Sociological Review* 64, no. 6 (1999): 891.

[103] Charles Hirschman, Richard Alba, and Reynolds Farley, "The Meaning and Measurement of Race in the US Census: Glimpses into the Future," *Demography* 37, no. 3 (2000): 381–82, doi:10.2307/2648049.

[104] John Sibley Butler, "The Management of Social Theory: Obama and the American Presidency in the Age of Segregated Diversity," in *Race in the Age of Obama: Research in Race and Ethnic Relations*, ed. Donald Cunnigen and Marino A. Bruce, vol. 16 (Bingley, UK: Emerald, 2010), 133.

[105] The political implications of this distinction will be analyzed further in 2.3.5. The Reagan Democrats: When the White Working and Middle Classes Vote Against their Interests.

The increasing use of race, which is also due to the fact that the regression model of analysis made it easier to incorporate race, does not mean that the inclusion of race in the analysis is necessarily relevant or will be analyzed in a relevant way.[106] This means that an inclusion of race in an analysis does not necessarily mean that the study will analyze how the race factor shapes the differences between the categories, or how it can account for discrepancies. Although the use of racial statistics and analyses is rather widespread, there is a debate about the impact of race on the analysis. Once again, the differences in conceptions of racism and prejudice shed light on the debate.

Both Brader and Valentino on the one hand, and Lieberman on the other hand, describe the ongoing debate among academics about the impact of "prejudice" on white policy preferences, while agreeing on the diminishing of openly racist comments.[107]

> Others argue that prejudice is a diminished force in shaping policy preferences. Instead, they argue, opposition to racial redistribution springs primarily from a preference for small government and values such as egalitarianism and non-racialized individualism.[108]

This is very close to Lieberman's summary:

> Others suggest that racial prejudice per se is less important than other kinds of beliefs in shaping white Americans' opinions about policies such as affirmative action and others that are designed expressly to benefit minorities.[109]

Both definitions highlight the fact that there are major differences in the conception of racism. If the relevance of using race as an analytical category is based on the impact of prejudice (understood as an individual hostility toward other races), then the questioning is understandable. However, if the understanding of race as an analytical category is based on structural racism, then the analytical category must be maintained.

Bonilla-Silva sees three major trends on how race is viewed as an analytical category. All three trends agree on race as a social construct. The first trend discards race as an analytical category because of it being a social construct and thus considers it "not a fundamental category of analysis and praxis". The major stream tends to a superficial use of race and restricts it to describe differences in achievement in crime stats or in SAT test, among others. In Bonilla-Silva's opinion such a use reinforces racial categories and a racist interpretation of racial inequality. He puts himself in the third stream of using race as an analytical category that views race indeed as a social construct but also as a social reality: meaning that the category produces real effects on the actors.[110]

Sociologist Michael Banton notes the importance of locating "race" within its context:

> [...] the validity of "race" as a concept depends upon its value as an aid in explanation. From this standpoint, the main issue is the use of the word "race," both in rational argument and in more popular connections, for people use beliefs about

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[106] Levi Martin and Yeung 534, 538.

[107] Both publications pre-date the Obama elections. The upsurge of racial epithets and racially insensitive comments during the campaigns and after might have led them to temporize this comment.

[108] Valentino and Brader, 204.

[109] Lieberman, *Shaping Race Policy*, 6.

[110] Bonilla-Silva, *Racism without Racists,* 8.

> race, nationality, ethnicity and class as resources when they cultivate beliefs about group identities.[111]

Miles shares this conception about the use of race as an analytical category. He sees the salience of race not when the focus is on what race explains about society, but "rather on the questions of who, why and with what effect social significance is attached to racial attributes that are constructed in particular political and socio-economic contexts."[112] Miles's recommendation about an analytical use of race is very narrowly built on structural and cultural racism, as it chooses to see race as a tool in shaping social and economic hierarchies.

Bobo sees the relevance of race in three aspects: identity, use of race as a category, and economic inequality. Bobo points to the majority (98%) of people who chose one race in the Census and to the low intermarriage rate to argue that the identity categories are solid. Moreover, he points to the strong economic divide along racial lines that shows a deeper poverty for blacks, with higher poverty rates, more dire social and family conditions, school inequalities, and sharp discrepancies in incarceration rates, to justify the use of race as analytical tool. [113] Dawson shares this argument about the deep economic inequalities along racial lines keeping blacks at the bottom of American society as justification for using race as an analytical tool.[114]

Sociologist William Julius Wilson, in his seminal work *The Declining Significance of Race,* insists on the fact that today race has its significance in the outcome, not in the cause of inequalities. It is very meaningful in the stratification of society.[115] This structural dimension was what was hinted at in the title of his book first published in 1978 and that was widely misunderstood and misinterpreted as race having no significance at all anymore, and thus as a denial of discrimination. But quite on the contrary, Wilson wanted to show that race had declining significance as remedy to inequality, meaning that deep economic inequalities cannot only be addressed with more civil rights.

1.1.6. Race in Politics

Miles' definition of the use of race as an analytical category mentions the political dimension of race that is also hinted at in the definition of cultural racism. In both cases the point is that racism serves as a tool in shaping society along racial lines, to create inequality that can be justified on racial grounds and that can be seen at a structural level in the intersection of categories of race and class. Feagin argues against a purely structural approach of race and racism, which he underlines with the use of the term "systemic racism". He sees more political use for race analysis.[116] Harold Lasswell's definition of politics as

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[111] Michael Banton, "The Idiom of Race: A Critique of Presentism," in *Theories of Race and Racism: A Reader*, ed. Les Back and John Solomos, 2nd ed. (London, UK: Routledge, 2009), 55–56.

[112] Miles 193.

[113] Bobo, "Somewhere between Jim Crow & Post-Racialism," 14–15, 18–19.

[114] Michael C. Dawson, *Behind the Mule: Race and Class in African-American Politics* (New Jersey: Princeton University Press, 1994), 14–34.

[115] Wilson, *The Declining Significance of Race*.

[116] Feagin 6.

the question of who gets what, when and how,[117] links structural or systemic racism and cultural racism with politics. Feagin shows this relation as follows:

> The actual authoritative allocation of society's important material resources, as well as of less tangible items such as power and prestige, has been dramatically inegalitarian, massively skewed toward the elite's group interests, and aggressively legitimated by a dominant white political, racial, and class framing of the society.[118]

Feagin insists on the use of race in elite propaganda and framing to achieve an unequal society. What Feagin calls framing is close to the definition of cultural racism and new racism given earlier. For him a white frame is "a positive view of whites, their interests, folkways, and self-conceptions",[119] which is the other side of the negative conception of black culture denounced in the definition of cultural racism.

Political scientist Robert Lieberman also stresses the central place of race in the domain of politics and agrees that it deploys its full significance there.

> Race—particularly the color line dividing white from black (or white from everything else)—has always been central to American political life. It has instigated our most harrowing political challenges, from sectional strife to Civil War, and inspired our proudest achievements, from emancipation to the civil rights revolution. Despite those achievements, however, racial division and inequality remain disturbingly present and disruptive forces in American political life—even more so today, in many ways, than in the bad old days of slavery and Jim Crow. Whereas once the color line was apparent for all to see, etched without irony or embarrassment on the nation's lawbooks, on its maps, and in its customs and social codes, now it has shifted beneath the surface of American politics. Although few will openly acknowledge the color line, its effects are everywhere, in decaying inner cities, overcrowded prisons, and substandard public schools.[120]

Lieberman clearly establishes the link between a camouflaged presence of race in politics and its visibility in the structural effects it has in American society. In 1995, Cornel West made a similar observation:

> Yet the fundamental litmus test for American democracy—its economy, government, criminal justice system, education, mass media, and culture—remains: how broad and intense are the arbitrary powers used and deployed against black people. In this sense, the problem of the twenty-first century remains the problem of the color line.[121]

This view of the significance of race in politics is widely shared. Krugman insists on the fact that there is a gap between the perception of the race factor and its reality: "The reality is that things haven't changed nearly as much as people think. Racial tension, especially in the South, has never gone away, and has never stopped being important. And race remains one of the defining factors in American politics."[122] Political scientists and journalists Thomas and Mary Edsall demonstrate how the Reagan rhetoric successfully aimed at a racial division of the working class to allow him to fulfill his conservative agen-

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[117] Lasswell.

[118] Feagin xii.

[119] Feagin 6.

[120] Lieberman, *Shaping Race Policy*, 1.

[121] West xiv.

[122] Krugman 2007 quoted in Thomas, Herring, and Horton 179–80.

da.[123] This phenomenon of the Reagan-Democrats and the massive opposition of working- and middle-class whites to social policies is further explained by political scientist Martin Gilens. He explains the paradoxical attitude of Americans about social policies through the framing of welfare as a black program.[124] Wilson, in the afterword of the 2012 edition of his *Declining Significance of Race,* supported this analysis of the exploitation of racial tensions at a sociopolitical level.[125]

Finally, Marable insists on the necessity to see the political dimension of race:

> Our political vision must go beyond the confrontations and narrow boundaries of what black and white has meant, and, for many Americans, still continues to mean: racial-identity politics essentially serve to reinforce conservative solutions to poverty, employment and social problems.[126]

Marable clearly insists that discussion of race as a category on its own without connection with other issues has a very limited relevance and only distracts from the real problem, which is the use of race at a political level to reinforce social and economic inequalities and maintain a racially structured society that contributes to increasing inequalities for the entire population.

1.1.7. Affirmative Action

In politics, race is not used solely in a harmful way. Affirmative action is the program that was devised in the 1960s to try to tackle racial inequalities. Although there are strongly divided opinions about affirmative action, and despite the program being under attack, I will briefly outline the general legal frame of the program to show how color consciousness is expressed in policy.[127]

The first part of affirmative action is Executive Order 10925 signed by Kennedy in 1961. It established non-discrimination and urged employers to adopt a more active non-discriminatory hiring procedure: "The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin." This being an executive order, it applied only to government contractors, meaning companies receiving federal funds or working for the federal government. This was further completed by Title VII of the Civil Rights Act, which extended the non-discrimination clause of EO 10925. However, the legislation is adamant about the fact that it does not represent preferential treatment or a quota system:

> Nothing contained in this subchapter shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this subchapter to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the

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[123] Edsall and Edsall.

[124] Gilens, *Why Americans Hate Welfare*.

[125] Wilson, *The Declining Significance of Race*, 183–84.

[126] Marable, *Beyond Black and White*, xviii.

[127] For the backlash against race-specific policies and opinions about affirmative action see 2.4. The Backlash against Race Specific Policies.

> total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer [...][128]

Title VII also created the Equal Employment Opportunity Commission. Its mission is to fight discrimination, but also to investigate the "cause of and means of eliminating discrimination and such recommendations for further legislation as may appear desirable."[129] As for Title VI of the Civil Rights Act, it established anti-discrimination practices in education (§2000d): "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The Code of Federal Regulations (34 CFR 100.3) further develops affirmative action for education:

> (6)(i) In administering a program regarding which the recipient has previously discriminated against persons on the ground of race, color, or national origin, the recipient must take affirmative action to overcome the effects of prior discrimination.

> (ii) Even in the absence of such prior discrimination, a recipient in administering a program may take affirmative action to overcome the effects of conditions, which resulted in limiting participation by persons of a particular race, color, or national origin.

Thus, an institution can be compelled to implement affirmative action if discrimination has been proved, but can also do so voluntarily.

In 1969 affirmative action was further expanded by the Nixon administration through the so-called Philadelphia Plan, a program first devised by the Johnson administration but never implemented. The Nixon administration tried to focus their equal opportunity efforts on the construction industry, a sector that was booming and that had high wages. Positions, however, were mainly occupied by whites. The first attempts of "voluntary minority-hiring agreements between unions and contractors" proved not to be efficient enough. The administration consequently resolved to apply the Philadelphia plan to "set a range of percentages of minority hirings with which contractors would be required to make a "good faith" effort to comply."[130] These percentages were rapidly called quotas. However, as soon as 1972, Nixon prohibited quotas. As the *Bakke* case showed,[131] some universities made misinterpretations in their ways of applying affirmative action and effectively created set-asides, but these were ruled unconstitutional.

The Civil Rights Act has progressively been expanded. Other population categories have been added to the non-discrimination clause. Title IX of the Educational Amendments of 1972 added gender; section 504 of the Rehabilitation Act of 1973 included people with disabilities. Further inclusions came

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[128] US Equal Employment Opportunity Commission, "Title VII of the Civil Rights Act of 1964" (n.d.), http://www.eeoc.gov/laws/statutes/titlevii.cfm. Unlawful Employment Practices, sec. 2000e-2 (j)

[129] Title VII Equal Employment Opportunity Commission Sec. 2000e-4 (e).

[130] "Nixon and Ford Administrations, 1969-1977," *United States Department of Labor*, (ND), https://www.dol.gov/oasam/programs/history/dolchp07.htm; Crenshaw, "Race, Reform, and Retrenchment," 622.

[131] *Regents of the Univ. of Cal. v. Bakke* (Syllabus), 438 US 265 (US Supreme Court 1978).

through the Age Discrimination Act of 1975, Title II of the Americans with Disabilities Act of 1990, and finally through the Boy Scouts of America Equal Access Act (part of the No Child Left Behind Act of 2001).

However, institutions with a clear religious affiliation are exempt from compliance with affirmative action programs and are allowed to focus their hiring according to the religious affiliation of the applicant.[132]

1.2. Class: Limitations of Race as the Sole Dimension of Analysis

As early as 1944, in his groundbreaking work, *An American Dilemma: The Negro Problem and Modern Democracy*, Gunnar Myrdal discarded the use of the term 'race' because of its (at that time) solely biological connotation. He pointed out the need to find another category to explain blacks' separate position from the rest of society after Emancipation in 1863. He rejected the term 'class' because that would imply the idea of social mobility, which he thought impossible in 1944 because of *de facto* and *de jure* segregation, although he noted class stratifications within each population group (white and black). Myrdal also rejected 'minority group' and 'minority status' because he considered them to be confusing with the temporary status of new white immigrants. He finally settled his choice on the term 'caste' in its meaning of a "large and systematic type of social differentiation".[133] Myrdal's caste concept is obviously outdated now, especially since the 1964 Civil Rights Act allowed for greater social mobility and greater participation in political life. However, in light of the deep inequalities along racial lines shown above, Myrdal's insistence on caste because of its implied lack of mobility does not seem all that irrelevant.

Political scientists Nolan McCarty, Keith T. Poole, and Howard Rosenthal, in their 2006 work *Polarized America: The Dance of Ideology and Unequal Riches,* discard the race factor as an analytical category for the period starting in the 1980s and prefer a focus on class.[134] However, it must be pointed out, that their analysis of the relevance of race relied solely on occurrences of racism and racial tension, leaving out systemic or structural racism, coded race talk in political discourse, and underlying racialization of social policies.[135] Although I think that this part of their analysis can be considered as having a questionable methodological approach, their work highlights an important trend: an increasing focus on class analysis in the United States. Feagin, in his 2012 work *White Party, White Government: Race, Class, and US Politics,* points out that class discrimination has been present in the US political system since its inception, along with racism and sexism. Despite the gradual and early enfranchisement

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[132] "E-CFR: Title 41: Public Contracts and Property Management," Title 41: Public Contracts and Property Management Electronic Code of Federal Regulations § Part 60-1—Obligations of Contractors and Subcontractors (2014), http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=3b71cb5b215c393fe910604d33c9fed1&rgn=div5&view=text&node=41:1.2.3.1.1&idno=41.

[133] Myrdal, *An American Dilemma*, 2:667.

[134] Nolan McCarty, Keith T. Poole, and Howard Rosenthal, *Polarized America: The Dance of Ideology and Unequal Riches* (Cambridge: MIT Press, 2006), 10–11.

[135] For further details see 2.3. The Creation of "Welfare:" The Attack against Social Policies.

of the white American population Feagin notes a strong political domination of the financial elites and denounces classism, meaning discrimination along class lines.[136] Wilson, in *The Declining Significance of Race*, argued that the salience of class was superseding the salience of race because of the decrease of openly racist institutions. His reasoning was that the Civil Rights Act changed the form of oppression and the social structure: moving away from organized racial oppression to a class structure. He painstakingly pointed out that the new social structure has no racial origin at the institutional level, but has a racial outcome, in the sense that the economic outcome shows distinctive racial lines. According to Wilson the US has moved since the 1970s from racial oppression to class subordination.[137]

1.2.1. Sociological Approaches and the Definition of Class

In *An American Dilemma*, Myrdal noted Americans' rejection of class differentiation and their fierce belief in equality. Most Americans then, and now, believed that they were middle class. According to Myrdal this was due to a certain incompatibility of the class concept and the American Dream. He noted that Americans rejected class differentiation even in the face of evidence of wealth and income differences. Hence Myrdal defined class in a somewhat loose fashion. He mentioned class feeling, as the feeling of individuals that they belong together in a corporate unity and share a sense of interested solidarity. According to him, this was rather underdeveloped in the lower classes. He expanded the notion of class as people getting into social contact with one another especially for leisure time, determining social orientation of the children.[138] Wilson offers a more precise definition of class, that he derives from the Max Weber definition: "the concept [class] means any group of people who have more or less similar goods, services, or skills to offer for income in a given economic order and who therefore receive similar financial remuneration in the marketplace. One's economic class position determines in major measures one's life chances, including the chance for external living conditions and personal life experience."[139]

Sociologist Dennis Gilbert offers a more circumvoluted description of the notion of class, hinging on the use of the term "families" instead of class: "[...] groups of families, more or less equal in rank and differentiated from other families above or below them with regard to characteristics such as occupation, income, wealth, and prestige." He uses the term "[...] family in the broadest sense possible to include households consisting of one person and larger domestic units "headed" by single females, single males, or couples (both heterosexual and homosexual)." In his use, the class position is defined according to the highest income in the family. He justifies the focus on income on the grounds that "[p]eople in similar positions have similar incomes and a tendency to mix with one another, to grow similar in their thinking and lifestyles." This

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[136] Feagin 38.
[137] Wilson, *The Declining Significance of Race*, x, 1–2.
[138] Myrdal, *An American Dilemma*, 2:670–71, 673.
[139] Wilson, *The Declining Significance of Race*, ix.

class stratification also has an effect on the worldview, which is often, but not necessarily, 'inherited' by the children.[140]

Sociologist Dalton Conley takes 3 factors into account to determine socio-economic status: education, income, and occupation. But he insists on the importance of assets and wealth in intergenerational inequality.[141] Through this he points out the limitation of class mobility and thus a class system that is more rigid than most Americans want to believe.

Political scientist Larry M. Bartels insists on the lack of class awareness in the US that still holds more than 70 years after Myrdal already highlighting this: "Most Americans have only a vague sense of the contours of the nations' income distribution—especially for parts of the income distribution that extend beyond their personal experience."[142] Americans still fiercely believe that they are a middle-class nation, although a heightened awareness about economic issues starts to creep into the American public mind: according to Hedrick Smith 2/3 of Americans see economics as the most divisive issue, more than race, age, or ethnic grouping.[143]

This creates two problems: a difficulty to talk about class and class issues, and a recent and short academic history on the topic, leading to conceptual complications. Only since the beginning of the 1980s have scholars started to openly and strongly refute the longstanding idea of classlessness (since Tocqueville) or the "inherited ideology of classlessness" defended by Ossowski in 1957 (1963).[144] More serious work has been done since, but sociologist Rick Fantasia pointed out still some lingering academic questioning of the very existence of social classes in the US as late as 1994.[145] This relatively late turn toward class analysis coupled with a rather low public attention on social class, and major changes in the economy, especially since the 1970s, leads to problems when conceptualizing class in the US Gilbert discusses the problem that there are many different class structure models, some better than others (some are utterly worthless according to him) but in his opinion so far there is no "true" model. He proposes the Gilbert-Kahl model:

Capitalist class: live on assets, like lucrative businesses, commercial real estate, securities such as stocks and bonds. The main income source is derived from assets even when they have jobs, often in top executive managerial positions. They represent about 1% of the population in 2010 with incomes around $2 million.

Upper-middle class: Composed of university educated professionals and managers (lawyers, doctors, etc.), rely mainly on income: alternative name: working rich. They constitute about 14% of the population with incomes around $150,000.

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[140] Dennis Gilbert, *The American Class Structure in an Age of Growing Inequality*, 8th ed. (Thousand Oaks, California: Sage Publication/Pine Forge Press, 2011), 11–12.

[141] Conley 13–14.

[142] Bartels, *Unequal Democracy*, 6.

[143] Hedrick Smith, *Who Stole the American Dream?* (New York: Random House, 2012), xxiii.

[144] Reeve D. Vanneman, "US and British Perceptions of Class," *American Journal of Sociology* 85, no. 4 (1980): 769.

[145] Rick Fantasia, "From Class Consciousness to Culture, Action, and Social Organization," *Annual Review of Sociology* 21 (1995): 274; P.W. Kingston, "Are There Classes in the United States?" *Research on Social Strategic Mobility* 13, no. 3 (1994): 3–41.

Middle class: Low-level managers, insurance agents, teachers, nurses, plumbers and electricians. Represent about 30% of the population with incomes around $70,000.

Working class: Unskilled office workers and retail workers. There is no distinction between blue- and white collar: the distinction is based on the level of skill or knowledge, as well as the independence and authority associated with the job. Represent about 30% of the population in 2010, with incomes around $40,000.

Working poor: Very low-skill, low-wage, insecure jobs, without medical benefits, characterized by financial instability. Represent about 13% of the population with incomes around $25,000.

'Underclass': May have some job income, but mainly rely on government programs, this includes Social Security, public assistance, and veteran benefits. This represents about 12% of the population with incomes around $15,000. Includes income from criminal activities.[146]

In the Gilbert-Kahl model the boundaries between the classes are not very sharp, but a few salient separations exist: the capitalist classes are set apart by their source of income, the upper middle class is somehow apart because of the "valuable credentials and the rewards that flow to them" and the 'underclass' is set off by their loose connection to work and mainstream society.[147]

This focus on income as opposed to occupation to determine class status is also advocated by McCarthy *et al.* They insist on the fact that income is more relevant since many public policies are defined by income.[148] Oliver and Shapiro go even further and demonstrate that even income is too rough a criterion, and show how assets give a more precise image of inequalities, especially along racial lines.[149] Conley shares this view and considers assets a major factor in intergenerational inequality.[150]

Sociologists Earl Wysong, Robert Perrucci, and David Wright offer another model to describe the American class structure, and particularly insist on the evolution that has taken place since World War II.

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[146] Gilbert 13–15.
[147] Gilbert 243.
[148] McCarty, Poole, and Rosenthal 10.
[149] Melvin L. Oliver and Thomas M. Shapiro, *Black Wealth/ White Wealth: A New Perspective on Racial Inequality* (New York: Routledge, 1995), 75.
[150] Conley 14.
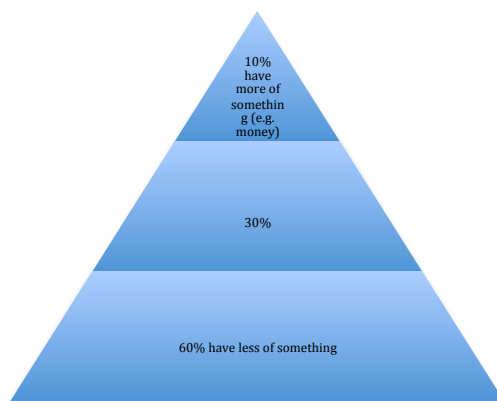
Schema 1 Class Structure US 1930-1945[151]

According to Wysong *et al.*, the US class structure in the period from 1930 to 1945 still corresponded to the old classic pyramid structure. The welfare state created through the New Deal allowed for a major change in the American class structure, creating a strong middle class, and changing the shape of the class structure, resembling more a diamond. This "middle-class society" was mostly created through wage increase, pensions, health insurance, paid vacations, and the GI Bill that offered a better education to many people.[152]
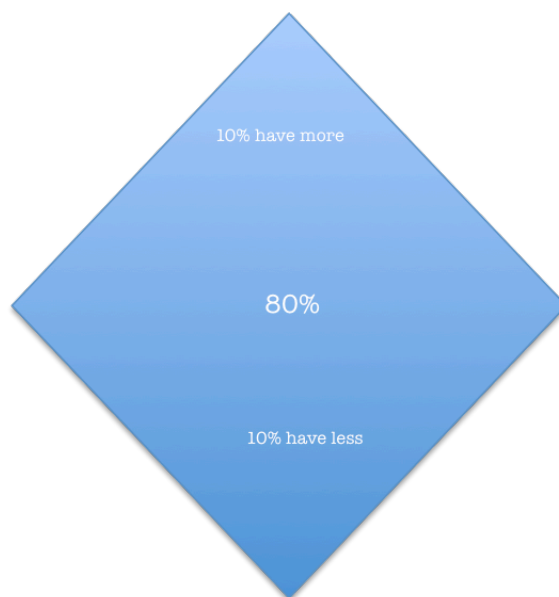
Schema 2 Diamond Class Structure 1945-1970[153]

Wysong *et al.* no longer consider the Marxist production model[154] or the Weberian functionalist model as useful because of their over-focusing on occu-

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[151] Adapted from Wysong *et al. 1*3.

[152] Wysong *et al.* 13.

[153] Adapted from Wysong *et al.* 16.

[154] The Marxist model views class as the relationship between people and the means of production. In this model, people having the same relationship to the means of production develop a conscious sense of belonging to the same class, i.e. a class consciousness of having shared interests. Marx describes a class war between the capitalist class (bourgeoisie) owning the means of production and the working class (proletariat) who have to sell their labor.

pation as key factor in class determination. Marx's focus on control of the means of production and Weber's focus on the prestige derived from occupational status as determinants of the socioeconomic position no longer fit the evolution of western economies.[155] In this rejection they echo Gilbert's model that does not distinguish between blue- and white-collar occupations anymore.

Wysong *et al.* propose a new model, the Double-Diamond Class Structure. The focus is, among others, on organizations, meaning structures that control the distribution of resources, because according to them "large organizations are centrally involved in legitimating the distributional processes as well as the class inequalities that arise from them." Four factors are used to determine the class: investment, consumption, skill, and social capital. They give the example of the lawyer. A corporate lawyer with a high salary would be considered to be in the upper segment of the credentialed class segment. But a small town lawyer who handles divorce cases could be considered working class (in the Double-Diamond model). The model is designed to reflect the increasingly polarized class structure in the US, increasingly divided into haves and have nots.[156]

In the Double-Diamond Model, the Super Class segment is composed of owners, employers and senior executives, with incomes derived from assets, from $1 million to $1 billion. They represent 1-2% of the population. Below, but still in the upper diamond, is the Credentialed Class segment composed of Managers (CEOs and mid- and upper-level managers of medium-sized corporations. Incomes range from $100,000 to $1 million. They represent 9-11% of the population), and Professionals (they have credentialed skills through college and professional degrees. They have social capital and organizational ties to further their interests. Incomes range from $200,000 to $900,000. They represent 12-14% of the population). In the lower diamond is first the Comfort Class segment composed of nurses, teachers, civil servants, small business, and skilled and/or unionized workers. They possess little investment capital and incomes range from $40,000 to $80,000. They represent 14-16% of the population. The Contingent Class segment is composed of Wage Earners and Self-employed persons. The first work for wages in clerical and sales jobs or personal services, in transportation jobs, as clerks, and as machine operators. Incomes are below $40,000. They represent 44-46% of the population. The Self-employed usually have no employees but a high potential of failure, and include family workers. They represent 3-4% of the population. The Excluded Class segment is constituted of people who are in and out of the workforce and occupy unskilled, temporary, and low-wage jobs. They represent 10-15% of the population.[157]

The Weberian model views social stratification as resulting from the interconnection of three elements: class, status/prestige, and politics/power.

[155] Wysong *et al.* 22–23.

[156] Wysong *et al.* 22–3.

[157] Wysong *et al.* 33.
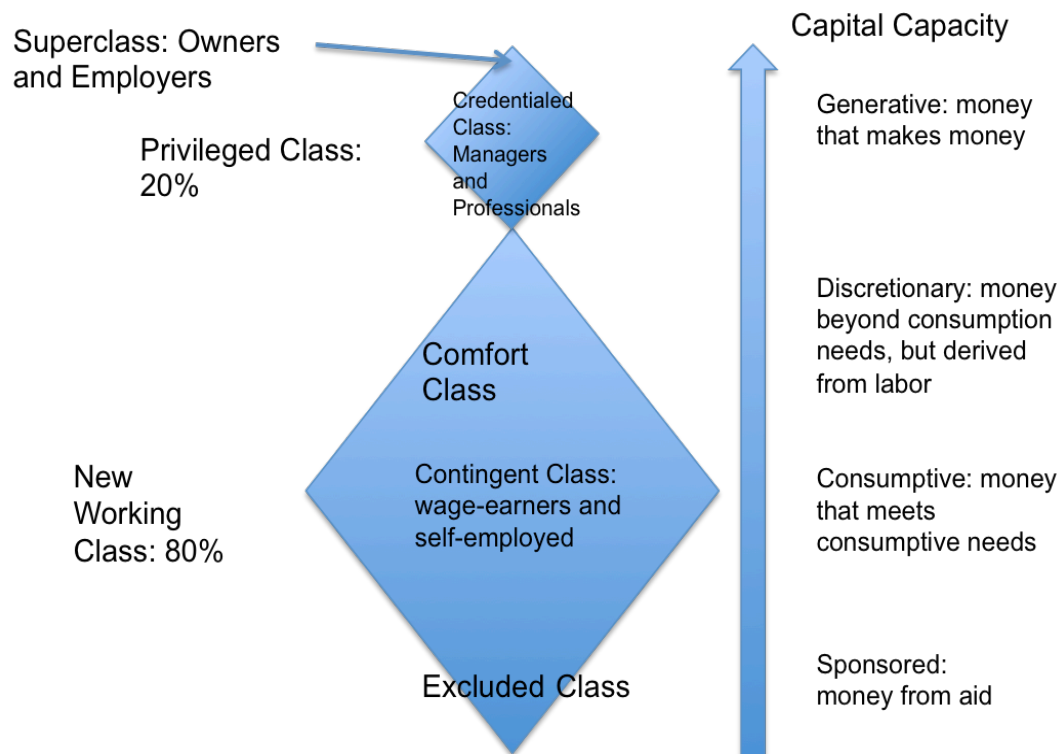
The Double-Diamond Structure also serves to indicate the growing ine-
quality between the haves and have-nots (in terms of investment capital) and
the lack of mobility between the two. Interestingly, in this model, the middle
class (now called Comfort Class) are to be included in the New Working Class.
This segment would roughly correspond to Smith's definition of the middle
class based on incomes from $30,000 to $100,000,[159] which then corresponds to
Gilbert's middle class with incomes around $70,000, or Oliver and Shapiro's
middle class definition with incomes ranging from $45,000 to $95,000. Below
this segment they distinguish between moderate-income levels ranging from
$22,000 to $25,000 and define as poverty-level households those earning less
than $21,999 (rounded through the conversion from 1988 to inflation-adjusted
2010 dollars).[160]

It must be highlighted that both Oliver and Shapiro, and Gilbert have a
broader definition of poverty than the American government. The Federal Pov-
erty Level (FPL) was $11,139 in 2010 for a single-individual household for people
under age 65 as defined by the US Census Bureau. It was $6,155 in 1988 (this
makes $11,517 in 2010 dollars).

A last possibility to define socioeconomic classes must be added: the one
provided by the *Patient Protection and Affordable Care Act* of 2010 (ACA). The
ACA defines income categories that are entitled to different types of help for
acquiring health insurance. The lowest incomes up to 133% of FPL are to be
covered by Medicaid, whereas incomes between 133% FPL and 400% FPL are to
receive subsidies in the form of tax credits to make health insurance affordable.

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[158] Adapted from Wysong *et al.* 32–3.
[159] Smith, *Who Stole the American Dream?*, xxii.
[160] Oliver and Shapiro 103.

Incomes above that threshold are not entitled to help, and higher incomes are to pay more taxes with a redistributional perspective.[161] This means that incomes up to \$14,800 (single person household) qualify for Medicaid and incomes between \$14,800 and \$44,500 qualify for subsidies. With the Federal Poverty Level, it was already apparent that the government had a rather low definition of poverty. The ACA provides for a slightly wider consideration of economic hardship. The category qualifying for subsidies would correspond to the previous definitions of working poor and lower middle class.

The concentration of money and wealth at the top level is noted by all, with only the name of the top 1% changing: Capitalist Class for Gilbert, top 1% for Smith, and Superclass for Wysong, and all set them apart from the following 5% and are far from the upper middle class. Increasing inequalities will be treated in the next section. Gilbert and Wysong also insist on the presence of an 'underclass' or excluded class and roughly agree on the proportions: 12% for Gilbert, 10-15% for Wysong. This 'underclass' was thoroughly discussed by Wilson in *The Declining Significance of Race*. The rapid increase of this 'underclass' since the 1970s (partly due to the changes in the economy), their falling further and further behind mainstream society, the near exclusive reliance on government aid for a significant part of them, led Wilson to conclude that class had become more relevant than race in trying to alleviate the problems. He also noted that the Civil Rights Act had little impact on their condition, partly because of their isolation in the inner city ghettos.[162] Oliver and Shapiro point out the "lack of desirable human capital" in these populations, that prevents them from competing on the mainstream job market.[163]

Historian Jacqueline Jones comments on this deepening poverty with the following words: "By the 1990s America's internal colonial economy had grown to the point that observers linked conditions in the South Bronx, and in the hills and hollows of Appalachia, to those in the Third World."[164] Political scientist Jennifer Hochschild noted the same trend, with, however, a racial difference: the white 'underclass' is decreasing; the black 'underclass' is increasing (in absolute numbers), and poverty is becoming deeper and more entrenched. But Hochschild rejects the term *'underclass,'* because of its extremely pejorative connotation. She prefers the term *estranged poor*.[165] However, the term 'underclass' is widely used, and I will continue to use it. This choice is also motivated by the fact that in my opinion the term reflects the low public consideration for those populations, thus allowing for a constant reminder of the social barrier this population faces and their loose connection to the rest of society and the body politic. Political scientist David Goldberg analyzes the views on the 'underclass' as follows:

> Thus, the notion was relinked to the 19th century conceptions of the 'undeserving poor', the 'rabble', and the 'lumpenproletariat'. Accordingly, 'the 'underclass'' has come to signify not just the unemployed but the permanently unemployed and

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[161] ACA Sec. 1401. The partly failed Medicaid extension will be discussed in 4.3.1. Lawsuits Against the ACA and Medicaid.

[162] Wilson, *The Declining Significance of Race*, 22, 92, 131–32, 136.

[163] Oliver and Shapiro 39.

[164] Jacqueline Jones, *The Dispossessed: America's 'underclass' from the Civil War to the Present* (New York: Basic Books, 1992), 2.

[165] Hochschild, *Facing Up to the American Dream*, 45.

unemployable. It has come to include, particularly in the popular but also in the academic and political imaginations, those poor considered unmotivated to work—especially, women on welfare, vicious street criminals, drug pushers and addicts, hustlers and urban gangs, winos and the mentally deranged homeless. If these conditions are permanent, then they are necessary, and necessarily un-changeable, and so it would seem there is no responsibility for doing anything about them save improving the criminal justice response.[166]

This shows not only the loose connection of the 'underclass' to mainstream society because of their own supposed deficiencies, but also an abandoning of the 'underclass' by mainstream society.

Wysong *et al.*'s Double-Diamond model is the most relevant for my analysis. In my opinion, it is best suited for graphically representing the upward re-distribution that has been operating since the 1970s alongside the dismantling of the welfare state.[167] It also exemplifies the lack of upmost mobility, graphically represented by the constrained neck between the two diamonds, which is experienced by African-Americans.[168] Moreover, this model fits the trend of a more and more precarious middle-class status, here included in the New Working Class. This new precariousness of the middle class is exemplified in the case of this analysis by their difficulty to meet health care expenses and affording health care insurance, especially since the 1990s. Sociologist and political scientist Paul Starr sees the recession of 1991 and the 90% increase in insurances fees between 1987 and 1993 (incomes increased only by 28% during the same period) as the moment when health care definitely became an urgent problem for the middle class.[169] And lastly, the Double-Diamond structure is the most relevant in light of Barack Obama's new class populist rhetoric revolving around uniting the lower middle and middle classes against some undefined "elites" de-nounced through their power derived from money.[170]

This haziness of the definition of the middle class is reflected in the 2010 Report of the White House Task Force on the Middle Class chaired by Vice-

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[166] David Theo Goldberg, "Racial Knowledge," in *Theories of Race and Racism: A Reader*, ed. Les Back and John Solomos, 2nd ed. (London, UK: Routledge, 2009), 238.

[167] For a more detailed discussion, see 2.1.3 The Welfare State and its Critics.

[168] There is a great awareness about this in the African-American community. An extract from Chris Rock's 2008 stand-up comedy *Never Scared* illustrates this, explaining the difference be-tween white and black money: "There are no wealthy black or brown people in America. We got some rich ones. We got no f*** wealth. Shaq [Shaquille O'Neill, basketball player] is rich. The white man that signs his check is wealthy. 'Here you go Shaq, go and buy yourself a bouncing car, bling bling.' I'm not talking about rich, I'm talking about wealth, ok? I talk about the white family that owns all the fucking Similac [infant formula]. I'm talking about the white family that owns the color blue. [...] I ain't talking about Oprah, I'm talking about Bill Gates, ok? If Bill Gates woke up tomorrow with Oprah's money, he'd jump out of the fucking window. He'd slit his throat on the way down. [...] I'm not talking about rich, I'm talking about wealth, because wealth would set us fucking free." Chris Rock insists on the social and political power derived from wealth. His sarcastic comment about the bouncing car has two objects: convey contempt for whites' treat-ment of blacks, here in a certain form of paternalism, and also denounce blacks hyperconsumer-ism, that had already been noted by Frazier in his 1957 *Black Bourgeoisie*. Frazier's analysis was that this hyperconsumerism and display of purchasing power aimed at hiding the lack of black assets.

[169] Paul Starr, *Remedy and Reaction: The Peculiar American Struggle over Health Care Reform* (New Haven, 2011) 79–81.

[170] For a detailed analysis see 3.4.3. "For Nothing More Than a Profit:" Class Populism.

President Joe Biden. For example, the report announced changes in 2011 that would help the middle class, such as the Child-Care Tax Credit, to help families to balance their work obligations and care for the children. The Report announced that the credit would be doubled for families with incomes up to $85,000 and increased for families with incomes up to $115,000.[171] This shows that in terms of income brackets, the White House adopted a rather broad definition of the middle class.

The Report gives a more precise definition of what they understand by 'middle class' based on a detailed report made by the Department of Commerce on the request of the White House. First, the middle class, in this report, is more defined by aspirations than income, which echoes the foggy income definitions of the various economists and sociologists cited above. Middle-class aspirations, according to the Report, are: "home ownership, a car, college education for their children, health and retirement security and occasional family vacations."[172] The Report nonetheless gives a more precise income-category definition with the lowest income set at $51,000 for a married-couple family with two children to $123,000 for the same household as the highest income bracket. Lastly the report identifies three key elements that are problematic for the realization of those middle class aspirations: health care, college, and housing, because of the dramatic price increases of those items over the past 20 years in a context of a lower income increase, especially during the 2000s. The Report, of course, points particularly to the sharp increase of health care insurance costs, which had increased by 155% since 1990.[173]

1.2.2. We're All Middle Class

Some 70 years after the publishing of *The American Dilemma*, Wysong *et al.* make the same assessment as Myrdal in 1944: most Americans believe they are middle class, but nowadays Americans are conscious that the middle class is in trouble.[174] One of the major problems is that there is no consensual definition of the "middle class". It has been shown above that different foci exist in trying to define class status: some focus on income, others consider wealth to be a primordial factor, some take benefits (health and pension) into account, others take job security into evaluation, as well as the prestige and the autonomy of the job, or the social and political power wielded by different classes. Wysong *et al.* propose an additional dimension that is more based on a structural consideration: Are the conditions present in society and in the economy for a middle class to exist, for people to move into it and to move upwardly out of it? Thus they add the criteria of opportunity and class mobility, in addition to a combination of income and resources.[175] As their Double-Diamond model shows, they believe that the middle class has disappeared, or is at least seriously jeopardized. Their assessment is very pessimistic: Regarding income, inequality is the

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[171] Joe Biden, "Annual Report of the White House Task Force on the Middle Class," February 2010, iii.
[172] Biden 10.
[173] Biden 11.
[174] Wysong *et al.* 77.
[175] Wysong *et al.* 80.

trend, income increases are below inflation and at only half of the productivity increase, more family members have to work and for longer hours. Regarding resources, the picture is just as bleak: they notice a reduction in years spent on the job, and less long-term jobs providing security. Health benefits have decreased, costs have increased and the coverage has diminished, the same applying to pensions. The overall financial stability has been jeopardized and is far from guaranteed. As far as opportunity is concerned, they observe a lack of availability of entry-level middle-class jobs and do not see a college education as a guarantee for a better income anymore. They consider this as a definite decrease in upward mobility.[176] Sociologist and political scientist Leslie McCall makes a similar observation. According to her, this increasing income inequality has a dramatic impact on citizens: poor and middle income families manage to cope so far through the work of women and by accumulating debt, but this is only a limited tactic.[177] Her observation clearly shows that the middle class status has eroded. Smith shares a similarly pessimistic view about the middle class. According to him, the changes that occurred in the economy in the 1990s leading to more and more part time and temporary jobs are not compatible with the maintenance of a strong middle class. For him, the Great Recession presents yet another blow to the middle class: according to him, only people with incomes over $75,000 are still holding on, those with incomes under $50,000 are losing ground. To evaluate the situation of the middle class, Smith uses the Misery Index developed by Edward Hyman based on four items: income taxes, Social Security taxes, medical costs, and interest cost. The overall situation has dramatically worsened.[178]

Gilbert still notes a high level of occupational inheritance and the positive impact of higher social class on the chances of success of the children. He observes similar trends for wealth mobility.[179] The high occupational inheritance is not necessarily contradictory with Wysong *et al.*'s assessment: their claim is that at similar occupational levels the conditions for resources and opportunity have worsened. According to Bartels and McCall, US social mobility lags behind several other western countries, for example Finland, Canada, Norway, or Sweden. Intergenerational studies show that mobility is declining, caused by factors such as family structure, race and ethnicity, parental education and income, and region. The effect of parental income had declined between 1940 and 1980, but increased between 1980 and 1990.[180] This increasing class rigidity, which has also been pointed out for the 'underclass,' is part of a larger trend of class inequalities.

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[176] Wysong *et al.* 89–90, 92, 94, 99.

[177] Leslie McCall, *The Undeserving Rich* (New York: Cambridge University Press, 2013), 221.

[178] Smith, *Who Stole the American Dream?*, 82–83. For a detailed discussion of the health care situation, see 1.4.3. Why Health Care Reform?

[179] Gilbert 131–33.

[180] Bartels, *Unequal Democracy,* 16; McCall 221.

1.2.3. Obama's Conception of Class

Obama's discussion of class is less detailed than his discussion of race, which is perfectly in line with the general attitude in the US about race and class.

Obama uses the rhetoric of class populism, especially to counter the long-established race populism used by conservatives. However, this class populism is somewhat hazy and mostly opposes undefined "elites" to the rest of the population.

> That we are in the midst of crisis is now well understood. [...] Our economy is badly weakened, a consequence of greed and irresponsibility on the part of some, but also our collective failure to make hard choices and prepare the nation for a new age. Homes have been lost, jobs shed, businesses shuttered. Our health care is too costly, our schools fail too many [...].[181]

This extract from Obama's first *Inaugural Address* is a good example of this rather vague evocation of class issues. The elites are referred to through the "greed and irresponsibility on the part of some", which could also include the Republican Party since the financial crisis of 2008 and ensuing Great Recession is due to deregulations first started by president Ronald Reagan and pursued by the following Republican presidents. The population is also referred to in a very indirect manner through their concerns: jobs, homes, businesses (which must be interpreted as small businesses and concerns over jobs), health care, and education. References to elites are sometimes clearer, but often quite narrow. When attacking tax breaks for the rich, Obama focuses on "the wealthiest 2% of Americans".

In *The Audacity of Hope*, in the chapter "Opportunity," outlining Obama's views on increasing inequality and possible solutions, he also sketched his views on class relations. The class struggle that is described roughly opposes the wealthiest 5% of the population who benefitted from the Bush administration's tax cuts to the rest of the American population, referred to either as "ordinary Americans," "American families," or "American workers."[182] The population becomes more clearly defined when he promises absolutely no tax raises for families with incomes up to $250,000 a year. Moreover, in the 2009 SOTU he reminds the audience that the Recovery Act even "provides a tax cut—that's right, a tax cut—for 95% of working families."[183] The elites are further defined by denouncing big money interest:

> So we can't just sit back and do nothing while families are struggling. Because even before this recession hit, we had an economy that was working pretty well for the wealthiest Americans -- working pretty well for Wall Street bankers and big corporations -- but it wasn't working so well for everybody else.[184]

The elite, in addition to the wealthiest 2% of Americans, includes Wall Street bankers and big corporations, as well as undefined "special interests" and

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[181] Barack Obama, "Inaugural Address" (Capitol, Washington DC, January 20, 2009).

[182] Obama, *Audacity*, 183, 188–89.

[183] Barack Obama, "Address to Joint Session of Congress" (Capitol, Washington DC, February 24, 2009).

[184] Barack Obama, "Remarks by the President in Town Hall on Health Care, Belgrade, Montana" (Belgrade, Montana, August 14, 2009).

health insurance companies.[185] Although the elites are defined, the population remains somewhat elusive: "families" and "everybody else". Obama only direct-ly mentions the middle class. This is perfectly adapted, given that most Americans believe they are middle class and given the widespread opposition to welfare: "I'll be a president who ends the tax breaks for companies that ship our jobs overseas and put a middle-class tax cut into the pockets of working Americans who deserve it."[186]

Obama's class populism differs notably from the conservative racial populism: instead of pitting middle class taxpayers against undeserving poor, he creates an opposition with elites, here embodied in the companies harming the national economy through outsourcing. Obama's focus on the middle class is very strong:

> And that means providing a hand-up for middle-class families —- so that if they work hard and meet their responsibilities, they can afford to raise their children, and send them to college, see a doctor when they get sick, retire with dignity and respect. (Applause.)[187]

This focus on the middle class also becomes apparent through the social policy issues he focuses on. He speaks mainly about issues that are major concerns for the middle class, such as health care and good education. Especially regarding health care, Obama takes great pain to point out that it has become primarily a middle class problem, which perfectly corresponds to the conclusions drawn through the Misery Index or the Economic Insecurity Index:

> Now, when I was talking about this at that health care summit, some of you saw it -- I sat there for about seven hours; I know you guys watched the whole thing. (Laughter.) But some of these folks said, well, we just -- that's a nice idea but we just can't afford to do that. Look, I want everybody to understand -- the wealthiest among us can already buy the best insurance there is. The least well among us, the poorest among us, they get their health care through Medicaid. So it's the middle class, it's working people that are getting squeezed, and that's who we have to help, and we can afford to do it. (Applause.)[188]

In this passage Obama depicts a class system that corresponds to the rough vision most Americans share: the big and undefined bulk of the "middle class", slightly more defined as the "working people" are set apart from "the wealthy" and "the poor". This echoes Wysong *et al.*'s class model, in which the wealthy elite is set apart and out of reach in its smaller diamond, and that points the poor out as the excluded class.

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[185] Barack Obama, "Remarks by the President to a Joint Session of Congress on Health Care" (US Capitol, Washington DC, September 9, 2009).

[186]   Barack   Obama,   "Iowa   Caucus   Speech,"   January   3,   2008, http://www.nytimes.com/2008/01/03/us/politics/03obama-transcript.html.

[187] Barack Obama, "Remarks by the President on the Economy in Parma, Ohio" (Parma, Ohio, September 8, 2010), https://www.whitehouse.gov/the-press-office/2010/09/08/remarks-president-economy-parma-ohio.

[188] Barack Obama, "Remarks by the President on Health Care Reform in Strongsville, Ohio" (Strongsville, Ohio, March 15, 2010).

1.3. Increasing Inequality

Bartels shares this perspective on a changing class structure fuelled by increasing income inequalities. According to him, after World War II there was a rather egalitarian income growth for all income categories. Since 1974 the growth has been much slower and "a good deal less evenly distributed". Bartels bases his assessment on the comparison of the cumulative income growth[189] between the period 1947-74 and the period 1974-2005.
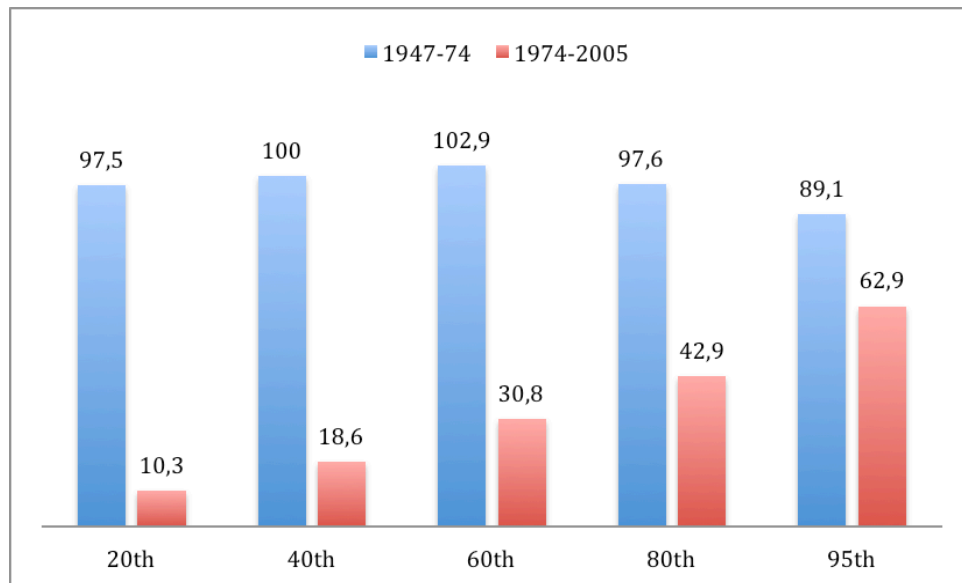
In percent.
Diagram 1 Cumulative Income Growth by Income Percentile for 1947-2005[190]

The distribution very strikingly shows that from a rather even income distribution, favoring the middle segment of the income percentiles, the income distribution has moved to a sharply slanted income growth distribution, heavily tilted in favor of the highest percentiles. Although growth has diminished for all income percentiles, the slow-down is much more marked for the lowest income percentiles. Bartels insists on the significant income gains for the "ultra-rich" as compared to the merely affluent after 1985, and refers to the study by Thomas Picketty on the gains of the hyper-rich top 0.1% that made fivefold gains between 1981 and 2005. Their enrichment was constant from World War II onwards, but experienced a rapid escalation since 1980.[191]

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[189] The cumulative income is all the income growths of the percentile in question added to the income growth of the percentiles below. In other words, it refers to the combined income growth for all the percentiles up to the one in question. In the diagram here, the cumulating is calculated on the growth experienced by each percentile over the indicated period.

[190] Adapted from Bartels, *Unequal Democracy*, 9.

[191] Bartels, *Unequal Democracy,* 10.
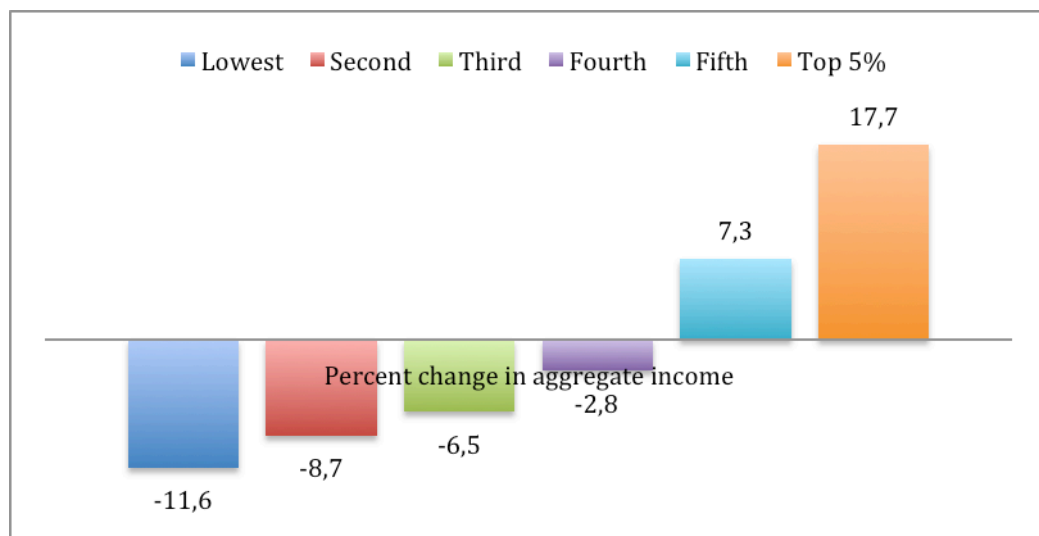
In percent. For the income quintiles.
Diagram 2 Change in share of Aggregate Income for Households: 1980-1992[192]
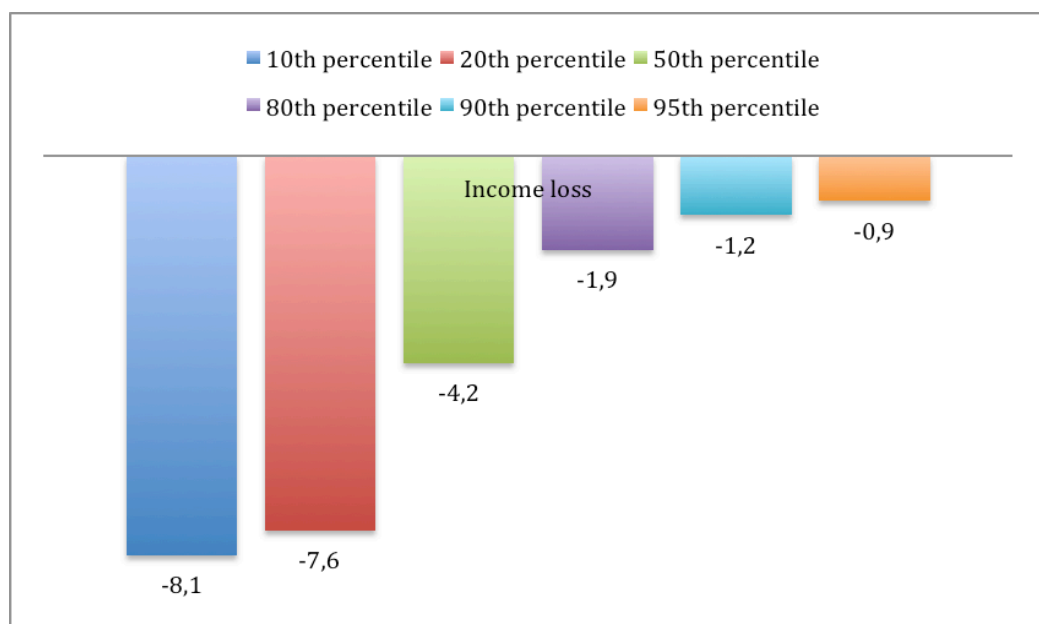
In percent. Change in average household income by income group, 2000-2008.
Diagram 3 Household Income Down from 2000 to 2008[193]

The US Census Bureau has also noted a change in income distribution with a constant loss of income shares for the lower income quintiles. For the period from 1967 to 1980, the opposite was the case, with a 7.5% gain of shares for the lowest quintile and a loss of 9.7% for the top 5% of incomes.[194] Smith

[192] Arthur F. Jones Jr. and Daniel H. Weinberg, "The Changing Shape of the Nation's Income Distribution 1947-1998," Consumer Income (Census Bureau/US Department of Commerce, June 2000), 4.

[193] Carolyn B. Maloney and Charles B. Schumer, "Income in America: Household Income Falls in 2008, Dropping Below 1998 Levels" (Washington DC: Congress Joint Economic Committee, September 11, 2009), 2.

[194] Jones Jr. and Weinberg 4.

concurs in defining the period from the mid-1940s to the mid-1970s as the era of middle class prosperity, and also agrees on defining the period starting in 1974 as the New Gilded Age.[195] In terms of income distribution, the following picture emerged in 2010:
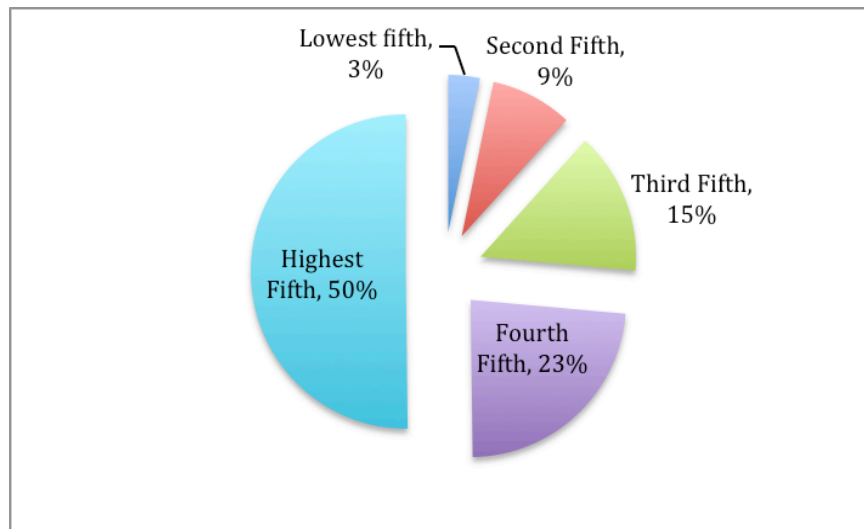
Diagram 4 Shares of Aggregate Income 2010[196]

In the highest quintile, 21.3% of the income was reaped by the top 5%. Economist Alan Krueger has described the wealth chasm between the stagnating middle class and the elites as "mind-boggling". According to his analysis, during the growth spurt from 2002 to 2007 the top 1% of the nation reaped 2/3 of the total economic gains. In 2010, the first year of the recovery, the top 1% captured 93% of the gains.[197]

Gilbert shares this assessment of shrinking inequalities between the 1950s and the 1960s, with a sharp increase in inequalities in the late 1970s and a particularly steep rise since the 1980s. Alongside a concentration of income and wealth at the top 1%, he notes an increase of full-time year-round male working poverty and that there has been no progress against poverty since the early 1970s, while the proportion of families with incomes above $100,000 is growing steadily. Gilbert highlights some important changes: Since the 1970s, with the post-industrial society, it has become nearly impossible for a high school graduate to support a family, or themselves, for that matter. He points to a growing inequality between all categories, but especially steep inequalities between high school and college education. According to him, "in an era of growing inequality, the less educated, the less skilled, and the less experienced have been the biggest relative losers."[198] Gilbert echoes the observations that Wilson and Oliver and Shapiro have made regarding the black 'underclass.'

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[195] Smith, *Who Stole the American Dream?*, xv; Bartels, *Unequal Democracy*.
[196] Carmen De Navas-Walt, Bernadette D. Proctor, and Jessica C. Smith, "Income, Poverty, and Health Insurance Coverage in the United States: 2010," Household Economic Studies, Current Population Reports/Consumer Income (Census Bureau/US Department of Commerce, September 2011), 11. The top 5% situated within the highest quintile, got 21.3% of the aggregate income.
[197] Quoted in Smith, *Who Stole the American Dream?*, xv.
[198] Gilbert 16, 64.

From this observation of economic inequality along class lines, two points emerge. First, the conclusion that the concentration of wealth is counterproductive for the economy[199] and that the trickle-down/supply-side economic model obviously does not trickle down, but only works upwards. Second, according to Bartels, this inequality is accepted because of the promise of mobility that lies at the heart of the American Dream that is strongly coupled to the idea of equality of opportunity.[200] Hochschild insists on the nearly unanimous endorsement of the American Dream in the US and the fierce belief in equality of opportunity as opposed to equality of outcome.[201] McCall concurs in this opinion, but her analysis focuses on the American public favoring opportunity over redistribution, and more specifically the lacking association between redistribution and the expansion of opportunity as well as economic growth.[202]

A set of explanations is offered to clarify the dynamic features influencing and shaping this class system. Wysong *et al.* focus on mechanisms that allow the mobilization of the resources of the wealthy "to facilitate via corporate and governmental policies the upward redistribution of income and wealth to the most affluent classes", that in turn serves to maintain a caste-like class system. According to them, "the perpetuation and legitimation of our unequal class system [is achieved] by several conventional social institutions, including federal and state governments, large corporations, the corporate media, and the culture industry."[203] Gilbert's explanations are less hinged on class warfare. He evokes economic restructuring, globalization and especially the outsourcing of unskilled manufacturing labor, technological changes and automation taking a heavy toll on unskilled and low-educated workers. He also points to weakened wage-setting institutions through the decline of the unions and the erosion of the minimum wage through inflation (the federal law did not provide for adjustment). Lastly he points to the deregulation of the American economy as another possible explanation.[204]

It is most likely that multiple causes are coming together. However, Gilbert largely agrees with Bartels on the effects of government policies tilted towards the rich as being a primordial factor of increasing inequalities. Gilbert's analysis of the effect of tax policies shows that the income inequality trends since the 1970s are further exacerbated by the tax code: the top tax rate on personal income has decreased from 77% to 28%. Corporate and inheritance taxes, especially for the wealthy, were reduced, whereas payroll taxes were increased, hitting working people hardest. The only counterbalancing measure was the Earned Income Tax Credit (EITC, enacted in 1975). Although overall tax rates have decreased for everybody, the drop was most generous for the rich, particularly for the top 1%.[205]

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[199] Smith, *Who Stole the American Dream?*, xvi.

[200] Bartels, *Unequal Democracy*, 15.

[201] Hochschild, *Facing Up to the American Dream*, 55. For a more detailed discussion of the American Dream and Obama's use of it, see 3.2.1 "The Dream Smells Like Peppermint but Tastes Like Strawberry Shortcake:" the Conservative Responsibility Discourse and 3.4.6. "In No Other Country on Earth Is My Story Even Possible:" the American Dream.

[202] McCall 9.

[203] Wysong *et al. 2*.

[204] Gilbert 64, 82.

[205] Gilbert 95.

McCarty *et al.* offer an explanation that closely resembles the previous ones. Their central thesis, however, is that immigration is a major factor of increasing income inequalities, through the influx of cheap labor. It must be noted that their view about the middle class is less pessimistic; they mainly note income stagnation for low wages, thus lending more credibility to the immigrant hypothesis.[206] According to them, economic inequalities lead to political polarization. The wealthy have captured the Republican Party to enact policies to reduce redistribution, as was the case with the major tax breaks in favor of the rich under Ronald Reagan, G. H. W. Bush, and G. W. Bush. They also point to Republicans' obstructionist tactics when in the minority to prevent changes from the status quo. "In other words, polarization in the context of American political institutions now means that the political process cannot be used to redress inequality that may arise from nonpolitical changes in technology, lifestyle, and compensation practices."[207] McCarty *et al.* published this conclusion in 2006. This highly divided and polarized political context will be discussed in detail in Part 2, especially to demonstrate how conservatives have managed to create a division along racial lines in order to prevent an alliance based on common class interests. However, since 2006, Barack Obama has proved that even in a highly polarized context it is possible to create redistributional legislation. Nonetheless, the 2006 conclusion, partly informed by president Bill Clinton's failure to achieve progressive redistributional reform, helps highlight the difficulty of the task and shows the place, although not openly admitted, of class in American politics.

1.3.1. Race Akin to Class

Talking about race remains very delicate because of the social and political implications of the issue. The following part will show, based on data from the US government, how race impacts a social and economic reality. By doing this, I do not intend to deny that tremendous racial progress has been made. I would be wrong to imply that the Civil Rights have had little effect. But it would be equally wrong to downplay the persisting economic and social gaps along racial lines. My focus here is only on social and economic inequalities, I therefore chose not to engage in discussing persisting political inequalities in this part.

In 1993, Cornel West stressed the racial progress that has been made since the passage of the Civil Rights Act in 1964:

> Racial progress is undeniable in America. Never before we have had such a colorful menagerie of professionals in business, education, politics, sports, and the labor movement. Glass ceilings have been pierced—not smashed—by extraordinary persons of color. Overt forms of discrimination have been attacked and forced to become more covert.[208]

West is very clear that progress has been made, but he is equally lucid that many inequalities remain and that the progress is a limited one. He insists on

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[206] McCarty, Poole, and Rosenthal 1–2.
[207] McCarty, Poole, and Rosenthal 3.
[208] West xvi.

the fact that the glass ceiling has not been completely removed and that discrimination takes a more "covert" form. Especially considering individual successes, it is necessary to examine broad social and economic trends to be able to reveal the ongoing impact of the race factor. Winant assesses racial progress as having been too limited and hence discards the idea of a post-racial America because of the many lingering effects and reproduction of structures and conditions. He points out the gap between current racial rhetoric and the actual "racial experience and social organization".[209]

Bobo argues that ongoing, and even unconscious, prejudice works to reinforce and maintain racial inequalities through its impact on hiring practices and residential segregation and thus constitutes "the modern reproduction of systematic racial inequality".[210] Anderson shares this assessment and denounces the impact of the still very high residential segregation: "It unjustly deprives blacks of access to jobs, public goods, consumer goods and services, and financial, social, cultural, and human capital."[211] Bonilla-Silva's diagnosis of black racial reality is equally unforgiving. He points out the still very high residential segregation, the blatantly unequal education, a social life that is still characterized by persistent discrimination, unequal treatment, and even exclusion. Blacks remain the group with the least intermarriage. Bonilla-Silva considers that there has not been a major *structural* [emphasis added] change since Jim Crow.[212]

It is beyond the scope of this work to make a thorough investigation of the causes of these inequalities. I merely wish to point out that all those causes are interrelated, creating a "lack of desirable human capital" as sociologist Melvin L. Oliver and political scientist Thomas M. Shapiro[213] call it, and maintaining blacks at the bottom of the socio-economic hierarchy.

African-Americans only represent 12% of the total population, but are concentrated at the receiving end of all major social and economic inequalities. Between 2009 and 2013, 27.1% of the black population had experienced poverty status over the past twelve months, compared to only 10.6% of the white population over the same period.

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[209] Winant 684, 679.
[210] Bobo, "Reclaiming a Du Boisian Perspective on Racial Attitudes," 196–97.
[211] Anderson, *The Imperative of Integration*, 112.
[212] Bonilla-Silva, *Racism without Racists*, 32–38.
[213] Oliver and Shapiro 39.
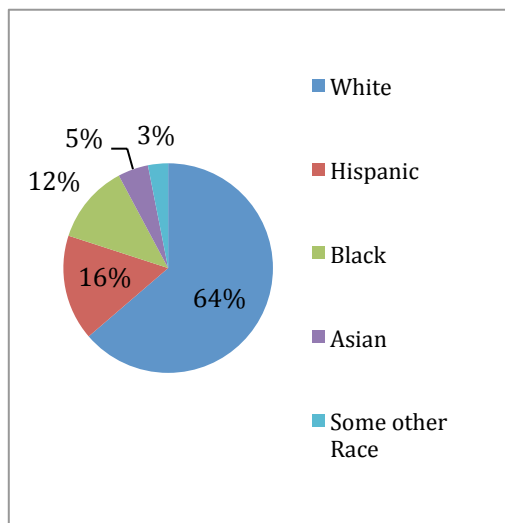
Diagram 5 Population by Race, 2010[214]
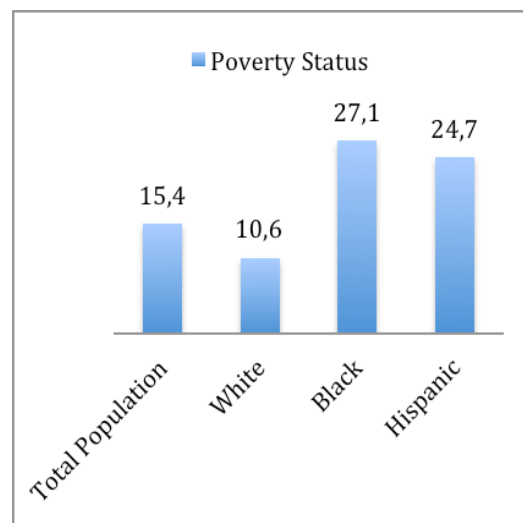
Diagram 6 Poverty Status by Race, 2009-2013[215]

A similar picture of structural inequality emerges when looking at poverty in detail. Black poverty is deeper and direr than for other populations. Within all levels of poverty, blacks experience higher rates of poverty, especially at the lowest level, the under 50% of Federal Poverty Level. The Federal Poverty Level (FPL) for a single person under age 65 was $11,344 (annual revenue).[216] The black poverty rate at this level is more than double than for the total population, and nearly three times higher than for whites.
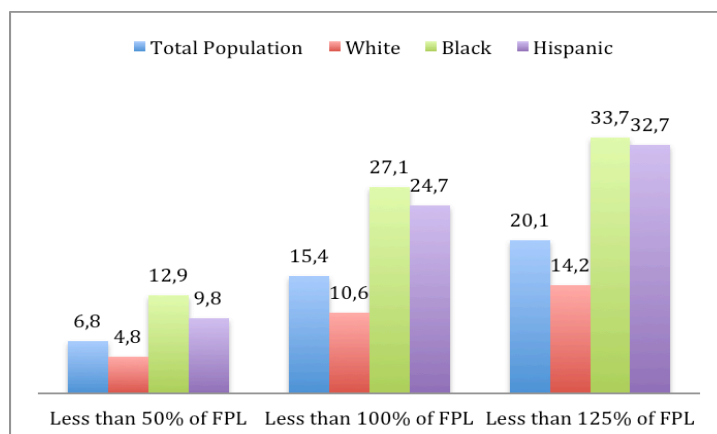
Diagram 7 Level of Poverty by Race, 2009-2013[217]

The same picture appears when looking at the income of all social categories. Blacks have consistently lower incomes than the rest of the population. The black population concentration exceeds the white population and the total

[214]Adapted from "Selected Population Characteristics" (Census Bureau, 2010), http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_11_1YR_S0201&prodType=table.

[215] "Poverty Status in the Past 12 Months 2009-2013," American Survey 5-Year Estimates (Census Bureau/FactFinder, n.d.), accessed January 19, 2015.

[216] Census Bureau. Consulted 7 Feb. 2016. https://www.census.gov/hhes/www/**poverty**/data/threshld/thresh10.xls

[217] Adapted from "Poverty Status in the Past 12 Months 2009-2013."

population for incomes under $49,999. This trend is reversed for incomes over $50,000, thus giving a macro-perspective of the socio-economic stratification along racial lines. This picture is developed further through the median and mean income.[218] The median income for black households (with $35,195) was far below that of whites (with $54,999) or of the total population (with $51,914). The mean income was $47,945 for blacks, $74,765 for whites, and $70,883 for the total population.

Diagram 8 Income and Benefits by Race, 2010 [219]

Income must be further broken down, because major differences exist in the composition of the income. Several government benefits are included in income calculations.
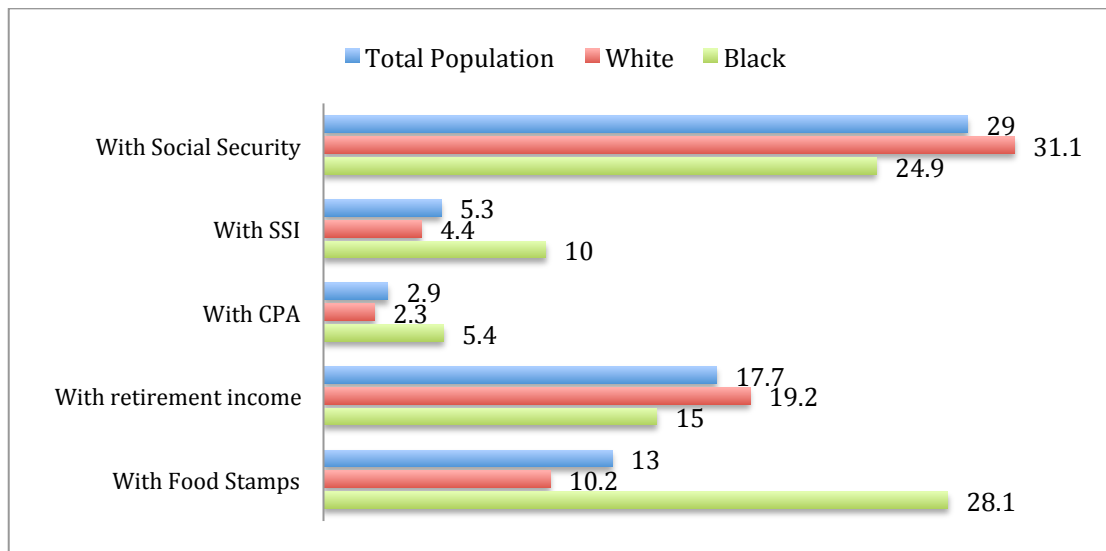
Diagram 9 Income Composition by Race in Percent 2010[220]

[218] The median income is the amount that divides all incomes in two equal halves. Half the households have incomes above this level, half below. The mean income is the average income: all incomes are added together and then divided by the number of households. The median income allows for a better rendering of inequalities and concentration of poverty.
[219] Adapted from "Selected Economic Characteristics," 2006-2010 American Community Survey Selection (Census Bureau/FactFinder, October 5, 2011).

When looking at income details, it appears that black incomes depend heavily on government help that is associated with welfare. White incomes rely more heavily on "earned" supplements such as Social Security or retirement funds. But not only the proportions vary, the amounts do too. The mean incomes of the different categories are consistently lower for blacks than for whites.
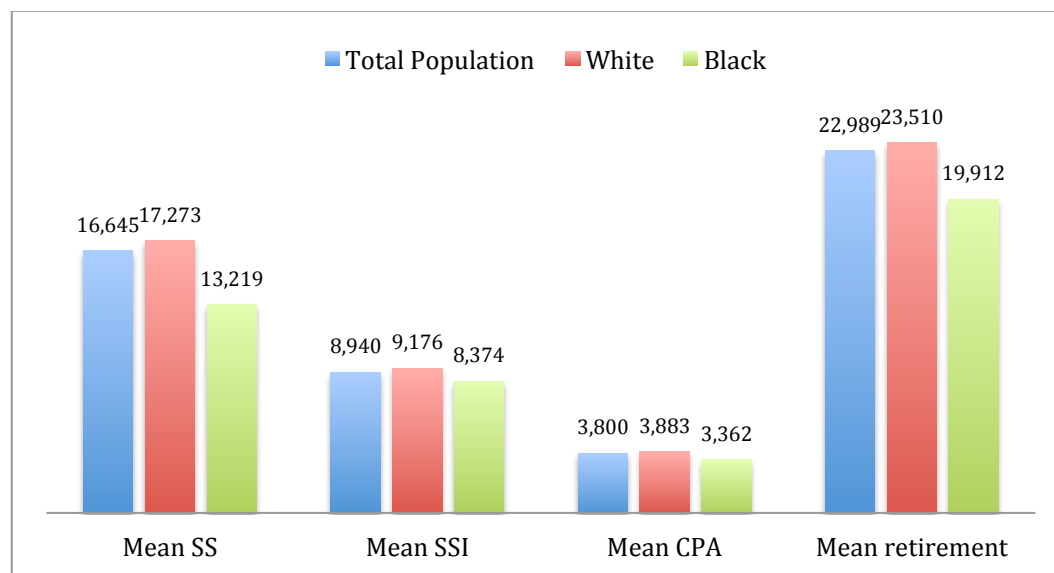
Diagram 10 Mean Additional Incomes by Race[221]

Although already reflecting stark inequalities, income inequalities only show part of the picture. Oliver and Shapiro point out that measuring income does not show the effect of past discrimination. They prefer to look instead at wealth in order to establish a more reliable account of entrenched inequalities. The measure of wealth takes into account income, net worth, and net financial assets.[222] Oliver and Shapiro argue that:

> The disadvantaged status of contemporary African-Americans cannot be divorced from the historical processes that undergird racial inequality. The past has a living effect on the present. We argue that the best indicator of this sedimentation of racial inequality is wealth. Wealth is one indicator of material disparity that captures the historical legacy of low wages, personal and organizational discrimination, and institutionalized racism. The low levels of wealth accumulation evidenced by current generations of black Americans best represent the position of blacks in the stratificational order of American society.[223]

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[220] Adapted from "Employment Status of the Civilian Population by Race, Sex, and Age 2014-2015," Economics News Release (Bureau of Labor Statistics, May 8, 2015). SSI: Supplemental Security Income for low-income people over 65, the blind, or the disabled. CPA: Cash Public Assistance: benefits under TANF.

[221] Adapted from "Unemployment Rates by Race and Ethnicity, 1975-2010" (Bureau of Labor Statistics, October 5, 2011), https://www.bls.gov/opub/ted/2011/ted_20111005_data.htm. In 2011 dollars.

[222] Oliver and Shapiro 70-1.

[223] Oliver and Shapiro 52.

Indeed, assets are usually accumulated over generations and are strongly influenced by family wealth. The authors point, among others, to the role of inheritance in social status. For example, if a family wishes to buy their first home, financial aid from their parents can help to make a first down payment and help secure a better loan. The same intergenerational money flux is at play for higher education. Financial help from parents and grandparents help to reduce (or avoid altogether) exiting college with very high student loans to pay back. This in turn helps to start a faster accumulation of assets.[224]

When looking at the median net worth of households, a deep inequality emerges. The net worth of a household equals the assets minus the debts. Median means that the same number of households are situated above and below this value.
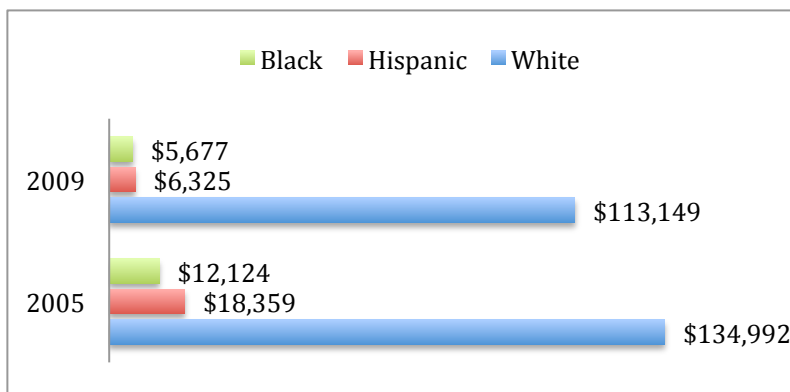
Diagram 11 Median Net Worth of Households 2005 and 2009[225]

The extent of inequality becomes quite striking. Moreover, the tremendous differences in losses during the economic crisis of 2008 show that discriminatory practices must have been at play. Reed points out practices of predatory lending targeted at minorities.[226] This seems to be confirmed by the fact that during the subprime crisis Hispanics and blacks lost respectively 66% and 53% of their net worth, compared with only 16% for whites. According to PEW, wealth ratios have hit a new record: the difference in median net worth was a ratio of 19 between whites and blacks, and 15 between whites and Hispanics in 2009, the highest since 1984, when those ratios were 12 and 8 respectively.[227]

Oliver and Shapiro conducted a study based on the 1987 SIPP (Survey of Income and Program Participation) data and showed the deep impact of asset inequality in surviving in case of income loss. Only 25.3% of all white households had no or a negative net financial asset, compared with 60.9% of all black households. This means that those households have no financial cushion to fall back on in case of job loss, but face a high probability of being engulfed by debts. 38.1% of white households had net financial assets for survival at poverty level for less than three months, compared with 78.9% of black households. For

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[224] Oliver and Shapiro 83, 154–59; Conley 13–14.
[225] Adapted from Paul Taylor *et al.*, "Twenty-to-One: Wealth Gaps Rise to Record Highs Between Whites, Blacks, and Hispanics," Social and Demographic Trends (Washington DC: Pew Research Center, July 26, 2011), 2.
[226] Reed 200.
[227] Taylor *et al.* 2–3.

six months, it was 43.2% for whites compared with 83.1% for blacks. This means that 56.8% of white households compared with 16.9% of black households could survive for more than 6 months at poverty level in case of income loss. Blacks also face greater risk to lose their middle-class status: only 27% of black middle-class households had enough savings to maintain their present standard of living, compared with 65% of white households. 55% had enough savings to maintain their standard of living for at least three months.[228] I do not have the means to conduct the same analysis based on 2010 figures, but in their new edition of 2006, Oliver and Shapiro saw the initial trends confirmed. The fact that the asset ratio between whites and blacks increased from a ratio of 10 in 1988 to a ratio of 19 in 2009[229] only indicates that the inequalities uncovered by Oliver and Shapiro also have increased.

These inequalities mirror inequalities at the housing level. The contrast is very stark. Not only is the percentage of owned houses lower for minorities; the percentage of rented lodgings is actually higher than the percentage of owned property, as the following diagram shows.
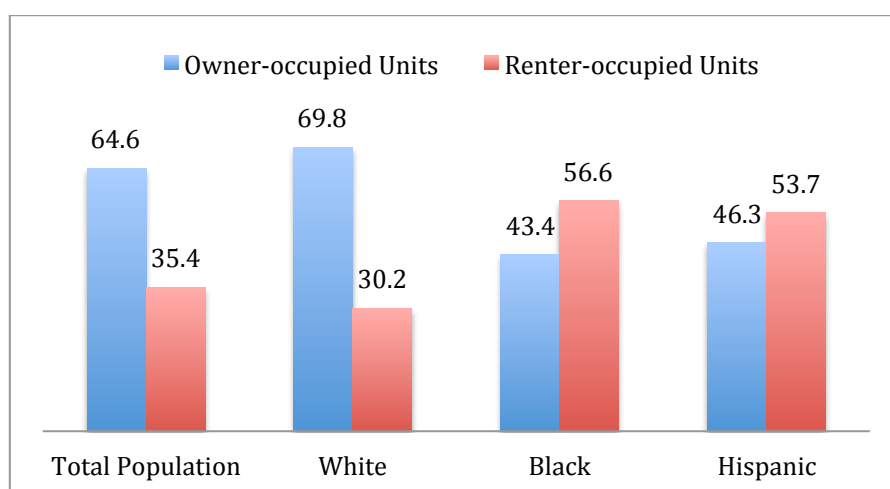
Diagram 12 Occupation of Housing Units by Race, in Percent, 2010[230]

In addition, marked differences exist between blacks and whites regarding type of work. Blacks rely more heavily on government employment and manage less often to start their own business. Although the percentage is very small for the overall workforce, only half as many blacks are unpaid family workers, showing that blacks are less able to forego an additional income. This is reflected by findings in the study conducted by Oliver and Shapiro suggesting that blacks rely more heavily on two full-time incomes to reach middle-class status.[231]

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[228] Oliver and Shapiro 89, 99.

[229] Taylor *et al.* 3.

[230] "American Community Survey" (Census Bureau/FactFinder, 2011), http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_11_1YR_S2502&prodType=table.

[231] Oliver and Shapiro 98.
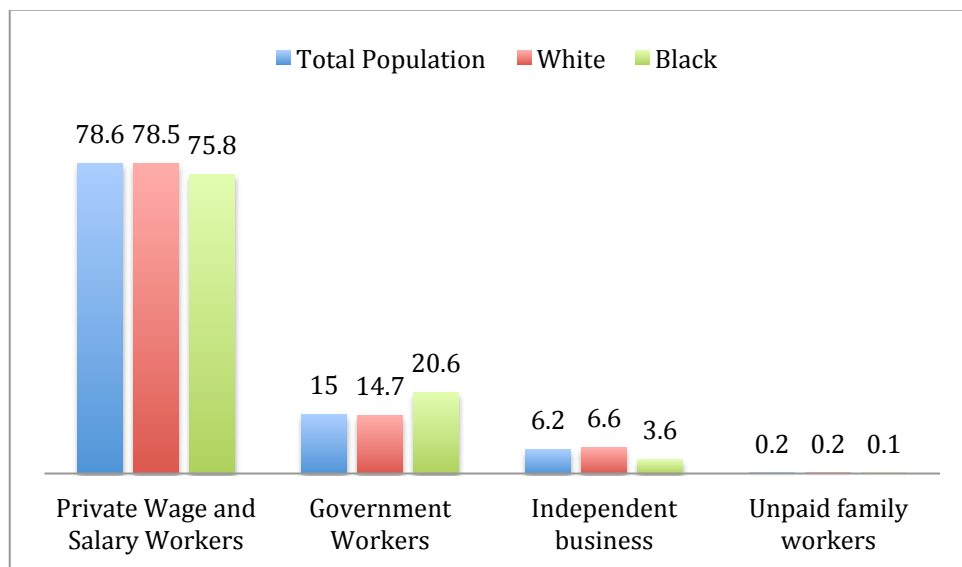
Diagram 13 Class of Workers by Race in Percent, 2010[232]

Differences also occur at the occupational level, particularly at the highest level. In the category of "Management, business, science, and arts occupations" there is a difference of 9.5% between blacks and whites. These 9.5% of blacks who did not manage to secure a job in this category are found in excess compared to whites in the service category.
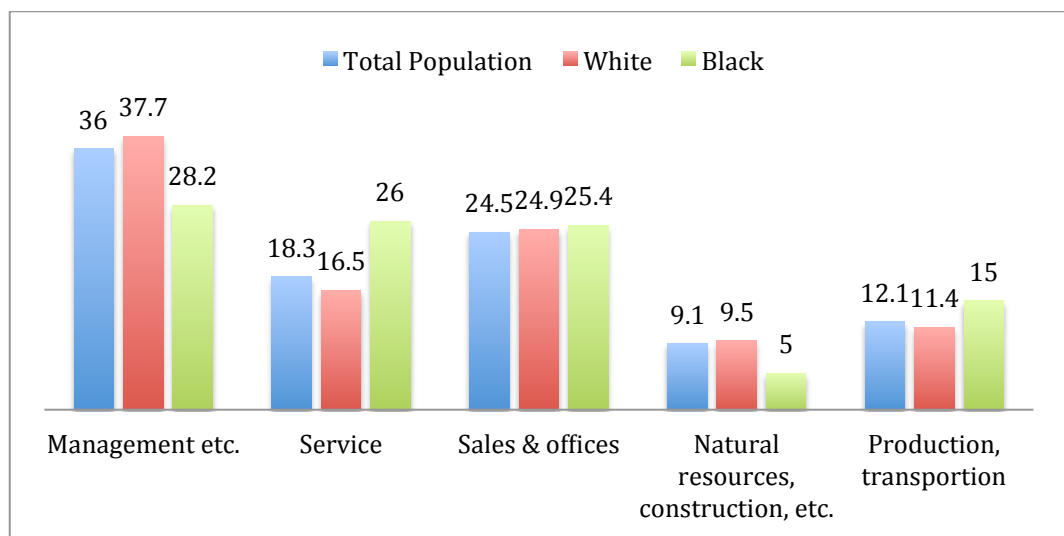
Diagram 14 Occupational Categories by Race in Percent, 2010[233]

The lower participation in the workforce is, among other factors, influenced by the notoriously high incarceration rate of African-Americans. The rate for black males was 3.25 times higher than that of the total population, and 6.7 times higher than the incarceration rates for white males in 2010.

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[232] Adapted from Bureau of Labor Statistics. Civilian employed population over 16 years old.
[233] Adapted from Bureau of Labor Statistics.
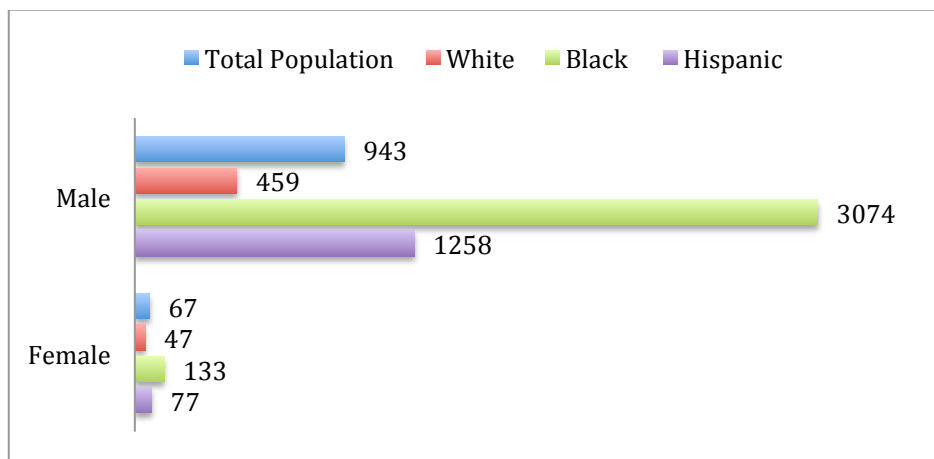
Diagram 15 Incarceration Rates by Race and Sex 2010[234]

In other words, although blacks represent only 12% of the population, in 2014 they represented 37.4% of the prison population, as compared to 59.2% of whites in the prison population (for 64% of the total population).[235] Legal researcher Michelle Alexander explains that this resulted from Reagan's and Clinton's tough legislation on drugs that massively increased the prison population. She also noted sharp racial inequalities. According to her, at the beginning of the 21st century, in many states, up to 90% of people incarcerated for drug offenses were black or Hispanic. These high incarceration rates have problematic political and economic consequences, as people can lose their right to vote, but also become ineligible for TANF and food stamps, be no longer eligible for public housing, federal education assistance, and encounter problems when searching employment.[236]

Future job prospects are further complicated through differences in educational attainment, which are partly due to the socio-economic situation of the parents.

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[234] Adapted from Paul Guerino, Paige M. Harrison, and William J. Sabol, "Prisoners in 2010" (US Department of Justice/Bureau of Justice Statistics, December 2011), 26. Estimated number of prisoners under state and federal jurisdiction per 100,000 US residents.
[235] "Incarceration Rates by Race 2014" (Federal Bureau of Prisons, 2014), www.bop.gov/about/statistics/statistics_inmate_race.jsp.
[236] Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2011), 57–58.
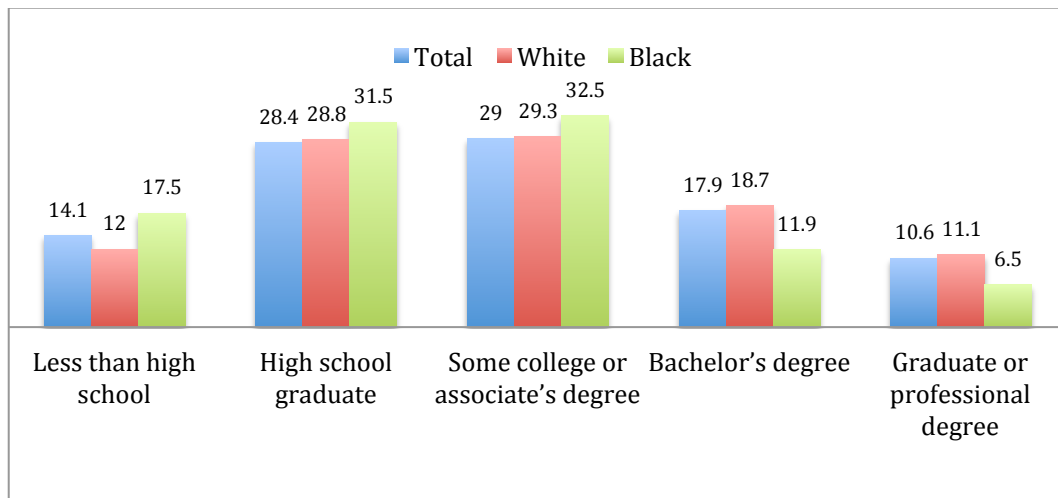
Blacks outpace whites only at the lowest educational levels and lag behind especially at levels of completed and longer university educations. The health situation of blacks will be exposed in detail later.[238]

Despite race being a social construct, it has direct and real consequences on people's lives. The 'race' construct has been, and still is, used as a means of social subordination, thus giving the notion of 'race' a very substantial and sizeable reality, that manifests itself in the very structure and hierarchy of society. This subordinating use and the ensuing hierarchical social structure makes race alone an insufficient analytical tool. The structuring effect of race means that class has to be taken into account as well.

1.3.2. The Truth is in the Barbershop: Community vs. Population

The increasing importance of class in the black population has widely been noted. However, it appears that the black community is often very reluctant to talk about the social and economic reality and tries to maintain an appearance towards mainstream society as a monolithic block. One must distinguish, however, between social and economic differentiation within the community and a more solid political ideological block based on racial solidarity. Based on previously undertaken research and some political events and incidents, I will try to show this conflicting dynamic and try to explain the terminology that should apply to the different situations.

When E. Franklin Frazier first published his sociological study of the black middle class under the title *Bourgeoisie noire* in France in 1955, a controversy and debate started within the black community. For the first time, the black middle class were seeing themselves from the "outside". Different reasons fuelled the discontent: Frazier was accused of revealing "intimate" things to whites, expos-

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[237] Adapted from "Selected Population Characteristics," 2011 American Community Survey Selection (Census Bureau/FactFinder, September 28, 2012).
[238] See 1.4.3. Why Health Care Reform?

ing the community's private life. Frazier openly discussed the lack of assets of the black middle class and thus destroyed the myth circulating at that time about their purchasing power through which they had tried to gain some economic leverage. Moreover, Frazier pointed out the self-delusion of the black middle class in the 1950s. If the foreign reactions were positive toward the book and welcomed the self-analysis and self-criticism of the black community, the reactions in the US were more negative. White Americans reacted with anger and heavily criticized the validity of the methodology and the analysis. In the preface to the 1970 American edition, Frazier explained that he thought that this reaction stemmed from the fact that his analysis belied the social and economic progress of the black population, i.e. that it showed the lasting effects of slavery and segregation. Moreover, Frazier insisted on the psychological effects of slavery and showed the ongoing outsider position of blacks in US society since Emancipation. In Frazier's opinion, the truth about the economic and social reality of the black population was a liability for US foreign relations for the African stage of the Cold War conflict. The black working class greeted the book because they had the impression that the book attacked "upper class" blacks. After a while the outrage started to fade and the book became seen as a good contribution, as something making the black situation and difficulties more widely understood within the rest of society.[239]

William Julius Wilson's 1978 book, *The Declining Significance of Race: Blacks and Changing American Institutions,* was met with similar anger. It must be admitted that the title is quite provocative, but it seems that at some point critics almost deliberately misunderstood Wilson. His pointing out that class and selected economic issues had become more salient than race in addressing the problems of the black population was heavily criticized by the black intelligentsia.[240] According to Andrew Diamond, many black academics belonged to the first generation of African-American studies that were still in continuity with the civil rights struggle and viewed their studies through the prism of race. Moreover, critics read in Wilson's book the same "culture of poverty" blaming as they saw in the Moynihan Report.[241] This interpretation, however, does not hold after a close reading of the book. Wilson's main argument is that because of undeniable class differentiation within the black community, racial policies that focus mainly on civil rights or rights of access (such as affirmative action) are ill adapted to the current needs of the black population. The core idea is to argue for more and more specific redistributional policies, in short, to be more efficient and truly helpful.

Much of the criticism of the Moynihan report was spurred by a partial reading of the publication, and preceding leaks. The report (original title: *The Negro Family: The Case for National Action*) was published in 1965 at the request of President Johnson to have a working base for social programs. In a 2009 reevaluation of the Moynihan report, Wilson showed how many of the controversial statements had been taken out of context. Wilson insists that Moynihan's

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[239] E. Franklin Frazier, *Black Bourgeoisie*, 13th ed. (New York: Macmillan, 1957), 7–11.

[240] Edsall and Edsall 120.

[241] Andrew Diamond, "Against The Declining Significance of Race," *Transatlantica. Revue D'études Américaines. American Studies Journal*, no. 1 (2009).

concerns, particularly about black male joblessness, today find a strong echo among social scientists and even civil rights leaders.[242]

There is undeniably a certain reluctance to talk about issues concerning the black population that either conflict with political and social interests or seemingly make the population appear in a negative light and show that there are great differences within the black population. This, however, is difficult to avoid given the low socioeconomic status of a significant part of the black population. Moreover, the black population tends to present itself as an ideological block based on racial solidarity: the idea of the community.

Political scientist Melissa Harris-Lacewell conducted a study of the expression of black political and social thought. Her analysis shows that deep opinions, and especially opinions that are conflicting with the black doxa[243], are not easily expressed, and certainly not in a mainstream context. Harris-Lacewell terms these spaces for expression of black political thought and production of ideology the *counterpublic*. This counterpublic space can be anywhere, the church, the barbershop, or the kitchen table. According to her this counterpublic was created through racial separation and is based on Du Bois's description of black life occurring behind a veil. She insists, for example, on black conservatives denouncing their being silenced by the traditional leadership when saying that race is not the number one issue anymore. According to her "[t]hey are frustrated that their ideas will be silenced by a hegemonic black leadership that is not committed to offering ideological choices to African-Americans."[244] However, elections and governmental appointments have shown that mainstream politics give a space of expression to black conservatives. But this can lead, according to Manning Marable, to confusions between race and political ideology, as happened with the support for Supreme Court Justice Clarence Thomas. Marable insists on Thomas's anti-black political ideology (he is against welfare, against abortion, against affirmative action, and shows hostility toward black women). And thus his assessment of black middle class support for Thomas is very negative:

> Seldom has the black middle class so confused its actual material interests with the symbolic satisfaction of seeing one of their own appointed to high judicial office. The Thomas case is one of the rare instances in which the majority of the African-American community has supported the wrong person for the wrong position for the wrong reasons.[245]

Cornel West made a similar assessment of the Clarence Thomas case. In his opinion the community failed to denounce Thomas's mediocrity at the moment of his appointment to the Supreme Court and chose instead to close ranks on a fellow black, as was the case for Louis Farrakhan, who supported him for the sake of racial solidarity.[246]

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[242] William Julius Wilson, "Foreword: The Moynihan Report and Research on the Black Community," *The Annals of the American Academy of Political and Social Science* 621 (2009): 34–35.

[243] Doxa refers to common opinions and shared beliefs. Particularly in discourse the doxa is expressed in small terms that trigger a whole set of associations and shared notions about the term.

[244] Melissa Victoria Harris-Lacewell, *Barbershops, Bibles, and BET: Everyday Talk and Black Political Thought* (Princeton: Princeton University Press, 2004), xxi, 220.

[245] Marable, *Beyond Black and White*, 108.

[246] West 44.

Political scientist Alanna Hackshaw describes this ideological community as follows:

> A common history and shared collective memory of racial exclusion define the narrative of political incorporation of US-born African-Americans [the term African-American denotes individuals who identify their origins within the United States] and inform perceptions of this group's racial common fate [Common fate, also known as linked fate, is the belief that one's individual life chances are directly shaped by the fate of one's racial group in the larger society].[247]

Jennifer Hochschild also points out a strong group solidarity among blacks, including at an economic level.[248] However, Harris-Lacewell's analysis of counterpublic discourse shows that within the black population there is a different perception of this solidarity. Some segments of the black working class perceive a lack of racial solidarity along class lines. Some of them think that the middle class should subordinate their economic interests to the racial interests.[249] This difficult interaction of race and class within the black population is further highlighted by the difficulties people face when trying to define their social identity. Sociologist Karyn Lacy explains in her analysis of the black middle class that for the respondents of her study the salience of their class or race identity depended on the situation and that they often had difficulties distinguishing precisely between race and class discrimination.[250]

This serves to illustrate an important point: although the black population is clearly not a monolithic block with one socioeconomic situation and one single ideology, the expression of this reality is far from unproblematic. To try to makes this difference visible, I will use the term "black population" when referring to matters of socioeconomic differences, and use the term "community" when referring to the ideological entity that tries to appear as a united block toward mainstream society.

1.3.3. Black Social Classes

The class structure within the black population mirrors the structure of American society at large, with the slight difference that the black population is concentrated at the bottom of the class system. Oliver and Shapiro have shown that the black middle class status is a poorer one than the white middle class status. This is a reflection of both a historical and a structural reality: the whole black population having been excluded from the mainstream society and the highest occupations, this has led to the concentration of the black population at the lower rungs of the socioeconomic ladder, but also to a perception of upward mobility with a potentially lighter baggage than their white counterparts. Lacy describes this phenomenon:

> [...] historically, many occupations that are actually working-class positions were considered middle-class by the black community. Porters and postal clerks, for example, were widely perceived as veritable middle-class occupations. [...] These

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[247] Alana Hackshaw, "Black Ethnicity, Black Community, and Political Solidarity among African-Americans and Black Immigrants," *PS: Political Science and Politics* 39, no. 2 (April 1, 2006): 377.
[248] Hochschild, *Facing Up to the American Dream*, 129.
[249] Harris-Lacewell 188–190.
[250] Lacy, *Blue-Chip Black: Race, Class, and Status in the New Black Middle Class*, XIV–XV, 102.

blacks are actually what LeMasters terms "blue collar aristocrats" rather than members of the middle class.[251]

Already in 1955 Frazier pointed out the particularity of the black middle class and deliberately conducted a non-comparative study, choosing to highlight the peculiarities of the black middle class.[252]
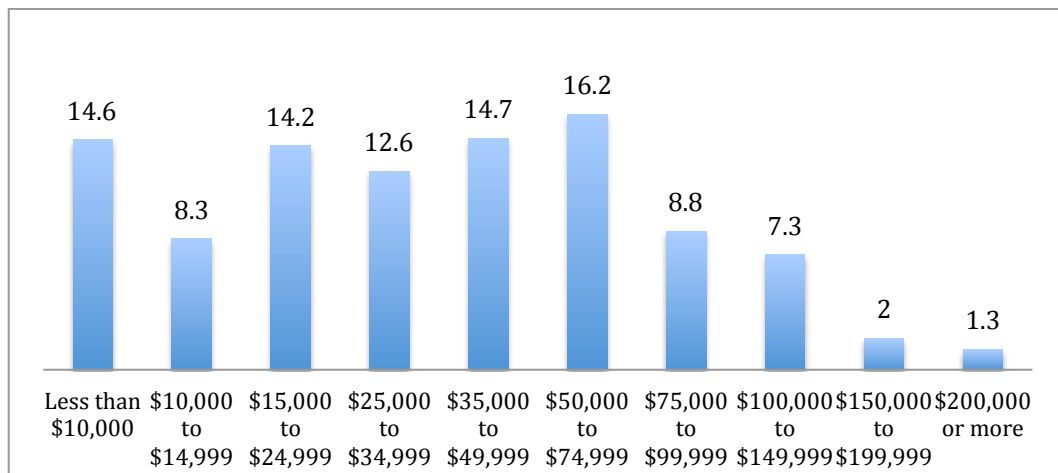
In percent.
Diagram 17 Income Distribution Black Population, 2010[253]

When looking at the incomes of the black population in 2010, it becomes apparent that there are indeed major class differences. It must be noted, however, that half of the black population would not qualify, or only barely so, as middle class: Smith's definition of the middle class starts at incomes of $30,000, and the lowest and the second quintile representing 50% of the black population, are below $35,000.
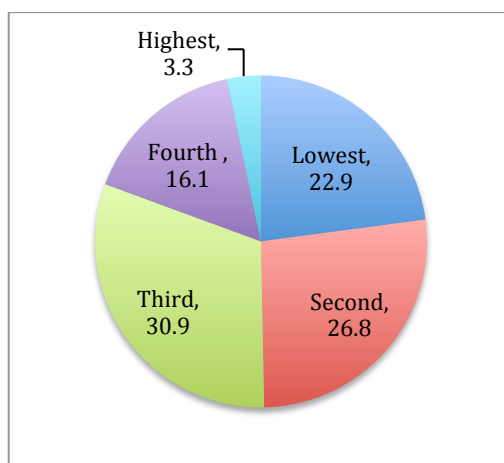
Diagram 18 Income Quintiles Black Population 2010[254]
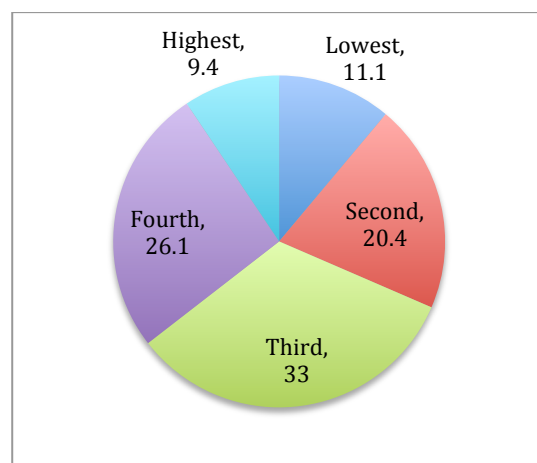
Diagram 19 Income Quintiles White Population 2010[255]

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[251] Lacy 37.

[252] Frazier 13–4.

[253] Adapted from US Census Bureau, "Income Distribution to $250,000 or More for Families," accessed January 18, 2017, http://www.census.gov/data/tables/time-series/demo/income-poverty/cps-finc/finc-07.html.

It has been shown above that it is very difficult in the US to define the middle class. Lacy points out the fact that this is even more difficult for the black population.[256] Oliver and Shapiro demonstrated that the black middle class was very distinct from the white middle class, not only due to differences in income, but also because of major differences in assets. Lacy makes a similar observation, but based more on their life experiences:

> "[...] despite appreciable differences in their income, occupation, and educational attainment, members of the black lower-middle class share a common daily experience that does not differ significantly from the experience of being a member of the black working class or the black [22] poor. At the same time, many existing studies report that the middle-class blacks and whites do not experience their middle-class status in the same way."

Lacy also confirms Oliver and Shapiro's assessment of the fragility of the black middle class, especially the lower middle class. According to her analysis, in 2000, 65% of the black middle class belonged to that category (with incomes between $30,0000 and $49,000). The rest of the black middle class closely resembles their white counterpart and is mainly composed of professionals (47% of the white middle class).[257] Just like Wilson, sociologist Elijah Anderson sees the black middle class as a product of affirmative action and equal opportunity programs, "supported by society's egalitarian ethos of tolerance for diversity and racial incorporation" and characterized by a "growth of human capital". Although he puts emphasis on the fact that the children mostly have a very diverse circle of friends, he also notes that the parents still face occasional hardship, have trouble fitting in at times, and still encounter racism.[258] This echoes Lacy's observations of middle class blacks having more trouble to make their class status known externally and facing everyday discrimination when not advertising their class status clearly enough. Lacy explains that the black middle class identity is created through two means: by marking class differences within the black population and by emphasizing areas of consensus with the white middle class.[259] A 2010 PEW poll showed that blacks see a growing values gap between the black poor and the black middle class, with 61% of blacks seeing an increasing difference (so do 54% of whites and 45% of Hispanics). Moreover, they also perceive a growing values convergence with the white population (54% of blacks, 72% of whites, and 60% of Hispanics).[260] This shows that the economic class differentiation based on income differences is accompanied by a social differentiation within the black population and an increasing assimilation into the white mainstream for the black middle class.

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[254] Adapted from Census.gov.

[255] Adapted from Census.gov.

[256] Lacy 33.

[257] Lacy 3.

[258] Elijah Anderson, "The Emerging Philadelphia African-American Class Structure," *Annals of the American Academy of Political and Social Science* 568 (2000): 65.

[259] Lacy 3, 21–1, 72, 75, 77.

[260] PEW, "Black Progress," 3.

In *The Audacity of Hope* Obama offers a description of his understanding of black class relations that mingles a perception of racial solidarity with a strong class differentiation within the population, especially regarding values. He also points out the difficulty of making society see your values and your class first, and only then your color:

> The truth is that such rising frustration with conditions in the inner city was hardly restricted to whites. In most black neighborhoods, law-abiding, hardworking residents have been demanding more aggressive police protection for years, since they are far more likely to be victims of crime. In private—around kitchen tables, in barbershops, and after church—black folks can often be heard bemoaning the eroding work ethic, inadequate parenting, and declining sexual mores with a fervor that would make the Heritage Foundation proud.
>
> In that sense, black attitudes regarding the sources of chronic poverty are far more conservative than black politics would care to admit. What you won't hear, though, are blacks using such terms as "predator" in describing a young gang member, or "'underclass'" in describing a mother on welfare—language that divides the world between those who are worthy of our concern and those who are not. For black Americans, such separation from the poor is never an option, and not just because the color of our skin—and the conclusions that the larger society draws from our color—makes all of us only as free, only as respected, as the least of us.[261]

Obama's understanding of black class relations matches largely the conclusions drawn by academic research. He also insisted on the negative impact of the 'underclass," which fuels negative stereotypes, on blacks of other social classes.

William Julius Wilson argues that the Civil Rights Act increased the class gap in the black population. He points out that the 1964 Civil Rights Act reflected more the needs of the black middle class, who were instrumental in the protests and the Civil Rights Movement, and who were under the illusion that it would serve the whole community. His interpretation of the 1960s ghetto riots is that they showed the dissatisfaction of the lower class blacks about the lack of economic opportunities and the problem of *de facto* segregation: both problems that were not addressed by civil rights legislation. Wilson's conclusion is that now class issues have become more relevant for the African-American population than race.[262] Political scientist Michael C. Dawson observed two parallel trends regarding black economic status: a persistent and sometimes growing gap between black and white, but also a class polarization within the black population.[263] This is confirmed by Gilbert's observation of an increased residential segregation according to class within the black population. He notes a greater income segregation among blacks than among whites, which increased by 50% between 1970 and 1990, with a slight drop in the 1990s.[264]

In a 2009 interview with April D. Ryan on the black radio AURN, Obama described his perception of the black class structure:

> You know, I think this continues to be the best of times and the worst of times. I mean, I think it's the best of times in the sense that never has there been more opportunity for African-Americans who have received a good education and are in a position then to walk through the doors that are opened. And, obviously, you and me sitting here in the Oval Office is a testament to that.

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[261] Obama, *Audacity*, 254–55.

[262] Wilson, *The Declining Significance of Race*, 21–2.

[263] Dawson, *Behind the Mule*, 39.

[264] Gilbert 125.

> I think it's the worst of times in the sense that unemployment and the lack of opportunity, particularly in some cities, has never been worse. I mean, you look at a city like Detroit where you used to have an enormous African-American middle class built on the auto industry—that city is in hard, hard times right now.[265]

Obama's description echoes the analysis made by sociologists and economists: for those who have the necessary skills to enter mainstream society, life is full of opportunity; the others are left behind and struggling because of their "lack of desirable human capital" as sociologists Melvin L. Oliver and Thomas M. Shapiro term it, which is particularly characteristic of the black lower classes.[266]

Only 3.3% of the black population are in the upper classes, only 1.3% of which make it to incomes of more than $200,000. This is especially striking compared with the 9.4% in the highest quintile for the white population, half of which are in the highest income category. This would correspond to Wysong's Credentialed Class, mainly composed of managers and CEO's of at least medium sized enterprises. This small upper class reflects the lower business participation of African-Americans. Black businesses account only for 9.4 percent of the number of all firms in the US, which is lower than their population proportion of 12%. It must also be noted that although their business share is higher than the Asian share, their turnover is lower than the Asian turnover.
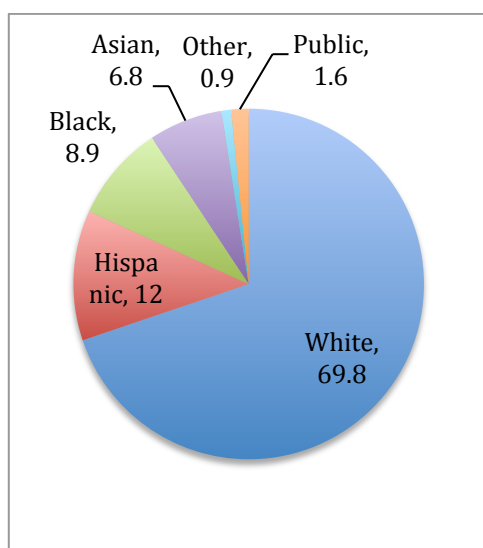
In percent of firms.
Race defined by race of 51% of the shareholders.
Diagram 20 Businesses by Race of Owner 2012[267]
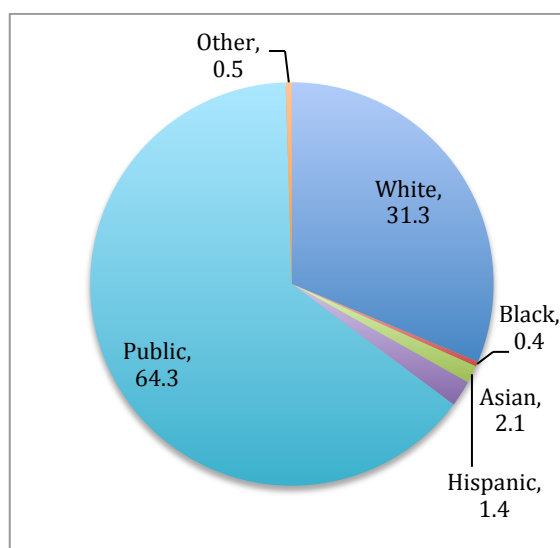
In percent. The total value for 2012 was $33,536,848,821,000.
Diagram 21 Sales, Receipts, or Value of Shipments of Firms With or Without Paid Employees[268]

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[265] April D. Ryan, "Interview With President Barack Obama for AURN," *Huffington Post*, December 22, 2009, http://www.huffingtonpost.com/april-d-ryan/interview-with-president_b_400142.html
[266] Oliver and Shapiro 39.
[267] Adapted from: "Businesses by Race and Sex of Owner 2012," Survey of Business Owners (Census Bureau, December 15, 2015), http://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t.
[268] Adapted from "Businesses by Race and Sex of Owner 2012."

Moreover, most African-American businesses do not have paid employees: only 4.2% of all black businesses have such employees compared with 8.6% of Hispanic businesses, with 21.7% of white businesses or even 25.2% of Asian businesses.[269] Following this trend, black businesses also represent the smallest payroll share.
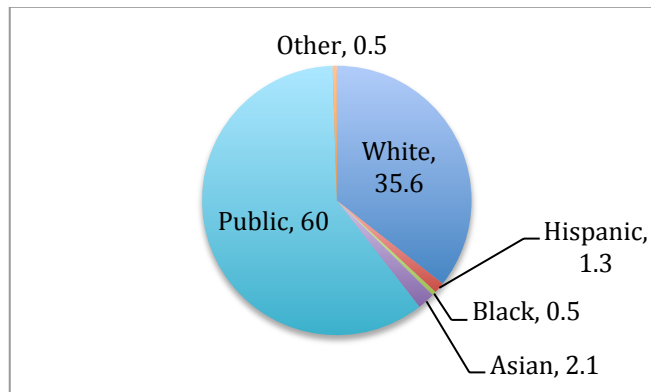
In percent. The total payroll was $5,236,446,058,000 in 2012.
Diagram 22 Shares of Payroll by Race of Firm Owner 2012[270]

However, they not only have the smallest payroll share, their payroll ratio is also the weakest: this ratio was 0.84 for white businesses, but only 0.62 for black businesses (Asian ratio 0.67, public 1.16). This is consistent with the generally lower incomes of African-Americans.

The disproportionate concentration of the black population on the lower rungs of the economic ladder becomes very obvious on the pie chart (Income quintiles diagram 9 and 10). Whereas the white population is rather evenly distributed over 3 big income segments (low, middle, and upper class, with admittedly big inequalities in real income distribution), the black population, however, is very clearly concentrated at the bottom: 49.7% of the black population are in the lowest two quintiles (compared with 31.5% of the white population), meaning they have incomes under $35,000 and do not qualify as middle class, or just barely so (12.6% have incomes between $25,000 and $34,999, so for the sake of simplicity let us assume that roughly half of them would be in the over $30,000 category and would qualify for the lower middle class). Hence a major part of the black population must be considered working poor, although within this quintile, sharp distinctions must be made. Only part of it corresponds to the working poor, which is distinct from the 'underclass.' Wilson's observations of a growing 'underclass' since the 1970s are linked with changes in the economy and the white flight to the suburbs, coupled with a growing teenage population in the inner city neighborhoods (ghetto). The inner city does not suffer from race competition, but from a lack of jobs, especially for unskilled labor, which in turn leads to increasing reliance on welfare and increasing crime rates. Wilson noted the high proportion of low wage jobs that were paid below living standards, thus not solving the welfare dependency.[271] Sociologist Linda Darling-Hammond points out the relationship between low education achievements, especially for high school dropouts, and high unemployment. According

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[269] Calculated from "Businesses by Race and Sex of Owner 2012."

[270] Adapted from "Businesses by Race and Sex of Owner 2012."

[271] Wilson, *The Declining Significance of Race*, 92, 98, 106–8.

to her, these are directly related to the growing 'underclass.'[272] This echoes Oliver and Shapiro's assessment of the "lack of desirable human capital" that characterizes the 'underclass.' Jones describes the emergence of the 'underclass' as follows:

> By the 1980s or so middle-class white Americans had identified a supposedly postmodern phenomenon, a Northern urban black "'underclass'" located with an otherwise "classless" (or exclusively "middle class") society. "Underclass" was but one more term used to label and objectify people believed to be morally dissolute and criminally inclined [...].[273]

Economists Isabel Sawhill and Erol Ricketts chiefly characterize members of the 'underclass' by what they define as their dysfunctional behavior and thus differentiate them from the working poor.[274] Jones's description of the 'underclass' phenomenon highlights two facts: the fact that the 'underclass' is seen as being outside the society and the fact that the 'underclass' is strongly associated with negative values. Hence, the working poor's desire to differentiate themselves from the 'underclass.' This differentiation cannot always be made through physical distance, i.e. living in a different neighborhood, hence this difference is expressed through values, such as responsibility and a strong work commitment, to set them apart from the 'underclass.' Elijah Anderson insists on this problem, explaining that the black working class suffers from the troubles associated with the 'underclass' and thus puts great importance on decency, work ethics, and church attendance, for example.[275] Harris-Lacewell has noted that slightly better off blacks tended to blame the 'underclass' for their pathological behavior[276] and impute that part of the not getting ahead to a lack of taking responsibility for oneself. In 2010, 53% of blacks thought that lack of responsibility was a greater cause for "not getting ahead" than discrimination (53% for responsibility and 30% for discrimination).[277] The important point here is that the 'underclass' is indeed characterized by its persistent and concentrated poverty.[278] Hochschild points out that this high rate of passing on of low economic status is principally linked to the deleterious conditions in the ghettos.[279]

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[272] Linda Darling-Hammond, "Third Annual Brown Lecture in Education Research: The Flat Earth and Education: How America's Commitment to Equity Will Determine Our Future," *Educational Researcher* 36 (2007): 322.

[273] Jones, *The Dispossessed*, 9.

[274] Erol R. Ricketts and Isabel V. Sawhill, "Defining and Measuring the Underclass," *Journal of Policy Analysis and Management* 7, no. 2 (1988): 317.

[275] Anderson, "The Emerging Philadelphia African-American Class Structure," 67–69.

[276] Harris-Lacewell 198.

[277] PEW, "Black Progress," 5. The issue of responsibility will be discussed in 3.2 Responsibility Discourse and Debate.

[278] Jones, *The Dispossessed*, 270.

[279] Hochschild, *Facing Up to the American Dream,* 46–47. The passing on of socioeconomic status will be discussed in Part 1.4.2 "In the Race to the Top it Helps to Start there:" Built-in Inequality, Class, Education, and Meritocracy.

1.4. "To Be a Poor Man is Hard, but to Be a Poor Race in a Land of Dollars is the Very Bottom of Hardships:"[280] the Intersection of Race and Class

1.4.1. Structural Dimension

There is a harsh debate about the class approach among academics and activists. Gilbert, for example, highlights the general lack of focus on the class factor in political analysis.[281] More importantly, many think that a class approach obliterates the specificity of race and racism.[282] Academics point toward considerable inequalities between whites and blacks within the same class, as sociologist David Theo Goldberg explains through examples such as inequalities in employment opportunity. According to his point of view

> [...] the notion of the 'underclass' explicitly erases the exclusionary experience of racism from social science analysis while silently enthroning the demeaning impact of race-based insinuations and considerations. It distinguishes the especially impoverished from the ordinary poor while aggregating together those whose conditions of experience in various ways—in terms of race, gender, and class—may be quite different.[283]

Although Goldberg particularly insisted on the notion of 'underclass," explicitly attacking Wilson's conclusions, the same observations must be made about all other classes. Oliver and Shapiro conducted a detailed demonstration of the greater fragility and generally lower middle class status of blacks and Lacy showed that race and racism remain everyday experiences for blacks. There is indeed a color line within the class system. This economic color line also became quite visible after the Great Recession. Even without insisting on predatory lending targeted at blacks and Hispanics, the tremendous losses of these groups (53% and 66% respectively), show the greater structural vulnerability of minorities, and thus clearly establish economic outlooks shaped by race. Elizabeth Anderson, in her book *The Imperative of Integration* (2010), makes a plea for race policies such as affirmative action and a greater development of such an approach based on a moral philosophical analysis of the question. Her explanations are basically the same as those used in the 1960s to initially justify affirmative action, with the difference that her demonstration shows that the reasoning is still valid in 2010, since the structural inequality has not changed and is still due to past and present discrimination.

The key point that emerges from the debate over race versus class is that it is impossible to dissociate the two. As has become apparent with the respective presentations of the race and the class issues there are structural analogies between them. The same growing class inequalities observed in overall American

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[280] Du Bois, *The Souls of Black Folk*, 12.
[281] Gilbert 200.
[282] See for example Wise 23–24.
[283] Goldberg 241.

society apply to the black population, since the removal of formal and official barriers of legal discrimination. However, the fact that racism, institutional and otherwise, has created a social order based on domination over non-white people, (and this also at an economic level), means that structurally, the black population is concentrated at the lower rungs of the socioeconomic ladder, making race an issue that keeps its salience, whereas the increasing class differentiation makes it impossible not to take class into account.

This intersection between race and class has long been noted. Du Bois started very early to discuss the double-burden of race and economic subordination:

> For the first time he [the African-American] sought to analyze the burden he bore upon his back, that dead-weight of social degradation partially masked behind a half-named Negro problem. He felt his poverty; without a cent, without a home, without land, tools, or savings, he had entered into competition with rich, landed, skilled neighbors. To be a poor man is hard, but to be a poor race in a land of dollars is the very bottom of hardships.[284]

In 1939, in his work *Race Relations and the Race Problem: a Definition and an Analysis* co-authored with Edgar T. Thompson, sociologist and co-founder of the Chicago school of Sociology Robert E. Park, made a similar observation of a social order established along fixed racial lines corresponding to social classes,[285] thus showing the intersection of race and class. Myrdal's caste concept to describe the racial order in the USA highlights this historically structural dimension: "When we say that Negroes form a lower caste in America, we mean that they are subject to certain disabilities solely because they are "Negroes" in the rigid American definition and not because they are poor and ill-educated."[286] This formal and fixed oppression described by Myrdal, in which race trumped class for the assignment of social positions, was transformed by the 1964 Civil Rights Act. According to Conley, this was the moment when the type of oppression changed and became primarily economic and thus a class issue. He goes so far as to say that nowadays race often functions as "a stand-in for that dirty word of American society: class."[287] Manza and Brooks show that class and race are the strongest structural factors (as compared to religion and gender) in shaping a person's outlooks.[288] Feagin makes a detailed demonstration of the racialized class history of the United States, showing how throughout American history racial divisions have functioned to weaken and prevent class alliances, especially during the 19th and early 20th century. Moreover, Feagin argues that the maintenance of blacks at the bottom of society functioned to quench white working class unrest: with blacks beneath them, they could "feel better" about their own situation and "often inadequate economic conditions."[289]

The concentration of minorities at the lowest rungs of the social ladder allows for a certain swapping between the categories of race and class. During her

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[284] Du Bois, *The Souls of Black Folk*, 12.

[285] Robert E. Park, "The Nature of Race Relations," in *Theories of Race and Racism: A Reader*, ed. Les Back and John Solomos, 2nd ed. (London, UK: Routledge, 2009), 167.

[286] Myrdal, *An American Dilemma*, 2:669.

[287] Conley 1, 8.

[288] Jeff Manza and Clem Brooks, *Social Cleavages and Political Change: Voter Alignments and Political Change* (New York: Oxford University Press, 1999), 35.

[289] Feagin 51.

research on black working women, Jacqueline Jones noted that there was a major convergence of values and experiences, regardless of race, among poor people, leading her to further investigations of the subject of poverty for both blacks and whites, and ultimately to the conclusion that "[p]overty abides no line drawn by color or culture." However, Jones also noted that there was an intrinsic link between race and class since the middle class and public policy makers insist on defining social problems in racial terms, for example, the 'underclass' is identified as black. She admits that blacks face a heightened vulnerability, but she also shows that poverty is more concentrated among rural whites from the South than among urban blacks in the North. These, however, are the absolute numbers, blacks are disproportionately hit by poverty, which explains in part the heightened attention to that group and the general identification of poverty with black faces.[290] Sociologist Oliver C. Cox gave a historical explanation in 1948 of race as a convenient element to justify exploitation and declared that "[...] racial antagonism is essentially political-class conflict."[291] Wilson reached the same conclusion in 1978: according to him, both race and class are needed to give a satisfactory explanation of the conditions of the black population.[292] Dawson shares a similar interpretation of a link between race and class:

> a third dimension of the racial order [the other two dimensions are: white-nonwhite, then foreigner-insider] is one's racialized economic status. Individuals and groups that are not economically successful are considered deficient. In this racial context, economic failure is seen at least in part due to the pathologies of the struggling group and, in the minds of too many American citizens, also as a result of innate racial inferiority.[293]

However, it must be noted that Dawson's interpretation of the race-class link differs slightly, inasmuch as his vision does not highlight the systemic oppression that created a social order with intermingled race and class lines, but rather highlights how negative racial images function to justify the socioeconomic order that resulted from systematic racial oppression. Conley also sees race and class as intrinsically linked: "In contemporary America, race and property are intimately linked and form the nexus for the persistence of black-white inequality."[294]

Among black politicians and activists, the economic dimension of the race issue has long been emphasized. During the 1963 March on Washington, John Lewis, then chairman of SNCC, initially wanted to protest the civil rights bill and criticized it for its lack of focus on economic issues. He pointed out that "[w]e need a bill that will provide for the homeless and starving people of this nation."[295] A little later, Martin Luther King Jr. picked up the same idea and turned to economic issues in his final years, for example with the Poor People's March on Washington. He summarized the problem very bluntly: "What good

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[290] Jones, *The Dispossessed*, ix, 1, 1–2, 5, 269–70.

[291] Oliver C. Cox, "Race Relations: Its Meaning, Beginning, and Progress," in *Theories of Race and Racism: A Reader*, ed. Les Back and John Solomos, 2nd ed. (London, UK: Routledge, 2009), 77.

[292] Wilson, *The Declining Significance of Race*, ix.

[293] Dawson, *Not in Our Lifetimes*, 142.

[294] Conley 5.

[295] John Lewis, "Speech Given at the March on Washington," August 28, 1963.

is it to be allowed to eat in a restaurant if you can't afford a hamburger?"[296] The Moynihan report, requested in 1965, showed that there was a governmental awareness about racial inequalities. Moreover, President Johnson's wish to address these inequalities with social policies highlighted the economic dimensions of the race issue, and thus shows that it is also a class issue. The economic dimension of the race issue became more obvious during that period because the civil rights legislation ending segregation in the southern states had little or no impact on the *de facto* segregation in the North and the dire economic conditions there. Many scholars, like political scientist David O. Sears, agree in saying that the riots in Watts in the summer of 1965 were an expression of the deep dissatisfaction with the political situation in the North.[297] Schuman *et al.* see the riots in Watts as a turning point when it became apparent for the population that their condition would not be improved by civil rights legislation alone. According to them, Watts constituted a turn for the agenda.[298] This strong economic agenda is also apparent, for example, in the Ten Point Black Panther Party Platform of 1966. Although showing a very strong black nationalist orientation, the platform has a very strong economic dimension and is heavily influenced by Marxist thought. Marxist influence is apparent in the thought of some black scholars, such as Cox, again showing the relevance of class in racial questions.

The intertwining of race and class can be found at a legislative level as well. Affirmative action, although presented as a race policy and often cited as the emblematic multicultural policy, reflects the overlapping problematic of race and class: although branded a race policy and not targeting underlying economic problems, the program seeks to achieve social upward mobility, and through this it shows the intimate link between race and class. Moreover, political scientist Robert C. Lieberman demonstrated the impact of social policy on racial inequality. By examining the structural impact of social policy on different racial populations, Lieberman shows that minorities have been excluded from many an opportunity for upward social mobility.[299] The most interesting aspect of this demonstration is that this exclusion did not work openly, as it was the case under Jim Crow laws for example, and was not restricted to the South. Lieberman shows that Social Security, at its beginning and until 1950, worked as a racially exclusive program, because it excluded farmworkers and domestic servants.[300] Historian Michael B. Katz estimates that this excluded up to 2/3 of the black population from Social Security benefits.[301] A similar picture emerges with Aid to Families with Dependent Children (AFDC), now TANF (Temporary Assistance to Needy Families enacted in 1996). Initially a program to help white widows care for their children, the program was rapidly discredited and

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[296] MLK quoted in Wilson 138.

[297] David O. Sears, "Black Attitudes toward the Political System in the Aftermath of the Watts Insurrection," *Midwest Journal of Political Science* 13, no. 4 (November 1, 1969): 518, 543.

[298] Schuman *et al.* 31–32. Cornel West made a similar interpretation of the 1991 riots following the beating of Rodney King in Los Angeles. According to West, race was only a catalyst with another underlying cause of "economic decline, cultural decay, and political lethargy". West 4.

[299] Lieberman, *Shaping Race Policy*, 3–4.

[300] Lieberman, *Shifting the Color Line*, 5–6.

[301] Michael B. Katz, *In the Shadow of the Poorhouse: A Social History of Welfare in America*, 10th ed. (New York: Basic Books, 1996), 252.

came under attack when black mothers started to swell the AFDC rolls in the 1950s and 1960s. AFDC benefits peaked in the 1970s and have since then steadily declined, whilst at the same time the number of black enrollees has increased.[302] Political scientist Francis Fukuyama chronicles this negative representation of social programs identified as black programs.[303] Hedrick Smith has noted that the filibuster tactics that were used in the 1950s and 1960s on civil rights issues are applied more and more to economic issues today, for example in the form of a "Phantom Filibuster", meaning that in the case where a 60 vote majority is not present the threat of a filibuster is enough and the bill is deemed dead.[304] This shows that the issue of social stratification has moved from a purely racial outlook to a more economically based form. This demonstration of black exclusion from social policy benefits shows two features: the first is that race and class are inextricably intermingled, since a part of the population was excluded from the benefits of policies that helped the white middle class to emerge. The second feature is, as Lieberman concludes, if indeed the race problem is also a class problem, the same political solutions can be applied to both and must not necessarily take the form of race policies.

This strong class dimension, however, does not mean that the race issue can be discarded from social policy. Sociologist and race theorist Howard Winant highlights the persisting structural impact of race:

> At the social structural level, the macro-social level, we must recognize again, a century after Du Bois, that we still live in an unfolding racial history, in which racial dynamics are linked to the struggle for democracy, for a socially just distribution of resources, and for the overcoming, if not of capitalism itself, at least of the wretched, cruel, and despotic excesses of capitalism. *Racism is a variety of despotism.* When we contemplate race and racism as global or national structures, we are immediately struck by the extent to which they still stratify national societies and the social world as a whole. Yet we cannot operate effectively, we cannot think effectively, if we deny the significance of the racial transformations of recent decades.[305]

The race factor has indeed an ongoing economic significance that makes the minority economic situation a more fragile one. The Great Recession following the 2008 crisis had a stronger impact on minorities, be it because of the greater structural weakness due to the effects of past discrimination or through the effects of present discrimination in the form of loan refusals, predatory lending, or ongoing housing segregation and its negative impact on minority real estate value, or employment practices that result in blacks being the last hired and the first to be fired, thus creating a distinct racial economic hardship. Dawson noted a similar trend for the recession in 1981-2 that hit African-Americans particularly severely, while the recovery in the mid-1980s did not include this population.[306] Although the general hardship of the decade from 2000 to 2010 has been put forward, as well as the general decline of the middle class in the US, once again the recession has been particularly hard on minori-

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[302] Joel F. Handler and Yeheskel Hasenfeld, *Blame Welfare, Ignore Poverty and Inequality* (New york: Cambridge University Press, 2007), 2; Lieberman, *Shaping Race Policy*, 2–3.
[303] Francis Fukuyama, *America at the Crossroads: Democracy, Power, and the Neoconservative Legacy* (New Haven: Yale University Press, 2006), 20.
[304] Smith, *Who Stole the American Dream?,* 312.
[305] Winant 686.
[306] Dawson, *Behind the Mule*, 135.

ties.[307] The income losses experienced by the population between 2000 and 2008 hit everybody, but racial minorities experienced the greatest losses.
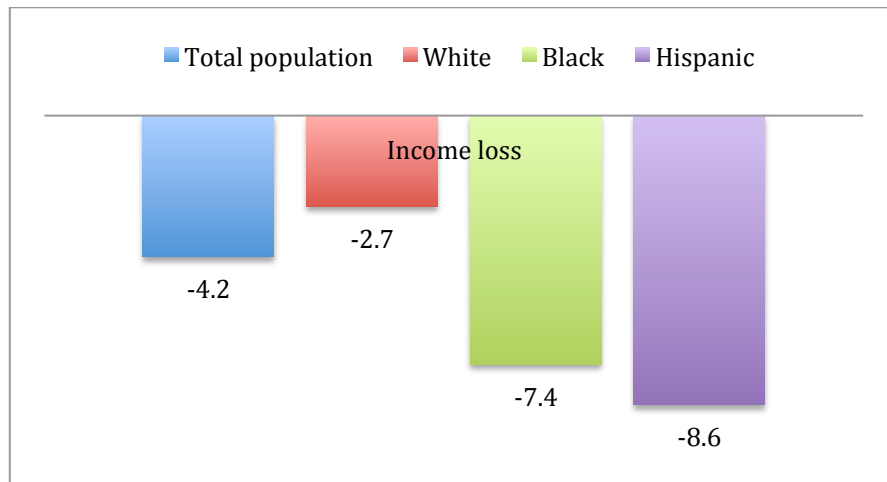
In percent. Change in real median household income.
Diagram 23 Change in Household Incomes by Race, 2000-2008[308]

Although the economic dimension of race issues is undeniable, so is the racial dimension of economic issues. Only by dealing with both at the same time can a satisfactory solution be arrived at.

1.4.2. "In the Race to the Top it Helps to Start there:"[309]
Built-in Inequality, Class, Education, and Meritocracy

The reason why neither race nor class can be discarded as analytical paradigms is that US race relations are constructed around built-in inequality. By this I mean that US society was constructed so as to give whites an economic, social, and cultural superiority and advantage, things that were achieved through the subordination of the non-white populations. Winant points out that the US is constructed as an Anglo-white male society, where non-whites are perceived as a threat. [310] Critical race theorist and professor of law Kimberlé Crenshaw insists that this system "subordinated the life chances of blacks to those of whites on almost every level", with more "symbolic" subordination like segregated facilities that were often tightly linked to material subordination (lower wages for the same work, housing segregation, impact of poorer living conditions and health care on shortened life span). The symbolic subordination of denied access translated in most cases into economic subordination through lower quality facilities, restricted job access, and restricted union participation.[311]

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[307] "Fewer, Poorer, Gloomier: The Lost Decade of the Middle Class" (Pew Research Center, August 22, 2012).
[308] Adapted from Maloney and Schumer 2.
[309] Gilbert 138.
[310] Winant 681.
[311] Crenshaw, "Race, Reform, and Retrenchment," 619.

However this subordination, which created a disadvantage for people of color is only one side of the medal. Political scientist Ira Katznelson, in his work *When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth-Century America*, demonstrates how throughout American history social policies were intentionally shaped for an unequal outcome along racial lines, thus contributing to the unfair advantage for whites. [312] Those two proceedings coupled together, unfair exclusion of one group topped by an unfair additional advantage for the other group ended up creating a wide gap between the two populations. Both together can be designated as institutional racism (according to Feagin's definition of racism as the use of race to justify subordination) but here government institutions exert it. Institutional racism strongly echoes Lieberman's structural racism, but carries a more intentional dimension than the latter. Reed insists on the nefarious effects of this form of racism:

> Institutional racism is more important because its effects are widespread. While individual-level racism affects a modest number of individuals, a racist institutional policy can systematically disadvantage many members of a racial group, and the consequences can have effects over many years. [313]

These long-term effects of institutional racism explain some of the inequalities that have been exposed above. This institutionalized racism held the black population back exactly at the same time as when the white population moved massively toward middle class status fuelled by a welfare state that largely excluded minorities. But institutional racism is just one aspect of this inequality. Bonilla-Silva shows a second side to this racial structure: a racialized social system (i.e. white supremacy) based on systemic privileges awarded to whites. According to him this is present in all European or European-affected societies and has a global effect. He defines it as follows: "[...] a society's racial structure is the totality of the social relations and practices that reinforce white privilege." Most importantly, this racial structure is not overcome yet, because people want to maintain their privileges, even unconsciously. This leads the dominant group to develop rationalizations to explain the subordinate status of others. [314] The concept of meritocracy is one of these rationalizations. In my understanding, Meritocracy is strongly linked to the concept of cultural racism and behavioralist explanations for racial inequalities and thus, in a larger extent, to the discourse of personal responsibility, as well as to the tricky question about the different interpretations of equal opportunity. [315] The concept of meritocracy is also strongly linked to the American Dream, the success any American can reach through hard work and which is deserved because of personal striving. Hochschild explains the role of the American Dream in accounting for racial inequality:

> By submerging structural reasons for failure—racial or gender discrimination, the unequal division of economic and social capital, the simple lack of jobs—under individual explanations for failure, the dream contributes to ensuring that some cannot succeed. But that very submerging makes it appear that the reasons for

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[312] Katznelson, *When Affirmative Action Was White*, 17.
[313] Reed 198.
[314] Bonilla-Silva, *Racism without Racists*, 9.
[315] For a more detailed discussion, see 1.5.3. Equal Opportunity.

> failure really *are* individual, and thus subject to conquest by any one individual, or even all individuals.[316]

Crenshaw concurs in this interpretation and denounces "the myth of equal opportunity" that justifies class inequalities. In her opinion "[r]acism, combined with equal opportunity mythology, provides rationalization for racial oppression, making it difficult for whites to see the black situation as illegitimate or unnecessary." This is based on whites' erroneous belief in a "fair and impartial" market that allows viewing economic competition as ruled by merit.[317] The core idea of meritocracy is that your socioeconomic status reflects your merit, the hard work one puts in to reach this status. This, of course, works only if the society and the economy are defined by equal opportunity. By positing equal opportunity as existing simply through antidiscrimination law and the Civil Rights Act of 1964 and not acknowledging the unfairness of the system, the failure of an important segment of the population results in a racist belief in racial cultural inferiority because they are at the bottom of the economy. Acknowledging the unfairness of the system, however, is difficult because it challenges the norms and values of the concept of success of the dominant segment of the population, meaning that success is not the result of one's own virtue, but of, amongst other things, an unfair advantage.

Part of this unfair advantage revolves around education. Education is one of the factors that have a high impact on socioeconomic status with a strong correlation between educational attainment and income.

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[316] Hochschild, *Facing Up to the American Dream,* 218.
[317] Crenshaw, "Race, Reform, and Retrenchment," 621.
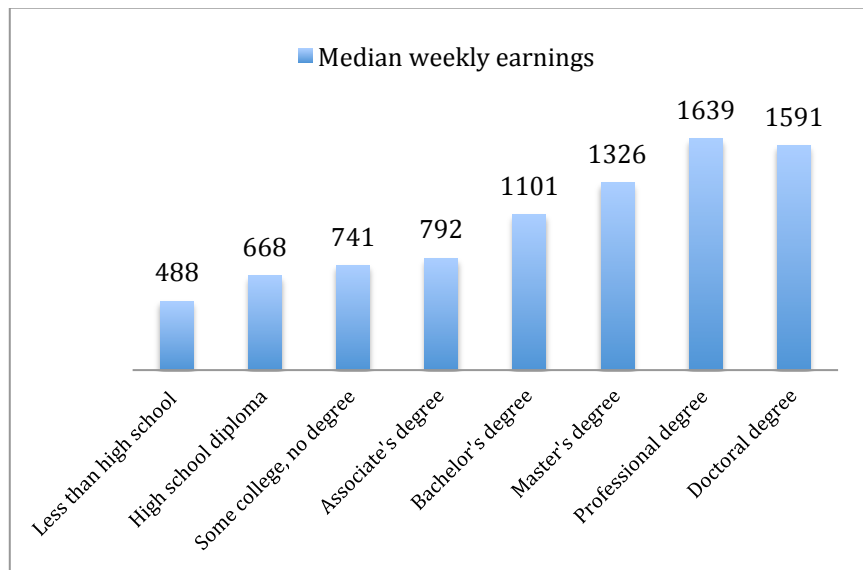
In 2014 dollars. For full time wage and salary workers. Median income all workers: $839.
Diagram 24 Median Weekly Earnings by Educational Attainment, 2014[318]
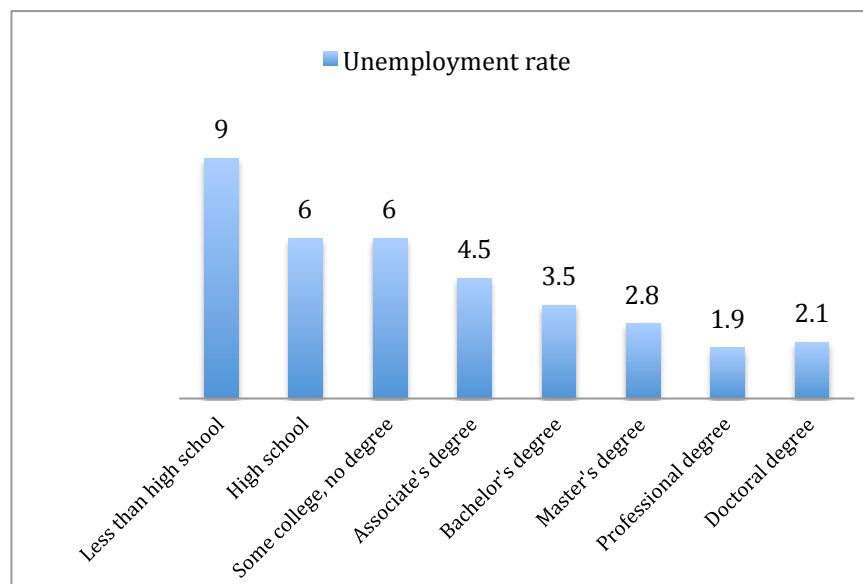
In percent. All workers 5%.
Diagram 25 Unemployment Rate by Educational Attainment, 2014[319]

The Bureau of Labor Statistics' data show the strong correlation between educational attainment and income, but also the impact of education on unemployment and thus ultimately the relation between education and upward social mobility. To the extent that income is strongly linked to educational attainment, it can be said that educational attainment has an impact on social class status. However, there is also an interrelation the other way round. Gilbert shows that there is a strong impact of social class on educational attainment, creating an interrelation.[320] It becomes a self-perpetuating cycle.

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[318] Adapted from "Earnings and Unemployment Rates by Educational Attainment 2014" (Bureau of Labor Statistics, February 12, 2016), http://www.bls.gov/emp/ep_chart_001.htm.
[319] Adapted from BLS.
[320] Gilbert 138–151.
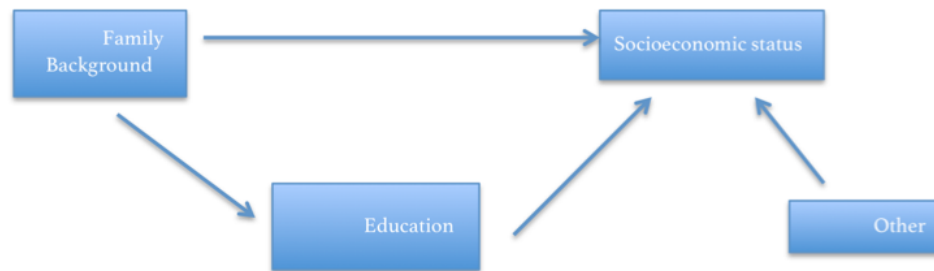
Other includes non-measurable variables and unknown factors, such as sheer luck.
Schema 4 Intercorrelation Class-Education[321]

Gilbert realized this schematic representation based on the analysis of data of college access according to the income of the parents. The obvious trend shows that low-ability students (based on SAT scores) from low-income backgrounds have nearly no access to college (13%), whereas high-ability students from high-income backgrounds have a very high college access rate (83%). It is in the middle of the ability curve that the correlation is more telling: among the students with just below —average results, 57% of high-income students go to college, compared with 33% of low-income students. Broadly speaking, in 2000, 75% of the children aged 18-24 from the top 25% of income background went to college, compared with 35% of the children from the lowest 25%.

Class also has an impact on the quality of education. The lower social classes tend to go to 2-year community colleges with little transfer to 4-year college and have a high dropout rate. Gilbert points to tuition fees and the link between social class and selective admission.[322] Reed explains this selective link, which also creates inequality along racial lines because of housing segregation. Several factors interact: economics and housing influence where a child goes to school. Depending on the poverty of the neighborhood there may be insufficient or a lack of advancement placing courses, which in turn jeopardize college admission and thus educational outcomes.[323] Education researcher and activist Jonathan Kozol has conducted a detailed study of inner-city schools. His findings highlight the resegregation of schools and point out the lower funding based largely on property taxes that continuously disadvantage low-income

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[321] Adapted from Gilbert.
[322] Gilbert 149–51.
[323] Reed 199.

neighborhoods.[324] Moreover, he denounces the low expectations of these schools, offering classes such as sewing. This not only negatively influences the chances of the students getting admitted in college and finding good job later, but also creates high levels of frustration and despondency among the students.[325] Wysong *et al.* also point out this crucial interaction of social background, education, and future job opportunities. Today, only the elite universities offer opportunities at the high paying jobs in the big corporations, but even at lower job levels social capital is paramount: the network of family, friends, and acquaintances provides emotional and financial support and job opportunities.[326]

The social network simulations by economists Antoni Calvò-Armengol and Matthew O. Jackson show that the job prospects of the networks members have an influence on other persons of the network in obtaining a job or get a better one. Unfortunately this also works the other way round, a person in a social network with high unemployment tends to have fewer job opportuni-

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[324] Frank Johnson *et al.*, "Revenues and Expenditures for Public Elementary and Secondary Education: School Year 2008-09 (Fiscal Year 2009)" (US Department of Education, National Center for Education Statistics, June 2011), 5, 7, https://nces.ed.gov/pubs2011/2011329.pdf; 46.7% from the states, to 43.7% from local sources, and 9.6% from the federal government. However, federal funding varied greatly depending on the states: it ranged from as low as 4.1% for New Jersey to as high as 16.4% in South Carolina. "Secretary Duncan, Urban League President Morial to Spotlight States Where Education Funding Shortchanges Low-Income, Minority Students," 2015, https://www.ed.gov/news/media-advisories/secretary-duncan-urban-league-president-morial-spotlight-states-where-education-funding-shortchanges-low-income-minority-students.   Many states spend their education funds unequally. US Secretary of Education Arne Duncan and National Urban League President Marc Morial denounced this inequality in 2013. They pointed out the 23 states with the highest inequalities regarding spending for schools in low-income districts compared to high-income districts (these states were: Alabama, Arizona, Connecticut, Delaware, Idaho, Illinois, Kentucky, Maine, Maryland, Michigan, Missouri, Montana, Nevada, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia, Wyoming). Pennsylvania had the highest inequality, with the highest-poverty districts spending 33% less than the lowest poverty districts. Similar trends for unequal spending along racial lines were denounced for the following 20 states: Alabama, Arizona, Colorado, Connecticut, Florida, Idaho, Iowa, Kansas, Maine, Montana, Nebraska, Nevada, New Hampshire, North Dakota, Pennsylvania, Rhode Island, South Dakota, Texas, West Virginia, Wyoming. Nevada showed the greatest inequalities as the spent 30% less per student in the highest minority districts than in the lowest minority districts.

[325] Jonathan Kozol, *The Shame of the Nation: The Restoration of Apartheid Schooling in America* (New York: Crown Publishers, 2005); Endya B. Stewart, Eric A. Stewart, and Ronald L. Simons, "The Effect of Neighborhood Context on the College Aspirations of African-American Adolescents," *American Educational Research Journal* 44, no. 4 (December 1, 2007): 896–919; "2013-2014 Civil Rights Data Collection: A First Look: Key Data Highlights on Equity and Opportunity Gaps in Our Nation's Public Schools" (US Department of Education, Office for Civil Rights, 7 June 2016), 7. In 2013-2014, black students had less access to GATE programs (gifted and talented education) than whites: black and Hispanic students represented 42% of the students enrolled in schools offering those programs, yet they represented only 28% of the students in the actual program. In comparison, whites represented 49% of the students at those schools, but 57% of the students in these programs. Similar disparities existed for AP (Advanced Placement) classes. Black and Hispanic children represented 38% of the students in schools offering these classes, but only 29% of the students enrolled in at least one of these classes.

[326] Wysong *et al. 2*8.

ties.[327] Conley agrees that differences in educational attainment can be explained by class differences and class related factors. According to him, the first predictor of college completion is the occupational status of the parents, the second factor being the assets to finance higher education.[328] This correlation, however, is often denied. Jones points out that:

> The "culture of poverty" thesis serves a larger political purpose, for it encourages some people to believe that the poor positively revel in their own misery, that they shun stable marriages and steady employment almost as a matter of principle.[329]

What Jones terms here culture of poverty is linked to the cultural racism explained above, which also emphasizes a lack of commitment to education. She insists that this cultural explanation completely ignores the "jobs-housing-education nexus" as explained above, that creates a structural poverty circle. However, cultural explanations for, or rationalizations of structural inequality are not the only ones. In *The Bell Curve* (1994), psychologist Richard J. Herrnstein and political scientist Charles Murray, the author of the infamous *Losing Ground: American Social Policy 1950-1980,* argue that social classes reflect natural cognitive abilities.[330] By insisting on natural cognitive abilities, or IQ, Murray and Herrnstein dare in 1994 to offer a biological explanation for inequalities along class lines, that are all the easier to accept since they overlap with old racist assumptions of racial biological inferiority, made possible through the structural concentration of racial minorities at the bottom of society.

Murray and Herrnstein's argument is a good example of a focus only on equality of opportunity in a world devoid of discrimination and effects of past discrimination. McCall argues that this focus on equality of opportunity is typical, especially when dealing with minority and gender issues. However, in her opinion, the inequality of outcomes functions as evidence of inequality of opportunity.[331] Wysong *et al.* share a similar interpretation of the issue of equal opportunity and meritocracy. They debunk meritocracy as "policies [that] actually function as class-, gender-, and racially biased gatekeeping mechanisms." Moreover, they insist that there is a strong bias toward the norms of the privileged class that have to be adopted in order to succeed.[332] Thus, the myth of meritocracy is strongly shaped by classicism. At university level, meritocracy can almost be considered as affirmative action for affluent (white) students. Universities admit a certain percentage of students with low SAT scores, but who have special skills, such as athletic or musical abilities and other impressive extracurricular experiences.[333] Critical race theorist Richard Delgado argues that whites benefit from a whole system of advantages, from the social network enabling them to get better summer jobs, and therefore having better extracurricular experiences, to better financial resources, enabling them to de-

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[327] Antoni Calvò-Armengol and Matthew O. Jackson, "The Effects of Social Network on Employment and Inequality," *American Economic Review* 94 (2004): 427–28.

[328] Conley 80-1.

[329] Jones, *The Dispossessed*, 291.

[330] Charles Murray and Richard J. Herrnstein, *The Bell Curve: Intelligence and Class Structure in American Life* (New York: The Free Press, 1994).

[331] McCall 7.

[332] Wysong *et al.* 37, 281.

[333] "The Black Student Meets the Meritocracy: Entrenched Affirmative Action for Whites," *Journal of Blacks in Higher Education* 40 (2003): 25.

velop those special skills.[334] Thus, positing equal opportunity as existing and attributing social class status to merit serves to reinforce the social hierarchy along race and class lines that overlap because of historical structural subordination.

1.4.3. Why Health Care Reform?

When analyzing racial and economic inequalities and how to address them, health care is not the first item that springs to mind. However, there are several reasons—historical, political, economic, and racial—to consider health care. First and foremost, because the ACA has been, since the 1960s, the first major progressive social policy reform to be enacted, although the progressive extent of the reform can be discussed. In addition to that, health care stands out because it was marked by one century of unsuccessful attempts at enacting comprehensive legislation. Since 1966, when the Canadian Medical Care Act was passed that introduced universal health coverage, the US had stood out (and in some respects still does) as the only western country with a very sparse, uneven, and rather inefficient health care and insurance system (comparing the health care expenditures with the amount of care received by the population). A 2012 report shows that in 2009 the US spent 48% more on health care than the next closest OECD country (Switzerland), and 90% more than most other western countries. The health care GDP share of the US exceeds the GDP share of other industrialized countries by at least 5%. However, the health care received by Americans is not substantially better than in the other countries.[335]

Beyond these historical considerations, there are also political reasons to analyze health care in the context of racial inequalities. Several academics advocate interracial coalition building on shared (economic) interests to create a majority to defend more social policies. Among these academics is, for example, Manning Marable, who put forward this strategy in *Beyond Black and White: From Civil Rights to Barack Obama*.[336] He argued this particularly in the light of the deteriorating economic situation and the heightened inequalities resulting from neoliberal politics: "The radical changes within the domestic economy require that black leadership reaches out to other oppressed sectors of society, creating a common program for economic and social justice."[337] A similar argument was made by Cornel West in *Race Matters,* in which he argued for a multicultural alliance and a principled coalition in order to defend meaningful redistributive measures.[338] In the context of creating an interracial coalition to

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[334] Richard Delgado, *The Coming Race War? And Other Apocalyptical Tales of America After Affirmative Action and Welfare* (New York: New York University Press, 1996), 75.

[335] "Health Care Costs: A Primer 2012 Report" (Kaiser Family Foundation, March 30, 2016), http://kff.org/report-section/health-care-costs-a-primer-2012-report/. Analyses suggest that the cost difference might be due to higher prices, more readily available technology and higher rates of obesity rather than higher incomes, an ageing population, or a higher usage of health care services.

[336] Marable, *Beyond Black and White*, 25.

[337] Marable, *Beyond Black and White*, 200–201.

[338] West 44, 98.

defend more redistributive policies in order to tackle economic and racial inequalities, health care makes sense.

Health care represents a significant part of the American economy that had expanded from 5.6% of the GDP in 1965 to 17.3% of the GDP in 2009 (17.4% in 2010, 17.8% in 2015).[339] Moreover, health care is among the social issues that Americans support rather strongly.[340] Moreover, health care plays a distinctive role in economic upward mobility. Historian Michael B. Katz insists on the primordial place of health insurance for economic stability and the early link that has been established between health and poverty.[341] Political scientists Yeheskel Hasenfeld and legal scholar Joel Handler aver that health issues are often a reason for the return into poverty of people above the poverty line. Moreover, they highlight the fact that so far the biggest share of the welfare state has gone to the non-poor through Social Security and Medicare.[342] But this assessment should not cloud the fact that the middle class has become more fragile since the 1970s and this partly because of health care costs. This means that a focus on health care can ally the interests of the poor, the working poor/working class, and the middle class. The political need to target the middle class will later be explained in detail.[343]

As shown above, the assessment of the fragility of the middle class is based by some on the Misery Index, which takes health care costs into account (but also income taxes, Social Security taxes, and interest cost). These items took 24% of a family budget in 1960, but by 1990 it was 42%. Political scientist Jacob Hacker developed the Economic Insecurity Index, a tool to assess the harshest financial blows, comprising 25% or more income losses, superheavy medical expenses, or exhaustion of family financial reserves. According to his calculations, in 1985 roughly 10% of families experienced this, compared with 20% in 2010, thus showing the increasing vulnerability of families confronted with hardship. This is confirmed by the increasing number of personal bankruptcies that are filed, which Smith distinguishes as a middle class phenomenon, since it allows protecting basic assets such as the home and retirement funds.[344]

A 2011 study showed that health problems and their related expenses contribute to personal bankruptcy filings, more so than other adverse events such as divorce or unemployment. Medical problems and medical expenses that exceed 5% of the annual income increased the probability of filing for personal bankruptcy by 9.2%. Households with medical conditions were twice as likely to file for bankruptcy (33.3%) as households without medical condition (15.2%), thus making medical problems one of the major reasons for personal bankruptcy. It must be noted, however, that consumption patterns, i.e. spending too

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[339] "National Health Expenditure Data," *Centers for Medicare and Medicaid Services*, December 6, 2016, https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/NationalHealthExpendData/NationalHealthAccountsHistorical.html.

[340] Gilens, *Why Americans Hate Welfare,* 2, 27–29.

[341] Michael B. Katz, *The Price of Citizenship: Redefining the American Welfare State* (New York: Owl Book, 2002), 257.

[342] Handler and Hasenfeld 6, 8.

[343] For a detailed analysis, see 2.3.5. The Reagan Democrats: When the White Working and Middle Classes Vote Against their Interests.

[344] Smith, *Who Stole the American Dream?*, 74, 82–83.

much, are the main causes for personal bankruptcy. The strongest indicator is an excessive mortgage (53.4% probability increase) and credit card debts (35.6%). This is in stark contrast to the situation in the 1980s, when medical debts trumped consumption as number one reason for filing a personal bankruptcy.[345]

These personal bankruptcies have increased sevenfold between 1984 and 2005. Based on Smith's analysis, this is partly due to the shifting of health care costs. Since 1980, when about 70% of full time employees in companies with more than 100 employees enjoyed fully paid health care, the costs have increasingly been shifted onto the employees, or have been dropped altogether. By 2005, only 18% enjoyed full health benefits, 37% got partial help, and 45% had no employer support whatsoever.[346] This decreasing employer health support is directly linked to the increasing fragility of the middle class, especially with the simultaneous increase in health care costs. Paul Starr points out that the health care situation has reached an extremely problematic state: between 2000 and 2006 health premiums for families rose by 87%, while the cumulative inflation rose only by 18% and the average cumulative wage growth was only 20%. However, Starr highlights that the wage growth applied only to top earners, while real median household incomes have declined by 3% since 2000.[347] Due to the increase of health insurance costs, the percentage of uninsured has increased. This trend affected the working and middle class in particular.
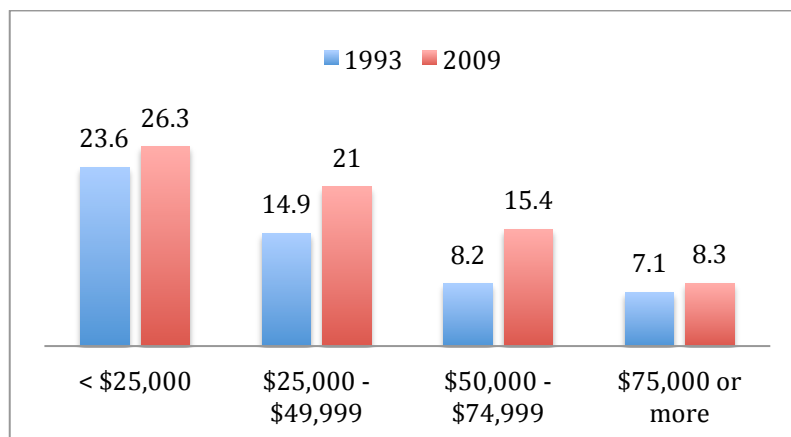
Diagram 26 People without Health Insurance by Income in Percent, 1993 and 2009[348]

Both people with and without insurance face problems due to medical costs; the greater difficulties are, unsurprisingly, with the uninsured population. A 2011 Kaiser Family Foundation health tracking poll found that over the past twelve months 19% of the insured had problems with medical bills. This

[345] Ning Zhu, "Household Consumption and Personal Bankruptcy," *The Journal of Legal Studies* 40, no. 1 (2011): 29, 33.

[346] Smith, *Who Stole the American Dream?,* 84–85, 90.

[347] Starr, *Remedy and Reaction*, 13.

[348] Adapted from Carmen De Navas and Robert Bernstein, "Health Insurance Coverage: 1993," Statistical Brief (Census Bureau/US Department of Commerce, October 1994), 2–3; De Navas-Walt, Proctor, and Smith, "Income, Poverty, and Health Insurance Coverage in the United States: 2010," 26, 77.

was the case of 56% of the uninsured. Thus a significant proportion of the population opted not to use health care services.[349]

Major health inequalities exist along class and racial lines, and especially among the lower middle class. Contrary to an initial intuition, the overall health conditions are not strongly divided by social class although overall poorer health conditions are slightly more concentrated among the lower classes, and thus, because of the structural overlapping of race and class, among minorities.

Diagram 27 Health Conditions by Race and Income, in Percent, 2010[350]

Despite this tendency of a better overall health situation among the more affluent classes, not surprisingly, the utilization of medical services shows the opposite trend: the higher incomes use more medical services than the lower incomes.

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[349] "Kaiser Health Tracking Poll—August 2011," *The Kaiser Family Foundation*, August 1, 2011, http://kff.org/health-costs/poll-finding/kaiser-health-tracking-poll-august-2011/. For the insured and uninsured populations ages 18-65 respectively 26% and 68% relied on home remedies or over the counter drugs instead of seeing a doctor, 21% and 67% put off or postponed getting the health care they needed, 24% and 64% skipped dental care or checkups, 20% and 54% did not fill a prescription for medicine, 16% and 51% skipped a recommended medical test or treatment, 12% and 37% cut pills in half or skipped doses of medicine, and 7% and 33% had problems getting mental health care.

[350] Adapted from Brett O'Hara and Kyle Caswell, "Health Status, Health Insurance, and Medical Services Utilization: 2010," Current Population Reports, Household Economic Studies (Census Bureau/US Department of Commerce, July 2013), 5.
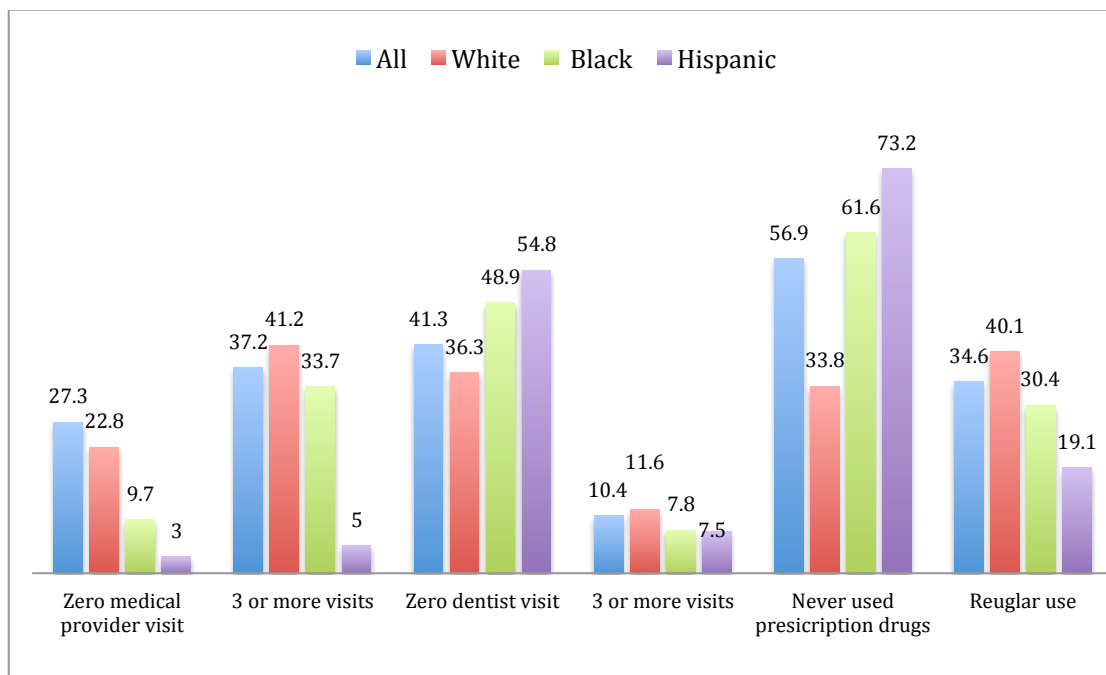
Diagram 28 Medical Services Utilization by Race, in Percent, 2010[351]
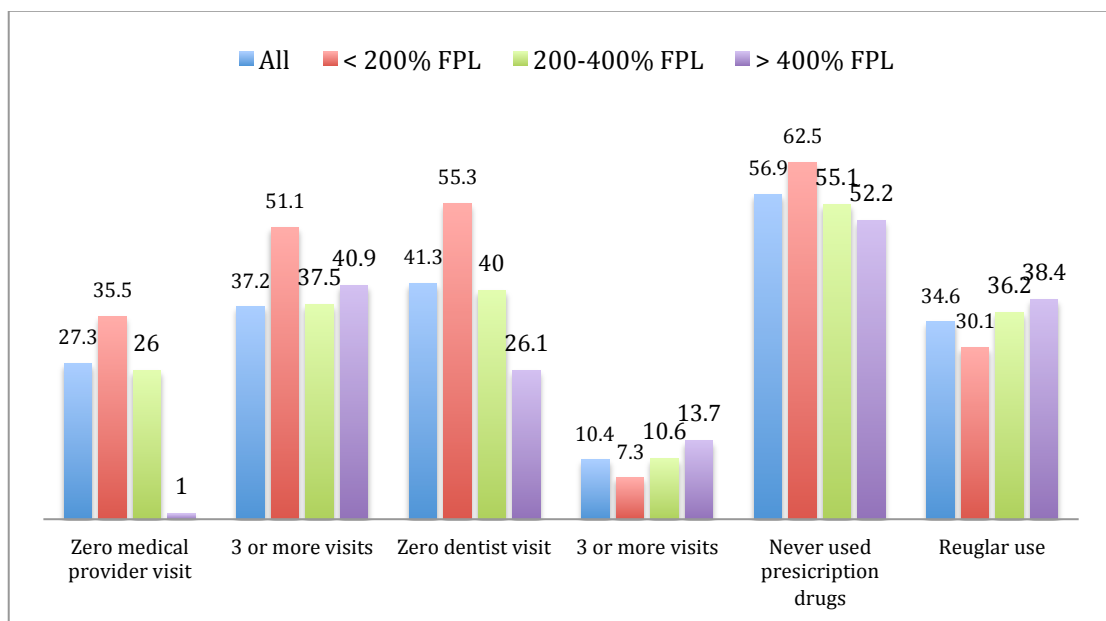
Diagram 29 Medical Services Utilization by Income, in Percent, 2010[352]

The absence of health insurance is strongly linked to income: in 2010, 29.6% of people in families with incomes below 200%FPL had no health insurance at all and 33.6% relied on Medicaid. Among families with incomes over 200% FPL, 10.2% had no insurance and only 5.3% relied on Medicaid.[353]

Moreover, there has been a decrease of employer-based health insurance coverage, both for the coverage by one's own employer or in the coverage avail-

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[351] Adapted from O'Hara and Caswell 8.

[352] Adapted from O'Hara and Caswell 8.

[353] Adapted from O'Hara and Caswell 12.

able for dependents. In 2010, 56.5% of the total population was covered by employer-based health care (34.8% covered by their own employer, 21.7% covered as dependents) compared with 64.4% in 1997 (39.9% own employer, 24.4% as dependents).[354] This decline in employer-based health coverage illustrates the increased fragility of the middle class and the working class, as employment becomes less of a guarantee for the access to health insurance.

Thus, a strong focus on health care makes sense economically for the wider population.

Other academics, like political scientist Ira Katznelson, put forward similar ideas of creating an interracial alliance to defend social policies, but more outspokenly urge to specifically target racial inequalities. In his 2005 book *When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth-Century America*, Katznelson, although a defender of affirmative action, pleaded for the kind of issue-focused measures that helped whites reach middle-class status, i.e. extensive social policies for the expansion of opportunity, such as subsidized mortgages, education grants and job training, small business loans, help with job searching and placement, a higher Earned Income Tax Credit, child care, and guaranteed basic health insurance.[355] Certainly, health insurance is just one element among others, but unfortunately, it is lately the only major social policy reform that has been enacted. Similarly, William Julius Wilson, in his 1978 book *The Declining Significance of Race*, argued that racial oppression is mainly an economic oppression that affects all races:

> The situation of marginality and redundancy created by the modern industrial society deleteriously affects all the poor, regardless of race. 'underclass' whites, Hispano-Americans, and Native Americans all are victims, to a greater or lesser degree, of class subordination under advanced capitalism.[356]

Moreover, according to his analysis, the more recent trends showed that blacks' social and economic mobility was more strongly affected by economic class factors than by race factors. Hence he called for class based programs to tackle "the pervasive and destructive features of class subordination" that would help to improve opportunity for all economically oppressed populations and blacks in particular.[357] Wilson called for a broad multicultural political alliance to help strengthen the factors and institutions that help equalizing class inequalities, such as education, the welfare state, or unions.[358]

Although there is a general need for a better health insurance situation overall, there is also a specific racial dimension. Beyond the impact of medical costs on the probability of filing for personal bankruptcy, health conditions also have an impact on chances of social mobility, such as education. Economist Heather Rose lists "poor health" among the reasons why students fail to graduate, although these reasons encompass "loss of motivation, dissatisfaction with campus life, changing career interests, family problems, [and] financial difficul-

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[354] Hubert Janicki, "Employment-Based Health Insurance: 2010," Household Economic Studies (US Census Bureau/US Department of Commerce, February 2013), 3.

[355] Katznelson, *When Affirmative Action Was White*, 172.

[356] Wilson, *The Declining Significance of Race*, 154.

[357] Wilson, *The Declining Significance of Race*, 149, 151–52, 154.

[358] William Julius Wilson, "Rising Inequalities and the Case for Coalition Politics," *Annals of the American Academy of Political and Social Science* 568 (2000): 79.

ties [...]," and she particularly points at the difference of quality of previous academic preparation to explain the racial achievement gap. [359]

The abovementioned trends are compounded for the minority populations because of the intersection of race and class. Lacking health insurance has a distinctive racial dimension. Despite the smaller population count, the absolute number of uninsured blacks (8.1 million or 20.8%) and Hispanics (15.3 million or 31.6%) slightly exceeds the absolute numbers of uninsured whites: 23.4 million uninsured minorities compared with 23.1 million uninsured whites (11.7%). [360]

However, racial differences also exist regarding health conditions. First of all, blacks have a noticeably higher overall mortality rate.
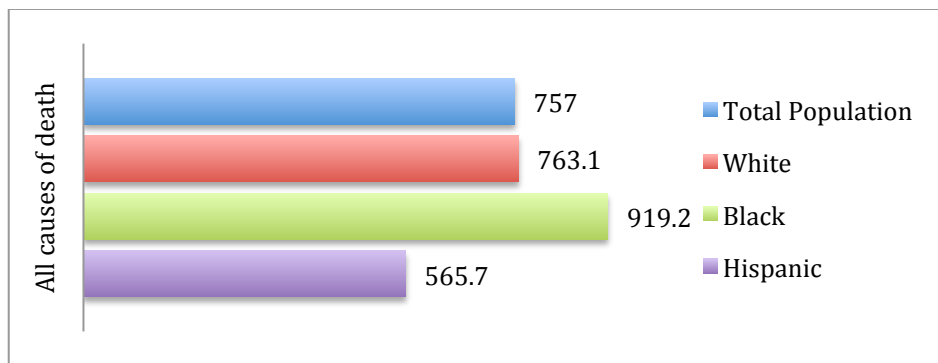
Diagram 30 Death Rates for All Causes by Race, 2008-10[361]

A distinct racial reality also emerges regarding pathologies. Blacks and whites neither die because of the same reasons nor at the same rates. It appears that regarding mortality, blacks have very distinct causes of death. Their overall death rate is the highest, by far, in the US. The overall death rate for blacks in 2007 was 919.2 per hundred thousand, compared with a rate of 763,1 for whites, the next highest rate, meaning their rate is 1.2 times higher. For most causes of death blacks present higher death rates, except for chronic lower respiratory diseases, chronic liver disease and cirrhosis, unintentional injuries, motor vehicle-related injuries, poisoning and suicide. The difference in death rates because of influenza and pneumonia is so small that it is not noteworthy. For other causes, however, very high differences exist and create a distinct black health picture. Diseases of the heart and cerebrovascular diseases take a heavy toll on the black population, as do diabetes and HIV. Although not a health problem per se, it must be noted that blacks have by far the highest homicide rate. Compared with whites, black rates for diseases of the heart were 1.3 times higher, 1.5 for cerebrovascular diseases, 1.2 for malignant neoplasm, 2.2 for diabetes, 11.5 for HIV, and 7.5 for homicide. It appears that diabetes and HIV in particular disproportionately cause death in the African-American population.

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[359] Heather Rose, "The Effects of Affirmative Action Programs: Evidence from the University of California at San Diego," *Educational Evaluation and Policy Analysis* 27, no. 3 (2005): 263, 270.

[360] De Navas-Walt, Proctor, and Smith, "Income, Poverty, and Health Insurance Coverage in the United States: 2010," 24.

[361] "Health United States 2012: With Special Feature on Emergency Care" (Hyattsville, MD: US Department of Health and Human Services/Centers for Disease Control and Prevention/National Center for Health Statistics, 2013), 78. Per 100,000 population.
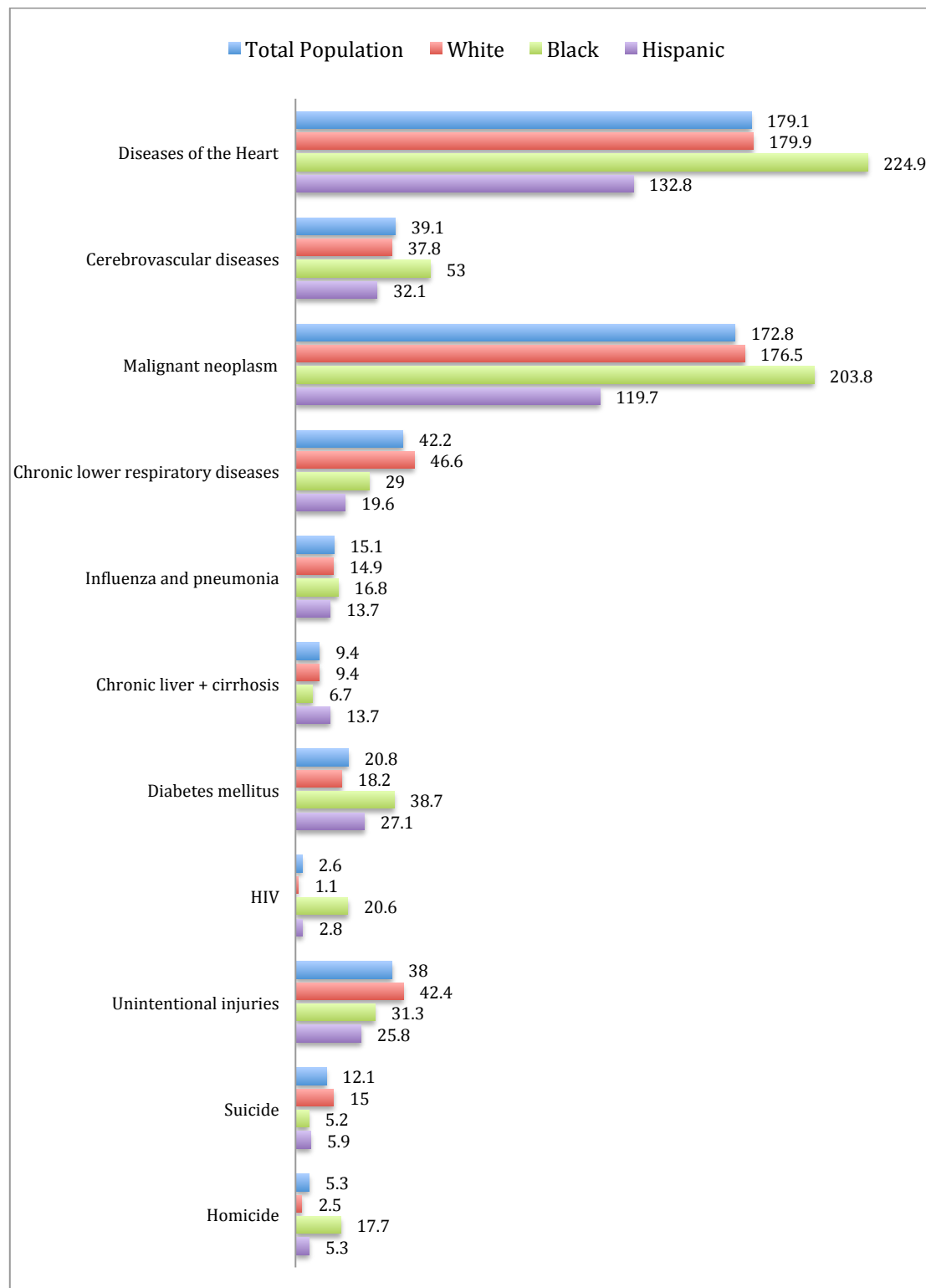
Diagram 31 Leading Causes of Death by Race, 2010[362]

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[362] Health United States 2012, 80–82.

Other stark health inequalities exist between the black and white populations, such as for number of people who have diabetes or HIV/AIDS. Both are life-threatening conditions at short term and the treatments are very costly. Other major differences appear, for example regarding teen pregnancy rates. In all those areas, blacks have markedly higher rates, which informs about the dire conditions of part of the black population.

1.5. Has Color-Consciousness Become Utopian?

Given these statistically proven racial differences, it would appear logical to address these problems with race-specific solutions. However, this is precisely the nexus of the problem. It would be possible to consider that AIDS is a major problem that needs to be addressed as such, or it could be considered that there are specific problems in the black population regarding AIDS, and that the black population needs help. This idea gains salience when considering that many problems, among them also problems specifically linked to health issues–such as the lack of health insurance–are systemic and are the result of systemic oppression.

Despite the fact that given the existing racial inequalities a race-specific solution might appear as a logical choice, there might not be necessarily the political will to do this. The decision of what to do regarding these inequalities is a political decision that is only partly made according to the real objective needs. A political decision is far more complex than that and depends also on the political context, on the interaction between the parties, and on public opinion. These elements in turn, are influenced by the country's specific political history and its political doxa.[363]

In this context, race is a particularly sensitive issue that still has a major political role to play today. This occurs, for example, through racial priming, which is nowadays, as a consequence of the Civil Rights Movement and political correctness, more operated through a coded discourse, but which has nonetheless a real impact. As an appeal is made to negative racial resentment, these feelings are brought back, and by being primed regularly and being voiced constantly, these ideas become the norm again. Political scientist Tali Mendelberg explains that showing to people that their racial reaction is outside the norm has the ability to alter their point of view. Conversely, although racial priming works best on people with previous resentments, it also impacts people with low levels of racial resentment, especially when they are told that they are in the norm, that this thinking is the mainstream. When this is the case, people tend to opt for the more conservative opinion or solution because this new discourse becomes the norm.[364]

Political sociologist Eduardo Bonilla-Silva explains that certain conservative ideas have even "infiltrated" mainstream black political thought: although blacks view discrimination as central, tend to support affirmative action more strongly, are lucid about whites' advantageous position in society and about

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[363] The political history of social policies will be explained in Part 2 The Racialization of Social Politics: From Social Policies to Welfare.

[364] Mendelberg, *The Race Card*, 227, 229. The coded discourse will be detailed in 3.1. "A Hell of a Lot More Abstract Than 'Nigger, Nigger:" Code and Doxa.

double-talk about race, they also tend to think that school and residential seg-regation are natural and have partly accepted and integrated the ideas of a cul-ture of poverty as well as the free market rationale. According to Bonilla-Silva, this explains why there is not a stronger and more massive demand for racial policies: "This ideological infiltration of the frames of colorblindness into blacks' political consciousness hinders the development of an all-out opposi-tional ideology or "utopia" to fight the contemporary white supremacy."[365] The race code is also used in presidential discourse, uttered by a figure of authority that reinforces the dimension of 'acceptability.' Moreover, the coded dimen-sion, and sometimes multiple strata of meaning and deeply embedded aspect of the race code make it easier for people to discard the racial dimension of this discourse and thus to negate guilt about racial bias. The most vivid example is the contrast between Reagan's discourse heavily inlaid with racial code and his adamant rejection of accusations of racism. Clinton's dealing with the conserva-tive atmosphere around social policy and Obama's attempts to rework and change this discourse show the general more conservative atmosphere that has developed since the 1970s.

Before outlining the political history of social policies and before analyz-ing the political discourse that accompanied the evolution of social policies, the different opinions and problems regarding race-specific or race-neutral (i.e. color conscious or colorblind) policies will be detailed. In this context it is justi-fied to ask whether attempts at race-specific solutions to social and economic inequalities are utopian or not.

1.5.1. "It Really Was Not Seriously Considered for a Minute, Ever:"[366] A Political Near-Consensus

Given the situation exposed so far, of persisting and yet denied discrimina-tion and cultural racism, it is indeed necessary to ask if there is still a possibility for race-specific policies or if it is just a utopia of absolute fairness. The answer appears to be quite simple: it depends on who you ask. In the current political context the answer is mainly: no. Obama shared this opinion at the time the reform was devised. His position was partly grounded on the limits of efficiency he saw in measures like affirmative action, which will be detailed in Part 2, on the greater efficiency he perceived in targeted economic measures, and most of all on the political context. Because of this, Obama favored the race pragmatic approach that favors helping minorities by targeting specific issues that cause problems for minority populations. The details of the ideas behind the race pragmatic approach will be detailed in Part 4 because they rest on the historical development of social policies and of the political discourse that accompanies social policies and government intervention. The reasons for this political strat-egy will be explained in Part 2 dealing with the racialized attack to break up the

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[365] Bonilla-Silva, *Racism Without Racists*, 218–20.
[366] Earl Pomeroy, Interview with Lea Stephan, face to face at Alston and Bird Lawfirm, Washing-ton, DC, April 5, 2016. This was part of Pomeroy's answer when he was asked about race-specific measures in the ACA.

support for redistributive policies, and Part 3 dealing with the heavily coded discourse that plays on deeply buried racial resentment.

At the political level, people, especially politicians, are quite adamant about the impossibility of the race specific approach, but some voices dissent. The attack on affirmative action, and the backing of these attacks by the Supreme Court, has demonstrated that the political climate is decidedly against race-specific measures. A 2007 Supreme Court decision—*Parents Involved in Community Schools v. Seattle School District*—reversed a previous court decision upholding Seattle's busing and integration program declaring the measures unconstitutional because Seattle had no prior history of *de jure* segregation and hence was not subject to an integration program.[367] This makes challenges to *de facto* segregation more difficult. This decision has also been evoked in the case of the ruling over the Michigan affirmative action ban (*Schuette v. Coalition to Defend Affirmative Action, Integration and Immigrant Rights and Fight for Equality by any means Necessary (Bamn), et al.*). The Supreme Court reversed the judgment of the previous ruling that rejected the ban of affirmative action in Michigan in 2012 on the grounds that the affirmative action ban does not represent a specific injury to minorities:

> And the principal flaw in the Sixth Circuit's decision remains: Here there was no infliction of a specific injury of the kind at issue in *Mulkey* and *Hunter* and in the history of the Seattle schools, and there is no precedent for extending these cases to restrict the right of Michigan voters to determine that race-based preferences granted by state entities should be ended.[368]

Moreover, in the Opinion of *Schuette v. Bamn*, the Supreme Court decided that it is impossible to determine the political interests of a minority group and even declared that this would be racist:

> To the extent *Seattle* is read to require the Court to determine and declare which political policies serve the "interest" of a group defined in racial terms, that rationale was unnecessary to the decision in *Seattle*; it has no support in precedent; and it raises serious equal protection concerns. In cautioning against "impermissible racial stereotypes," this Court has rejected the assumption that all individuals of the same race think alike, see *Shaw* v. *Reno*, 509 U. S. 630 (http://www.law.cornell.edu/supremecourt//text/509/630), but that proposition would be a necessary beginning point were the *Seattle* formulation to control. And if it were deemed necessary to probe how some races define their own interest in political matters, still another beginning point would be to define individuals according to race. Such a venture would be undertaken with no clear legal standards or accepted sources to guide judicial decision. It would also result in, or impose a high risk of, inquiries and categories dependent upon demeaning stereotypes, classifications of questionable constitutionality on their own terms.[369]

The Supreme Court clearly said, echoing in this many conservative interpretations of minority demands for rights, that acceding to these rights would foster racial division. The Supreme Court decided that the principal question at hand in this case was not the protection of minority rights, but of states' rights:

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[367] *Parents Involved in Community Schools v. Seattle School District*, (Nos. 05-908 and 05-915) No. 05–908, 426 F. 3d 1162; No. 05–915, 416 F. 3d 513, Reversed and Remanded, 2007.

[368] In the case *Washington v. Seattle*, a state ban on busing had been rejected.

[369] *Schuette v. Coalition to Defend Affirmative Action, Integration and Immigrant Rights and Fight for Equality by Any Means Necessary,* Pub. L. No. 701 f. 3d 466, reversed (2014).

[...] there is no precedent for extending these cases to restrict the right of Michigan voters to determine that race-based preferences granted by state entities should be ended. The Sixth Circuit's judgment also calls into question other States' long-settled rulings on policies similar to Michigan's.[370]

Moreover, the Supreme Court pointed out that not overturning the 2012 rejection of the Michigan affirmative action ban might have endangered the maintaining of affirmative action bans in other states.

Letting the states decide whether they want to protect their minority population or not, or make them benefit from social programs, is part of a long tradition and surfaced also in the *Sebelius* lawsuit against the ACA: the Supreme Court decided that the states had the right to refuse to expand Medicaid and thus to deprive the poor, and among them many minorities, of federal money and access to health care.[371]

Justice Sonia Sotomayor disagreed with the majority opinion in *Schuette*. In her Dissent, in which she was joined by Justice Ginsburg, she mentioned that universities had other special admission programs that considered the particular cases of alumni students, athletes, geographic considerations, or area of study, and pointed out that only the consideration of race was excluded. She argued that an intervention by the Supreme Court was justified through the long history of state discrimination contrary to federal law, and particularly insisted on the examples of voting discrimination. She furthermore pointed out that the *Schuette* decision was contrary to the precedents in more recent years, where state amendments and city decisions have been overturned because these initiatives harmed minority interests. Interestingly, Sotomayor insisted on the costs of those state initiatives through petitions (advertisement and collecting signatures). In this context she drew attention to the financial inequalities hampering minority interests in this particular political process. Sotomayor particularly criticized Justice Scalia's focus on states' rights and his "near-limitless notion of state sovereignty." Sotomayor also disagreed on the Opinion's interpretation that the ban of affirmative action did not harm minorities and demonstrated through the enrollment statistics of several universities in states that have already banned affirmative action that minority enrollment dropped after the ban and was still significantly lower than the proportion of minorities in the corresponding state. Finally, she utterly disagreed with the idea that race is not significant anymore:

> Race matters. Race matters in part because of the long history of racial minorities' being denied access to the political process. [...] Race also matters because of persistent racial inequality in society—inequality that cannot be ignored and that has produced stark socioeconomic disparities. [...] And race matters for reasons that really are only skin deep, that cannot be discussed any other way, and that cannot be wished away. Race matters to a young man's view of society when he spends his teenage years watching others tense up as he passes, no matter the neighborhood where he grew up. Race matters to a young woman's sense of self when she states her hometown, and then is pressed, "No, where are you *really* from?", regardless of how many generations her family has been in the country. Race matters to a young person addressed by a stranger in a foreign language, which he does not understand because only English was spoken at home. Race matters be-

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[370] *Schuette.*

[371] The consequences of the *Sebelius* lawsuit will be discussed in 4.3.1. Lawsuits Against the ACA and Medicaid.

> cause of the slights, the snickers, the silent judgments that reinforce that most crippling of thoughts: "I do not belong here."[372]

Sotomayor lists all the commonly defended reasons why race should be taken into account: past discrimination, current socio-economic inequalities due to past and present discrimination, and ongoing discrimination and prejudice. Hence, she defends the maintaining of a race-specific or color-conscious approach:

> In my colleagues' view, examining the racial impact of legislation only perpetuates racial discrimination. This refusal to accept the stark reality that race matters is regrettable. The way to stop discrimination on the basis of race is to speak openly and candidly on the subject of race, and to apply the Constitution with eyes open to the unfortunate effects of centuries of racial discrimination.[373]

Although Obama nominated Sotomayor to the Supreme Court in 2009, he disagreed on the race-specific approach, at least as far as his own office is concerned, not having the same leeway a Supreme Court Justice. On several occasions Obama had voiced his opposition to race-specific policies, in his partial rejection of affirmative action,[374] in his support for a universal, issue-specific approach focused on economic aspects, and also more specifically because his position as President compels him to a universal stance.[375] Obama has been repeatedly criticized for not doing more for minorities, in particular blacks. Those criticisms come from all levels, the Congressional Black Caucus, activists, scholars, and intellectuals.

The situation is quite different for a Congressman. A Congressman is supposed to represent a specific constituency and their specific needs. This position is understood and accepted, as explained by former North Dakota Representative Earl Pomeroy when he was asked about demands for more race-specific measures. Pomeroy, who had voted for the ACA, reflected afterwards:

> Any legislator is going to advocate for the people who sent them there. We were able to obtain, in the Affordable Care Act, enhanced funding for our hospitals and doctors through Medicare. [...] We added what's called the Frontier Amendment, which increases reimbursement for health care in North Dakota, South Dakota, Montana, and Wyoming. Now, that was an indication of us working for a constituent need, trying to get the best deal out of the bill. If I represent a black part of Philadelphia, I'm going to try and do the same thing. Call it affirmative action, call it whatever you want, I'm going to try and take this big bill and deliver extra benefit if I can get it for my people. It's my job. And so I don't view it as anything more than just legislators doing their work.[376]

But just as understanding as Pomeroy was, he was equally firm on the political impossibility of actually acceding to race-specific demands because in the given political context this would jeopardize the bill and represent a major liability:

> Of course [it represents a liability]. I don't remember this ever being seriously discussed. I mean, of course, I don't want to go back to North Dakota, 95% white population, saying, we have special provisions where if you're an ethnic, if you're a racial minority, you get to step to the front of the line. I mean, it wasn't going to

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[372] *Schuette v. Bamn.*

[373] *Schuette v. Bamn.*

[374] For a more detailed analysis of Obama's rejection of affirmative action, see 2.4.3. Obama and the Backlash.

[375] These aspects will be detailed in 4.1.4. Criticism and Defense of Obama's Pragmatism.

[376] Pomeroy interview.

> pass. I don't blame for advocating for it, but I don't ... it really was not seriously considered for a minute, ever.

Racial "favors" have not been seriously considered. However, as Pomeroy pointed out, other specific needs were addressed, as shown by the Frontier Amendment. On the other hand, the better financing of Medicaid that Senator Ben Nelson from Nebraska initially obtained was harshly criticized by members of both parties and rapidly repealed,[377] showing that it is more difficult to defend Medicaid issues than Medicare issues, just as it is easier to defend special favors for white constituencies than for black ones.[378]

Former Massachusetts Representative John Tierney voiced a similar opinion to Pomeroy's regarding efforts made for minorities. He said that "we tried as much as we could" but that more obvious steps had not been possible.[379]

Former New Jersey Representative Robert E. Andrews added:

> Ah, I don't think it's a policy liability, I think that race is a political challenge. You know, there are some people who were willing to vote for the bill, who, if it were being seen as doing more for minorities, would be less likely to agree to vote for the bill. Sadly, but truthfully. So you have to really get above that, do the very best you can with the political circumstances you have.[380]

Andrews clearly highlights that this would even have represented a risk on the liberal side and points also to the political context that makes people wary of supporting this kind of measures. And yet, they all agreed that targeted measures were needed.

1.5.2. An Academic Debate: Colorblind vs. Color Conscious

At the academic level, however, the question is still open, because there are grounds for color-conscious policy. Two broad opinion trends confront each other: those who argue that racial inequality is primarily a matter of economic inequality, hence it is rather a class matter than a race matter and should be addressed by class-based solutions. They often reinforce their argument by pointing to questions of political feasibility.[381] The other opinion trend argues, broadly speaking, that even though there is an undeniable class dimension to the issue, the specificity of the hardship faced by minorities, the inequalities between white and black within a same class, and the ongoing discrimination call for a race-based solution.

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[377] Annie Lowrey, "What If Senators Represented People by Income or Race, Not by State?" *Washington Post*, February 7, 2010, sec. Opinions, http://www.washingtonpost.com/wp-dyn/content/article/2010/02/05/AR2010020501446.html. It must be added that a better argument was made to defend the Frontier Amendment.

[378] The racialization of social programs will be discussed in 2.3. The Creation of "Welfare:" The Attack against Social Policies.

[379] John Tierney, Interview with Lea Stephan, Phone, December 10, 2015.

[380] Robert E. Andrews, Interview with Lea Stephan, Phone, February 24, 2016.

[381] This position will be further explained in 4.1. "You Have to Go for the Whole Enchilada:" Pragmatic Race Theory.

Of course, where there are different possibilities, a debate necessarily emerges as to which is the best course of action. The debate is most intense at the academic level because of the greater liberty of taking into account such factors as what would be the ideal solution in matters of actual needs and fairness, instead of nagging aspects of political feasibility. To be clear, as Mendelberg pointed out, the public doxa endorses the principle of racial equality in the public doxa, and the doxa on biological racism or segregation no longer exists. However, there is a huge debate over the implementation of racial equality.[382] Some advocate the color-conscious approach, which means to take race into account and openly stating so in the policy by including race in the language of the text. Others think that a colorblind approach would be better, which means to eliminate the language of race from the text and to give everyone the same opportunity.

Color-consciousness is mainly argued and defended due to the specific situation created through racial discrimination. It rejects the colorblind approach because it omits the specificity of race. Political philosopher Elizabeth Anderson makes a strong defense of color-conscious or race-specific policies. She advocates integration as a goal for a society characterized by inequalities and defends the achievement of this goal through race-specific policies. Her positions on that are virtually identical to the liberal position in the immediate aftermath of the 1964 Civil Rights Act. Anderson very clearly distinguishes integration from assimilation. In her view, integration means that society does not ignore race. For Anderson, integration means the abolition of segregation (today there is still *de facto* segregation in many schools and in housing) and inequalities linked to this, but to keep racial identities. In her opinion, this allows for race-conscious policies and race solidarity, or racial clustering. Assimilation, however, requires the adoption of the standards of the dominant group. Anderson completely rejects colorblindness and argues that the long history of discrimination and unfair disadvantage justifies seemingly unfair measures to redress the inequalities.[383]

Similarly activist Tim Wise argues that structural inequality along racial lines makes race-specific policies a necessity. He warns that colorblindness would reinforce cultural racism or could even lead to a return of attributing inequalities to biological inferiority. Furthermore he makes the case for a revival of race consciousness and awareness about racism, characteristic of the 1960s, as a countermovement to the current right-wing politics. Wise thinks that colorblind politics help the right-wing agenda of rolling back race consciousness.[384]

The defense of color-conscious policies is also driven by fields like Critical Race Theory (CRT) that are absolutely race-conscious and urge the recognition of the "urgency of America's racial problem and an uncompromising search for real solutions rather than comforting stop-gaps."[385] CRT condemns colorblind-

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[382] Tali Mendelberg, "Executing Hortons: Racial Crime in the 1988 Presidential Campaign," *The Public Opinion Quarterly* 61, no. 1 (1997): 136.

[383] Anderson, *The Imperative of Integration*, 113–14, 180.

[384] Wise 19, 22.

[385] Daniel A. Farber, "The Outmoded Debate over Affirmative Action," *California Law Review* 82, no. 4 (1994): 894.

ness because it views racism as endemic and as a normative aspect of the US society. Judy L. Isaksen defines CRT as follows:

> CRT scholars work to expose the ways in which the law is an interested, ideologically driven force that sustains asymmetric power relations. This movement is *praxis* based with the specific intent of challenging systemic institutional forces, changing policies and practices, and dismantling racism.[386]

Deep-seated and institutional inequality is also pointed out by sociologist Wornie L. Reed, highlighting the fact that this inequality does not necessarily have to be intentional, and thus can be colorblind, but must be addressed:

> Social institutions are the social arrangements through which collective action takes place to maintain and perpetuate the society and its culture. They include the family, education, business and labor, health care, housing, religion, welfare, law enforcement, and politics. These institutions operate on the basis of established formal and informal rules, that is, policies, practices, and procedures, which in American institutions, established by the dominant culture, may *unintentionally* or *intentionally* be racially discriminatory.[387]

Political scientist Robert Lieberman defends a similar idea, that colorblind policies do not necessarily produce colorblind outcomes, just as color-conscious policies do not necessarily produce inequality and discrimination.[388] Anderson joins this and criticizes the fact that colorblind policies can have racist outcomes, even without a racist intent: "If racist consequences result from an institution's laws, customs, or practices, that institution is racist whether or not the individuals maintaining those practices have racist intentions." It is also on these grounds that she vehemently criticizes colorblindness:

> It does *nothing* to dismantle entrenched patterns of racial segregation, undermine unconscious racial stigmatization and discrimination, challenge informal practices of racial avoidance such as white flight, end coded racial appeals in politics, avoid negligence of disadvantaged racial groups in public policy, or prevent race-neutral policies with differential racial impact from being based on racially stigmatizing ideas.[389]

Critical Race scholar Kimberlé Crenshaw also denounces the dangers of colorblindness. According to her it creates the belief that racism no longer plays a role in inequalities and creates an increasing belief that class disparities along racial lines are the result of individual or group merit, which is reinforced by the myth of equality of opportunity. Moreover, according to her, this also favors backlash sentiments.[390] Sociologist Howard Winant shares the opinion that colorblindness obliterates the current effects of historical discrimination, and even worse, that the use of colorblindness today reinforces inequalities.[391]

However, in recent years, the Supreme Court has not shared the view considering outcome as equally important as intent, as shows the 2001 case of *Alexander v. Sandoval* in which the Supreme Court decided that there is no pri-

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[386] Judy L. Isaksen, "Obama's Rhetorical Shift: Insights for Communication Studies," *Communication Studies* 62, no. 4 (2011): 463–64.

[387] Reed 197.

[388] Lieberman, *Shaping Race Policy*, 206.

[389] Anderson, *The Imperative of Integration*, 113, 198.

[390] Crenshaw, "Race, Reform, and Retrenchment," 622.

[391] Howard Winant, "Race and Racism: Towards a Global Future," in *Theories of Race and Racism: A Reader*, ed. Les Back and John Solomos, 2nd ed. (London, UK: Routledge, 2009) 683, 685.

vate right of action to enforce the clause of Title VI of the Civil Rights Act admitting a disparate impact as sufficient proof for discrimination even without discriminatory intent. The 2007 *Involved Parents v. Seattle* decision, although applying to school segregation, also defended the same idea: *de jure* segregation, not *de facto* segregation is the issue.[392] It is the intent that matters, not the impact.

1.5.3. Equal Opportunity

Views on colorblindness vs. color-consciousness are also closely linked to the difference in conceptions of equal opportunity. Conservatives generally only focus on the idea of equal rights, ignoring the notions of opportunity and means. Someone may not have the financial means to enroll at an Ivy League University, but as long as they have the right to do so, equal opportunity is respected. Liberals, on the other hand, tend to view equal opportunity in the light of a more equal outcome, which implies a leveling of means to improve the benefits of opportunity. Thus equality of opportunity is intimately linked to questions of redistribution, be it opportunity in the sense of social access or economic means, and it is especially closely linked to questions of redistribution of wealth, in other words, social policy.

The belief in existing equal opportunity is strongly informed by the belief that discrimination has ended and that the current marketplace is fair. It precludes the idea that economic inequalities are structurally embedded and transmitted between generations. From this perspective, poverty is inherited just as much as is wealth.

Crenshaw points out that especially among whites there is an erroneous belief in a "fair and impartial" market and thus a belief in a meritocratic economy. According to her, "[r]acism, combined with equal opportunity mythology, provides rationalization for racial oppression, making it difficult for whites to see the black situation as illegitimate or unnecessary." Crenshaw speaks of "the myth of equal opportunity" and clearly states that it serves to justify class inequalities.[393] Political scientist Martin Gilens stresses the fact that the strong belief in equality of opportunity, augmented by the strong adherence to ideas of personal responsibility, reinforces the stereotype of the lazy black who remains poor despite the wide range of opportunities available.[394] These beliefs in a fair and impartial market, the existence of equal opportunity, and the strong emphasis on individual responsibility are further reinforced by neoliberal economic ideology that describes the free market in these terms, and which posits that success only depends on people's willingness to work hard.[395]

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[392] *Alexander v. Sandoval (*Syllabus), 532 US 275 (US Supreme Court 2001). The defendant had argued that a recent decision in Alabama that all drivers' license examination would be given exclusively in English discriminated against her as she did not speak English. *Parents Involved in Community Schools v. Seattle School District* (Syllabus) (2007).

[393] Kimberlé Crenshaw, "Mapping the Margins: Intersectionality, Identity Politics, and Violence against Women of Color," *Stanford Law Review* 43, no. 6 (1991): 621.

[394] Gilens, *Why Americans Hate Welfare*, 173.

[395] See for example Milton Friedman, "Economic Freedom, Human Freedom, Political Freedom" (speech, Smith Center for Private Enterprise Studies, November 1, 1991).

Political scientist Larry M. Bartels expressed the same idea: the idea of existing equality of opportunity combined with social mobility lying at the heart of the American Dream result in inequalities being accepted among the population.[396] Equal opportunity and the American Dream are closely linked and complete each other. In its plainest definition, the American Dream promises that everyone who works hard can succeed in the US. In this sense, the American Dream builds on the idea that equality of opportunity exists. But instead of just claiming that reward is proportionate to the effort made, it actually promises that everyone who works hard will succeed.

Political scientist Jennifer Hochschild made a detailed analysis of blacks' and whites' attitudes and beliefs regarding the American Dream. First she deconstructs the myth of the American Dream regarding its limitations and flaws. The first obvious limitation is that not everyone can achieve success. Historically, up to the 1960s, about two thirds of the US population were barred from accessing to the American Dream. Women, Native Americans, Asians, blacks, and even the poor, could not pursue success. Despite only a minority of one third of the population, meaning white men, having access to the American Dream, Hochschild asserts that "Americans are close to unanimous in endorsing the idea of the American dream. Virtually all agree that all citizens should have political equality and that everyone in America warrants equal educational opportunities and equal opportunities in general." This belief is very evenly spread among blacks and whites, rich and poor, Republicans and Democrats. She points out that blacks, even more than whites, have belief in these American values and heritage. However, she also insists on the fact that people tend to be more in favor of equal opportunity than of equal outcomes and greatly value self-sufficiency and "trying to get ahead." Hochschild points to an interesting paradox. Despite whites having more real certainty about all the elements of the American Dream they are less optimistic about their own future than blacks are.[397]

When it comes to black beliefs about the American Dream, the paradox is reversed. Blacks tend to believe less in the different tenets of the American Dream, especially regarding the reality of true equality of opportunity, and yet they are more optimistic about their future prospects than whites are about theirs. Moreover, whites tend to see all the conditions filled for blacks to access the American Dream: because of the absence of discrimination blacks have the possibility to succeed, they just have to take personal responsibility for their situation and thus can control their own fate. Because of these perceptions of blacks having full access to the American Dream and their own white future being less bright, whites tend not to believe blacks when they complain about glass ceilings or ongoing discrimination and biases. Hochschild reports that between one-tenth and one-third of whites think that compared to whites, "blacks have more opportunities, are less vulnerable to economic upheaval, receive better health care, are treated better in the courts and the media, and are more likely to obtain good jobs and be admitted to good colleges."[398]

These perceptions are certainly informed by a feeling of disproportionate attention to blacks because of political correctness, affirmative action programs,

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[396] Bartels, *Unequal Democracy*, 15.
[397] Hochschild, *Facing Up to the American Dream*, 26, 55–56.
[398] Hochschild, *Facing Up to the American Dream,* 68–69.

and a representation of social programs being aimed disproportionately at the black population.

A 2009 PEW study on beliefs about black progress confirmed the perception trends identified by Hochschild in 1995. The study showed that whites have a rather optimistic view about the situation of blacks. 49% of whites believed that blacks were better off in 2009 than five years earlier, 53% believed that the standard of living gap between white and black was narrower now than five years earlier, and even climbed to 65% who believed that it was narrower than 10 years earlier. This perception is quite distorted. In fact, in 2008, the black household income was 61.8% of that of white household incomes, which represents only an increase of 0.6% since 1979 (it peaked shortly in 2000 when it reached 64.8%). Moreover, whites are very optimistic about black futures: 56% think that blacks will be even better off in the future. It must be added that blacks share this distorted vision, albeit at a slightly lower level.[399] This perception of the black economic situation, also described by Jennifer Hochschild in 1995, is very far from reality. In reality the wealth gap between blacks and whites based on net worth (taking homeownership, income, debts, etc. into account) tripled between 1984 and 2009, increasing from $85,000 to $236,500. Whereas black median net worth only increased very little and very slowly over the period, white median net worth increased sharply.[400] Despite blacks faring worse than whites in almost all economic areas, according to Hochschild many whites think that blacks have more opportunities. However, when whites try to apply the American Dream to their own situation, in which they do not experience any visible barriers but nonetheless do not manage to reach the Dream, they face a quandary. Hochschild explains:

> Something is wrong with the American dream, and the problem is associated with blacks in some way. But identifying what is wrong and how blacks are implicated in it is a difficult and thankless task for which they receive almost no institutional support. It is far easier to cling to the dream, insist that it really works, and find someone to blame for the lacunae.[401]

Instead of turning to a close analysis of structural unfairness of the system, many whites prefer not to question the tenets of the Dream, to continue to believe in the reality of the Dream, but instead to use race as a vector for blame. There are two main vectors for this blame. The first, as alluded to by Hochschild, consists in claims of reverse discrimination. The second, identified

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[399] "Blacks Upbeat about Black Progress, Prospects," 3, 11–12.

[400] Thomas Shapiro, Tatjana Meschede, and Sam Osoro, "The Roots of the Widening Racial Wealth Gap: Explaining the Black-White Economic Divide," Research and Policy Brief (Waltham, MA: Brandeis University/Institute on Assets and Social Policy, February 2013), 1–3. The criteria that affect the wealth gap are: number of years of homeownership, income, unemployment, college education, and financial support and inheritance. In all of these areas, blacks fare worse than whites. For a more detailed discussion of black-white inequalities, see 1.4. "To Be a Poor Man is Hard, but to Be a Poor Race in a Land of Dollars is the Very Bottom of Hardships:" the Intersection of Race and Class.

[401] Hochschild, *Facing Up to the American Dream*, 68–69.

by political scientists Camille Z. Charles and Lawrence Bobo consists in blaming failure of the Dream on blacks' lack of personal responsibility.[402]

At the level of political discourse, equality of opportunity finds a distinct expression as equality of means. As mentioned earlier, after gaining civil rights in 1964, black activists turned more seriously to claims of economic equality, in other words, to equality of means, which would allow equal chances of success.

In mainstream political discourse, a similar change occurred in the 1960s. President Lyndon B. Johnson had commissioned *The Negro Family: The Case for Nation Action*, better known as the Moynihan Report, in 1964, (it was published in 1965).[403] This report strongly focused on equality of opportunity and especially on life chances for blacks. The findings of the report were alarming and strongly urged the government to focus on economic issues. Johnson took these recommendations seriously, expressed as action through the Great Society and the War on Poverty, but also in his discourse. In a 1965 speech given at Howard University, one of the famous HBCU's, Johnson clearly discussed the difference between a false equality of opportunity that did not take into account centuries of barred opportunity, and opportunity of means:

> You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, "you are free to compete with all the others," and still justly believe that you have been completely fair.
>
> Thus it is not enough just to open the gates of opportunity. All our citizens must have the ability to walk through those gates.
>
> This is the next and the more profound stage of the battle for civil rights. We seek not just freedom but opportunity. We seek not just legal equity but human ability, not just equality as a right and a theory but equality as a fact and equality as a result. [404]

Johnson clearly denounced unequal situations and the more difficult conditions blacks faced. This focus on poverty was not new in the Democratic Party. The Populist period of the Party had witnessed a strong denunciation of inequality, but with a clear enemy: economic elites, in the form of trusts and other concentrations of power.[405]

Edsall and Edsall pointed out that the conservative conception of equal opportunity, as adopted by the Republican Party, allowed them to dominate the "values marketplace." Edsall and Edsall explain conservative equal opportunity as based on the idea that the allocation of scarce resources functions best through market mechanisms. Moreover, they establish a strong link between merit and status, as well as reward and effort.[406] By positing that the system is

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[402] Lawrence D. Bobo and Camille Z. Charles, "Race in the American Mind: From the Moynihan Report to the Obama Candidacy," *Annals of the American Academy of Political and Social Science* 621 (2009): 248. These issues will be developed in 2.4.1. The Backlash Against Affirmative Action and in 3.2.1. "The Dream Smells Like Peppermint but Tastes Like Strawberry Shortcake:" the Conservative Responsibility Discourse.

[403] Patrick Moynihan, "The Negro Family: The Case for National Action" (Office of Policy Planning and Research/Department of Labor, March 1965).

[404] Lyndon B. Johnson, "Commencement Address at Howard University: 'To Fulfill These Rights'" (LBH Presidential Library, Howard University, Washington DC, April 6, 1965), http://www.lbjlib.utexas.edu/johnson/archives.hom/speeches.hom/650604.asp.

[405] For a more detailed discussion, see 3.4.3. "For Nothing More Than a Profit:" Class Populism.

[406] Edsall and Edsall 178.

fair and that ample reward follows righteous effort, cohesion can be created between groups that everything opposes. The vision of being rich one day leads people to support measures favoring the rich in anticipation of the day when one would be rich. This conception of equal opportunity also conveniently allows blaming the poor for their poverty since in a fair system that rewards effort and everyone gets according to their merit, poverty must be self-inflicted.

Reagan understood the changes that had taken place within the electorate. In his 1981 Inaugural Address he presented equal opportunity the way most Americans want to understand it, as based on a fair economic system without barriers of any kind, especially for minorities:

> Well, this administration's objective will be a healthy, vigorous, growing economy that provides equal opportunities for all Americans, with no barriers born of bigotry or discrimination. Putting America back to work means putting all Americans back to work. Ending inflation means freeing all Americans from the terror of runaway living costs. All must share in the productive work of this "new beginning," and all must share in the bounty of a revived economy. With the idealism and fair play which are the core of our system and our strength, we can have a strong and prosperous America, at peace with itself and the world.[407]

Reagan's view of American equal opportunity and fair system insists on the fact that the rewards will be distributed fairly, according to the effort made. Here it becomes apparent how neoliberal ideology gave an economic credibility to a discourse that rejected equality of means by insisting on the neoliberal presentation of the market as being fair and devoid of discrimination. Reagan obliquely attacks government programs, social policy, as being a barrier to opportunity. In the same Inaugural Address, Reagan said:

> Now, so there will be no misunderstanding, it's not my intention to do away with government. It is rather to make it work—work with us, not over us; to stand by our side, not ride on our back. Government can and must provide opportunity, not smother it; foster productivity, not stifle it.

During his presidency, Reagan managed to present government intervention as the anti-thesis of opportunity by building on neoliberal ideas, which he successfully combined with racial conservatism to create a brilliant rhetoric that allowed him to win over the white working class. Thus Reagan successfully solved the American Dream quandary that Hochschild identified: it is not the American Dream that is not working, equal opportunity is a reality, but whites are held back by the government catering to the special demands of minorities. In his 1986 State of the Union Address, Reagan explains this vision of government as only having to safeguard equal opportunity that is present in the free economy, in opposition to the Democratic vision of government that aims at more equality of means through redistributive measures:

> Tonight let us speak of our responsibility to redefine government's role: not to control, not to demand or command, not to contain us, but to help in times of need and, above all, to create a ladder of opportunity to full employment so that all Americans can climb toward economic power and justice on their own.

> But we cannot win the race to the future shackled to a system that can't even pass a federal budget. We cannot win that race held back by horse-and-buggy pro-

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[407] Ronald Reagan, "Inaugural Address," (January 20, 1981).

> grams that waste tax dollars and squander human potential. We cannot win that race if we're swamped in a sea of red ink.[408]

President G. H. W. Bush's conception of equal opportunity of did not differ from Reagan's.

As for President Clinton, he saw opportunity as something that government had to provide through a thriving economy. In his New Democratic statement of principles, The New Orleans Declaration of 1990, Bill Clinton more clearly showed his rather conservative stance on equal opportunity:

> We believe the promise of America is equal opportunity, not equal outcomes.

> We believe the Democratic Party's fundamental mission is to expand opportunity, not government.

> We believe in the politics of inclusion. Our party has historically been the means by which aspiring Americans from every background have achieved equal rights and full citizenship.[409]

Clinton very clearly focuses on equal opportunity, rejecting the previous Democratic focus on more equal outcomes. This is consistent with Clinton's centrist approach.

Not surprisingly, during the presidency of George W. Bush, the interpretation of equal opportunity is conservative. The Republican Party Platform of 2004 defines it as equal rights and opportunity, no leveling of life chances.

> Every day, we strive to fulfill Lincoln's vision: a country united and free, in which all people are guaranteed equal rights and the opportunity to pursue their dreams. [...]

> Ensuring Equal Opportunities

> Our nation is a land of opportunity for all, and our communities must represent the ideal of equality and justice for every citizen. The Republican Party favors aggressive, proactive measures to ensure that no individual is discriminated against on the basis of race, national origin, gender, or other characteristics covered by our civil rights laws. We also favor recruitment and outreach policies that cast the widest possible net so that the best qualified individuals are encouraged to apply for jobs, contracts, and university admissions. We believe in the principle of affirmative access—taking steps to ensure that disadvantaged individuals of all colors and ethnic backgrounds have the opportunity to compete economically and that no child is left behind educationally. We support a reasonable approach to Title IX that seeks to expand opportunities for women without adversely affecting men's athletics. We praise President Bush for his strong record on civil rights enforcement, and for becoming the first President ever to ban racial profiling by the federal government. Finally, because we are opposed to discrimination, we reject preferences, quotas, and set-asides based on skin color, ethnicity, or gender, which perpetuate divisions and can lead people to question the accomplishments of successful minorities and women.[410]

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[408] Ronald Reagan, "Address Before a Joint Session of the Congress Reporting on the State of the Union," (April 2, 1986).

[409] William J. Clinton, "The Manifesto of The Third Way Democrats - The New Orleans Declaration" (Conference of the Democratic Leadership Council, Louisiana, March 22, 1990), https://abiasedperspective.wordpress.com/2015/04/07/repost-the-manifesto-of-the-third-way-democrats-the-new-orleans-declaration/.

[410] The Republican Party, "Republican Party Platform of 2004" (American Presidency Project, August 30, 2004), 1, 75, http://www.presidency.ucsb.edu/ws/?pid=25850.

It is interesting to notice that the platform's section on equal opportunity explicitly addresses feelings of reverse discrimination, mentioned in the section addressing opportunities for women, where it explicitly says: "without affecting men's athletics." Moreover, affirmative action is openly rejected, once again with already proven Reagan-style: the rejection is based on the interest of the recipient and seems to stem from a good intention. Political sociologist Eduardo Bonilla-Silva calls this tactic "abstract liberalism." It is the co-optation of concepts of the liberal language, such as equal opportunity or individualism, but used as a means to justify inequality. The example Bonilla-Silva quotes is the same as here in the 2004 Republican Party Platform: equal opportunity is used to oppose affirmative action.[411]

The significant change came with Barack Obama. Obama is also very strong on equal opportunity, but gives a decidedly "new tone" compared to the last few decades. In *The Audacity of Hope*, Obama devoted a whole chapter to opportunity. This chapter gives the general outline of his conception of equal opportunity, which is clearly on the side of more equal means.

First of all, he differs from conservatives in his view of the fairness of the free market. In his conception, the market is not fair, quite on the contrary, he calls the current system a "winner-take-all economy" where the benefits are not evenly shared.[412] In this, his vision is radically opposed to the neoliberal vision of the free market and to Reagan's vision that lastingly influenced political discourse until Obama. Moreover, Obama draws on the rhetoric of the populist period of the Democratic Party, denounces bullying and greedy big business, and attacks economic elites and trusts.[413] In that he addresses the problems that Gerring identified about the Universalist period of the Democrats:[414] the absence of a victimizer that hampers equal access to opportunity and reward. Big business is not the only enemy in Obama's economic vision, he also denounces globalization as a threat and barrier to the American Dream, and by this he conveniently creates a big and mighty outside enemy that is easy to blame. Obama's economic opportunity triptych is completed by a last nice rhetorical balancing act: while at the same time denouncing an insufficient social policy safety net to ensure opportunity, he also blames crazy social policy regulations that are not efficient enough in providing opportunity.[415] In doing this, he integrates part of the conservative discourse regarding certain social programs and tries to break the image of the Democratic Party as not questioning the efficiency of certain programs. The vision of a certain inefficiency of social programs stems from the increase in urban poverty in the late 1960s and 1970s. In the rest of the chapter, Obama explains various measures of government intervention, to ensure equality of opportunity and to level inequalities created by the free market system. He recasts Roosevelt's New Deal, and argues for similar measures by drawing an analogy between the economic upheavals created by

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[411] Bonilla-Silva, *Racism without Racists*, 76.

[412] Obama, *Audacity*, 146.

[413] Obama, *Audacity*, 143.

[414] Gerring 17. According to Gerring, the Universalist period of the Democratic Party lasted from 1952 to 1992, was based on the dichotomy of inclusion versus exclusion, and focused on themes like civil rights, social welfare, redistribution, and inclusion.

[415] Obama, *Audacity*, 142–46.

globalization and the disruptions of the Great Depression[416] (*The Audacity of Hope* was written and published before the 2008 crisis and the Great Recession).

In a 2009 speech, Obama gives a lengthy description of his conception of equal opportunity created through government leveling inequalities. He does so through the story of his own and Michelle's families:

> You see, Michelle and I are where we are today because even though our families didn't have much, they worked tirelessly—without complaint—so that we might have a better life. [...] Yes, our families believed in the American values of self-reliance and individual responsibility, and they instilled those values in their children. But they also believed in a country that rewards responsibility; a country that rewards hard work; a country built on the promise of opportunity and up-ward mobility.

> They believed in an America that gave my grandfather the chance to go to college because of the GI Bill; an America that gave my grandparents the chance to buy a home because of the Federal Housing Authority; an America that gave their children and grandchildren the chance to fulfill our dreams thanks to college loans and college scholarships.[417]

His long account of both their hardworking families, one white, the other black, shows that in his conception, true equality of opportunity to reach the American Dream does not exist naturally, the economy is not fair. The will to seize opportunity is there, but this opportunity has to be brought within reach by government through social policies.[418]

1.5.4. A Question of Hierarchy

The racial nexus of equal opportunity is quite obvious. Historically, the populations that have been barred from equal opportunity are minorities, especially racial minorities. Among these, the most obviously and most institutionally oppressed minority are blacks. Thus the question of whether equal opportunity means only equal rights to compete, or whether it also means that government should ensure equal outcomes, is highly racial and implies more redistribution in favor of blacks. As Bonilla-Silva pointed out, equal opportunity can also be used to argue against race-conscious policies, but not only so, as Reagan's discourse shows that in the framework of the broader neoliberal economic ideology, equal opportunity is used to argue against social policies and government intervention in general. As Edsall and Edsall demonstrated, race was used by Reagan as a wedge to split the economic-interest based New Deal Coalition that stood in the way of the neoliberal agenda. Through this racial wedge, a numerical multicultural majority demanding more government intervention, more social justice, more equal opportunity and more equal outcomes, has been reduced to what is presented as a racial minority claiming undue special privileges in the form of race-specific policies.

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[416] Obama, *Audacity*, 176, 180.
[417] Barack Obama, "Remarks by the President on Earmark Reform," March 11, 2009, https://www.whitehouse.gov/the-press-office/remarks-president-earmark-reform.
[418] For a more detailed discussion, see 3.4.7. "Keep Your Government Hands out of my Medicare"—"Sir, Medicare is a Government Program:" Obama on the Role of Government.

As has been demonstrated above, there are statistically proven reasons to fully justify a race-specific leveling of these inequalities. It has also been shown that this approach, while justified, is considered as politically unfeasible, even by people who acknowledge this inequality and the need to do something against it. Even Obama, who claimed equality of opportunity to mean also equality of outcomes, and who views the role of government as creating the equality of means to seize opportunity, considers race-specific policies as a political no go.

Why then, are race-specific policies considered as unfeasible, almost as utopian, by people who clearly see the need for them? The answer lies in the political hierarchy and the status of those demanding such measures. Sociologist Karl Mannheim defined political utopia not as something that is unattainable—Thomas More's original utopia meaning "place that does not exist"—but as being a question of status of the group/party/individuals formulating the idea: if it is the or a dominant group, then the idea or belief or demand will be considered as feasible, if it emanates from a subordinate group, then the idea will be labeled as utopian.[419] And indeed, in the sense that this group is not in a position of power to implement the ideas, they can be considered as unfeasible.

Through the 1970s backlash and the Reagan rhetoric racial claims have indeed become utopian on several grounds: race has been used to destroy the New Deal Coalition that had successfully fought for social justice. The backlash has once again politically isolated minorities with a minority agenda, contrary to a short span in the 1960s that was open for racial claims of compensation based on recent white guilt. And lastly, it has become utopian because Reagan managed to transform race into a red flag that even as innuendos and code manages to antagonize people and led (and leads) them to oppose their own economic interests.

The political polarization of the two main parties has worked to the advantage of the Republicans. Clinton's health care legislation failure and subsequent conservative AFDC/TANF reform is just one example of that. But the Republicans' obstructive attitude also took its toll on the ACA: by trying to find a common ground with Republicans to try to create a bipartisan solution, Obama's health care reform has become far less progressive than many would have liked. Moreover, the Clinton failure and the two lawsuits against the ACA are just two examples of how Republicans relentlessly attack any possible weakness of a bill or even legislation. This in turn makes Democrats wary to attempt anything that could be easily exploited by Republicans to their advantage.

Republican discourse presents Democratic proposals as too extreme, as not trying to find a common ground, and thus posits a conservative atmosphere as the norm. In 2010, Kentucky Senator Mitch McConnell said that they were willing to envisage bipartisanship under certain conditions, namely if Obama did a "Clintonian backflip,"[420] meaning if Obama turned conservative. Nobody seems to be shocked that the opposition demands that the party in power surrenders to their opinion and at the same time refuses to meet them halfway. This decidedly conservative atmosphere was created through Reagan's dis-

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[419] Karl Mannheim, *Ideologie und Utopie* (Frankfurt am Main: Vittorio Klostermann, 1995).

[420] Paul Krugman, "Divided We Fail," *New York Times*, October 28, 2010, http://www.nytimes.com/2010/10/29/opinion/29krugman.html.

course that put minority discourse back to its subaltern political status. Later Republican presidents picked up Reagan's discourse, and even Clinton just gave in to this discourse, making welfare-bashing a campaign slogan. The potency of the Reagan discourse was partly due to problems within the Democratic Party. Contrary to the Republicans, Democrats are less ideologically unified. Some Democrats have rather conservative positions regarding race.[421] The same discourse that impacts the white working and middle class also impacts politicians, in part because of the apprehension of the reaction of their electorate. Democrats themselves do not strongly enough support an oppositional position to the Republicans.

In addition to this unfavorable political context for minorities, it must not be forgotten that blacks not only are a political and social minority, but in the US they are also a numerical minority. Blacks represent only 13% of the population. Politically, this numerical minority is further weakened by the consequences of their low socio-economic status. The poorer people are and the less educated, the less they tend to vote.[422] This low voter mobilization in turn makes that blacks are politically underrepresented or "mis-represented" through "symbolical" nominations, [423] such as Supreme Court Judge Clarence Thomas, former Secretary of State Colin Powell, or Secretary of State Condoleezza Rice, who neither represent black majority opinion nor interests that a majority of black people consider important.

When considering the feasibility of race-conscious policies, it must not be forgotten that black opinion regarding race-specific policies has evolved as well. Fewer blacks tend to favor affirmative action, especially if race is presented as the only admission criterion.[424] Moreover, more and more blacks think that there are more differences than similarities between blacks from different social classes, which indicate a decreasing relevance of race considered as single factor.[425]

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[421] Sniderman and Carmines 78.

[422] Dawson, *Behind the Mule*, 130; Tasha S. Philpot, Daron R. Shaw, and Ernest B. McGowen, "Winning the Race: Black Voter Turnout in the 2008 Presidential Election," *Public Opinion Quarterly* 73, no. 5 (2009): 995. In 2008 black voting participation spiked at a record high of 65.2%, almost matching white voter turnout. Although the Obama effect must not be underestimated, the greatest impact is due to efforts of political mobilization.

[423] Jens Manuel Krogstad, "114th Congress Is Most Diverse Ever" (Pew Research Center, January 12, 2015), http://www.pewresearch.org/fact-tank/2015/01/12/114th-congress-is-most-diverse-ever/; Kendra A. King, *African-American Politics* (Cambridge: Polity Press, 2010), 25. There is one representative for 35% of the black population. This is the highest rate among American minorities. 83% of the representatives are white, although whites are only 63% of the population. This gap has only slightly diminished compared to 1981, when 94% of white representatives represented 80% of the total population.

[424] This will be discussed in detail in 2.4.2. Opinions on Affirmative Action.

[425] "Optimism about Black Progress Declines: Blacks See Growing Values Gap Between Poor and Middle Class" (Pew Research Center, November 13, 2007), 3, http://www.pewsocialtrends.org/files/2010/10/Race-2007.pdf. 61% of the black population sees an increasing divergence between the values of the black middle class and the black poor. At the same time, 54% see an increasing convergence between their values and the values of the white population (72% of the white population share this opinion). 37% of blacks even think that the black population cannot be considered as a single race whereas 53% think that this is the case.

These perceptions contrast with social and economic statistics. It is true that there is an increasing black middle class that is very distinct from the black poor and particularly far away from the problems of the ghettos.[426] And yet it is also true when looking at the overall socio-economic structure that the black population is among the poorest in the US, that the black middle class is much more fragile than the white middle class, that black mortality rates are higher, that black education rates are among the lowest, that the black population disproportionately relies on social programs, that black unemployment rates are among the highest, and that the black population was the biggest victim of the 2008 financial crisis. These differences are partly due to discrimination, as for example the refusal of bank loans, discriminating practices of predatory loans, more rejections of job applications, stigmatization, and negative representation in the media.

It appears that since the 1970s, the ideological current advocating racial policies is in a subordinate position at several levels, especially regarding political representation and the political climate. Although social and economic realities plead in favor of race-specific policies, the political situation favors more pragmatic solutions. It is undeniable that the political situation is a major factor that must be taken into account. However, demands that could be judged to be more utopian, such as race-specific policies can find significance and a role in the theoretical framework devised by philosopher Ernst Bloch with his Principle of Hope (*Das Prinzip Hoffnung*).[427] In this sense the ultimate goal of race-specific policies, meaning the suppression or alleviation of all racial inequalities remains a central orientation point of an ideal that should be reached, albeit by other means.

1.6. Conclusion

Both race and class have the function of organizing social hierarchy. Through racism, race has become a means of social and economic subordination that created deep structural inequalities along racial lines in US society that appear in the fields of the economy, education, social networks, housing, and health. Although open institutional discrimination is banned, discriminatory practices persist and the effects of past discrimination continue to shape the lives of minorities. Through this structuring function of subordination, race and class have become overlapping categories. Yet, the deeply racist characteristic of American social subordination means that race cannot be discarded. Indeed, at similar socioeconomic status, the situation of minorities is systematically worse, especially when assets are taken into account. Moreover, cultural norms expressed through classism and racism doubly hit poor minorities and even make the black middle class experience a different one. The continuous concentration of the same (racial) populations at the lowest rungs of the social ladder has created a vicious cycle of reproducing the same social hierarchy, disguising structural disadvantage of lacking access to quality education and valuable social networks behind mythical notions of equal opportunity and meritocracy. Through institutional and structural racism in social policy minor-

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[426] Davis 28.

[427] Ernst Bloch, *Das Prinzip Hoffnung*, 2nd ed. (Frankfurt am Main: Suhrkamp, 1985).

ities have largely been barred from the beneficial effects of the welfare state that helped the white middle class to emerge after World War II. The most salient aspect is that this social and economic hierarchization revolves around the distribution of resources, be it good jobs, health benefits, quality education, or income shares. In this part, only the outcome of this competition around distribution of resources has been presented. The next part will show how social policies, the means by which redistribution is achieved at a political level, have skewed along racial lines, leading ultimately to this unequal society shaped along racial and class lines. More importantly, the historical development of social policies and party attitudes regarding social policies will explain the roots of the political non-feasibility of race-conscious policies.

2
The Racialization of Social Politics: From Social Policies to Welfare
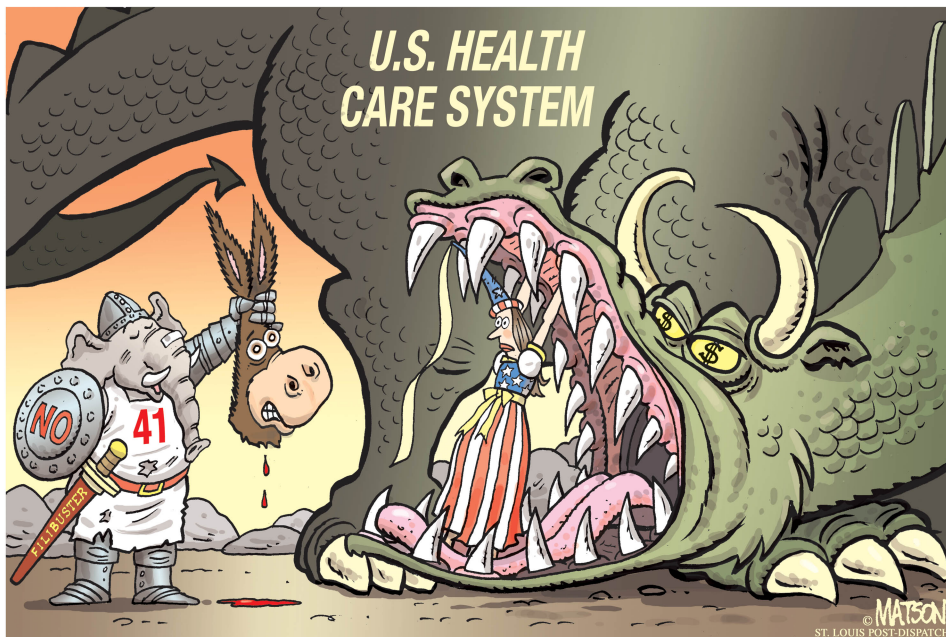
"I SAVED YOU FROM THE MISGUIDED BEAST WHO HAS BEEN TRYING TO RESCUE YOU!"

R. J. Matson. Published in the *St. Louis Post Dispatch* on February 4, 2010.

The historical perspective on the racialization of social policies makes it possible to see the reasons why Americans continue to oppose social policies and why they often even vote against their economic interests. It also makes it possible to explain why meaningful social policy reform is a major challenge for American politicians, especially when there is a will to address racial inequalities. This was the case for Obama, who not only wanted to establish a universal health care system, but also intended to specifically help the black population. This chapter will retrace the historical and political evolution of social policies that make it difficult to achieve meaningful reform while addressing racial inequalities, which Obama tried to do through his health care legislation. He faced strong opposition from the Republican Party and from the public. A historical survey of social policies will show how these have contributed to structural inequalities along race and class lines, how racial competition for economic resources in the form of social policies has prevented an interracial class alliance, and how the two major American political parties became strongly polarized over the issue of social policies. It appeared preferable to treat the purely historical development of social policies separately from the different theories and interpretations regarding the reasons for such a problematic development and later attacks. Therefore the racialization of social policies will be treated separately from the general overview of the welfare state.

Political scientist Theda Skocpol insists on the need for a historical perspective. In addition, she argues in her book *Social Policies in the United States: Future Possibilities in Historical Perspective* (1995) that not only must the historical perspective be adopted to understand the development of the policies themselves, but that the evolution of American politics must also be taken into account. The difference of political attitudes between the Democratic and the Republican Party concerning social policies is often explained in ideological terms opposing ideals of strong government intervention to ideals of a market-based approach. Other explanations focus on differences in moral preferences that oppose ideas of economic aid to preferences for "reform of behavior." Skocpol argues that these explanations oversimplify the issue and that the historical and political evolution of social policies needs to be taken into account, as these show the gradual racialization of such policies, which was made possible because structural racial inequality was built into them right from their inception. The existence of structural racial inequalities in social policies is demonstrated by political scientist Ira Katznelson in his 2005 book *When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth Century America*.[1] This view is shared by political scientist Joe R. Feagin in his work *White Party, White Government: Race, Class, and US Politics* (2012). Feagin insists more on how, in the American context, the racialization of social policies has prevented the development of a strong political class alliance.[2] Thomas and Mary Edsall explain how these elements have been exploited in the Republican electoral strategy since the 1970s, and by Ronald Reagan in particular.[3]

By electing Reagan in 1980, the white working and middle class turned away from redistributive measures during a period that witnessed major economic difficulties. Based on the evidence of the Great Depression—a period of economic crisis that resulted in the creation of the American welfare state—it could have been expected on the contrary that Americans would favor more redistributive measures in the late

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[1] Katznelson, *When Affirmative Action Was White*, xv.
[2] Feagin 50–1.
[3] Edsall and Edsall 3–4.

1970s. These two historical examples show that it is difficult to affirm that the 2008 crisis and the ensuing Great Recession necessarily represented a favorable context for the creation of more redistributive policies, both at the political and the public opinion level.

At the political level, Obama explained in a 2016 interview that he assumed that because of the 2008 crisis Republicans would be more cooperative and that they would work on a bipartisan basis to tackle the crisis. He explained that he understood his mistake when House Minority Leader John Boehner publicly declared Republicans would not support the stimulus bill, even before Democrats had presented their first draft of the bill.[4] There were only rare occasions of bipartisan collaboration during the Obama presidency. As far as the health care reform is concerned, the Republican opposition is striking. For the drafting of the health care reform bill, there was only a small and superficial collaboration in the Senate. The *Patient Protection and Affordable Care Act* of 2008 (ACA) was passed without a single Republican yea. Moreover, the Republicans challenged the constitutionality and some provisions of the ACA in two major lawsuits.[5] Congressional Republicans have repeatedly promised that they would dismantle the ACA. The Republican presidential candidates of 2012 (Mitt Romney) and 2016 (Donald Trump) both promised in their campaigns that they would revoke the ACA.[6] From a political point of view, the economic crisis did not translate into more favorable conditions for redistributive policies as far as the collaboration of the GOP was concerned.

The health care reform was protested against by the public, especially by the Tea Party. In August 2009, six month before the final vote on the reform bill, only a 37% minority of public opinion supported health care reform, 39% opposed the reform, and the remaining 24% had no opinion.[7]

Greater inequality and greater economic needs do not automatically translate into greater demands for redistributive measures. Political scientist Larry M. Bartels expressed his puzzlement over the lack of political demand for redistribution. He

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[4] Jonathan Chait, "Barack Obama on 5 Days That Shaped His Presidency," *New York Magazine*, October 2, 2016, http://nymag.com/daily/intelligencer/2016/10/barack-obama-on-5-days-that-shaped-his-presidency.html.

[5] *National Federation of Independent Business et al. v. Sebelius, Secretary of Health and Human Services, et al.*, 567 US 519 (US Supreme Court 2012); *King v. Burwell*, 759 F. 3d 358 (2015); *Burwell v. Hobby Lobby Stores,* 723 F. 3d 1114 (2014). The cases will be discussed in more detail later. In the *Sebelius* case, the plaintiffs challenged constitutionality of the Individual Mandate and the Medicaid extension. The Supreme Court decided that only the Individual Mandate complied with the Constitution. In King v. Burwell, the language concerning the health care exchanges was challenged. The claim was that the ACA read as though the subsidies to purchase health care insurance would only apply to states that had created their own health exchanges. The Supreme Court ruled that the language was sufficiently clear. In Burwell v. Hobby Lobby, several for-profit companies challenged the obligation to cover contraceptives, especially four contraceptives that can also induce abortions in the first days of a pregnancy. The Supreme Court ruled that the exemption for the contraceptive mandate that applies to churches and religious not-for-profit organizations also applies to closely held corporations on grounds of religious belief.

[6] Mitt Romney, "Why I'd Repeal ObamaCare," *USA Today*, March 22, 2012, http://usatoday30.usatoday.com/news/opinion/forum/story/2012-03-22/mitt-romney-health-reform-repeal-obamacare/53711598/1; The Republican Party, "2012 Republican Party Platform," August 27, 2012, http://www.presidency.ucsb.edu/ws/?pid=101961; "Donald J. Trump Positions," accessed December 1, 2016, https://www.donaldjtrump.com/positions.

[7] Lydia Saad, "Americans Still Sharply Divided on Healthcare Reform" (Gallup, September 8, 2009), http://www.gallup.com/poll/122822/Americans-Sharply-Divided-Healthcare-Reform.aspx.

noted the discrepancy between the theoretical assumption that greater inequality should result in political demands for higher taxation and more redistributional policies from people with moderate incomes, and the reality that is quite different. Despite the high inequality rates in the country, the tax cuts for the wealthy made by President George W. Bush (and his Republican predecessors) did not trigger a strong opposition.[8] According to sociologist and political scientist Leslie McCall, concerns about income inequality do not necessarily mean that people support more taxes on the rich or redistributive policies. According to her studies, people tend to favor spreading opportunity through education or similar measures enhancing self-reliance.[9] And yet, President Barack Obama's big education reform has stalled in Congress since 2008 and his health care reform came at a very high price for Democrats.[10] The racialization of social policies based on intergroup competition and the ensuing negative discourse around social policies will provide part of the analytical framework to explain why Americans opposed an opportunity-enhancing reform that cut the health care deficit and provided coverage for millions of uninsured.

2.1. A Brief History of Social Policies

Before starting to outline a brief history of the development of social policies, it must first be understood what kind of policies they are. Social policies play a major role in politics, because they regulate part of the redistribution of wealth, meaning the allocation of resources within society. The allocation of resources is the core element of politics, as shown by the famous and oft cited definition of politics: "Who gets what, when, and how," after political scientist Harold Dwight Lasswell's eponymous 1950 book. This already points to two core elements of politics: the administration of a circumscribed human group and the matter of resources, that is, how common resources are created and defined and how they are shared. Moreover, the "Who" is quite important, and there are many ways of defining the "who" that "gets", just as there are many ways in deciding where to get the resources that will be pooled. Social policies do just that: establish the criteria of which persons will get which amount of resources under which conditions. This redistribution process also establishes from whom the resources are taken. Hence the very nature of social policies creates inter-group competition. Moreover, they have a deep and heavy impact on the whole country and the country's economy.

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[8] Bartels, *Unequal Democracy*, 26–27.

[9] McCall 225.

[10] However, Obama managed to pass some education measures in the American Recovery and Reinvestment Act of 2009, which established the Race to the Top program that awards competitive funds to schools and which reformed student loans. The Obama administration stopped the subsidies to private insurers and turned to an arrangement of government-financed loans. Some measures were also passed in the Health Care and Education Reconciliation Act of 2010, which completes the Affordable Care Act of 2010. The Reconciliation Act further reformed and expanded Pell Grants, invested in Community Colleges and HBCU's.

2.1.1. Different Types of Policies

In his 2009 book *Arenas of Power,* political scientist Theodore J. Lowi distinguishes four main types of policies: constituent, distributive, regulatory, and redistributive policies. These different types of policies are not only distinguished because they affect different parts, levels, or spheres of the nation, society, or the economy, but also because they are influenced by different parts of the government, or by an association of different parts of the government. Moreover, Lowi finds the various types of policies to be so different that he describes them as "distinct subsystems" that entail different types of politics.[11]

Constituent policies are policies that are concerned with "state building" and create a structure in which government action can take place. [12] The most obvious example of this type of policy is the Constitution.

Distributive policies mainly concern public land and resources, such as river and harbor programs, labor, business, traditional tariffs, and agricultural "clientele" services. They can be broken down into small units, with virtually no connection between each other, and which do not obey any general rule. Lowi posits "patronage" as a synonym for "distributive." Distributive policies are made up of "highly individualized decisions that only by accumulation can be called policies."[13] The most individualized of these decisions and most specific allocations are also called "pork-barrel" policies and are mostly included within wider bills. Distributive policies are exclusively handled by Congress where lobbies and committees play the major roles.[14] The narrower pork-barrel distributive policies are mainly made at the request of a single member of Congress for their specific district, mostly in return for their vote in favor of the wider bill in which the pork is included. This exchange of votes in support of one another's bills is called "log rolling."

Regulatory policies also have an individual and specific impact, but they are stated in general and neutral terms. The impact is "clearly one of directly raising costs and/or reducing or expanding the alternatives of private individuals."[15] These policies establish rules of conduct that are enforced, if necessary, by fines or other forms of penalties and that create rules of behavior to organize the living/working/functioning together in a nation. Although the impact is highly individualized, the policies cannot be disaggregated to a single unit, individual or enterprise. The law does not apply to a single unit, as is the case with distributive policies. But there can be a perceived common impact along sectors of the economy. Regulatory policies are cumulative along those sector lines, therefore regulatory policies can be broken down to the sector level.[16] Moreover, the units can adapt to regulatory policies by adjusting their behavior to the rule that has been established. These are the texts that are often referred to as "the law" that must not be broken. Regulatory legislation is handled exclusively in Congress, mostly in committees and on the floor.[17]

Most redistributive policies are commonly called social policies. However, a significant part of redistribution is also achieved through tax policies and tax breaks or

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[11] Lowi 50.
[12] Lowi 67.
[13] Lowi 33–34.
[14] Lowi 52–53.
[15] Lowi 34.
[16] Lowi 34.
[17] Lowi 53.

subsidies. They also deal with the relations between individuals, but the categories are broader, almost resembling social classes, described by Lowi as follows: "They are, crudely speaking, haves and have-nots, bigness and smallness, bourgeoisie and proletariat. The aim involved is not use of property, but property itself, not equal treatment but equal possession, not behavior but being."[18] Thus clearly, redistributive policies, as the name suggests, concern social policies such as welfare programs that deal with the redistribution of resources among the population. Redistributive policies create categories and this classification is involuntary. Through redistributive policies, people are automatically grouped, and cannot by their own choice get into a group defined by the policy. Redistributive policies can be seen as manipulation of the system, of the macropolicy, or of the environment of conduct. Moreover, redistributive policies are very closely associated with social movements and social classes.[19] This stems from the fact that such policies seek to create new structures, to manipulate existing structures in order to change the value of property or money, or to categorize people according to some universalized attribute, such as level of income, or age, or status of occupation. As a result of this type of restructuring of the population, these policies can be called categoric.[20] To phrase it with Lasswell's words, redistributive policies determine "who" (which category) "gets what" (the amount of benefits or subsidies). In the case of the ACA, an example category would be people with an income up to 133% Federal Poverty Level (FPL) who can benefit from the Medicaid extension. Another income category would be the people with incomes between 100% and 400% FPL who qualify for tax credits to pay for their health care insurance premiums and reductions in cost-sharing.[21]

Whereas the other types of policies are out of reach of the president, or are policies for which the president can at best have a supplicative role (as for regulatory policies), by contrast, Lowi found that in the case of redistributive policies, the executive plays a major role. In a general manner, it can be said that redistributive policies result from strong executive activity, otherwise they are likely to fail. Such policies imply a direct communication between the executive and the legislative: the "acting out of the intent of the framers" as Lowi calls it. Moreover, for both the House and the Senate, there is greater floor activity and greater floor creativity—meaning that alterations to the bill are made—than for the other types of policies.[22] In the context of health care reform this means that the type of policy provided for conditions that allowed for a greater outplaying of intra-party conflicts and also provided for more opportunities for the opposition to voice their disagreement. The Democratic majority had conflicting opinions about the content of the reform project and the Republican minority was strongly opposed to it. The media's focus on these conflicts contributed to negatively influencing public opinion about the reform project.[23]

Lowi also noted that, although for all four types of policies "coalitions form around shared interests, the coalitions will shift as the interests change or as conflicts of interest emerge."[24] This, however, is less the case for redistributive policies, as the

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[18] Lowi 34.

[19] Lowi 87–88, 148–49.

[20] Lowi 117.

[21] ACA Sec. 2001 and Sec. 1401–1402.

[22] Lowi 53–54.

[23] For more details see 3.1.3. "Oh, You Got to Be—You Got to Be Careful About Them Cable Networks, Though:" Politics and the Media and 3.1.4. "A Cat Dancing on YouTube:" The ACA and the Media.

[24] Lowi 37.

issues align along class lines, which tends to stabilize these interests. Lowi highlights the fact that "these interests are sufficiently stable and clear and consistent to provide the foundations for ideologies." Indeed, a careful analysis of a set of case studies reveals that for redistributive policies the relationship among the legislative actors is driven by ideology, whereas it is driven by logrolling for distributive policies, and by bargaining for regulatory policies.[25] Redistributive policies, or social policies, imply oppositional interests revolving around taxation and reallocation of resources along sufficiently stable lines to create lasting ideological oppositions, and ultimately, polarization.

The polarization of the two parties over social policies has increased over the past decades, starting with the demise of the Keynesian consensus in the 1970s and the adoption of neoliberal ideas by the Republican Party. The strong ideological polarization between the two parties and the Republican political strategies introduced by Newt Gingrich in the 1990s have created a context in which bipartisanship for redistributive policies is virtually impossible. Quite on the contrary: Republican opposition is strong and unrelenting. This is exemplified by the Clinton health care reform failure in 1994 or Boehner's public rejection of the stimulus bill in 2009 before having discussed the bill with the Democrats. Issues of bipartisan collaboration for Obama's health care reform will be discussed later in detail.[26]

The implication of the type of policy on the type of politics, following Lowi's definitions and analysis, is that in the case of the ACA Obama had a triple role to play. The first point was that Obama had to take on his role as government leader to encourage and push Congress to enact the reform project. The second role, more diffuse and less directly traceable, is linked to "the acting out of the intent of the framer", meaning the influence on the content of the bill regarding the features and provisions of the future law. And finally, the last role, although less directly addressed by Lowi, but which is hinted at in the mentioning of the strong impact of redistributive laws on the population, is that the president's role includes working the public and maintaining a discursive context favorable for reform.

However, Lowi's classification does not take race into account. On the surface, policies can be distinguished as color-conscious and colorblind, or race-specific and race-neutral. In other words, a policy can explicitly target specific racial populations or apply universally to the whole population. Yet, when it comes to race, another major distinction must be made regarding the outcome of a given policy. This outcome can be negative (racist or prejudiced). Or it can be positive or enhancing, meaning that the policy has a beneficial effect on the targeted racial population. Political scientist Robert C. Lieberman, in his 2007 book *Shaping Race Policy: the United States in Comparative Perspective,* insists on this aspect. According to him a distinction must be made between discriminatory intent and discriminatory outcome. A race-neutral policy can have a discriminatory outcome. Moreover, in his 1998 book *Shifting the Color Line: Race and the American Welfare State*, Lieberman shows how this discriminatory effect can result from the manner in which a program is financed and administered.

It is generally understood that the first type of race policy, the one most commonly associated with racial policy, is the race-specific policy with a negative outcome. Slavery laws and segregationist laws immediately come to mind. These laws

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[25] Lowi 41, 50–52.

[26] For a discussion of bipartisanship in the ACA see 2.5. Scorched Earth Strategy: Polarization and Partisanship.

somewhat blur Lowi's categories, since they use the category factor of race to establish regulations.

The second type of race policy is the race-specific policy with a positive outcome. The prime example is affirmative action. It is somehow difficult to categorize affirmative action according to Lowi's terms, since once again, it targets being instead of behavior. Moreover affirmative action regulates access rather than redistributing resources. Nonetheless, affirmative action is commonly studied alongside more classical social policies. Affirmative action is redistributive in the sense that it redistributes opportunity in social policy areas such as work and education. Moreover, it establishes categories as redistributive policies do; in this case, race, gender, religion, and age.

As for race-neutral policies, it is more difficult to evaluate their differential outcome. A policy can be race-neutral on the surface, meaning the legislative text does not contain language openly excluding a specific race or races, or does not openly impose a certain discriminatory conduct on a specific race or races, and yet the policy can have a negative or discriminatory outcome.

One of the ways to create a neutral policy that has a negative racial impact is to target the racial population through another category that is predominant in that population, such as economic categories. For example Social Security, as it was devised in 1935, excluded a majority of African-Americans because it excluded domestic servants and farmworkers. These categories were only integrated in 1950. Although many now view Social Security as a neutral program, some have criticized an imbalance, since African-Americans have a notably shorter life span and thus benefit less from Social Security.[27]

The way a program is administered also allows for unequal outcomes along racial lines. Lieberman opposes two extremes of administration. On the one hand, there are procedurally egalitarian programs with clear rules and carefully selected criteria that treat all the individuals equally. In these cases, it is rather simple to determine whether there is discrimination or not. On the other hand, there are discretionary programs. In these cases,

> clear benefit criteria are not written into the statute or if power is not clearly vested in a central authority, policies will grant wide discretion to subordinate administrators and governments. Discretionary policies need not be slanted on their face in order to discriminate against particular social groups; the very fact of discretion allows for the possibility that individuals in identical situations will not be treated identically.[28]

This is often the case with state-administered programs, where states are free to set their eligibility criteria. For example, with the case of Medicaid prior to 2010, it was mostly states with important black populations and high poverty rates that had the lowest Medicaid eligibility levels. Howard showed that this was the case for most southern states, even when controlling for economic and political variables. Southern states used the discretionary aspects of Aid for Families with Dependent Children (AFDC) in the same way, often declaring black applicants as unfit mothers and as

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[27] Howard 178. Howard argues that survivor's insurance (an amendment added to the Social Security Act in 1939) compensates for blacks' shorter lifespan. Survivors' insurance are benefits for the surviving dependents (widows and dependent children under age 18) who can receive benefits if an insured wage earner entitled to Social Security benefits deceases. Bureau of Old-Age and Survivors Insurance, "Federal Old-Age and Survivors Insurance: A Summary of the 1939 Amendments," December 1939, 3, https://www.ssa.gov/policy/docs/ssb/v2n12/v2n12p3.pdf.

[28] Lieberman, *Shifting the Color Line*, 16.

such ineligible for benefits.[29] Regarding AFDC, Lieberman noted that in the 1970s, when the proportion of minority applicants increased, the real value of the benefits started to decrease.[30]

Lieberman demonstrates that the structure of financing can also have a discriminating effect. Some policies are contributory, meaning that the policy revenue (almost) exclusively comes from future or potential beneficiaries. Thus the programs "entail at least the illusion of a self-contained system," without appearing to rely on other sources of revenues. Other programs do not require a previous contribution and very explicitly rely on general revenue, meaning taxes, to finance the benefits. This not only leads to easily defined constituencies in the case of contributory programs on the one hand, and fragmented constituencies that are politically separated from the general population on the other hand, but also to distinct statuses in the "political mind as 'deserving' or 'undeserving,' 'honorable' or 'dishonorable.'"[31] A state-administered program with a fragmented and imprecise constituency that is morally judged as undeserving and dishonorable is vulnerable and prone to discrimination.

The last possibility is a race-neutral policy with a positive outcome. In this case, there is no specific racial designation, but the beneficiaries are impacted through specific socio-economic aspects or through specific issues that disproportionately affect these populations in order to alleviate these problems. As it will be demonstrated later in detail, this is the case with the Affordable Care Act. Officially, the ACA is a universal and race neutral policy. However, the ACA manages to impact racial minorities, and blacks in particular, by focusing on certain socio-economic aspects or specific issues that disproportionately affect minority populations in order to alleviate these problems. The ACA, for example, disproportionately helps the lower black middle class by concentrating the subsidies for the purchase of health insurance on income categories between 100% and 400% Federal Poverty Level.[32] Based on the statistics of family incomes in 2010 of the Bureau of Labor Statistics and the Census Bureau, these subsidies concerned 13.6% more families in the black population than in the white population.[33] Another example would be the strong focus on issues like HIV/AIDS or diabetes, both extremely costly and life threatening, and of major proportions in the black population.

2.1.2. Building the Welfare State

It is usually highlighted that the American welfare state developed quite late in the US compared with other Western nations. This, however, must be slightly qualified. The New Deal was by no means the beginning of the American welfare state. Skocpol points to the development of veteran pensions after the Civil War to show that some type of welfare programs already existed, as well as some assistance for widows and orphans, and the already existing primary and secondary school system.

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[29] Howard 178–9.

[30] Lieberman, *Shaping Race Policy*, 2–3.

[31] Lieberman, *Shaping Race Policy*, 16.

[32] ACA Sec. 1401.

[33] US Census Bureau, "Family Income." The figures are slightly rounded because the income brackets used by the Census do not exactly correspond to the income categories defined by the Federal Poverty Level that are applied for the attribution of the subsidies.

The veteran pensions in particular are often overlooked, because they are part of the military budget. Moreover, in the North, more people (native-born white men) were covered by the pensions than there were actual veterans, making it effectively work as a broader social policy. However, this mostly led to the association of the pensions with political corruption.[34]

During the late 19th century discontent over poverty started to grow. The major change was that poverty was not only blamed on personal failure anymore, but on "an unjust political and economic organization."[35] The idea that government had a role to play in regulating this organization in favor of the workers and ensure their welfare started to make headway, especially with the publication in 1909 of Herbert Croly's *The Promise of American Life*.[36] In 1911, Illinois was the first state to enact Mothers' Pensions, soon followed by the other states. Mothers' Pensions enjoyed a broad consensus. However, the allocation was narrowed down to children with unemployable or deceased fathers, and was made "contingent upon their mothers' acceptance of [white] middle-class behavioral norms."[37] The first report on the various state programs issued by the Department of Labor in 1914 described the various state Mothers' Pension programs as "a type of legislation whose purpose is admittedly uniform, namely, to secure for young children home life and the personal care of a good mother. No one quarrels with this purpose."[38] Sociologist and political scientist Joe Soss and political scientists Richard Fording and Sanford Schram argue that Mothers' Pensions were largely denied to black and Hispanic women, sometimes by simply not establishing the programs in areas with large minority populations. The Pension programs focus on middle-class norms also led to the use of the program as an assimilation tool for European immigrants.[39] It consequently already becomes apparent that social policies were viewed as programs that should be addressed to the white population.

The Progressive Era was marked with a spirit that sought to improve working conditions, public health, and housing, and the major policy breakthrough came in 1935 with the Social Security Act. Although the term "Social Security" is understood nowadays as referring to the retirement pensions, the act also established unemployment benefits and relief for the poor, and it must be considered as the foundation of today's welfare state.[40]

Four aspects are of particular interest in the New Deal. The momentum for the New Deal was created by the Great Depression. One interesting part of the Great Depression is that it gave a white face to poverty, especially through the famous photographs by Dorothy Lange. Moreover, it reinforced the perception that poverty is not exclusively a problem caused by personal failure but a result of economic forces, thus rendering government intervention acceptable.

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[34] Skocpol 12, 24, 70, 141–44.

[35] Hochschild, *Facing Up to the American Dream*, 219.

[36] Herbert Croly, *The Promise of American Life*, (1909, New York: The Macmillan Company, 1912).

[37] Mark H. Leff, "Consensus for Reform: The Mothers'-Pension Movement in the Progressive Era," *Social Service Review* 47, no. 3 (1973): 397.

[38] Julia C. Lathrop, "Laws Relating to 'Mothers' Pensions' in the United States, Denmark, and New Zealand" (Washington DC: US Department of Labor, Children's Bureau, 1914), 5.

[39] Joe Soss, Richard C. Fording, and Sanford F. Schram, *Disciplining the Poor: Neoliberal Paternalism and the Persistent Power of Race* (Chicago: University of Chicago Press, 2011), 55–57.

[40] Edward D. Berkowitz, *America's Welfare State: From Roosevelt to Reagan* (Baltimore: John Hopkins University Press, 1991), 2.

Second, the way the New Deal was designed meant that it functioned as "affirmative action for whites", as Ira Katznelson argues.[41] Minorities were largely excluded since agricultural and domestic workers were not covered, thus leaving about 2/3 of the black population not covered by Social Security.[42] Besides, the New Deal, as designed initially, on top of discriminating against minorities by barring them from the program, also gave an unfair advantage to the white population by allowing them to benefit from programs that had a major impact on economic well-being, especially regarding poverty in old age. Katznelson asserts that the political power of Southern Democrats was still a determining factor in Congress, allowing them to heavily influence the contours of social policy in a manner as to preserve the Southern Way of Life.[43] In his 2013 book *Fear Itself*, Katznelson argues that "crucially, the South permitted American liberal democracy the space within which to proceed, but it restricted American policymaking to what I call a 'southern cage,' from which there was no escape." Moreover, Katznelson insists on the fact that the influence and role of segregationist politics on the shaping of the New Deal is the most overlooked theme in the histories of the New Deal.[44]

It must be said, however, that this is also refuted. On behalf of the Social Security Administration, Larry DeWitt argues that this exclusion "was due to considerations of administrative feasibility involving tax-collection procedures",[45] and had nothing whatsoever to do with an intention to discriminate or to accommodate Southern politics. Despite the exclusion and the fact that most blacks knew that they were getting less than whites, when they got something at all, the New Deal relief program kept many black families from starving, which assured President Franklin Delano Roosevelt's popularity among the black population. This was also due in part to Eleanor Roosevelt's commitment and activism on behalf of minorities.[46]

Third, FDR had initially also aimed to pass legislation on health insurance but "political realities", namely opposition, prevented it.[47] Lastly, the Social Security Act transformed Mothers' Pensions into Aid to Dependent Children. The interesting point is that it failed to create a federally administered program. The New Deal established a two-tier system. The programs aimed at the families of white male workers, such as pensions, would be federally administered. Relief for the poor and ADC, which benefited minorities and women more, would be administered at the state level with discretion for the states on how to allocate the resources.[48] Skocpol argues that this was a conscious effort to dissociate Social Security from relief for the poor.[49]

The 1934 National Housing Act created the Federal Housing Administration whose purpose is to help Americans access homeownership. However, it has been demonstrated that the FHA discriminated against minorities by refusing mortgages

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[41] Katznelson, *When Affirmative Action Was White*, xi.

[42] Katz, *In the Shadow of the Poorhouse*, 252.

[43] Katznelson, *When Affirmative Action Was White,* 17. This argument is also made by Lieberman in *Shaping Race Policy.*

[44] Ira Katznelson, *Fear Itself* (New York: Norton, 2013), 15–16.

[45] Larry De Witt, "The Decision to Exclude Agricultural and Domestic Workers from the 1935 Social Security Act," *Social Security Bulletin* 70, no. 4 (2010), http://www.ssa.gov/policy/docs/ssb/v70n4/v70n4p49.html.

[46] Katz, *In the Shadow of the Poorhouse,* 253.

[47] Katz, *The Price of Citizenship*, 258. For a detailed discussion, see 2.2.1. "I Think the Other One Is What's Got Sex Appeal:" Attempts at Health Care Reform.

[48] Soss, Fording, and Schram 57.

[49] Skocpol 155.

and redlining black neighborhoods; practices that continue to shape American city-scapes today.[50] Similar discrimination was at work when implementing the Service-men's Readjustment Act of 1944, better known as the GI Bill. The package to help veterans back after service included low-cost mortgages, low-interest loans to help start a company, unemployment benefits, and paying for tuition fees, especially for college and university, and even providing for a monthly living allowance for the du-ration of their studies. This act helped many working-class veterans move into the middle class.[51] Despite the GI Bill being a program that did not in any way explicitly exclude blacks, a race trump had been built-in at the request of Southern congress-men: it was a state-administered program, allowing Southern states to exclude blacks, especially from home mortgages. Katznelson concludes that "the performance of the GI Bill mocked the promise of fair treatment." Moreover, Katznelson insists on the increasing gap created by the exclusions of blacks from a program that provides a greater advantage for whites.[52] This means that at a period when blacks were held back by segregation and discrimination, which already gave an advantage to whites, the latter got additional federal help to get ahead and reach a middle class status from which blacks were thus doubly excluded.

President Harry S. Truman sought to address many of the shortcomings of the Roosevelt presidency. FDR had not even dared to propose anti-lynching legislation for fear that the Southern Democrats would jeopardize other legislation.[53] Truman, on the other hand, openly sought to enforce a civil rights agenda and desegregated the army in 1948 through Executive Order 9981. However, most of Truman's Fair Deal, including the major project of health care insurance, was defeated by the con-servative coalition in Congress, which allied Republicans with conservative Southern Democrats, united in their goal to limit the scope of government. In the case of the Southern Democrats, the scope of government was perceived as a threat to segrega-tion, especially since Truman had openly linked his agenda on social policy with his agenda for civil rights and desegregation.[54] In 1950, at last, the Social Security Act was modified as to include domestic servants and agricultural workers and thus gave ac-cess to many minorities.

President John F. Kennedy's ambitious domestic policy program, which notably comprised civil rights and health care, failed because of the opposition of Southern Democrats. Kennedy rapidly turned away from domestic policies and focused on other issues. It is a gross underestimation to think that president Lyndon B. Johnson simply enacted Kennedy's domestic agenda. What Johnson did went far beyond that and he managed to address many of the shortcomings of the New Deal.[55] Johnson

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[50] Katz, *In the Shadow of the Poorhouse*, 253; Conley 36–7.

[51] US Department of Veterans Affairs, "History and Timeline of the GI Bill," 2017, http://www.benefits.va.gov/gibill/history.asp. The Veterans Affairs administration estimates that be-tween 1944 and 1956 (end of the initial program) 7.8 million of the 16 million WWII veterans had partic-ipated in an education or training program. Between 1944 and 1952 about 2.4 million veterans used the home loan guarantee. Only the unemployment allowance was very little used: only about 20% of the funds set aside for this purpose were effectively used. The GI Bill has been updated twice since 1944. Nowadays, the benefit provided by the GI Bill is even transferrable to the spouse or children.

[52] Katznelson, *When Affirmative Action Was White*, 113–23; 140–41.

[53] Feagin 63.

[54] Boychuck 41. For a detailed explanation, see 2.2.1. "I Think the Other One Is What's Got Sex Appeal:" Attempts at Health Care

[55] Bruce S. Jansson, *The Reluctant Welfare State: American Social Welfare Policies—Past, Present, and Future* (Belmont, CA: Thomson Brooks/Cole, 2005), 243; Skocpol 209–10.

was a deeply convinced class populist and committed to racial justice. It was his polit-ical savviness and his personal dedication to the issue, which also showed in the way he relentlessly worked on members of Congress to convince them to vote for the bills, which allowed him to pass the Civil Rights Act and the wide array of programs of the Great Society. The Great Society created many means-tested programs aimed at the poor. These programs in particular aimed at reducing the growing economic gap be-tween whites and minorities. Between 1947 and 1964, white poverty rates had dropped by 27%, whereas minority poverty rates had dropped by only 3%.[56] Johnson was well aware of these issues of economic inequality, notably through the Moynihan report (whose official title was: *The Negro Family: A Case for National Action*, published in 1965) he had commissioned. The first page of the report clearly stated that enacting Civil Rights was just a beginning, but an insufficient one, that would not address deep-seated economic inequality:

> In this new period the expectations of the Negro Americans will go beyond civil rights. Being Americans, they will now expect that in the near future equal opportunities for them as a group will produce roughly equal results, as compared with other groups. This is not going to happen. Nor will it happen for generations to come unless a new and spe-cial effort is made.[57]

The "new and special effort" to target poverty was the War on Poverty within Johnson's Great Society. Among the developments of the Great Society was the ex-pansion of AFDC (in 1962 it had been renamed Aid to Families with Dependent Chil-dren in order to encourage marriage). Now AFDC recipients were also entitled to receive Medicaid, Food Stamps, day care, and work-related incentive payments. However, the expansion of AFDC did not come without a fight. As it increasingly included blacks, it became increasingly tied to the Work Incentive Program (1967).[58] But the War on Poverty was also in part fought through the 1964 Economic Oppor-tunity Act, which created programs like VISTA (Volunteers in Service to America), Head Start, or the Job Corps, providing job and training opportunities.

Another major achievement of the Kennedy and Johnson administrations was the creation of affirmative action. Affirmative action does not redistribute resources,

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[56] Katznelson, *When Affirmative Action Was White*, 14–5.

[57] Patrick Moynihan, "The Negro Family: The Case for National Action" (Office of Policy Planning and Research/Department of Labor, March 1965), 1; The Moynihan Report has been subject to heated de-bates since even before its publication. Some denounce the Report as "blaming the victim" and as rec-ommending only behavioral solutions, others, like Wilson, see in it a prophetic work that announced the problems that the African-American population would have to face. Wilson particularly insisted on the fact that Moynihan had accurately identified the limits of the removal of legal barriers and that he had pointed to the social mechanisms that would perpetuate blacks subordinate social position. However, Wilson also criticized the way in which the findings of the Report had been presented. For more detailed discussions of the ongoing Moynihan controversy, see Ta-Nehisi Coates, "Revisiting the Moynihan Re-port, Cont.," *The Atlantic*, June 18, 2013, http://www.theatlantic.com/national/archive/ 2013/06/revisiting-the-moynihan-report-cont/276978/; Daniel Geary, "'Racial Self-Help' or 'blaming the Victim'?: 50 Years after Its Publication, the Moynihan Report Still Provokes Debate about the Causes and Cures of African-American In-equality," *Salon*, February 23, 2016, http://www.salon.com/2015/07/19/racial_self_help_or_blaming_the_victim_50_years_after_its_public ation_the_moynihan_report_still_provokes_debate_about_the_causes_and_cures_of_african_america n_in%c2%adequality/; William Julius Wilson, "Foreword: The Moynihan Report and Research on the Black Community," *The Annals of the American Academy of Political and Social Science* 621 (2009): 35.

[58] Barbara B. Blum and Susan W. Blank, "A Brief History of Work Expectations for Welfare Mothers," *The Future of Children*, Welfare to Work, 7, no. 1 (1997): 31; Jansson 251.

but rather opportunity. Despite affirmative action not being a redistributive policy in the primary sense of reallocating resources, it nonetheless has its place among social policies because it aims at facilitating upward social mobility.[59]

Despite being elected on his conservative law and order rhetoric, president Richard Nixon further expanded social policies and he also sought to introduce health care legislation. Interestingly enough, despite his conservative background, Nixon has quite an impressive record on social policies. Regarding his record on health legislation, he enacted several smaller policies addressing specific health issues or populations. A major achievement was the 1970 OSHA (Occupational Safety and Health Act), which introduced new measures for industrial workers. The same year the Nixon administration enacted the Family Planning and Population Research Act that provides family planning assistance and access to contraceptives for low-income and uninsured people. [60] In 1971, the Nixon administration enacted the Emergency Employment Act that allocated $1 billion for the temporary creation of about 170,000 public sector jobs aimed at high unemployment areas. The main target populations were veterans and minorities. The same year, national eligibility standards for food stamps were established. These measures appear more in continuity with the policies established by Johnson and do not yet show a sharp ideological opposition between Democrats and Republicans regarding social policies.

Quite on the contrary, the 1972 Local Fiscal Assistance Act established a general revenue sharing. The expressed aim was "to help our sorely pressed State and local governments to meet their heavy financial problems and to keep them fiscally sound"[61] regarding their implementation of social policies and providing of public services. The same attitude of expanding social policies that was in the continuity of the Johnson administration could be seen with the indexation Social Security benefits to rise with inflation and the creation of Supplementary Security Income (SSI). This continuity was also apparent in the Family Assistance Plan that Nixon proposed in 1969, but which was never enacted. It proposed to reform AFDC by increasing the federal involvement in the program and by guaranteeing a minimum income to poor families with children.[62]The Rehabilitation Act was passed in 1973, and addressed the needs of people with disabilities. And finally, ERISA (Employee Retirement Income Security Act) was enacted in 1974 to protect pensions and to require a responsible management of pension funds. The same year, Congress increased the minimum wage. Nixon's conservatism showed in the greater de-centralization of social policies that gave ever more autonomy to the states and relied more on the use of private markets than on government. This stance becomes apparent in the 1973 CETA (Comprehensive Employment and Training Act) that replaced existing programs, but also shifted administration to a more local level.

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[59] For a detailed explanation of affirmative action, see 1.1.7. Affirmative Action.

[60] Jansson 272–73, 275, 280. Nixon is quite complex to understand in this respect and must be considered a transitional step towards the more conservative turn on all fronts that came with the Reagan presidency.

[61] Joint Committee on Internal Revenue Taxation, *General Explanation of the State and Local Fiscal Assistance Act and the Federal-State Tax Collection Act of 1972, H.R. 14370, 92d Congress, Public Law 92-512* (Washington, US Government Printing Office, 1973), 1, http://archive.org/details/generalexplanati00jcs173.

[62] As the Family Assistance Plan was only a reform project it will not be discussed in detail here. For more details regarding its provisions and language, see 2.3.3. What Is "Welfare"?

The most notable achievement of the Ford administration was the creation of the Earned Income Tax Credit in 1975, which was aimed at poor wage earners. As for the social policy dimension of the Carter presidency, it was rather small. Among the notable elements feature the separation of the Department of Health, Education, and Welfare (HEW) into two distinct administrations: the Department of Education and the Department of Health and Human Services. The year 1980 saw the enactment of the Adoption Assistance and Child Welfare Act as well as the Mental Health Systems Act.[63]

2.1.3. The Welfare State and its Critics

Up to that point, the American welfare state had been expanding, at a more or less rapid pace. With the election of Ronald Reagan, things changed. The passage of the 1981 Omnibus Reconciliation Act (OBRA) was the first great attack on the American welfare state. Political scientist Bruce Jansson summarizes its effect as follows:

> OBRA made deep cuts in social programs and eliminated 57 social programs by folding them into seven block grants: social services; community services; alcohol, drug abuse, and mental health services; maternal and child health services; community development services; primary health services; and preventive health services. By creating block grants and allocating limited funds to each of them, Reagan was able to cut social spending for those programs within the block grants.[64]

The same year, the Economic Recovery Tax Act (ERTA) was enacted, which sharply reduced personal and corporate taxes, thus decreasing the available budget that could potentially be devoted to social policies. However, the following year, due to the recession and fears over budget deficits, this strategy had to be slightly revised with the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA). The law raised corporate taxes, especially by targeting loopholes, but it still provided for cuts in social programs. Reagan's conservative orientation was also apparent in the passage of the 1982 Job Training Partnership Act that replaced Nixon's CETA, which had been based more on public jobs. The funds had been slashed and the new program provided neither training nor daycare. It only placed unemployed people in new jobs, thus making the program useless for many women and low-income people who had insufficient job qualifications.[65] In 1983, with the support of a bipartisan commission, Reagan weakened Social Security by amending it to increase the retirement age, some benefits were reduced, and the pensions of high-income retirees were subjected to taxes.[66]

The development of social policies has been particularly constrained by the enactment of the Gramm-Rudman-Hollings Balanced Budget and Emergency Deficit Control Act of 1985. Despite the act not pertaining to social policy per se, it is relevant here because it greatly influenced spending on social programs and placed constraints on the budgeting of new policies. The Supreme Court declared the act unconstitutional, because it did not respect the separation of powers, but it was passed again in 1987 with modifications regarding its enforcement. Gramm-Rudman-

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[63] Starr, *Remedy and Reaction*, 60.
[64] Jansson 316.
[65] Jansson 320.
[66] Laura Katz Olson, *The Politics of Medicaid* (New York: Columbia University Press, 2010), 53.

Hollings II maintained the sequester (across-the-board spending cuts if the deficit control targets were not met) for an equal share of domestic and military programs. Gramm-Rudman-Hollings II allowed for extended presidential discretion regarding exemptions of cuts for the military.[67] This was not applied to cuts in social programs. Thus the Gramm-Rudman-Hollings Act left social policies vulnerable to spending restraints. Political scientist Kenneth A. Shepsle speaks of the "fiscalization of American politics,"[68] which means that concerns over the deficit, which were shared by both parties, came to the forefront. These concerns, in turn, have been used to argue for cuts in social policies. The argument of the deficit should be primarily seen as a tool that can be used in the debate about the role of government, social policies, and taxation. As a general tendency, Republicans used the deficit rather as a constraining factor against Democratic projects to expand social policies. Democrats, on the other hand, have even used the deficit to argue in favor of social policy reform, as it was the case for Obama and the health care reform.[69]

The amount of general revenues, and thus the funds available for social policies, were further decreased by the 1986 Tax Reform. It is a somewhat mixed legislation. The aim of the reform, according to the Joint Committee on Taxation, was to create a simpler, less intrusive, and fairer tax system, especially regarding tax shelters and discrepancies between the taxation rates for high and low incomes, higher incomes being taxed at lower rates. Moreover, the act aimed at removing 6 million low-income taxpayers from the rolls and at providing a "significant reduction in the tax burden of other working low-income individuals."[70] This allowed for a somewhat fairer distribution of the tax burden, but it did not increase the overall revenue.

Despite Reagan considering poverty and need as being a primarily private and personal matter, the Democratic Congress pushed him in 1987 to sign the Homeless Assistance Act that provided emergency shelter, transitional as well as some permanent housing, job training, primary health care, and education to the homeless.[71] However, the more conservative atmosphere that dominated during the Reagan years became apparent in the 1988 Family Support Act. Political scientists Irene Lurie and Mary Sangar saw this act as a change in the relationship between people dependent on welfare and the state because the act so heavily insisted on requirements of self-sufficiency.[72] This, however, was not a solely Republican achievement. Political scientist Erica B. Baum, who was hired in 1986 by Senator Moynihan to work on the Family Support Act, explains that this legislation was designed with the unsatisfying re-

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[67] "H.J.RES.324 - Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987," Legislation, (June 23, 1987), http://thomas.loc.gov/cgi-bin/bdquery/z?d100:HJ00324:@@@L&summ2=m&|TOM:/bss/d100query.html.

[68] Kenneth A. Shepsle, "The Changing Textbook Congress," in *Can the Government Govern?*, ed. John E. Chubb and Paul Peterson (Washington DC: Brookings Institution Press, 1989), 259.

[69] For a detailed discussion, see PART Obama Deficit argument in 3.4.7. "Keep Your Government Hands out of my Medicare"—"Sir, Medicare is a Government Program:" Obama on the Role of Government.

[70] Staff of the Joint Committee on Taxation, "General Explanation of the Tax Reform Act of 1986 (H.R. 3838, 99th Congress; Public Law 99-514)" (Washington DC: Joint Committee on Taxation/Government Printing Office, May 4, 1987), 6.

[71] Julián Castro, "Stewart B. McKinney Homeless Programs" (Office of Policy Development and Research/US Department of Housing and Urban Development, December 12, 1995), https://www.huduser.gov/portal/publications/homeless/mckin/intro.html. It was renamed McKinney-Vento Homeless Assistance Act.

[72] Irene Lurie and Mary Bryna Sanger, "The Family Support Act: Defining the Social Contract in New York," *Social Service Review* 65, no. 1 (1991): 43.

sults of previous programs in mind, which were criticized because poverty persisted. The greater focus on social policy achieving independence and self-reliance was a bipartisan goal. Congress managed to defeat the extremely harsh "workfare" proposals that Reagan had made and that would have required welfare recipients to work in exchange for their benefits.[73] Despite Reagan's scalding rhetoric attacking big government and welfare, it is interesting to see how much of the welfare state survived, notably because Congress opposed some of the most severe measures.

The election of George H. W. Bush in 1988 did not change the attitude regarding social policy. His famous promise made during his acceptance speech at the Republican National Convention was: "Read my lips: no new taxes." Bush continued high military spending, thus adding to the deficit. The deficit in turn was used by Republicans to argue against increased spending for social programs. Existing social programs were maintained, but there was no additional funding. However, Democrats managed to make some gains because they controlled both houses of Congress. During the discussion of the budget in 1990, Bush even had to break his nomination pledge and accept some new taxes[74] through the 1990 Budget Enforcement Act. Besides raising taxes, this Act also created the PAYGO system (Pay As You GO), which stipulates that any increase in spending cannot be financed through borrowing, but must be financed through either tax increases or spending reductions elsewhere.[75]

The year 1990 also saw the enactment of the Americans with Disabilities Act (ADA) and the Child Care and Development Block Grant program that provided child care subsidies for low-income families. ADA protects people with disabilities against discrimination, it functions basically as an extension of the 1964 Civil Rights Act, but the act also requires employers to provide adapted accommodation and it requires that public spaces be accessible to people with disabilities. The 1991 Civil Rights Act modified the 1964 Civil Rights Act: in cases of discrimination lawsuits, trial by jury came to replace trial by court. Moreover, the equitable compensation of Title VII (such as back pay, reinstatement) was replaced by the possibility to sue for compensatory and punitive damages for emotional distress, even if it was for limited amounts.[76]

Only the first year of the Clinton administration yielded positive outcomes regarding social policy, the subsequent period being rather the fulfillment of a Republican agenda by a Democratic President. This was due to the fact that President William J. Clinton tried to combine conservative and liberal ideas in his New Democratic approach by walking a thin line between cutting the deficit while making positive social reform at the same time. This plan, however, backfired. To realize this New Democratic plan Clinton started his presidency by announcing a tax increase and spending cuts. He also set immediately to the task of devising health care reform.[77]

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[73] Erica B. Baum, "When the Witch Doctors Agree: The Family Support Act and Social Science Research," *Journal of Policy Analysis and Management* 10, no. 4 (1991): 603–4.

[74] Jansson 325–26.

[75] The Bancroft Library/University of California, Berkeley, "1990 Budget Enforcement Act," *Slaying the Dragon of Debt: Fiscal Politics and Policy from the 1970s to the Present*, (March 7, 2011), http://vm136.lib.berkeley.edu/BANC/ROHO/projects/debt/budgetenforcementact.html.

[76] "Civil Rights Act" (1991), https://www.eeoc.gov/eeoc/history/35th/thelaw/cra_1991.html.

[77] For a detailed discussion of the Clinton failure, see 2.2.2. "It Is a Magic Moment, and We Must Seize It:"
The Clinton Health Care Debacle.

Among the two major achievements of his first year in terms of social policy are the Family and Medical Leave Act of 1993 which provided scarce, but unprecedented, leave. Employees in companies with 50 employees or more having worked one year full time for their employer would now be entitled to 12 weeks of unpaid leave with the guarantee of getting their job back while keeping the benefits of their group health insurance coverage. The leave applied for maternity, illness, and taking care of a sick relative. Special provisions were devised for military caregivers if one of their next of kin was seriously injured during service, in which case the leave would be extended to 26 weeks.

Clinton's more liberal stance showed in the Omnibus Budget Reconciliation Act of 1993. This budget was very different from the choices made in 1981, as it increased taxes for the rich and corporations and it extended the Earned Income Tax Credits for incomes under $30,000. Despite his campaign promises, Clinton did not include tax cuts for the middle class, fearing that this would increase the deficit. Moreover, his investments plans for education, technology, and infrastructure, included in the bill, were hollowed out by Congress. Moreover, it renewed the PAYGO rules of the 1990 Budget Act.[78] The last truly progressive legislation under the Clinton administration was the 1994 Freedom of Access to Clinic Entrances (FACE), which granted protection to people seeking or providing abortions.

Despite the fact that crime legislation is not primarily a social policy, it has its place here, because of the social and economic impact of a prison sentence on the life of an individual. Prior convictions make it more difficult to find a job, when serving a sentence an individual cannot provide for their family, and a felony offense is accompanied by a loss of certain citizen rights, such as the right to vote. The 1994 Violent Crime Control and Law Enforcement Act (or Crime Bill) combined a rather conservative tough stance on crime with some more progressive notions. It significantly increased police forces and augmented the budget for prisons, but it also provided significant funds for prevention programs. It issued bans on some types of assault weapons, but also extended the death penalty and led to heavier and longer sentences, notably for juveniles and especially for gang-related crimes. It also enacted stricter regulations for sex offenders, such as the obligation to register. It also created the now infamous "Three Strikes" rule, i.e. mandatory life imprisonment without possibility of parole for any third conviction of serious felonies or drug trafficking crimes.[79] The provisions relating to gang crimes and drugs had a particularly great impact on the incarceration rates of minorities.[80]

Republicans gained the control of both houses of Congress after the 1994 midterm elections and enacted the very conservative Omnibus Reconciliation Act of 1995. The act sought to terminate the entitlement status of AFDC, Medicaid, and Food Stamps, all programs that benefited the poor and a large share of minorities. Clinton

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[78] The Bancroft Library/University of California, Berkeley, "The 1993 Omnibus Budget Reconciliation Act," *Slaying the Dragon of Debt: Fiscal Politics and Policy from the 1970s to the Present*, (September 15, 2014), http://bancroft.berkeley.edu/ROHO/projects/debt/1993reconciliationact.html.

[79] "Violent Crime Control and Law Enforcement Act of 1994," Fact Sheet (Washington DC: US Department of Justice, October 24, 1994).

[80] "A Primer: Three Strikes - The Impact After More Than a Decade" (Legislative Analyst's Office, October 2005), http://www.lao.ca.gov/2005/3_strikes/3_strikes_102005.htm. The racial composition of the Second and Third Strikers in 2004 was 37% black, 33% Hispanics, and 26% whites, which corresponded to the racial composition of the general prison population. However, the rate of African-Americans among the Third Strikers was 45%, which was markedly higher.

vetoed the bill and stood up against Congress in his defense of Medicare and Medicaid spending and his opposition to other cuts requested by the Republican majority in the House of Representatives. The disagreement over the cuts in domestic programs between Clinton and Speaker of the House Newt Gingrich led to a government shutdown, which Clinton eventually won thanks to his continuous defense of Medicare.

However, during the 1996 presidential campaign, Republicans managed to pressure Clinton into signing the Personal Responsibility and Work Opportunities Act (PRWOA), a deeply conservative welfare reform. It notably terminated AFDC and turned it into TANF (Temporary Assistance for Needy Families). Benefits would now be limited to 5 years over a lifetime, with strong work incentives. States would be free to replace cash assistance with in-kind benefits and to restrict help to teen parents. Moreover, great discretion was given to local administrations in deciding whom to cut off the welfare rolls.[81]

The election of George W. Bush in 2000 reversed the approach on tax, but only partially modified the trend in social policy. 2001 witnessed a $1.3 trillion tax cut for the affluent, thus crippling the budget and reducing the pool of available funds for domestic programs. The same year, the Bush administration enacted the education reform No Child Left Behind, which introduced much criticized standardized testing. The criticism also targeted other central features of the reform, among them underfunding, the low implementation of the standards, the heavy and constraining accountability provisions, and the low follow up on requests for students' transfers. Moreover, the reform failed regarding its major goal: the closing of the achievement gap for different racial and income groups.[82]

2.2. Health Care Reform in Perspective—a Recurrent Failure

Obama's health care reform, which was enacted in 2010, is composed of two sets of legislation: the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act. Obama's signature legislation was achieved after almost one century of failed attempts to enact comprehensive health care policy in the United States.

Obamacare built on the existing health system, creating a mixed market-based system with some government intervention. Universal coverage is based on three pillars: an employer mandate that compels businesses to offer health care to their employees, an individual mandate that compels every person to carry health insurance, and an extension of Medicaid, the government health insurance program for the poor (just as before, Medicare covers people over age 65).

Obamacare also sought to address the increasingly pressing problem of health care costs, for which the ACA established a series of cost-containment measures. The ACA particularly focused on the increasing health insurance costs. Thus the Act regulates health insurance policies and defines the type of benefits that an insurance policy must cover. To make insurance more affordable for Americans, the government heavily subsidized insurance purchase. For people purchasing their insurance

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[81] Jansson 382–83.

[82] Richard D. Kahlenberg, "Fixing No Child Left Behind." (Century Foundation, 2009), 1, 4, http://www.tcf.org/publications/education/agenda_rk.pdf.

on the marketplace through the health exchanges, the government provides tax credits based on their income level to help meet the insurance costs. The specific problems faced by the black population are targeted through policy efforts aimed at specific health issues that predominate in the black population.[83] However, the ACA was enacted after almost one century of failed attempts at establishing comprehensive health care in the US.

2.2.1. "I Think the Other One Is What's Got Sex Appeal:"[84] Attempts at Health Care Reform

The US is often described as the exception in matters of health care in the Western world, because of its lateness in establishing governmental health care and the inefficiency of its system. Yet, at the turn of the 20th century, the US was not initially lagging behind other industrialized countries regarding health insurance. Germany had passed pioneering health legislation in 1883, and both the US and the UK were contemplating more social policies in the 1910s. In Washington the idea of national health insurance made some headway but failed by 1920.[85]

The European model clearly inspired the US in envisaging comprehensive social policies, but all those European states had strong governments to take action in those matters. In the United States, however, the Progressive Era of the 1910s must be understood in relation to its "19th century patronage democracy": local systems disbursed social benefits to expand and maintain their constituencies, hence social benefits were associated with corruption, especially through veterans' pensions. The system covered many more people than there were actual veterans: about 1/3 of the native-born men in the North received a pension. There was a willingness to rework this system into universal coverage for old age and disability but attempts by the Wilson administration to expand social policies were hampered by this association of social benefits with political corruption.[86]

Shortly after the 1912 elections, in which Theodore Roosevelt ran on a platform including health insurance, health care legislation was promoted by a group of academics and the American Association for Labor Legislation. Although their proposal was rather conservative and would only have covered workers (domestic and casual workers excluded),[87] their proposal was strongly opposed by labor unions because of their strong distrust of government, but even more because unions provided this type

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[83] This will be explained in detail in 4.2.1. Universal, Affordable Health Care for All and in 4.2.2. An Issue-Focused Approach.

[84] Lyndon B. Johnson, *3686 - Larry O'Brien (WH6406.06), Phone conversation with Larry O'Brien, then Wilbur Mills*, Johnson Presidential Recordings, 1964, http://web2.millercenter.org/lbj/audiovisual/whrecordings/telephone/conversations/1964/lbj_wh6406 _06_3686.mp3. "The other one" refers to Medicare. The conversation between Mills and Johnson was about congressional strategy to introduce Medicare.

[85] Howard 60.

[86] Skocpol 141–44.

[87] By excluding domestic and casual workers, the program would have excluded most minorities. The same scheme was later used for Social Security. Domestic and agricultural workers were finally made eligible in the 1950 Social Security reform.

of benefits for their members and feared the competition.[88] Insurers opposed the proposal as well because they viewed it as a government assault on private enterprise. After World War I, opposition to health legislation grew stronger, because it had its origins in the much-hated German nation.[89]

Although there were advocates of universal health coverage prior to World War I, strong opposition developed as well. Because of the medical progress made during the 1920s, opposition to compulsory insurance emerged. Opponents such as the American Medical Association (AMA) feared that the government would set limits and issue regulations that would hamper their opportunity of making greater benefits from health, especially from middle-class patients who were attracted by medical progress.[90] During the New Deal, President Roosevelt showed great interest in establishing health insurance but "political realities", namely opposition, prevented it.[91] This opposition comprised Republicans and Southern Democrats with the support of lobbies like the AMA.

Truman introduced health care reform twice, in 1945 and 1949, and was defeated both times. Although the New Deal had been under attack right from the beginning, Truman remained openly very supportive of the welfare state principle and the New Deal. Just like Roosevelt's plan, Truman's attempts to establish national health care were attacked as socialism.[92] The Truman health program planned for national health coverage that would have been run and funded by government.[93] But out of respect for the value of freedom, the program would have been optional. Political scientist Gerard Boychuck argues that the battle about health care reform was deeply racialized. Southern states and the white American Medical Association opposed national health insurance; the NAACP and the black National Medical Association supported it. The opposition was drawn along racial lines, but also along segregationist/integrationist lines. The language of the opposition was interestingly the same regarding Civil Rights and health insurance. Denunciations of "socialized medicine" and "federalized medicine" pointed out a lack of possibility for the patient in choosing their doctor and vice-versa. This clearly implied the perception of a threat to segregationist practices. It is actually an exaggeration to say that the South opposed health insurance, as the states were in favor of it, but only if designed on the model of Social Security. Yet, Truman was not willing to do that, nor was he willing to compromise on the administration system that would have left the program administration to the states with discretion to discriminate. The only health-related legislation that passed during this period was the 1946 Hall-Burton Act, for the funding of hospital construction. The Act did not require states to participate and allowed for a separate-but-equal provision. Boychuck has argued that "Hill-Burton could be seen as a compromise that allowed for federal aid in the provision of health services while forestalling incursions into areas deemed to be matters of "states' rights" that might

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[88] Kant Patel and Mark E. Rushefsky, *Health Care Politics and Policy in America*, 3rd ed. (Armonk, NY: M.E. Sharpe, 2006), 39.

[89] Starr, *Remedy and Reaction*, 30–5.

[90] Katz, *The Price of Citizenship*, 258.

[91] Katz, *The Price of Citizenship*, 258.

[92] David Blumenthal and James A. Morone, *The Heart of Power: Health and Politics in the Oval Office* (Berkeley: University of California Press, 2009), 89–94, 117; John Gerring, *Party Ideologies in America: 1828 — 1996* (Cambridge: Cambridge University Press, 1998), 283; Katz Olson 22.

[93] "President Truman's Proposed Health Program" (Harry S. Truman Presidential Library, April 17, 2015), http://www.trumanlibrary.org/anniversaries/healthprogram.htm.

challenge the racial status quo." In the same period, the Wagner-Murray-Dingell bill failed. It would have provided for health insurance prepaid through tax rolls, but it would have been managed by federal administration.[94]

The next great attempt at achieving major social reform came in the 1960s with the election of John F. Kennedy. A new window of opportunity for reform opened, as it had for FDR.[95] Kennedy faced the choice of moving toward the center and diminishing possible resistance from conservatives and big business, or of making a bolder move on the left. Even more so than FDR had done, Kennedy chose to show himself "extremely conciliatory with the economy." Kennedy chose a more conservative approach, dropping the reform of the tax code and abandoning plans to increase social spending by 1962, and opted for tax cuts to stimulate the economy. The Kennedy administration adopted the domestic policy agenda already established by Congressional Democrats, which featured health care for the aged and the poor. But when conservatives blocked the proposals, Kennedy, who was "put off by the need to court congressional leaders in order to pass domestic legislation," simply focused his attention on other issues.[96]

Finally it was President Lyndon B. Johnson's commitment to social issues and his ability to use political momentum that allowed him to push for health care legislation. It must be noted that Johnson did more than just enacting Kennedy's projects: he redefined the proposals and pushed for more ambitious legislation.[97]

Johnson faced mixed conditions for enacting legislation. The economy was booming, hence it was difficult for conservatives to mobilize business opposition; quite on the contrary, business was rather supportive of new social policies.[98] But Unions, Southern Democrats, and Federalism took their toll on the new health care system.

One of the most American features in the battle for social policies is the role played by unions. In Europe, unions and working class alliances were among the driving forces for the expansion of social policies. In the United States, on the contrary, unions were initially among the forces hampering the expansion of the welfare state. The situation was quite complex because unions *supported* liberal political coalitions, but only for propositions that were feasible in the short term and of immediate interest to organized workers. They often *opposed* greater expansions of social policies, because the working class and the unions were greatly weakened by racial divisions. Their refusal to integrate minorities prevented them from developing their base and also made them more reluctant to support social policies that would have benefited all workers, including blacks. Moreover, they felt that their privileges were threatened through social policies, and additionally were particularly wary of work-

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[94] Boychuck, *National Health Insurance in the United States and Canada: Race, Territory, and the Roots of Difference*, 41–51.
[95] Both Roosevelt and Johnson benefited from a window of opportunity, meaning that the political and economic context was in their favor. FDR used the Great Depression and the plight of millions of homeless and jobless people to create the basis of the welfare state. Kennedy benefited from quite an opposite context: the affluence of the 1950s and 1960s in the post-World War II economic boom created a context of increased willingness to share resources. However, it was Johnson who managed to use this window of opportunity.
[96] Noble 90–91.
[97] Jansson 243; Feagin 73; Noble 93.
[98] Noble 82–83.

training programs that would increase competition.[99] In short, racial divisions among the American working class prevented them from supporting meaningful universal social reform, ultimately leading to very narrowly tailored programs, especially for the health care of the poor.

The New Deal had set the precedent for a "two-track system" through Social Security and public assistance targeting only the elderly and the very poor.[100] This way of proceeding left out any universalist approach, and subsequently made it more difficult to argue for universal programs. It should come as no surprise that the 1965 health care legislation, envisaged as a temporary step toward universal coverage, should have matched the system set by the New Deal: Medicaid for the poor and Medicare for the elderly. Although the Medicare proposal received broad public support, the Medicaid part of the legislation was designed secretly by Johnson and Wilbur Mills, then Chairman of the House Ways and Means Committee (the main committee with jurisdiction over health issues). The final proposal came as a surprise to Congress and Johnson's role in it has long been downplayed, although, according to Mills, Johnson's involvement was crucial in achieving the legislation.[101] During the legislative process, only Medicare was promoted, despite the program being opposed by the AMA and the insurance industry.[102] Nonetheless, Johnson was convinced of the greater political potential of Medicare. In a phone conversation with Mills, Johnson said: "I think the other one [Medicare] is what's got sex appeal." He then continued, based on his experience regarding Republicans' attitude about Social Security: "they [the Republicans] won't always be against the other [Medicare] either if you ever give them a taste of it, I tell you this."[103]

But just like FDR and Truman, Johnson had to deal with the South. The 1954 *Brown* decision[104] and the Civil Rights legislation, however, had changed the situation. Although Southern states were still wary of federal intrusion, they now feared even more being forced to desegregate through Supreme Court orders. With Medicare, they would also have to desegregate their hospitals, but at least they would get the federal money associated with the Medicare program. During a Senate Finance Committee hearing on Medicare, Senator Harry Byrd asked if Title VI of the Civil Rights Act, which prohibits discrimination in programs and activities receiving federal assistance,[105] would apply to Medicare and he got an unequivocal confirmation from the White House. This triggered initial resistance from the South. With Medicare only applying to the elderly, a deal was found: there would be two different administration systems. Following the example laid by the New Deal of a two-tiered system, the new health legislation was also designed as a two-tiered program: Medicare, the program for the elderly that benefited from political clout and public opinion support, would be a non-discriminatory, federally administered, program fi-

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[99] Noble 85–88; Feagin 51. Feagin especially develops the idea that racialized class relations (and hence divisions) are a well-established American political tradition, dating back to the beginning of the colonies to establish elite privileges. Subsequently the racialized class division has been used (and still is today) as an efficient means to hamper the development of social policies and redistributive measures, thus maintaining elite privileges for a small number of white males.

[100] Noble 79.

[101] Blumenthal and Morone 164–66, 194.

[102] Noble 88.

[103] Johnson, *3686 - Larry O'Brien (WH6406.06), Then Wilbur Mills*.

[104] *Brown v. Board of Education*, 347 US 483, (1954).

[105] "Title VI of the Civil Rights Act," 42 U.S.C. 2000d et seq., (1964), https://www.justice.gov/crt/fcs/TitleVI-Overview.

nanced through payroll taxes. The hastily added and less popular Medicaid program for the poor would be administered at the state level and financed through match-grants (in which federal grants match state expenses).[106] This allowed assuaging the South: by having discretion over spending for the poor, the states were able to maintain their largely black workforce in poverty and hence to keep a malleable workforce that would not threaten the region's social and political hierarchy.

Johnson managed to create a first public health care system in 1965 by adding Title XX in the amendments to the 1935 Social Security Act. Medicare, the health program for the elderly, is based on an insurance concept, notably to avoid any association with "socialism." It is partly financed through employer and employee payroll taxes. But even though it is not exclusively contributory, people associate Medicare with an earned right.[107] In fact, only Medicare Part A covering hospital and limited nursing home care is funded by payroll taxes. Part B is funded by general revenues and beneficiary co-payments and covers physician fees and other services. Part B was made optional under pressure from Republicans and the AMA. They also obtained the dropping of any cost-control measure, which led to inflating health costs.[108] According to political scientist James Morone and health care expert David Blumenthal, the issue of segregation shortly jeopardized the implementation of Medicare. Title VI of the 1964 Civil Rights Act forbids discrimination of any kind for programs that receive federal assistance. This meant that hospitals receiving Medicare payments could not segregate. Towards the end of 1967, all but a dozen hospitals in the South had implemented desegregation rather than losing Medicare funds. President Johnson's plan of using Medicare as a means for achieving social change had worked.[109]

Medicaid, on the other hand, which was hastily added as Title XIX to the Social Security Act, was constructed as "a conservative, sparse, uneven, and stigmatized program." It is based on a means test and funded "only by dint of national and state officials' annual good will."[110] It has to be highlighted that Medicare is centralized, whereas the funding and administration of Medicaid is split between the federal government and the states. In this sense Medicaid happily combined demands of Southern Democrats with American federalism: the political system was used to satisfy the need of racial conservatives to maintain their black population in poverty by leaving to the states the administration and regulation of programs destined to the poor. As a result of this joint administration the implementation of Medicaid took much longer. By 1969, Arizona and Alaska still had not adopted Medicaid. Moreover, already in 1967, federal funding had been seriously capped: the federal government set the maximum eligibility levels that would receive federal funding. States were free to set higher levels, but none did.[111]

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[106] Boychuck 66; Blumenthal and Morone 164–66, 191–96.

[107] Katz Olson 214.

[108] Starr, *Remedy and Reaction*, 46, 48.

[109] Blumenthal and Morone 195–97.

[110] Katz Olson 24–26.

[111] Today the situation is slightly different. The most notable exception is Washington DC with 216% of Federal Poverty Level (FPL) for the eligibility for Medicaid benefits. In Alabama it was as low as 13% FPL, for parents (childless adults are not eligible) in 2014. FPL in 2014 was $11,670. Medicaid.gov, "Medicaid and CHIP Eligibility Levels," accessed December 19, 2016, https://www.medicaid.gov/medicaid/program-information/medicaid-and-chip-eligibility-levels/index.html.

Thus health legislation as enacted by the Johnson administration was shaped by a very "American" political context that differed greatly from the situations in Europe. Political traditions and a unique situation of racial division of the working class prevented the creation of a comprehensive health care system, leading to Johnson's partial solution that proved quite lasting and resistant to reform. Indeed, the Johnson solution was flawed right from its inception and laid the foundations for future problems and inequalities.

After Johnson managed to establish an emergency solution for health care, every Democratic president (and even some Republicans) has tried to introduce more comprehensive health care. The Medicare reforms made by presidents Ronald Reagan and George W. Bush will not be discussed here, since they did not try to introduce a reform to establish a comprehensive health insurance system. All the attempts to create comprehensive systems failed for various reasons.

Interestingly enough, Nixon has quite an impressive record on social policies, although he was very conservative. Regarding his record on health legislation, he enacted several smaller policies addressing specific health issues or populations. A major achievement was the 1970 OSHA (Occupational Safety and Health Act) introducing new measures for industrial workers. But it must not be forgotten that Nixon was a conservative. For instance, he started to increase the de-centralization of social policies, giving ever more autonomy to the states and relied more on the use of private markets than on government.[112]

Nixon proposed a plan for comprehensive health care first in 1971, then again in 1974. His reform plan was very market-oriented, built on the existing system, and charged the states with a role of regulatory standard setting instances.[113] Both of Nixon's proposals failed although several health bills were discussed, but no consensus could be found. Everyone only supported their own bill, and ultimately they all failed for lack of support. Most notably, health care champion Senator Ted Kennedy worked against Nixon and was among those who introduced competing health care bills. He later admitted the error of not managing to achieve a compromise with Nixon.[114]

One of Jimmy Carter's campaign promises, when he ran for president in 1976, was to reform the health care system. According to political scientist Bruce Jansson, Carter's health care reform plan failed for several reasons. First, Carter failed to build the usual alliances with support groups of the Democratic Party. Moreover, Carter showed a lack of motivation and was not interested in domestic politics. At a personal level he was not convinced about government intervention in health care issues, and favored "volunteerism and Christian noblesse oblige."[115] Although a Democratic president, Carter's ideological orientation was rather conservative. Carter's plan had a dual approach: workers' insurance financed through payroll taxes and government financed health care for non-workers. The same year, Senator Ted Kennedy pro-

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[112] Jansson 272–73, 275, 280. Nixon is quite complex to understand in this respect and must be considered a transitional step towards the more conservative turn on all fronts that came with the Reagan presidency.

[113] Richard Nixon, "Special Message to the Congress Proposing a Comprehensive Health Insurance Plan," February 6, 1974, http://www.presidency.ucsb.edu/ws/?pid=4337. Nixon's Comprehensive Health Insurance Plan (CHIP) must not be confused with the later CHIP program for children.

[114] Michael Meyer, "Nixon and the PPACA," *Annals of Health Law Advance Directive* 22 (2012): 33, 35, 37.

[115] Starr, *Remedy and Reaction*, 60.

posed an entirely government-centered plan,[116] thus moving to a system comparable with the European systems.[117] However, adding to the problems previously mentioned, the double-digit inflation in 1979 made both propositions a no-go.[118]

In 1983 Reagan managed to partially reform the health care system. The changes in Medicare concerned Part A and established diagnostic-related groups that established national levels of reimbursement for specific diseases or treatments with no additional payments in case of complications. This means that hospitals and doctors have to treat a patient with a certain diagnosis within a certain pre-defined budget. Medicaid was also attacked on several fronts: the federal share of funding was reduced, state incentives to cut the number of enrollees were issued, and contracts were limited to the cheapest hospitals and clinics.[119] However, attempts to turn Medicaid into block grants were defeated.[120]

2.2.2. "It Is a Magic Moment, and We Must Seize It:"[121] The Clinton Health Care Debacle

President Clinton's health care reform attempt is essential to understand and inform Obamacare because this failure served as an example for Obama as for which mistakes to avoid. Moreover, many parallels exist between the two reforms, with one major outstanding difference: the Obama reform passed.

Just as Obama, President Clinton made health care reform a central point of his presidential campaign right from the start and focused on ideas of universal coverage and cost containment. The latter was paramount, because it was part of his plan to spur the economy and tackle the deficit.[122]

Many reasons are invoked for the failure of the Clinton reform plan in 1994. Some consider that Clinton overestimated his mandate for massive reform since he was elected with only 43% of the popular vote, a reality that was clouded by the 68.8% of electoral votes. [123] Others, like political scientists Kathleen Hall Jamieson or Law-

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[116] Starr, *Remedy and Reaction*, 61.

[117] Thomas Gerlinger and Wolfram Burkhardt, "Bismarcks Erbe: Besonderheiten und prägende Merkmale des Deutschen Gesundheitswesens," March 1, 2012, http://www.bpb.de/politik/innenpolitik/ gesundheitspolitik/72553/deutsche-besonderheiten; David M. Thomas and Barbara Boyle Torrey, eds., *Canada and the United States: Differences That Count*, 3rd ed. (Ontario, Canada: Broadview Press, 2008).

[118] Jansson 290.

[119] Jansson 320.

[120] Katz Olson 53.

[121] William J. Clinton, "Address to a Joint Session of the Congress on Health Care Reform" (Congress, Washington DC, September 22, 1993), http://www.presidency.ucsb.edu/ws/index.php?pid =47101&st=health+care&st1=.

[122] Blumenthal and Morone 352, 356, 358.

[123] Robert Pear, Robin Toner, and Adam Clymer, "The Health Care Debate: What Went Wrong? How the Health Care Campaign Collapsed–A Special Report; For Health Care, Times Was A Killer," *New York Times*, August 29, 1994, http://www.nytimes.com/1994/08/29/us/health-care-debate-what-went-wrong-health-care-campaign-collapsed-special-report.html. The Presidency Project, "The 1992 Elections," http://www.presidency.ucsb.edu/showelection.php?year=1992. George H. W. Bush got only slightly less votes with 37.4% of the popular vote but which translated in only 31.2% of the electoral votes. The independent third candidate Ross Perot got 18.9% of the popular vote. The disproportion created through the electoral votes can easily create the belief in an overwhelming victory.

rence Jacobs and Robert Shapiro, blame negative advertising, like the infamous Harry-and-Louise ads financed by the powerful HIAA (Health Insurance Association of America, AHIP since 2003), the unsettling of public opinion through the medias' focus on conflict in Washington, and the priming about the negative aspects of the reform for the ultimate failure of the reform plan.[124] Political scientists Mark D. Rushefsky and Kant Patel evoke different problems, such as the failure to convince critical voters in Congress, the nature of class relations in the US, or the power of interest groups, but eventually blame the failure on Clinton's leadership style and on delays in introducing the reform in Congress.[125] Historian Michael B. Katz does not exactly blame Clinton's leadership style but considers his choice of creating reform through a task force to be a major "strategic error" that contributed to the fact that "[d]espite the early favorable signs, in less than a year Clinton's proposal had died a public and ignominious death."[126]

Clinton's choice to have the reform project developed by a task force of 630 people under the direction of First Lady Hillary Clinton, assisted by Ira Magaziner, a business consultant from Rhode Island and former classmate of Clinton, was unprecedented. Political scientist and health policy specialist James Morone and health policy expert David Blumenthal explain that Clinton wanted to keep the health reform development "under his thumb." Moreover, they point out that newly appointed Health and Human Services (HHS) secretary Donna Shalala had little experience in health care, her résumé encompassing mainly academia, most recently as chancellor of the University of Wisconsin, and thus HHS was easily dismissed in the development of the health policy reform. But it was not only this strictly procedural aspect that posed a problem. Clinton's task force developed a very detailed bill, thus very narrowly associating the health care reform with the presidential couple. This approach is the complete opposite of the one chosen by president Lyndon B. Johnson in 1965 who insisted on Congress drafting the Medicare proposal (and hastily and discreetly added Medicaid). LBJ insisted heavily on keeping his involvement secret and giving all the credit to Congressman Wilbur Mills.[127]

According to Jacobs and Shapiro, the task force was supposed to deflect conflicting opinions within the Democratic camp. Many contradictory ideas were advocated by the Democratic congresspeople: single payer, pure managed competition, and pay-or-play.[128] The task force was supposed to build a Democratic consensus. Moreover, Clinton had run on a New Democratic agenda that emphasized the distance with the old liberal image of more government and "tax-and-spend" liberalism and had

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[124] Jacobs and Shapiro 65.

[125] Patel and Rushefsky, *Health Care Politics and Policy in America,* 68–70.

[126] Katz, *The Price of Citizenship*, 266, 269.

[127] Blumenthal and Morone 164–65, 194, 357, 362–65, 367.

[128] Single payer refers to a health care administration system where a single public or quasi-public agency manages all health care fees, administers the health insurances, and pays for the costs. This system is used in Canada, for example. Alain C. Enthoven defines managed competition as follows: "managed competition relies on a sponsor to structure and adjust the market for competing health plans, to establish equitable rules, create price-elastic demand, and avoid uncompensated risk selection." Alain C. Enthoven, "The History and Principles of Managed Competition," *Health Affairs* 12, no. 1 (1993): 24. Pay-or-play refers to the proposal "to build on the current employer group market by encouraging more employers to offer coverage and penalizing those that do not by requiring them to pay into a pool to help subsidize the cost of coverage for the uninsured." "Explaining Health Care Reform: What Is An Employer 'Pay-or-Play' Requirement?" kff.org, (May 1, 2009), http://kff.org/health-costs/issue-brief/explaining-health-care-reform-what-is-an-/.

put forward the New Democratic philosophy of incorporating the private sector, economic competition and less government. The task force's role was to give credibility to this ideological change and convince the public of the reinvention of government, to make the reform look apolitical, an objective choice, and not something designed by government. Clinton wanted "a competitive bill, not a regulatory bill."[129]

This strategy, however, backfired. The task force alienated Congress and congressional staff: they felt excluded.[130] And indeed, the task force can be seen as an overreach of executive power, the creation of legislation being the prerogative of Congress. Even today, some representatives, like Earl Pomeroy (D-ND 1993-2011), still see it as "Hillary's reform."[131] The reform was dubbed Hillarycare to highlight the strong influence of the First Lady.

The task force eventually chose the approach of managed competition, which Clinton sold as universal coverage to liberals and as cost containment to conservatives.[132] However, the ideological division was strong, and many in the Democratic camp were dissatisfied with this. Political scientist Paul Starr highlights this. Those who preferred an approach based on the Medicare model and even the significant minority who preferred single payer found this unacceptable. According to Starr, the constant infighting of the Democratic camp "helped mightily to confuse the public, slow the momentum of reform, and eventually kill it."[133] Jacobs and Shapiro also defend this opinion. According to them, the press's focus on political conflict, among Democrats and between Democrats and Republicans, combined with priming about the negative aspects of the reform and the focus on big government, led the public to reject the reform.[134] Representative Pomeroy remembers in an interview the difficulties of constituting a Democratic majority to back the Clinton reform:

> I was asked to be a co-sponsor on the Hillary Clinton bill, they were trying to get more co-sponsors for Hillary's bill than single payer bill. As a former insurance commissioner, I mean, I was a very loyal young Democrat and I really didn't know the politics of the place yet, but as a former insurance commissioner, I thought that the Hillary bill was not going to work, and so I didn't support it. If I added my name as a co-sponsor, I know that I would have been defeated, my entire legislative career never would have happened. And there was some number of fairly innocent freshmen Democrats that found themselves in that circumstance.[135]

These internal ideological conflicts and difficulties to convince representatives of their own camp resulted in turning the relatively comfortable Democratic majority of 258 seats into a fragile one, and even, eventually, contributed to the defeat of the reform. Starr puts this reform killing through ideological squabbling into perspective. According to him, the immediate urgency of health care reform had faded because of the easing of the economic situation: unemployment was down, so people feared less about losing their jobs and their health care, and even for businesses health care costs were less of a problem because inflation had come more under control.[136] Thus purely ideological issues managed to gain prominence and increased the stakes for Democrats. Pomeroy highlights that his refusal to become a co-sponsor was greatly moti-

[129]Jacobs and Shapiro 79–80.

[130]Jacobs and Shapiro 86–87.

[131] Pomeroy interview.

[132] Blumenthal and Morone 359.

[133] Paul Starr, "What Happened to Health Care Reform?" *The American Prospect* 20 (1995): 27.

[134] Jacobs and Shapiro 65.

[135] Pomeroy Interview.

[136] Starr, "What Happened to Health Care Reform?" 22.

vated by fears of a defeat in the next election. Despite the rather comfortable margins in the House (258 seats, 218 needed for a simple majority), Democrats did not manage to achieve a majority to get the bill through the House, and the Senate, with the upcoming mid-term elections, let the bill die even before voting on it.[137]

Moreover, in the Senate, Democrats only had 57 seats, which certainly guaranteed them a simple majority of 51, but the use and abuse of filibuster had long shifted the simple majority to 60. Clinton and the Task Force considered using the budget reconciliation process to force the health care legislation through, thus bringing down the required majority to 51. However, Senator Robert Byrd (D-WV) who was chairman of the powerful Appropriations Committee rejected this and claimed it would not be a proper use of the budget reconciliation process and would constitute an abuse of the Senate rules. He argued that an important bill such as health care should be considered on its own merits. However, there was also the additional problem that the President did not have a budget bill yet to which to attach the reform bill.[138]

The threat and pressure of reelection on such a highly sensitive and ideological-minefield issue as health care reform must not be underestimated. Twenty-eight Democratic representatives came from split districts in the South that had voted for the Republican candidate in 1992,[139] which made it clear that there was a strong conservative tendency in their constituencies. However, political orientations in the district can be deflected by the personality and the voters' closeness to the representative, but the initial orientation can turn against the representative once highly ideologically polarized issues, such as health care reform, are at stake.

The second factor, besides the ideological division among Democrats, which contributed to the killing of the reform, was its incredible complexity. Representative Pomeroy highlights this aspect, especially regarding the public's ability to understand and support the reform proposal:

> Again, remember, it comes down to this, and it's Kaiser polling, and it's also, by the way, similar to polling I did back in 1993 and 4 with Hillary Clinton. 70% of the people have coverage, 70%[140] of those like their coverage, and so you cannot move a system off of something that the public likes to something it doesn't know, or doesn't understand. The business of health care coverage relates to the core sense of security in a family. And so, the adults in a family will value and vote on their levels of confidence about the health policy being debated.[141]

The complexity of the text even bewildered supporters and left them uncertain.[142] And of course, this political weakness was exploited by the opposition, be it Republicans or health care interests. The bill was 1,342 pages long, an its sheer size was often put forward to show how complicated it was as demonstrated by a September 1993 article published in the *Washington Post* presenting the bill as "the two-inch-thick

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[137] Blumenthal and Morone 377–79.

[138] Blumenthal and Morone 366.

[139] Bernard Grofman, William Koetzle, Michael McDonald and Thomas Brunell, "A New Look at Split-Ticket Outcomes for House and President: The Comparative Midpoints Model," *Journal of Politics* 62, no. 1 (2000): 28.

[140] In 1993, 15.3% of the total population had no insurance (the percentage of the non-elderly uninsured population should be higher, but the detailed figures were not available). 70% of the total population had a private health insurance plan. De Navas and Bernstein, "Health Insurance Coverage: 1993"; O'Hara and Caswell, "Health Status, Health Insurance, and Medical Services Utilization: 2010," 12.

[141] Pomeroy Interview.

[142] Starr, "What Happened to Health Care Reform?" 20.

draft document."[143] This was because Clinton tried to please everybody and tried to build on the existing system. But instead of being hailed for its moderate centrist approach, the reform was decried as bureaucratic.

Clinton's failure was not complete since, in 1996, he signed the Health Insurance Portability and Accountability Act into law, which amended the 1974 ERISA. It made the portability of employer health insurance provided through group plans easier and set some limitations on preexisting conditions exclusion, such as a limitation of the period for which this exclusion could last. It also prohibited group health plans from considering pregnancies as preexisting conditions.[144]

The Clinton presidency witnessed some other changes in the health care system. The Balanced Budget Act of 1997 saw the creation of SCHIP (State Children Health Insurance Program) that made health care insurance available to low-income children from families with incomes up to 200%FPL, but Republicans still managed to obtain cuts in discretionary spending for domestic programs. Moreover, Republicans managed to create a conservative reform in Medicare: Part C now provided the same benefits as Part A and B, but through subsidized private insurance plans instead of public plans.[145]

It was George W. Bush who managed to further reform Medicare. The 2003 *Medicare Prescription Drug, Improvement, and Modernization Act* moved ever more Medicare beneficiaries onto the private insurance market. It also introduced Medicare Part D, which covers prescription drugs on a subsidized and voluntary basis.[146] However, these government subsidized private plans were yet another means for private companies to get more money out of the government: on average those plans cost $1,000 more per person per annum than a classical Medicare coverage plan.[147]

2.2.3. The "Cheerleader-in-Chief:" Obama's Role in the Reform

As Lowi has highlighted it in his policy analysis, redistributive policies need strong presidential intervention in order to pass. Hence the role played by Obama in pushing the reform through Congress deserves a close look. In many respects Obama faced a similar situation to Clinton's. Overall, public opinion was in favor of health care reform, the health care insurance system had become an even more problematic and dramatic problem for the middle class. The overall rates of people without health care insurance had increased between 1993 and 2009, but the increase was particular-

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[143] Dana Priest, "Clinton Health Plan May Initially Raise Costs For Many," *Washington Post*, September 12, 1993, https://www.washingtonpost.com/archive/politics/1993/09/12/clinton-health-plan-may-initially-raise-costs-for-many/ecbcccc2-9a96-4477-bac3-21d1bab60ed2/.

[144] "Health Insurance Portability and Accountability Act," Pub. L. No. 104—191 (1996).

[145] The Bancroft Library/University of California, Berkeley, "1997 Balanced Budget and Taxpayer Relief Act," *Slaying the Dragon of Debt: Fiscal Politics and Policy from the 1970s to the Present*, March 11, 2011, http://bancroft.berkeley.edu/ROHO/projects/debt/balancedbudgetact.html.

[146] Office of Retirement and Disability Policy U. S. Social Security Administration, "Annual Statistical Supplement, 2011 - Medicare Program Description and Legislative History," April 20, 2015, http://www.ssa.gov/policy/docs/statcomps/supplement/2011/medicare.html; Howard 31.

[147] Starr, *Remedy and Reaction*, 149–150.

ly sharp for the middle class. The rates almost doubled for people with incomes between $50,000 and $74,999. [148]

The ACA strongly focuses on the lower middle class. This takes two elements into account. The first is the risk of opponents playing on intergroup competition between the white middle and working class and minorities, as it was the case for the Clinton reform to a certain extent. The second element is that, by 2009, health care had indeed become a more rapidly increasing problem for people with incomes between $25,000 and $75,000 than for other income groups. The ACA provides subsidies to purchase health care insurance for people with incomes between 133% and 400% FPL (in 2010, 400% FPL represented an income of $43,330 for one person). About 31.2% of the American population qualifies for these subsidies.

Another similarity with the Clinton reform plan is that the focus has not changed: universal access to health insurance and cost-containment primed. These were the major tenets Obama put forward when he exposed his health care plan to a 2009 Joint Session of Congress on Health Care:

> The plan I'm announcing tonight would meet three basic goals. It will provide more security and stability to those who have health insurance. It will provide insurance for those who don't. And it will slow the growth of health care costs for our families, our businesses, and our government. [149]

However, Obama was more outspokenly in favor of redistribution and more readily claimed government responsibility in providing equality of opportunity than Clinton did.

Another major point of difference for Obama was that the country (and the rest of the world) had suffered a huge financial crisis and the Great Recession had started. Because of this economic crisis, the Obama administration could expect, contrary to the Clinton administration, that congressional Democrats and the population would not lose interest in health care reform.

The Obama administration clearly tried to avoid some of the most obvious mistakes of the Clinton reform attempt. Democratic Representative Bruce Braley (1st congressional district of Iowa 2007-2015) said in an interview that the Clinton failure was a warning to them:

> Well, I mean I think everybody knew, based on that experience [the Clinton failure] that this was going to be a very difficult challenge even with the Democratic president and majorities in the House and the Senate; and that we were going to work hard, stay focused, keep our eye on the big prize and realize that perfection was probably not going to be achieved and we needed to work aggressively to push for the things that were important to us and the American people and try to get the bill done. And I think that was something that was clearly part of our efforts throughout the whole process. [150]

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[148] In 1993 15.3% of the total population, 23.6% of people with incomes below $25,000 had no insurance, 14.9% of people with incomes between $25,000 and $49,999 and 8.2% of people with incomes between $50,000 and $74,9999 had no health insurance. De Navas and Bernstein, "Health Insurance Coverage: 1993," 2–3; In 2009, 26.3% in the first income bracket, 21% of the second bracket, and 15.4% of the third bracket had no insurance. 65% had private insurance, sometimes in combination with a government-run program. Carmen De Navas-Walt, Bernadette D. Proctor, and Jessica C. Smith, "Income, Poverty, and Health Insurance Coverage in the United States: 2010," Household Economic Studies, Current Population Reports/Consumer Income (Census Bureau/US Department of Commerce, September 2011), 12, 26.

[149] Obama, "Remarks by the President to a Joint Session of Congress on Health Care."

[150] Bruce Braley, Interview about Work on the Affordable Care Act, interview with Lea Stephan, phone, July 7, 2016.

Among the most noticeable features was the fact that the Obama administration was warned about the tactics of the health care interests that so massively contributed to turning public opinion against the Clinton reform project. In order to avoid their reform project being undermined by a similar strategy such as the hostile Harry-and-Louise advertisement campaign, the Obama administration invited the health care interests to the negotiation table. This new strategy made health care veteran Senator Kennedy very confident about success, prophesizing after a big health care summit with the health care interests at the White House on March 3, 2009 that "this time we will not fail."[151]

Political scientists Theda Skocpol and Lawrence Jacobs stress the need to play with interest groups as they are better organized and have more political clout and especially more financial means than the public most concerned by health reform (everyone down from the middle class). The powerful and notoriously and historically anti-reform AMA was mollified by the prospect of new customers, who were estimated at that moment at about 32 million people. The same applied to the AHA (American Hospital Association). PhRMA (Pharmaceutical Research and Manufacturers of America) agreed to slightly lower their drug prices and to pay fees for the same prospect of new customers and the "filling [of] the doughnut hole"—the gap in coverage for prescription drugs—in Medicare through more subsidies. However, to seal the deal, they also required that they would be guaranteed no competition from generic drug makers and they obtained a ban on the importation of cheaper drugs from other countries. These last two points were contrary to campaign promises, yet this secured big PhRMA's cooperation and their throwing in of massive funds for pro-reform ads. AHIP (America's Health Insurance Plans, formerly HIAA) pressured for the rejection of the public option[152] and obtained four dozen amendments favoring insurance companies and were, of course, also speculating on future gains through new customers. The individual mandate—meaning the legal obligation to contract a health care insurance—was a guarantee in that sense for AHIP. This part of the reform regulations was very welcome and sharply contrasted with insurers' accusations of government takeover of health care. Eventually AHIP betrayed the Obama administration because they were upset about the weakening of the penalties in case of non-compliance with the individual mandate Republicans had required. AHIP feared that because of the lower penalties they would reach only 94% (!) of the potential customers. AHIP's open revolt was, ironically enough, actually against "too little government."[153] Although AHIP's CEO Karen Ignagni initially voiced support for the health care reform, AHIP secretly funneled millions to the Chamber of Commerce to help them to try to kill the reform.[154]

According to Skocpol and Jacobs, Obama was widely criticized on all fronts for not taking a clearer position on the precise features of the health care reform. They explain that this was done on purpose in order to avoid Clinton's error with the task

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[151] Richard Kirsch, *Fighting for Our Health: The Epic Battle to Make Health Care a Right in the United States* (Albany, N.Y.: The Rockefeller Institute Press, 2011), 111, 118.

[152] The public option would have been government-run health insurance plans that were to compete on the market with private health care insurance plans. Contrary to an entirely government-run health care system, such as single payer, the public option was not to be compulsory.

[153] Lawrence R. Jacobs and Theda Skocpol, *Health Care Reform and American Politics: What Everyone Needs to Know* (New York: Oxford University Press, 2012), 69–74.

[154] Kirsch 119.

force,[155] which had proven to be a major liability. Representative Pomeroy, who worked on the reform as member of the Ways and Means Committee, in particular stressed the wish to avoid making the same mistake:

> Well, it [the Clinton failure] wasn't on my mind particularly, but it was, I think, on the minds in terms of how this was structured. That one was built in the White House, in a fairly non-transparent way and brought up to Congress where it had a very low prospect of being politically accepted. So this time, they were going to send it to Congress.

Obama carefully and deliberately went back to the traditional distribution of roles and separation of powers. The president set the guidelines and let Congress flesh out the reform. But despite clearly attributing the reform process to Congress, some Democrats felt that the process was not transparent enough and that, because of time pressure (the Clinton reform attempt had been criticized because of the protracted process), there had not been sufficient discussion about the content of the reform. Representative Pomeroy expressed this opinion:

> But on the other hand, it was still a fairly non-transparent and non-inclusive process. To my frustration, as a former insurance commissioner, sitting on the health subcommittee of the Ways and Means Committee, I could not have been better prepared or better placed from a point of jurisdiction to weigh in on the substance of the bill. I didn't even dent the bill. It was cooked by staff and the chairman... I believe throughout, starting with the President and certainly running through congressional leadership, there was a deep philosophical commitment to do health reform. There was not a deep understanding of the technical... of the technical challenge of that task. That was basically assigned to smart staff, heavily influenced by some smart think tanks. When it came to the members actually wrestling with the substance of the bill in meetings, in endless meetings that we had about the bill, us Democratic members of the Ways and Means Committee, I felt like the role of Chairman Rangel and the role of the other chairmen in the other committees with jurisdiction although I wasn't part of those discussions, were simply to protect the staff product at all cost.[156]

Pomeroy seemed to resent the fact that this process did not take the prospects of reelection sufficiently into account. Moreover, in addition to the process regarding the crafting of the bill, Pomeroy also strongly resented the manner in which the bill had to be passed after the Democrats lost Senator Kennedy. The fact that Pomeroy lost his seat because of his vote on the health care reform certainly contributes to this perception. Bart Gordon, Representative for Tennessee's 6th district from 1985 to 2011, who also lost his seat, expressed similar thoughts:

> It [my participation] was more overall. I mean, you have to keep in mind, this was just literally a few weeks after the Democrats got the majority, there really hadn't been many hearings on it, so it was more of a top-down driven effort by those folks that had been working on it in the years past. [...] I think that Henry Waxman and some of his health care staff, as well as White House, they were the primary architects early on. [...] I think that it would have been better if we had had more hearings and had more overall information. That being said, if it had occurred, it would also have given time to the opposition to make out more of a defense and maybe nothing should have gotten done. So that's, you know, that is a question I'm not sure has an answer.[157]

    Others expressed diverging views when asked about the exchanges between the legislative and the executive over the health care bill. Representative Tierney said that the White House was "tremendously engaged" in the reform process and that a

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[155] Jacobs and Skocpol 55–56.
[156] Pomeroy interview.
[157] Bart Gordon, Interview about Work on the Affordable Care Act, interview with Lea Stephan, April 7, 2016.

lot of work was done between the teams of House and the White House.[158] Representative Braley also described a close collaboration to establish a common frame and a common understanding of what the reform ought to be, but he insisted on the elaboration taking place in Congress:

> I'm sure that the leadership and the committees worked closely with the White House in putting together legislation that was compatible with the White House's views of what needed to be in a comprehensive bill, but a lot of the fine-tuning and the hard hammer-out compromise among Democrats, I might add, came about through the legislative process, which the White House was following very closely and constantly providing feedback to those who were moving the legislation, but the process itself was very much driven by Congress.[159]

Representative Andrews took great pains to highlight the separation of powers and make it clear that the reform was made by Congress:

> Yes, I wouldn't use the word directions. No, of course in our system, the White House, the executive branch has its stock in enforcement of the law, and Congress has its stock in writing the law, but I would say that it was a shared goal and that President Obama and the leadership of the Congress shared the cause of what I just talked about.[160]

Of course, these contradictory accounts have their explanations. Pomeroy and Gordon were both Blue Dogs—conservative Democrats—and both lost their seats, which certainly influenced their opinion of not having had enough influence on the act that cost them their reelection. Moreover, Pomeroy, as a health insurance specialist, felt entitled to weigh in heavily on the language of the bill. Tierney and Braley lost their seats for other reasons and thus did not hold any grudge against the ACA in that respect. Andrews, on the other hand, was one of the chairpeople of the subcommittee on Health, Labor, Employment, and Pensions, and thus he was one of the main authors of the bill. His Wikipedia page describes him as "one of the primary authors of the Affordable Care Act."[161] This pride in his participation in the creation of the ACA might explain his strong insistence on the low implication of the executive.

Regarding public relations, Obama restrained himself to the part of the job belonging to the president: using Theodore Roosevelt's famous bully-pulpit to push health care on the agenda, and later to defend the reform project. By doing so he overruled even some of his top advisors. White House Chief of Staff Rahm Emanuel feared another Clinton-like debacle (he was Clinton's advisor then) and wanted Obama to step back and instead go for a less ambitious health care agenda, such as an expansion of CHIP (Children's Health Insurance Program) and a couple of new rules for the private insurance industry. (CHIP was enacted in 1997 under Clinton and is considered a consolation prize for his failed health care reform).

Obama, however, maintained his wish for universal health care. He then acted as "cheerleader-in-chief" touring the country and holding town-hall meetings during 2009 for the public relations campaign of health care reform.[162] Skocpol and Jacobs

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[158] John Tierney, Interview about Work on the Affordable Care Act, interview with Lea Stephan, Phone, December 10, 2015.

[159] Braley interview.

[160] Robert E. Andrews, Interview about Work on the Affordable Care Act, interview with Lea Stephan, phone, February 24, 2016.

[161] "Rob Andrews," *Wikipedia*, December 24, 2016, https://en.wikipedia.org/w/index.php?title=Rob_Andrews&oldid=756502406.

[162] See for example: Obama, "Remarks by the President in Town Hall on Health Care, Belgrade, Montana."

insist on this aspect and consider this as a crucial role in the moments when it seemed that the reform momentum would expire, for example in August 2009 when Congress's summer recess led to the explosive anti-reform movement of the Tea Party.[163] Political scientist Theodore Lowi highlights the central place of the role and influence of the president in redistributive policies, allowing for a greater presidential influence in this legislative area.[164] The wide and heavy impact of redistributive policies on the lives of the population make public opinion crucial, and the president is in a good position to address and to influence public opinion.

Obama urged the public to make their opinions heard and to voice their support for health care in order to push Congress to get to work on the health care reform:

> The American people, and the US economy, just can't wait that long. So, no matter which approach you favor, I believe the United States Congress owes the American people a final vote on health care reform. [...] I, therefore, ask leaders in both houses of Congress to finish their work and schedule a vote in the next few weeks. From now until then, I will do everything in my power to make the case for reform. And I urge every American who wants this reform to make their voice heard as well—every family, every business, every patient, every doctor, every nurse, every physician's assistant. Make your voice heard.[165]

Obama even pleaded with Congress for a finalization of the reform in his 2010 State of the Union Address: "Here's what I ask Congress, though: Don't walk away from reform. Not now. Not when we are so close. Let us find a way to come together and finish the job for the American people. (Applause.) Let's get it done. Let's get it done."[166]

However, Obama did not only influence public opinion, he also worked Congress.[167] In a 2016 interview, Obama recounts his perception of the final efforts on the health care reform, just after they had heard that a Republican had been elected in Massachusetts to replace health care champion Senator Kennedy, who died in 2009. Senator Kennedy's death resulted in the Democrats losing their filibuster-proof majority in the Senate, which had resulted in despondency among Democrats:

> The truth is that once we knew that the Massachusetts election might be difficult, and that was probably a couple weeks ahead of time, then we started doing some contingency planning. That was something that I had to learn fairly early on in the process, although we had learned it to some degree in the campaign: You have to have a plan B. You always have to be very quiet about your plan B, because you don't want it to sabotage your plan A—and sometimes people are looking for an out and want plan B. But we had begun to look at what other paths might be possible, and this one presented itself. It still required really deft work by Nancy [Pelosi] and Harry [Reid] and our legislative teams, but we knew at that point that it was possible, and once we had that path, then it was really just a matter of working Congress.

Obama and the leaders in the House and Senate had anticipated the legislative difficulties of the loss of the filibuster-proof majority in the Senate and had found a legislative strategy to circumvent this problem, the Budget Reconciliation Process.[168]

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[163] Jacobs and Skocpol 52–53.

[164] Lowi 53–54.

[165] Barack Obama, "Remarks by the President on Health Care Reform" (Office of the Press Secretary, the White House, Washington, DC, March 3, 2010), https://www.whitehouse.gov/the-press-office/remarks-president-health-care-reform.

[166] Barack Obama, "State of the Union Address" (Congress, Washington DC, January 27, 2010).

[167] Jacobs and Skocpol 55.

[168] The details of this process will be explained in 2.5.3. A Fragile Majority.

However, a change in legislative strategy required that Congresspeople be convinced to adopt the new strategy. Obama insisted on his role in gathering a sufficient Democratic majority in these decisive weeks after Kennedy's death:

> It's interesting, in 2011, when the left had really gotten irritated with me because of the budget negotiations, there was always this contrast between Obama and LBJ, who really worked Congress. But I tell you, those two weeks, that was full LBJ. I think [White House photographer] Pete Souza has a picture series of every meeting and phone call that I was making during the course of that, which is actually pretty fun to see. Basically, every day for the following two weeks, we were working Democrats, because at that point there was no prospect of us getting any Republicans. Although I devoted an enormous amount of time with Olympia Snowe, the one person who, to her credit, took a tough vote to get ACA out of committee before then deciding that she couldn't support the broader effort.[169]

Representative Gordon insisted on this role of the president working on Democrats to get a simple majority out of the apparent comfortable majority. Gordon insisted on the fact that despite the apparent majority the necessary votes were not easy to obtain, especially because representatives are very sensitive to the opinions of their voters. According to Gordon, Obama invested a lot of time and energy to get enough votes for the health care bill:

> It was very, very difficult. And the President has personally spent many hours with many of us trying to work through our problems, trying to convince us, and so it was... again, Democrats had those same majorities, but were not able to pass the climate bill. We're not a parliamentary system, we're becoming more of a parliamentary system, but particularly then we were not a parliamentary system and didn't just look to the head of the party. They looked also at their constituents. [So huge work had to be done] to get enough, not everybody, but to get enough.[170]

Representative Pomeroy spoke more in detail about the interactions with the President and how the latter convinced him to make the vote that would end Pomeroy's political career:

> But as I look back [...]... you know I was basically forced to put my career on the line for this, I feel like it was well worthwhile. In a meeting I had at the Oval Office with the President shortly before the vote, I showed him poll numbers that showed that if I voted against, my prospects of reelection were about 60-40. If I voted for, my prospects of defeat were about 60-40. And I told him ultimately... he made still, even in the face of those numbers, he made some good arguments why I should vote for it, on political grounds. But there was no political case to be made, really, for voting for it. But it was policy grounds and a matter of conscience. So I told him I would vote for it on those... on that basis.[171]

Pomeroy insisted on the fact that he voted for the bill based on the policy proposal because he was convinced that it would be good for the country, and that he voted with the certainty that he would lose if he ran again. This also illustrates the influence of public opinion on the representatives, which is enhanced by the short terms representatives are serving. In a 2016 interview Obama said that given the difficult political context this was the kind of argument he made in most cases:

> I would say 80 percent [of the Democrats I convinced were a] moral case, because the numbers weren't with us. Look, Scott Brown had just won, poll numbers were rotten, people were angry. The folks who I will always consider the real heroes of the ACA were the legislators, mostly younger and in swing districts, who had been from either the '06

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[169] Chait, "Barack Obama on 5 Days That Shaped His Presidency."
[170] Gordon interview.
[171] Pomeroy interview.

wave or the '08 wave. They had tough races and were just a great bunch of guys. With them it was an entirely moral case: What's the point of being here if not this?

So they were saying, "I'd rather keep having a job," and you were saying, "But think of the folks who are going to be helped."[172]

Obama made moral arguments to try to convince the elected officials to risk their career for this major piece of legislation. Bart Gordon was one of those Democrats who needed to be worked on by Obama. In 2009, in one of the first votes on the reform bill, Gordon voted against it: "I voted... actually I was one of the critical votes. I was on the health subcommittee and so it was stuck, it couldn't even get to the floor committee, and we spent a lot of time with the President talking, talking."[173] Gordon, who represented a rather conservative district in Tennessee, knew that public opinion would not be in his favor is he supported the health care reform at that stage. However, given the moment of his career, he was willing to put an end to it after he voted for the health care bill.

The passage of the Patient Protection and Affordable Care Act shows that the changes in leadership style were successful. However, not all changes in strategy were that fruitful.

Just like Clinton, Obama wanted a reform that could achieve a broad consensus by merging ideas from across the ideological and political spectrum. In his 2009 Address to a Joint Session of Congress to present the health care reform Obama described the reform as follows: "And it's a plan that incorporates ideas from senators and congressmen, from Democrats and Republicans—and yes, from some of my opponents in both the primary and general election."[174]

The Obama administration also very obviously integrated Republican ideas into their reform project. The individual mandate was a Republican idea that they had already advocated during the Clinton period and the 2010 reform was heavily built on that. Representative Pomeroy regretted the fact that they had not tried to integrate this during the Clinton attempt.[175] Ironically, in the 2012 *Sebelius* lawsuit[176] challenging the constitutionality of the ACA, it was, among other points like the Medicaid extension, the individual mandate that was attacked by Republicans. It is interesting to see that two of the points of the ACA that were supposed to please Republicans were later attacked. The challenging of the individual mandate shortly jeopardized the whole reform, because the system of less costly insurance only works if the whole population, meaning also the younger and healthier population, pays into the health insurance funds.

The extension of Medicaid is less obviously a factor that is supposed to please Republicans. However, as the single payer plan had been discarded almost immediately because it is anathema to conservatives, another way had to be found to achieve universal coverage within a market-based system. Moreover, in order to avoid upsetting the population too much, the Obama administration wanted to build on the ex-

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[172] Chait, "Barack Obama on 5 Days That Shaped His Presidency."

[173] Gordon interview.

[174] Barack Obama, "Remarks by the President to a Joint Session of Congress on Health Care" (US Capitol, Washington, DC September 9, 2009).

[175] Pomeroy interview.

[176] *National Federation of Independent Business et al. v. Sebelius, Secretary of Health and Human Services, et al.,* 519 US 567 (US Supreme Court 2012).

isting system.[177] The ACA sought to achieve universal coverage through three measures: an employer-mandate to secure employer-provided health insurance, the individual mandate for those who could not get health insurance through their employer and who could purchase subsidized health care plans through the health exchanges, and finally the Medicaid extension for the most fragile parts of the population, the working poor, including able-bodied adults, up to 133% FPL.[178] Despite the extension being fully federally funded until 2017, phasing down to 90% by 2020, the constitutionality of the mandatory extension was challenged and became optional. As of January 2017, 19 states still had not adopted the extension.[179] This created a breach in the universal coverage that the ACA was supposed to provide.[180]

All things considered, this overview of the overall development of social policies in the US may show the modification of programs over time, some of the attacks on the welfare state, and its increased privatization, but it does not explain why and how this happened.

2.3. The Creation of "Welfare:" The Attack against Social Policies

2.3.1. Different Theories about the Decline of Social Policies

The central question here is the reason why social policies came under attack—more importantly, why did the population not ask for more equality in a time of rising inequalities? It must be noted, that while social policies were under attack, and this particularly harshly in discourse, many programs nonetheless expanded their spending, such as Social Security, Medicare and Medicaid, because of an increase of the number of beneficiaries. In the case of Medicare and Medicaid, benefits were added, and as far as Medicaid is concerned, eligibility criteria were expanded for pregnant women by 1990.

Before discussing the different theories dealing with the decline of social policies, it must be mentioned that there is no consensus on whether such policies, and especially the Great Society, were actually efficient. Sociologist Dennis Gilbert, who studies socio-economic stratifications, affirms that the rise of class inequalities which started in the late 1970s and increased sharply during the 1980s with the first applications of neoliberal principles, compared to the reduction of inequalities during the 1950s and 1960s, meant that redistribution through social policies worked. He points out the measures that work, if the stated aim is lifting people out of poverty. Accord-

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[177] Barack Obama, "Weekly Address: President Obama Calls Health Insurance Reform Key to Stronger Economy and Improvement to Status Quo." (Office of the Press Secretary, the White House, Washington, DC, August 8, 2009).

[178] ACA Sec. 1311; Sec. 1501; Sec. 1511; Sec. 2001.

[179] "Status of State Action on the Medicaid Expansion Decision," *Kaiser Family Foundation*, February 17, 2017, http://www.kff.org/health-reform/state-indicator/state-activity-around-expanding-medicaid-under-the-affordable-care-act/.

[180] Both the consequences of the non-extension of Medicaid and the single-payer issue will be discussed in more detail in 4.3. The Fragility of the Reform.

ing to him, means-tested programs, like public assistance and food stamps, for example, have little impact on poverty rates. This is partly due to the fact that these benefits are not included in the pre-tax income that is used in the statistics. On the other hand, measures like the increase of Social Security benefits and EITC have had a huge impact. To explain increasing class inequalities, Gilbert points to the erosion of the safety net, namely unemployment benefits and the minimum wage. Up to the 1970s, these provided for a family of three, nowadays they do not even cover for a family of two.[181]

The decrease in poverty rates was especially spectacular during the 1960s. Overall poverty rates decreased from 22.4% of all people below the poverty line in 1959 to 12.1% in 1969, and to an all time low of 11.1% in 1973. The 1980s saw increasing poverty rates, with the highest rate since 1966 in 1983 at 15.2% as a result of Reagan's policies. The 1960s also had a great impact on black poverty rates, going from 55.1% in 1959 down to 32.2% in 1969. The lowest poverty rate for blacks was in 1999 at 23.6%, compared with 7.7% for whites the same year.[182] However, the persistence of comparatively high poverty rates for minorities that have never been below 20% has led many to conclude since the 1970s that social policies, especially those considered as 'welfare,' were inefficient.

Attacks on the welfare state had already started during the New Deal era. An example of this would be the foundation of the short-lived American Liberty League, a conservative business organization, unhappy with the small limitations placed on the "formerly freewheeling economic operations."[183] Despite these early attacks, the main focus should be on the developments since the 1970s because they marked a turning point in the attitude shown by both the government and the public. This decade was the transition from building the welfare state to reducing it.

Several explanations are offered as to the decline of social policies. None of the explanations are satisfying on their own. It appears, however, that the different factors complete and reinforce one another.

Among the explanations given is the economic downturn that occurred during the 1970s and whose beginning was marked by the oil crisis of 1973. Jansson points to a set of elements leading to the ascendancy of conservatism during that period. The increasing standard of living experienced by the working and middle class slowed and even reversed. Stagflation destroyed the utopia of an ever-expanding economy, and the middle class lost on their real income because of inflation. Yet taxes were increased to pay for the expanding expenditures. The bad economic situation favored a backlash against groups that seemed to benefit from social spending and affirmative action.[184] Sociologist William Julius Wilson, in *The Declining Significance of Race,* also sees the 1970s as a turning point for social policies, because of the change these years brought to the economy: they marked the passage to a post-industrial society. This led to the disappearance of well-paying low-skill jobs, and especially to a chronic scarcity of low-skill jobs in inner city neighborhoods. Wilson argues that these changes are among the reasons why existing social programs were not efficient any-

[181] Gilbert 16, 235–36.
[182] Carmen De Navas-Walt and Bernadette D. Proctor, "Income and Poverty in the United States: 2014," Current Population Reports (Census Bureau/US Department of Commerce, September 2015), 44–49.
[183] Feagin 64–65.
[184] Jansson 305–6.

more. The lack of education and real job opportunities made these programs seem useless, especially affirmative action.[185]

It has also been argued that the decline of unions, due to these structural changes in the economy, is a factor that has informed the decline of social policies.[186] Historian Jacqueline Jones thinks that the demise of the unions in the early 1980s and the focus on the so-called black 'underclass' were among the reasons that ended the previously existing class alliance. This allowed for the spreading of divisive race politics,[187] which in turn facilitated the deconstruction of the welfare state.

Feagin, however, sees the racial division of the working class as going back to the 19th century. The process was twofold. The fact that the white working class had minorities below them made them "feel better" about "their own often inadequate economic conditions." It also led to the weakening, compared to Europe, of the working class and its unions.[188]

Sociologists Earl Wysong, David Perrucci, and David Wright see a similarly reduced initial role of unions in the American context. According to them, the labor movement was not successful in securing the middle class with a "social wage" for all citizens. Instead, the unions' way of proceeding led to the creation of "private welfare states" within some large firms reserved to a small part of the population.[189] Moreover, it has been argued that out of cronyistic and nepotistic interests local political machines relying on white ethnic votes opposed universalist measures for the welfare state. A more biased and unequal redistribution favored the interests of these political machines as they could hog more resources to reallocate specifically to their protégées.[190]

Another possible explanation is the ideological opposition between conservatives and liberals regarding the role of government. According to this idea, conservative efforts to roll back the welfare state are simply informed by a wish for a smaller role for government and a greater reliance on private enterprise and Christian charity, whereas liberals see a legitimate role for government in showing solidarity through a safety net created through social policy. This is certainly correct, and an obvious part of the American political discourse, which can be seen in Nixon's efforts to shift program administration to the state level; it showed in conservative Democrat Jimmy Carter's vision of health care as being a private matter; it was reflected in Reagan's discourse presenting the family as the unit of choice for reliance and help; it was demonstrated by George W. Bush's shifting of Medicare Advantage to private insurers and encouragement of religious charity. However, this alone does not justify the extent of the attacks on social policy.

Other analysts favor a more social and cultural explanation. The excesses of the late 1960s, the social upheavals and the increasing demands for more rights and advantages for racial, gender, and sexual minority groups triggered a backlash among the supposed "silent majority" receptive to Nixon's "law and order" discourse. This backlash was further fuelled by the emergence in the 1970s of the now familiar situation in inner city neighborhoods or ghettos. The increase in entrenched poverty, the

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[185] Wilson, *The Declining Significance of Race.*

[186] Gilbert 64; McCarty, Poole, and Rosenthal 2.

[187] Jones, *The Dispossessed*, 6.

[188] Feagin 51.

[189] Wysong *et al.* 78.

[190] Steven P. Erie, *Rainbow's End: Irish Americans and the Dilemmas of Urban Machine Politics*, 1840-1985 (Berkeley: University of California Press, 1988), 6.

rise of out-of-wedlock births, of drug abuse, and crime during that period confirmed for many that social policies aimed at the poor were inefficient, and even worse, that social policies, especially welfare, led to morally dissolute behavior. However, on its own, this argument seems weak and superficial.

Wysong *et al.*'s explanation favors the theory of class warfare, not initiated by the working class, but by the elite class. According to them, the immediate goal in the 1970s "was to blunt growing public support for higher taxes on the rich and large corporations." This turned, in the 1980s, into a larger goal, namely the creation of "a modern version of the 1920s economy situated in a global economic system." The Republicans rolled back the social policy gains made since the 1930s, with a special focus on the New Deal and the Great Society. They implemented massive tax reductions for the affluent, major reductions in government spending, and finally they substantially limited the regulatory powers of government.[191] Neoliberalism and the supply-side theory provided the ideological framework to argue for lower taxes on the rich and a reduction of social programs. Smith sees a similar development in a political mutiny that had been going for some time in reaction to "governmental activism of the welfare state." According to him, the reaction was sparked by a memo written by Supreme Court justice Lewis Powell in 1971, who was a close friend of the director of the US Chamber of Commerce. The memo warned business about Nixon's new tax plan of 1971, which would have been hard on business and the wealthy. Powell saw the Chamber of Commerce as a well-suited institution to defend free enterprise and attack the regulatory efforts of government.[192]

The reforms of the New Deal and the Great Society had managed to dent inequalities by redistributing the economic growth more evenly among the population, but in doing so they also reduced the share of growth destined to the elites. The stagflation of the 1970s reduced the pie, and it offered new political possibilities to play out intergroup competition in order to divide the lower classes along racial lines. The tax argument mentioned above informs this part: because of the erosion of their real income, middle and working class people become more reluctant to pay taxes, let alone higher taxes, for other groups. Political scientist Charles Noble pointed out that this problem had already started during the late 1960s. The lack of impact of social policies on inner-city problems was already obvious, and support for liberalism was dwindling. The massive expenses for the Vietnam War made it easy for fiscal conservatives to pressure the administration into choosing between allocating the budget to war or social reform. Wilbur Mills, the chairman of the Ways and Means Committee, formulated the now famous phrase about the administration having to "choose between guns and butter." Johnson chose to increase taxes by $10 billion, but spending was still cut by $6 billion.[193]

Political scientists Thomas and Mary Edsall, in their 1991 book *Chain Reaction: the Impact of Race, Rights, and Taxes on American Politics,* admirably explain the strategy of fostering racial intergroup competition in order to undermine support for social policies and government intervention aimed at reducing inequalities. Edsall and Edsall demonstrate how the tax issue that arose in the 1970s, and culminated in the 1978 tax revolt exemplified by Proposition 13 in California, allowed for a division of the old New Deal coalition along racial lines. The line between tax payers and benefit recipients can be drawn roughly along racial lines, since it is statistically true that there are

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[191] Wysong *et al.* 117.
[192] Smith, *Who Stole the American Dream?,* 6, 8.
[193] Noble 97–98.

more white tax payers but more minorities on the social program rolls, due to past inequalities and discrimination which stratified American society with minorities at the bottom. Edsall and Edsall stress the fact that this was a targeted approach to create a new Republican majority by breaking up an economic interest based class alliance that allowed for a top-down redistribution. Instead, Republicans created a new white Republican majority around shared conservative social values[194] that allowed for an upward redistribution. Moreover, this conservative realignment led to a polarization of the two parties along the lines of racial liberalism, cultural values, taxes, the scope of government intervention, the interpretation of equal opportunity, and social policies.[195] Feagin defends the same theory regarding the deflection of the conservative economic strategy by shifting the focus to a cultural and racial divide.[196]

Political scientist Larry M. Bartels offers a slightly different explanation of Americans' political choices regarding taxes. He explains, according to his study of attitudes regarding the 2001 and 2003 Bush tax cuts, that Americans fail to make the connection between tax policy and the reduction of government programs. Moreover, he concludes that people's perception of their own tax burden was the strongest factor (even stronger than party identification, conservative ideology, or the perception of government waste) in their support for the 2001 tax cut for the wealthy, and this despite voicing idea that the federal government should spend more on programs, that the rich pay too little taxes, and that the growing economic inequality is bad. Bartels expressed concerns and "significant doubts about the capacity of the American public to reason effectively about tax policy."[197] However, Bartels' analysis does not necessarily contradict Edsall and Edsall's interpretation, but rather underlines that Americans' confusion regarding taxes and redistributive policies can be politically exploited.

This picture is further explained through the problem that many people are unaware of government's role in many social or redistributive programs. In her 2011 book *The Submerged State: How invisible Government Policies Undermine American Democracy*, political scientist Suzanne Mettler explains that many people are unaware of the benefits they receive and are also unaware that those benefits result from government programs, because in many cases these benefits are delivered through private outlets. For example, before Obama's student loan reform that created government-financed student loans, the government subsidized private lenders to deliver student loans. Other forms of government help are not necessarily viewed as a form of redistribution, because they consist in tax cuts, such as the Home Mortgage and Interest Deduction that is greatly valued by the middle and upper classes. Mettler avers that such programs form a "submerged state" that obscures government's role from the view of the general public, including these who number among the beneficiaries."[198]

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[194] For a detailed explanation of the cultural values cementing this social values-based conservative Republican majority, see Mark D. Brewer and Jeffrey M. Stonecash, *Split: Class and Cultural Divides in American Politics* (Washington, DC: CQ Press, 2007).

[195] Edsall and Edsall.

[196] Feagin 59.

[197] Larry M. Bartels, "Homer Gets a Tax Cut: Inequality and Public Policy in the American Mind," *Perspectives on Politics* 3, no. 1 (2005): 23, 26.

[198] Suzanne Mettler, *The Submerged State: How Invisible Government Policies Undermine American Democracy* (Chicago: University of Chicago Press, 2011), 5, 12.

As for political scientist Frances Fox Piven, she insists on the fact that president Reagan's tactic was not only to take advantage of stagflation, but to increase the resource shortage in a twofold way: through tax cuts and through rising defense spending. The resulting growing deficit was used to argue for cuts in social spending. Moreover, Piven sees an additional dimension: according to her, a globalization rhetoric is used today, which argues that government is helpless in the face of markets. This is a revival of a 19th century laissez-faire rhetoric positing that government has no control over the market. This rhetoric has gained new credibility because of the vast international market that lent new authority to the idea that higher taxes pose a threat to international competitiveness.[199] Hedrick Smith concurs in the interpretation offered by Piven and he points out that the three major tax cuts, in 1978 under the Carter administration, in 1981 under the Reagan administration, and in 2001 under the G. W. Bush administration were by no means accidents, but the result of a strategy aimed at upward redistribution. Smith situates the power shift in favor of business in 1978 during the 95th Congress.[200]

2.3.2. Cut Welfare Spending! But We Love Social Policies: The American Paradox

Despite the description of the backlash above, it would be a hasty conclusion to say that Americans are stark opponents of any social policy. Quite to the contrary, Americans show an incredible amount of solidarity and are strong supporters of a wide array of programs in many areas and for many different populations. The enduring support for Medicare and Social Security is just one example. However, a set of complementary factors explains why some programs are attacked and why there is a general impression of Americans being opposed to social policies. Political scientist Martin Gilens has analyzed the American welfare paradox in his 1999 book *Why Americans Hate Welfare: Race, Media, and the Politics of Antipoverty Policy.* His conclusion is that opposition to social policies depends on how a program is presented; meaning that if a program is framed as "welfare", then opposition is strong. But this is not the only explanation; other, additional factors must be taken into account, notably because they help to explain the framing as welfare. Among these explanations are the context of rising economic inequality, individualism, a strong emphasis on charity, or a preference for a small role for government. Moreover, these additional, complementary explanations also show the wide range of possibilities for attacking social policies. Moreover, they help to decode some of the discourse on welfare, especially the more implicit messages or the coded language that exist on this issue.

Americans favor health and education programs, particularly everything aimed at children. Gilens compiled a complete overview of public opinion on social policy spending from several surveys asking whether people wanted to cut or increase spending for different programs. The result is astounding. Americans overwhelmingly supported spending increases for programs by margins rating from 40 to 74 percentage points. The areas of strongest support are care for the elderly, education, and fighting poverty. Public opinion favored spending cuts only in some cases: for unem-

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[199] Frances Fox Piven, "Globalization, American Politics, and Welfare Policy," *Annals of the American Academy of Political and Social Science* 577, Reforming Welfare, Redefining Poverty (2001): 29, 34.
[200] Smith, *Who Stole the American Dream?* 13, 107.

ployed people, for welfare or for people on welfare, and food stamps. However, people favored food programs for low-income families and retraining programs for displaced workers; and they even slightly favored an increase in unemployment insurance.[201] The contradiction is consequently very plain.

Sociologists and political scientists Leslie McCall and Lane Kenworthy explain that in eras of rising inequality, as it has been the case in the US and other western countries since the 1970s, people tend to favor programs aimed at giving more opportunity, instead of assistance, to the poor. Hence the greater support in areas such as education, health care, and social security.[202] There is generally less support for means-tested programs aimed at the poor, and more support for programs favoring self-help or back-on-your-feet programs, like workfare, which associates benefits with work requirements.

One of the reasons why Americans tend to support social programs less strongly than Europeans, for example, is because they favor charity. They do not see help to the needy as the sole responsibility of the government. Gilens points out that their strong involvement in private charities and the high membership in voluntary associations show the strong commitment of Americans to help the needy and the poor. He considers this to be an alternative indicator to public opinion surveys. Jurist Joel Handler and political scientist Yeheskel Hasenfeld call charity the "third" sector, complementing the public and private sector.[203] According to the National Center for Charitable Statistics, the nonprofit share of the GDP was 5.3% in 2001; in 2010, it accounted for 9.2% of all wages and salaries. The biggest share of expenses in 2008 went to health (58.7%) and education (16.5%). Between 2000 and 2009, charitable contributions increased by 6% (inflation adjusted). In 2009, 26.8% of adults volunteered, mostly in religion-related organizations—on average, people volunteer 233 hours per year.[204]

However, Gilens points out that charity is not the most efficient way to help the needy, since, for example, religious institutions use up to 44% of the donations for their own maintenance.[205] Historian Michael B. Katz also puts this inefficiency in historical perspective, and he explains that the enticement with charity largely rests on a myth, especially regarding the extent and efficiency of charity in the past:

> The history of American charity remains shrouded in myth: in the old days Americans helped their needy neighbors voluntarily and without money from the government. With no prodding from elected officials, the women and men who formed voluntary associations to provide services today performed by government made sure that the deserving poor remained neither hungry nor homeless. With compassion born of religious faith, they solved problems that, in our times, render government impotent.[206]

Katz particularly insists on the fact that the charity myth is used to attack government intervention and social policies. Republicans in particular attribute a prominent place to charity and they consider that government should not overstep its boundaries. For example, this belief is expressed in the 2004 Republican Party platform:

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[201] Gilens, *Why Americans Hate Welfare*, 28–29.
[202] Leslie McCall and Lane Kenworthy, "Americans' Social Policy Preferences in the Era of Rising Inequality," *Perspectives on Politics* 7, no. 3 (2009): 459.
[203] Handler and Hasenfeld 144.
[204] Kennard T. Wing, Katie L. Roeger, and Thomas H. Pollak, "The Nonprofit Sector in Brief: Public Charities, Giving, and Volunteering, 2010" (Washington DC: Urban Institute, 2010), 4–7.
[205] Gilens, *Why Americans Hate Welfare*, 201.
[206] Katz, *The Price of Citizenship*, 137.

> Government does have a role to play, but as a partner, not a rival, to the armies of compassion. These forces have roots in the areas they serve, often based in local churches, synagogues, mosques, and temples. Their leaders are people to whom the disadvantaged are not statistics, but neighbors, friends, and moral individuals created in the image of God.[207]

This extract also illustrates one of the reasons why people prefer charity to government intervention: a closer influence on who is helped, the certainty that the help goes to projects that they approve, and of course, the feeling of having personally contributed.

Notwithstanding a certain mythical dimension and its relative inefficiency, charity has a solid reality in the US. Political scientist Laura Katz Olson insists on the fact that charity is an integral part of the American health system. The 1946 Hill-Burton Act requires, as compensation for public subsidies in the construction of hospitals, mandatory care to all persons arriving with acute and severe symptoms. The same has applied for all hospitals participating in Medicare since 1986.[208] Of course, this obligation has partly led to the crisis of the American health care system: the uninsured who are not able to afford to pay for their health care wait until their diseases have progressed so far that they can claim emergency care. These costs in turn are transferred in part to the bills of insured patients. Then the insurance companies deflect the costs back onto their clients, thus driving up insurance premiums. Finally, the increasing costs of the premiums mean that fewer and fewer people can afford health insurance, and consequently rely on costly emergency care. The vicious cycle of spiraling cost continues.

The favoring of charity questions the role and scope of the government. One of the explanations that is often offered to justify the rejection of government-run social programs is ideology, usually in relation to Americans' supposedly strong individualism. Gilens discards these explanations as insufficient. However, these factors cannot be entirely refuted, since they are part of the discourse around social policies, and they partly shape policy preferences, such as greater preferences for self-help or opportunity-developing programs. So while on their own they do not offer a satisfying explanation, they are elements that are used in the rhetorical house-of-cards that frames perceptions about social policies. The question is rather why there is support for increased social programs only in certain areas.

Gilens's public opinion survey compilation shows that while 56% of Americans support increased government spending for food programs supporting low-income families (9% favor a decrease), 43% favor a decrease in spending on Food Stamps (9% favoring an increase), which is the government food program for low-income families. People overwhelmingly favor assistance to the poor, help for the unemployed, childcare for poor children etc., but just as massively support spending cuts for 'welfare' (63%) and an even greater cut for 'people on welfare' (71%).[209] The problem does not lie primarily with internal contradictions in the American mind, or a kind of social policy schizophrenia, but with the phrasing of the surveys, and more importantly, with the discourse around social policies. Strong opposition can be triggered when programs are framed as welfare. Political scientists Theodore J. Lowi, Benjamin Ginsberg, and Kenneth A. Shepsle have also highlighted the problem of wording in polls regarding social policies. They have also noted that opposite results in polling

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[207] The Republican Party, "Republican Party Platform of 2004," 74.
[208] Katz Olson 217.
[209] Gilens, *Why Americans Hate Welfare*, 28.

were obtained, depending on if the question was worded as 'spending for the poor' or as 'spending on welfare.'[210]

2.3.3. What Is "Welfare"?

The conception of welfare that exists today—which consists in negatively identifying a program as benefiting mainly minorities—has little to do with the 'welfare state'. Historian Edward Berkowitz offers a definition of the welfare state:

> In a welfare state, the government supplies a modicum of security to its citizens, rather than forcing them to rely exclusively on what they earn from working or investing or inheriting. [...] [It is a] complex, interrelated system of subsidies, tax laws, protective legislation, and income maintenance.[211]

He points out that the term originated in Britain during World War II and was "an ideal worth fighting for."[212] In this sense the welfare state is radically opposed to the current use of 'welfare' as a means to dismantle the welfare state. Indeed, the current conception of welfare allows separating the welfare state in two distinct parts, one that is good, one that is bad. There are social policies on the one hand, and welfare on the other hand.

The framing of social programs as welfare is one part of the current impossibility of implementing race-specific politics and policies. It is the other side of the attack against affirmative action. The important aspect is that welfare, or, in other words, the racialization of social programs, has a broader impact on social policies and hampers the expansion, or even the maintaining, of the welfare state. Presenting a program as a zero-sum game and as principally benefiting minority groups is enough to create opposition.

'Framing as welfare' consists in identifying a program as principally benefiting minorities, preferably blacks. Then blacks are associated with negative stereotypes of moral breakdown, for which social programs are blamed. Lastly, it is claimed that whites do not benefit from the programs, but only pay for them. The programs described in this manner are labeled welfare. The end result is that welfare is not associated anymore with its original meaning of "the state or condition of doing or being well; well-being, prosperity, success; the health, happiness, and fortunes of a person or group,"[213] but with wasteful spending for undeserving people (of color). Berkowitz offers an excellent description of how welfare is understood today:

> At a gut level, most people understand welfare to mean a form of government handout. The term evokes an instant shock of recognition and produces an almost visceral reaction. When we think of welfare, we envision a black woman, who lives in a sinister section of the city, miles from the suburbs in which many of us grew up, taking care of her illegitimate children and cashing government checks.[214]

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[210] Theodore J. Lowi, Benjamin Ginsberg, and Kenneth A. Shepsle, *American Government: Power and Purpose* (New York: Norton, 2008), 234.

[211] Berkowitz xii–xiii.

[212] Berkowitz xiii.

[213] "Welfare, N.," *OED Online* (Oxford University Press), accessed February 2, 2017, http://www.oed.com/view/Entry/226968.

[214] Berkowitz xiii.

Programs to fight poverty are especially framed as welfare. Starting in the 1970s, to fuel the backlash, the discourse of conservative politicians identified programs aimed at fighting poverty (such as AFDC, Food Stamps,[215] public housing, and public employment) with minorities. Already in his 1968 campaign Nixon attacked the War on Poverty in terms of social programs having a nefarious effect:

> For the past five years we have been deluged by government programs for the unemployed, programs for cities, programs for the poor, and we have reaped from these programs an ugly harvest of frustration, violence, and failure across the land.[216]

Nixon blames social programs for violence and a moral breakdown. Moreover, by stressing programs for the cities and the poor, he creates an association with the ghettos, and thus with a black population, as white poverty is more associated with rural areas. Nixon's anti-welfare rhetoric built on the idea that welfare fosters laziness and irresponsible behavior, an idea that dates back to the 16th century in the Anglo-American world, and that was later used by Reagan. Nixon's politics, however, were very far from consistent with this rhetoric. Part of his discourse did not entirely match this initial attack. For example, the introduction to Nixon's Family Assistance Plan, which was supposed to reform AFDC, is not as virulent as his campaign speech:

> Aim of Plan: "(1) a greatly enlarged role for the federal government in federal-state public assistance or welfare programs;
>
> (2) a new federal plan to pay income supplements to all poor families with children, including those headed by able-bodied men.
>
> *BACKGROUND TO THE PRESIDENT'S DECISION*
>
> The President has responded to a combination of discoveries, events and changes of attitude of recent years. Among these are:
>
> The discovery and identification of poverty as a national problem and the commitment by President Johnson to eliminate poverty.
>
> The riots in the street and the quiet hunger in the countryside--both of which have been attributed in some degree to the malfunctioning of the welfare system.
>
> The shift from thinking of welfare as a non-enforceable privilege over to thinking of it as a legal right to stated benefits in response to objectively determined needs.
>
> The revolt by state and local taxpayers who see the escalating costs of welfare as too much for them to bear without at least some new sharing arrangement with Washington.[217]

In this introduction to the reform project, there clearly is a wish to increase the role of the federal government in welfare programs and to expand the benefits to the working poor, in part as a reaction to the tax revolt. The plan was opposed by labor as "subsidized low-wage employment," by the left in Congress as not going far enough. Labor also subjected to the "punitive work tests," the clause that stipulated loss of benefits if beneficiaries refused suitable work or training opportunities.[218] Finally it was an alliance of liberals and conservatives for different reasons, who made the re-

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[215] The Food Stamp program was renamed in 2008. It is now called SNAP: Supplemental Nutrition Assistance Program.

[216] Howard Schuman, Charlotte Steeh, Lawrence Bobo, and Maria Krysan, *Racial Attitudes in America: Trends and Interpretations*, Revised Edition (Cambridge: Harvard University Press, 1997), 35–36.

[217] Robert J. Lampman, "Nixon's Family Assistance Plan" (University of Wisconsin, Madison, Wisconsin: Institute for Research on Poverty, November 1969), 1–2.

[218] Lampman 20, 24.

form fail.[219] This is widely different from later reactions during the Reagan presidency, where adaptation to tax resentment was simply translated into slashing programs. Moreover, in this extract, a link is made between social unrest and welfare, but social unrest is not seen as the negative consequence due to some perverse effect of handouts, but rather as the interpretation of a system that does not function well enough. And, quite importantly, the program is presented as a continuity of Johnson's War on Poverty. While Nixon certainly campaigned using an anti-welfare rhetoric, his policy efforts did not reflect this. It was Reagan who perfected the anti-welfare rhetoric. One may remember his most famous attack against the "welfare queen" during the 1976 Republican primaries:

> There's a woman in Chicago. She has 80 names, 30 addresses, 12 Social Security cards and is collecting veterans benefits on four nonexisting deceased husbands. And she's collecting Social Security on her cards. She's got Medicaid, getting food stamps and she is collecting welfare under each of her names. Her tax-free cash income alone is over $150,000.[220]

The fictional welfare queen derived from an existing person, Linda Taylor, a black woman, who, according to the research of journalist Josh Levin, had used four aliases and had received $8,000.[221] Although the welfare queen is the most extravagant example, Reagan described the whole welfare system as being intrinsically corrupt. In his 1983 State of the Union Address, he called for action to stop seemingly systematic abuse, planting the idea that most people on the welfare rolls actually do not need assistance:

> Our standard here will be fairness, ensuring that the taxpayers' hard-earned dollars go only to the truly needy; that none of them are turned away, but that fraud and waste are stamped out. And I'm sorry to say, there's a lot of it out there. In the food stamp program alone, last year, we identified almost [$]1.1 billion in overpayments. The taxpayers aren't the only victims of this kind of abuse. The truly needy suffer as funds intended for them are taken not by the needy, but by the greedy. For everyone's sake, we must put an end to such waste and corruption.[222]

Reagan also spread stories of unbelievably generous welfare payments, for example through a fictional description of a project in Harlem, the Taino Towers: "If you are a slum dweller, you can get an apartment with 11-foot ceilings, with a 20-foot balcony, a swimming pool and gymnasium, laundry room and play room, and the rent begins at $113.20 and that includes utilities." In addition to these stories of abuse of government generosity, he also derided claims about dire need for social programs, such as Food Stamps by negating the problem of hunger and malnutrition in the US: "Ninety-five percent of all our families have an adequate daily intake of nutrients—and a part of the five percent that don't are trying to lose weight!"[223]

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[219] For a detailed insider discussion, see Patrick Moynihan, *The Politics of Guaranteed Income: The Nixon Administration and the Family Assistance Plan* (New York: Random House, 1973).

[220] Quoted in Françoise Coste, "Ronald Reagan and a New Partisan Identity: The Case of the Reagan Democrats" (American Identities: In Relation and Interaction, Université Toulouse II Le Mirail, 2010).

[221] Josh Levin, "The Real Story of Linda Taylor, America's Original Welfare Queen," *Slate Magazine*, December 19, 2013, http://www.slate.com/articles/news_and_politics/history/2013/12/linda_taylor_welfare_queen_ronald _reagan_made_her_a_notorious_american_villain.html.

[222] Ronald Reagan, "Address Before a Joint Session of the Congress on the State of the Union," 01 1983, http://www.presidency.ucsb.edu/ws/?pid=41698.

[223] Ronald Reagan, "The Shining City Upon a Hill" (Conservative Political Action Conference, January 25, 1974).

Reagan always denied being a racist, even when challenged directly. However, his stance on civil rights, welfare, and his repeated denunciation of affirmative action and busing during the 1980 presidential campaign left no doubt regarding his racial conservatism.[224] Sociologist Orlando Patterson highlights the particular change brought by the Reagan presidency. He explains that while desegregation and affirmative action were followed by an upsurge of direct racism in the form of overt racist attacks, he considers "the powerful cultural signals given by the Reagan presidency that racist intolerance is once again acceptable" as far more dangerous.[225] Schuman *et al.* add the cuts in government aid to HBCUs, the re-staffing of the Civil Rights Commission, and the rapprochement with South Africa as a less symbolic, but still telling, dimension of Reagan's stance on race.[226]

The negative association of minorities with anti-poverty measures did not come out of the blue. It is rather the period of the 1960s and the Great Society, with its War on Poverty, that constitutes an exceptional attitude. Economist and sociologist Gunnar Myrdal explained in 1944 that the conception of race as meaning the biological inferiority of non-white populations had long been a reason not to tackle social misery at the political level.[227] The structure of US society, in which past discrimination has kept minorities at the bottom of society, and the associated racial thinking, make it easy to frame anti-poverty programs as "welfare."

Several factors come into play here. Welfare plays on an intergroup competition that is fostered along racial lines. Elizabeth Anderson explains that opposition to redistributive policies can be based on two factors: in-group favoritism/ethnocentrism, which consists in wanting to hoard opportunities and/or resources, and out-group animus or stigmatization.[228] With welfare, both factors are at work because tax expenditures are portrayed as a loss of resources for one group (whites) in favor of an ethnically opposed group that is stigmatized (blacks). Berkowitz's description of how welfare is understood today clearly highlights both factors: the terms "government handouts" and "cashing government checks" that reflect the fear about the loss of resources for one's own group; the out-group animus found in the black woman whose perceived way of living is associated with loose morals. The separation of the two groups is also highlighted in his description: the locations of the two groups are clearly separated (suburbs vs. inner city sections).

The welfare frame operates on racial stereotypes that have changed little since slavery. According to Handler and Hasenfeld, the welfare queen stereotype directly "drew on the historical slavery image of African-Americans as 'lazy, hypersexed, reckless breeders.'"[229] This also echoes a cultural racism that justifies the subordinate socio-economic position of blacks through cultural differences, such as a lack of emphasis on education or a lack of work ethic. Brader and Valentino explain that this belief that "blacks violate cherished values of hard work and self-reliance" results in the opinion that they do not deserve the resources they claim.[230] The picture that emerges about the beneficiaries of the welfare state is one where part of the population is deserving and white, who earn their programs through hard work and tax pay-

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[224] Coste, "Droits Civiques."

[225] Orlando Patterson, "Toward a Study of Black America," *Dissent* (1989): 476–86.

[226] Schuman *et al.* 40.

[227] Myrdal, "Racial Beliefs in America," 117.

[228] Anderson, *The Imperative of Integration*, 61.

[229] Handler and Hasenfeld 163.

[230] Valentino and Brader 204.

ing, while the other part of the population is undeserving and black, people who do not work and want their laziness financed by (white) tax money. Social psychologist Michelle Fine and sociologist Lois Weis explain that the deserving-undeserving dichotomy in the perception of welfare and social politics is so strongly racialized that even white working class people who benefit themselves from welfare programs perceive themselves as deserving, but blacks as undeserving.[231]

Moreover, the association between redistributional policies and channeling benefits to blacks is sometimes presented as a government goal, as radio talk show host Rush Limbaugh said on his show on May 11, 2009:

> The deterioration reflects lower tax revenues and higher costs for bank failures, unemployment benefits, and food stamps. But in the Oval Office of the White House none of this is a problem. This is the objective. The objective is unemployment. The objective is more food stamp benefits. The objective is more unemployment benefits. The objective is an expanding welfare state. And the objective is to take the nation's wealth and return it to the nation's quote "rightful owners." Think reparations. Think forced *reparations.* Think *forced reparations here if you want to understand what actually is going on.*[232]

In this extract, help for the poor is represented through a racialized prism with the reference to "reparations," meaning the compensation for slavery. It triggers the idea of giving America's wealth to blacks and thus represents welfare as benefitting only blacks to the detriment of white America. Limbaugh also presents this as unjustified and thus not deserved by putting the 'rightful owners' in quotes, which belittles the claim, and insisting that it would be 'forced reparations'.

In *The Audacity of Hope* Obama exposes his understanding of the discursive shift from the War on Poverty to attacks on welfare and the conservative policy demands this has supported:

> This concept of a black 'underclass'—separate, apart, alien in its behavior and its values—has also played a central role in modern American politics. It was partly on behalf of fixing the black ghetto that Johnson's War on Poverty was launched, and it was on the basis of that war's failures, both real and perceived, that conservatives turned much of the country against the very concept of the welfare state. A cottage industry grew within conservative think tanks, arguing not only that cultural pathologies—rather than racism or structural inequalities built into our economy—were responsible for black poverty but also that government programs like welfare, coupled with liberal judges who coddled criminals, actually made these pathologies worse. On television, images of innocent children with distended bellies were replaced with those of black looters and muggers; news reports focused less on the black maid struggling to make ends meet and more on the "welfare queen" who had babies just to collect a check. What was needed, conservatives argued, was a stern dose of discipline—more police, more prisons, more personal responsibility, and to end welfare. If such strategies could not transform the black ghetto, at least they would contain it and keep hardworking taxpayers from throwing good money after bad.[233]

Of course, this extract does not only highlight how Obama perceives the use of the black 'underclass' to turn the population against social programs by transforming them into welfare through the association with a negative black image. It also underlines the interconnectedness of the elements, how media representation feeds into

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[231] Michelle Fine and Lois Weis, *The Unknown City: Lives of Poor and Working-Class Young Adults.* (Boston: Beacon Press, 1998), 21.
[232] Quoted in Dawson, *Not in Our Lifetimes*, 81–82.
[233] Obama, *Audacity*, 253.

spreading and normalizing a negative black image, and how conservatives managed to integrate and respond to the backlash sentiment.[234]

But beyond the dimension of representation, the way in which programs are administered, financed, and how benefits are attributed also helps reinforce the deserving/undeserving dichotomy. Political scientist Christopher Howard speaks of a two-tiered welfare state in which programs are separated into an upper tier and a lower tier. The upper tier includes Social Security, Medicare, Disability Insurance, Workers' Compensation, and Unemployment Insurance. The lower tier includes Medicaid, EITC, TANF (formerly AFDC), Food Stamps, and subsidized and low-income housing, as well as a range of smaller programs, such as Head Start and school meals.[235] The programs in the upper tier are partly funded through direct contributions via payroll taxes. Yet, most people ignore the fact that they are supplemented by government funds. Thus programs like Social Security or Medicare are seen as an earned entitlement after a life of hard work.[236] Programs in the lower tier, however, do not require previous participation through taxes and are "means-tested", meaning they are available to people below a given threshold of income. The issue of contributing to the program through payroll taxes is part of the deserving-undeserving dichotomy that is reinforced by the racial stereotype. Quite tellingly, this separation into two tiers has led people to associate Social Security with retirement pensions alone, although the Social Security Act also established AFDC and unemployment.

For a better understanding, two examples can be given: AFDC/TANF and health care. The development of AFDC/TANF highlights the gradual racialization, or 'welfarization,' of a program, while health care shows how two programs within the same area can be perceived in a racialized, or welfarized, way. The reform of AFDC into TANF in particular is the textbook example of a program that initially had a positive image, although it was not flawless, but which became negative once blacks massively joined, and eventually was reformed into a sparse and even punitive program.

AFDC (initially ADC) was developed as a program to help widows care for their children. It replaced the previous Mothers' Pensions program. It was initially viewed in a positive way and required mothers to stay at home. During the 1960s, more and more black women accessed the program and it became widely criticized. Staying home was no longer seen as a sign of quality care for the children, but as a sign of laziness. The initial requirement of the program to apply only to single mothers

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[234] Issues of media representation and coded racial discourse will be developed in 3.1. "A Hell of a Lot More Abstract Than 'Nigger, Nigger:" Code and Doxa.

[235] Howard 31.

[236] In 2009, the US government spent $678 billion on Social Security and $425 billion on Medicare, compared with $251 billion on Medicaid. The total spending on mandatory programs was $2,112 billion in a total outlay of $3,518 billion. "Budget of the US Government: Fiscal Year 2011" (Office of Management and Budget, 2010), 149. For example, in 2009, only $190.9 billion of the total Medicare expenditures were paid for through the revenue generated from payroll taxes. Medicare Part B and D are partly financed through premiums paid for by the enrollees (an additional $65.2 billion). However, about 79% of these two programs are financed through general revenues. In 2009, general revenues accounted for $211.7 billion of the total expenditures of Medicare (about 41.6%). The total Medicare expenditures amounted to $509 billion (the $425 billion listed by the CBO, plus the premiums and the interest on treasury bonds held by the Medicare Trust Fund). Timothy F. Geithner, Hilda L. Solis, Kathleen Sebelius, Michael J. Astrue, and Donald M. Berwick. "2010 Annual Report of the Boards of Trustees of the Federal Hospital Insurance and Federal Supplementary Medical Insurance Trust Fund," (August 5, 2010), 10–11.

without a male provider got twisted around: these single mothers were now shown as sexually promiscuous women who preferred to have babies out-of-wedlock instead of working. Indeed, the program itself required women, in order to be able to benefit, not to be married. This was changed in 1962, in order to encourage marriage, hence the name change to Aid for Families with Dependent Children.[237] AFDC is the program now most closely associated with welfare and the stereotypical beneficiary is seen as a black teenage mother who has several out-of-wedlock children born from different fathers, and who sits at home waiting for the welfare check instead of going to work. This perception of AFDC as primarily benefiting black women led to strong attacks against the program. In 1996, it was eventually reformed into TANF. The new system imposes lifetime limits, strong work incentives and requirements, and a loss of benefits if additional children are born.

Regarding the two government health programs, Medicare and Medicaid, an interesting perception exists. Medicare is perceived as a white program for deserving seniors, who earned their entitlement through lifelong contributions. Political historian Christy Ford Chapin explains that Medicare, in its inception was promoted as a moderate program "for a deserving aged population."[238] On the other hand, political scientist Laura Katz Olson describes Medicaid as a stigmatized program that is associated with "fears of fiscal disaster and images of unworthy clients taking advantage of taxpayer dollars."[239] Medicaid is strongly associated with minorities because, before the TANF reform, AFDC beneficiaries were automatically eligible for Medicaid. Reagan described Medicaid beneficiaries as "a faceless mass, waiting for handouts."[240]

First of all, Medicaid, before the extension possibilities provided by the Affordable Care Act, was a program that covered the disabled, children, poor elderly persons, pregnant women, and, to a certain extent, the parents of poor children. Eligibility levels for children and pregnant women are quite high (in 2009, the highest eligibility level for children under age 1 was at 300% FPL in the District of Columbia, Hawaii, Iowa, Maryland, New Hampshire, Vermont, and Wisconsin). But they are markedly lower for parents and caretakers (as low as 17% FPL in Arkansas in 2009). The extension of Medicaid to able-bodied adults without children was only allowed through the Affordable Care Act, and 19 states still have not applied the extension as of January 2017. Despite the fact that Medicaid serves populations that are needy, the program is associated with the undeserving. Moreover, Medicaid's recurrent problem is costs. A major part of Medicaid costs stems from care to the disabled and dually eligible Medicare patients. In other words, a program associated with welfare gets blamed for costs created through people who are perceived to be covered by Medicare, a positively connoted program.

[237] Susan W. Blank and Barbara B. Blum, "A Brief History of Work Expectations for Welfare Mothers," *The Future of Children* 7, no. 1 (1997): 31.

[238] Christy Ford Chapin, *Ensuring America's Health: The Public Creation of the Corporate Health Care System* (Cambridge: Cambridge University Press, 2015), 195–97, 210–11.

[239] Katz Olson 11, 26.

[240] Quoted in William E. Leuchtenburg, *The American President: From Teddy Roosevelt to Bill Clinton* (New York: Oxford University Press, 2015), 593.
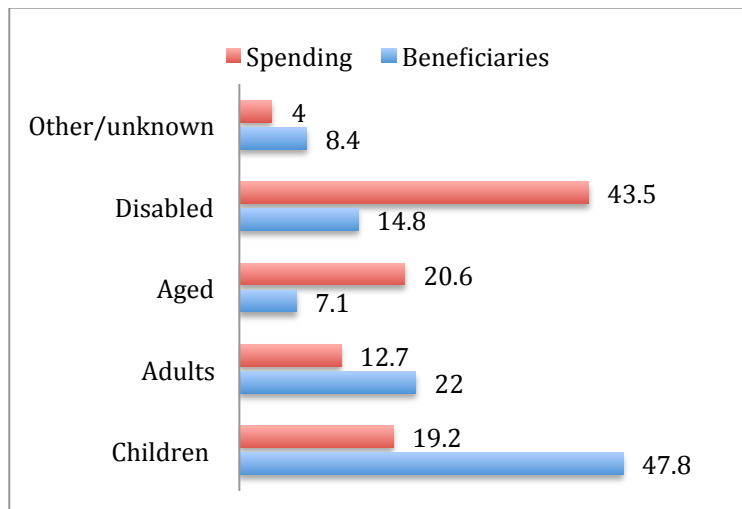
Diagram 32 Medicaid Beneficiaries and Spending by Eligibility Group, in Percent, 2008.[241]

Moreover, although Medicaid is largely associated with minorities, nearly fifty percent of all Medicaid payments are made to the white population.[242] This is lower than the proportion of whites in the total population of the US, but higher than their proportion of the Medicaid population.
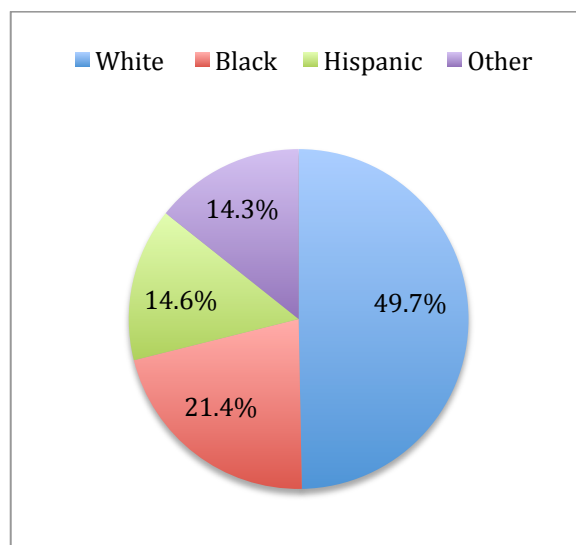
Diagram 2 Share of Medicaid Payment by Race, in Percent, 2009.[243]
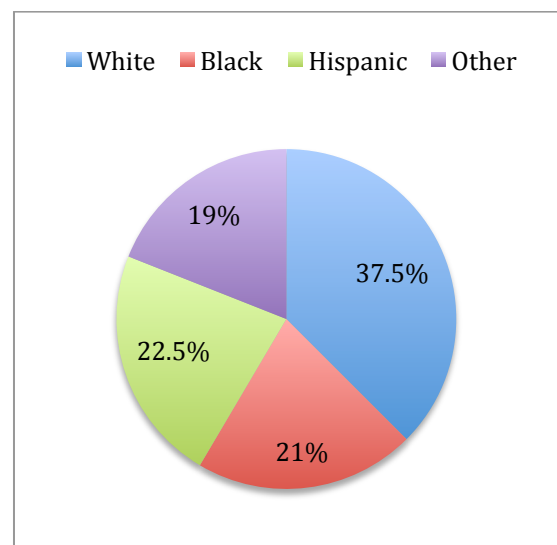
Diagram 3 Medicaid Population by Race, in Percent, 2009.[244]

The welfare status of Medicaid became apparent once again when the *New York Times* reported on the vote on the Affordable Care Act on March 21, 2010. The NYT reported that Democrats in Congress "hailed the votes as a historic advance in social

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[241] Adapted from Centers for Medicare and Medicaid Services, Statistical Supplement, 2014.

[242] CMS.gov, "Medicaid Eligibles by Race/Ethnicity, Fiscal Year 2009," MSIS State Summary FY 2009. 28 Oct. 2011. https://www.cms.gov/Research-Statistics-Data-and-Systems/Computer-Data-and-Systems/MedicaidDataSourcesGenInfo/MSIS-Tables-Items/CMS1254769.html?DLPage=9&DLEntries=10&DLSort=0&DLSortDir=descending.

[243] Adapted from CMS.gov.

[244] Adapted from CMS.gov.

justice, comparable to the establishment of Medicare and Social Security."[245] Medicaid was conspicuously left out.

The examples of AFDC/TANF and Medicare/Medicaid show how, on the one hand, a program can become welfare over time when associated with minorities, or, on the other hand, how, within a given domain, one program can be identified as good, when associated with white elderly persons. This is essential, because even within a social policy area that is supposedly favored by the public, a particular program can be viewed negatively when it is racialized, meaning that any program that too obviously helps blacks, even if this is statistically justified, will be vulnerable to attack.

2.3.4. The Welfare Myth

As the example of Medicaid shows, perceptions about welfare do not necessarily coincide with reality. Statistical evidence shows that beneficiaries of means-tested programs are within the truly needy populations and are not exclusively black. A 2015 US Census report on participation in government programs between 2009 and 2012 shows that families in poverty mainly participated in the programs (56.1% and 61.3% of families below poverty level between 2009 and 2012). The age category with the highest participation rates is children (34.6% and 39.2% of children between 2009 and 2012) compared with 13.7% and 16.6% of adults aged 18-64 for the same period or 12.6% of elderly persons over the same period. Although female-headed single households have the highest program participation rates (55.7% and 58% between 2009 and 2012), a significant proportion of male-headed single households participate (35.1% and 37.2% over the same period), as well as a non-negligible percentage of married-couple households (18.2% and 19.9%).[246]
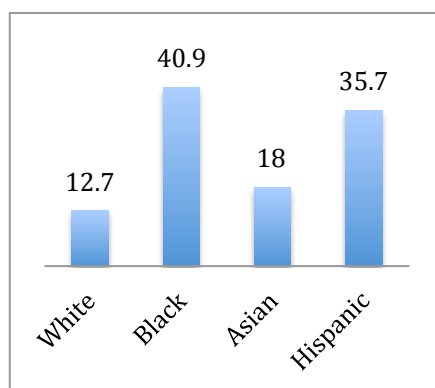
**Diagram 33 Average Monthly Participation
Rate in Means-Tested Programs, by Race, 2010**[247]

[245] Robert Pear and David M. Herszenhorn, "Obama Hails Vote on Health Care as Answering 'the Call of History,'" *New York Times*, March 21, 2010, sec. Health / Money & Policy, http://www.nytimes.com/2010/03/22/health/policy/22health.html.
[246] Shelley K. Irving and Tracy A. Loveless, "Dynamics of Economic Well-Being: Participation in Government Programs, 2009–2012: Who Gets Assistance?," Household Economic Studies (Census Bureau/US Department of Commerce, 2015), 4, 7, 9.
[247] Irving and Loveless, 8.

Minorities have high participation rates in means-tested programs, with blacks having the highest participation rate, which is consistent with the concentration of the black population in the lowest income categories, but they represent only 36.3% of the total population of the United States. This means that in absolute numbers, the white population has the most beneficiaries (almost 25 million, compared with almost 16 million blacks, 18 million Hispanics, and 2.7 million Asians or Pacific Islanders).[248]
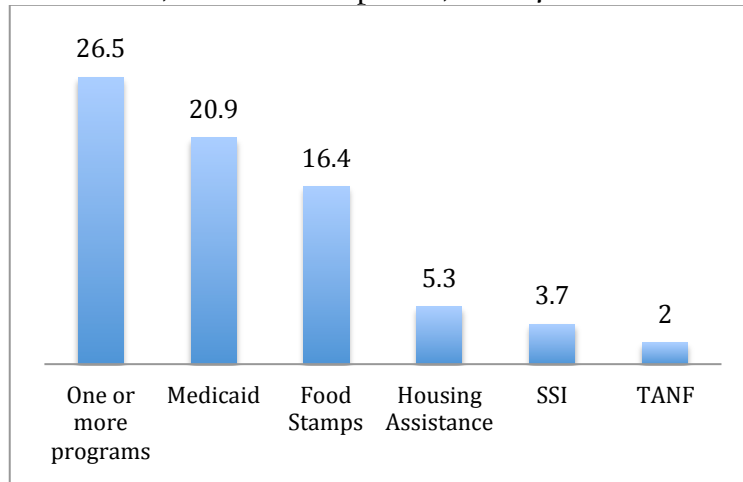
Diagram 34 Participation Rates for Major Means-Tested Programs, 2010[249]

Regarding means-tested programs, the highest participation rate is in Medicaid, and Food Stamps (SNAP) also has a rather high rate. The other programs, however, have very low rates. Moreover, many participants only used the programs for a short period. Among these beneficiaries, 31.2% used one or more programs for under a year, the proportion being particularly high for TANF: 62.9% of beneficiaries stayed in the program for less than twelve months. For all programs, less than half of the beneficiaries participated between 37 and 48 months over the four-year period ranging from 2009 to 2012.

The representation of welfare is quite inaccurate, but is relies on the distortion of statistical trends. Although blacks disproportionately benefit from means-tested programs, they do not represent the majority of the welfare rolls. The bulk of the programs is food and health care, which is quite at odds with the image of a person waiting for a check. Most participants use welfare only shortly, to eke out insufficient resources in a difficult period, which is contrary to images of intergenerational welfare dependency and abuse of the system by greedy, as opposed to truly needy, people.

Despite statistical evidence, certain images are deeply entrenched in people's minds, notably because they are part of a long-established discourse and because they have become part of a racial stereotype. This is partly due to the fact that issues about welfare are disproportionately illustrated with black faces in popular culture. Gilens explains that pictures of the people chosen to illustrate reports on poverty have a far higher impact on the reader/viewer than the statistical evidence, although the latter is more accurate.[250] The problem is that since the mid-1960s, poverty and race have been increasingly linked in discourse and representation. Gilens's study shows that before 1964, media coverage of poverty was mostly illustrated with white

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[248] These figures are calculated on the data of the Census assistance report and on the 2010 census.
[249] Irving and Loveless 4.
[250] Gilens, *Why Americans Hate Welfare*, 206.

faces. If, in 1964, only 27% of the pictures of the poor were black people, it went up to 72% in 1967. Until 1992 blacks on average accounted for 57% of the pictures of poor people in the magazines *Time*, *Newsweek*, and *US News and World Report*, which is about twice the real proportion of blacks among the poor. Moreover, this was directly linked to the discourse about poverty: "As media discourse on poverty and welfare became more negative in the mid-1960s, the complexion of the poor grew darker." This not only facilitated the association of blacks with negative ideas about poverty, but also led to a gross overestimation by the public of the actual proportion of blacks among the poor: 50% instead of 27%.[251]

Political scientist Bas W. van Doorn repeated Gilens's study for the period from 1992 to 2010 and found that blacks still accounted for 52.3% of all the poor pictured in the magazines although they represented only 25.7% of the poor in 2000 and 23.6% in 2010. In stories about welfare, blacks are also dramatically overrepresented. Blacks represented 38% of welfare beneficiaries over the period. However, overall, the magazines illustrated 55.1% of the stories with black faces. *US News and World Report* came closest to reality with 41.2% of blacks; *Newsweek*, made the most blatant exaggeration with 78.9% of welfare stories illustrated with pictures of blacks. Moreover, van Doorn's analysis shows that the age group considered as most sympathetic in terms of social policy, the elderly, is almost exclusively portrayed as white.

The negative racialization of the coverage is even more striking when taking the economic situation into account. Van Doorn looked at two distinct economic periods: 1998-2000 and 2008-2010 to see if a good or bad economic context had an influence on the coverage, as a bad economic context favors sympathy and the attribution of poverty to structural factors rather than to a lack of work ethics. The results are quite telling: during the good economic period the proportion of blacks as poverty illustrations was 56.3%, compared with 34% during the bad period (32.8% of whites during the good period, and 53.2% during the bad period). Van Doorn explains that the association of black faces with issues triggered far less sympathetic reactions in people and suggestions for remedies to poverty that emphasized individualism, and a greater readiness to attribute poverty to structural factors when illustrated with a white face.[252] This means that the same stereotypes are still alive and blacks are still the major group that is negatively associated with welfare, which in turn triggers opposition to welfare.

This negative view of social policies when associated to a black face can be found in the health care reform. A 2012 analysis by political scientist Michael Tesler found out that opinions about the health care reform were racialized. Tesler found that racial resentment played a stronger influence in the rejection of Obama's reform proposal than it had for Clinton. Even in a shorter time span, attitudes changed between 2007 and 2009 and became more racialized once Obama had become the spokesperson for the health care reform proposal. Two elements stand out: support for health care reform was divided along racial lines, with 83% of the black population supporting the Obama reform in 2009-2010, compared with 38% of whites. This racial polarization regarding support for the reform was less sharp for the Clinton reform proposal in 1993-4: 69% of blacks supported the Clinton reform compared with 43% of whites. Moreover, Tesler found that racial resentment played a role in rejecting strong government involvement in health care. This rejection was com-

[251] Gilens, *Why Americans Hate Welfare*, 102, 114.
[252] Doorn, "Pre- and Post-Welfare Reform Media Portrayals of Poverty in the United States: The Continuing Importance of Race and Ethnicity," 153–56.

pounded when the reform proposal was associated with Obama. In September 2007, the most racially resentful respondents preferred private health insurance over government-run health insurance by 30% compared to the least racially resentful respondents. This increased to 60% by November 2009, when Obama had become the spokesperson for the health care reform.[253] It seems that the association with a black face has an effect, even when the policy proposal is not called "welfare."

Several years after the passing of the Affordable Care Act, confusion seems to reign, partly due to the association of the health care law with Obama through the nickname Obamacare. A 2013 poll showed that whereas 46% of Americans were opposed to Obamacare, only 37% opposed the same law when it was called Affordable Care Act. However, support can also be changed when the name is changed: 29% support Obamacare, compared with 22% who support the ACA. 30% of the respondents did not know the Affordable Care Act, compared with 12% who did not know Obamacare.[254]

Similarly, a 2017 poll by the research institute Morning Consult found that 35% of Americans did not know that Obamacare and the Affordable Care Act were the same. This ignorance was especially high among young adults and low-income people, who are among those most affected by the new health care legislation. 45% of respondents did not understand that a repeal of Obamacare actually meant a repeal of the Affordable Care Act. Differences in awareness also existed along party lines: 50% of people identifying as Republicans thought that people would lose their Medicaid coverage if the Act were repealed, compared with 80% of Democrats. Among Republicans, the name had a strong impact as well: 80% of Republicans disapproved of Obamacare, but only 60% disapproved of the Affordable Care Act.[255] The racialization of Obama's health care reform seems to have worked, despite the Democrats' appropriation of the nickname.

This situation was compounded by another problem, akin to the problem with Medicare-Medicaid of not knowing exactly what the law or program does or does not do. A 2011 Kaiser Family Foundation poll found that among the uninsured aged 18 to 64, only 52% said that subsidies for purchasing health insurance for low and moderate incomes was provided by the ACA, compared with 41% who that this was not the case and 7% who did not know. Only 47% were aware of the Medicaid expansion, compared with 37% who thought that the Act would not expand Medicaid, and 16% who did not know. Only 51% knew about the individual mandate, compared with 38% who thought that it was not in the law, and 11% who did not know. In a similar trend, in the same population group, 31% of the respondents thought the law would help them, 14% thought the law would hurt them, and a staggering 47% thought it would not make much difference.[256] This lack of information is particularly alarming considering that the uninsured population between 18 and 64 years old is the part of the

[253] Michael Tesler, "The Spillover of Racialization into Health Care: How President Obama Polarized Public Opinion by Racial Attitudes and Race," *American Journal of Political Science* 56, no. 3 (2012): 696, 698, 701.

[254] Ashley Killough and George Wallace, "Poll: 'Obamacare' vs. 'Affordable Care Act,'" *CNN Political Ticker*, September 27, 2013, http://politicalticker.blogs.cnn.com/2013/09/27/poll-obamacare-vs-affordable-care-act/.

[255] Lakshmi Singh, "Obamacare And Affordable Care Act Are the Same, But Americans Still Don't Know That," *NPR.org*, February 11, 2017, http://www.npr.org/2017/02/11/514732211/obamacare-and-affordable-care-act-are-the-same-but-americans-still-dont-know-tha.

[256] "Kaiser Health Tracking Poll—August 2011."

population that could potentially benefit most from the ACA and should have constituted a core advocacy group.

Welfare offers an easy *Weltbild* for a complex reality and provides Manichean answers, instead of potentially painful and problematic ones, to difficult questions concerning the sharing of resources. Crenshaw points out the ease of the cultural explanation, as opposed to an explanation based on historical and structural discrimination. The cultural explanation absolves mainstream America from intervening, it attributes blacks' low socio-economic status to themselves, by insisting on their cultural lack of work ethic, instead of attributing the status to an economic system that actually does not give the same opportunities to everyone, contrary to the promise of the American Dream. The cultural explanation is easier to accept because it does not question the economy and American society, and because it builds on tropes that have circulated since the 16th and 17th centuries, be it ideas about poverty or ideas to justify the subordination of blacks and their enslavement. The explanation works because believing that the person living next to you gets a small advantage in social benefits, and that this is the reason for the economy doing badly, is easier than to question the entire economic system of the Western world.

2.3.5. The Reagan Democrats: When the White Working and Middle Classes Vote Against their Interests

The central point in stopping the downward redistribution that started with the New Deal, and replacing it with an upward redistribution, akin to the one during the Gilded Age of the late 19th century, was to break up the racially-mixed class alliance based on shared economic interests, called the New Deal coalition. Since 1896, the Democratic Party had developed an ideology and a discourse that rallied their constituency around issues of egalitarianism. This was case during its Populist period (1896-1948) and during the following Universalist period. The central dichotomy of this egalitarianism during the populist period was articulated around the theme of the people versus the interests. During the universalist period the party focused on civil rights, social welfare, and redistribution. The central dichotomy was built on the theme of inclusion versus exclusion.[257] This created a solid period of defense of social policies and insistence on shared interests among a multi-racial and multi-ethnic constituency.

Since it is difficult to convince a working-class person that they have a shared economic interest with the richest five percent of the population, the Republican Party aimed at convincing the white working and middle class that they had more differences than common points, and, after all, not that many shared economic interests, with the other groups in the New Deal coalition. According to Edsall and Edsall, the most powerful wedge to drive between the different groups making up the liberal coalition, was, and still is, race.[258] The racial wedge works as a double-edged sword. One part of the equation consists in creating the perception of a zero-sum game around social policies. The second part of the equation is to increase the perception of shared values among the white working and middle class and the money elite. The result was the birth of the Reagan-Democrats, voters who had deserted the econom-

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257 Gerring 17.
258 Edsall and Edsall 4.

ic-interest based New Deal coalition to join the values-based new Republican majority.[259]

An analysis conducted by political scientists Alan Abramowitz and Ruy Teixeira sheds light on these developments. Abramowitz and Teixeira analyzed the change in voting behavior of the white working and middle class in perspective with the change of class structure in the United States. They especially studied the massive changes that occurred in the working class in the post-World War II period, notably the overall increase in income in these categories, an increase in educational attainment, and occupational changes.[260] This drastic improvement of the economic situation of many working class whites can explain why during these years they increasingly perceived themselves as not being any longer at the receiving end of the welfare state, but rather mainly as the taxpaying end of the welfare state.

Abramowitz and Teixeira aver that the deep societal changes, be they racial or cultural, that occurred in the 1960s and which the Democratic Party embraced, especially the racial tensions resulting from the socioeconomic changes regarding blacks, were among the factors that contributed to break up the New Deal coalition. By embracing the demands of new minority groups to capture those votes—blacks, women/feminists, homosexuals—the Democrats lost votes among working class whites. The Democrats lost among working class whites (without a four-year college degree) 20% of their voter share between the elections of 1960-64 (55%) and 1968-72 (35%). The Nixon scandal and the economic downturn provided for a narrow Democratic victory in 1976, yet the ongoing focus on black rights and demands, and the difficult economic context of the late 1970s increased white working class rejection of the Democratic Party. Moreover, the economic difficulties also led many to doubt Democrats' ability to manage the economy. Combined with the more difficult access to the middle class and the perception that the welfare state mainly benefits minorities, these events paved the way for the Republican Party. In 1980 and 1984, Reagan got 61% of support

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[259] Edsall and Edsall, *Chain Reaction*, x, 3–5. Regarding this issue, it was chosen not to take into consideration the work by political journalist and historian Thomas Frank, *What's the Matter with Kansas? How Conservatives Won the Heart of America* (New York: Henry Holt and Co., 2004). The first reason was that the present analysis focuses on national politics, and given the heterogeneous character of the United States, an analysis based mainly on the state of Kansas was not deemed relevant enough. Moreover, political scientist Larry M. Bartels demonstrated the limitation of this work in "What's the Matter with What's the Matter with Kansas?," *Political Science Quarterly* 1, no. 2 (2006): 201–26. Bartels refutes Frank's theory, which consisted in the idea that the GOP managed to convince white working class people to vote against their interests by dragging the discourse over to cultural issues, such as abortion or gun control. Bartels disagreed with Frank and insists on the importance of government spending and government aid to blacks for white working class voters. Bartels found that white working class voters were closer to the positions of the Republican Party on those issues. However, he found that the white working class perceived themselves as closer to the Democrats regarding abortion and gender roles. Bartels' analysis supports the theory developed by Edsall and Edsall.

[260] Alan Abramowitz and Ruy Teixeira, "The Decline of the White Working Class and the Rise of a Mass Upper-Middle Class," *Political Science Quarterly* 124, no. 3 (2009): 394–6. Between 1947 and 2005, the percentage of white families with incomes under $60,000 (in 2005 dollars), which could thus be broadly qualified as working and middle class, dropped from 86% to 33%. For the lower income categories of under $30,000, the percentage dropped from 60% to 14% over the same period. Regarding educational attainment, the changes are just as profound, with a shift from 86% of white working class people without a high school degree in 1940 to only 14% in 2005. Regarding occupation, most now hold jobs in the service sector.

among the white working class, compared to the average of 35% for Carter and Mondale.[261]

Three parallel developments took place that helped Ronald Reagan create a new Republican majority, as mentioned above: a greater inclusion and focus on socioeconomic demands of blacks; deep cultural and societal changes, and a difficult economic context. Since Truman's open advocacy of civil rights and first steps toward integration, the Democratic Party had started to split, torn between the opposing racial attitudes between North and South. This change was completed by the 1964 presidential election, where a majority of the white votes in the Deep South went to Republican candidate Barry Goldwater. The important development of this campaign was the realization for Republicans that they could court the racially conservative white voters of the South when running a campaign strongly focused on states' rights. The 1966 Congressional mid-term elections marked a further turn to the right.[262] Moreover, by 1965, the party realignment of the black population was also completed, due to the strong positions of the Democratic Party on racial equality expressed in the 1964 Civil Rights Act and the 1965 Voting Rights Act. In addition, the nomination of Goldwater as the Republican candidate made Republicans lose the "Party of Lincoln" legacy in the eyes of the black population.[263]

The 1960s also brought a wide range of cultural and societal changes, with many demands for more rights from various groups, racial, ethnic, gender, and sexual minorities, as well as a questioning of traditions and established social order by the younger generations. These social upheavals, combined with the violence of the late 1960s, such as assassinations, urban riots, and the emergence of more and more radical groups, such as the Black Panthers who advocated self-defense, led to a backlash. These developments made the population very receptive to Nixon's law and order discourse. Reagan had launched a successful gubernatorial campaign in California in 1966 with a similar rhetoric.[264] The importance of the effect of race riots such as the one in Watts in the summer of 1965 must not be underestimated. Historian and activist Howard Zinn analyzed these riots as an expression of frustration over long unaddressed economic grievances and the slow pace of civil rights legislation.[265] However, the white population did not necessarily understand them in these terms and many "viewed the riots as intolerable lawlessness worthy only of severe punishment."[266]

Moreover, as the riots occurred almost at the same time as massive legislative efforts in favor of minorities, such as the Civil Rights Act, the Voting Rights Act, the Great Society, and affirmative action, they enabled the negative association between social programs and violence. In his 1968 Nomination Acceptance Speech, Nixon emulated these frustrations over increasing demands and violence. He depicted an America torn apart by violence at home, and he openly appealed to the silent suffering of the working people who "give steel to the backbone of America". He described them in terms of traditional values: hard working, money-saving, tax paying, and caring. Moreover, he absolved the white population of its guilt over slavery: "They are

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[261] Abramowitz and Teixeira 398–400.

[262] Noble 113.

[263] Manza and Brooks, *Social Cleavages*, 36.

[264] Coste, "Reagan Democrats."

[265] Howard Zinn, "Solving the Race Problem (1973)," in *On Race* (New York: Seven Stories Press, 2011), 173.

[266] Schuman *et al.* 32.

not racists or sick; they are not guilty of the crime that plagues the land." He also min-imized discrimination by describing America as "a nation that has been known for a century for equality of opportunity." This denied any legitimacy to the grievances that had led to the riots of the late 1960s. Later in his speech, Nixon linked Court deci-sions with increased violence:

> Let us always respect, as I do, our courts and those who serve on them. But let us also recognize that some of our courts in their decisions have gone too far in weakening the peace forces as against the criminal forces in this country and we must act to restore that balance.[267]

Moreover, Nixon made a more direct link between violence and the Civil Rights Act by pointing out that "the first civil right of every American is to be free from domestic violence, and that right must be guaranteed in this country."[268]

Frustration was further increased in the 1970s by the growth of inner city ghettos and the sharp increases in crime that often spilled over to surrounding white neigh-borhoods (violent crime rates increased by 367% between 1960 and 1980). This was accompanied by increasing incarceration rates for increasingly younger offenders (from 35% in 1960 to 43.5% in 1979), multiplying rates of out-of-wedlock births (rising from 34.9% in 1965-9 for blacks, compared with 4.8% for whites, to 43% in 1970-4, compared with 6% for whites, and 51.7% in 1975-9, compared with 8.2% for whites), augmenting drug abuse, joblessness, and welfare dependency. For example, from 1965 to 1975, the number of families receiving AFDC grew by 237%. The increase from 1950 to 1965 had 'only' been of 65%. This growing so-called 'underclass' also led to a heightened visibility of social problems.[269] Part of this increase of the welfare rolls was due not to the failure of the programs but to the opening of programs to minori-ties that had previously been excluded. Political scientist Theda Skocpol claims that the multiplication of out-of-wedlock births and the increase of female-headed fami-lies obliterated the objective successes of the war on poverty and made it difficult to contain the backlash.[270] Moreover, this sudden increase of the number of black urban poor after acceding to many demands and the concentration of the phenomenon fa-cilitated the association of social programs with the black population.

Although the North was more in favor of civil rights in principle than the South, the above-mentioned changes and the fact that the Civil Rights Movement moved towards the North in the late 1960s triggered a white reaction against the implemen-tation of Civil Rights, especially against busing. Besides, the enforcement of Civil Rights hit Northern industrial cities at the same time as the economic crisis of the early 1970s. This made the population more reluctant to share dwindling resources. This situation was worsened by the fact that white ethnic workers, but not profes-sionals, were hit with increased competition at a period that witnessed massive job losses, especially in the industrial sector, for the first time since the Great Depres-

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[267] Richard Nixon, "Address Accepting the Presidential Nomination at the Republican National Conven-tion" (Miami Beach, Florida, August 8, 1968).

[268] Nixon, "Address Accepting the Presidential Nomination at the Republican National Convention."

[269] Edsall and Edsall 52, 106, 112; Margaret Cahalan and Lee Anne Parsons, "Historical Corrections Statis-tics in the United States 1850-1985" (Rockville, MD: US Department of Justice/Bureau of Justice Statis-tics, December 1986), 66,68; George A. Akerlof, Janet L. Yellen, and Michael L. Katz, "An Analysis of Out-of-Wedlock Childbearing in the United States," *The Quarterly Journal of Economics* 111, no. 2 (1996): 283; Wilson, *The Declining Significance of Race*, 92.

[270] Skocpol 257.

sion.[271] Political scientist and sociologist Leslie McCall explains that this fear of competition and anti-social policy sentiment was further reinforced by Republicans who presented redistributive policies as anti-growth.[272]

Other race-specific policies, especially affirmative action, exacerbated this feeling of unwelcome and even unfair competition. Political scientist Jennifer Hochschild is less clement in explaining the backlash sentiment. She argues that there was an entrenched feeling in the white community that whites ought to dominate, associated with the fear of blacks "taking over," which would lead to whites becoming a minority and being "brought down." This is directly linked to the fact that many think that black gains came at the expenses of whites. This fear of black competition is also expressed in the gross overestimation by the white population, of the proportion of minority populations, going as far as an overestimation of 1/3rd for blacks and 1/5th for Hispanics.[273]

In this strained economic and social context, the Democratic Party made the tactical error of refusing to address the grievances of the white working class and their concerns about increasing crime. They particularly refused to address the issue of the growing 'underclass,' and refused to discuss social policies, not wanting to admit that some of the programs might not work the way they were intended to. This strategic error allowed Ronald Reagan to focus on disaffected white ethnics and tax-frustrated union workers in the East and the North. He precisely targeted this group, playing on his past as president of the Screen Actors Guild in Hollywood, and went so far as to make references to Franklin D. Roosevelt in his 1980 Nomination Acceptance Speech.[274] The choice was well calculated since the programs of the New Deal were targeted at the white working and middle class. At their inception these programs even largely excluded minorities. This marked a clear demarcation with programs from the Great Society that were targeted at the very poor and at minorities, and with Johnson's open endorsement of economic equality. This crystallized in the representation of the Democratic Party by Republicans as being led by intellectual elites that abandoned the white working and middle class to cater exclusively to minorities through inefficient and costly programs paid for by white taxpayer money. This idea is summarized in the phrase "tax-and-spend liberals."

Moreover, the development of the 'underclass' in the inner cities allowed the resurgence of a values discourse based on apprehensions about welfare dating back to the 16th century in the Anglo-American world: the belief that welfare leads to a breakdown of morality, encourages laziness and promiscuous sexual behavior.[275] The identification of the Democratic Party with social policies and a breakdown of morality and work ethics allowed for rallying the Republican Party around traditional family values, strong work ethics, self-reliance, and opposition to abortion. All these values, particularly the strong anti-abortion stance, were also aimed at winning over the religious voters of the Bible Belt. By putting strong traditional values in the foreground, Republicans seemed to take the fears about societal changes and increasing violence seriously, whereas Democrats refused to talk about it. Political scientists Marc D. Brewer and Jeffrey M. Stonecash, in their 2007 book *Split: Class and Cultural*

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[271] Noble 113; Coste, "Reagan Democrats."

[272] McCall 14.

[273] Hochschild, *Facing Up to the American Dream*, 143.

[274] Coste, "Reagan Democrats."

[275] Margaret R. Somers and Fred Block, "From Poverty to Perversity: Ideas, Markets, and Institutions over 200 Years of Welfare Debate," *American Sociological Review* 70, no. 2 (April 1, 2005): 265, 279.

Divides in American Politics, demonstrated how these values functioned as a binder to cement an alliance of classes despite their conflicting economic interests. Furthermore, Brewer and Stonecash explain that the abovementioned "cultural anger [was] marshaled to achieve economic ends."[276]

Thus, Reagan's particular strength was to combine different conservative ideological trends (fiscal conservatism, social conservatism, racial conservatism, neoconservatism, and neoliberalism) into one coherent discourse. Reagan's tactic worked: in 1980 he was elected with 22% of the Democratic vote. He captured 54% of the white working class and 47% of union members.[277]

Obama largely shares this analysis of how Republicans managed to capture a significant part of previously Democratic voters. He explained this in *The Audacity of Hope*:

> That conservatives won over white public opinion should come as no surprise. Their arguments tapped into a distinction between the "deserving" and "undeserving" poor that has a long and varied history in America, an argument that has often been racially or ethnically tinged and that has gained greater currency during those periods—like the seventies and eighties—when economic times are tough. The response of liberal policy makers and civil rights leaders didn't help; in their urgency to avoid blaming the victims of historical racism, they tended to downplay or ignore evidence that entrenched behavioral patterns among the black poor really were contributing to intergenerational poverty. (Most famously, Daniel Patrick Moynihan was accused of racism in the early sixties when he raised alarms about the rise of out-of-wedlock births among the black poor.) This willingness to dismiss the role that values played in shaping the economic success of a community strained credulity and alienated working-class whites—particularly since some of the most liberal policy makers lived lives far removed from urban disorder.[278]

Obama's interpretation particularly overlaps with Edsall and Edsall's, as well as West's 1993 analysis.

2.4. The Backlash against Race Specific Policies

2.4.1. The Backlash Against Affirmative Action

The best-known race-specific policy is affirmative action. Although affirmative action is not strictly speaking a purely redistributive policy, i.e. social policy, it is of central interest because it both crystallizes and amalgamates resentments about race-specific measures in social policy. As sociologist Eduardo Bonilla-Silva has written, attacks on affirmative action can be considered as "the clarion call signaling the end of race-based social policy in the United States."[279]

Affirmative action is increasingly perceived as granting unjustified preferential treatment to minorities in the job market and higher education. This perception, coupled with a belief that equal opportunity is a reality (or that discrimination no longer exists), and that one's economic situation is consequently largely due to personal responsibility and personal efforts to succeed, has created a strong resentment

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[276] Brewer and Stonecash 15.
[277] Coste, "Reagan Democrats."
[278] Obama, *Audacity,* 253–54.
[279] Bonilla-Silva, "From Bi-Racial to Tri-Racial," 655.

against targeted efforts for minorities. Affirmative action 'crystallizes' these resentments in the sense that it is the most visible example of preferential treatment. The affirmative action issue 'amalgamates' in the sense that targeted social programs rapidly became seen as a type of preferential treatment for undeserving poor minorities. The affirmative action debate illustrates how difficult it has become to directly address racial inequalities. It is one of the elements that explain why, in his effort for racial economic equality, President Barack Obama, although the first black president, did not choose a race-specific approach in social policies.

It has been shown in the preceding pages that intergroup competition playing on deep-seated racial animosity was, and is, used to divide the class alliance that was created during the New Deal. Sociologist Jill Quadango argues that the War on Poverty triggered a backlash because it also promoted economic racial equality. According to her, targeting minority populations, be it by income or by race directly, is not an effective strategy anymore for expanding the welfare state.[280] In other words, efforts that are explicitly and mainly aimed at the poorest populations are too strongly associated with racial minorities, especially with blacks. Besides, opposition to openly race-specific policies is particularly virulent. This means that any new reform has to be race-neutral in its language and should also put forward the idea that it is targeting the working and middle class to avoid a backlash.

In *When Affirmative Action Was White*, Ira Katznelson demonstrated how the welfare state prior to 1964 was shaped and implemented to function as a systemic advantage for the white population.[281] Johnson's Great Society, and particularly the War on Poverty, partly leveled this inequality. It promoted equal access to social programs, which also resulted in an increase of welfare rolls, because minority populations finally claimed their entitlements. This steamrolling of the welfare state already created a sense of heightened competition for resources. Furthermore, Feagin insists on the aggravating role of civil rights policy, which led to a perception of the loss of the advantage of whiteness, known as the "wage of whiteness." This "wage of whiteness," according to Feagin, refers to the deal of racial privilege between the white lower classes and the elite. This deal consists in the white lower classes accepting economic and political dominance by white elites, which becomes bearable as long as there is a glass-floor that keeps minorities at the far bottom of society.[282] However, smoothing competition was not the only achievement of the 1960s: affirmative action was created. The ideology behind affirmative action was to reduce the effect of past discrimination, the legacy of slavery and segregation, through the active promotion of equality, and the strong denunciation of current discrimination. This also included, to a certain extent, preferential treatment of minorities with equal qualifications. Affirmative action seemed to give an undue advantage to minorities, turning the previous social order upside down, and exacerbating the feeling of increased and even unfair competition.

Affirmative action was created in the context of an expanding economy and a spirit of sharing the growing prosperity. With the dwindling of resources starting at the end of the 1960s and the economic downturn of the 1970s, also came the backlash against race-specific policies. Sociologists Howard Schuman, Charlotte Steeh, Lawrence Bobo, and Maria Krysan point out that, since then, the cultural, material, and

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[280] Howard 94.
[281] Katznelson, *When Affirmative Action Was White*, xv.
[282] Feagin 77.

political gains for blacks have been coupled with civil rights retrenchment and deepening racial tensions, i.e. a backlash.[283]

Sociologist William Julius Wilson insists on the role of the economic downturn of the 1970s in fostering new receptiveness within the public for race baiting in politics:

> Unfortunately, during periods when people are beset with economic anxiety, they become more receptive to simplistic ideological messages that deflect attention from the real and complex sources of their problems. These messages increase resentment and often result in public support for mean-spirited initiatives. Candidates for public office and elected officials advance arguments that associate the drop on their living standards with programs for minorities, immigrants, and the welfare poor.[284]

Nixon's 1968 presidential campaign had already appealed deeply to white backlash sentiments by promising to be tough on crime, by appealing directly to Southerners with promises to terminate federal efforts at school desegregation, and by giving conservative Southern Senator Strom Thurmond a prominent role. Moreover, he had chosen Spiro Agnew as vice-president to appeal to the white backlash sentiment and he had voiced repeated criticism at alleged social reform excesses, especially the Great Society.[285]

Nixon had an ambivalent attitude about the welfare state and his discourse appeared as quite contradictory with his actions in some cases. Although Nixon's rhetoric in many cases appeared to be against the welfare state, he nonetheless expanded it as an appeal to blue-collar voters. And even though Nixon even expanded affirmative action, his election nonetheless marked a change in the political climate. Due to Nixon's and Agnew's rhetoric, white working and lower-middle class Americans became increasingly preoccupied with issues of crime, inflation, and government spending. They also developed the perception that African-Americans were receiving unwarranted and disproportionate benefits from the federal government. This white backlash was concomitant with an increased disillusionment in the African-American community, who realized that civil rights gains were limited and had hardly any economic effects. The expansion of segregation in urban ghettos and the growth of the 'underclass' also fostered the urge to continue to develop racial and heritage pride. This increased visibility of the black minority was accompanied by growing demands from other outgroups, such as women, homosexuals, handicapped people, and other racial minorities such as Hispanics and Native Americans, which led, in the mainstream population, to a resentment of separatism and the challenge to dominant policies.[286] The clashing point was, and still is today, the sharply differing perceptions of racial progress. A majority of whites today believe that civil rights legislation was successful, that equal opportunity is a fact, and that the largely black 'underclass' is responsible for their conditions. On the other hand, a majority of blacks see discrimina-

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[283] Schuman *et al.* 9.

[284] William Julius Wilson, "Rising Inequalities and the Case for Coalition Politics," *Annals of the American Academy of Political and Social Science* 568 (2000): 87.

[285] Jansson 273.

[286] Jansson 286–87.

tion as persisting and have the feeling that mainstream America has lost interest in equal opportunity.[287]

All this has created a context of heightened intergroup competition. Especially when dealing with redistributive policies in a context of limited resources, this situation can rapidly lead to the perception of a zero-sum game. Phrased in the terms of the promise of the American Dream by political scientist Jennifer Hochschild, it creates a perception that "your dream comes at my expense."[288] Historian and sociologist Hugh Davis Graham explains how this perception of a zero-sum game leads to claims of reverse discrimination, which have become central in the attacks against affirmative action:

> The perceived effect of competing individual and group claims to jobs and contracts, to appointments and promotions, to higher education and professional schools, when combined with the logic and force of rising federal efforts to rectify the "underutilization" of minorities, ultimately raised the cry of "reverse discrimination."[289]

The reference to the "underutilization" of minorities comes from the phrasing of Nixon's 1969 Philadelphia plan that established hiring quotas in the construction industry for a very short period. It has generated many misconceptions about affirmative action and has greatly fuelled opposition to the program. Although quotas existed briefly for construction companies under the Philadelphia Plan, it was actually a mistake in the implementation of affirmative action at universities that was challenged in the Supreme Court. Indeed, many universities implemented affirmative action through set-asides for minority students. The most famous was the *Regents of the University of California v. Bakke* case in 1978. The plaintiff claimed that he was victim of reverse discrimination because the admission program was divided into two, with a regular and a special program. The special program considered "economically and/or educationally disadvantaged applicants and members of a minority group". White candidates were not considered, although many tried to apply under the special program. Both in 1973 and 1974 the white applicant Allan Bakke had been denied admission to the medical school, although minorities with lower scores than him had been admitted. The Supreme Court ruled that special set-asides were unconstitutional, but still allowed race as being a factor that could be taken into consideration.[290] The next major challenges came in 2003 with the *Gratz v. Bollinger* and *Grutter v. Bollinger* cases, in which the plaintiffs denounced an unfair and unjustified preferential

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[287] Noble 11–12; "Blacks Upbeat about Black Progress, Prospects" (Washington DC: Pew Research Center, January 12, 2010), 37, 42, http://www.pewsocialtrends.org/2010/01/12/blacks-upbeat-about-black-progress-prospects/. In 2013, 48% of whites thought that a lot of progress towards Martin Luther King's dream had been made, compared with 32% of blacks. 38% of whites thought that some progress had been made, compared with 39% of blacks. 11% of whites thought that only a little or no progress had been made, compared with 27% of blacks. The same year, 44% of whites thought that more needed to be done in order to achieve racial equality, compared with 79% of blacks. 35% of whites thought that some more needed to be done, compared with 12% of blacks. 17% of whites thought that only a little or nothing should be done, compared with 8% of blacks. Michael Dimock, Jocelyn Kiley, and Rob Suls, "King's Dream Remains an Elusive Goal; Many Americans See Racial Disparities" (Pew Research Center, August 22, 2013), 1.

[288] Hochschild, *Facing Up to the American Dream*, 129.

[289] Hugh Davis Graham, *The Civil Rights Era: Origins and Development of National Policy 1960-1972* (New York: Oxford University Press, 1990), 5.

[290] *Bakke*.

treatment of minorities.[291] Both cases were rejected. More recently, in the *Fisher v. University of Texas* case an applicant to the university who was refused challenged the admission process that the university had devised in 2004, after the university had concluded that their race-neutral admission system did not provide for a diverse enough student body. UT's admission process carefully took the rulings of the *Gratz* and *Grutter* cases into account, and devised a system automatically granting admission to the top 10% of graduates of any Texas high school. The remaining 25% of their freshman classes are filled through a combined evaluation of the SAT scores and a holistic review of personal achievement that among other factors include race. Fisher claimed that this disadvantaged Caucasians. The ruling decided that the University of Texas complied with the conditions set by the previous cases.[292]

Despite these rulings several states have since then banned affirmative action in higher education, the first being California with Proposition 209 in 1996, soon followed by Washington, Florida, Nebraska, New Hampshire, and Oklahoma, the latest being Michigan in 2014. Colorado's initiative to ban affirmative action narrowly failed in 2008. Most of the measures are phrased closely or identically to Proposition 209's key provision: the state "shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting."[293] Legal scholar and critical race theorist Kimberlé Crenshaw puts this anti-affirmative action sentiment into perspective:

> The race neutrality of the legal system creates the illusion that racism is no longer the primary factor responsible for the condition of the black 'underclass'; instead, as we have seen, class disparities appear to be the consequence of individual and group merit within a supposed system of equal opportunity. Moreover, the fact that some blacks are economically successful gives credence both to the assertion that opportunities exist and to the backlash attitude that blacks have "gotten too far."[294]

The backlash against affirmative action is therefore mainly due to misconceptions about equal opportunity, discrimination, the actual economic situation of the black population, and it is partly due to a lack of knowledge about the program.

2.4.2. Opinions on Affirmative Action

Support for affirmative action is pretty straightforward and has not significantly changed since the program was first created. Affirmative action is mostly supported by some liberals (of all races) and grounded on the initial argument of alleviating the effects of past discrimination. However, Schuman *et al.* point out that this belief in the effects of past discrimination and present discrimination quickly vanished after the Civil Rights era in the mainstream population.[295] Notwithstanding this change in the population's beliefs, philosopher Elizabeth Anderson advanced this argument again in 2010 in her work *The Imperative of Integration*. She argues that the extensive and

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[291] *Gratz v. Bollinger* (Syllabus), 539 US 244 (US Supreme Court 2003); *Grutter v. Bollinger* (Syllabus), 539 US 306 (US Supreme Court 2003).

[292] *Fisher v. University of Texas at Austin*, 758 F. 3d 633 (2016).

[293] Drew Desilver, "Supreme Court Says States Can Ban Affirmative Action; 8 Already Have" (Pew Research Center, April 22, 2014).

[294] Crenshaw, "Race, Reform, and Retrenchment," 622.

[295] Schuman *et al. 1*70.

deep unfairness of past discrimination through slavery and segregation, as well as the persistence of discrimination today, fully justify a temporary unfair advantage through measures like affirmative action. Katznelson makes a similar case. He argues that since discrimination was race-specific, the compensatory policy should be race-specific as well. In other words, since the wound was unfair, the remedy might as well be unfair. Katznelson particularly insists on the long-lasting structural effects of past discrimination and curtailed opportunity that justify alleviating measures.[296] Similarly, in the 2014 Supreme Court lawsuit challenging the constitutionality of the affirmative action ban in Michigan, Supreme Court justice Sonia Sotomayor evoked past discrimination in her dissent about the decision.[297] Another argument to defend the maintaining of affirmative action is to ensure diversity, which was made in the *Bakke* case.

Opposition, on the other hand, is found across the whole political and racial spectrum, and is increasing among the population and among all races.

White opposition to affirmative action is essentially framed in terms of reverse discrimination. Especially since the 1990s, the discourse that racism and discrimination belong to the past and the voiced criticism over race-specific policies, also conveyed by the media, led to the "perception that white elite males somehow had become the most oppressed social class in the country."[298] This perception was made possible because the affirmative action pool had gradually been extended to all social minorities, which, in a still overwhelmingly patriarchal white society, is everybody except white males. The perception of reverse discrimination is further enhanced by the perception of a decrease in racism, which must certainly not be denied, but which also implies an increasing opposition to preferential treatment. William Julius Wilson points out that in this context, the ongoing demands for more race-specific policies, combined with the fact that black leaders continued to denounce the lack of progress, further fuelled the white backlash and the discourse of black progress coming at the expenses of whites.[299]

Eduardo Bonilla-Silva explains that this has reversed the race discussion: blacks are now often accused of "playing the race card" when denouncing racism, or when asking for more race-conscious policies.[300] This accusation is linked to the decreasing support for affirmative action. According to Schuman *et al.*, this decreasing support for affirmative action comes from a declining belief in job discrimination for equal qualification.[301] This in turn favors the perception of demands for maintaining affirmative action as demands for preferential treatment. Besides, sociologist Dalton Conley gives analytical depth to the perception of reverse discrimination in education. Conley agrees that affirmative action can be interpreted as unfair. As a matter of fact, at the same socioeconomic level, black students fare better. The difficulties that minority students experience in higher education are directly linked to class-related factors. According to his study, differences in educational attainment can be primarily explained by class differences and class related factors. The first two predictors of college completion are the occupational status of the parents and the available assets

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[296] Katznelson, *When Affirmative Action Was White*, 170–71.

[297] Adam Liptak, "Court Backs Michigan on Affirmative Action," *New York Times*, April 22, 2014, http://www.nytimes.com/2014/04/23/us/supreme-court-michigan-affirmative-action-ban.html.

[298] Marable, *Beyond Black and White*, 81.

[299] Wilson, "Rising Inequalities," 81.

[300] Bonilla-Silva, *Racism without Racists*, 1.

[301] Schuman *et al. 166.*

to finance higher education.[302] In this sense, it is understandable that a white working class student feels discriminated against if a black middle class student benefits from affirmative action.

The misconception of preferential treatment is further enhanced by the belief that it does not only apply to equal qualifications. It must be conceded that the way of taking race into account in higher education can easily justify this perception. Indeed, under some admission programs, minorities with lower SAT scores can be admitted. This has been be justified by invoking racial inequalities in initial education opportunities and by the fact that many white applicants benefit from a socio-economically biased meritocratic system that heavily relies on long-established white advantages.[303] Nonetheless, these measures have led to criticisms against affirmative action, such as the lowering of standards at university and thereby a threat to excellence.[304]

As recently as 2015, during the debates around the affirmative action challenge in *Fisher v. University of Texas*, Supreme Court Justice Antonin Scalia argued that achieving a diverse student body might not be of interest and that minority students might do better in other schools:

> You say that like it's a bad thing [answered Scalia to UT's lawyer Gregory Garre when the latter pointed out that without the consideration of race diversity had plummeted]. There are—there are those who contend that it does benefit African-Americans to get them into the University of Texas where they do not do well, as opposed to having them go to a less advanced, a ... slower track school where they do well. [...] I'm just not impressed by the fact that the University of Texas may have fewer. Maybe it ought to have fewer.[305]

In his answer, the UT lawyer replied that he did not "think the solution to the problems with student-body diversity can be to set up a system in which not only are minorities going to separate schools, they're going to inferior schools." Supreme Court Justice John Roberts questioned the educational value of diversity, and Supreme Court Justice Samuel Alito wondered why minority students should not have a good career if they go to lesser schools.[306] These criticism, even if they were made during the debate around a case that eventually upheld the race-conscious admission pro-

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[302] Conley 80–81.

[303] Jonathan Kozol, *The Shame of the Nation: The Restoration of Apartheid Schooling in America* (New York: Crown Publishers, 2005); Kozol presents a detailed description and analysis of the resegregation of American schools, partly based on many qualitative interviews with students. He demonstrates the structural disadvantage of minority schools. The lower funding heavily penalizes minority schools because schools are funded on government match grants based on property taxes. This funding system assures that poor neighborhoods have poorly funded schools. Kozol also details the less ambitious curricula often oriented toward manual labor that thwart minority students' ambitions and heavily penalize them for the SAT. "The Black Student Meets the Meritocracy: Entrenched Affirmative Action for Whites," *Journal of Blacks in Higher Education* 40 (2003): 25–7. White social advantage is denounced by listing factors that are taken into account for university admission (such as a good extra-curriculum record, internship opportunities, musical skills, being an alumni child), which are greatly conditioned by a high socio-economic status. This gives an advantage to whites, but it is not seen as unfair.

[304] Faye J. Crosby, *Affirmative Action Is Dead; Long Live Affirmative Action* (New Haven: Yale University Press, 2004), 40.

[305] Quoted in Garrett Epps, "Is Affirmative Action Finished?," December 10, 2015, The Atlantic edition, https://www.theatlantic.com/politics/archive/2015/12/when-can-race-be-a-college-admission-factor/419808.

[306] Quoted in Epps.

cess at UT, show that the questioning of race-conscious policies has become less politically incorrect. The opinions voiced by these Supreme Court justices are eerily reminiscent of some ideas voiced during segregation times and are quite at odds with the position of the Supreme Court in the *Brown* decision of 1954 that found that racially segregated schools could never be equal.

However, whites are not the only critics of affirmative action. Black conservative criticism focuses on the creation of a double standard that devalues black achievement. Supreme Court justice Clarence Thomas has notably framed his opposition to affirmative action this way, despite having benefited from the program:

> As much as it stung to be told that I'd done well in the seminary *despite* my race, it was far worse to feel that I was now at Yale *because* of it. I sought to vanquish the perception that I was somehow inferior to my white classmates by obtaining special permission to carry more that the maximum number of credit hours and by taking a rigorous curriculum of courses in such traditional areas as corporate law, bankruptcy, and commercial transactions.[307]

Law professor Stephen L. Carter further expanded on this argument. According to him, affirmative action creates a situation in which minorities are not evaluated in the same way as white people. By creating special admission slots, special evaluation slots are created as well. He has termed this "the best black syndrome." His reasoning is that affirmative action beneficiaries are not simply considered the best, but the best of their category, i.e. minorities.[308]

The most famous liberal criticism of affirmative action may have been made by William Julius Wilson in his hotly contested 1978 book, *The Declining Significance of Race*. It must be admitted that Wilson's provocative title has contributed to sparking the controversy. Wilson has been reproached with making the case for racists, but this is willfully misunderstanding his central point, which was to show the intersection of race and class. By doing so, he attempted to give minority issues a more important place in the political economy. In addition, Wilson wanted to explain why affirmative action programs are not efficient enough. He argued that the changes in the economy, the transition to a post-industrial society and the white flight to the suburbs had created an 'underclass' in the inner city ghettos. People from the 'underclass,' because of problems of an intrinsic lack of education and a lack of well-paying low-skill jobs, are not able to compete on the new job market under the equal qualification clause of affirmative action, because it does not compensate for a lack of qualification. Affirmative action, by not tackling the problems of primary and secondary education, residential segregation, and changes in the economy, fails to help these populations. The progress of the black middle class, at the time of the publication of his book, made Wilson say that affirmative action had become useless. However, since then, as the revised 2012 edition shows, Wilson has changed his opinion. He did not anticipate the stagnation of the gains of the black middle class and its fragility. He now supports the maintaining of affirmative action for the middle class, but he continues to defend the theory that the program is not tailored to the needs of the 'underclass.'[309]

Another prominent black scholar, historian Manning Marable, while not dismissing affirmative action, saw the need of rethinking the program and its defense in

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[307] Clarence Thomas, *My Grandfather's Son: A Memoir*, 2nd ed. (New York: Harper Perennial, 2008), 74–75.

[308] Stephen L. Carter, *Reflections of an Affirmative Action Baby* (New York: Basic Books, 1991), 40–41.

[309] Wilson, *The Declining Significance of Race*, 98–100, 200–1.

the context of hostility to progressive reform. According to him, the focus on race issues obliterates the underlying class problem and prevents an alliance of the "economically and socially disadvantaged of all ethnic backgrounds."[310] With this argument Marable gives a more politically outspoken and activist dimension to Wilson's point. In the mid-1990s, Marable's point of view on the matter was a little more complex. Although at that moment he was against an approach that would solely focus on class or income, he nonetheless saw problems with affirmative action. First, he viewed the program as only "advancing remedial remedies for unequal outcomes than [...] uprooting racism as a system of white power."[311] However, he also saw the way in which affirmative action was used by conservatives after Nixon, by portraying affirmative action as a rigid system of quotas that allowed the hiring of incompetent and unqualified minorities to the detriment of hard-working and tax-paying whites. In this representation merit was used to reinforce white male privilege and made the victims of discrimination, through an inversion of language, appear as 'racists.'[312] In other words, the problem that Marable perceived was the divisive utilization of affirmative action as reverse discrimination. It is interesting to see that the discourse described above regarding the welfarization of social programs matches the discourse Marable perceived around affirmative action.

The previous opinions, however, represent academic or political points of view. Public opinion about affirmative action, on the other hand, is rather difficult to assess and is mostly based on quantitative analysis. A puzzling picture emerges. In a 2013 Gallup poll, there was still a majority of the population (58%) supporting affirmative action.[313] It seems strange then that affirmative action should have been under such harsh attack for years. However, when opinions are more detailed and the phrasing of the poll questions is analyzed, opposition becomes clearer. When asked whether they wanted race or merit to be considered as admission criteria in college, people overwhelmingly rejected affirmative action. Here the racial opinion gap is apparent: 75% of whites prefer merit as the only criterion (vs. 22% in favor of race), whereas slightly more African-Americans favored race as critical admission criterion (48% vs. 44%)—which still is not an absolute majority.[314]

It might be assumed that blacks would overwhelmingly support affirmative action, but as shown in this Gallup poll, when confronted with an either/or question pitching merit against race, black opinion is rather divided and, to a certain extent, it echoes the opinions voiced by Thomas and Carter. This should be completed with another element. By 2010, fewer blacks believed that "blacks not getting ahead" was caused by discrimination (34%), rather than by their not taking responsibility for their

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[310] Marable, *Beyond Black and White*, 25, 81.

[311] Marable, *Beyond Black and White*, 87–88.

[312] Marable, *Beyond Black and White*, 84.

[313] Jeffrey M. Jones, "In US, Most Reject Considering Race in College Admissions: Sixty-Seven Percent Say Decisions Should Be Based Solely on Merit" (Gallup, July 24, 2013), http://www.gallup.com/poll/163655/reject-considering-race-college-admissions.aspx. The question asked was: "Do you generally favor or oppose affirmative action programs for racial minorities?"

[314] The question asked was: "Which comes closer to your view about evaluating students for admission into college or university — applicants should be admitted solely on the basis of merit, even if that results in few minority students being admitted (or) an applicant's racial and ethnic background should be considered to promote diversity on college campuses, even if that means admitting some minority students who otherwise would not be admitted?"

own situation (52%).[315] This belief may explain why an increasing proportion of the black community favors merit as the only criterion for college admission.

This interpretation can be sustained by an explanation offered by sociologists Lawrence D. Bobo and Camille Z. Charles. They show that opposition to affirmative action increases through the belief that people are unwilling to help themselves. Despite the overall rejection of affirmative action, the slightly greater proportion of affirmative action supporters among the African-American population stems from the fact that blacks see the effects of past discrimination more concretely, but also because they have a heightened awareness of ongoing discrimination.[316] Another poll from 2003 gives more insight into the apparent contradiction between supporting affirmative action in principle while at the same time rejecting affirmative action measures. It shows that although 63% of the total population pronounced themselves in favor of affirmative action, only 57% were in favor of making a special preference for minorities, and an overwhelming majority of 72% was against any preferential treatment.[317]

These conflicting and contradictory views can be explained by at least two factors: a general misunderstanding, misconception, and lack of information about what affirmative action actually does; and of course the phrasing of the question. Opposition towards affirmative action, it appears, can be triggered by the simple fact of framing it as "preferential treatment,"[318] a term which still clearly triggers feelings similar to those initially at work in creating the backlash.

Lastly, Barack Obama's opinion on affirmative action was twofold, as he did not entirely reject the program, and combined both Wilson's and Marable's arguments. Obama famously stated in an 2008 interview that he was against affirmative action. He explained that his daughters should not benefit from affirmative action when applying to college because of their privileged background, especially if that meant that socially and economically advantaged minority children got a "more favorable treatment than a poor white kid who has struggled more."[319]

Despite his opinion about his daughters not needing affirmative action, he still supports affirmative action in higher education, mainly because of the stark under-representation of qualified minorities.[320] Two factors are likely to influence Obama's

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[315] "Blacks Upbeat about Black Progress, Prospects." The question was: "Which of those statements comes closer to your own views — even if neither is exactly right. Racial discrimination is the main reason why many black people can't get ahead these days, OR, blacks who can't get ahead in this country are mostly responsible for their own condition."

[316] Bobo and Charles, "Race in the American Mind," 248.

[317] "Conflicted Views of Affirmative Action" (Pew Research Center, May 14, 2003), http://www.people-press.org/2003/05/14/conflicted-views-of-affirmative-action/. The questions asked were: "(Favor/oppose): In order to overcome past discrimination, do you favor or oppose affirmative action programs… …designed to help blacks, women and other minorities get better jobs and education? … which give special preferences to qualified blacks, women and other minorities in hiring and education? (agree/disagree) We should make every possible effort to improve the position of blacks and other minorities, even if it means giving them preferential treatment."

[318] Of course the issue is more complex than that. Some point to the fact that respondents often want to appear politically correct in their answers, but display their rejection as soon as a "good excuse" is offered in the phrasing of the question. More on this in Bonilla-Silva, *Racism without Rcacists*, especially chapters 3 to 5.

[319] David Paul Kuhn, "Obama Shifts Affirmative Action Rhetoric," *Politico*, August 10, 2008, http://www.politico.com/news/stories/0808/12421.html.

[320] Obama, *Audacity*, 244.

support for affirmative action in higher education. It seems that there generally is greater support for affirmative action in higher education, as the Michigan case illustrates: although all three levels of affirmative action were threatened by Proposal 2, affirmative action supporters rallied only around defending it in higher education.[321] The other reason is the major achievement gap between white and black students, and education reform, as advocated by Obama to close this achievement gap,[322] would take a long time before really kicking in. Moreover, he does not reject affirmative action as a matter of principle and he concedes that, in some cases of entrenched discrimination, no other solution might work:

> Moreover, as a lawyer who's worked on civil rights cases, I can say that where there's strong evidence of prolonged and systemic discrimination by large corporations, trade unions, or branches of municipal government, goals and timetables for minority hiring may be the only meaningful remedy available.[323]

Despite this principled support for affirmative action, Obama has often voiced his preference for a class approach rather than a race approach. In *The Audacity of Hope* he clearly explains that he thinks that black progress was mainly the result of more favorable economic conditions and economic redistributive measures implemented by the government, not of affirmative action:

> This pattern—of a rising tide lifting minority boats—has certainly held true in the past. [...] The same formula holds true today. As recently as 1999, the black unemployment rate fell to record lows and black income rose to record highs not because of a surge in affirmative action hiring or a sudden change in the black work ethic but because the economy was booming and government took a few modest measures—like the expansion of the Earned Income Tax Credit—to spread the wealth around.[324]

Obama clearly saw affirmative action as not having enough impact on deep-seated inequalities and problems. He certainly did not call for an immediate end of affirmative action, but rather for a change in strategy that focused on universal redistributive policies. He gave the examples of education and health care, where he strongly defended the opinion that universal reform would do more for minorities than any race-specific affirmative action approach:

> Even as we continue to defend affirmative action as a useful, if limited, tool to expand opportunity to underrepresented minorities, we should consider spending a lot more of our political capital convincing America to make the investments needed to ensure that all children perform at grade level and graduate from high school—a goal that, if met, would do more than affirmative action to help those black and Latino children who need it the most. Similarly, we should support targeted programs to eliminate existing health disparities between minorities and whites (some evidence suggests that even when income and levels of insurance are factored out, minorities may still be receiving worse care), but a plan for universal health-care coverage would do more to eliminate health disparities between whites and minorities than any race-specific programs we might design.[325]

The important aspect to note is that Obama's criticism of affirmative action is a decidedly progressive one: he favors a different approach because he considers that

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[321] Liptak. The other two levels were government contracting and public employment.

[322] Obama, *Audacity,* 246. "A Blueprint for Reform: The Reauthorization of the Elementary and Secondary Education Act" (US Department of Education, March 2010), http://www2.ed.gov/policy/elsec/leg/blueprint/blueprint.pdf.

[323] Obama, *Audacity*, 244.

[324] Obama, *Audacity*, 246.

[325] Obama, *Audacity*, 247.

affirmative action *does not do enough*. This is the complete opposite of conservative criticism, which denounces affirmative action as an unfair advantage. Moreover, his appeals to consider other solutions than affirmative action did not recommend doing nothing and just letting the market run its course, but to focus instead on universal redistributive policies and strong government intervention to remedy the deep-seated problems that affect the whole of America.

2.4.3. Obama and the Backlash

Obama's partial rejection of affirmative action is similar to the argument made by Manning Marable: the race focus is too divisive, it alienates the white working and middle class, and it even fosters intergroup competition among minorities. Being convinced that a universal focus on specific issues would have a positive impact on problems that present a particularly difficult issue for minorities he argues:

> Ultimately, though, the most important tool to close the gap between minority and white workers may have little to do with race at all. These days, what ails working-class and middle-class blacks and Latinos is not fundamentally different from what ails their white counterparts: downsizing, outsourcing, automation, wage stagnation, the dismantling of employer-based health-care and pension plans, and schools that fail to teach young people the skills they need to compete in a global economy. (Blacks in particular have been vulnerable to these trends, since they are more reliant on blue-collar manufacturing jobs and are less likely to live in suburban communities where new jobs are being generated.) And what would help minority workers are the same things that would help white workers: the opportunity to earn a living wage, the education and training that lead to such jobs, labor wages and tax laws that restore some balance to the distribution of the nation's wealth, and health-care, child care, and retirement systems that working people can count on.[326]

In this passage from *The Audacity of Hope*, Obama very clearly insists on the particular issues that, according to him, represent a problem for all Americans. Although he highlights that most of these issues more heavily impact African-Americans, nonetheless, he insists strongly on the fact that whites face the same problems. He also indicates the fact that it is primarily a class problem, by explicitly mentioning the working and the middle class, and by insisting on 'workers.' Although Obama admits that within the same economic class the situation is worse for minorities, he nonetheless advocates a decreasing focus on race-specific measures, like affirmative action, in order to build a political alliance in favor of progressive redistributive measures.[327] Obama further insists on the political dimension of a neutral, but issue-focused, approach: "An emphasis on universal, as opposed to race-specific, programs isn't just good policy; it's also good politics."[328] In this, Obama is representative of new black politics.

His position during the 2008 presidential campaign clearly took white backlash sentiments into account. As he said in his *A More Perfect Union* speech, he understood how a feeling of unfairness could develop in certain cases. He particularly pointed to

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[326] Obama, *Audacity*, 245–6.
[327] Obama, *Audacity*, 246.
[328] Obama, *Audacity*, 247.

recent white immigrants who could feel unjustly disadvantaged by affirmative action:[329]

> Most working- and middle-class white Americans don't feel that they have been particularly privileged by their race. Their experience is the immigrant experience - as far as they're concerned, no one's handed them anything, they've built it from scratch. [...] So when they are told to bus their children to a school across town; when they hear that an African-American is getting an advantage in landing a good job or a spot in a good college because of an injustice that they themselves never committed; when they're told that their fears about crime in urban neighborhoods are somehow prejudiced, resentment builds over time.[330]

This was not a purely rhetorical concession to appeal to white voters, but a strategic taking into account of the evolution of the attitudes of whites about racial questions, especially since the 1970s backlash. As a pragmatic politician, Obama adapted to the context and evaluated the situation as follows:

> Rightly or wrongly, white guilt has largely exhausted itself in America; even the most fair-minded of whites, those who would genuinely like to see racial inequality ended and poverty relieved, tend to push back against suggestions of racial victimization—or race-specific claims based on the history of race discrimination in this country.[331]

This assessment of the ongoing effects of the backlash was one part of Obama's advocacy for universal politics. The mentioning of whites' rejection of racial victimization points to the more complex debate over the issue of responsibility, which will be discussed in detail later. This also reminds that there is little awareness of persistent structural racial inequalities and ongoing discrimination among the white population. Towards the end of the speech, Obama addressed the political exploitation of the backlash sentiments openly. After relating the story of Ashley Baia, a young white woman who had joined the Obama campaign because her personal story motivated her to fight for better health care, Obama said:

> Now, Ashley might have made a different choice. Perhaps somebody told her along the way that the source of her mother's problems were blacks who were on welfare and too lazy to work, or Hispanics who were coming into the country illegally. But she didn't. She sought out allies in her fight against injustice.[332]

Obama addressed two of the themes that are used to divide the population along racial lines and quite neatly encapsulated the persisting 1970s backlash sentiment: undeserving blacks benefiting from welfare are the cause for the problems in the white population.

However, Obama was also aware of the backlash against general social policies. He therefore insisted on policies that also largely benefited the white population in order to overcome the feeling that Democrats had favored minorities over the white working and middle class. He emphasized the white population's need to feel economically secure to prevent resistance to social programs: "Not only did tight labor markets, access to capital, and programs like Pell Grants and Perkins Loans benefit

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[329] This could be widely discussed. Very obviously, it is not only recent immigrants who might feel that way. However, this is another topic, which is not the point here. Nonetheless, at a rhetorical level, it was an elegant solution that allowed Obama to acknowledge white resentment and at the same time point out that white Americans are answerable for past discrimination and did benefit from the system of white supremacy.

[330] Obama, "A More Perfect Union."

[331] Obama, *Audacity*, 247.

[332] Obama, "A More Perfect Union."

blacks directly; growing incomes and a sense of security among whites made them less resistant to minority claims for equality."[333] This imperative for alleviating white fears and resistance is among the factors that made him focus on education reform and health care reform in the run-up to the 2008 election. Education and health care are also major concerns for the white middle and working class. Moreover, they have a deeper importance because they are crucial elements for upward social mobility and they are historically areas of deep racial inequalities.

Obama's concessions to white backlash sentiments did not go as far as denying the effects of past discrimination or pretending that discrimination had disappeared. While acknowledging the positive evolution of race relations in the US, he painstakingly pointed out the inequalities that remain:

> And yet, for all the progress that's been made in the past four decades, a stubborn gap remains between the living standards of black, Latino, and white workers. [...] Even middle-class blacks and Latinos pay more for insurance, are less likely to own their own homes, and suffer poorer health than Americans as a whole. More minorities may be living the American dream, but their hold on that dream remains tenuous.[334]

Obama also denounced the fact that the years 1964 and 1965 did not mark the end of all racial problems in the US, quite the contrary:

> We might start with completing the unfinished business of the Civil Rights Movement—namely, enforcing nondiscrimination laws in such basic areas as employment, housing, and education. Anyone who thinks that such enforcement is no longer needed should pay a visit to one of the suburban office parks in their area and count the number of blacks employed there, even in the relatively unskilled jobs, or stop by a local trade union hall and inquire as to the number of blacks in the apprenticeship program, or read recent studies showing that real estate brokers continue to steer prospective black homeowners away from predominantly white neighborhoods. Unless you live in a state without many black residents, I think you'll agree that something's amiss.[335]

The use of pronouns in this passage is very interesting. Obama uses 'we' quite often in *The Audacity of Hope* and alternates these pronouns with uses of 'America' when discussing subjects affecting the country or the population as a whole. However, the choice of using 'we' instead of 'America' or 'the government' is not innocent here. It is an inclusive 'we', which is one of the uses of 'we' Obama makes in the book to connect the reader to his point of view when proposing policy solutions or a course of action. More importantly, the 'we' in this passage also serves to insist on the fact that civil rights are an issue that should concern everybody, as opposed to minorities alone. Through this, Obama argues against the view that racial inequalities are a problem only regarding minorities. To hammer home the message about greater awareness and concern for inequalities and persisting discrimination, Obama directly addresses the readers at the end of the passage through the use of 'you.' By this, Obama claims the readers' adherence to his view on ongoing discrimination. It particularly stands out because it is a rare occurrence, if not the only one, of directly addressing the reader in the book.

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[333] Obama, *Audacity*, 246.
[334] Obama, *Audacity,* 242–43.
[335] Obama, *Audacity,* 243.

2.4.4. Racial Backlash against Obama

Despite his rather conciliatory stance on race matters, race-specific policies, and his transcending ethos,[336] Obama's campaigns and presidency were marked by a racial backlash. This racial backlash unfolded at two different levels. First, Obama's election brought the first black president to the office. Despite the 2008 controversy that spread out during his first campaign about his racial identity, that fact reinforced claims about the US having reached a post-racial era and consequently comforted those who believed discrimination was now absent from American society. Second, Obama was accused of 'playing the race card' when overt and covert racism was denounced (by either his campaign team or other politicians) or of showing racial favoritism.

The first part of the racial backlash was the claim of having achieved a post-racial America through Obama's election. At first sight, it seems absurd to view this as a backlash. However, it is a backlash in the sense that his presidency makes it more difficult, even almost impossible, to argue for race-specific policies, since his election has been viewed as proof that racial barriers do not exist anymore. Political scientists Ted Brader and Nicholas Valentino point out this possible effect of Obama's election on racial beliefs, especially with people who already shared the widespread belief that discrimination ended in 1964 with the *Civil Rights Act* and 1965 with the *Voting Rights Act*.[337] Historian David Hollinger saw the Obama election as a sign of the emergence "of a new, multihued racial order, a majority-minority society" and the end of static notions of race, but also as the end of race-specific policies of the affirmative action type.[338]

Some, as anti-racism activist Tim Wise, think that this is partly Obama's personal fault. Wise explains that this is to a certain extent due to Obama's race-transcending rhetoric. However, Wise points out that this rhetoric was the result of the race conundrum that Obama faced: racial transcendence was a premise for the election, but it also made it more difficult to talk about race. Wise also argues that this transcendence forced Obama into a race-neutral policy agenda.[339] This assessment seems to downplay how deeply convinced Obama appears to be about this political strategy. Moreover, as demonstrated above, it appears that by 2008 the US had already reached a point where race-specific policies were not really a political option anymore.

Sociologist Andrew Jolivétte also points out the race conundrum that came with Obama's election. He admittedly greets the fact that the campaign and the election "ha[ve] brought the issues of race, ethnicity, and changing population demographics to the forefront of the US political arena." However, he shares a similarly bleak assessment of the eventual effect of Obama's election, in the sense that it did not lead to a specific analysis of the factors that have allowed Obama to reach the presidency.[340]

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[336] For a detailed discussion of the multifaceted Obama identity and ethos (discursive identity) see 3.3. Obama's Image.

[337] Valentino and Brader 204.

[338] Quoted in Thomas J. Sugrue, *Not Even Past: Barack Obama and the Burden of Race* (Princeton: Princeton University Press, 2010), 2.

[339] Tim Wise, *Colorblind: The Rise of Post-Racial Politics and the Retreat from Racial Equity* (San Francisco: City Light Books, 2010), 15.

[340] Andrew Jolivétte, ed., *Obama and the Biracial Factor: the Battle for a New American Majority* (Bristol, UK: The Policy Press, 2012), 6.

To illustrate this through the lens of the particular topic of social policies here, the example of Obama's upbringing can be used. The latter was determined by a white socioeconomic background, since he was raised by his white mother and white grandparents. Obama did not escape occasional racism in the form of prejudice, but he did benefit from the effects of "white affirmative action", meaning a better access to social policies for his family. Obama explained this in detail in his speech at the 2004 Democratic National Convention:

> She [Obama's mother] was born in a town on the other side of the world, in Kansas. Her father worked on oil rigs and farms through most of the Depression. The day after Pearl Harbor, my grandfather signed up for duty, joined Patton's army, marched across Europe. Back home my grandmother raised a baby and went to work on a bomber assembly line. After the war, they studied on the GI Bill, bought a house through FHA and later moved west, all the way to Hawaii, in search of opportunity.[341]

In this speech, Obama describes his own political career in the terms of the American Dream and he puts his social ascendance into perspective through the respective stories of his parents. By insisting on his grandfather studying on the GI Bill and becoming a homeowner through the Federal Housing Agency's program, he clearly shows how he benefited from a family network that had fully taken advantage of the great post-World War II welfare state. Moreover, Obama attended Punahou high school when he lived with his grandparents. Punahou is a private, college-preparing school, in which his grandfather managed to enroll him by claiming favors from his boss. Obama's description of his admission to Punahou shows that Obama has a clear view about the role that his grandfather's socio-professional network played:

> [...] Punahou had grown into a prestigious prep school, an incubator for island elites. Its reputation had helped sway my mother in her decision to send me back to the States: It hadn't been easy to get me in, my grandparents told her; there was a long waiting list, and I was considered only because of the intervention of Gramps's boss, who was an alumnus (my first experience with affirmative action, it seems, had little to do with race).[342]

Obama's description of his enrollment at Punahou shows that he shares the rather radical view of white meritocracy and white benefits of social programs that is professed by Katznelson for example. Obama also calls this system of white privilege affirmative action. A deeper public discussion of Obama's background would have allowed for a better analysis of the role of structural factors favoring the election of the first African-American president. This obliteration also became apparent in a comment made by Republican strategist Karl Rove. Rove pointed out that Obama "only had the *potential* of being 'post-racial'" whereas his acknowledgment of black racial anger, for example, was a sign that Obama had not reached the post-racial stage yet.[343] This shows that the conservative interpretation of 'post-racial' consists in denying racial issues and in considering the mere mention of race as divisive.

This interpretation of the meaning of "post-racial" has led to several attacks against Obama accusing him of 'playing the race card,' when it was actually mostly other people, not him, who voiced indignation about racist attacks against Obama. Originally, 'playing the race card' refers to the initial Southern strategy of using cod-

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[341] Barack Obama, "Keynote Address at the Democratic National Convention" (Boston, July 27, 2004).

[342] Obama, *Dreams*, 58.

[343] Kathleen Odell Korgen and David L. Brunsma, "Avoiding Race or Following the Racial Scripts? Obama and Race in the Recessionary Period of the Colorblind Era," in *Obama and the Biracial Factor: The Battle for a New American Majority*, ed. Andrew Jolivétte (Bristol, UK: The Policy Press, 2012), 196.

ed language for race baiting.[344] However, in recent years, the meaning of 'playing the race card' has been inverted. Sociologist Eduardo Bonilla-Silva, in his analysis of a new form of racism, explains this change as part of the new racist strategy: blacks are often accused of playing the race card when asking for race-conscious policies or when denouncing racism.[345] This accusation is particularly harmful because many researchers argue that the conservative strategy has not fundamentally changed, save for the fact that it has become even more devious. Historian Thomas Edge calls the conservative race-baiting strategy as adapted to the Obama presidency "Southern Strategy 2.0". He explains that it is based on three main points: it first consists in arguing that a nation that has elected a black president is free of racism. The next step is to argue that the remedies to racism enacted after the Civil Rights Movement will provoke "more racial discord, demagoguery, and racism against *White Americans.*" The last element of the strategy is "veiled racism and coded language of the original Southern Strategy."[346]

Despite the upsurge of racist outbursts, Obama has repeatedly been accused of 'playing the race card'. Fox contributor Greg Gutfeld accused him in 2010, when he supported candidates for the mid-term elections, of seeing "race in a post-racial world" on the ground of appealing to "young people, African-Americans, Latinos and women" and thus leaving out white men.[347] Gutfeld's outburst is a classic example that invites a closer analysis. Gutfeld accuses Obama of being racially divisive by appealing only to these populations: "For, in his mind, victory requires splitting the population and only these folks matter [...]" and then actually quotes Obama's words, but without insisting on the fact that the list Obama made was outspokenly in the context of the voter coalition of 2008 that had elected him. Gutfeld then goes on insulting Obama's political constituency, explaining their vote either as a racial vote in the case of blacks, as a lack of political knowledge in the case of younger voters, as brainwashing in the case of women, and in the last case of Hispanics, as political bribery or racial catering in the form of "amnesty" for illegal immigrants. For Gutfeld, leaving out white men is a proof that Obama pays too much attention to race: "See, in the post-racial world, it's Obama who sees race. He looks at me and sees someone he can't win over." Most interestingly, Gutfeld points out the areas where he politically disagrees with Obama and openly states that he does not like progressives. But instead of honestly seeing this as a reason why a progressive president with an agenda for major social policy reform should not try to reach out to him, Gutfeld gives the following justification: "Still, I feel Obama looks at me and just sees an AWG—'angry white guy.' Which is why I'm not on his list."[348]

However, angry conservative *Fox* contributors are not the only ones targeting Obama. During the Democratic primaries in 2008, Geraldine Ferraro, who worked on Hillary Clinton's campaign team, accused Obama's team of playing the race card after Obama had labeled some of her comments as divisive. Ferraro had said during a speech that Obama was doing so well because he was black: "If Obama was a white

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[344] Mendelberg, *The Race Card*. For more details on race code see 3.1. "A Hell of a Lot More Abstract Than 'Nigger, Nigger:" Code and Doxa.

[345] Bonilla-Silva, *Racism without Racists*, 1.

[346] Thomas Edge, "Southern Strategy 2.0: Conservatives, White Voters, and the Election of Barack Obama," *Journal of Black Studies* 40, no. 3 (2010): 428.

[347] Greg Gutfeld, "Obama sees race in a post-racial world," *FoxNews.com*, (April 28, 2010), http://www.foxnews.com/story/2010/04/28/obama-sees-race-in-post-racial-world.html.

[348] Gutfeld.

man, he would not be in this position. And if he was a woman of any color, he would not be in this position. He happens to be very lucky to be who he is. And the country is caught up in the concept."[349]

Hailing Obama's election as the advent of post-racial America and accusing Obama every so often of playing the race card is particularly strange considering the upsurge of racism during and after his campaign. It is difficult not to see the questioning of Obama's origins by the birther movement, in which Donald Trump vehemently participated, as an expression of racism. Obama was accused of not being a real American, of having a fake Social Security number, of actually being a Muslim. Sociologists Adam Murphree and Deirdre Royster made a survey of the *Obamathets* (racial and political epithets directed against Obama during and after the campaign) on the blog AR15.com, which hosts right wing discussions. The list used here also includes *Obamathets* that translate a feeling of economic threat, since the white backlash of the late 1970s was largely fuelled by fears about economic competition. Among the examples listed by Murphree and Royster were: "Dear Leader", "Comrade Obama," "Obamunist/Obamunism." More racist epithets included "Osamabama," "The Halfrican," "The Magic Negro," "The Kenyan," "Balack Obama," "Obongo/Obungo," "Obama bin Lyin'." Murphree and Royster noted that the *Obamathets* became more and more racist as the 2008 campaign progressed. At the beginning, when his election was unlikely, epithets like Obambi and Obamessiah showed the patronizing strategy that consists in belittling a subgroup or an individual.[350]

A questionable incident even occurred on the floor of Congress. Obama made a health care speech to Congress in September 2009. When Obama said that his reform program would not include health care for immigrants, South Carolina Representative Joe Wilson interrupted the President's address by shouting "You lie!"[351] Many commentators qualified this incident as racist, such as *Washington Post* columnist Eugene Robinson who asked if Rep. Wilson's mark of disrespect towards the President, reinforced by Wilson's refusal of an immediate apology (he apologized later) was evidence of racism. Robinson also asked this in light of Wilson's defense of flying the Confederate flag on the State House in Columbia, SC.[352] *New York Times* columnist Maureen Dowd was bolder in her denunciation of this as racist. She wrote: "But, fair or not, what I heard was an unspoken word in the air: You lie, boy!"[353] And indeed, Dowd's rephrasing of Wilson's outburst encapsulates all the disrespect that lay in the attack and rightly questions if something similar would have happened had Obama been white. Another racist incident occurred after Obama's reelection in 2012. White

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[349] Quoted in Joyce Purnick, "Ferraro Is Unapologetic for Remarks and Ends Her Role in Clinton Campaign," *New York Times*, March 13, 2008, http://www.nytimes.com/2008/03/13/us/politics/13ferraro.html.

[350] Murphree and Royster 285, 296.

[351] "Rep. Wilson Shouts 'You Lie' to Obama during Speech," *CNN Politics.com*, September 10, 2009, http://edition.cnn.com/2009/POLITICS/09/09/joe.wilson/.

[352] Eugene Robinson, "Some Obama Foes Are Indeed Racists," *Washington Post*, September 18, 2009, http://www.washingtonpost.com/wp-dyn/content/article/2009/09/17/AR2009091703566.html.

[353] Maureen Dowd, "Boy, Oh, Boy," *New York Times*, September 12, 2009, http://www.nytimes.com/2009/09/13/opinion/13dowd.html?_r=0.

students at the University of Mississippi protested against his reelection and some of the protesters chanted racial epithets.[354]

But more or less open racist attacks against Obama are only one part of the racial backlash against him. In her 1993 book *Dilemmas of Black Politics: Issues of Leadership and Strategy*, political scientist Georgia A. Persons identified the recurrent difficulty faced by African-American candidates seeking public office because of recurrent attempts to identify the black candidate "with the far left or with militant black figures who are known to frighten other blacks and most whites."[355] Similar attempts were made with Obama, most famously in the incident with Reverend Wright, when Obama was accused of sharing his extreme positions. However, in this particular case, the strategy backfired, since the "A More Perfect Union" speech Obama made in response to the incident proved to be a decisive success and gave great publicity to his transcending position. Nevertheless, Obama has been repeatedly accused of racial favoritism. The incidents with Professor Gates, Shirley Sherrod, or Van Jones were framed as racial issues,[356] in which Obama was caught in a classical racial catch-22 situation: whatever he may have done, it was too much display of racial solidarity for some, while it was not enough for others.

These are broader political incidents, however. Another incident is more directly linked to redistributional issues. In his 2009 State of the Union Address, Obama called for bipartisan efforts to overcome the effects of the 2008 crisis and he exemplified his call for massive investment with different stories. He illustrated the call for more investments in schools with the story of a young student, Ty'Sheoma:

> And I think about Ty'Sheoma Bethea, the young girl from that school I visited in Dillon, South Carolina—a place where the ceilings leak, the paint peels off the walls, and they have to stop teaching six times a day because the train barrels by their classroom. She has been told that her school is hopeless, but the other day after class she went to the public library and typed up a letter to the people sitting in this room. She even asked her

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[354] Robbie Brown, "Anti-Obama Protest at University of Mississippi Turns Unruly," *New York Times*, November 7, 2012, http://www.nytimes.com/2012/11/08/us/anti-obama-protest-at-university-of-mississippi-turns-unruly.html.

[355] Georgia A. Persons, *Dilemmas of Black Politics: Issues of Leadership and Strategy.* (New York: Harper Collins, 1993), 75.

[356] "Obama: Police Who Arrested Professor 'Acted Stupidly,'" *CNN.com*, 23 July 2009, http://edition.cnn.com/2009/US/07/22/harvard.gates.interview/; Pr. Gates is specialized in African and African-American studies at Harvard University. He was arrested by the police when he tried to enter his own house. A neighbor mistook him for a burglar. Gates is black. Obama made a comment on Gates's arrest, saying that the police officer who arrested Gates had "acted stupidly" and he took the occasion to denounce the fact that the American police had a long record of disproportionately arresting minorities. These remarks triggered many reactions and anger. Eventually, Obama invited Gates and the police officer to the White House in an attempt to mediate between the two. This meeting was immediately criticized and pejoratively called the "Beer Summit." Julie Pace, "Shirley Sherrod Firing: Obama Administration Had Concerns Over Forced Ouster, But Didn't Intervene," *Huffington Post*, August 4, 2010, http://www.huffingtonpost.com/2010/08/04/shirley-sherrod-firing-ob_n_670096.html; Shirley Sherrod was the state director of the Georgia Department of Rural Development. Some of her statements had been used out of context and in a truncated way to accuse her of anti-white racism. She was forced to resign. Initially, the White House did not intervene because they considered that the affair should be handled by the Department of Agriculture. Eventually, the White House intervened, but discreetly. At the beginning, Obama did not officially take position and did not try to prevent Sherrod's resignation. Harry Siegel and Fred Barbash, "Van Jones Resigns amid Controversy," *POLITICO*, September 6, 2009, http://www.politico.com/news/stories/0909/26797.html. Environment advisor Van Jones was forced to resign because Republicans used his radical past to portray Obama as a dangerous leftist.

> principal for the money to buy a stamp. The letter asks us for help, and says, "We are just students trying to become lawyers, doctors, congressmen like yourself and one day president, so we can make a change to not just the state of South Carolina but also the world. We are not quitters."[357]

This story was used by conservative newspapers to accuse Obama of racial favoritism, intrinsic Democratic irresponsibility, and compulsive spending urges. [358] The Dillon school district is a majority minority district, and the JV Martin school, which Ty'Sheoma attended, was a 100% minority school.

The health care reform debate was not devoid of racial backlash and fears of racial favoritism either. Political scientists Michael Tesler and David O. Sears (who is also a specialist of political psychology) showed that the 2010 health care reform was full of racial undertones. First, they found that racial attitudes were "a prime determinant in support for and opposition to Barack Obama." They also concluded that people showed an even stronger opposition to policy proposals when they came from a black president. Moreover, they pointed out that

> [...] the spillover of racialization into public opinion on health care reform was a common media frame in the summer and fall of 2009. Some commentators regularly contended during that time that at least some of the uproar provoked by Obama's health care proposals was a product of race-related opposition to a black president's agenda.

Their analysis showed that the attitudes about health care became more racialized after Obama became its loudest spokesperson. According to their findings, 40% more people with racial resentment than people without such resentments were against health care reform and thought "health care should be voluntarily left to individuals."[359]

2.5. Scorched Earth Strategy: Polarization and Partisanship

Since the passage of the Civil Rights Act and the development of the Great Society, the two political parties have become increasingly polarized along racial lines and over the issue of social policies. After 1964, the Democratic Party was increasingly seen as the party of racial liberalism. Their reluctance to discuss the issues of the 'underclass' allowed the Republican Party to become the party of racial conservatism. According to Edsall and Edsall, race became an integral part of partisanship after 1964.[360] The election of 1964 marks a turning point when the parties clearly took position about government intervention to help minorities, the Democratic Party being

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[357] Barack Obama, "Address to Joint Session of Congress." Capitol, Washington DC, February 24, 2009.

[358] See for example: "EDITORIAL: Yes, Ty'Sheoma, There Is a Santa Claus," *The Washington Times*, February 26, 2009, http://www.washingtontimes.com/news/2009/feb/26/yes-tysheoma-there-is-a-santa-claus/.

[359] Michael Tesler and David O. Sears, *Obama's Race: The 2008 Election and the Dream of a Post-Racial America.* (Chicago: University of Chicago Press, 2010), 75, 90–2, 155–6; I want to point out that Tesler and Sears's use of "racialization" differs from my use in the sense that for Tesler and Sears it means that opinion or attitude are influenced by racial beliefs or the individual's racial background. In the sense I use it, "racialized" is used to describe a social policy program that has been negatively associated with minorities. See also Michael Henderson and D. Sunshine Hillygus, "The Dynamics of Health Care Opinion, 2008-2010: Partisanship, Self-Interest, and Racial Resentment," *Journal of Health Politics, Policy and Law* 36, no. 6 (2011): 945–60.

[360] Edsall and Edsall 55.

clearly in favor of this, the Republican Party being clearly against it.[361] After that the black electorate completed the transfer of their allegiance to the Democratic Party, something that had already started during the New Deal. The transfer was finalized through the clear position on civil rights and the commitment to economic justice expressed through the Great Society and the War on Poverty. During that period, the Solid South of the Democratic Party started to turn towards the Republican Party.

The nomination of Barry Goldwater as the Republican presidential candidate in 1964 changed the black populations' party adherence. In 1964 blacks voted 96-4% for Johnson and against Goldwater. Since then, the lowest black support for a Democratic candidate was 82% in 1992.[362] With Goldwater's nomination, the Republican Party lost the "Party of Lincoln" legacy for blacks. [363]

Most scholars agree on the fact of party polarization since the 1970s. Some scholars, however, disagree with the idea of a racial polarization of politics. According to political scientists Nolan McCarty, Keith T. Poole, and Howard Rosenthal race disappeared as a polarizing factor with the 1964 *Civil Rights Act* and the 1965 *Voting Rights Act*. They think that there is no racialization of American politics, but "that racial politics has become more like the rest of American politics." Nonetheless, McCarty *et al.* agree on the fact that nowadays there is a real party polarization, with moderates vanishing since the 1970s. But they consider that race is not a factor in this phenomenon. They estimate that the levels of polarization are close to those at the end of the 19th century over regulatory and monetary policies. They see the parties as becoming more homogenous, as two blocs, and "voting coalitions that cut across the blocs [are] infrequent."[364]

McCarty *et al.* based their analysis on votes on race issues, meaning they evaluated racialization in the sense of race being a primary political issue. Their data is based on statistics of congressional votes and issue votes, but they do not take into account the political discourse surrounding social policies, for example. Nor do they really define what they consider as racial politics. The figures are based on elements like lynching, the Poll tax, and various renewals of civil and voting rights acts. This means that they are not taking into account how race plays out at the structural level and is part of racialized social policy issues. Since the only obvious race-related legislative issues in recent decades were the renewals of the Voting Rights Act and the Civil Rights Act of 1990 and some anti-busing votes in the 1980s, it is easy to conclude that race does not play a role anymore.

The strong adherence of blacks to the Democratic Party was identified by Republicans as a means to break up the old economic polarizations of the parties. Political scientist Bruce Jansson explains that the Democrats' refusal to discuss 'underclass' issues was, for example, exploited by Nixon who identified the Democratic Party with the groups the white working and middle classes had turned against. By opposition, Nixon described the white working and middle class as the "silent majority of law-abiding citizens."[365] Political scientist John Gerring traces back the Democratic Party's fight for economic justice to the party's populist period (1896-1948),

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[361] Sniderman and Carmines 74.

[362] David A. Bositis, "Blacks and the 2012 Democratic National Convention" (Washington, DC: Joint Center for Political and Economic Studies, 2012), 9. It was Bill Clinton, in 1992, who got this lowest score since 1968, despite a rather high black identification with the Democratic Party the same year (86%).

[363] Manza and Brooks, *Social Cleavages*, 36.

[364] McCarty, Poole, and Rosenthal 28–9, 51–2.

[365] Jansson 287.

when Truman first tried to include racial justice in his platform.[366] Although Gerring simply uses the term 'populism', it should be modified into economic populism, as opposed to racial populism, in order to avoid confusion.

The New Deal and the Great Society firmly established the Democratic Party's identification with the expansion of social policies. Edsall and Edsall highlight the polarization of the two parties on several general themes. The Democratic Party became identified with themes such as racial liberalism, opposition to big spending on the military, preferring civil liberties to an emphasis on crime, women's rights, and a more permissive attitude regarding sexuality and culture. And logically the Democratic Party increasingly became identified with rising tax burdens. The Republicans, in turn, became identified with a more conservative and more traditional position on these themes.[367]

This was further intensified by Republicans denouncing "tax-and-spend liberals" who had abandoned the white working and middle class in order to cater exclusively to minorities. McCarty *et al.* posited the thesis that economic inequalities, which have been increasing since the 1970s, have accentuated the political polarization with Republicans firmly established against redistribution. This strong anti-redistribution attitude of the Republicans also reinforced the Democratic Party's association with redistribution, despite attempts by the New Democrats in the 1990s to break the image of being "tax-and-spend" liberals. According to Katz Olson, the Democratic Party today is still strongly associated with social policies, and this despite the Clinton presidency.[368]

The polarization also extends to ideology. In his 2009 book *The Partisan Sort: How Liberals Became Democrats and Conservatives Became Republicans*, political scientist Matthew Levendusky[369] explains that there is an increased partisan sorting, where a liberal Republican "sorts" either as a conservative Republican or becomes a Democrat. According to Levendusky, this sorting is driven primarily by elite polarization and not by preferences of the electorate. He sees both Congress and the Presidency as more aligned with the ideology of their parties, on both general and specific issues. However, this increased partisanship becomes particularly apparent in the interrelated questions of taxes and social policy,[370] and thus the role of government. However, whereas in the Republican Party liberals do not exist anymore and moderates have become a rare sight, the Democratic Party offers a more heterogeneous ideological landscape, ranging from very progressive and liberal to moderates and the conservative Blue Dogs.

Clinton tried to break this polarization, or at least the negative associations made between "tax-and-spend" liberals and the Democratic Party. Clinton explains in his foreword to Al From's 2013 book, *The New Democrats and the Return to Power,*[371] that he had already realized during George McGovern's campaign in 1972 that the Democrats needed to win the middle class and meet their needs. He considered that

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[366] Gerring 17, 238.

[367] Edsall and Edsall 70.

[368] Katz Olson 12.

[369] Matthew Levendusky, *The Partisan Sort: How Liberals Became Democrats and Conservatives Became Republicans.* (Chicago: University of Chicago Press, 2009).

[370] Brewer and Stonecash 45; Noble 111–2.

[371] Al From was a political strategist and founder of the Democratic Leadership Council. The latter was founded in 1985 with the aim to change the political orientation of the Democratic Party and give it a more centrist turn away from the leftist orientation that dominated in the 1960s and 1970s.

"[o]ur party was out of touch with the demands and desires of the American people." The New Democrats decided to focus on economic growth instead of just redistributing wealth and to emphasize the values of "work, family, responsibility, individual liberty, and faith." The New Democrats still defended a significant role for the government; they "believed in activist government, that government can and should play a positive role in our national life", but they changed the tone in the sense that they required also a more active role of the citizens.[372] Clinton explains this attitude: "We believed in an ethic of mutual responsibility—that government has a responsibility to its citizens to create opportunities, and that citizens have an obligation to their country to give something back to the commonwealth."[373]

However, despite Clinton's tough stance on crime, his calls to "end welfare as we know it", and the passing of a conservative-dream-come-true welfare reform that transformed AFDC into TANF, the old labels still stuck. In his health care reform proposal, Clinton tried to accommodate everyone and create a market-based system that would reign in cost in order to satisfy conservative Republican requests, yet "[...] he was being accused by the Bush campaign of being just another tax-and-spend, big-government Democrat when it came to health care in an eerie precursor of the Republican attacks to come."[374] Moreover, partisan polarization increased during the Clinton years, notably because Newt Gingrich devised a new political strategy that consisted in completely refusing to cooperate. Only one Republican in Congress, Senator James M. Jeffords of Vermont, backed the health care bill and the Republican leaders discouraged House Republicans from offering amendments that might have helped the passage of the bill.[375] The Senate Minority leader Bob Dole (R-KS) went so far as to deny the need for health care reform. He said at the Republican National Committee's winter meeting that there was "no crisis" in the American health care systems, since polls showed that 85% of Americans were satisfied with their coverage. At the same RNC meeting, Jack Kemp, a GOP official, former Representative and United States Secretary of Housing and Urban Development until 1993 under President G. H. W. Bush, decried Clinton's health reform proposal as government takeover: "President Clinton has scared the American people into thinking we've got to radically nationalize and have the government control all the decisions in the marketplace." He further insisted that Clinton was turning dangerously leftist regarding his approach to health care, as well as crime.[376] This strategy of denying a health care crisis and thus presenting Clinton's health care reform as an illegitimate government takeover was recommended by Republican strategist William Kristol in a memo in December 1993.[377]

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[372] From 2–3.

[373] William J. Clinton, "Foreword," in *The New Democrats and the Return to Power* (New York: Palgrave Macmillan, 2013), ix.

[374] Robert Pear, Robin Toner, and Adam Clymer, "The Health Care Debate: What Went Wrong? How the Health Care Campaign Collapsed—A Special Report.; For Health Care, Times Was A Killer," *New York Times*, August 29, 1994, http://www.nytimes.com/1994/08/29/us/health-care-debate-what-went-wrong-health-care-campaign-collapsed-special-report.html.

[375] Pear, Toner, and Clymer.

[376] Robert L. Jackson, "Dole, Kemp Attack Clinton Health Plan: Policies: The Possible GOP Presidential Candidates Also Criticize the President's Foreign Agenda and Welfare Reform Strategy," *The Los Angeles Times*, January 23, 1994, articles.latimes.com/1994-01-23/news/mn-14674_1_health-care-reform.

[377] Adam Clymer, "Washington Talk; Debate on Health Care May Depend on 'Crisis,'" *New York Times*, January 17, 1994, www.nytimes.com/1994/01/17/us/washington-talk-debate-on-health-care-may-depend-on-crisis.html?mcubz=0.

Newt Gingrich as speaker of the House marked a new step in partisan division in Congress. Refusal to cooperate has increased since then and bipartisan efforts for social policy have become virtually impossible. Political scientists Sidney Milkis and Michael Nelson identified an even greater polarization after the campaign of 2004 and called it "a milestone in the development of united, ideologically distinctive political parties."[378]

Political journalist Hedrick Smith also observes an increased movement to the right of the Republican Party culminating in the Tea Party movement. He notes less change for Democrats. In this sense it appears that the polarization is mainly a result of the Republicans moving to the right, instead of a dual movement. Smith summarizes the Republican political attitude as one of no compromise that consists in "sharpen[ing] partisan division by exploiting wedge issues that play upon concerns of white middle-class religious voters, such as abortion, school prayer, and ERA (women's rights)" and fighting an uncompromising battle with extreme positions on anti-issues such as taxes, unions, homosexuality, Washington, and government generally. Moreover, Smith considers that, so far, Gingrich has tried the biggest attack on social policies, and sees him as the personification of the confrontational politics of the New Right as well as being a believer of polarization. Smith described Gingrich's political strategy as "guerilla warfare," which coupled a strong use of media coverage to "capitalize on voter frustration" over blocked Democratic legislation in order to gain the 1994 midterm elections.[379]

Opinions vary regarding polarization. Political scientist Norm Ornstein, although he works at the American Enterprise Institute, defends the idea that this polarization between the two parties is asymmetric, and that it is stronger on the Republican side. Based on data compiled by political scientist Keith Poole and Howard Rosenthal, he shows that the average ideological position in the House among Republicans had moved sharply to the right between 1977-9 and 1995-7, and had moved even further right after that until 2012. The ideological move to the left by the Democrats was three times less than the move to the right from the Republicans. Moreover, Ornstein points out that this ideological move toward the right is accompanied by increasing levels of antipathy towards the opposition and by an increasing disregard for the value of compromise. Ornstein also points out that this tendency within the Republican Party elite is reflected to a certain extent within the conservative public. However, he insists on the fact that the public's polarization developed only after the Gingrich era, increased during the Obama years and was driven, according to him, by the elites via the media. Moreover, he highlights that Democrats collaborated on a bipartisan basis during the George W. Bush years, which stands in sharp contrast to the Republicans' attitude during the two Obama terms.[380]

Political scientist Nolan McCarty co-authored a report, entitled *Political Negotiations*, written by a task force initiated by the American Political Science Association.[381] In a 2014 article published in the *Washington Post* he explained that his sub-group

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[378] Sidney Milkis and Michael Nelson, *The American Presidency: Origins and Development, 1776-2011*, 6th ed. (New York: Cambridge University Press, 2012), 453.

[379] Smith, *Who Stole the American Dream?* 330–7.

[380] Norm Ornstein, "Yes, Polarization Is Asymmetric—and Conservatives Are Worse," *The Atlantic*, June 19, 2014, https://www.theatlantic.com/politics/archive/2014/06/yes-polarization-is-asymmetric-and-conservatives-are-worse/373044/.

[381] Jane Mansbridge and Cathy Jo Martin, eds., *Political Negotiation* (Washington, DC: Brookings Institution Press, 2015).

working on political polarization comprised many different opinions. However, he highlighted the aspects on which the group could agree. Thus, the report also traces this polarization back to the mid-1970s, sees the origins in the realignment of Southern politics in the post-civil rights period, and links it also with increasing economic and social inequality. McCarty concurs with the idea of an asymmetric polarization in both chambers of Congress. Even though the polarization in the House is stronger, both chambers have experienced a sharp increase in polarization since the mid-1970s to levels higher than in the late 19th century. Just as Ornstein's and Smith's, McCarty's analysis suggests that the polarization comes mainly from the Republicans and he points out that each new cohort of Republican congresspeople has taken more conservative positions than the previous cohort. The movement to the left among Democrats, less marked than the movement to the right among Republicans, is explained, according to McCarty, by the increase of African-American and Hispanic representatives to the detriment of Southern Democrats. McCarty also points out that the internal ideological makeup of the two parties has become increasingly more homogeneous and shows less regional and racial variation. He also points to an ideological realignment among the electorate, with conservatives increasingly identifying as Republicans and liberals as Democrats. However, the extent of this phenomenon has not yet been precisely assessed. The report has no conclusion about the institutional causes of this polarization, but they see the motivations as being founded on real ideological divergences as well as being grounded in political strategy.[382]

Earl Pomeroy, the Democratic Representative for North Dakota's at-large district from 1993 to 2011 and who was part of the conservative Blue Dog caucus, corroborates this analysis in a lengthy comment in an interview:

> See, I was there for one term before Newt Gingrich [as Speaker]. Although he had certainly started to influence the body. He's a strategic genius, but it's a... [...] You know, Gingrich has a scorched earth tactical approach at politics. You don't have respectful disagreement with the other side. The other side, they're fools, they're crooks, they're idiots, they don't have our values, and that's how you distinguish yourself from the other side. You basically demonize and polarize the debate, and that's how you can distinguish yourself and win. And it worked for him. It did enormous harm to an institution. [...] you know, we have people from all over the country charged with coming up with a common path for the vast and diverse nation of the United States, 350 million people existing in the 21st century. Regional, racial, and every other difference among us. We have to find a common path. Well, that's best achieved by people of good will respecting philosophical differences and trying to find where they agree. Instead, we have a political process now where we demonize those of different opinions, and essentially try to sharpen the differences for the success it may provide us in an election. The politics has overrun our system.[383]

Pomeroy insists here on polarization as a process that is wanted for short-term electoral success and on the absence of a desire to find a common solution to pressing problems. Another Congressman of the Gingrich-Clinton era, Bart Gordon, who was the Democratic Representative for Tennessee's 6th district from 1985 to 2011, concurred with Pomeroy, albeit in a more moderate tone. Although characterizing himself as fairly liberal, Gordon was the representative for—as he described it himself—"one of the most Republican districts held by a Democrat in the country", which in-

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[382] Nolan McCarty, "What We Know and Don't Know about Our Polarized Politics," *Washington Post*, January 8, 2014, https://www.washingtonpost.com/news/monkey-cage/wp/2014/01/08/what-we-know-and-dont-know-about-our-polarized-politics/.
[383] Pomeroy interview.

fluenced his voting record and made him adopt a more moderate stance. Both Gordon and Pomeroy are among the Democrats who are the likeliest to be interested in bipartisan efforts for ideological and political reasons motivated by the composition of their electorate. Gordon described the changes brought about by Gingrich as follows:

> Well, it has become much less civil, I have to say, it has become more parliamentary, and I think that the majority party is… their leadership is attempting to really push a lot of things down, even to their members, and the minority oftentimes is trying to stop whatever happens, and that there really is no conversation about compromise. There is very little, what we call regular order, where you go through the subcommittee and the committee process, which allows more buy in and more compromise. So, it's not a good situation now.[384]

The accounts Gordon and Pomeroy give about the changes that have occurred in Washington since the Gingrich years match the analysis of Ornstein and McCarty *et al.* In 2008, Obama made a similar assessment of the politics of Washington:

> Whatever the explanation, after Reagan the lines between Republican and Democrat, between liberal and conservative, would be drawn in more sharply ideological terms. This was true, of course, for the hot-button issues of affirmative action, crime, welfare, abortion, and school prayer, all of which extensions of earlier battles. But it was also now true for every other issue, large or small, domestic or foreign, all of which were reduced to a menu of either-or, for-or-against, sound-bite-ready choices. [...] In politics, of not in policy, simplicity was a virtue.[385]

Moreover, Obama did not attribute this new trend in politics to the presidency. To him it appeared that "in the mouths of men like George H. W. Bush and Bob Dole, the polarizing rhetoric and the politics of resentment always seemed forced, a way of peeling off voters from the Democratic base and not necessarily a recipe for governing."[386] He sees a clear difference, however, when it comes to party leadership, and he accuses them of establishing a sharply partisan work order that renders any cooperation in Congress impossible and discourages any nuance of opinion:

> But for a younger generation of conservative operatives who would soon rise to power, for Newt Gingrich and Karl Rove and Grover Norquist and Ralph Reed, the fiery rhetoric was more than a matter of campaign strategy. They were true believers who meant what they said, whether it was "No new taxes" or "We are a Christian nation." In fact, with their rigid doctrines, slash-and-burn style, and exaggerated sense of having been aggrieved, this new conservative leadership was eerily reminiscent of some of the New Left's leaders during the sixties. As with their left-wing counterparts, this new vanguard of the right viewed politics as a contest not just between competing policy visions, but between good and evil. Activists in both parties began developing litmus tests, checklists of orthodoxy, leaving a Democrat who questioned abortion increasingly lonely, any Republican who championed gun control effectively marooned. In this Manichean struggle, compromise came to look like weakness, to be punished or purged. You were with us or against us. You had to choose sides.

Obama particularly insisted on the fact that party polarization was not only a matter of taking opposing positions about issues, but was accompanied by a sharply decreasing will to find a bipartisan solution. The extreme positions highlighted by Obama's description of an opposition between good and evil illustrate this difficulty of finding a middle ground, and he especially insisted on the fact that through this political strategy devised around partisanship, entering a compromise became a political lia-

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[384] Gordon interview.
[385] Obama, *Audacity*, 32–3.
[386] Obama, *Audacity*, 33.

bility. Obama sees the Democratic Party as less intransigent and ideologically more diverse. He describes it as follows:

> Of course, there are those within the Democratic Party who tend toward similar zealotry. But those who do never come close to possessing the power of a Rove or a DeLay, the power to take over the party, fill it with loyalists, and enshrine some of their more radical ideas into law, the prevalence of regional, ethnic, and economic differences within the party, the electoral map and the structure of the Senate, the need to raise money from economic elites to finance elections—all these things tend to prevent those Democrats in office from straying too far from the center. In fact, I know very few elected Democrats who neatly fit the liberal caricature; last I checked, John Kerry believes in maintaining the superiority of the US military, Hillary Clinton believes in the virtues of capitalism, and just about every member of the Congressional Black Caucus believes Jesus Christ died for his or her sins.[387]

Obama's description of the Democratic Party insists on the fact that he judges Republicans' depiction of Democrats as a gross oversimplification. In addition, it is a fact that the Democratic Party is more ideologically diverse than the Republican Party, comprising conservatives, moderates, progressives, and liberals. For example, Democratic Michigan Representative Bart Stupak jeopardized the health care reform because he insisted that an amendment be added, preventing federal subsidies from being used to pay for abortions.[388]

Yet, Obama is also adamant about how the political game of polarization and unyielding partisanship has hurt the Democratic Party and played in favor of the Republicans. He describes the simple and relentless defense of the existing welfare state as "exhausted, a constant game of defense" and he criticizes a simplistic centrist approach as losing to Republicans: "Others pursue a more 'centrist' approach, figuring that so long as they split the difference with the conservative leadership, they must be acting reasonably—and failing to notice that with each passing year they are giving up more and more ground."[389] Smith had already highlighted that Republicans had taken extreme "anti" positions on most of the central liberal issues, meaning that any attempt to reach out to Republicans, who defend an all or nothing position, means giving up significant ground on the liberal side, unless Democrats are ready to appear just as uncompromising as Republicans.

2.5.1. Polarization and Partisanship in the Obama Era

> *I would say this is one of the reasons the parties had no success in working together on health policy; it's just too good an issue to use politically to beat the other party in the election.*[390]

Earl Pomeroy

If anything, polarization and partisanship have even increased since Clinton's terms. This became obvious during the 2008 presidential campaign. According to political scientists Kate Kenski, Bruce W. Hardy, and Kathleen Hall Jamieson "the most frequently aired attacks" during the 2008 campaign were accusations of Obama

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[387] Obama, *Audacity*, 38.
[388] See for example, Jodi Kantor, "Abortion Foe Defies Party on Health Care Bill," *New York Times*, January 6, 2010, http://www.nytimes.com/2010/01/07/us/politics/07stupak.html.
[389] Obama, *Audacity*, 38–39.
[390] Pomeroy interview.

being a "tax-and-spend liberal." Republican candidate McCain insisted that Obama's liberal agenda would worsen the economy and be detrimental to the middle class.[391] By insisting on these themes, McCain drew on classical themes of conservative rhetoric going back to Reagan.

The stark partisanship was expressed for example, through a dinner, organized by Republican party strategist Frank Luntz, which gathered GOP officials such as Representative Eric Cantor (R-VA) and former House speaker Newt Gingrich, or Paul Ryan (R-WI), as well as, for example, Senators Jim DeMint (R-SC), Jon Kyl (R-AZ), or Tom Coburn (R-OK). In a 2013 interview with PBS Luntz claimed that, contrary to what Democrats had said, the dinner was not about devising a strategy to block and thwart everything Obama might do during his presidency. According to Luntz the three hour debate focused on how the GOP could be relevant after this terrible defeat. However, Luntz said that the GOP officials left the dinner with the idea of "creat[ing] an alternative budget, and alternative approach to the size and scope of Washington; that they could communicate an alternative point of view."[392] Republicans' attitudes in the years to follow give little credibility to these claims.

Political scientists Sidney Milkis, Jesse Rhodes, and Emily Charnock analyzed Obama's stance on partisan politics. According to them, Obama walked a fine line between post-partisanship and partisan politics, each appealing to different parts of his voter base. They contend that some of Obama's political difficulties stemmed from this ambivalent approach. According to them, the extremely strong partisan polarization quickly made Obama realize that he had to adopt, to a certain extent, partisan leadership strategies in order to fulfill his party's political agenda.[393]

Despite Obama's outspoken wishes, there was virtually no bipartisan collaboration on the Affordable Care Act. The Democratic majority in both the House and the Senate was slightly large enough to be able to tackle the health reform on their own. The Democrats had a solid majority in the House with 257 seats out of 435, but in the Senate they had, though a historic majority, just the 60 seats for filibuster-proof majority, with 2 independents participating in the Democratic majority. Then the death of Massachusetts' Senator Edward Moore "Ted" Kennedy, on August 25, 2009, changed the balance, because a Republican, Scott Brown, was elected to replace him. In the Senate, there was a minimum of bipartisanship, with 4 Republicans participating: Chuck Grassley from Iowa, Olympia Snowe from Maine, Orrin Hatch from Utah (who left the group early), and Mike Enzi from Wyoming. Along with Max Baucus (D-MT) chairman of the Senate Finance Committee, Jeff Bingaman (D-NM), and Kent Conrad (D-ND), they formed the Gang of Six (after Hatch left) that came up with the final Senate bill that was supposed to represent an acceptable compromise. Both Bingaman and Conrad retired in 2011 instead of running for a new election.

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[391] John Harwood, "Don't Dare Call the Health Law 'Redistribution,'" *New York Times*, November 23, 2013, http://www.nytimes.com/2013/11/24/us/dont-dare-call-the-health-law-redistribution.html; Kate Kenski, Bruce W. Hardy, and Kathleen Hall Jamieson, *The Obama Victory: How Media, Money, and Message Shaped the 2008 Election* (Oxford: Oxford University Press, 2010), 27.

[392] Azmat Khan, "Frank Luntz: How the '21st-Century Republicans' Changed Washington," *PBS*, February 12, 2013, www.pbs.org/wgbh/frontline/article/frank-luntz-how-the-21st-century-repubicans-changed-washington/.

[393] Sidney Milkis, Jesse Rhodes, and Emily Charnock, "What Happened to Post-Partisanship? Barack Obama and the New American Party System," *Perspectives on Politics* 10, no. 1 (2012): 57–58.

However, despite their collaboration, they all voted 'no' on both the ACA and the Health Care and Education Reconciliation Act (although Olympia Snowe voted for the bill to get it out of committee).

Democratic Representative John F. Tierney, who represented Massachusetts' 6th congressional district from 1997 to 2015, regretted in an interview that the House Republicans refused to participate, despite continuous invitations to do so. In his committee, the Committee on Education and Labor, one of the 3 House Committees with jurisdiction over health care, the Republicans refused to work with the Democrats. Tierney said the Democrats tried but they encountered a total refusal from Republicans, who did not even make recommendations, even though the Republicans said they wanted something different. According to Tierney, health care reform became a "crazy conversation," moving away from the issue of the health care system and what to do about it. It was reduced to a purely "political" conversation. He saw that Republicans only focused on the overreach of government, and went as far as to say that he thought it was "apparently personal against the president".[394] Representative Gordon confirmed the absolute refusal of Republicans to collaborate in the Committee on Energy and Commerce. Democratic Representative Robert E. Andrews, who represented New Jersey's 1st congressional district from 1990 to 2014, and who was a member of the subcommittee on Health, Employment, Labor, and Pensions, had this to say about efforts at bipartisanship in the health reform:

> Republicans really never attempted to compromise on this bill. One of their arguments after the bill was passed was that they were excluded from the writing of the bill, and, you know, it was forced on them. And that is not true. What is true, is that Republicans reached a point of philosophical disagreement with the Democrats on one central question. And that central question was: Was it our goal to try to cover every American? [...] But when you get to the point when you talk about covering everyone, a lot of Republicans said that's something they wanted to do. That that was a goal they aspired to. [...]So, I was in a lot of discussions with Republicans who said that they were ready to embrace the goal of getting everyone covered, but when you had specific discussion of how to do that, requiring employers to provide coverage, or requiring employees to buy it, or having the government extend taxpayer-funded programs, they didn't want any of those three. But when you say, what would you do instead? they really never had a plausible answer. [...] so I'm disappointed that the Republicans did not meaningfully participate in the process of writing this bill. They were given ample opportunity to do so.[395]

Andrews highlighted the Republicans' unwillingness to collaborate on two essential points: none of the solutions that were offered found Republican approval, even the individual mandate, which originally was a conservative idea, nor did they offer solutions or make proposals that could be considered by Democrats. This is perfectly consistent with the kind of political game initiated by Gingrich that consists in opposing everything coming from the other party in an attempt to make it look bad. The aim is not to find a solution that works for a pressing problem, but to defeat the other party.

Bruce Braley, the Democratic Representative for Iowa's 1st congressional district from 2007 to 2015, lamented the way in which the legislative process of the ACA was criticized:

> That's one of the other frustrating things about the attacks from the Tea Party and conservative Republicans.... I think you would be hard pressed to find a piece of legislation that had more hearings before it was passed, that had more markups, that had more

[394] Tierney interview.
[395] Andrews interview.

> lengthy debates than the ACA, and yet all you heard about was the fact that it was passed in the middle of the night when nothing could have been further from the truth.[396]

He described his perception of bipartisan efforts:

> They were abysmal. It was clear from the beginning that because of the statement made by Senator McConnell that his number one goal was to make Obama a one-term president that there would be no cooperation with Republicans on actually shaping the bill other than attempting to destroy it. [...] So, yeah, there was no legitimate bipartisan effort and that is regrettable, because I think that the bill would have been much more accepted by the American people, if Republicans had come to the table and tried to help shape the bill. We wouldn't have spent the last four years wasting so much time and energy trying to prevent the repeal of the ACA and the country would be much better off.

Braley especially insisted on the negative consequences for the country that result from the lack of bipartisanship. He deplored the energy that is necessary for the defense of a much needed reform, which is attacked because of partisanship. It must be added that the McConnell statement Braley refers to was made during an interview on October 29, 2010. Both the *Washington Post* and *PolitiFact* denounced the Democratic narrative of the events, which situated the statement far earlier in time than it had actually been made and which took it out of the context of the interview. McConnell had meant this in the context of the mid-term elections with the view of the Republicans regaining the presidency later. Moreover, *PolitiFact* pointed to McConnell's outreach when he said that: "If President Obama does a Clintonian backflip, if he's willing to meet us halfway on some of the biggest issues, it's not inappropriate for us to do business with him."[397] However, the common-ground outreach in the health care reform was so strong that many progressives were disappointed, so that it is difficult to argue that Democrats did not try to find an acceptable solution. Moreover, the "Clintonian backflip," based on the reform of AFDC into TANF, can be understood as consisting basically in abandoning any Democratic idea and enacting a conservative Republican reform, which can hardly be called bipartisanship.

Earl Pomeroy is equally harsh in his assessment of the Republicans regarding bipartisan efforts in the health reform process, but he is also very harsh in his assessment of Democratic outreach. In his opinion, Democrats did not try to achieve bipartisanship all that hard. He insists on the fact that in many committee meetings Republicans were not invited in:

> You know, earlier I mentioned the endless meetings of Democrats on the Ways and Means Committee. It was Democrats only. Republicans were not invited in. It was a very... there were very few hearings held, and basically any open process on a bipartisan basis in the Ways and Means Committee was only for show. There was no substantive bipartisan participation in health reform in the House at all.[398]

Besides denouncing the closed aspect of the health care bill negotiations, Pomeroy made a similarly harsh assessment of the only open display of bipartisanship in the Senate, which he considered being mostly for show to prove their good will:

> The only effort made was a Committee of six, working in the Senate Finance Committee, called the Gang of Six [...] Even now, I think that even that process was one where the bipartisan character was somewhat for show. I don't think the Republicans were serious.

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[396] Braley interview.

[397] Quoted in Robert Farley, "President Obama Claims McConnell Says His Main Goal Is for GOP to Regain the White House," *PolitiFact*, October 30, 2010, http://www.politifact.com/truth-o-meter/statements/2010/oct/30/barack-obama/president-barack-obama-claims-mitch-mcconnell-says/.

[398] Pomeroy interview.

> I think that even though they had been invited in, they dragged out the process, they slowed the whole bill. [...] So, I don't think that in the end any one of them [Pomeroy mentioned Enzi and Grassley by name] had a serious prospect of being for it. Other Republicans of more moderate nature, like Olympia Snowe, was one that made demands throughout the process, I really like Olympia Snowe by the way, but in the end she did not vote for it, and I don't know whether she was ever very seriously evaluating voting for it. I do know this, the politics turned so hard against that any Republican supporting it or seen as even having their fingerprints on it in any way, would have been defeated within their own political party. And I think this applies to 100% of the Republicans in the Senate, and probably most of them in the House.[399]

Pomeroy's comment also puts forward the difficulty for Republicans who want to cooperate on a more bipartisan basis. The party leadership discourages this, just as it did during Clinton's health reform attempt. Again, Smith traces this back to Newt Gingrich, when he purged RINOs (Republicans In Name Only), meaning that more moderate Republicans were gotten rid of to sharpen polarization, unless they moved further to the right, as it was the case for Orrin Hatch or Richard Luger. *Washington Post* columnist Dana Milbank even spoke of "ideological cleansing."[400] This attitude does not belong to the past. Pomeroy deplored Republican attacks against Olympia Snowe, the unwillingness of Republicans to find a solution to one of the country's most pressing problems, as well as the Republicans' focus on political damage:

> Olympia Snowe paid the political price simply for expressing open-mindedness. You know, in the end she voted against it, but just even appearing to be open-minded and entertaining thoughts about some of these ideas was un... was hugely politically unpopular with Republicans. You had to be basically saying, 'this is the worst thing we've ever seen, this is the work of the devil himself,' or you weren't accepted in the Party line. So, it brought out the worst in both parties. Democrats did not reach out meaningfully. We wanted to drag a Republican or two in, so we could claim it was bipartisan, but basically we did not reach out to the other side. Now, the other side also made it clear, right from the beginning, they weren't going to play, they almost double-dared us to do this, and there was much more interest in the political damage that they could inflict on the Party, than try to make the bill acceptable by any goals they had for health reform.

After being criticized for her modicum of collaboration on the ACA, Olympia Snowe decided not to run again. On March 2, 2012 she published a text in the *Washington Post* explaining her reasons for leaving the Senate after 17 years in office. In this document, she renewed her commitment to bipartisanship: "Two truths are all too often overshadowed in today's political discourse: Public service is a most honorable pursuit, and so is bipartisanship."[401] She grounded her decision in the political turn that the Senate had taken, far from the principles that the Founding Fathers thought should guide it. She regretted that the Senate is not working anymore as the tool of moderation and compromise that it should be: "Some people were surprised by my conclusion, yet I have spoken on the floor of the Senate for years about the dysfunction and political polarization in the institution. Simply put, the Senate is not living up to what the Founding Fathers envisioned." Snowe also denounced the harmful effects of this attitude on political results and the outcomes for the country, and she called out for change:

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[399] Pomeroy interview.

[400] Smith, *Who Stole the American Dream?*, 340, 351.

[401] Olympia J. Snowe, "Olympia Snowe: Why I'm Leaving the Senate," *The Washington Post*, March 1, 2012,   https://www.washingtonpost.com/opinions/olympia-snowe-why-im-leaving-the-senate/2012/03/01/gIQApGYZlR_story.html.

> The great challenge is to create a system that gives our elected officials reasons to look past their differences and find common ground if their initial party positions fail to garner sufficient support. In a politically diverse nation, only by finding that common ground can we achieve results for the common good. That is not happening today and, frankly, I do not see it happening in the near future.[402]

2.5.2. "So You Kind of Hit That Ideological Wall:"[403] Obama on Bipartisanship

Obama always strongly believed in bipartisanship. This stems from a true conviction that bipartisanship offers stronger and better solutions for the country and he seems genuinely convinced about it. In *The Audacity of Hope*, Obama devotes the first chapter, entitled "Republicans and Democrats," to bipartisanship and the importance of finding feasible and efficient solutions together to address the country's needs. In this chapter, Obama explains how he perceives the attitude and tactics of the Republican Party, and insists on their sharp and uncompromising partisanship. He applauds Clinton's Third Way, the attempt to find a working basis with the Republicans:

> It was Bill Clinton's singular contribution that he tried to transcend this ideological deadlock, recognizing not only that what had come to be meant by the labels of "conservative" and "liberal" played to Republican advantage, but that the categories were inadequate to address the problems we faced. [...] Still, he instinctively understood the falseness of the choices being presented to the American people. He saw that government spending and regulation could, if properly designed, serve as vital ingredients and not inhibitors to economic growth, and how markets and fiscal discipline could help promote social justice. [...] In his platform—if not always in his day-to-day politics—Clinton's Third Way went beyond splitting the difference. It tapped into the pragmatic, nonideological attitude of the majority of Americans.[404]

Obama especially insisted on the fact that the bipartisan approach attempted by Clinton who tried to build solutions including ideas from both sides, is what corresponds best to what Americans want and how they approach policy. Moreover, Obama pointed out that some of the changes Clinton made were vital for the Democratic Party in order to win majorities again: "Politically, he [Clinton] had wrung out of the Democratic Party some of the excesses that had kept it from winning elections."[405] This also translated into Obama's own more moderate stance and willingness to find a middle ground. In Obama's opinion Clinton's failure to achieve health care reform and a broader government coalition was not due to Clinton's lack of effort or willingness to move toward the center, but was rather due to that fact that Clinton's approach threatened the Republican strategy of polarization and partisanship:

> And they understood the threat Clinton posed to their vision of a long-term conservative majority, which helps explain the vehemence with which they went after him. It also explains why they invested so much time attacking Clinton's morality, for if Clinton's policies were hardly radical, his biography (the draft letter saga, the marijuana puffing, the

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[402] Snowe.

[403] Chait, "Barack Obama on 5 Days That Shaped His Presidency."

[404] Obama, *Audacity*, 34.

[405] Obama, *Audacity*, 35.

> Ivy League intellectualism, the professional wife who didn't bake cookies, and most of all the sex) proved perfect grist for the conservative base.[406]

Despite this clear insight into the problems and the threat Clinton's attitude posed, Obama remained deeply convinced about the need to find a common ground. His motivation was not only political, but also founded on the wish to find the best solution. The partisan approach of examining a policy solely on the grounds of what the party's ideological precepts on the question are, is contrary to his own more matter-of-fact, pragmatic approach of focusing simply on what works:

> But our history should give us confidence that we don't have to choose between an oppressive, government-run economy and a chaotic and unforgiving capitalism. It tells us that we can emerge from great economic upheavals stronger, not weaker. Like those who came before us, we should be asking ourselves what mix of policies will lead to a dynamic free market and widespread economic security, entrepreneurial innovation and upward mobility. And we can be guided throughout by Lincoln's simple maxim: that we will do collectively, through our government, only those things that we cannot do as well or at all individually and privately.
>
> In other words, we should be guided by what works.[407]

Obama clearly states that he does not want to take an intransigent stance between the two classical antagonistic positions defended by liberals on one side and conservatives on the other. He asserts that he wished to search for solutions that allow accommodating the ideas of both parties, that he does not view them as necessarily excluding one another. The reference to Lincoln is not only interesting because it allows the defense of a reasonable role for government, but also because Lincoln is one of the most loved and admired American presidents and the first Republican president. It is most of all a reminder for the Republicans that being a Republican does not have to mean being opposed to any government intervention at all.

Because of these deep convictions, despite his early insights into the state of bipartisanship in Washington, and despite the example of Clinton's failure to achieve health care reform, Obama called for bipartisanship on the health care reform. In 2009, Obama addressed a Joint Session of Congress on the matter of health care. He said:

> Now, this is the plan I'm proposing. It's a plan that incorporates ideas from many of the people in this room tonight—Democrats and Republicans. And I will continue to seek common ground in the weeks ahead. If you come to me with a serious set of proposals, I will be there to listen. My door is always open.[408]

Obama clearly stated that he wanted to find a compromise acceptable for everyone. But this call for bipartisanship was not based on illusions. In the same address, Obama denounced the partisan confrontation over the health care reform:

> But what we've also seen in these last months is the same partisan spectacle that only hardens the disdain many Americans have towards their own government. Instead of

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[406] Obama, *Audacity*, 35.

[407] Obama, *Audacity*, 158–9; The exact phrasing of Lincoln was: "The legitimate object of government, is to do for a community of people, whatever they need to have done, but can not do, *at all*, or can not, *so well do*, for themselves—in their separate, and individual capacities." Gabor S. Boritt *et al.*, *Of the People, by the People, for the People* (New York: Columbia University Press, 1996), 60. Obama expressed this idea repeatedly, for example in his 2009 Inaugural Address.

[408] Barack Obama, "Remarks by the President on Health Insurance Reform," (Eisenhower Executive Office Building, Washington DC, September 10, 2009), https://www.whitehouse.gov/the-press-office/remarks-president-health-insurance-reform.

> honest debate, we've seen scare tactics. Some have dug into unyielding ideological camps that offer no hope of compromise. Too many have used this as an opportunity to score short-term political points, even if it robs the country of our opportunity to solve a long-term challenge. And out of this blizzard of charges and counter-charges, confusion has reigned.
>
> Well, the time for bickering is over. The time for games has passed. (Applause.) Now is the season for action. Now is when we must bring the best ideas of both parties together, and show the American people that we can still do what we were sent here to do. Now is the time to deliver on health care. Now is the time to deliver on health care.[409]

It could be argued that he tried for too long. Representative Gordon comments on Obama's efforts to achieve bipartisanship over health care reform as follows:

> Well, I think he did [make huge efforts to reach out]. He was, I'm afraid, a bit naïve at that time, thinking that there could be bipartisanship. He never received it, and still hasn't. So, and I think that he wasted some of his time in the presidency… you know, again, it's a good instinct, I'm glad that he tried, but it was an effort that wasn't going to be successful.[410]

Gordon's comment illustrates the problem: the wish, the hope that business in Washington could once again be conducted in a different manner, but also the complete resignation regarding the current situation. Most importantly, in Gordon's eyes, the attempt to achieve bipartisanship was detrimental to the Democrats in the end: they made concessions, they invested time in this, but got absolutely nothing in return.

At the end of his second term as president, Obama had not changed his opinion on the ideological deadlock. In a 2016 interview he describes at length a typical policy discussion with Republicans:

> Look, typically what would happen, certainly at the outset, it would be that I would say, "We've got a big problem: We're losing 800,000 jobs a month. Every economist I've talked to, including Republican economists, thinks that we need to do a big stimulus, and I'm willing to work with you to figure out how this package looks." And typically, what you'd get would be, "Well, Mr. President, I'm not sure that this big spending approach is the right one, and families are tightening their belts right now, and I don't hear a lot of my constituents saying that they want a bunch of big bureaucracies taking their hard-earned tax money and wasting it on a bunch of make-work projects around the country. So we think that government's got to do that same thing that families do." So you kind of hit that ideological wall. I'm sure that after about four or five of those sessions, at some point, I might say, "Look, guys, we have a history here dating back to the Great Depression," and I might at that point try to introduce some strong policy arguments. What I can say unequivocally is that there has never been a time in which I did not say, "Look, you tell me how you want to do this. Give me a sense of how you want to approach it." And I think consistently there's been resistance—and you don't have to take my word for it. You can look at the public record, for example with respect to the alternative to Obamacare that we're still waiting on seven years later.[411]

Obama's perception and summarized rendering of Republican opposition to his proposals highlight several elements. He saw his proposals refused as "big spending" projects, as bureaucratic, and as a waste of "hard-earned tax money" on derided policies. This shows that Obama is very sensitive to the discourse around the backlash against social policies and government intervention. Moreover, Obama insisted on the fact that he tried to convince them by highlighting the efficiency of the Roosevelt policies that helped overcome the Great Depression, and which had enjoyed a certain

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[409] Obama, "Remarks by the President on Health Insurance Reform."
[410] Gordon interview.
[411] Chait, "Barack Obama on 5 Days That Shaped His Presidency."

consensus for a brief period.[412] However, as has been shown above, in the polarized context the rejection of a bill is not grounded on the objective quality and effectiveness of the bill, but it is rather motivated by political calculus. Regarding health care reform, Republicans renewed their intransigence after the passage of the act, first verbally, then by concrete attacks in the form of the Supreme Court lawsuits that challenged the ACA's constitutionality or specific provisions. Before that, House Leader John Boehner had said in a radio interview with Sean Hannity on October 27, 2010 that "this is not a time for compromise... We're going to do everything—and I mean everything—we can do, to kill it, to stop it, to slow it down."[413] These words are very far from any proposal of trying to find a common solution to improve an admittedly not ideal reform.

In an interview in 2016 Obama explained that, when he took office, he thought that the context of crisis, which had begun under a Republican administration, would constitute a motivational force for Republicans to cooperate. His deep conviction may explain why he tried to achieve bipartisanship for so long, despite the obvious unwillingness of the other side to cooperate. In the same interview, Obama revisited the Democrats' first interaction with Republicans on the stimulus bill, which Republican minority leader John Boehner publicly rejected even before the Democrats had exposed it:

> And I think we realized at that point what proved to be the case in that first year and that second year was a calculation based on what turned out to be pretty smart politics but really bad for the country: If they cooperated with me, then that would validate our efforts. If they were able to maintain uniform opposition to whatever I proposed, that would send a signal to the public of gridlock, dysfunction, and that would help them win seats in the midterms. It was that second strategy that they pursued with great discipline. It established the dynamic for not just my presidency but for a much sharper party-line approach to managing both the House and the Senate that I think is going to have consequences for years to come. [414]

Obama highlights the continuity of the Republican scorched-earth tactic that exclusively aims at short-term political gains, which even the context of an economic crisis and the onset of the Great Recession could not deflect. In a 2016 article published in the *Journal of the American Medical Association*, Obama denounced "hyperpartisanship" regarding the health care reform: "Republicans reversed course and rejected their own ideas once they appeared in the text of a bill that I supported." The wording makes it quite clear that Obama believes that the problem was that he championed the bill, not that Republicans might have changed their opinion about the efficiency of the proposed measures. Among the examples, he quoted the individual mandate, but also the public plan fallback, a measure that Republicans had introduced in the 2003 Medicare reform, and the employer mandate they had supported in 2007 in California. He also insisted on the fact that Republicans tried to undermine the implementation of the ACA provisions whenever possible.[415]

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[412] Obama's discourse regarding the defense of government intervention and social policies will be detailed in 3.4.7. "Keep Your Government Hands out of my Medicare"—"Sir, Medicare is a Government Program:" Obama on the Role of Government.

[413] Quoted in Farley, "President Obama Claims McConnell Says His Main Goal Is for GOP to Regain the White House."

[414] Chait, "Barack Obama on 5 Days That Shaped His Presidency."

[415] Barack Obama, "United States Health Care Reform: Progress to Date and Next Steps," *Journal of the American Medical Association* 316, no. 5 (August 2, 2016): 530.

Already in 2011, the White House had launched the 'We Can't Wait' Campaign that introduced a new series of executive actions that the President was planning to boost the economy. Among the aims of the campaign was to pressure Congress into passing the *American Jobs Act*. This was aimed at Congressional Republicans who were urged "to put country before party."[416]

The government shutdown of 2013 over the budget vote, which was nothing else than a badly disguised blackmailing attempt at repealing the ACA, marked another level for Obama. He then became more vocal about Congress's refusal to cooperate. Although the shutdown also revealed some divisions within the Republican Party, as the shutdown was driven by a rather small group of up to 40 hardliners,[417] the overall intransigent attitude of the GOP did not change afterwards. In his 2014 State of the Union Address, he repeated his readiness to work on a bipartisan basis, but also clearly said that he would go forward without Congress, if need be:

> But what I offer tonight is a set of concrete, practical proposals to speed up growth, strengthen the middle class and build new ladders of opportunity into the middle class. Some require congressional action, and I'm eager to work with all of you. But America does not stand still, and neither will I. (Applause.) So wherever and whenever I can take steps without legislation to expand opportunity for more American families, that's what I'm going to do. (Cheers, applause.)[418]

In the 2014 SOTU, Obama openly discussed the issue of minimum wage, one of the issues of major importance that Congress had not acted upon. He clearly denounced Congress's lack of action and he stated his willingness to work around Congress through the use of executive orders:

> To every mayor, governor, state legislator in America, I say, you don't have to wait for Congress to act; Americans will support you if you take this on. And as a chief executive, I intend to lead by example. Profitable corporations like Costco see higher wages as the smart way to boost productivity and reduce turnover. We should too. In the coming weeks I will issue an executive order requiring federal contractors to pay their federally-funded employees a fair wage of at least $10.10 an hour because if you cook -- (cheers, applause) -- our troops' meals or wash their dishes, you should not have to live in poverty. (Sustained applause.)[419]

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[416] Dan Pfeiffer, "We Can't Wait," *The White House*, October 24, 2011, https://obamawhitehouse.archives.gov/blog/2011/10/24/we-cant-wait. The American Jobs Act was designed to help small business, encourage new hiring, prevent hundred thousands of layoff in public service, modernize public schools, invest in infrastructure, design no pathways back to work, cuts in payroll taxes for working Americans. The Act was never passed.

[417] Svati Kirsten Narula, Ryan Jacobs, and Judith Ohikuare, "32 Republicans Who Caused the Government Shutdown," *The Atlantic*, October 4, 2013, https://www.theatlantic.com/politics/archive72013/10/32-republicans-who-caused-the-government-shutdown-/280236.

[418] Barack Obama, "State of the Union Address" (Congress, Washington DC, January 28, 2014).

[419] Obama, "SOTU 2014."

Obama's use of executive orders did not increase after this announcement, it even slightly decreased.[420] Yet, his statements have been used to accuse him of governing by executive order. Of course, the problem clearly resides in the manner the executive orders are used, more so than in the number. Many E.O.s have nearly no impact and are completely within the range of the power that a president should exercise. For example, in April 2016, Obama signed an E.O. to allow the change of the logo of the Peace Corps,[421] which has hardly any political impact. Others have more far-reaching consequences, such as for example E.O. 13544 (June 10, 2010) that established the National Prevention, Health Promotion, and Public Health Council, E.O. 13548 (July 26, 2010) that increased the federal employment of individuals with disabilities, E.O. 13555 (October 19, 2010) that created the White House Initiative on Educational excellence for Hispanics, or the much-discussed E.O. 13658 that increased the minimum wage of $10.10 per hour paid to the employees of federal contractors and established this minimum wage also for federal subcontractors.[422] Additionally, Obama used presidential memoranda to exercise executive action. During his two terms, Obama issued 332 memoranda, some pertaining to far-reaching points.[423]

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[420] Obama has been accused of governing by executive orders by the opposition (see for example: John Pudner, "An Executive Order on Transparency Conservatives Could Support," *The Washington Times*, July 26, 2016, http://www.washingtontimes.com/news/2016/feb/15/john-pudner-executive-order-transparency-conservat/); This is a gross exaggeration. During his two terms in office, Obama has issued 276 executive orders (average of 35/year) compared with 291 (36/year) for George W. Bush, 364 (46/year) for Clinton, 381 (48/year) for Reagan. The president who issued the most executive orders, so far, is FDR with a total of 3,721 (307/year), closely followed by president Woodrow Wilson with 1,803 (225/year). Gerhard Peters and John T. Woolley, "Executive Orders" (The American Presidency Project, June 20, 2017), http://www.presidency.ucsb.edu/data/orders.php; The yearly number of E.O.s issued by Obama went down from 39 in 2009 to 20 in 2013, 31 in 2014, 29 in 2015, and 17 as of July 20, 2016. Archives.gov, Federal Register, "Administration of Barack Obama (2009-Present)" (US National Archives and Records Administration, July 20, 2016), http://www.archives.gov/federal-register/executive-orders/obama.html.

[421] Barack Obama, "Executive Order—Amending Executive Order 12137," *Whitehouse.gov*, April 8, 2016, https://obamawhitehouse.archives.gov/the-press-office/2016/04/08/executive-order-amending-executive-order-12137.

[422] "Executive Order 13658," 2014, http://www.presidencyproject.ucsb.edu/ws/index.php?pid=104737. Moreover, this minimum wage is to increase with the Consumer Price Index for Urban Wage Earners and Clerical Workers, meaning that the hourly wage will adjust with purchasing power and inflation.

[423] John T. Woolley and Gerhard Peters, "Memoranda," *The Presidency Project*, 2017, www.presidency.ucsb.edu/ws/index.php; The highest use of memoranda was made by Bill Clinton with 346 memoranda issued over his two terms (average of 43/year). The use of memoranda started to increase sharply under Carter (it more than doubled compared to the previously highest use made by Johnson). Some of these memoranda pertained to SCHIP (State Children's Health Insurance Program) in 2009, to Federal Benefits and Non-Discrimination, to the establishment of a Task Force on Childhood Obesity (2010), to the establishing of an Interagency Task Force on Federal Contracting Opportunities for Small Businesses (2010), to the extension of benefits to same-sex domestic partners of federal employees, or to engaging in public health research on the causes and prevention of gun violence (2013), to cite just a few examples.

Without an in-depth qualitative and comparative analysis, which would assess the policy scope of all the E.O.s and memoranda issued by the various presidents, it is difficult to make a sweeping assessment of whether or not Obama governed by Executive Order, but the major problem was that Obama clearly stated that he would use E.O.s to circumvent Congress after they had shown their complete refusal to cooperate. In the 2016 interview, Obama explained that in his opinion the base of the Republican Party, strongly opposed to any cooperation, dominated the decisions of Republican leadership:

> It might not have been representative of Republicans across the country, but it meant that John Boehner or Mitch McConnell had to worry about that mood inside their party that felt that, *No, we shouldn't cooperate with Obama, we shouldn't cooperate with Democrats*; that it represents compromise, weakness, and that the broader character of America is at stake, regardless of whatever policy arguments might be made. As a consequence, there were times that I would meet with Mitch McConnell and he would say to me very bluntly, "Look, I'm doing you a favor if I do any deal with you, so it should be entirely on my terms because it hurts me just being seen photographed with you."[424]

In the same interview Obama appears completely disillusioned about Republican cooperation on health care reform:

> During the health-care debate, you know, there was a point in time where, after having had multiple negotiations with [Iowa senator Chuck] Grassley, who was the ranking member alongside my current Chinese ambassador, [Max] Baucus, in exasperation I finally just said to Grassley, "Is there any form of health-care reform that you can support?" and he shrugged and looked a little sheepish and said, "Probably not."[425]

2.5.3. A Fragile Majority

> *The likelihood of being able to do something of this magnitude in the future was very uncertain, and that's why we, uhm, agreed to swallow our concerns and go to try to get the best deal we could.*[426]
> Bruce Braley

The political context of the 2010 midterm election campaign and the beginning of the unsettling of public opinion, greatly fuelled by the prominence of the small but

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Kenneth S. Lowande, "After the Orders: Presidential Memoranda and Unilateral Action," *Presidential Studies Quarterly* 44, no. 4 (2014): 725-6, 731, 738. Lowande argues that memoranda contain important policy content and that they have increasingly been used interchangeably with E.O.s. Just as E.O.s, memoranda constitute essentially orders to administrators. Between 1960 and 2012, the issuing of E.O.s declined, while the use of memoranda increased. Although the use of memoranda for important policy goals is not recent, the scope of the use made by Obama is unprecedented, as for the first time a president issued more memoranda than E.O.s. The use of memoranda is also driven by the fact that the media pay less attention to them and are less challenged. Although the use of both E.O.s and memoranda decrease during a divided government, previous research showed that during a divided government presidents tend to issue more E.O.s with major policy orders, as compared with symbolic or routine orders.

[424] Chait, "Barack Obama on 5 Days That Shaped His Presidency."
[425] Chait, "Barack Obama on 5 Days That Shaped His Presidency."
[426] Braley interview.

vocal Tea Party movement and the opposition from Congressional Republicans, had a significant impact on the Democratic majority. Representatives feared for their reelection if they supported the health care reform. The 257 seats majority included people who had been elected in split districts and many freshmen, representatives only recently elected to Congress (2006 and 2008). As many as 49 Democrats came from split districts, meaning districts with a Democratic representative but which had voted for the Republican presidential candidate, indicating the more conservative orientation of those districts. The fact that they were elected in a split district had a noticeable impact on their voting record. Political scientist Jeffrey M. Stonecash analyzed their votes on the two major redistributive policies at the beginning of the 111th Congress: the stimulus bill[427] and the health care reform. 83.8% of the 39 splitters who ran for reelection in 2010 had voted yea on the stimulus, but only 42.1% cast their yea for health care. In comparison, 96% of the non-split Democrats voted for both bills. The apprehension of the splitters was justified: only 30.8% of them were reelected. From the two bills, the stimulus vote had the lighter impact on the split candidates (the percentage difference of reelection between the candidates who voted no on both bills and those who voted for the stimulus was only 1.2 percentage points). Only two of the 16 yea-voters for health care were reelected. From those who voted yes on both bills, only one won reelection. Among the 2008 freshmen elected in split-districts who voted for both bills none was reelected.[428]

Representative Pomeroy stressed the sacrifice all Congressional freshmen (not only those from split districts) made for the health reform:

> In 2006 we elected 30 freshmen. In 2008 we elected 30 more. Giving us this governing majority in the House that we hadn't had in many years. A lot of those people had... and I'm using 30 roughly, a lot of these people had taken districts long held by Republicans and they were conservative districts. So we asked the people that had come to Congress to fulfill their life dream to get here, to basically get on the line... After we were all defeated, I told them like, you were very efficient, you came to Washington, you made a big difference, and now you can go on with your life. Took me 18 years to make a difference like this, and that is some of what I felt, although I know that some number of them were really heartbroken, you know, that their opportunity of serving in Congress came to such a quick end. When you run for Congress it's not like you preserve plan B. I mean, it's all in. So, you work for maybe a year on a campaign, you're elected, you serve two years, and it's all over. It's a blink of an eye. But on the other hand, three years outside of a normal career leaves these people really floundered to get something else established and some of them still haven't quite got back on their feet from 2010's defeat.[429]

Obama also mentioned these freshmen who sacrificed their seats:

> Right, but to their credit they were not the ones that I had to make the hardest sale to. The toughest sales were the folks who were least at risk. Or I won't say least at risk, because, for example, the black caucus was there, and the Latino caucus and the progressive caucus. But a lot of times it was these young guys who had the most to lose, had the

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[427] The *American Recovery and Reinvestment Act* of 2009. The ARRA was designed to jumpstart the economy during the Great Recession through government investment in infrastructure, health, and education. Moreover, the ARRA extended certain social programs, such as SNAP (formerly food stamps) and unemployment benefits, and provided tax relief. In 2011 the CBO estimated the overall spending for ARRA to $831 billion between 2009 and 2019. "Estimated Impact of the American Recovery and Reinvestment Act on Employment and Economic Output from October 2011 Through December 2011" (*Congressional Budget Office*, February 2012), 1.

[428] Jeffrey M. Stonecash, "Democrats in Split-Outcome Districts and the 2010 Elections," *PS: Political Science and Politics* 44, no. 2 (2011): 322–24.

[429] Pomeroy interview.

> toughest races, a guy like Tom Perriello in Virginia, who were the first ones to say, "This is why I wanted to get elected, I want to help people and I think it's the right thing to do." And they almost all lost their seats.[430]

The make-up of the Democratic majority not only had an impact on the vote on the bill, but also shaped its content. The fragile majority in the Senate proved particularly harmful. Because of the threat of a filibuster the more moderate and conservative Democratic senators were paramount. According to Skocpol and Jacobs they prevented a more progressive bill and the public option had to be sacrificed on their demand.[431] Democratic Massachusetts's Representative John F. Tierney (1997-2015) said that the death of Senator Kennedy greatly contributed to this more conservative turn. According to Tierney, with Kennedy alive, the bill would have been much more progressive. In this respect Tierney, who describes himself as very progressive, said that the House bill was much better. He also stressed the impact of the procedure, using the budget reconciliation strategy to avoid a filibuster, which allowed the passing of the bill, but which prevented the House from making amendments on the Senate bill. However, the pressure of time and the fragility of the majority had left no other choice. It was the "Senate bill or no bill at all."[432]

Former Representative Braley expressed a similar opinion and voiced his frustration over the final result. He was particularly upset because he is deeply convinced that the House bill was better in terms of outcomes for the people:

> Well, it was difficult from the standpoint that the version we had passed in the House had provided a public option that would have allowed greater competition for consumers in obtaining more affordable pricings structures for their health care coverage. And those of us who had worked very hard to get that public option included in the House bill were incredibly frustrated when conservatives in the Senate prevented that from being included in the Senate version. But at that point we also knew that we were on the brink of something historic and the likelihood of being able to do something of this magnitude in the future was very uncertain, and that's why we uhm agreed to swallow our concerns and go to try to get the best deal we could.[433]

However, Braley also asserted that the room to maneuver was limited. Past experience had taught them that enacting health care reform was extremely difficult, and a new opportunity might not come soon.

Obama explained very clearly that Kennedy's death nearly put an end to health reform:

> The most important phone call I made after that [Kennedy's death] was to Nancy Pelosi, because the question I posed to her and to Harry Reid was, "Are you guys still game? Because if you guys are still game, we'll find a way. But I can't do it unless Democrats are willing to take what are going to be some tough votes." Now, part of my argument to them was, you've already paid the price politically, it's not as if a failed health-care effort would be helpful in midterm elections, it's better to go ahead and push through and then show that we had gotten something done that was really important to the American people. [...] the truth is that the ACA vote showed that when push came to shove and people had to do something they thought was right, even if it was not going to be helpful to their reelection, the majority of Democrats were willing to do it. And certainly Nancy and Harry were willing to do it. [...] So once Nancy said, "I'm game," then it was really just, at that point, a set of tactical questions: What legislative mechanisms could we use to advance legislation that was 90 to 95 percent done but still had 5 percent of stuff that if

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[430] Chait, "Barack Obama on 5 Days That Shaped His Presidency."
[431] Jacobs and Skocpol 62–63.
[432] Tierney interview.
[433] Braley interview.

> we had gone through a regular process could have been cleaned up but that ultimately was still going to deliver real help to millions of people across the country?[434]

Obama's recounting of the critical events after Kennedy's death highlight an important aspect: the Democratic majority was so fragile, and the passing of the bill was so immediately jeopardized, that the Democrats resorted to using legislative legerdemain to get the ACA passed: the budget reconciliation process. This then avoided the filibuster because the reconciliation process sets a time limit on debate. Hence, in this process, the majority needed to pass legislation is effectively back down to 51 senators. However, since reconciliation is a budget procedure, only matters that have a fiscal impact can be included, and no significant modifications can be made to the text. This limited what could be achieved in the final act, meaning that subsequent regulations would be important for defining the substance of the statute. [435]

Ideological diversity had yet another impact on the bill. Among Democrats, conflicting views are frequent; some people are almost mavericks in their own party on certain points. Michigan Representative Bart Stupak created problems for the bill, even jeopardizing it at moments, because he insisted on strict anti-abortion language in the bill. As the Senate bill was less restrictive on abortion, Stupak asked for an Executive Order banning the use of federal subsidies to pay for abortions as guarantee before voting for the bill.[436] The same stance was defended by Democratic Senator Ben Nelson who was among the Democrats jeopardizing the Senate bill.[437] Stupak managed to rally 39 House members to sign his letter refusing to support the bill if the anti-abortion clause was not included, and about 12 were serious enough about the issue. Although the 111th Congress had a solid Democratic majority of 257 and a simple majority required 218 votes, this majority was rapidly eroded: 30 Democrats were opposed to the health care bill, with or without anti-abortion clauses, bringing the majority down to 227. With these proportions, Stupak had a serious prospect of killing the bill. The situation became more complicated after the passage of the Stupak Amendment when Colorado Representative and chair of the Congressional Pro-Choice Caucus Dana DeGette sent a letter with 41 signatures to Speaker Nancy Pelosi pledging that they would vote against the bill in the final passage if the Stupak amendment were not removed.[438]

The fragility of the Democratic majority because of its ideological diversity was perceived as threatening the reform by Democratic representatives supporting the reform. Representative Andrews described this diversity:

> Well of course, with as diverse a body the House of Representatives is, you have diverse views. On the Affordable Care Act diversity ranges from people who were hostile to the law, who have tried to protest, who have tried to repeal it *multiple* times, to people like myself, who are enthusiastic supporters of it. Now we have people in-between, and we had some Democrats who didn't vote for the bill, they had various reasons, some of them frankly thought that it didn't go far enough, they wanted a single-payer health system like Canada has, others thought it went too far and they didn't want the taxes in the bill to help to pay for the extended coverage, other Democrats felt that it was a politically disadvantageous vote in their district and might cost them their election, and in fact it

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[434] Chait, "Barack Obama on 5 Days That Shaped His Presidency."

[435] Barbara Sinclair, *Unorthodox Lawmaking: New Legislative Processes in the US Congress*, 5th ed. (Washington, DC: Sage CQ Press, 2016), 171, 197.

[436] Jason M. Breslow, "President Obama Signs Executive Order on Abortion," *PBS NewsHour*, April 21, 2015, http://www.pbs.org/newshour/rundown/president-obama-to-sign-executive-order-on-abortion/.

[437] Sinclair 191.

[438] Kirsch 272–75.

> did cost some of them their election. [...] What matters at the end of the day, of course, is that a majority of the House and a sufficient number in the Senate voted for the legislation and it came along.[439]

Former Representative Braley explained that the ideological diversity of the Congressional Democrats had an impact on the bill. This was particularly the case for the Blue Dogs:

> Well, in the early stages it clearly was. A number of them probably could see on the horizon what was about to happen, the emergence of the Tea Party, and a lot of them were concerned about their own reelection, which turned out to be a realistic concern, and so they supported, some of them supported efforts to try to remove the public option from the bill. But, you know, I also saw a lot of those very courageous more conservative Democrats vote for the final bill knowing it could cost them the seat in Congress and for many of them it did.[440]

According to Braley, it was clearly the fear fostered through loud and mediatized protest actions that pushed some Democrats to remain on their more conservative positions. Nonetheless, he highlighted the fact that many sacrificed their career for the final vote.

Obama had similar views to those mentioned above on what could be achieved with their majority and the political constraints. He explained the difficulties linked to their almost filibuster-proof majority in the Senate and the impact on legislative content:

> When I hear people say, for example, that the stimulus should have been bigger, I constantly have to remind people that I had to give Susan Collins; Arlen Specter, who was then a Republican; Ben Nelson; and Joe Lieberman—I had to get those votes to get any stimulus, which meant that the fact that we ended up getting the largest stimulus program in American history was no mean feat. Trying to take it over the trillion-dollar mark was going to be challenging even if it was good policy. Same thing with the public option [for health-care reform]. Even though we had very solid majorities in the House, the ceiling for what we could do was decent, but, with the filibuster, constantly threatened majority in the Senate. That was complicated by the fact that, if you'll recall, [Al] Franken hadn't been seated yet, so that gave us even less room to maneuver.[441]

In the Senate, managing to coax out the 60 dearly needed votes was a problematic undertaking. Conservative Democrats, among them Max Baucus, were disproportionately taken into account and obtained the dropping of the public option, while progressives, like Vermont Senator Bernie Sanders, threatened to kill the bill if it became too conservative.[442] The difficulties in the Senate had of course a negative impact on the mood in the House and the willingness to take political risks on a highly polarized issue. Representative Gordon pointed this out:

> Well, again, you know, it's always difficult in the Senate, but the threat of the filibuster was getting more and more prominent and so that clearly was going to be a difficult problem, which made people in the House not want to have to take a hard vote if it was going to be not passed in the Senate.[443]

Representative Pomeroy put this into perspective and explained the terrible price he paid for his yea-vote on the health care reform, as well as both senators from North Dakota, none of which ran for re-election:

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[439] Andrews interview.

[440] Braley interview.

[441] Chait, "Barack Obama on 5 Days That Shaped His Presidency."

[442] Kirsch 308.

[443] Gordon interview.

> North Dakota had an all-Democratic congressional delegation, even though the state had a long voting history of trending Republican. And so, what they [opposition to health reform] wanted to do was make me pay a terrible price, so that the senators would both know they should not vote for the bill. In the end, both senators voted for the bill, but neither senator stood for reelection, they both retired. And so the ads [anti-health care reform ads] were very effective: they resulted in my defeat, who had not lost an election for 30 years, I was defeated by 10 percentage points in the following fall, and neither senator is serving anymore. In the long run, the political... I think that speaks to kind of a political price that Democrats paid, especially in swing districts, by passing this bill. Now, on the one hand we achieved the most significant domestic policy change from a progressive viewpoint, extending health care to those who need it, that we had been able to achieve in decades, but also paid the worst political price we had paid in decades. [...] There was a lot of very substantive accomplishments with this bill, despite all of its difficulty in the implementation phase, difficulties that continue even while we talk today. But as I look back, who wanted... you know I was basically forced to put my career on the line for this, I feel like it was well worthwhile. That following November we took our worst defeat since 1938. That was a pretty brutal confirmation of what I was talking about.[444]

Representative Gordon was less enthusiastic than Representative Pomeroy about the ACA. Nonetheless he made the choice to vote for it. Gordon also thought that just being a Democratic congressperson after the health care vote was detrimental to reelection prospects and cost Democrats dearly:

> But the fact I would assume, I haven't looked at it, I would assume there were also people that lost who voted against the bill. It was just going, if you were a Democrat that year in a marginal seat, it was very tough. But, so, the health care, the so called health care vote was a part of it, but it was the vote in the bigger sense, not necessarily how you voted, but there was a vote, and that it did pass.

> [...]So I think that it was and that's part of being in public service is, you have to take the risk and you have to take difficult votes and in 1994 there was some similar situations, I took the hard votes and I won by a few hundred votes in the election, but I won, where a lot of people got beat. In retrospective it makes you feel good to take the hard votes and to try to do the right thing.[445]

Starr particularly insisted on the courage the final vote took, especially in light of the dissatisfaction with the bill:

> Political leadership requires different sorts of courage. Sometimes it is the physical courage to face down a hostile mob—and Democratic members of the House of Representatives had to show that fortitude as they walked to the decisive vote on March 21 through right-wing protesters who spat on them. Sometimes it is the courage to put a political career at risk for the sake of deeply held principles; many legislators had to do that as well. And sometimes it is the courage to make a decision when the choices are less than ideal and the prospects for success are uncertain. All those who voted for reform had to make that leap too.[446]

Although one Republican, Representative Joseph Cao from Louisiana's 2nd congressional district, voted yea on the House health care bill (H.R. 3962) thus providing for a 2 voice margin on November 7th, 2009 (220-215), the final vote on health care re-

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[444] Pomeroy interview.

[445] Gordon interview.

[446] Starr, *Remedy and Reaction*, 3.

form which consisted in accepting the Senate bill (H.R. 3590) was a slim 219-212 without a single Republican vote.[447]

2.6. Conclusion

The building of the welfare state and the subsequent attacks against it since show how the issues of race and class intersect. This shows, first, in the fact that the initial welfare state reinforced and exacerbated racial economic differences, thus creating a greater structural overlapping of race and class; second, in the use of social policies to try to alleviate these racial disparities; and finally in the use of race as a dividing factor in a class alliance based on shared economic interests. It is important to keep in mind that the welfare state is under attack precisely because of its efficiency, of its ability to even out inequalities, as demonstrated by the strong (white) middle class that emerged as a result of the New Deal and other post-WWII programs. The class war initiated by the economic power elites in the 1970s quite successfully aimed at turning downward redistribution into upward redistribution as rising inequalities prove. It has been shown that the criticism of programs and their representation is mostly based on a twisted reality. Redistribution is a highly ideological issue because of the nature of social policies and their scope. Thus redistribution divides the parties along polarized lines of race and class, with Republicans having taken over the agenda of the economic power elite. The political strategy devised by the Republican Party has moved the debate toward the right and has created a political gridlock. This stark polarization and uncompromising attitude continued during the Obama presidency. As a result of the uncompromising partisan confrontation and the strong ideological dimension, most of the debate takes place in discourse. The stake is not to give the best account of reality, but to convince others that the advocated ideas are the right ones. A whole discourse has been built around social policies, creating a political context that has to be taken into account in the quest for reform, which also creates political and rhetorical traps that must be avoided at all costs and which Obama tried to either circumvent or to overcome by reworking the political discourse and by painting a different vision of reality in his discourse that favors and legitimizes the creation of social policy.

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[447] John Dingell, "Actions - H.R.3962 - 111th Congress (2009-2010): Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010," legislation, (June 25, 2010), https://www.congress.gov/bill/111th-congress/house-bill/3962/all-actions; Charles Rangel, "Actions - H.R.3590 - 111th Congress (2009-2010): Patient Protection and Affordable Care Act," legislation, (March 23, 2010), https://www.congress.gov/bill/111th-congress/house-bill/3590/all-actions. In October 2009, Senator Olympia Snowe (R-ME) crossed party lines and cast the decisive vote to get the health bill out of the Finance Committee. Sinclair 177.

3
Words Matter:
The Discursive Dimension of the Inter-section of Race and Class

By Adam Zyglis. Published in *The Buffalo News* on June 25, 2009

Words are important, words matter, and the implication that they don't, I think, dimin-
ishes how important it is to speak to the American people directly about making America as
good as its promise.[1]
Barack Obama

At the political level, discourse plays a central role as a means to make ideology known, to advocate ideas, and to defend and promote policy choices. In a democracy, public opinion plays a central role, in the sense that election and re-election must be achieved, but also because it is used as a tool in the political game. Public opinion is used to model discourse, to find out what people want to hear and how the message must be constructed to hit home. But public opinion can also be used to undermine a policy proposal. It is nearly impossible for a government to pass a bill that the population strongly opposes, not only because the politicians would fear retaliation on election day, but also because it denotes a lack of legitimacy, the fact of not having a mandate to create this legislation. Political scientists Theodore J. Lowi, Benjamin Ginsberg, and Kenneth A. Shepsle insist that public opinion has an impact on policy.[2]

A democratic government is supposed to represent the will of the people. However, discourse is there to manipulate the will of the people. As philosopher Arthur Schopenhauer pointed out in his treatise on rhetoric, *The Art of Being Right*, the most important thing to keep in mind, as far as dialectics is concerned, is that the truth does not matter. The fundamental aspect in a dispute is not to tell the truth, it is not important to be right in the sense of having said the truth—in terms of facts corresponding to reality— but to be *perceived* as being right. It is important to be seen by the public as being the winner.[3] To be the rhetorical winner in a confrontation, it is important to persuade, to make the public adhere to your opinion, to your words, even if they are blatant lies. Easy answers are given for complex problems. Schopenhauer's definition of eristic dialectic can be applied to political discourse, because political discourse and counter-discourse can be viewed as disputes in a wide sense. The discourse of a given politician does not exist on its own, it is influenced by preceding political discourse, the doxic dimension of many terms, the system of values of the nation, and the given political context. Thus, when politicians give speeches, they are not speaking alone, they are in a dispute with previous speeches. In their new speech, politicians try to shape a different worldview through a different representation of reality to make the public adhere to their ideas and proposals.

The racial wedge driven between the different racial groups of the working and middle class is one of these easy answers to the current state of economic inequality that make the Republicans look like the winners of the political argument, despite the fact that the Republican discourse rests on a twisted representation of reality and especially disguises the real political goal of conservatives: upward redistribution. This racial wedge, however, has become more difficult to identify, especially in political discourse, because political correctness has moved the racial discourse under the sur-

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[1] Quoted in CNN, "The Texas Democratic Debate," February 21, 2008, https://www.realclearpolitics.com/articles/2008/02/the_texas_democratic_debate.html.
[2] Theodore J. Lowi, Benjamin Ginsberg, and Kenneth A. Shepsle, *American Government: Power and Purpose* (New York: Norton, 2008) 234.
[3] Arthur Schopenhauer, *Die Kunst, Recht zu Behalten* (Köln: Anaconda, 2012), 8, 11, 17–21. Schopenhauer termed this eristic dialectic and thus changed the Aristotelian meaning that focused on finding the truth through the dispute.

face. Although openly racist appeals encounter rejection, more subtle discourse manages to trigger deep-seated stereotypes and prejudices. Moreover, it must be said that the structural overlapping of race and class, although created and maintained through political choices, tends to reinforce those preconceptions and stereotypes, especially since they are spread through the media. In other words, racially divisive discourse to attack the welfare state exists, hidden in code words and racially laden images.

A counter-discourse must be developed by supporters of the welfare state to adapt to the discursive change brought by Republican discourse. Discourse manages to influence the political context, despite the fact that fundamental aspects of reality have not changed. It is the case, for example, of discourse denying discrimination or the consequences of past discrimination, despite the vast amount of statistical evidence showing the effects of this past and present discrimination. A politician who wants to address racial inequality, like Obama, must adapt his own discourse to take into account this denial, accusations of reverse discrimination, and the perception of an unfair favoring of minorities through social programs, even if this is not true. The rejection of affirmative action by public opinion or the 1970s backlash have shown that the public is not receptive anymore to a discourse and policy solutions anchored on racial inequality and white guilt, which partly results from Reagan's racial populism. Obama thus had to develop a new counter-discourse taking the parameters of the backlash and racial populism into account, a discourse that would overcome the racial wedge and to create a new class-based alliance.

The influence of this discourse of racial populism, and what people want to believe, means that the political solution will, most likely, neither be ideal, nor fair, but based on a new ideological approach. Once again, an ideological approach is not a rational approach, but one based on ideas and beliefs, and is not necessarily the objectively and scientifically best solution. Ideology develops in a political context that factors in what should be achieved depending on the given interests and beliefs, but also taking into account what the economic, social, and political parameters are. This necessarily exposes the discrepancy between what should ideally be achieved, and what is actually possible.

3.1. "A Hell of a Lot More Abstract Than 'Nigger, Nigger:"[4] Code and Doxa

The title quote comes from a 1981 interview conducted by political scientist Alexander Lamis with Lee Atwater, a Republican strategist, former chairman of the Republican National Committee and advisor to both G. H. W. Bush and Ronald Reagan. He openly explained how conservative race baiting had evolved under the pressure of political correctness:

> You start out in 1954 by saying 'Nigger, nigger, nigger.' By 1968 you can't say 'nigger,' that hurts you. Backfires. So you say stuff like forced busing, states' rights, and all that stuff. You're getting so abstract now [that] you're talking about cutting taxes, and all these things you're talking about are totally economic things and a by-product of them is [that] Blacks get hurt worse than Whites. And subconsciously maybe that is part of it. I'm not

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[4] Alexander Lamis, *Southern Politics in the 1990s* (Baton Rouge: Louisiana State University, 1999). Quoted in Theodore J. Davis Jr., *Black Politics Today: The Era of Socioeconomic Transition* (New York: Routledge, 2013) 112.

> saying that if it is getting that abstract, and that coded, that we are doing away with the racial problem one way or the other. You follow me—because obviously sitting around and saying, 'we want to cut this,' is much more abstract than even the busing thing and a hell of a lot more abstract than 'Nigger, nigger.'

Atwater's description of the evolution of conservative race discourse highlights three essential points. First, the discourse evolved over time, adapting to social and political conditions. Second, it clearly mentions the intersection of race and class. Third, it openly admits that the discourse is coded, and also that the code has evolved so far that it is difficult to prove the racial undertones, which depend in part on historical evolution, statistical evidence of cuts and slashed programs disproportionately affecting minorities, and on context. Moreover, political scientist Tali Mendelberg explains that the power of this implicit race-baiting stems from "the coexistence of two contradictory elements in American politics: powerful egalitarian norms about race, and a party system based on the cleavage of race."[5] The discourse is politically correct in appearance, but the strong association of the parties with their ideology and their constituencies allows its racial meaning to be understood.

The race discourse has undergone a gradual evolution. According to political scientist Joe Feagin, racial coding started in the first election after the Civil War in 1868 with the Democratic Party using phrases like "states' rights" and "laissez-faire" government to replace their usual anti-black rhetoric. After Nixon's loss in the 1960 election, Barry Goldwater reactivated this discourse for the Republican Party—the well-known Southern Strategy—to appeal to southern conservatives and make them switch their party allegiance from the Democrats to the Republicans. However, Feagin argues that "Southern Strategy" is a misnomer, and prefers the term "White Southern Strategy", since many Southerners are not white. The overt and covert racist appeals were for whites only and emphasized over time the interests of white Southerners and suburbia in all states.[6] Edsall and Edsall also insist on the crucial dimension of the Goldwater campaign. According to them, the Goldwater movement not only changed the structure of the Republican nomination process, but also the Party itself. The decisive aspect of this campaign was that it demonstrated that conservatism offered an ideological mechanism to capitalize on whites' opposition to racial integration, without risking being labeled a racist. The campaign showed that race was a useful tool to break the class base of the New Deal which built on shared economic interests. This created an ideological shift to the right among a population that was formerly committed to a redistributive political agenda.[7] Sociologists Jeff Manza and Clem Brooks explain that social cleavages at the political level are not stable; it is not a permanent fact that race trumps class. However, when the race cleavage increases, the class cleavage diminishes, and this has been the case since the 1960s. But to increase the race cleavage, cuing and priming is necessary, and they insist on the fact that very implicit cuing works.[8]

It has been mentioned earlier that a sharp distinction must be made between racial populism and economic populism. Economic populism had been used by the Democratic Party to advocate their social policy agenda. Racial populism, or cultural populism as historian Michael Kazin calls it, is used by conservatives to undermine the progressive social policy ideology. According to Kazin, racial or cultural populism

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[5] Mendelberg, *The Race Card*, 6.
[6] Feagin 46, 69–71.
[7] Edsall and Edsall 40.
[8] Manza and Brooks, *Social Cleavages,* 175.

worked for Nixon, especially through the use of his running mate and Vice President Spiro Agnew, who functioned as a surrogate: Agnew did the racial populist part, railing against liberals and depicting liberals as promoting the interests of minorities, fostering disorder, and undermining traditional values. According to Kazin, this divisive role was clearly attributed to Agnew, who said in 1971 about his role in the 1970 election that "dividing the American people has been my main contribution to the national political scene since assuming the office of vice-president... I not only plead guilty to that charge, but I am somewhat flattered by it."[9] However, Nixon's politics did not entirely match this discourse, as shown by his record on social policies and expansion of affirmative action.

According to Schuman *et al.* Reagan's election marks a good boundary as starting point of the retrenchment against racial progress.[10] Edsall and Edsall share this perception that Reagan marked a new degree of racial conservatism. Reagan took Nixon's discourse on anti-government, states' rights, law and order, anti-liberalism, and the anti-welfare rhetoric further, driving the public perceptions of the Republican Party's racial conservatism to levels comparable to the 1964 Goldwater campaign. The major difference was that because of changing racial attitudes, instead of resulting in a defeat, the Reagan candidacy resulted in victory.[11]

Reagan started in politics as a Democrat and even campaigned for Truman in the 1948 election, drawing on classical economic populist rhetoric when he attacked "corporate greed, defended the common man, and attacked the Republican Congress for tax cuts" that favored the rich.[12] Reagan's conversion to conservatism came during the 1950s and 1960s. His rhetoric still drew on the language of economic populism, but with a notable change: corporations were replaced by government. In 1964 Reagan campaigned for Goldwater and gave what his advisers referred to as "the Speech," which set the baseline of Reagan's discourse. It marked an important step in attacking government social programs, including the progressive income tax. It cemented three central themes: the attack on big government for cost and the waste of taxpayer money; the portrayal of the Democratic Party as socialist with phrases like "down the roads under the banners of Marx, Lenin, and Stalin," and the attack on the little intellectual elite of "do-gooders" and "government planners" who advocate for the welfare state that strips citizens of their freedom.[13] According to Kazin "Reagan drew upon the populist language coined in the 19th century by dramatically reinterpreting the meaning of the people and special interests to fit his conservative agenda."[14] During that campaign, Republicans developed a radical image, and Reagan pointed out the necessity to soften the discourse to make it more acceptable to people, but without compromising ideas. Since Reagan has been described as "a populist crusader along the lines of Andrew Jackson, William Jennings Bryan, Franklin D. Roosevelt, and George Wallace" by writer Richard Reeves, for example,[15] it can be argued that he was rather successful in softening his discourse, because the mixed

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[9] In Terri Brimes, "Reagan: The Soft-Sell Populist," in *The Reagan Presidency: Pragmatic Conservatism and Its Legacies*, ed. W. Elliot Brownlee and Hugh Davis Graham (Lawrence, KS: University of Kansas Press, 2003), 69.

[10] Schuman *et al. 4*0.

[11] Edsall and Edsall 140.

[12] Quoted in Brimes 61.

[13] Brimes 61.

[14] Quoted in Brimes 61.

[15] Brimes 62, 66, 61.

references show that he managed to blur the lines between economic and racial populism. "The Great Communicator" Reagan proved to be an effective rhetorical leader who focused on "consensual appeals that unified the nation", by using, in the formulation of political scientist Bert Rockman, "dulcet tones" to mask the sweeping changes he proposed to make in government.[16] Political scientist Thomas Cronin highlights that Reagan "explains policy in a neighborly way"[17] and basically came over as a "very nice guy," in the words of historian Françoise Coste, who also points out that Reagan was not shy denying any charge of racism.[18] By blending economic populist phrasing with conservative aims and racial populism, Reagan managed to hide racial undertones.

Edsall and Edsall explain that the insistence on generalized government restraint was a means to "excise" racial language from conservative discourse while keeping a politics and a governing strategy that attacked programs targeted at minorities without explicitly mentioning race. This strategy effectively managed to weaken the previous economic division between Democrats and Republicans along racial lines. Edsall and Edsall insist on the fact that this excision of racial language from the conservative discourse was an essential element in building Reagan's broad coalition. His "ostensibly neutral language" allowed the polarization of voters on race issues, such as welfare, busing, and affirmative action, yet without openly appearing as racist or as appealing to anti-black sentiments, at least in the eyes of white voters. In contrast, by 1986, 56% of blacks thought Reagan was racist.[19] Most importantly, through the use of the language of economic populism applied to racial populism, Reagan effectively managed to make the white working class believe that he had their interests at heart, while making policies favoring the rich.

The discourse Reagan established proved very enduring, and was used by G.H.W. Bush and to a certain extent by G.W. Bush; on the Democratic side, Clinton devised his rhetoric and politics to adapt to the Reagan discourse, and during the Obama campaigns and presidency, the same type of discourse and phrases were used by Republicans, from "tax-and-spend liberals" to "socialized medicine."

3.1.1. Code

Manza and Brooks insist on the fact that although the direct racial appeals that were common for the 1940-1960 period are now used in a more subtle way in coded and symbolic forms, they still have the "powerful effects of racial attitudes in structuring whites' political behavior."[20] Schuman *et al.* explain this interaction between norms and attitudes. The change in norms, such as political correctness, makes some ideas and beliefs, such as support for discrimination or segregation, or the verbalizing of prejudice, unacceptable. However, this does not mean that the ideas and beliefs have entirely disappeared.[21] Bonilla-Silva sees the "increasingly *covert* nature of racial discourse and racial practices" as one of several characteristics of the new racial structure, the others being the avoidance of racial terminology, whites' claims of "reverse

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[16] Quoted in Brimes 61.

[17] Quoted in Brimes 61.

[18] Coste, "Droits Civiques."

[19] Edsall and Edsall 138–39.

[20] Manza and Brooks, *Social Cleavages*, 157.

[21] Schuman *et al.* 2–3, 311.

racism," a political agenda that is indirectly racialized, the "invisibility of most mechanisms to reproduce racial inequality," and the "rearticulation of some racial practices characteristic of the Jim Crow period of race relations."[22]

Political scientists Jon Hurwitz and Mark Peffley explain that racial appeals and any representation of race have become more difficult, even more so since the infamous Horton ads used by G.H.W. Bush, pushing towards an even greater reliance on code words, which are "words that are fundamentally nonracial in nature that have, through the process of association, assumed a strong racial component."[23] This only means that the language to appeal to those ideas, beliefs, and attitudes must be subtler. Sociologists Lawrence D. Bobo and Camille Z. Charles explain that despite equal treatment and racial integration as the norm in all public spheres, mentioning issues associated with African-Americans, like welfare and crime, "can cue underlying negative racial attitudes and thereby lend such tendencies greater political consequence."[24]

Moreover, Jacobs and Shapiro explain that politicians use public opinion to craft their talk in order to change public opinion, not in order to adapt their policies. They give the example of both Reagan and Clinton. In the first case, a senior aide to President Reagan, Michael Deaver, said: "With [Reagan], polls were not used to change policy to follow the prevailing winds. Instead, they were tools to determine how to persuade people about an idea." Dick Morris, a pollster for President Clinton, gave a similar explanation: "[Legislators and the Clinton White House] don't use a poll to reshape a program, but to reshape the argumentation for the program so that the public supports it."[25] Both examples clearly show that the content was not changed, but the phrasing and shaping of the message were adapted to convey the same content in a more convincing manner.

In the context of turning downward redistribution into upward redistribution, this means that the dissatisfaction of public opinion over a stagnating economy, expressed in terms of protest against taxes and racial backlash, was exploited in political discourse to forward the conservative agenda of reversing redistribution. And indeed, conservative politics and economic policies have not resulted in economic progress for the white working and middle classes, quite the contrary. However, their opinions have been taken into account to craft a political discourse that led them to support a political agenda that was contrary to their interests.

However, the racial backlash sentiments could not be addressed in openly racist terms anymore, hence the resort to code words, which are developed over time through priming. Priming means that decisive elements of the discourse are used everywhere and on every occasion; in the case of conservative Republicans, it is based on stock phrases like "big government" or "socialism." Moreover, the fact that a set of phrases is used over and over again increases their meaning, associates them with more and more ideas over time according to the contexts in which they have been

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[22] Bonilla-Silva, *Racism without Racists*, 26, 32-8. Bonilla-Silva gives the examples of high residential segregation, inequalities in education, experience of discrimination, unequal treatment, and even exclusion, low intermarriage rates for blacks, and economic inequalities to illustrate his argument that structurally things have not changed that much since Jim Crow.

[23] Jon Hurwitz and Mark Peffley, "Playing the Race Card in the Post-Willie Horton Era: The Impact of Racialized Code Words on Support for Punitive Crime Policy," *Public Opinion Quarterly* 69, no. 1 (2005): 101.

[24] Bobo and Charles 246, 253.

[25] Jacobs and Shapiro xiii, 1.

used, and ultimately turns them into code words with a deeper meaning. priming, or "staying on message" is used to highlight standards or considerations for the public to use in evaluating policy proposals.[26] In addition, political scientists Shanto Iyengar and Donald R. Kinder found in their study on the impact of television on American public political opinion formation that priming—understood by them as drawing attention to some aspects of political life at the expense of others—as used in television news has an effect on setting the parameters for reaching political judgments and choices.[27]

Rhetorician Ruth Amossy uses the term doxa (common opinion) to describe code elements. According to her, in rhetorics the *sine qua non* condition of efficiency is adapting to the public. This is consistent with Schopenhauer's insistence on being perceived as being right in the eyes of the public. A discourse aimed at convincing and gaining the adherence of the public needs to build on common points of agreement. These common points of agreement are based on the opinions, values, and beliefs of the public.[28] This means that the doxa can only be decoded through the analysis of the public the discourse is addressed to, and the opinions and beliefs that influence the public's interpretation of the discourse. In the case of the racial discourse, Mendelberg explains that "the racial reference, while subtle, is recognizable and works most powerfully through white voters' racial stereotypes, fears, and resentments."[29] The racial reference is recognizable because it plays on the doxa and addresses deep-seated concerns. Sociologist Michael P. Jeffries explains that the racial meaning of the vocabulary and meta-language also depends on the context.[30] This context can be a discursive context of association, oblique references to stereotypes, or even a situational context. For example, political scientist Gerard Boychuck justified the racialized dimension of the health care opposition in the 1960s through the fact that the language used to frame the opposition to health care matched the language used to oppose Civil Rights. According to Boychuck, "in Mississippi in this period the 'federalization of medicine' clearly implied a direct challenge to segregationist practices."[31]

The race code thus relies heavily on implicit associations. Amossy insists on the potency of the implicit as a factor that helps convincing the public. The implicit is the presentation of the uncontested premises of the implied, or elements that are better not openly voiced, in a veiled and indirect manner. The implicit pushes the public to fill in the blanks, thus making it an active part of the discourse, but even more importantly, it creates an effect of appropriation through the reconstruction of the message. Moreover, the implicit is powerful because the values and positions implied enter the discourse in needless-to-say manner that eschews contestation, presenting them as so obvious and clear that they need not be formulated explicitly. In addition, the use of the implicit makes it possible to say without saying, and enables the speaker to refute later accusations.[32] Mendelberg insists on the crucial aspect of the implicit in coded racial discourse:

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[26] Jacobs and Shapiro xiv.

[27] Shanto Iyengar and Donald R. Kinder, *News That Matters: Television and American Opinion* (Chicago: University of Chicago Press, 2010) 114.

[28] Amossy 44.

[29] Mendelberg, *The Race Card,* 7.

[30] Jeffries 7.

[31] Boychuck 50–51.

[32] Amossy 164–65.

> When a society has repudiated racism, yet racial conflict persists, candidates can win by playing the race card only through implicit racial appeals. The implicit nature of these appeals allows them to prime racial stereotypes, fears, and resentments while appearing not to do so. When an implicit appeal is rendered explicit—when other elites bring the racial meaning of the appeal to voter's attention—it appears to violate the norm of racial equality. It then loses its ability to prime white voters' racial predispositions. As a consequence, voters not only become more disaffected with the candidate, but also prevent their negative racial predispositions from influencing their opinion on the issues of race. Political communication that derogates African-Americans does little harm if it is widely, immediately, and strongly denounced. In an age of equality, what damages racial equality is the failure to notice the racial meaning of political communication, not the racial meaning itself.[33]

Mendelberg explains that the implicit racial messages or codes manage to prime racial resentment, but allow evasions of the mechanism of self-censorship, because most people are not able to recognize an implicit racial appeal as such. Only openly racist messages are identified as such.[34] Schuman *et al.* also insist on this aspect. Appeals that are too direct, especially regarding the traditional stereotype of black-white ability difference, are rejected or treated as counternormative.[35] An example to illustrate this would be the publication in 1994 of *The Bell Curve: Intelligence and Class Structure in American Life* by Richard J. Herrnstein and Charles Murray, which provoked controversy in the media, but also among scientists. Indeed, Herrnstein and Murray argued that socio-economic stratification reflected natural intelligence, but they also hinted that racial differences in intelligence might not be only due to environmental differences, but also to genes. This gross attempt at reviving biological racism was sharply criticized.

Similarly, some remarks and cartoons made about Obama, which played too openly on the crudest racial stereotypes met loud criticism. During the 2007 Democratic primaries, the then candidate for the primaries Senator Joe Biden said in the *New York Observer* about contestant Obama: "I mean, you got the first mainstream African-American who is articulate and bright and clean and a nice-looking guy. I mean, that's a storybook, man."[36] Biden's statement too openly referred to the oldest and most racist stereotypes, as Biden highlighted that Obama was the contrary of these stereotypes, in order to be acceptable under current standards of political correctness. Similarly, the cover of *The New Yorker* of July 21, 2008, depicting Michelle and Barack Obama in the Oval Office, Michelle in Black Panther garb and Obama dressed as Osama bin Laden with an American flag burning in the hearth was sharply criticized. *The New Yorker's* editor David Remnik contended that it was supposed to be a satire about the rumors circulating on Obama at that time. Moreover, Remnick insisted that the editorial board thought their readers were intelligent enough to understand the satire.[37] However, for many readers the satire was too close to the racist opinions voiced about Obama.

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[33] Mendelberg, *The Race Card*, 4.

[34] Mendelberg, *The Race Card*, 26, 199.

[35] Schuman *et al.* 170.

[36] Quoted in Xuan Thai and Ted Barrett, "Biden's Description of Obama Draws Scrutiny," *CNN.com*, February 9, 2007, http://edition.cnn.com/2007/POLITICS/01/31/biden.obama/.

[37] Quoted in Paul Lewis, "New Yorker's 'Terrorist' Obama Cover under Fire," *The Guardian*, July 14, 2008, https://www.theguardian.com/world/deadlineusa/2008/jul/14/newyorkercover.

3.1.2. Stereotypes

The race code, being conveyed through the doxa, heavily relies on images, stereotypes and representations of different populations. These stereotypes and representations are built on old racist beliefs and spread, among others, through the media. Amossy defines the stereotype as being quintessentially doxical. According to her, stereotyping consists in thinking reality through a preexisting cultural representation, a collective and rigid concept. Thus a real individual or group are perceived and evaluated according to a previously constructed model. In the case of a famous person, this person is seen according to the public image the media crafted and which circulates in public opinion.[38]

Political scientist Martin Gilens insists on the fact that racial stereotyping goes further than the simple expression of antipathy or sympathy and considers it a specific racial judgment in which prejudice certainly plays a role but, most importantly, something which has consequences on the political views of whites.[39] Negative black stereotypes also have an impact on the beliefs of the black population itself. Bobo and Charles underline the dichotomy that emerged after the Civil Rights Movement: racial attitudes have changed, equal treatment and racial integration in all public spheres are the norm, and yet racial tensions persist, negative racial stereotypes are widespread, and the perceptions of discrimination differ widely. Moreover, Bobo and Charles point out that minorities also have negative stereotypes, about whites, but also about themselves.[40] This can be seen in the case of the black working poor who try to differentiate themselves through values from the 'underclass,' or middle-class blacks making conscious efforts to distinguish themselves from the culture of the lower classes; it can be seen in the condemnation of the behavior of the 'underclass' by other blacks, or in the fact that an increasing part of the black population believes that lack of taking responsibility is among the reasons why some blacks are not getting ahead.[41] Bobo shows that, in 2011, there was an increasing belief, both among blacks and whites, of cultural attributions of racial inequality, as well as strong negative racial stereotyping.[42]

Superficially, racial stereotyping is an easy phenomenon to explain. Sociologist and economist Gunnar Myrdal highlighted the explanatory powers of race as early as 1944, especially because race—meaning physical differences—allows a simplistic explanation for complex political, social, and economic interrelations. The explanation is all the easier and more readily accepted when racial characteristics appear to correspond to cultural characteristics:

> Race is a comparatively simple idea, which becomes easily applied to certain outward signs of "social visibility," such as physiognomy. Explanations in terms of environment, on the contrary, tax knowledge and imagination heavily. It is difficult for the ordinary

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[38] Amossy 45.

[39] Gilens 170.

[40] Bobo and Charles 246–47.

[41] Lacy 73, 75, 93, 117. See also the condemnation of negative black behavior in popular culture, for example, Bill Cosby or Chris Rock, and the use of 'nigger' to talk about blacks showing negative social, economic, and cultural behavior." Optimism about Black Progress Declines: Blacks See Growing Values Gap Between Poor and Middle Class" (Pew Research Center, November 13, 2007), http://www.pewsocialtrends.org/files/2010/10/Race-2007.pdf.

[42] Bobo, "Jim Crow," 27.

man to envisage clearly how such factors as malnutrition, bad housing, and lack of schooling actually deform the body and the soul of people.[43]

This dimension of 'simplicity' is a crucial one. Most people have neither the time nor the willingness to study the complex political and historical reasons of the racial class stratification of the US Historian and political scientist Howard Zinn pointed out the explanatory capacities of race, and especially their endurance: "Physical difference is so gross a stimulus to human beings, cursed as they are by the gift of vision, that once it is latched onto as explanation for difference in personality; intelligence; demeanor; it is terribly difficult to put aside."[44] Sociologist Howard Winant asserts that political correctness, in the form of non- or anti-racialist rhetoric and even policies, and expressed through multiculturalism, diversity, racial pluralism, and equal opportunity, for example, did not have a significant impact in altering "long-prevalent patterns of racialized identity-formation and cultural representation."[45]

Historian and sociologist Hugh Davis Graham concurs in this assessment. Although the Civil Rights Movement briefly managed to create a new image of "a petitioning black voter being brutalized by Sheriff Jim Clark in Selma," this "dominant symbol" had been displaced by 1966 by images of "the rampaging ghetto rioter in Watts, or the black racist harangues of an H. Rap Brown." Moreover, Graham attributes a role to the media, quoting magazine like *Time* and *Newsweek*, as factors contributing to this changing image.[46] These embedded stereotypes are triggered by association in opinion formation. Iyengar and Kinder explain this opinion formation, especially regarding the information feeding through the media:

> It seems to us highly unreasonable to demand of average citizens that they carefully and skeptically examine news presentations. If politics are ordinarily subordinate to the demands and activities of earning a living, raising a family, and forming and maintaining friendships, then citizens could hardly be expected to spend much of their time and energy each day grappling with the flow of news. How then do Americans "understand" politics?
>
> The answer is that we muddle through. Faced with the enormous complexity and uncertainty of the political world, possessed of neither the motivation nor the wits to optimize, we strike various compromises. We resort to cognitive shortcuts and settle for acceptable solutions. As a consequence of such compromises, our judgments are often creatures of circumstance.
>
> When we think about the federal deficit, turmoil in Latin America, or the performance of our president depends less on what we know in some complete sense and more on what happens to come to mind.[47]

The racial stereotype, deeply embedded in the culture and often repeated, comes readily to mind. Moreover, the fact that race and class overlap lends associational credibility to the racial explanation, as it is difficult, afterwards, to distinguish which is at the origins of which. Political scientist Kimberlé Crenshaw points out that this is especially the case since racial stereotypes have long been used and associated with political, religious, and scientific theories to legitimize the oppression of blacks, creating a racial dichotomy in which white is the normal and black the abnormal. Crenshaw typologized the historical oppositional dualities. In this dichotomy, whites

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[43] Myrdal, "Racial Beliefs in America," 120.

[44] Zinn, "The Southern Mystique 1963," 18.

[45] Winant 686.

[46] Graham 234.

[47] Iyengar and Kinder 119–20.

are described as the norm with the following qualities: industrious, intelligent, moral, knowledgeable, with an enabling culture, law-abiding, responsible, virtuous and pious. Blacks, on the other hand, are abnormal, and described as lazy, unintelligent, immoral, ignorant, with a disabling culture, criminal, shiftless, and lascivious, as opposed to whites.[48] Political philosopher Elizabeth Anderson explains that to make stigmatization 'work', an association between specific character traits and talents is needed which allows for the differentiation between groups and for the creation of a feeling of superiority for the other group. These characteristics need to be seen as intrinsic to the group so as to exclude the notion of free choice, of situational explanations, and discriminatory explanations.[49] This characterization is at work in racism, biological and cultural racism overlap in their stereotypes, but differ in the explanation of the origins of those alleged character traits. Crenshaw is adamant about this continuity between old and new forms of racism and its associated cultural norms:

> The end of Jim Crow has been accompanied by the demise of an explicit ideology of white supremacy. The white norm, however, has not disappeared; it has only been submerged in popular consciousness. It continues in an unspoken form as a statement of the positive social norm, legitimating the continuing domination of those who do not meet it. Nor have the negative stereotypes associated with blacks been eradicated. The rationalizations once used to legitimate black subordinations based on a belief in racial [biological] inferiority have now been reemployed to legitimate the domination of blacks through reference to an assumed cultural inferiority.[50]

The most powerful aspect of the racist explanation is the fact that the oppression and subaltern status of a group of people, defined as a different race through their physical characteristics to which alleged character traits are associated, is justified by their supposedly inherent inferiority, making cause and effect the same. This also lends power to the stereotype: through the subordinate position created through oppression, more and more individuals actually end up corresponding more or less to the stereotype. Systemic oppression and discrimination have indeed created a racial stratification of poverty, making it likely for a black individual to be poor, and all its related consequences, but leaving the rhetorical field open as to the reasons for this situation: biological inferiority, deficient cultural values, or systemic oppression. Gilens explains this gradual association of blacks with poverty and the related stereotypes:

> Since the mid-1960s, poverty and race have been closely linked in the public mind. Where "the poor" once conjured up images of southern European or Irish immigrants, or of white dust-bowl farmers, urban contemporary images of the poor—the homeless beggar, the welfare queen, the teenage ghetto gang member, the heroin addict shooting up in an abandoned building—are strongly associated with minorities in both the mass media and the public imagination.[51]

Several figures emerge which represent stereotypes of black poverty: the homeless beggar, the welfare queen, the teenage ghetto gang member, the heroin/drug addict. The welfare queen and the gang member, reinforced through the dress code in the rap universe, are the most widespread ones. Amossy insists on the importance of the probability of truthfulness for the doxa to function. The doxa is founded on points of agreement between sensible people, but without having the value of truth. It only

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[48] Crenshaw, "Race, Reform, and Retrenchment," 617–18.
[49] Anderson, *The Imperative of Integration*, 157.
[50] Crenshaw, "Race, Reform, and Retrenchment," 620.
[51] Gilens, *Why Americans Hate Welfare*, 67–68.

needs to be plausible as it partly relies on probability.[52] In this the structural overlapping of race and class plays in favor of the stereotype and the doxa: structurally it is true that the black population has a higher poverty rate, a proportionally heavier reliance on welfare programs, higher crime rates,[53] and higher levels of out-of-wedlock births. In this sense, the stereotype builds on a certain structural probability that has been created through oppression in the first place, and makes it more likely to find a concrete example to confirm the stereotype, especially if one is looking for it.

Historian Jacqueline Jones explains that, during the 1970s, a gradual perception emerged, identifying poverty with blacks and the middle class with whites, which was accompanied by an emerging perception of a distinct ghetto culture with different aspirations and values. The northern ghetto culture became seen as representing blackness.[54] Political scientist Jennifer Hochschild evokes the problem of the representation of blacks in the media, newspapers, TV, and movies. Men are often depicted as predators, children as doomed to failure, and women as loud and morally doubtful.[55] Mendelberg denounces the case of ads against violent crime or with a strong anti-welfare stance, which are often illustrated with African-American faces. It is this association of an apparently "neutral" message with a race visual that is part of the racial code,[56] because the association plays on the stereotype that attributes a propensity for crime or welfare dependency to blacks.

One of the most widely discussed examples in this context is the infamous Willie Horton political ad that was used by Republican candidate G.H.W. Bush in the 1988 presidential campaign against Democratic opponent Michael Dukakis, then the governor of Massachusetts. Willie Horton, a convicted criminal sentenced to life, had benefited in 1986 of a prison furlough program in Massachusetts, signed in 1972 by Republican governor Francis Sargent. In 1987, Horton attacked a couple, assaulting the man, raping the woman, and stealing their car. Horton was shot during his arrest. The Bush campaign used the incident to attack candidate Dukakis for being lax on crime. The ad showed African-American Willie Horton's mug shot and recounted the facts of what happened in the attack. Mendelberg, and many others, count this as playing the race card because the Horton case so perfectly matches the stereotypes about black male criminality and sexuality.[57] The additional potency of the ad came from the fact that the events were true, thus extending veracity to adjoining prejudices. The untruthful dimension was that the Democrat Dukakis was depicted as lax on crime, notwithstanding the fact that a Republican governor had signed the furlough

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[52] Amossy 86.

[53] The higher crime rates are due to a mix of higher structural poverty, lack of opportunity, racially targeted police controls, and harsher sentences for blacks. For more information see for example Ruth Peterson, Lauren J. Krivo, and John Hagan, eds., *The Many Colors of Crime: Inequalities of Race, Ethnicity, and Crime in America* (New York: New York University Press, 2006).

[54] Jones, *The Dispossessed*, 3.

[55] Hochschild, *Facing Up to the American Dream*, 149.

[56] Mendelberg, *The Race Card*, 6.

[57] Tali Mendelberg, "Executing Hortons: Racial Crime in the 1988 Presidential Campaign," *The Public Opinion Quarterly* 61, no. 1 (1997): 137–38.

program. The perception primed, as the incident happened while Dukakis was governor.[58]

In *The Audacity of Hope* Obama described his perception of racial stereotypes and the way in which he thinks it still impacts people:

> This isn't to say that prejudice has vanished. None of us—black, white, Latino, or Asian—is immune to the stereotypes that our culture continues to feed us, especially stereotypes about black criminality, black intelligence, or the black work ethic. In general, members of every minority group continue to be measured largely by the degree of our assimilation—how closely speech pattern, dress, or demeanor conform to the dominant white culture—and the more that a minority strays from these external markers, the more he or she is subject to negative assumptions. If an internalization of antidiscrimination norms over the past three decades—not to mention basic decency—prevents most whites from consciously acting on such stereotypes in their daily interactions with persons of other races, it's unrealistic to believe that these stereotypes don't have some cumulative impact on the often snap decision of who's hired and who's promoted, on who's arrested and who's prosecuted, on how you feel about the customer who just walked into your store or about the demographics of your children's school.[59]

It appears that Obama's perception largely matches academic research: he stresses the major traits of negative black stereotypes, the pressure for assimilation, and the impact of the stereotypes at a rather subconscious level.

A little later in the book, Obama exposes at length his understanding of how the representation of blacks and issues of poverty in the media influence political decisions and how they feed into the overall mindset:

> There was a time, of course, when such deep intergenerational poverty could still shock a nation—when the publication of Michael Harrington's *The Other America* or Bobby Kennedy's visits to the Mississippi Delta could inspire outrage and a call to action. Not anymore. Today the images of the so-called 'underclass' are ubiquitous, a permanent fixture in American popular culture—in film and TV, where they're the foil of choice for the forces of law and order; in rap music and videos, where the gangsta life is glorified and mimicked by white and black teenagers alike (although white teenagers, at least, are aware that theirs is just a pose); and on the nightly news, where the depredation to be found in the inner city always make for good copy. Rather than evoke our sympathy, our familiarity with the lives of the black poor has spread spasms of fear and outright contempt. But mostly it's bred indifference. Black men filling our prisons, black children unable to read or caught in a gangland shooting, the black homeless sleeping on grates and in the parks of our nation's capital—we take these things for granted, as part of the natural order, a tragic situation, perhaps, but not one for which we are culpable, and certainly not something subject to change.[60]

In this extract Obama highlights how representations in the media, according to him, have led to indifference about issues of black poverty. More importantly, the preponderance of these images has also led to a normalization of this vision. And lastly, Obama underlines his perception that this state of affairs is accepted as a "natural order" and has led to a feeling of not being responsible for the situation. This recalls

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[58] Ironically, the stereotype of black criminality and propensity to drug abuse can also have a salvaging side effect. Whites' death rates due to drug abuse are rapidly increasing, because of an increase of drug abuse induced by the prescription of strong painkillers. Black rates are lower because medical staff are more reluctant to prescribe painkillers to minorities fearing they might sell them or get addicted. Gina Kolata and Sarah Cohen, "Drug Overdoses Propel Rise in Mortality Rates of Young Whites," *New York Times*, January 16, 2016, http://www.nytimes.com/2016/01/17/science/drug-overdoses-propel-rise-in-mortality-rates-of-young-whites.html.
[59] Obama, *Audacity,* 235–36.
[60] Obama, *Audacity* 252–53.

elements of cultural racism: the idea that this stratification is a normal result stemming from failing black values, but certainly not from a failure of society at large. In addition, as he also mentions this with the case of black stereotypes, Obama is keenly aware of how these images influence the subconscious of the population at large and still might negatively influence its political opinions and decisions.

3.1.3. "Oh, You Got to Be—You Got to Be Careful About Them Cable Networks, Though:"[61] Politics and the Media

The media, but also pop culture, play a significant role in spreading and maintaining stereotypes and negative images of blacks. The political messages conveyed through the media and the persistence of racial stereotypes and conservative ideological messages in pop culture reinforce each other. But the media also have an impact on politics because of the manner in which they report on issues, especially in the case of social policy reforms.

Iyengar and Kinder explain that the media, while not necessarily managing to persuade, can reinforce already embedded views. Through the studies of Gilens and van Doorn, it has already been shown that the media played a role in associating blacks with poverty, which in turn allowed for the welfarization of anti-poverty programs. Edsall and Edsall identify the media as a central tool in Republican political strategy:

> Among the principal Republican strategy responses to Democratic vulnerability was the initiation of a major extension of the language of politics—the enlargement of a television language empowering the Republican party and its candidate to reach voters through a set of majoritarian "values-oriented" images and phrases that, for key segments of the electorate, set the GOP apart from the Democratic party. This television language was most fully expressed in 1984 in the series of campaign commercials collectively known by the phrase from one of them, "It's morning again in America."[62]

Campaign spots play a central role, but so does political advertising. Conservative rhetoric was at the forefront of the infamous "Harry-and-Louise ads" aired from September 1993 to September 1994, paid for by the Coalition for Health Insurance Choices, an organization funded by the Health Insurance Association of America (HIAA), one of the biggest health interests in the US. Jacobs and Shapiro assert that the ads had a negative influence on public opinion and ultimately on the reform proposal.[63] Harry-and-Louise were used again in favor of the 2010 Obama reform, this time paid for by a trade group of drugmakers and *Families USA*, a nonprofit group in favor of affordable health care.[64]

The role played by the media in reaching people must not be underestimated. Sociologist Patricia Hill Collins sees the media as "another kind of public education" because popular culture often supplants school as a source of knowledge.[65] Iyengar and Kinder share this assessment of the importance of the media in the formation of

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[61] Obama, "Remarks by the President in Town Hall on Health Care, Belgrade, Montana."

[62] Edsall and Edsall 178.

[63] Jacobs and Shapiro 65, 106.

[64] Natasha Singer, "Harry and Louise Return, With a New Message," *New York Times*, July 17, 2009, http://www.nytimes.com/2009/07/17/business/media/17adco.html.

[65] Patricia Hill Collins, *Another Kind of Public Education: Race, Schools, the Media, and Democratic Possibilities* (Boston: Beacon Press, 2009), 176.

political opinions. According to them, TV news is the "single most important source of information about political affairs" for American citizens, which strongly shapes their views about the country and society. According to their study, a majority of Americans believe that TV news is the most reliable source of information.[66]

Political scientist Kathleen Hall Jamieson and journalist Paul Waldman explained that the press has an influence on moving events through the shaping of public opinion, especially for political issues where public opinion plays an important part.[67] This is the case for social policies, in particular because they have a direct impact on the population and because social policies concern the redistribution of resources, which is a highly sensitive issue. The strong role of the media in influencing public opinion and choices regarding social policies also leads to sharp criticism, especially because of a certain failure to debunk manipulative political discourse. The manner in which issues are covered is also criticized because it does not always contribute to the building of informed opinions.

Jacobs and Shapiro criticize the fact that the media, when covering government reforms, tend to focus more on political conflicts and strategy than on the substantive issues raised by the reform. They made a detailed analysis of how the media coverage of the dispute between Democrats and Republicans during the Clinton reform attempt in 1993 provoked uncertainty in public opinion and, eventually, the rejection of the reform—even though the population had initially been in favor of health care reform. In this sense they also highlight the opinion-shaping capacities of reporters, although the latter claim to be neutral. But the choice of the press not to cover issues that they deem doomed to failure contributes to opinion shaping, because less importance or no attention at all is paid to those possibilities.[68] The Obama reform did not escape this fact. In an interview, Dan Riffle, health advisor to Democratic Michigan Representative and single-payer advocate John Conyers, lamented this situation about the specific issue of single payer:

> You know, I think, there it becomes this feedback perpetuating cycle where Congress doesn't move on single payer, so the media assumes that this is a dead issue and has no chance, and so because the media assumes it's dead and doesn't cover it, there is a lack of support for it, and because there's a lack of support for it the media doesn't cover it, and like it said, it becomes a feedback route at that point. So, frankly, I think it's incumbent on the activists in the grassroots community who support this to build support and show viability for it, and when it gets to this, the media will take them seriously.[69]

However, Riffle also voices his frustration over a perceived lack of activism and commitment of the population to make their interests heard, which in turn makes it difficult for Congress to defend the proposal if a lack of public support is perceived. Former Representative Tierney voiced a similar opinion, saying that it is evident that the interests have their voice, but that the lack of public support is harmful.[70] Lowi, Ginsberg, and Shepsle have also pointed out this problem regarding diffuse majority opinions: minority voices are frequently better represented than broader opinions, because people often do not feel themselves directly or strongly enough affected.

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[66] Iyengar and Kinder 112, 122, 126.

[67] Kathleen Hall Jamieson and Paul Waldman, *The Press Effect: Politicians, Journalists, and the Stories That Shape the Political World* (New York: Oxford University Press, 2003), 95.

[68] Jacobs and Shapiro xi, 61, 65, 297.

[69] Dan Riffle, Interview about Rep. Conyers commitment to health care and social justice, interview with Lea Stephan, Washington, DC, April 7, 2016.

[70] Tierney interview.

They give the example of gun control, where the voice of the NRA is far better heard.[71]

Jamieson and Waldman criticize the fact that journalists do not investigate enough or do not question the assertions of politicians enough. Jamieson and Waldman consider that it is the journalists' job to "fill in the blanks" and to question the definitions.[72] This was, for example, the case with the allegations about fictional "death panels" supposedly created by the Obama health care reform, which were first being circulated by Sarah Palin and conservative politician and commentator Betsy McCaughey. In 2009, on her Facebook page, Palin described the alleged death panels as follows:

> The Democrats promise that a government health care system will reduce the cost of health care, but as the economist Thomas Sowell has pointed out, government health care will not reduce the cost; it will simply refuse to pay the cost. And who will suffer the most when they ration care? The sick, the elderly, and the disabled, of course. The America I know and love is not one in which my parents or my baby with Down Syndrome will have to stand in front of Obama's "death panel" so his bureaucrats can decide, based on a subjective judgment of their "level of productivity in society," whether they are worthy of health care. Such a system is downright evil.[73]

Interesting parallels exist between these allegations and some of the criticism and allegations made during the Clinton health reform attempt. Just like health expert Robert E. Moffitt for the Heritage Foundation,[74] Palin raised the specters of health care shortage which would be created through the attempt to reduce the cost of health care, which would come at the detriment of the citizens. The positive aspect of bringing costs down, which Obama tried to put forward in his reform, in order to show that neoliberal concerns were being taken into account and that the economy was duly taken into consideration, was turned by Palin, just as by Moffitt in 1993, into a liability, into a danger, a "rationing" of health care. Of course, the term "rationing" was meant to create an association with socialism and communism, just as Palin's claim of people being evaluated according to "their level of productivity in society" creates associations with totalitarian regimes. Palin only hinted at Nazi euthanasia programs on her Facebook page; the *Washington Times* had made the comparison openly a few months earlier regarding some health care provisions in the ARRA, but the editorial insisted on the fact that these provisions would be found on a greater scale in the health care reform.[75]

Many news channels, especially conservative ones, just repeated these allegations, but did not question, let alone debunk, them, although that would have been easily possible by reading the bill. Moreover, many conservative politicians also start-

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[71] Lowi, Ginsberg, and Shepsle 237.

[72] Jamieson and Waldman 194.

[73] Sarah Palin, "Statement on the Current Health Care Debate," *Facebook*, August 7, 2009, https://www.facebook.com/note.php?note_id=113851103434.

[74] See 2.2.2. "It Is a Magic Moment, and We Must Seize It:" The Clinton Health Care Debacle.

[75] "Editorial: Health 'efficiency' Can Be Deadly," *Washington Times*, February 11, 2009, //www.washingtontimes.com/news/2009/feb/11/health-efficiency-can-be-deadly/.

ed talking about these entirely made-up death panels.[76] Eventually it was President Obama himself who had to refute these allegations in a speech.[77]

Moreover, the media also provide an outlet for private groups that try to influence public opinion. Lowi, Ginsberg, and Shepsle point in particular to conservative corporations and business organizations, like the Chamber of Commerce or the Public Affairs Council, or to think tanks like the Heritage Foundation or the American Enterprise Institution. According to them, liberals tend to rely less on tactics that imply money, such as political advertisements.[78] Negative advertising was used to sink the Clinton reform, and the organization *Americans for Prosperity*, lavishly funded by the conservative Koch brothers, also launched an attack through massive negative advertisement against the Obama health care reform. Political scientist Mordecai Lee highlighted the fact that public and policy communication is an inherent feature to health care administrations, and has now become a decisive element in determining the success or failure of a program. The issues have to be framed in an acceptable way in the news media to prevent failure.[79]

Representative Pomeroy recounted his experience with negative advertisement against the ACA in his state, North Dakota:

> So, within North Dakota, there was such a ferocious onslaught of negative advertising that people who were not well informed on the legislation learned from these TV commercials. It was very damaging for North Dakota and learned that I was perpetuating a massive harm on the state and its people by supporting it. This is in spite of the fact that the North Dakota Nurse's Association, the North Dakota Medical Association representing doctors, and the North Dakota Hospital Association, all endorsed the legislation. In the end, the people they would most trust with their medical care, they wouldn't listen to for a second about whether this was a good bill or not, because the advertising was so heavy and it was so effective. [...] The vote in the House occurred in November, the vote in the Senate occurred in January. North Dakota had an all-Democratic congressional delegation, even though the state had a long voting history of trending Republican. And so, what they wanted to do, was make me pay a terrible price, so that the Senators would both know they should not vote for the bill. In the end, both senators voted for the bill, but neither senator stood for reelection, they both retired. And so the ads were very effective: they resulted in my defeat, who had not lost an election for 30 years, I was defeated by 10 percentage points in the following fall, and neither senator is serving anymore.[80]

Pomeroy further insisted on the massive funds that allowed buying long run-times for such ads. Pomeroy particularly insisted on the influence these negative ads had on public opinion in North Dakota, despite the political support of all congress-people of North Dakota, as well as the support of medical associations.

The media thus have become a powerful tool to reach citizens and impact their opinion on social policies, notably because coverage remains mostly superficial, and focused on conflict that fosters uncertainty in public opinion, without providing the in-depth information that would allow people to make an informed decision. Of course, this is only a general tendency, there is also carefully researched issue-

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[76] See Brendan Nyhan, "Why the 'Death Panel' Myth Wouldn't Die: Misinformation in the Health Care Reform Debate," *The Forum*, The Politics of Health Care Reform, 8, no. 1 (2010): 1–24. See especially p.11 for a timeline of the spread of the lie.

[77] Barack Obama, "Remarks by the President on Health Care Reform in Strongsville, Ohio" (Strongsville, Ohio, March 15, 2010).

[78] Lowi, Ginsberg, and Shepsle 226.

[79] Mordecai Lee, "Commentary: Do's and Don'ts of Public Relations for Government Health Care Administration," *Journal of Health and Human Services Administration* 35, no. 3 (2012): 258–59.

[80] Pomeroy interview.

focused information and outlets specialized in debunking political lies, such as *Politi-Fact*, for example. However, people do not necessarily choose to consult these outlets and these types of articles. *New York Times* journalist David Herszenhorn, who covered the political process of the health care reform with Robert Pear, said in an interview with the author that he was well aware that his readership was a privileged one and did not represent the majority of Americans.[81] The majority does not necessarily rely on this type of media outlet. A 2013 Kaiser Family Foundation poll found that, for their information regarding the health care reform, only 46% of the respondents trusted at least one media outlet. 19% relied on cable TV, and the majority of trust went to Fox News with 10%, followed by CNN at 5%, national TV (including ABC, NBC, and CBS news) at 4% and MNSBC at 2%. The *New York Times* got only 2% of the reliance, NPR 3%, and PBS 1%![82] A similar opinion was explained to President Obama at a town hall meeting about the health care reform in 2009, in Belgrade, Montana:

> Q: Okay. My name is Randy, I'm from Ekalaka, Montana. And as you can see, I'm a proud NRA member. (Applause.) I believe in our Constitution, and it's a very important thing. I also get my news from the cable networks because I don't like the spin that comes from them other places.
>
> THE PRESIDENT: Oh, you got to be—you got to be careful about them cable networks, though. (Laughter.) But that's okay, go ahead, go on with your question.
>
> Q: Max Baucus, our senator, has been locked up in a dark room there for months now trying to come up with some money to pay for these programs. And we keep getting the bull. That's all we get, is bull. You can't tell us how you're going to pay for this. You're saving here, you're saving over there, you're going to take a little money here, you're going to take a little money there. But you have no money. The only way you're going to get that money is to raise our taxes. You said you wouldn't. (Applause.) Max Baucus says he doesn't want to put a bill out that will. But that's the only way you can do that.
>
> THE PRESIDENT: Well, let—I'm happy to answer the question.[83]

Randy's focus on the issue of financing the reform makes it likely that he relies on conservative media outlets, since the wedge of taxation is a traditional conservative tool to split the lower classes along racial lines. Moreover, this extract shows that the whole tax discourse described by Edsall and Edsall still works. People like Randy, who would most probably greatly benefit from the health reform, oppose the reform because of taxation issues. Despite the calculations of the CBO showing that the reform is paid for and would help reduce the deficit, the priming managed to convince people of the contrary. This attitude of only questioning social spending and not denouncing any other waste of taxpayers' money is very persistent and has become the norm.

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[81] David Herszenhorn, Interview about Reporting on the ACA, interview with Lea Stephan, April 11, 2016.

[82] "Kaiser Health Tracking Poll: September 2013," accessed August 24, 2016, http://kff.org/report-section/kaiser-health-tracking-poll-september-2013/.

[83] Barack Obama, "Remarks by the President in Town Hall on Health Care," (Belgrade, Montana, August 14, 2009), https://www.whitehouse.gov/the-press-office/remarks-president-town-hall-health-care-belgrade-montana.

3.1.4. "A Cat Dancing on YouTube:"[84] The ACA and the Media

Some Congressmen shared their experience regarding the media and the health care reform. In an interview, former Representative John Tierney explained that he faced strong opposition in the Massachusetts district that he represented from 1997 to 2015, partly because of the Tea Partiers, but also because of the impact of defamations relayed in the media which drowned important provisions of the bill, like the extension of Medicaid to the lower middle class and the focus on small business. He mentioned examples of lies like the death panel allegations. Tierney voiced his anger, calling the media "a failing institution" that is biased toward controversy, because they did not denounce the "ludicrous" statements as being "wrong" and without factual basis. According to him, the media were "not educating people" as they should have. In his conception, the media have the obligation "to say it's wrong" when covering issues like the death panel allegations.[85]

Representative Earl Pomeroy made a similarly harsh assessment of the media in general, and regarding the coverage of the reform in particular:

> We're at a very disappointing period of time with media here. I mean, they love to treat policy debate in our country like a horse race. Who's ahead, who's making what charge; it has a lot to do about the game of politics, not about the substance of the legislation moving forward. And I believe that that certainly was the case in 2009 and 2010. 'Oh, the Democrats were in trouble on this one.' 'Oh, look there is a Tea Party… Oh, here we go, it's a big fight!' Very, very little about… we've got 45 million uninsured, how shall we cover them, this business of having young people up to the age of 26 on their parents' policy, there are some families where this would make a difference. These are features that are a very popular part of the bill. I would try to describe the bill back home as doing two things: if people are sick and unable to find anyone that would write them an insurance policy because of the illness, now they can get coverage. If people don't have enough money to afford the premium, but want and need to have this kind of protection for their families, so that they can get to see their doctor whenever they need to, we should help them be able to afford it. I believe those two simple concepts are broadly acceptable and that is at the heart of the bill. But Democrats got too into the nitty gritty trying to explain the … a bill so complicated they couldn't begin to explain it. We had no cover from the White House, and the media was very disinterested in what we were trying to achieve, other than the politics of who's up, who's down, and the ideological excitements. So I fought the media very significantly for not being more engaged in the substance of what we were trying to accomplish in expanding coverage for the American people.[86]

An essential aspect in Pomeroy's comment is his highlighting of how to convey some of the key provisions of the ACA, which would have been an alternative to just covering the political "horse race". Political scientist Arthur Lupia, in his 2015 book *Uninformed: Why People Seem to Know So Little about Politics and What We Can Do About It,* insists on this crucial aspect of favoring a simple and easily understandable message over complicated explanations because of the limited attention span of people and because of the sheer mass of information breaking over them every day.[87]

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[84] Andrews interview.

[85] Tierney interview.

[86] Pomeroy interview.

[87] Arthur Lupia, *Uninformed: Why People Seem to Know So Little about Politics and What We Can Do about It (*New York: Oxford University Press, 2015), 182–83.

And yet, Pomeroy's interesting statement about the absence of 'cover' from the White House must be slightly qualified. First of all, Obama held a series of town hall meetings to promote the health care reform and organized a highly publicized bipartisan summit on the subject on February 25, 2010.[88] Regarding the aspect of breaking down key provisions of the reform, the White House tried to make particular efforts, via the DNC and the vice-president, OFA,[89] and email campaigns.[90] The most interesting part of the email campaigns was that they explained key aspects, such as extended coverage, children staying on their parents' coverage until age 26, and no denial of coverage for preexisting conditions, in very simple, easy to understand and illustrated terms.[91] It could be argued that these email campaigns reached only people who were already in favor of the reform, since they had subscribed to the DNC or OFA, but, as the Clinton disaster has shown, even the support side must be maintained during the reform process. Moreover, this information also gave people arguments to defend the reform in discussions.

Meg Sussman, senior policy advisor to California's 5th district Democratic Representative Doris Matsui, was less critical of the media and commented on the difficulty of explaining the ACA in the media:

> I think it's such a big law that it's hard when you're not in the everyday business, or even when you are, that it's very hard to understand what's really being done. Some passages are just wielded down into one sentence, we would have to go back to the talking points of pre-existing conditions, which is a great thing that has been done under the law, but there are so many other things that you can't possibly talk about in a way that people will understand. So sometimes the media has picked up on a detail in a way that is really helpful, and sometimes people just latched on the one line, the buzzword message. So I think it's been both ways in the media.[92]

However, Sussman also blamed Congress for not having done a better job in reaching out to the public:

> You can't always just blame the media, right? It's a lot of the members of Congress need to take the responsibilities as well. And it takes an administration to explain all the benefits. And I think that we felt from the inside that we haven't always done a good job.

Moreover, Sussman explained that some tools were provided to help promote the ACA, notably after the reform passed:

> I think that our leadership, so leader Pelosi, have done a lot to help, give members the tools to do that kind of thing. So it's like she said: Hey everybody that's what we kind of need to do. People, you could do a video, you know. Getting stuff out like that. [...] But at

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[88] See for example Barack Obama, "Remarks by the President in Town Hall on Health Care, Belgrade, Montana" (Belgrade, Montana, August 14, 2009) or Barack Obama, "Remarks by the President on Health Insurance Reform in St. Charles, MO" (St. Charles, Missouri, March 10, 2010).

[89] Organizing for Action, born as the grassroots organization Obama for America in 2008, then Organizing for America (the grassroots arm oft he DNC). Since 2012 OFA has been a nonprofit social welfare organization. For more details about the impact of OFA and its mobilization on behalf of the health care reform, see Sidney Milkis "Managing Alone: Barack Obama, Organizing for Action, and Executive-Centered Partisanship," (to be published soon), 9, 13. According to Milkis, OFA is more dedicated to Obama's political and programmatic ideas.

[90] The email campaigns continue as of fall 2017 because of the ongoing attacks and attempts to repeal the ACA.

[91] For examples see Appendix.

[92] Megan Sussman, Interview about Rep. Doris Matsui's Work on the Affordable Care Act, interview with Lea Stephan, face to face at Rep. Doris Matsui's office in Washington, April 4, 2016.

> the staff level there has been a conversation about, you know, we care so much about the facts and figures, getting the policies right and implementing them, that we need to make sure that we are projecting them as well.

Representative Matsui, for example, promoted the ACA on her official congressional website and made a video to explain the ACA in simple terms.

Just as Tierney, Representative Robert E. Andrews bemoaned the role of the media:

> [The media coverage of the ACA] says more about the American media than it does about the Affordable Care Act. There has been an unfortunate, in my view unfortunate, dynamic in journalism in the last ten or fifteen years where there is really no market anymore for traditional journalism, quite objectively, factually, lays out the facts so that people make their own judgment as to what facts mean. To be blunt, there is no money in that anymore. And so, newspapers are closing all over the country and traditional news organizations are dying. [...] What passes for news now in America is really diversion or pop culture. So there are more Americans now who know about the Kardashians than who know about the Affordable Care Act. [...] I guess it's up to people to decide what they want to care about and what they don't, but in that world political coverage has devolved into pretty very little more than an advocacy. You know, when I like something so I say good things about it, you don't like some things, so you say bad things about it, and we never really engage in a factual debate or discussion, and the reaction to the Affordable Care is that people who liked the President generally liked this law. I don't think it's perfect, but they generally view it as an achievement. And the half of the country that doesn't like the president actually views the law as a failure and a bad thing and so on. The press reaction to the Affordable Care Act is really more a reflection of the collapse of journalism than it is of the Affordable Care Act.

Andrews insisted on the absence of outlets conveying objective analysis, accusing both ideological sides of conveying biased news. He did not necessarily agree that there was overall more negative coverage:

> [That] depends on the media outlet, I mean, you know, Fox News and more conservative organizations had had nothing good to say about the Affordable Care Act, that's their point of view. If you go to more liberal outlets, and MSNBC is an example, they would be more favorable, but I guess what I'm saying to you is that the concept of objective analysis in American journalism is withering. And so you're not going to find much of a balanced account of the Affordable Care Act or anything else.

Former Representative Tierney was less lenient on the media than Andrews. He denounced the fact that according to him the media are biased towards controversy and deplored the fact that the experts who lauded the bill got so little coverage.[93]

Bruce Braley, who represented Iowa's 1st congressional district from 2007 to 2015 made an even harsher criticism of the media regarding their coverage of the health care reform, which, in his opinion, was not fair. Among other elements, he had the impression that there was more coverage of Tea Party meetings against the reform than of town hall meetings in favor of the reform:

> [...] I think what the media focused on was the controversy that it generated, the refusal of the Republicans to participate in the process, the rise of the Tea Party and their loud outspoken opinions about the ACA. I did 17 town hall meetings in my district on the ACA that were large, loud, and widely attended, and people would show up with printed talking points that they were getting from the internet and that's what the press tended to focus on. Rather than what the provisions of the bill were and how it was going to help the people.

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[93] Tierney interview.

In this respect, Bart Gordon saw a greater media mobilization on the conservative side and denounced, just as Tierney, the untruthfulness of coverage:

> [...]The mainstream or the conservative talk show host made it a... there was a marketing tool there for them, they were the ones who really rallied up, and I think in a probably unfair way, much of the opposition.

However, he did not blame this solely on the media, but also incriminated the Democrats for not working enough on public opinion:

> No, there hasn't [been done enough on the Democratic side to work on public opinion], but it goes back, once again, the President had a lot of momentum coming out of the election, that momentum would be gradually lost, and they had to balance moving quickly versus educating the public. And it would have been better if they could have done more education, and maybe they could have. But they certainly could not have waited two years.

The perceptions of the media on the part of the representatives who were interviewed for this work are astonishingly close to the criticisms made by some academics: a focus on political strategy and dispute to the detriment of substantive issues and information, a lack of questioning, and lack of fact checking. Moreover, the ideological bias and lack of objectivity Andrews pointed out might inform as to why less than half of the American population found the media trustworthy regarding information about the health care reform.

3.1.5. Cracking the Code

The embedded meaning of a set of stock phrases that have become the cornerstones of conservative discourse will be explained here. These different elements, like big government, tax-and-spend liberals, welfare, socialism, choice, and others, are interrelated and feed one another, creating a coherent discourse that has effectively managed to divide the working and middle classes along racial lines in order to turn downward redistribution into upward redistribution.

The most obvious code words with racial overtones may very well be the notorious "states' rights", often coupled with "laissez-faire." "States' rights" can get their racial meaning from the geographical context since the States' Rights doctrine was used by Southern states to defend slavery and later segregation. So, in 1980, when presidential candidate Ronald Reagan, very shortly after his nomination, went to Neshoba County, Mississippi, just a few miles from Philadelphia, MS, where three civil rights workers had been murdered in 1964, and advocated his defense of states' rights, especially in relation to education, the racial hint was barely disguised:

> I believe that there are programs like that, programs like education and others, that should be turned back to the states and the local communities with the tax sources to fund them, and let the people [applause drowns out end of statement].

> I believe in states' rights; I believe in people doing as much as they can for themselves at the community level and at the private level. And I believe that we've distorted the balance of our government today by giving powers that were never intended in the constitution to that federal establishment. And if I do get the job I'm looking for, I'm going to devote myself to trying to reorder those priorities and to restore to the states and local communities those functions which properly belong there.[94]

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[94] Ronald Reagan, "Speech at Neshoba County Fair" (Neshoba, Mississippi, August 3, 1980).

The 1954 *Brown vs. Board of Education of Topeka* decision had been protested against by Southern Congressmen in the 1956 *Southern Manifesto,* on the grounds of states' rights. The laissez-faire argument completes this, hinting at the idea that, just as the appeal for states' rights, the federal government should not interfere and try to change things, but leave them alone. Edsall and Edsall explain that Reagan's opposition to government intervention, first articulated in 1964 in his support of the Goldwater campaign, was understood as including the basic provisions of the 1964 Civil Rights Act.[95] This link is made notably because historically it has been the federal government that has tried to improve the conditions of blacks in the US, first through the attempt to end slavery, then by fighting segregationist practices. As a result, blacks have a greater trust in federal government and since the end of World War II their economic fate has been linked to the federal government. Moreover, blacks are more in favor of a proactive role for the federal government, notably as a means to end racism and discrimination.[96] In 1976, Reagan gave the speech "To Restore America" during the campaign for the Republican nomination. In this speech he declared that welfare should also be administered at the state level:

> The truth is, Washington has taken over functions that don't truly belong to it. In almost every case it has been a failure. Now, understand, I'm speaking of those programs which logically should be administered at state and local levels. Welfare is a classic example. Voices that are raised now and then urging a federalization of welfare don't realize that the failure of welfare is due to federal interference. Washington doesn't even know how many people are on welfare—how many cheaters are getting more than one check. It only knows how many checks it's sending out. Its own rules keep it from finding out how many are getting more than one check.[97]

Here again Reagan plays on the idea that states are better being left alone to discriminate in whatever way they want. The irony being that some of the programs identified as welfare (AFDC and Medicaid) already are under state administration regarding the eligibility of the beneficiaries, and the states have huge discretion in denying benefits.

Legal scholars Anne Richardson Oakes and Ilaria Di Gioia show that the states' rights and nullification language was used in the opposition against the ACA. States' resistance against the ACA, in general or against specific measures, has been widespread. Before the ink had dried on Obama's name when he signed the ACA into law, 26 states (their Attorneys General and/or Governors) had joined two private citizens and the National Federation of Independent Businesses in the *Sebelius* lawsuit challenging the constitutionality of the ACA. This got wide international attention, but the states have also been busy challenging the ACA at the state level. Between 2010 and 2016, 22 state legislatures considered laws and measures challenging, or opting out of, mandatory provisions of the ACA. Many of those state bills and measures, which mostly focus on the non-enforcement of the individual mandate, were not enacted. The reason for this is the language used in the state bills, which is too closely associated with the language used during secession, Jim Crow, and the Massive Resistance to the *Brown* decision. These state bills use terminology of the states' rights

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[95] Edsall and Edsall 139.

[96] Hanes Jr. Walton and Robert C. Smith, *American Politics and the African-American Quest for Universal Freedom*, 3rd ed. (New York: Pearson Longman, 2006), 27; Dawson, *Behind the Mule,* 44, 182; King 53.

[97] Ronald Reagan, "To Restore America," March 31, 1976, http://reagan2020.us/speeches/To_Restore_America.asp.

doctrine of nullification. Oakes and Di Gioia's analysis focused on the 120 opposition-al bills considered in 26 states in 2014 alone. Of these bills, 37 were signed into law in 10 different states. They identified 3 types of bills. The first type openly used nullifica-tion language and claimed the unconstitutionality of the individual mandate. The second type did not use nullification language, but "declarations of state sovereignty and assertions of rights, freedoms and liabilities of citizens within the state".[98] These prohibit state agencies or employees from implementing the individual mandate within the state. This stance is closely linked to the notion of "interposition," the idea that a state should interpose itself between an unconstitutional law and its citizens. This notion was used interchangeably with nullification. The third type of bill does not use any such language and aims at creating an interstate compact to oppose fed-eral regulation over health matters.[99]

Oakes and Di Gioia deemed the South Carolina Senate Bill n° 147/2014 as illus-trative of the nullification type of bill. The bill declares that Obamacare "is not au-thorized by the Constitution of the United States and violates its true meaning and intent as given by the Founders and Ratifiers, and is invalid in this State, is not recog-nized by this State, is specifically rejected by this State, and is *null and void* and of no effect in this State" (emphasis added).[100] According to Oakes and Di Gioia's analysis, most of these nullification bills have been proposed in Southern States, Tennessee having proposed most bills of this type (14), followed by Oklahoma (12), and Georgia (10). In the South, only Texas and Florida did not propose such bills. All of the states proposing nullification bills were held by Republicans.

For the state sovereignty type of bill, Oakes and Di Gioia cite the example of Ar-izona's Proposition 122 that was voted into law by referendum on November 4, 2014 and which amended the Arizona Constitution. It enabled the state to "exercise its *sovereign authority* to restrict the actions of its personnel and the use of its financial resources to purposes that are consistent with the Constitution" (emphasis added) and to prohibit "this state and all political subdivisions of this state [...] from using any personnel or financial resources to enforce, administer or cooperate with the des-ignated federal action or program."[101] Oakes and Di Gioia explain that even Republi-cans were aware of the problem the language posed, especially in the nullification case, and that it needed to be toned down in order to make these bills acceptable.[102]

As of November 2016, 18 states had enacted laws or had amended their constitu-tions to opt out of the individual mandate, the employer mandate, or the penalties for not purchasing health insurance.[103] Ten states voted a bar on the implementation of

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[98] Anne Richardson Oakes and Ilaria Di Gioia, "State Opposition to the Affordable Care Act: A Matter of Continuity or Change?" (Conference, "Change and Continuity" American Politics Conference, Leicester, UK, January 7, 2017).

[99] Oakes and Di Gioia.

[100] Quoted in Oakes and Di Gioia.

[101] Quoted in Oakes and Di Gioia.

[102] Oakes and Di Gioia.

[103] Richard Cauchi, "State Laws and Actions Challenging Certain Health Reforms" (National Conference of State Legislatures, December 4, 2016), http://www.ncsl.org/research/health/state-laws-and-actions-challenging-ppaca.aspx. The following states are concerned: Alabama, Arizona, Florida, Georgia, Idaho, Indiana, Kansas, Louisiana, Missouri, Montana, New Hampshire, North Dakota, Ohio, Oklahoma, South Carolina, Tennessee, Virginia, Wyoming. It must be added that the Supreme Court upheld the individual mandate, thus the state law is superseded. However, these bills aim rather at barring the state agencies and employees from enforcing the fines.

the ACA or the health exchanges without the consent of the state legislature.[104] The notion of states' rights, in its softer form of states' sovereignty, also resurfaced in the 2014 Michigan affirmative action ban lawsuit.[105] In her dissent, Supreme Court Justice Sonia Sotomayor criticized Supreme Court Justice Antonin Scalia for his emphasis on the "near-limitless notion of state sovereignty" in upholding the ban.[106]

In a 2014 interview conducted by journalist David Remnick, Obama commented on conservative challenges to federal power, specifically in relation to the ACA:

> There is a historic connection between some of the arguments that we have politically and the history of race in our country, and sometimes it's hard to disentangle those issues. [...] You can be somebody who, for very legitimate reasons, worries about the power of the federal government—that it's distant, that it's bureaucratic, that it's not accountable—and as a consequence you think that more power should reside in the hands of state governments. But what's also true, obviously, is that philosophy is wrapped up in the history of states' rights in the context of the civil-rights movement and the Civil War and Calhoun. There's a pretty long history there. And so I think it's important for progressives not to dismiss out of hand arguments against my Presidency or the Democratic Party or Bill Clinton or anybody just because there's some overlap between those criticisms and the criticisms that traditionally were directed against those who were trying to bring about greater equality for African-Americans. The flip side is I think it's important for conservatives to recognize and answer some of the problems that are posed by that history, so that they understand if I am concerned about leaving it up to states to expand Medicaid that it may not simply be because I am this power-hungry guy in Washington who wants to crush states' rights but, rather, because we are one country and I think it is going to be important for the entire country to make sure that poor folks in Mississippi and not just Massachusetts are healthy.[107]

While Obama recognizes that there may be very valid reasons to be worried about the scope of federal power, he also insists on the fact that because of the racial history of the US, he was worried about the inequality resulting from too great a delegation to the states. As shown in Part 2,[108] he was right. The non-extension of Medicaid disproportionately affects African-Americans.[109]

The term socialism may be among the trickier ones, because there is a clear non-racial dimension to the term, based on a long history of the strong ideological confrontation during the Cold War. However, links can be made with race, especially when the term socialism is linked to the discourse against the federal government. According to historian Terri Brimes, Reagan had a simple view of a socialist threat from within and without: through big government and communism.[110] 'Socialism,' 'socialist,' and their derivatives are readily used by conservatives to describe the federal government and denounce what is perceived to be exaggerated influence or meddling in affairs better left to the states, the people, or business.

Political scientist Gerard Boychuck explains the racial dimension he sees in accusations of socialism. First of all, he considers the accusation of 'socialism' to be the

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[104] Cauchi. The following states are concerned: Arizona, Arkansas, Georgia, Missouri, Montana, New Hampshire, North Carolina, South Carolina, Utah, Wyoming.

[105] For a more detailed discussion see 2.4.1. The Backlash Against Affirmative Action.

[106] *Schuette v. Coalition to Defend Affirmative Action, Integration and Immigrant Rights and Fight for Equality by any Means Necessary (BAMN), et al.*," Pub. L. No. 701 f. 3d 466, reversed (2014), https://www.law.cornell.edu/supremecourt/text/12-682.

[107] David Remnick, "On and Off the Road with Barack Obama," *The New Yorker*, January 27, 2014, http://www.newyorker.com/magazine/2014/01/27/going-the-distance-david-remnick.

[108] See 2.3.4. The Welfare Myth.

[109] This will be demonstrated in detail in 4.3.1. Lawsuits Against the ACA and Medicaid.

[110] Brimes 65.

"easiest and most common approach to opposing any progressive social legislation."
He traces this rhetoric back to the mid-20th century. Boychuck thinks that the South-
ern opposition to health care in the 1940s was greatly motivated by fears of challenges
to the racial status quo, because Truman had strongly linked his health care pro-
posals with his civil rights proposals. Moreover, Southerners actually favored health
care legislation, but only on the model of Social Security, which would not have rep-
resented a threat to the racial order at that time, since domestic and agricultural
workers were made eligible for Social Security only in 1950. Boychuck highlights how
the language used to frame the opposition to health care matched the language used
to oppose civil rights legislation. In the protest against 'socialized medicine,' he sees
as the most potent item the issue of doctor choice, which works both ways: can the
patients choose their doctor, but also can the doctors choose their patients (meaning
can they refuse to treat minorities):

> Moreover, by framing opposition in the language of choice, opponents reflected and
> evoked the language of "choice" that was so central to opposition to civil rights in the
> South. Fair employment practices legislation as well as antisegregation legislation were
> argued to pose a threat to the civil rights of white southerners by limiting their ability to
> "choose" their employees as well as to "choose" with whom they would associate (*Con-
> gressional Record* 1948, A1864, A2338, A4749).[111]

In addition, in the 1940s support and opposition to health care legislation was divided
along racial lines as well: Southern Democrats and the white American Medical As-
sociation opposed it, whereas the NAACP and the black National Medical Associa-
tion supported it.[112] This echoes the marked racial division of the support and opposi-
tion of Obama's health care reform that is also rather sharply marked along racial
lines.[113]

The issue of 'choice', socialized medicine, and accusations of being a bureau-
cratic nightmare were widely used against the Clinton reform, notably in the Harry-
and-Louise ads aired from September 1993 to September 1994. One of the ads played
on the loss of coverage, starting with "Sometime in the future" with the ad opening
on a remark by Louise leafing through paperwork with her husband Harry: "This was
covered under our old plan!" and Harry answering: "Yeah, that was a good plan,
wasn't it?" The voice-over commented: "Things are changing, and not all for the bet-
ter. The government may force us to pick from a few health care plans designed by
government bureaucrats." Louise adds: "Having choices we don't like is no choice at
all." Harry chips in: "They choose" and Louise completes: "We lose."

The ad clearly plays on people's fear of losing what they have in an unknown re-
form. The message is reinforced by the insistence on plans created by government
and the wariness regarding bureaucracy.[114] It can be argued that this only plays on
people's fears of losing what they have and having less choice in the type of coverage.
However, the origins of the rhetorical utilization of 'choice' and 'socialized medicine'

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[111] Gerard W. Boychuck, *National Health Insurance in the United States and Canada: Race, Territory, and the Roots of Difference* (Washington DC: Georgetown University Press, 2008), 50–52.
[112] Boychuck 47.
[113] For a detailed discussion of public opinion support of Obama's health care proposal, see 2.3.4. The Welfare Myth.
[114] Without entering into a detailed debate about the remnants of ideological conflict between the US and the USSR, it can be noted that, on top of the historical and deep-seated distrust of government in the US, the long-established rhetoric opposing free-market capitalism based on private enterprise and a government-run bureaucratic system still play on the undertones that help to associate government and bureaucracy with little choice and a failing system of mismanaged shortage.

must not be forgotten, which links it to Southern, racially motivated, opposition to health care reform. Moreover, the idea that a government control results in less choice and a form of shortage openly relies on images of communist government mismanagement and ensuing shortages and rationings.

Moreover, in the context of the 1993/4 Harry-and-Louise ads, a second ad completed the previous one, giving a dimension of intergroup competition to the issue of choice, understating that whites would have less choice in health care because the system was generalized to the whole population, including minorities. The ad shows Louise coming home on her bike and meeting Harry and a friend of theirs, Pat; playing basketball in the driveway. They start discussing a new measure, 'community rating'. Louise explains that this means everybody pays the same insurance fees, "no matter their age, no matter if they smoke, or whatever." This posits irresponsible individual behavior or even individual health conditions, such as increased care needed in old age, in opposition to obviously less irresponsible and younger people (in the ad, they all appear to be in their mid-thirties) who take care of their health by doing sport. Louise then asks if it works. Pat explains that his insurance went up from $1200 to $3200 a year and that many people had to drop their coverage because of this cost increase. At the end of the ad, the voice-over exhorts people to tell Congress to do better and to oppose this measure. This ad plays on the fear of having to pay for the expansion of coverage to other people, with the subtle addition of the irresponsibility factor. This is often exploited in matters of social policy and a standard message from conservatives to oppose redistributive policies: the fear of white taxpayers paying for (minority) people too irresponsible and lazy to take care of themselves.[115]

The accusations of 'socialized medicine' are still used in conservative rhetoric today. According to sociologist and political scientist Paul Starr, such an opposition is a unique feature of American thinking: "Only in the United States is public responsibility for health-care costs equated with a loss of freedom."[116] Accusations of socialized medicine have also been used against Obama, notably in many political cartoons, *Americans for Prosperity* ads, and in other contexts. A 2010 AFP ad "Hands off my Health care" stars a woman telling her breast cancer story, explaining that with the new system she would have died, because of over-regulation and a government-created shortage in possibilities to see your doctor.[117] This representation of government clearly plays on a view of government regulation resulting in communist-type situations of shortage and bureaucratic insanity.

Another 2010 AFP ad played on the fear of government takeover resulting in unwanted redistribution, playing on intergroup competition and rekindling old ideas of whites' paying higher taxes to finance programs for minorities. The ad exhorts people to say 'No to government-run health care' because that would mean a $6 billion tax increase and $4 billion cuts in Medicare. The ad then warns people that 10 million people would lose their current insurance and end up on a government plan.[118] Of course, it is implied that a government plan would be of lower quality. The reference to tax increases and cuts in a 'white' program, Medicare, clearly hints at the old fear of the 1970s tax revolt interpreting redistribution as meaning whites paying

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[115] For a more detailed discussion of the issue of responsibility, see 3.2. Responsibility Discourse and Debate.

[116] Starr, *Remedy and Reaction*, 9–10.

[117] Americans For Prosperity, *AFP Hands Off My Health Care TV Ad*, 2009, https://www.youtube.com/watch?v=uz-agh-0jZg.

[118] Americans For Prosperity, *Health Care Ad*, 2010, https://www.youtube.com/watch?v=ChyctJjsg0g.

for programs that benefit blacks. The Medicare cuts evoked here directly point at the fear of whites losing their advantages.

The issue of health care plan choice and doctors choice was, and still is, a prominent issue in the Obama health care reform. Assuring people that they could keep their plan or their doctor under the new reform was a rather prominent aspect in Obama's promotion of the new reform. In a March 3, 2010 speech on health care, Obama said:

> Now, the proposal I put forward gives Americans more control over their health insurance and their health care by holding insurance companies more accountable. It builds on the current system where most Americans get their health insurance from their employer. If you like your plan, you can keep your plan. If you like your doctor, you can keep your doctor. I can tell you as the father of two young girls, I would not want any plan that interferes with the relationship between a family and their doctor.[119]

PolitiFact found 37 occurrences where Obama or a top official (including the White House web page) promised this. However, this was not entirely true, as some plans were indeed cancelled because the insurance companies changed them after the passage of the law.[120]

The railing against socialism and government takeover also plays on the public-private dichotomy, which is among the racial code words. According to Feagin, the public is associated to blacks, the private to whites. This association stems from the school desegregation crisis and the efforts to privatize schools in order to avoid desegregation. This is also directly linked to the perception of government action in favor of minorities.[121] However, the federal scope, of affirmative action in particular, only concerns institutions with federal funding or contracts. The perception of the federal government is closely linked to the notion of the public intruding into the private.

Another important stone in the conservative rhetorical construct is 'law and order', which spills over into values. Feagin sees the law and order discourse as being first developed by Goldwater against the Civil Rights Movement, and then increasingly used by other Republicans, notably Nixon, who successfully campaigned on that theme. Feagin argues that the riots in the 1960s were framed as 'ghetto riots' caused by black 'criminals,' thus strongly associating the protest over the socioeconomic situation of blacks with lawlessness. Feagin also points to attempts by conservative Republicans and Southern Democrats to link Johnson's Great Society to "the generation of crime by eroding off the work ethic and fostering black laziness." Feagin sees a historical continuity with the criminalization of "the race problem", i.e. civil rights protest, in the 1930s and 1940s and the portrayal of desegregation as threatening social stability and leading to a lack of safety of formerly safe segregated places.[122]

According to Jansson, over the late 1960s and 1970s the Republican Party pursued the strategy of associating "the Democratic Party with welfare programs, urban

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[119] Barack Obama, "Remarks by the President on Health Care Reform" (Office of the Press Secretary, the White House, Washington, DC, March 3, 2010).

[120] Louis Jacobson, "Barack Obama Says That What He'd Said Was You Could Keep Your Plan If It Hasn't Changed since the Law Passed'," *PolitiFact*, November 6, 2013, http://www.politifact.com/truth-o-meter/statements/2013/nov/06/barack-obama/barack-obama-says-what-hed-said-was-you-could-keep/.

[121] Feagin 78.

[122] Feagin 75–76.

riots, high taxes, busing, and affirmative action" on the one hand, while on the other hand the Republican Party "identified [itself] with law-abiding citizens," thus managing to wrest two support groups from the Democratic Party: Northern white Catholics and working- and lower-middle class white Southerners. The strong association with conservative values was further expanded when Republicans reached out to fundamentalist religious groups in the late 1970s, for example to the Southern Baptist Church. Many of these people had children in private segregated schools to avoid both racial integration and secular curricula. Following fiscal outrage, Republicans promised tax exemptions for those schools. The outreach to those groups brought many social conservatives who supported cuts in social programs to the Party, making questions such as abortion, censorship of pornography, or school prayer, important issues.[123]

Edsall and Edsall argue that "for a crucial segment of the white electorate, to be middle class, to hold traditional values, to endorse work, family, responsibility, achievement and the like, meant not supporting the presidential wing of the Democratic party." Ultimately, in 1984, this resulted in a decisive victory for the Republican Party in the competition over values, giving it an electoral majority and enabling it to capture the white voters affected by racial issues. Edsall and Edsall explain that tapping explicitly into voters' anxieties and convictions about values and socioeconomic status allowed tapping implicitly into anxieties and resentment about race.[124] Elizabeth Anderson also criticizes this conservative tendency to blame black behavior and values and views it as a framework in which the black and white cultures are detached.[125]

Moreover, the discourse over values inserts itself into a wider discourse on responsibility and the role of government. It could be argued that an emphasis on a small role for government, on self-help, and on individualism is the basis of contemporary neo-liberalism. However, with the cultural discourse, it also justifies the subordinate socioeconomic status of minorities, exculpates lack of opportunity, and justifies broad economic inequalities. Political scientist and journalist Hedrick Smith argues that the plutocracy of wealth is built on work ethics ideas,[126] meaning that success is solely attributed to the result of personal effort and not to a system rigged in favor of the rich. So, through the cultural discourse questions of responsibility, individualism, and the role of government acquire a racial dimension.

The discourse around welfare reflects these combined codes. The stereotype of the welfare recipient so neatly reflects stereotypes about blacks that it becomes virtually unnecessary to explicitly say that the welfare recipient is black. Thus welfare becomes a code word that targets blacks.[127] Political scientist Frances Fox Piven explains that the common anti-welfare discourse which exists at all levels is particularly perverse, because social policy is heralded as reflecting the kindness of the American spirit, but is nevertheless portrayed as being bad for society. According to conservative anti-welfare discourse, welfare leads people to give up working and also encourages out-of-wedlock births. According to Fox Piven, in recent years, this discourse of welfare being bad for the people and bad for the economy has been augmented by a

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[123] Jansson 306–7.
[124] Edsall and Edsall 177, 179–80.
[125] Anderson, *The Imperative of Integration*, 82–83.
[126] Smith, *Who Stole the American Dream?* 99–100.
[127] For a more detailed discussion of the racialized perception of social policies, see 2.3.3. What Is "Welfare"? and 2.3.4. The Welfare Myth.

new dimension: globalization. This allows a revival of the laissez-faire discourse from the end of the 19th century, positing that government is helpless in the face of the market. Because government has no power over international markets, it has to get out of the way.[128] The argument posits that spending on social programs is bad for competitiveness, and that competitiveness is required when facing the unruly global markets and its cutthroat world of ever-lower taxes. In the end, globalization becomes a rhetorical tool where slackers and social parasites (who are embodied by racial minorities) at home become the scapegoats for the inequalities created by wild capitalism gone global.

It has been explained previously that concept of welfare also includes a strong deserving/undeserving dichotomy. Political scientists Paul M. Sniderman and Edward G. Carmines show that this perception also becomes obvious in people's preference for measures like job training over 'welfare.' According to their study, the crucial elements of self-help and will to try, associated with the deserving poor, change policy support by 15-20 percentage points, for black and white recipients alike.[129] According to Mendelberg, the image of the underserving is a full component of playing the race card, in which the racial priming of underserving blacks works on the "racial predisposition of racial resentment in vote choice." The image of the undeserving also "primed the related racial predisposition of laissez-faire racism and perception of blacks' undue influence."[130] In his 1981 State of the Union speech, Reagan used this idea of many beneficiaries not being truly needy, and hence not being deserving, to advocate cuts in social programs:

> There's nothing wrong with America that together we can't fix. I'm sure there'll be some who raise the old familiar cry, "Don't touch my program; cut somewhere else." I hope I've made it plain that our approach has been evenhanded, that only the programs for the truly deserving needy remain untouched. The question is, are we simply going to go down the same path we've gone down before, carving out one special program here, another special program there? I don't think that's what the American people expect of us. More important, I don't think that's what they want. They're ready to return to the source of our strength.[131]

The special programs associated in Reagan's speech to the underserving echo the 'special preferences' associated to affirmative action, which is reinforced by the 'undue influence' of blacks that can be primed through 'undeserving' according to Mendelberg. Edsall and Edsall explain that

> [f]or disaffected white voters, Reagan drew the connection between taxes and "groups" and "special interests"—adding to Republican rhetoric phrases and words that now bore a new meaning—signifying for many working and middle-class voters the reliable opposition of Reagan and the Republican party to benefits targeted at blacks, feminists, homosexuals, and others seeking new rights, protections, or preferences from government.[132]

Thus, the deserving/undeserving dichotomy becomes a racial code, in which the deserving are whites who benefit from good contributory programs, and the undeserving are blacks who benefit from wasteful handouts because they are too lazy to work.

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[128] Frances Fox Piven, "Globalization, American Politics, and Welfare Policy," *Annals of the American Academy of Political and Social Science* 577, no. Reforming Welfare, Redefining Poverty (2001): 31–32, 34.

[129] Sniderman and Carmines 111.

[130] Tali Mendelberg, "Racial Priming Revived," *Perspectives on Politics* 6, no. 1 (2008): 113.

[131] Sniderman and Carmines 111.

[132] Edsall and Edsall 206.

This negative association of blacks with social programs was still rhetorically exploited by Republicans during the Obama presidency. A 2013 CNN article by John Blake made a quick inventory of some of the welfare slurs made by Republicans during the 2012 presidential campaign. Blake went so far as to say that the combined slurs were like a return of the Welfare Queen.[133] For example, in the 2012 Republican primaries, candidate Rick Santorum said during his campaign in Iowa: "I don't want to make black people's lives better by giving them somebody else's money." This statement is linked to the perception of unjustified government handouts for undeserving minorities. Mitt Romney accused Obama several times of wanting to turn America into an "entitlement society." Newt Gingrich gained renewed prominence by calling Obama "the Food Stamp President."[134] During the campaign, Gingrich also said "blacks should demand jobs, not food stamps." Gingrich went so far as using this in a campaign spot that was aired mainly in South Carolina, according to *The Economist*.[135] The spot begins with the statement that "Only Newt Gingrich can beat Barack Obama", immediately followed by the affirmation that "More people have been put on food stamps by Barack Obama than any president in American history." He then continues: "I believe that any American, of any background, has been endowed by their creator with the right to pursue happiness and if that makes liberals unhappy, I'm going to continue to find ways to help poor people learn how to get a job, learn how to get a better job, and learn some day to own the job."[136] Gingrich's spot is in the precise line of blaming social programs for creating poverty. Moreover, he posits liberals as not wanting people to become independent and self-reliant. The additional rhetorical virtuosity is to present the right to work in the language of the Declaration of Independence, thus not only heightening the association of social programs with dependence, but at the same time portraying liberals as being opposed to core American values of economic independence and self-reliance.

The maybe most interesting embedded code word is taxes. 'Tax-and-spend liberals' is a catch phrase derived from this issue. It has been explained earlier how the backlash against social policies was strongly racialized along the lines of protest against the use of white middle class taxpayer money for programs seen as benefiting blacks, making taxes an issue that is also viewed in black and white. Although Nixon was receptive to the tax-driven backlash sentiments, it was Reagan who really managed to make a highly racialized issue out of taxation, as Thomas and Mary Edsall demonstrate in their book *Chain Reaction*. This argument has been taken up by many scholars since then, for example by William Julius Wilson or Frances Fox Piven.[137] In the Obama context, the old phrase of tax-and-spend-liberals has been slightly revamped. *New York Times* journalist John Harwood talked with White House officials, presidential advisors, and scholars, and concluded that the term 'redistribution' has become the new "toxic" phrase. William M. Daley, White House chief-of-staff in 2011, explained to Harwood that: "Redistribution is a loaded word that conjures up all sorts of unfairness in people's minds." Harwood explained that according to Daley, "Re-

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[133] John Blake, "Return of the 'Welfare Queen,'" *CNN*, January 23, 2012, http://www.cnn.com/2012/01/23/politics/weflare-queen/index.html.

[134] Blake.

[135] "Newt and the 'Food-Stamp President,'" *The Economist*, January 18, 2012, http://www.economist.com/blogs/democracyinamerica/2012/01/newt-gingrich.

[136]   Newt   Gingrich,   *The   Moment*,   2012, https://www.youtube.com/watch?v=z8lypvEz8Bg&feature=youtu.be.

[137] Wilson, "Rising Inequalities and the Case for Coalition Politics," 78–99; Fox Piven 26–37.

publicans wield it 'as a hammer' against Democrats." Daley concluded: "It's a word that, in the political world, you just don't use."[138] With the focus on redistribution, the stock phrases have been somewhat augmented, but the idea behind it remains the same: take money from white taxpayers to redistribute it to minorities.

Tesler and Sears found that the tax discourse and the attack on downward redistribution were still among the top-issues of the 2008 presidential campaign, with McCain calling Obama "Barack the Redistributor,"[139] or "Redistributor-in-Chief.[140] Republican candidate John McCain used "Joe the Plumber," Joe Wurzelbacher, a citizen who had voiced concerns about Obama's tax plans, saying that if he owned his own plumbing business one day, he feared he might have to pay higher taxes. Obama tried to explain that he wanted "to spread the wealth around" and that Joe might even benefit from a big tax cut, but it was too late. A little later, in a Florida campaign speech McCain said:

> Senator Obama says that he wanted to spread your wealth around. [...] When politicians talk about taking your money and spreading it around, you'd better hold onto your wallet. Senator Obama claims that he wants to give a tax break to the middle class, but not only did he vote for higher taxes on the middle class in the Senate, his plan gives away your tax dollars to those who don't pay taxes. That's not a tax cut, that's welfare.[141]

McCain's discourse plays on the classics: "taxes" means "welfare," which refers to people who do not deserve it since they do not pay taxes themselves. The blackness of welfare does not have to be proved again. Nothing has changed, the tax discourse has remained intact since the 1970s. Communication researcher Mark P. Orbe made a study in 2010 about Americans' reactions to Obama's rhetoric in his 2011 book *Communication Realities in a "Post-Racial" Society: What the Public Really Thinks about Barack Obama*. He found that taxation was still a very sensitive issue, especially for the working and middle classes. A respondent, a twenty-something-year old white man from Michigan, explained his resentment at the Obama tax policy proposal:

> I'm blessed to be born into a family where my father worked extremely hard his entire life. We are—I'm not going to say well-off, but I don't have to worry where my next meal is going to come from. I'm always going to have a roof over my head. I have parents who care. And we are going to get punished for it, because we worked hard? Yeah, tax the rich to give to the poor. Well, you know what? We've done this before. It's failed then, and it's gonna fail again. Who was it? Herbert Hoover fought poverty, and you know what happened? Poverty won. Things don't work like that. I apologize because I'm getting worked up here and getting off topic. But, at the same time, that is the way I was raised. What you earn is what you get to earn. Now, okay, 10 percent of our population is real rich. Another part of it doesn't want to do a damn thing. Pardon my language, I do apologize. So, we are going to take money from the rich folks and then pay for the rest of society and then we are going to take some money out and give you money for this, for that... It's just one of those things... I don't know... I'm kinda pissed about it all to be honest.[142]

It is interesting to see how the respondent admits not being well-off, making him most likely lower middle class, but nevertheless feeling himself targeted by the tax

[138] Harwood, "Don't Dare Call the Health Law 'Redistribution.'"

[139] Tesler and Sears 89.

[140] Harwood.

[141] Quoted in Michael Cooper and Michael Powell, "McCain Says Obama Turned Heat on Joe the Plumber," *New York Times*, October 17, 2008, http://www.nytimes.com/2008/10/17/us/politics/17webplumber.html.

[142] Mark P. Orbe, *Communication Realities in a "Post-Racial" Society: What the Public Really Thinks about Barack Obama* (Lanham: Lexington Books, 2011), 130.

increases for the rich, which reflects the diffuse class awareness in the US. It is also interesting to note that this respondent's conception of the American class structure closely resembles the model offered by Wysong *et al.* Moreover, he also sees poverty in a moralized way, attributing poverty to a lack of work and motivation. The respondent's words about his feelings regarding taxation exemplify what Edsall and Edsall, Wilson, and Fox Piven have said about the use of taxation rhetoric. Moreover, the extract highlights the fact that the War on Poverty is perceived as a failure and a waste of money.

Communication researchers and political scientists Kate Kenski, Bruce W. Hardy, and Kathleen Hall Jamieson also found that issues of taxation were central to the 2008 campaign, with "the most frequently aired attacks" against Obama being a "tax-and-spend liberal," McCain accusing Obama's political program of being harmful for the economy and the middle class and of increasing the national debt, with campaign spots playing on those themes. The spots pitted Obama as the taxer and McCain as the champion of the working and middle class.[143] The least that can be said is that McCain's discourse is not original at all, but just a reheated version of Reagan's discourse. The same type of rhetoric was and is used by the Tea Party. For example, in a Tea Party rallying speech on April 14, 2010 Sarah Palin, McCain's running mate in the 2008 campaign, said:

> So the people in Boston and all across the US, we're sending the message to Washington that, come November, that big government, big-debt Obama-Pelosi-Reid spending spree, that "there there, little children, we're here to take care of you," that agenda is over, we're voting them out! [...] Cause they just don't get it. They think that we can borrow, and tax more, and spend more ... they're obviously digging us into a deeper darker hole, and that is insane. With their new record-busting 3.8 trillion dollar federal budget and their trillion dollar plus Obamacare scheme ... , to keep borrowing and spending, and inventing these big new government programs with enormous price tags that make no sense, there is no way to pay for any of this, except to see your taxes rise.[144]

It must be added that taxes and federal deficit are strongly associated with social policies and with the idea of endangering the economy, in the wider framework presenting government regulations as harmful to the economy. All of this is condensed in one magic code word: big government. Coste insists that for Reagan the danger was coming from the welfare state[145] through its spending and regulations. Political scientist Hugh Heclo insists on the fact that for Reagan the proper role of government was reduced to national defense, everything else being usurpation of power.[146] Edsall and Edsall explain the central and embedded notion of big government in the Reagan rhetoric and ideology:

> A central pillar of Reagan's success was the skill of his political entourage in manipulating the new Republican agenda of race and taxes in order to portray the Reagan administration as protecting the working man against "big government".
>
> Big government was painted, in turn, as fueled by Democrats seeking ever larger infusions of revenue, not only to raise welfare payments and government salaries, but to im-

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[143] Kenski, Hardy, and Hall Jamieson 27, 35–36.

[144] Sarah Palin, "Boston Tea Party Rally Speech" (Boston, MA, April 14, 2010). This speech was given in a timely manner the day before tax day, when the tax returns on income taxes to the federal government must be filed.

[145] Coste, *Reagan,* 80.

[146] Hugh Heclo, "Ronald Reagan and the American Public Philosophy," in *The Reagan Presidency: Pragmatic Conservatism and Its Legacies*, ed. W. Elliot Brownlee and Hugh Davis Graham (Lawrence, KS: University of Kansas Press, 2003), 27–29, 34.

pose racial preferences on government contracts, on college admissions, and on employment and promotion in the public and private sectors.[147]

'Big government' manages to encapsulate the tax backlash, racial resentment, and the association with the Democratic Party. Moreover, it is also strongly associated with wasteful spending and the idea of an incessantly growing bureaucracy.[148] Feagin also insists on this centrality of big government in the framing of politics and race in the conservative movement. However, in the case of big government, this refers to an anti-federal government perspective, not to the state governments. Feagin sees this anti-federal government attitude as stemming from the federal government's prominent role and action against Jim Crow and in favor of civil rights. Through this strong role more and more people associated federal action with black Americans and perceived anti-white interests, leading Feagin to establish a link between anti-black views and anti-federal-government views.[149] Sniderman and Carmines also argue that race policies are embedded within the broader debate over the proper role of government.[150]

The invasive and harmful perception of big government resurfaced also in the Clinton and Obama health reform contexts. Government regulations in health care were presented as harmful and detrimental to the people. The 1993 Harry-and-Louise ads played on that with the ad-slogan: "They [government] choose, we lose." During the Obama reform, the best example of the big government threat would be the infamous death panels: government regulations push you toward death. John Borra's political cartoon (see the beginning of part I) is also an example of the representation of government regulation: death and abortion. The perception of government as totalitarian can be found in accusations of Obama being a dictator, as conveyed through the *Obamathets* "Dear Leader", "Comrade Obama", or "Obamunist." Obama has also been compared to Hitler, for example by Texas Rep. Louie Gohmert in a 2010 House Floor speech, by Georgia Rep. Paul Broun in 2010, and by conservative commentator Glenn Beck in 2009.[151] The reform was presented as a "government takeover" of health care. A 2010 *PolitiFact* article reports that a memo by Republican political strategist Frank Luntz urged members of the Republican Party to attack the reform along those lines. Luntz wrote in the memo that "Takeovers are like coups. They both lead to dictators and loss of freedom." Since then, it has become a punch line.[152]

3.2. Responsibility Discourse and Debate

The question contained in the code of big government is the question of the proper role of government and thus the question of responsibility. The notion of 'responsibility' is particularly interesting because it now takes a central place in both

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[147] Edsall and Edsall 12.

[148] Lowi *et al.* explain that the term 'administration' is used when a federal agency is perceived as useful and effective; 'bureaucracy' is used when the public disapproves of the agency (155).

[149] Feagin 77.

[150] Sniderman and Carmines 4.

[151] Luke Brinker, "7 Conservatives Who Have Compared Obama to Hitler," *Salon*, January 13, 2015, http://www.salon.com/2015/01/13/7_conservatives_who_have_compared_obama_to_hitler/.

[152] Bill Adair and Angie Drobnic Holan, "PolitiFact's Lie of the Year: 'A Government Takeover of Health Care,'" *PolitiFact*, December 16, 2010, http://www.politifact.com/truth-o-meter/article/2010/dec/16/lie-year-government-takeover-health-care/.

conservative and now also liberal discourse. It raises the central question linked to social policies: Is it the responsibility of individuals to take care of themselves or has the government a responsibility in providing for the people? 'Responsibility' is a code word in the sense that it encapsulates a host of meanings and carries a strong ideological package, and has a racial dimension as well. The idea that blacks were not able to take care of themselves was used as a paternalistic justification for slavery. Irresponsible behavior or lack of responsibility is used in cultural racism, and the conservative behavioral approach of poverty argues that a low socioeconomic status does not reflect an unfair economy but a lack of work ethic and responsibility. This simple racial dimension is broadened by a larger ideological dimension of two different stances regarding the role of the government in providing safety and opportunity for the citizens. Conservatives and neoliberals claim that government intervention should be restricted to national defense and law and order; everything else should be left to the private market and the individual, or the family. Equal opportunity exists as long as everybody has the same rights. Liberals defend the idea that government has a role to play in regulating the economy and providing a safety net in case of economic hardship. They also view equal opportunity as a question of equal means, not only equal rights. Equality of means and the safety net are aimed at through social policies. The Democratic Party, representing the liberal ideology, is strongly associated with minority rights and social policy development, as well as with the advocacy of a stronger role for government. Moreover, Democratic policies are often portrayed by conservatives as wasteful spending made by an irresponsible government. In addition, the black stereotype portrays this population as irresponsible, which creates a race-laden dimension to the responsibility debate and creates a code in which the notion of responsibility is used to attack social policies. Thus the notion of responsibility is particularly important because of its apparent innocence and uplifting character. However, the responsibility discourse has an impact on the support of social policies, as demonstrated by Bobo and Charles.[153]

3.2.1. "The Dream Smells Like Peppermint but Tastes Like Strawberry Shortcake:"[154] the Conservative Responsibility Discourse

To a great extent, the conservative responsibility discourse rests upon the idea of the American Dream. America, it is said, is the land of opportunity; anyone can succeed through hard work and thrift. The persistence of a sizeable poor population, which on top of that is easily identifiable because of their color, and who claims more equality of opportunity is an element that questions the reality of the Dream. Two solutions exist. Accept that the Dream is a dream and start questioning the fairness of

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[153] Bobo and Charles 247.

[154] Ta-Nehisi Coates, *Between the World and Me* (New York: Spiegel and Grau, 2015), 11. "I have seen that dream all my life. It is perfect houses with nice lawns. It is Memorial Day cookouts, block associations, and driveways. The Dream is treehouses and the Club Scouts. The Dream smells like peppermint but tastes like strawberry shortcake. And for so long I have wanted to escape into the Dream, to fold my country over my head like a blanket. And knowing this, knowing that the Dream persists by warring with the known world, I was sad for the host, I was sad for all those families, I was sad for my country, but above all, in that moment, I was sad for you."

the socioeconomic system. Or blame the aforementioned population for not being able to grasp the Dream because they do not meet some of the premises of the Dream. Hochschild sees a strong individualistic dimension in the American Dream since its premises focus on people's behavior instead of economic processes.[155] The crucial aspect is that the American Dream makes individuals responsible for their own success by negating structural barriers. Furthermore, it absolves government intervention as the Dream posits that equality of opportunity exists. West criticizes this conservative responsibility discourse: "In this way crucial and indispensable themes of self-help and personal responsibility are wrenched out of historical context and contemporary circumstances—as if it was all a matter of personal will."[156] The critical nexus is in absolving structural barriers and making social mobility an issue of personal behavior that is disconnected from the economic system.

It is there that the responsibility discourse is closely linked to cultural racism, since it attributes a lower socioeconomic status to deficient black cultural values. Bonilla-Silva mentions accusations such as "lack of motivation, loose family organization, and inappropriate values."[157] In this conception black poverty provides the evidence of a lack of effort and lack of work ethic. Bonilla-Silva affirms that some people even think that denunciation of discrimination is used as an excuse for laziness. The same discourse is applied to social policy: because people are lazy, they ask for food stamps.[158] Schuman *et al.* have shown that the beliefs about the reasons for racial socioeconomic inequalities have changed over time, tending increasingly to a lack of will. Since 1977, the first cause consistently mentioned has been a lack of will for getting ahead.[159]

A 2007 PEW report shows that the belief in discrimination as the main reason for blacks not getting ahead was very low at the time (19% for the total population) and lowest among whites (15%), but also only 30% among blacks. On the contrary, most respondents believed that blacks were responsible for their situation: 71% of whites, 53% of blacks, and 59% of Hispanics. By 2010, this belief among blacks, at least, had dropped. A 2010 PEW report shows that 52% of blacks thought that blacks are mostly responsible for not getting ahead, whereas only 34% mentioned discrimination as a reason. Fifteen years ago, they had the opposite view. However, a majority (81%) of blacks still believe that the country has not done enough to give blacks equal rights with whites, whereas 54% of whites think that equal rights are a fact.[160] What is surprising, however, is the discrepancy between the percentage of the population, blacks included, thinking that blacks are responsible for their situation, and people who think that discrimination is not a problem anymore. One would expect a convergence of the numbers, since it seems impossible to believe at the same time that discrimination is still present but that people are responsible themselves for their low socioeconomic status.

The Republican conservative discourse built on the notion of personal responsibility emerged at the end of the 1970s and the beginning of the 1980s in the context

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[155] Hochschild, *Facing Up to the American Dream*, 36–37.

[156] West 22.

[157] Bonilla-Silva, *Racism without Racists,* 87.

[158] Bonilla-Silva, *Racism without Racists*, 90.

[159] Schuman *et al.* 153, 155, 161.

[160] "Optimism about Black Progress Declines: Blacks See Growing Values Gap Between Poor and Middle Class" (*Pew Research Center*, November 13, 2007) 5. "Blacks Upbeat about Black Progress, Prospects" (*Pew Research Center*, January 12, 2010) 4–5.

of the backlash. The perversity theory also advocates that not giving help and subsidies would force people to work and thus ultimately help them because they are forced to become responsible for themselves.[161]

During the 1980s, this theory was freshly publicized and disguised as scientific proof by libertarian political scientist Charles Murray in his 1984 book *Losing Ground: American Social Policy 1950-1980.*[162] Murray's book was financed by *The Manhattan Institute,* a conservative think tank, and was an instant bestseller. It is interesting to see that Murray's following book dealing with race and socioeconomic status, *The Bell Curve: Intelligence and Class Structure in American Life,* written with psychologist Richard J. Herrnstein and published in 1994, was also a bestseller, but was rejected by most conservative politicians. According to sociologist Stephen Steinberg, conservative politicians rejected this theory, not primarily because it was not politically correct and had a terrible whiff of biological racism, but because it did not fit the behaviorist responsibility discourse. Murray's first book, on the contrary, fit their discourse perfectly and was widely appreciated. Steinberg also points out that the responsibility discourse matches better with the myth of opportunity and the American Dream than does a genetically determined social hierarchy.[163]

Although Nixon had already started to give a new tone to conservative discourse, the political climate was still too liberal for a harsh attack on social policies. Partly in discourse and, more essentially, in policy, Nixon still put forward a rather strong role for government in social policies. It was Reagan who really established the responsibility discourse, claiming that personal responsibility was the solution to the problems and deviances caused by the 'irresponsible' policies implemented by the Democrats. The Reagan-Democrats were particularly receptive to this discourse.

Reagan's personal responsibility doctrine is built on three elements. First, Reagan had a strong admiration for self-made men, people who had climbed the rungs of the social ladder through hard work and obstinacy. Second, he did not believe that racial discrimination persisted in the late 20th century. Documents in the presidential archives show that Reagan was convinced that discrimination had ended with the Civil Rights Act of 1964 and that racial issues were not topical anymore. According to him, African-Americans and Hispanics did not face any barriers to integration anymore and had in fact the same opportunities and possibilities of succeeding as whites.[164] And third, Reagan favored deregulation and a small role for government, which was reflected in the fact that any form of government intervention was presented as harmful, either for individuals, for business, or for the economy at large. According to Jansson, Reagan's ideal world resembled America's Gilded Age of the late 19th century, a period of economic deregulation strongly focused on individualism. As for Katz, he analyses the conservative discourse warning against the perverse

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[161] Somers and Block 265, 279.

[162] It must be noted, based on the title, that according to Murray's view, social policy took a turn for the worst in 1950, the year when Social Security was the first program to fully integrate African-Americans. This put an end to the previous racial discrimination and exclusion and paved the way for a greater inclusion of minorities during the 1960s.

[163] Stephen Steinberg, "America Again at the Crossroads (2000)," in *Theories of Race and Racism: A Reader*, ed. Les Back and John Solomos, 2nd ed. (London, UK: Routledge, 2009) 634–35.

[164] Coste, "Reagan Democrats."
Coste, "Droits Civiques."

effects of social policies and extolling the benefits of private charity as a mythicized interpretation of the late 19th century.[165]

These ideas led to the construction of a discourse that presented the interventionist social policies implemented by the Democrats as irresponsible, designating them not only as the cause for the economic downturn of the 1970s, but also as the roots of the alleged depravation of the 'underclass.' The Republican Party, on the contrary, proposed budget cuts in social programs to save the economy,[166] but also to make the beneficiaries of social programs take responsibility by putting them to work and thus help them become independent and self-reliant. Additionally, Reagan's conservative *Weltbild* made the poor responsible for their poverty, since, according to Republicans, it was possible to become rich if people were willing and worked hard. The ideological contrast is quite stark: during the same years, the Democratic Party's platform insisted on the government's responsibility towards citizens and people who had suffered from discrimination.[167]

The ideology built around the notion of personal responsibility can be seen in Reagan's 1986 State of the Union Address:

> We do not face large deficits because American families are undertaxed; we face those deficits because the federal government overspends.
>
> The detailed budget that we will submit will meet the Gramm-Rudman-Hollings target for deficit reductions, meet our commitment to ensure a strong national defense, meet our commitment to protect Social Security and the truly less fortunate, and, yes, meet our commitment to not raise taxes. How should we accomplish this? Well, not by taking from those in need. As families take care of their own, government must provide shelter and nourishment for those who cannot provide for themselves. But we must revise or replace programs enacted in the name of compassion that degrade the moral worth of work, encourage family breakups, and drive entire communities into a bleak and heartless dependency.[168]

This short extract highlights how the different elements are intrinsically linked: the first level is the concern about the federal deficit and the national debt, alongside the voiced commitment over the maintaining of essential programs and budget lines, especially military spending. It must be observed that Reagan declares himself in favor of certain social programs, mentioning here Social Security. As mentioned before, Social Security is the most popular program in the US, it benefits from strong support by the white middle class, and is very difficult to attack.[169] However, this defense of Social Security is immediately followed by something far more central to Reagan's program: the promise not to increase taxes. Through this association Reagan creates a situation of resource shortage for social programs, the perception of a zero-sum-game between the deserving and the undeserving. Through the reference to the lack

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[165] Jansson 308, 322; Katz, *The Price of Citizenship*, 137–38.

[166] As mentioned before, a balanced budget to save the economy became the centerpiece of conservative ideology and rhetoric and was cemented into law by the 1985 *Gramm-Rudman-Hollings Deficit Reduction Act* and the *Balanced Budget Act* of 1997. Not surprisingly, cuts were concentrated on social programs.

[167] Gerring 244; "Government has a special responsibility to those whom society has historically prevented from enjoying the benefits of full citizenship for reasons of race, religion, sex, age, national origin and ethnic heritage, sexual orientation, or disability." "Democratic Party Platform," 1984, http://www.presidency.ucsb.edu/ws/?pid=29608.

[168] Reagan, "SOTU 1986."

[169] Skocpol 5.

of work ethic, divorced families, and entire communities steeped in welfare dependency, the association with the black 'underclass' is made.

This description of the black 'underclass' is opposed to the (white) responsible and sound family, which, according to Reagan, is the basic unit of American life. In his 1985 State of the Union Address, Reagan presents the responsible family as the victim of Democratic policies:

> As we came to the decade of the eighties, we faced the worst crisis in our postwar history. In the seventies were years of rising problems and falling confidence. There was a feeling government had grown beyond the consent of the governed. Families felt helpless in the face of mounting inflation and the indignity of taxes that reduced reward for hard work, thrift, and risk-taking. All this was overlaid by an ever-growing web of rules and regulations.[170]

A little later in the speech Reagan presents his conception of government responsibility:

> This government will meet its responsibility to help those in need. But policies that increase dependency, break up families, and destroy self-respect are not progressive; they're reactionary. Despite our strides in civil rights, blacks, Hispanics, and all minorities will not have full and equal power until they have full economic power.

Reagan's rhetoric is particularly efficient in the sense that he advocates government help for the needy. However, thanks to the ideas of moral hazard and the perversity theory, it is not contradictory to proclaim helping the poor by slashing programs. Moreover, just by mentioning the lack of economic power of the black and Hispanic population after listing the evils provoked by social policies. Thus he makes sure that these populations are seen as the victims of social policies, he maintains the negative stereotype associated with these populations, and he makes it clear for the white part of the audience that only programs perceived as benefiting blacks are to be slashed.

Reagan's discourse playing on the notion of personal responsibility and Democratic irresponsibility has proven to be particularly enduring. George H. W. Bush used the same themes as Reagan, denouncing Democratic irresponsibility in his 1988 Address Accepting the Presidential Nomination at the Republican Convention in New Orleans:

> My friends, eight years ago this economy was flat on its back—intensive care. We came in and gave it emergency treatment: Got the temperature down by lowering regulation, got the blood pressure down when we lowered taxes. Pretty soon the patient was up, back on his feet, and stronger than ever.
>
> And now who do we hear knocking on the door but the doctors who made him sick. And they're telling us to put them in charge of the case again. My friends, they're lucky we don't hit them with a malpractice suit![171]

The medical analogy and the threat of a malpractice suit clearly accuse the Democrats of being irresponsible in their policy choices. Bush also kept taxes as a central issue, insisting on his promise not to increase them, thus maintaining a zero-sum-game around social policy and keeping the identification of the Democrats as tax-and-spend liberals:

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[170] Ronald Reagan, "Address Before a Joint Session of the Congress On The State of the Union," June 2, 1985, http://www.presidency.ucsb.edu/ws/index.php?pid=38069.

[171] George H.W. Bush, "Address Accepting the Presidential Nomination at the Republican National Convention" (New Orleans, August 18, 1988).

> I'm the one who won't raise taxes. My opponent now says he'll raise them as a last resort, or a third resort. When a politician talks like that, you know that's one resort he'll be checking into. My opponent won't rule out raising taxes. But I will. The Congress will push me to raise taxes, and I'll say no, and they'll push, and I'll say no, and they'll push again, and I'll say to them, "Read my lips: no new taxes."[172]

The tone was kept during the rest of the campaign, sometimes combining the theme of Democratic irresponsibility with the old theme of law and order, notably through the Willie-Horton spot and the "Revolving Doors" ad. This ad denounced Democrats as being lax on crime and their proposals for prisoners' rights as fostering criminality. Although Bush toyed with the idea of intervening in social policies, he spent little time and attention on his plans concerning education, drug abuse, or even social programs. He voiced the fundamental conservative idea: "you can't solve problems by throwing money at them."[173]

In his Inaugural Address, Bush also continued the fundamental Reaganite rhetoric combining expressions of concern, compassion, and caring with an advocacy of cutting social programs:

> America is never wholly herself unless she is engaged in high moral principle. We as a people have such a purpose today. It is to make kinder the face of the Nation and gentler the face of the world. My friends, we have work to do. There are the homeless, lost and roaming. There are the children who have nothing, no love and no normalcy. There are those who cannot free themselves of enslavement to whatever addiction—drugs, welfare, the demoralization that rules the slums. There is crime to be conquered, the rough crime of the streets. There are young women to be helped who are about to become mothers of children they can't care for and might not love. They need our care, our guidance, and our education, though we bless them for choosing life.
>
> The old solution, the old way, was to think that public money alone could end these problems. But we have learned that that is not so. And in any case, our funds are low. We have a deficit to bring down. We have more will than wallet, but will is what we need. We will make the hard choices, looking at what we have and perhaps allocating it differently, making our decisions based on honest need and prudent safety. And then we will do the wisest thing of all. We will turn to the only resource we have that in times of need always grows: the goodness and the courage of the American people.[174]

This extract perfectly encapsulates the tenets of the conservative discourse: welfare is thrown into the same pot as drug addictions, thus hammering home the negative view of welfare and insisting on the dependency dimension dear to the perversity theory. Concern is expressed for the poor, especially the welfare mother, and on the same occasion, a little word is thrown in for the Religious Right, insisting on the commitment against abortion, which allows him to blame the welfare mothers for their behavior while sounding caring and paternalistic at the same time. The reference to crime and welfare mothers primes the association with the black population, thus ensuring that the next sentence, about money not solving the problem, is rightly understood as applying to programs perceived as benefiting the black population. Cutting programs is justified and portrayed as urgently necessary and responsible through the weapon of choice, the deficit.

Bush insists on the issue of willpower as opposed to money, and thus also primes racial stereotypes of people too lazy to work and unwilling to succeed, people

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[172] G. H. W. Bush, "Address Accepting the Presidential Nomination at the Republican National Convention."

[173] Jansson 325–28; George H.W. Bush, "Inaugural Address," January 20, 1989, http://www.presidency.ucsb.edu/ws/index.php?pid=16610.

[174] G. H. W. Bush, "Inaugural Address."

who ask for food stamps instead. The "honest need" and "prudent safety" also trigger racial priming, appealing, by opposition, concepts of the undeserving and irresponsible who do not really need help; the prudent safety recalls the law and order discourse and echoes Nixon's denunciation of social programs as having resulted in social unrest. And lastly, all this is advocated in the name of morality, doing the best for America, while at the same time congratulating the people for their high moral character, when actually proposing to leave the (black) poor to fend for themselves. Thus, in conservative discourse, responsibility becomes a prime tool to advocate the withdrawal of government from the sphere of social policies in order to promote a system based on the individual and to let people fend for themselves in an unregulated market. In this sense, the issue of responsibility is closely linked to the notion of big government as irresponsible government and the conservative view on the role of government.

3.2.2. "Do for Self:"[175] the Black Responsibility Discourse

In light of the conservative use of "responsibility" as a tool to advocate governmental disengagement from social policies it might be surprising that there is also a strong black responsibility discourse. However, on essential parts, the black responsibility discourse is quite different from the conservative one. The title quotation is taken from an interview conducted by social psychologist Jonathan Kozol during his study of inner city schools. A young black student expressed his disillusionment with the public education system and the inferior education he received with these words, meaning that he could not rely on the system because it defaulted on him. The phrase is not unique, it is often used, and strongly echoes Du Bois's responsibility discourse.

In his 1897 essay, *The Conservation of Races*, Du Bois wrote that blacks "must do for themselves." Du Bois insisted on racial solidarity for the purpose of politically organizing as a racially defined group and making themselves a place in history. To a certain extent, Du Bois's words are not that far off of the conservative discourse by insisting on an irreproachable morality within the black population, but with a different end—obtaining equality: "But—and here is the rub—they must be honest, fearlessly criticizing their own faults, zealously correcting them; they must be earnest." He also criticized the state of the black community, his words bearing a strong echo with problems that are pointed out today:

> The Academy [to be created Black Academy, the point of his argument here] should be impartial in conduct; while it aims to exalt the people it should aim to do so by truth—not by lies, by honesty—not by flattery. It should continually impress the fact upon the Negro people that they must not expect to have things done for them—they MUST DO FOR THEMSELVES; that they have on their hands a vast work of self-reformation to do, and that a little less complaint and whining, and a little more dogged work and manly striving would do us more credit and benefit than a thousand Force or Civil Rights bills.[176]

The end of the extract highlights the fact that Du Bois is aware of, and concerned about, the outside perception of the black population, making his insistence on responsibility and morality a tool of political power, in the sense that through this, Du

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[175] Kozol 110.
[176] Du Bois, "The Conservation of Races 1897," 109–10.

Bois wanted to avoid being vulnerable to attacks of the conservative type. In a similar way in his 1957 book *Black Bourgeoisie,* sociologist E. Franklin Frazier described the emphasis of the black middle class on piety, thrift, and respectability.[177]

In her study of the black middle class, sociologist Karyn Lacy shows that the emphasis on responsibility is still strong among the black middle class, through the insistence on hard work as a moral obligation, the condemnation of people who try to avoid work, the condemnation of welfare on the basis of the association with shirking work obligations. Work is viewed as the pathway to economic independence. Middle class blacks also tend to view able-bodied welfare recipients as lacking work ethic and personal initiative. These work boundaries also exist among the lower classes, allowing the working poor to distinguish themselves from the 'underclass' through morality and responsibility, if not through geographical boundaries. Some blacks at the time of the study even thought that the 1996 *Personal Responsibility and Work Opportunity Act* did not go far enough, due to a belief in work compensation for welfare benefits, at least in the area of community work, such as working in a library or picking up trash. Lacy explains that this is related to the fact that the government underfunds these areas.[178]

There are some obvious parallels with the conservative discourse on lacking work ethic and lacking responsibility, but the major difference is that, here, the emphasis on work and responsibility is not used to advocate budget cuts in social policy, but rather to compensate for a lack of public service and to avoid a stigmatizing association with the 'underclass.' These aspects fit the responsibility discourse, and are still present in contemporary black ideology and political attitude.

Political scientist Melissa Harris-Lacewell describes the complexity of black political thought which encompasses aspects of all three major ideological political attitudes, sometimes in a single individual. This mix can include pride at integrationist efforts, black nationalist thought in relation to racism, more conservative tones regarding social behavior, especially regarding responsibility. Some go as far as to call blacks, whose behavior they disapprove of, the N-word, and to advocate non-reliance on white help or not waiting for white action.[179] Zinn explains that the realization that having to take responsibility for political action on behalf of blacks had to come from blacks, came in the 1970s, alongside the rising white backlash:

> Yet, was not the goal of real equality, of stature as a human being, always so far away as to be barely visible? By 1970 this was just beginning to be understood, and with it one great lesson: that the premise of liberal reform, that "someone," the white reformer, would solve the problems of the black man, was false. Now, especially among the young black people, the most essential element of a real democracy had begun to take hold— that an oppressed people can depend on no one but themselves to move that long distance, past all defenses, to genuine dignity.[180]

This idea of not waiting for white society for more rights and a better economic situation is best expressed by black nationalism as voiced, for example, by the Black Panther Party or by the Nation of Islam and Minister Louis Farrakhan, who also advocate the 'Do for self' credo, in the sense of not relying on anyone else for their rights. In his famous 1964 speech "The Ballot or the Bullet," Malcolm X advocated black self-help and responsibility in all spheres of life, political, economic, and social:

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[177] Frazier 65.
[178] Lacy 117–18.
[179] Harris-Lacewell xvii–xviii.
[180] Zinn, "Solving the Race Problem (1973)," 157–92.

> And the gospel of Black Nationalism, as I told you, means you should control your own, the politics of your community, the economy of your community, and all of the society in which you live should be under your control. [...] Join any kind of organization, civic, religious, fraternal, political, or otherwise that's based on lifting the black man up and making him master of his own community.

Malcolm X's advocacy of self-reliance and taking responsibility is also linked to his disappointment in the American government, which he characterizes as hypocritical and criminal earlier in the speech:

> This government has failed us; the government itself has failed us, and the white liberals who have been posing as our friends have failed us. And once we see that all these other sources to which we've turned have failed, we stop turning to them and turn to ourselves. We need a self-help program, a do-it-your-self philosophy, a do-it-right-now philosophy, a it's-already-too-late philosophy. This is what you and I need to get with, and the only way we are going to solve our problem is with a self-help program. Before we can get a self-help program started we have to have a self-help philosophy.

Responsibility is also a notion that is used by black conservatives, such as economist Thomas Sowell or Supreme Court Justice Clarence Thomas, in exactly the same sense as white conservatives. In his 1983 book *The Economics and Politics of Race: An International Perspective,* Sowell defended the idea that the low socioeconomic position of a racial or ethnic group is not primarily due to discrimination or exploitation, but rather to cultural factors, such as work ethic, entrepreneurship, and propensity to save money, in short, living a responsible life. Sowell also compared rates of success depending on whether people relied on the market or on political processes, and concluded that minorities fared better when fending for themselves in a free market—even though he explained that this is contrary to the interests of political minority leaders. He greeted regulatory policies that grant equal access, like Civil Rights, but condemned government intervention in the form of redistributive measures as counterproductive. In short, Sowell thought that blacks are responsible for themselves if they want to succeed.[181]

In his memoirs, Supreme Court Justice Clarence Thomas states his adherence to Sowell's ideas and explains his opposition to government intervention on behalf of the poor through the idea that it fosters dependency, which he compares to a new form of enslavement:

> On the other hand, I didn't think it was a good idea to make poor blacks, or anyone else, more dependent on government. That would amount to a new kind of enslavement, one which ultimately relied on the generosity—and the ever-changing self-interests—of politicians and activists. It seemed to me that the dependency it fostered might ultimately prove as diabolical as segregation, permanently condemning poor people to the lowest rungs of the socioeconomic ladder by cannibalizing the values without which they had no long-term hope of improving their lot.[182]

Thomas very openly states that he equates taking responsibility with true freedom, hence his opposition to an interventionist government. He says in his memoirs how this conviction stemmed from his grandfather who had bad memories of government officials coming into the houses and poking around because people received some meager subsidies:

> [...] real freedom meant independence from government intrusion, which in turn meant that you had to take responsibility for your own decisions. When the government as-

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[181] Thomas Sowell, *The Economics and Politics of Race: An International Perspective* (New York: William Morrow and Co., 1983).
[182] Thomas 56–57.

> sumes that responsibility, it takes away your freedom—and wasn't freedom the very
> thing for which blacks in America were fighting?[183]

This, however, did not prevent Thomas from asking to benefit from affirmative action when he applied to Yale. He justified himself by explaining that he requested it on account of his unfavorable economic background. However, it would seem paradoxical that his reasoning on freedom from government should only apply over a given threshold of income.

Another responsibility discourse also emerged in the 1980s, mixing liberal views on race and government with conservative and even nationalistic tones on social behavior and culture. Among them Bill Cosby and the *Cosby Show*, which advocated conservative social values like emphasis on education, work, and responsibility alongside black culture. Psychiatrist Dr. Alvin Poussaint was hired as a consultant to screen the script of the show for negative stereotypes and to replace white cultural references with black ones when necessary. The collaboration between Cosby and Poussaint resulted in a 2007 book, *Come On, People: On the Path from Victims to Victors,* which encouraged people to take responsibility in all areas of life and explained even basic steps to take good care of one's health, especially for pregnant women.[184] In an NPR interview about the book, Dr. Poussaint spelled out his motivation behind the book:

> In order to fight systemic racism, institutional racism, you have to be a strong people. And by wallowing in degradation with the drugs, with the alcohol, with the non-responsible sexual behavior that exposes you to all kinds of things, particularly AIDS, is not the way to go.[185]

The approach is quite different from the conservative one or the perversity theory approach reheated by Murray: behavior is not used to solely blame and justify cuts in social programs. Yet negative behavior is denounced and encouraged to be overcome out of true concern and because it is seen as harmful for the population and as a liability. It is also quite close du Du Bois' concern of fighting prejudice. In a 2007 speech given at St. Paul's Church in Detroit, Cosby adopted a tone more infused with nationalism than during his *Cosby Show* years in advocating responsibility and fighting the deviances of the 'underclass':

> Men, if you want to win, we can win. [...] We are not a pitiful race of people. We are a bright race, who can move with the best. But we are in a new time, where people are behaving in abnormal ways and calling it normal ... When they used to come into our neighborhoods, we put the kids in the basement, grabbed a rifle, and said, 'By any means necessary.'
>
> I don't want to talk about hatred of these people. [...] I'm talking about a time when we protected our women and protected our children. Now I got people in wheelchairs, paralyzed. A little girl in Camden, jumping rope, shot through the mouth. Grandmother saw

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[183] Thomas 73.

[184] This may appear demeaning. However, given the high infant mortality rate in the black population (by far the highest of all races), it seems nonetheless necessary. The same applies to the authors' exhortation for a more responsible sexual behavior in relation to AIDS.

[185] Michel Martin, "Cosby, Poussaint to Blacks: 'Come On, People,'" *Tell Me More* (NPR, October 16, 2007), http://www.npr.org/templates/story/story.php?storyId=15317767.

it out the window. And people are waiting around for Jesus to come, when Jesus is already within you.[186]

The type of responsibility discourse as voiced by Poussaint and Cosby resonates rather well in the black community. A 2007 PEW poll showed that 85% of blacks viewed Cosby as a good influence, in second position after Oprah Winfrey (87%). Rapper 50 Cents only got a 17% approval rate.[187]

West also puts an emphasis on the values and responsibility discourse and mentioned the need to reject victimization. He agreed that not everything said by some black conservatives, such as economist Glenn Loury, must be completely rejected. Alongside victimization, he also mentioned blind racial solidarity and not acknowledging "pathological and dysfunctional aspects of black behavior." Lastly, West criticized the fact that an intellectual discussion about "the plight of poor black people" was avoided and that any criticism was censored.[188] Finally, differences in achievement between African-American blacks and more recent black immigrants are often mentioned to defend the rejection of victimization.[189]

3.2.3. "A New Culture of Responsibility:"[190] Clinton and G. W. Bush

Given the weight of the conservative rhetorical framework after twelve years of Republican presidency, by 1992 many political analysts, for example Edsall and Edsall, reached the conclusion that the Democratic Party could not continue to ignore the values of work, self-reliance, and autonomy contained in the notion of personal responsibility if it wanted to recapture a presidential majority.[191]

Bill Clinton shared this conviction and symbolized the conservative turn voters had taken. After the defeat of George McGovern in 1972, Clinton had already noted that the Democratic Party was no longer responding to the concerns of its traditional voter base. Clinton said that he became a New Democrat that year, at least from an ideological point of view, as the term was coined later. He mentions the notion of re-

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[186] Ta-Nehisi Coates, "'This Is How We Lost to the White Man': The Audacity of Bill Cosby's Black Conservatism," *The Atlantic*, May 2008, https://www.theatlantic.com/magazine/archive/2008/05/-this-is-how-we-lost-to-the-white-man/306774/ .

[187] "Optimism about Black Progress Declines: Blacks See Growing Values Gap Between Poor and Middle Class" (Pew Research Center, November 13, 2007), http://www.pewsocialtrends.org/files/2010/10/Race-2007.pdf. Since then, Cosby has an image problem because of the rape lawsuits against him.

[188] West 18–19, 30, 75.

[189] See for example John Sibley Butler, "The Management of Social Theory: Obama and the American Presidency in the Age of Segregated Diversity," in *Race in the Age of Obama: Research in Race and Ethnic Relations*, ed. Donald Cunnigen and Marino A. Bruce, vol. 16 (Bingley, UK: Emerald, 2010).

[190] George W. Bush, "State of the Union" (Washington, DC, 2002), http://www.presidency.ucsb.edu/ws/?pid=29644. "In the sacrifice of soldiers, the fierce brotherhood of firefighters, and the bravery and generosity of ordinary citizens, we have glimpsed what a new culture of responsibility could look like. We want to be a nation that serves goals larger than self. We've been offered a unique opportunity, and we must not let this moment pass. My call tonight is for every American to commit at least 2 years, 4,000 hours over the rest of your lifetime, to the service of your neighbors and your Nation."

[191] Edsall and Edsall 277.

sponsibility as a decisive element in the ideological renewal of the Democratic Party through the New Democrats and the return to, according to him, fundamental values of the Democratic Party: the new Third Way which "was rooted in common sense, a common devotion to our party's oldest values of opportunity and responsibility."[192]

Moreover, Clinton was highly aware of the harmful effects of the attitude that Democrats had hitherto adopted. This attitude consisted in basically refusing to talk about the problems of the 'underclass,' exactly what some conservative and liberal blacks, for example, economist Glenn Loury, sociologist William Julius Wilson, and political philosopher Cornel West, had denounced as well. According to Al From, the founder of the *Democratic Leadership Council* and political advisor to Bill Clinton, Clinton insisted on the urgent need for an intellectual and political renewal of the party.[193]

During the 1992 campaign, Clinton was careful not to appear too liberal. This was part of the aim of creating a new image of the Democratic Party, to show responsible New Democrats who were opposed to wasteful social policies, who were in favor of a balanced budget, and who wanted to limit the scope of government. This new approach of the New Democrats was expressed in the campaign slogan "To end welfare as we know it."[194] Clinton had decided to play on Republican ground, going so far as to claim the same conservative values as the Republican Party[195] in his 1993 Address Before a Joint Session of Congress: "I believe we will find our new direction in the basic old values that brought us here over the last two centuries: a commitment to opportunity, to individual responsibility, to community, to work, to family, and to faith."[196] Of course, values like equal opportunity, work, family, and faith are common to a majority of Americans.[197] However, it is the context here that allows for a more conservative interpretation of the values enumerated by Clinton. He had centered his 1992 campaign on his ideological moderation and his centrist approach, based on a resolutely New Democrat ethos. Indeed, the notions of family and work are used in conservative discourse as elements that complete the personal responsibility discourse, by putting the stress on more work and more reliance on the immediate family, as opposed to reliance on government help through social programs. Katz Olson considers familism (meaning the primary focus of importance on the family), personal responsibility, consumer empowerment and choice (in the case of health policies), and strong individualism, as the four principles of antistatist values as advocated by Republicans.[198]

The other face of social policies, i.e. fiscal policy, was Clinton's major success, and he not only managed to balance the budget, but he actually generated a budget surplus by 1998. Regarding social policies, however, Clinton lost to his centrist, or even conservative strategy. His reform for universal health care was quickly killed by Republicans, despite the fact that Clinton's reform proposal built on many conserva-

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[192] Bill Clinton in the foreword to Al From, *The New Democrats and the Return to Power* (New York: Palgrave Macmillan, 2013), ix–x.

[193] From 124.

[194] Katz, *The Price of Citizenship,* 20, 267. Noble 126–27. Edsall and Edsall 52.

[195] Edsall and Edsall 176.

[196] William J. Clinton, "Address Before a Joint Session of Congress on Administration Goals," February 17, 1993, http://www.presidency.ucsb.edu/ws/index.php?pid=47232.

[197] Lowi, Ginsberg, and Shepsle 212.

[198] Katz Olson 2.

tive principles.[199] Using the upcoming presidential election, Republicans managed to pressure Clinton into signing a very conservative welfare reform: the *Personal Responsibility and Work Opportunity Act* of 1996 (PRWOA). Many aspects stressed measures of personal responsibility (in a conservative sense): lifetime limits on benefits, restricted eligibility criteria, severe limitations on access to benefits for teenage parents, and strong work incentives for former AFDC recipients. AFDC was reformed into TANF (*Temporary Assistance for Needy Families*), with a maximum of 5 years of benefits over a lifetime, putting an end to the notion of entitlement.[200] Some provisions aimed at increasing parental responsibility, such as clauses that stipulated the loss of benefits for people (married or not) who had additional children while on the TANF rolls. Some critics, such as Schmidtz and Goodin, consider that by signing PRWOA, Clinton completed the Reagan revolution.[201]

Not only did Clinton try to play on the opponents' ground, but G. W. Bush ventured as well on the other side of the political spectrum between 2000 and 2008, although in a very mild and superficial way. G. W. Bush decided to avoid the errors his father had made and that had cost him his reelection. Bush saw himself as Reagan's political heir and he openly declared that he wanted to continue his politics. And yet, he was careful to appear less harsh and presented himself as a compassionate conservative, concentrating his efforts on education reform, the 2001 *No Child Left Behind Act* (NCLB). Compassionate conservatism as an ideology seeks to appear less intransigent and harsh than classical conservatism. In this sense, social policy reform is not solely advocated as slashing budgets and massive privatization. However, expansion focuses on areas of interest to the middle class, such as education and other areas that emphasize back-on-your-feet programs and autonomy. By adopting this stance Bush got the support of moderate voters in the 2000 campaign and at the beginning of his first term.[202]

His choice to focus on education reform to apply his compassionate conservatism was based on two criteria. Education is one of social policy areas where people are willing to accept increased spending.[203] Moreover, education is among the prerogatives of the states; federal intervention is rather limited. Education reform thus remains compatible with conservative criticism of big government. The 2000 and 2004 Republican party platforms insisted on this aspect.[204] NCLB is compassionate because it insists on learning help for disadvantaged children and aims at reducing the racial and social class education gap.[205] Nonetheless, among the biggest short-

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[199] For a more detailed discussion, see 2.2.2. "It Is a Magic Moment, and We Must Seize It:" The Clinton Health Care Debacle.

[200] Jansson 381–83.

[201] Jerry Watts and Nan Marie Astone, "Review of The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 by 104th Congress of the United States," *Contemporary Sociology* 26, no. 4 (July 1, 1997): 409; 414. Schmidtz and Goodin 104.

[202] Jansson 405, 422.

[203] Edsall and Edsall 20, 152, 170.

[204] Republican Party Platforms: « Republican Party Platform of 2000, » July 31, 2000. Consulted 14. Jan. 2014. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project* <http://www.presidency.ucsb.edu/ws/?pid=25849> 8.

Republican Party Platforms: « Republican Party Platform of 2004, » August 30, 2004. Consulted 14. Jan. 2014. Online by Gerhard Peters and John T. Woolley, *The American Presidency Project*. <http://www.presidency.ucsb.edu/ws/?pid=25850> 54.

[205] Ed.gov. The No Child Left Behind Act of 2001. US Department of Education. 7 Jan. 2002. http://www2.ed.gov/nclb/overview/intro/execsumm.pdf.

comings are budgetary problems. Between the fiscal years 2002 and 2008 the gap between the authorized funds and the funds that were effectively appropriated was $70.9 billion. The gap increased to $85.7 billion in 2009.[206]

The political and rhetorical heritage of Reagan was present in Bush era. The 2004 Republican party platform begins with a tribute to Ronald Reagan. His values and principles are picked up in the platform:

> The measure of compassion is more than good intentions, it is good results. By being involved and by taking responsibility upon ourselves, we gain something... We contribute to the life of our country. We become more than taxpayers and occasional voters, we become citizens. Citizens, not spectators. Citizens who hear the call of duty, who stand up for their beliefs, who care for their families, who control their lives, and who treat their neighbors with respect and compassion.[207]

The Reagan spirit is alive in this extract. The GOP insists on the same elements as Reagan: personal responsibility, work, family, and religion. The Republican discourse remained neoliberal in a pure Reaganite tradition as far as taxes are concerned. The GOP continued to advocate economic deregulation and low taxes in order to stimulate economic growth and promised to create legislation that would make levying future taxes more difficult. Among these proposals was the idea of requiring a supermajority for every vote on new taxes in Congress. The 2004 platform promised to limit the growth of the federal government and public spending. The same passage of the platform which promised to limit tax increases also promised to favor private charity and individual support of charities, considering taxes as detrimental in that area. Bush had voiced a similar opinion in his 2001 State of the Union Address:

> Government has a role, and an important role. Yet, too much government crowds out initiative and hard work, private charity and the private economy. Our new governing vision says government should be active, but limited; engaged, but not overbearing. And my budget is based on that philosophy. It is reasonable, and it is responsible.[208]

This passage shows how personal responsibility in the form of initiative and hard work is used to argue against government intervention, and how an emphasis on private charity serves the same end, as highlighted by Katz when he criticized the charity myth.

Bush also tackled Medicare reform where Reagan had failed. Although the Bush reform did expand Medicare, it did so in a conservative way: the expansion was a private one, not an expansion of government. The 2003 *Medicare Prescription Drug, Improvement, and Modernization Act* moved ever more Medicare beneficiaries to the private insurance market. It also introduced Medicare Part D, which covers prescription drugs on a subsidized and voluntary basis.[209] But both additions also had major flaws and would prove costly for both the beneficiaries and the government. Medicare Advantage, created by the Bush reform, is more costly than regular Medicare.

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[206] In 2010, Barack Obama remedied the situation. In September 2010 he appropriated the total amount of $97.4 billion authorized by the American Recovery and Reinvestment Act of 2009, filling the gap left by the Bush administration. Ed.gov. *Recovery Act. US Department of Education.* N.d. Consulted. 16 Feb. 2011. http://www.ed.gov/recovery>.

[207] The Republican Party, "Republican Party Platform of 2004."

[208] George W. Bush, "Address Before a Joint Session of the Congress on Administration Goals," January 27, 2001, http://www.presidency.ucsb.edu/ws/index.php?pid=29643.

[209] Office of Retirement and Disability Policy U. S. Social Security Administration, "Annual Statistical Supplement, 2011 - Medicare Program Description and Legislative History," April 20, 2015, http://www.ssa.gov/policy/docs/statcomps/supplement/2011/medicare.html; Howard 31.

3.2.4. "It's a Both/And Proposition:"[210] Obama's Responsibility Discourse

As shown before, personal responsibility has a long discursive tradition in black thinking. By adopting a discourse on personal responsibility, Obama echoes those black voices. Although these ideas exist within the black community, the voicing of such a discourse by a Democratic president is far from easy. Clinton's failure showed that it is not possible for a Democratic president to adopt the conservative responsibility discourse and hope that it works to their advantage. Bush's approach also showed that Democrats do not have the monopoly on positive social reform, although he kept his compassionate conservatism within safe and acceptable boundaries for conservatives and the Republican Party.

Obama changed the tone on responsibility, as far as the Democratic Party is concerned. Obama was well aware of the importance of the discourse on values such as responsibility, and its political use. He stated in *The Audacity of Hope*:

> I think that Democrats are wrong to run away from a debate about values, as wrong as those conservatives who see values only as a wedge to pry loose working-class voters from the Democratic base. It is the language of values that people use to map their world. It is what can inspire them to take action, and move them beyond their isolation. [...] the broader question of shared values—the standards and principles that the majority of Americans deem important in their lives, and in the life of the country—should be the heart of our politics, the cornerstone of any meaningful debate about budgets and projects, regulations and policies.[211]

Some critics accused Obama of talking only about personal responsibility and leaving out government responsibility in the fight against inequalities.[212] A detailed analysis shows, on the contrary, that Obama's ideas are far more nuanced than that. His rhetoric builds a complex message that combines personal responsibility with government responsibility.

Reagan, for example, almost never used the word 'responsibility' itself, its meaning being always inferred through other words. Democratic discourse, on the other hand, abounds with the term. This is certainly partly due to the will to counter accusations of Democratic irresponsibility. In Obama's case, it is also motivated by the wish to change the use of the term, i.e. the conservative doxa associated with it. In part of his discourse, Obama makes a conservative use of the notion of personal responsibility, as did other African-Americans before him. The major difference is that he uses the notion in order to advocate the expansion of social policies and more government intervention in social policies. Through this approach Obama's discourse not only contrasts with the conservative Republican discourse, but also with the New Democrats'. Obama's use of the term develops layers of responsibility at different levels, which he applies to different areas of social policies, such as education, health care, and work.

To a certain extent, Obama also ventured on conservative Republican terrain, just as Clinton had. Obama is well aware that the conservative discourse on personal

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[210] Obama, "Urban League." To explain his point of view on responsibility, Obama paraphrased Dr. King.
[211] Obama, *Audacity,* 52–53.
[212] Liliana L. Herakova, Dijana Jelača, Razvan Sibii, and Leda Cooks, "Voicing Silence and Imagining Citizenship: Dialogues about Race and Whiteness in a "Postracial" Era," Communication Studies 62:4 (2011): 372–73.

responsibility promoted by Republicans still resonates strongly with the electorate. Regarding education, among others, Obama frequently insists on the responsibility students have for their own education: "And that's what I want to focus on today: the responsibility each of you has for your education. I want to start with the responsibility you have to yourself."[213] Education remains a sensitive issue, precisely because of the pejorative and denunciative connotation the notion of responsibility has acquired through the conservative use Republicans made of it, in addition to the negative stereotype about the lack of emphasis on education in black culture. Obama was confronted with this issue and tried to deflect accusations of racism and discrimination:

> We also know that as significant as these reforms are, there's going to be one more ingredient to really make a difference: parents are going to have to get more involved in their children's education. [...] Then some people say, well, why are you always talking about parental responsibility in front of black folks? And I say, I talk about parent responsibility wherever I talk about education.[214]

Obama's defense strongly highlights the racist interpretation that is made of "personal responsibility" and underlines a dimension of cultural racism that imputes lack of responsibility to African-Americans. Obama carefully highlights that not only does personal responsibility count, but that responsibility is at stake at every level, from the federal government through the intermediate levels, and all the way down to the individual student.

> So, yes, our federal government has responsibilities that it has to meet, and I will keep on making sure the federal government meets those responsibilities. Our governors, our superintendents, our states, our school districts have responsibilities to meet. And parents have responsibilities that they have to meet. And our children have responsibilities that they have to meet.[215]

Thus Obama's use of personal responsibility puts forward more government intervention, even in education, which is a state prerogative. In this his discourse marks a sharp contrast with conservative Republican rhetoric. Through this strategy, Obama manages to combine elements of the conservative and the liberal approach, to unite the old Democratic discourse with the Republican discourse: everyone is in for their level of responsibility. For Obama this constitutes a mutual, reciprocal responsibility; the different levels are inseparable responsibilities. In no case could it only be personal responsibility, as is advocated by Republicans. In this, he clearly claims his adherence to Democratic ideology:

> That is one of the things that makes me a Democrat, I suppose—this idea that our communal values, our sense of mutual responsibility and social solidarity, should express themselves not just in the church or mosque or the synagogue; not just on the blocks where we live, in the places where we work, or within our own families; but also through our government.[216]

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[213] Barack Obama, "Prepared Remarks of President Barack Obama: Back to School Event" (speech, Arlington, Virginia, August 9, 2009), http://www.whitehouse.gov/MediaResources/PreparedSchoolRemarks/.

[214] Barack Obama, "Remarks by the President on Education Reform at the National Urban League Centennial Conference," (Washington Convention Center Washington, DC, July 29, 2010), http://www.whitehouse.gov/the-press-office/remarks-president-education-reform-national-urban-league-centennial-conference.

[215] Obama, "Urban League Centennial Conference."

[216] Obama, *Audacity,* 63.

Obama openly distances himself from the conservative view where the main reliance is on the family and the church. For Obama, it is clearly a government responsibility that must meet personal responsibility, and letting charity do the government's job is not an option. It is rather considered as a form of disengagement. In the context of health care, Obama particularly insists on the collective character of responsibility, on the fact that the system cannot work if one link or another fails:

> Now, even if we provide these affordable options, there may be those—especially the young and the healthy—who still want to take the risk and go without coverage. There may still be companies that refuse to do right by their workers by giving them coverage. The problem is, such irresponsible behavior costs all the rest of us money. If there are affordable options and people still don't sign up for health insurance, it means we pay for these people's expensive emergency room visits. If some businesses don't provide workers health care, it forces the rest of us to pick up the tab when their workers get sick, and gives those businesses an unfair advantage over their competitors. And unless everybody does their part, many of the insurance reforms we seek—especially requiring insurance companies to cover preexisting conditions—just can't be achieved.
>
> And that's why under my plan, individuals will be required to carry basic health insurance—just as most states require you to carry auto insurance. Likewise—likewise, businesses will be required to either offer their workers health care, or chip in to help cover the cost of their workers. [...] But we can't have large businesses and individuals who can afford coverage game the system by avoiding responsibility to themselves or their employees. Improving our health care system only works if everybody does their part.[217]

Obama also insists on the government's responsibility to help people meet their responsibility. He voices this conviction in the context of the ACA:

> Our task has always been to seek the right balance between the dynamism of the marketplace, but also to make sure that it's serving people. And sometimes that means removing barriers to growth by lifting rules that place unnecessary burdens on business, but other times it means enacting common-sense safeguards like these—like the Affordable Care Act—to ensure our American belief that hard work and responsibility should be rewarded by a sense of security and fair play.[218]

Obama is adamant about the idea that people can only be required to be hardworking and responsible for themselves if government meets them half way. In *The Audacity of Hope*, in the chapter entitled "Opportunity," he concludes the part detailing possibilities for reforming the health care system as follows:

> Americans are willing to compete with the world. We work harder than the people of any other wealthy nation. We are willing to tolerate more economic instability and are willing to take more personal risks to get ahead. But we can only compete if our government makes the investments that give us a fighting chance—and if we know that our families have some net beneath which they cannot fall.[219]

Obama's opinion on government responsibility also extends to the area of work. He considers that individuals have to make efforts, and yet he is convinced that government has to provide the means to take this responsibility, for example by offering training opportunities for the unemployed. This position contrasts with the 1996

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[217] Barack Obama, "Remarks of President Barack Obama — Address to Joint Session of Congress" (Washington DC, February 24, 2009), https://www.whitehouse.gov/the-press-office/remarks-president-barack-obama-address-joint-session-congress.
[218] Barack Obama, "President Obama on Health Reform at Families USA," January 28, 2011, https://www.whitehouse.gov/embeds/footer.
[219] Obama, *Audacity*, 187.

PRWOA, which required a work compensation for social benefits but did not offer training opportunities.[220]

Obama's notion of responsibility is stratified on three levels: personal, collective, and governmental. Collective responsibility includes the idea of shared responsibility, and government responsibility both includes the states and the federal government. But Obama's rhetorical power resides in the fact that those layers of responsibility are inserted into the wider notion of reciprocal responsibility. There is a back-and-forth movement between the different levels. He insists on the fact that one cannot work without the other: it is not possible to ask people to take responsibility if the government does not. In this, Obama's discourse reflects public opinion regarding social policies, meaning a combination of the two main approaches: the government's responsibility in taking care of people facing hardship and a moral demand of taking more personal responsibility in order to complete the effort made by government.[221] Obama expresses this, for example, in the context of education, where he explains that the efforts made by government are useless if the students do not do their part: "I'm working hard to fix up your classrooms and get you the books, equipment and computers you need to learn. But you've got to do your part too."[222] Obama insists that each has to take their share of responsibility for things to work:

> But to paraphrase Dr. King, education isn't an either/or proposition. It's a both/and proposition. It will take both more focus from our parents, and better schooling. It will take both more money, and more reform. It will take both a collective commitment, and a personal commitment.[223]

Obama thus managed to create a new and coherent discourse through the notion of reciprocal responsibility, which plays on all levels of responsibility. By making personal and governmental responsibility interdependent, Obama managed to legitimize greater government intervention without appearing to be a traditional Democrat who would try to compensate personal shortcomings with an unjustified burden for society.

3.3. Obama's Image

The new discursive approach is also accompanied by a carefully crafted image that is based on Obama's identity, which in turn allows him to construct his ethos—his discursive identity. Obama's power to transcend the racial cleavage and to craft a convincing discourse rested in part on his identity and the use he made of it. Yet, this identity is quite complex, because of his mixed origins, which means that people can project many identities on him. This complexity is also due to the fact that Obama himself was for a long time in search of his true self, which allowed him to make a nuanced and informed use of his multifaceted identity in his political discourse. Many things have been said about Obama's racial identity, especially during his first presidential campaign and at the beginning of his first term. There were many contradictory opinions, and Obama himself was not always very constant regarding his self-identification. Academics have analyzed Obama's racial identity, but so far the different analyses have considered only one of its multiple facets, be it black, biracial,

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[220] Jansson 381–83.
[221] Gilens, *Why American Hate Welfare*, 2.
[222] Obama, "Back to School Event."
[223] Obama, "Urban League Centennial Conference."

or other. None of these analyses has shown how Obama uses his multiple self for his discursive needs.

Racial identity is a complex issue in contemporary American society. And yet, the issue is also evolving rapidly in a period that some described, maybe prematurely, as post-racial, especially since the concept of multiraciality seems to be gaining in prominence.

The point here is not to give the final assessment of Obama's racial identity, but rather to show how Obama uses the complexity of his racial experience in his political speeches in order to establish a particular relationship with his audience. Indeed, depending on the racial makeup of his audience and depending on the topic of his speech, Obama has used different identities since the beginning of his political career. When talking about certain matters, notably race relations, Obama often drew on his intricate personal history to find the element that would allow him best to legitimize his authority to talk about these sensitive matters.

As previously seen, a racial code exists that attaches a certain doxa to certain terms, adding a whole dimension of meaning and political positions to a word like personal responsibility. Obama, whose position combines government intervention and personal responsibility, also advocates race-neutral but issue-focused policies: his policies target problems, not racial populations. This is founded in part on personal convictions and personal experience, but also on the evolution of the debate on race since the 1990s.[224] Another factor that explains this position is political calculation within a wider strategy. Racial questions being a particularly divisive issue in the United States, Obama tried to create the necessary unity within the population in order to get the support and cohesion needed for his reform projects.[225] Moreover, Obama was determined to try to achieve bipartisanship,[226] which explains in part why he incorporated more conservative rhetoric. Because of the strong rhetorical polarization between the two parties, this discourse which allies personal responsibility and government intervention, the two prominent features of the opposed discourses, is a very delicate construction, because it entails the obvious caveat of not getting caught in the negative doxa associated with either of the two discourses in order not to hurt political convictions and racial feelings. The central argument is that Obama uses his racially mixed background in order to create different oratory identities (ethos) which allow him to legitimize his liberal pragmatic discourse and policies.

3.3.1. Identity

In the US, racial identities were dominated until recently by the One-drop rule, which differs markedly from the way in which other countries define racial categories. During the segregation era in particular, the One-drop rule stipulated that any person who had even only one drop of black blood was considered as black and thus

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[224] For a more detailed explanation, see 4.1.1 Pragmatic Race Theory.

[225] Although only the health care reform is analyzed here, Obama also worked on an education reform, which died in Congress.

[226] Obama, *Audacity*, 17. For a detailed discussion of bipartisanship/partisanship, see 2.5. Scorched Earth Strategy: Polarization and Partisanship.

submitted to segregation laws.[227] Although segregation is over, the One-drop rule can still be used, for affirmative action for example. Moreover, the One-drop rule still dominates in society, and a black-white biracial phenotype is commonly identified as black,[228] thus pushing aside any taking into account of the cultural dimension of individual identity.

Legally speaking, the One-drop rule had strong consequence until 1967 and the *Loving v. Virginia* Supreme Court decision that abolished the ban on interracial marriages.[229] This does not mean that prior to that date there were no children of mixed heritage; however, this means that demands for the recognition of this mixed heritage are rather recent.[230] The population born in the "biracial baby boom" just after the 1960s refuses to identify according to one only of their racial origins.[231] Among the more visible achievement of this movement for a better recognition of racially mixed identities are the changes made in the census questionnaire. Since the 2000 census, the page(s) of the questionnaire asking about the racial identity of the respondents has become more flexible. Now it is possible to tick several boxes for any racial combination.[232] This reflects the emergence of multiraciality in the United States, but for blacks and whites alike there are political stakes in maintaining, at least in part, the One-drop rule identification.[233] Schematically it can be said that conservatives promote colorblind policies which erase racial distinctions, whereas liberals tend to promote a greater taking into account of racial differences, and some liberals still defend color conscious policies akin to affirmative action. Some whites try to maintain their privileged position by refusing mixed identities, and some blacks try to keep a solid racial base that allows rallying to fight inequalities and to defend affirmative action. Thus the One-drop rule has become a notion that is difficult to deconstruct in the US.[234]

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[227] G. Reginald Daniel, "Race, Multiraciality, and the Election of Barack Obama: Toward a More Perfect Union?," in *Obama and the Biracial Factor: The Battle for a New American Majority*, ed. Andrew Jolivétte (Bristol, UK: The Policy Press, 2012), 31.

[228] Jolivétte 5.

[229] *Loving vs. Virginia*, 388 US 1 (1967).

[230] Jolivétte 5, 9.

[231] Charles Jaret and Donald C. Reitzes, "The Importance of Racial-Ethnic Identity and Social Setting for Blacks, Whites, and Multiracials," *Sociological Perspectives* 42, no. 4 (December 1, 1999): 712.

[232] The races mentioned in the questionnaire are: white; black, African-American, or Negro; American Indian or Alaska Native; Asian Indian; Chinese; Filipino; Japanese; Korean; Vietnamese; Other Asian; Native Hawaiian; Guamanian or Chamarro; Samoan ; Other Pacific Islander ; and Some Other Race. For the Natives, space is provided to indicate the tribe. In comparison, the 1990 census required people to circle only one answer. The racial categories proposed were largely the same. However, the category "Black or Negro" did not include "African-American" and the Alaska Natives were still called "Eskimo" and "Aleut." The category "American Indian" was labeled "Indian (Amer.)" Census History Staff US Census Bureau, "1990 - History - US Census Bureau," December 7, 2016, https://www.census.gov/history/www/through_the_decades/questionnaires/1990_1.html. P. E10. Thus the census form illustrates that racial identity is constantly evolving.

[233] Multiraciality can be defined at two levels. The first level is the individual. In this case, multiraciality refers to the fact that the person identifies themselves through several racial origins, be it from their parents or other ancestors. For a multiracial identity, however, more than two racial origins are required, otherwise the appropriate term is 'biracial.' The second dimension of multiraciality relates to society and refers to the acceptance of multiracialism. This also implies a greater acceptance of the concept of race as a social construct and not as a biological reality. Korgen and Brunsma, "Avoiding Race or Following the Racial Scripts? Obama and Race in the Recessionary Period of the Colorblind Era," 192.

[234] Daniel 31.

Due to this focus on a binary black-or-white racial order that offers a very limited space for multiraciality, Obama's multiracial origins were rapidly overlooked and underestimated to explain his success.[235] Of course, among the constraints that weigh on Obama's racial identity is the fact that he is in national politics. This has two consequences: the first is that he cannot promote identity politics, which would openly create a zero-sum game between whites and minorities. He had to present himself as the president of all Americans. The incidents with Professor Gates or Shirley Sherrod,[236] to cite only these two, illustrate this problem. In both cases Obama was accused of racial favoritism by some in the white community because he had intervened, whereas the black community considered that he had not done enough to help another member of the community. These examples perfectly demonstrate that Obama's political positions constrained him to a carefully balanced racial neutrality.[237]

In short, in the current American context, Obama was in a complex situation for his presidential campaigns and his terms in office. The present era is marked by an emerging multiracialism, but it is still largely dominated by the One-drop rule; a period that condemns identity politics although communities want their specific problems to be solved and want their grievances to be taken into account.

3.3.2. Obama Seen from Outside: Projections and Perceptions

During his first presidential campaign in particular, many things were said about Obama's racial identity. As soon as his campaign started to become successful, everyone claimed that Obama belonged to their racial group. During the same period of time he was described as black, multiracial, not black enough, or even white.

At the beginning of the 2008 campaign, Obama was presented as a biracial or multiracial candidate,[238] but he rapidly became black in the press. After his official nomination as the Democratic candidate, the *New York Times* portrayed him in its headline as the first black candidate, although it mentioned his mixed racial background further down in the article.[239] This perfectly illustrates the fact that the One-drop rule still largely influences racial identification and discourse.

Some journalists and intellectuals seized the moment to question the prevalence of the One-drop rule, to denounce its anachronistic dimension and limitations by

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[235] Jolivétte 8.
[236] "Obama: Police Who Arrested Professor 'Acted Stupidly,'" July 2009, http://edition.cnn.com/2009/US/07/22/harvard.gates.interview/; Pace, "Shirley Sherrod Firing."
[237] Reed 194.
[238] Janny Scott, "A Biracial Candidate Walks His Own Fine Line," *New York Times*, December 29, 2007, http://www.nytimes.com/2007/12/29/us/politics/29obama.html.
[239] Jeff Zeleny, "Obama Clinches Nomination; First Black Candidate to Lead a Major Party Ticket," *The New York Times*, June 4, 2008, http://www.nytimes.com/2008/06/04/us/politics/04elect.html.

recalling that Obama also is half white.[240] This questioning is now shared by an increasing number of people who reject this outdated, clear-cut, black-and-white vision of race relations. For many people who identify as biracial or multiracial, Obama simply was a mixed-heritage candidate. For them it was yet another evidence that the problem of the color line, announced by W. E. B. Du Bois as the problem of the past century, belonged indeed to the 20th century and had been replaced by something else.[241] However, it must be highlighted that this position does not necessarily imply that racism is no longer an issue. It is important to distinguish the refusal of a limited either black or white racial identity from the belief that racism no longer exists in the United States (this would rather correspond to the premises that inform the conservative conception of colorblindness).

Obama's growing success raised questions about his blackness in terms of cultural and political color. Quite paradoxically, it was mainly the black community which questioned Obama's racial status. Many did not consider Obama as black, but as biracial, because of his white mother. This was, for example, the case of actor Morgan Freeman in an interview with *NPR*.[242] Beyond the purely genetic question of racial ascendance, racial identity also includes a cultural dimension. This cultural dimension goes beyond skin color and takes into account elements such as the environment in which a person was raised or their education.

According to Representative G. K. Butterfield (D-NC), the choice belongs to Obama, but he thinks that a white identification would not have been accepted since Obama's phenotype is black.[243] Unlike Obama, Butterfield, although he was born to two black parents, has a white phenotype which could be mistaken for a Hispanic ethnicity. So Butterfield could have passed for white. According to him, his many white ancestors resurfaced in his person. Nonetheless, Butterfield chose a black identity because his biography is black indeed: he grew up in a black neighborhood, he went to black schools, he was very active in the Civil Rights Movement, and he belongs to a black church.[244] Politically he appears as black as well: he is a member of

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[240] Marie Arana, "He's Not Black," *The Washington Post*, November 30, 2008, http://www.washingtonpost.com/wp-dyn/content/article/2008/11/28/AR2008112802219.html; Suzanne W. Jones, "The Obama Effect on American Discourse about Racial Identity: Dreams from My Father (and Mother), Barack Obama's Search for Self"," in *The Obama Effect: Multidisciplinary Renderings of the 2008 Campaign*, ed. Heather E. Harris, Kimberly R. Moffitt, and Catherine R. Squires (Albany, N.Y.: SUNY Press, 2010), 131–52. Jones makes a detailed analysis of the role of Obama's mother in his identity construction.

[241] Jesse Washington, "AP: Many Insisting That Obama Is Not Black," *Huffington Post*, December 14, 2008, http://www.huffingtonpost.com/2008/12/14/ap-many-insisting-that-ob_n_150846.html.

[242] Margaret Hartmann, "Morgan Freeman Helpfully Declares That Obama Isn't America's First Black President," *New York Mag Daily Intelligencer*, July 6, 2012, http://nymag.com/daily/intelligencer/2012/07/morgan-freeman-obama-isnt-a-black-president.html; Morgan Freeman is part of the black elite that does not endorse a conventional racial discourse. In another interview he criticized the *Black History Month* because, in his opinion, this minimizes the importance and place of blacks in the United States. His criticism highlighted the fact that the *Black History Month* gives the impression that African-American history is sufficiently small and detached from the rest of American history to be mentioned only one month out of twelve. (Mike Wallace, *Morgan Freeman on Black History Month*, 60 Minutes (CBS, 2005), https://www.youtube.com/watch?v=GeixtYS-P3s.) Moreover, there were two previous black presidential candidates who seriously campaigned for the nomination: Shirley Chisholm (1972) and Jesse Jackson (1984 and 1988).

[243] Washington, "AP."

[244] "G. K. Butterfield. Full Biography," *Representative G. K. Butterfield*, August 8, 2014, https://butterfield.house.gov/about/biography.

the Congressional Black Caucus, the Out-of-Poverty Caucus, and the State Medicaid Expansion Caucus.[245] Moreover, he represents a majority-black district in Congress. Only 40% of his district is white, 53% is black, and about 2.5% of the population identify as racially mixed.[246] Butterfield even has declared that he did not feel comfortable in a white environment.[247]

This cultural dimension of one's identity makeup is one of the arguments that has been used by those who do not view Obama as African-American. The cultural argument rests on two important points. The first point is the fact that Obama's father was not African-American but a Kenyan student who only stayed in the United States for a short time before returning to Kenya. As the racial debate has evolved, an increasing focus has been made on the different experiences and conditions faced by African-Americans who descended from slaves, as distinguished from more recent immigrants from Africa and even the Caribbean. This means that there are ethnic differences within the black population, just as within the white population.[248] This leaves the possibility for some to consider that Obama is not legitimately part of the African-American community. The other point of the cultural argument is that Obama did not grow up in a black environment,[249] as opposed to Butterfield, for example, who considers that his cultural environment trumps his phenotype. Obama grew up in his white family. He lived with his mother for a long time, and then with his mother and Indonesian stepfather in Indonesia, and finally he lived as a teenager with his white grandparents in Hawaii, where he attended a high school with less than ten black students.[250] These aspects of Obama's upbringing were questioned by some black nationalists who wondered if he felt more connected to white elites than to "folks in the hood."[251]

However, Obama's blackness has also been questioned by whites,[252] but rather to assert his white origins, the main point being not to overlook his mother. On the other hand, the major white questioning of Obama's identity because of his blackness came from the Birther movement, which claimed that Obama was not American, that he was born in Kenya, not in Hawaii, or that he had taken the Indonesian national identity and thus forfeited his American nationality.[253] These claims are tinted with racism and aimed mainly at questioning his legitimacy to run for president.

As political scientist John K. Wilson put it: "He [Obama] was caught in the racial catch-22 of American politics, where a black candidate can be simultaneously too black and too white."[254] This debate regarding Obama's racial identity reveals much.

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[245] "Committees & Caucuses," *Representative G. K. Butterfield*, August 8, 2014, https://butterfield.house.gov/about/committees-and-caucuses.

[246] Census.gov. "North Carolina, 1st Congressional District." Consulted 09 Sept. 2014. http://www.census.gov/fastfacts/

[247] Washington, "AP."

[248] Hackshaw 377. Those differences not only concern culture, but also concern educational attainment and socio-economic success.

[249] "Obama's True Colors: Black, White ... or Neither?" *Msnbc.com*, March 24, 2014, http://www.nbcnews.com/id/28216005/ns/us_news-life/t/obamas-true-colors-black-white-or-neither/.

[250] Obama, *Dreams*, 72.

[251] John K. Wilson, *President Barack Obama: A More Perfect Union* (Boulder, CO: Paradigm Publishers, 2009), 54.

[252] Washington, "AP."

[253] See for example: Jeff Zeleny, "Persistent 'Birthers' Fringe Disorients Strategists," *New York Times*, August 4, 2009, http://www.nytimes.com/2009/08/05/us/politics/05zeleny.html.

[254] Wilson, *President Barack Obama: A More Perfect Union*, 54.

On the one hand it shows the complexity and sensitiveness of racial questions in the US, as well as the still pressing nature of racial matters, despite the fact that many wanted to see in Obama's election the proof of a post-racial America.[255] On the other hand, according to some, Obama represents a transition. This opinion was expressed by a young white woman in a 2010 study conducted by Mark P. Orbe about the public's perception of Obama: "Barack Obama represents a transitional bridge. The United States wasn't entirely ready for a black president. But they could be ready for Obama."[256] These varied opinions about Obama's true racial identity demonstrate the real advantage of multiraciality: the possibility for everyone to project on Obama the identity they wish to see.[257] However, since his first term, the novelty appeal of Obama's racial identity has largely subsided. The media do not pay attention to this anymore, and for the population, the issue has faded into the background. Obama's racial identity has become normal. This was captured by a young white man from Michigan: "He was the first black president, but over time, he has become the president who happens to be black."[258]

3.3.3. Multiple Identities

The multiple identities that have been attributed to Obama, projected, criticized, debated, and commented upon, however, are only representations that society reflects onto him and do not necessarily correspond to the way Obama identifies and represents himself.

Not surprisingly, as an individual with mixed ancestry and an eventful family history, Obama spent quite some time thinking about and constructing his racial identity. It must be noted that Obama searched for his racial self and slowly built it over time. The analysis here is mainly based on Obama's two major books. The first is his autobiography *Dreams from My Father: A Story of Race and Inheritance*. The subtitle is often omitted, and yet, it perfectly states the topic: the search for his racial identity by a young man of mixed heritage in an America that has not achieved peaceful race relations yet and that is only slowly evolving towards a new era (Obama, who was born in 1961, slightly precedes the "biracial baby boom"). The second book is *The Audacity of Hope: Thoughts on Reclaiming the American Dream*, the book he wrote as a senator and which details his political philosophy.

In *Dreams from my Father*, Obama explains that his youth was marked by the search for his racial identity. Obama details two complementary themes: he insists on his white heritage and his education in a white family, and he describes at the same time his search for a black identity and his learning about black culture. He admits

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[255] Thomas, Herring, and Horton, "Racial Differences in the Perception of Racial Equality in the Obama Era," 179. For a more detailed discussion of post-raciality, see 1.1.4. A Post-Racial America?

[256] Orbe 91.

[257] W.J.T. Mitchell, "Obama as Icon," *Journal of Visual Culture* 8 (2009): 129; Sunaina Maira, "Obama as Enigma: A 'New' Regime for Muslim and Arab Americans?," in *Changing the Race: Racial Politics and the Election of Barack Obama*, ed. Linda Burnham (Washington, DC: Applied Research Center, 2009), 14; Adam Murphree and Deirdre A. Royster, "Race Threads and Race Threats: How Obama/Race Discourse Among Conservatives Changed Through the 2008 Presidential Campaign," in *Race in the Age of Obama: Research in Race and Ethnic Relations*, ed. Donald Cunnigen and Marino A. Bruce, vol. 16 (Bingley, UK: Emerald, 2010), 285.

[258] Orbe 96.

his utter confusion regarding his identity as a teenager when the normal difficulty of building one's own identity was further complicated by his skin color. Even in Hawaii, where he lived with his grandparents, one of the most racially diverse states of the US, Obama noted his being different: "I was different, after all, potentially suspect; I had no idea who my own self was."[259] He explains that he chose to come and live with his maternal grandparents in Hawaii rather than returning to Indonesia precisely to be able to focus on his identity quest. During his high school years Obama kept looking for signs explaining his identity in the letters he received from his father. He looked for a black male role model to try to build his identity. His grandfather had a few black friends with whom he played poker, but the young Obama did not manage to establish a real relationship with them, because they seldom talked to the teenager and were not really interested in him. Through his grandfather, Obama finally met a black poet named Frank, a contemporary of illustrious figures such as Richard Wright and Langston Hughes, but for Obama the generational gap was too wide for Frank to be a role model. Thus, in his immediate social environment, Obama did not manage to find the role model he was looking for. He tried to find other ways of learning how to be black. Obama heavily insists on the gap between his appearance, which is indeed black, and his inner feelings at that time, which were dominated by his white culture and education.[260]

In high school, Obama met Ray who was a little older than him. The two black teenagers became friends, partly because there were very few black students at Punahou High School. Obama started his discovery of black culture partly through Ray.[261] Obama also sought the meaning of blackness, what it means to be black, what a black identity is, in the writings of great black intellectuals such as Baldwin, Ellison, Hughes, Wright, and Du Bois, but he did not find an answer that satisfied him. Only in the writings of Malcolm X did he find something that corresponded to what he was looking for:

> Only Malcolm X's autobiography seemed to offer something different. His repeated acts of self-creation spoke to me; the blunt poetry of his words, his unadorned insistence on respect, promised a new and uncompromising order, martial in its discipline, forged through sheer force of will.[262]

It is interesting to note that it was self-creation that called out to Obama, which implies a certain rejection of stereotypes and clichés and a refusal to have an outside definition of blackness imposed upon him. Nonetheless, stereotypes and clichés played a role in his identity construction, because this intellectual search was only one part of his learning. Obama also tried to appear blacker in his behavior. For this, just like any teenager, he turned toward popular culture to try to copy an attitude that could be interpreted as black: "TV, movies, the radio; those were the places to start. Pop culture was color-coded, after all, an arcade of images from which you could cop a walk, a talk, a step, a style."[263] In his autobiography, Obama comments on this with a lot of insight. On the one hand he is aware that this approach is common among youths trying to find their identity as they grow up. He sees that, just like the others, he tried to play a role, even with the risk of becoming a caricature. On the other hand, he notes that the white kids had a wider range of roles to choose from:

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[259] Obama, *Dreams*, 82.
[260] Obama, *Dreams*, 76.
[261] Obama, *Dreams*, 72, 76–78.
[262] Obama, *Dreams*, 86.
[263] Obama, *Dreams*, 78.

[...] I was living out a caricature of black male adolescence, itself a caricature of swaggering American manhood. [...] the principal difference between me and most of the man-boys around me—the surfers, the football players, the would-be rock-and-roll guitarists—resided in the limited number of options at my disposal.[264]

This limited black identity, which he denounces here through the small number of roles he could play as a black-skinned teen, is also criticized in another manner. Very quickly at the beginning of his identity quest, among the factors that partially triggered this search, Obama had observed that people very often did not see any further than physical appearance, skin color, to designate someone as black, without being able to explain the other implications, without attaching a cultural dimension to their definition.[265] Two elements surface here: the first is the omnipotence of the binary categorization inherited from the One-drop rule which attributes a black identity to any black phenotype or any person, without considering the cultural and historical dimension of the individual. This makes it still difficult today to take into account social and national nuances within the black population. Obama's assessment also reveals the lack of consensus about black identity, the difficulty of defining blackness, or what a black American or African-American is. This lack of certainty and this confusion resurfaced in the debates about Obama's racial identity. The young Obama's identity quest reflects a question that an entire nation is asking.

Among the answers Obama found was the necessity of being a "good" black man. In high school, he already understood that certain distinctions were made, such as the difference between a "good" black and a "bad" black. Obama discovered this during an argument with his basketball coach, when the latter used the terms "black people" and "nigger" to distinguish between "good" and "bad" blacks.[266] Obama also understood that he must behave in a certain way and talk in a certain way so as not to scare white people, so that he would not appear as "an angry black man."[267]

The real encounter with, and discovery of, the black community happened later in Obama's life, partly through his work as community organizer in Chicago's South Side, when he learned a lot about the daily problems of this community, its social and economic difficulties.[268] Eventually Obama integrated the community through his wife Michelle, who comes from a rather "typical" family from Chicago's South Side, and through his joining the Trinity United Church, the black church led by Reverend Wright.

Obama's identity quest was not limited to a single continent, but he went to Kenya only once he was an adult. It would be excessive to say that this journey brought him the answers he was looking for, but it is just as exaggerated to say that it was a disappointment. Obama recalls a discussion he had in Kenya with Dr. Rukia Odero. She evoked this possibility of a disappointment for Obama during his journey, as is often the case for African-Americans coming to Africa in search for their cultural roots.[269] Obama does not mention this feeling of disappointment in his autobiography. This is precisely where a major difference occurs between the experience of a person like Obama (who has one African parent) and African-Americans descending from slaves who do not have direct African ancestors and who have lost the

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[264] Obama, *Dreams*, 79.

[265] Obama, *Dreams*, 76.

[266] Obama, *Dreams*, 80.

[267] Obama, *Dreams*, 100.

[268] Obama, *Dreams*, 157–58.

[269] Obama, *Dreams*, 432–33.

direct cultural link with Africa. Obama went to discover memories of his father who had died and to meet the Kenyan part of his family. Contrary to many African-Americans who make the journey to Africa, Obama did not make the terrible experience of feeling disconnected, of discovering that, after all, they felt more American than African. Obama, on the contrary, experienced a sense of normality, of belonging for the first time. His name was pronounced correctly, he was recognized, he was "the son of": "For the first time in my life, I felt the comfort, the firmness of identity that a name might provide [...]. No one here in Kenya would ask how to spell my name, or mangle it with an unfamiliar tongue. My name belonged and so I belonged [...]."[270] Indeed, Obama found a family in the literal and figurative sense, even if everything did not go well, as for example when he tried to meet his younger brother George.[271] Through discussions with his family, he managed to get a better understanding of his father and found a sort of balance, or at least some satisfaction.

It has been noted that the end of Obama's autobiography is rather untypical of the genre, since it does not end with the usual self-discovery.[272] Obama's self-presentation certainly remains indeterminate in *Dreams from My Father*[273] as far as his racial identity is concerned. However, the assessment of no self-discovery should be slightly qualified. Although his racial identity is still not determined at the end of the book, his inner attitude about it seems to have changed. Obama repeatedly evokes the impossibility of belonging to a single racial universe, and writes that he rather saw himself as a bridge between the two worlds: "As it was, I learned to slip back and forth between my black and white worlds, understanding that each possessed its own language and customs and structures of meaning, convinced that with a bit of translation on my part the two worlds would eventually cohere."[274] There is certainly no dénouement in the sense that Obama does not embrace a single racial identity, but he appears to have found a sort of serenity and peace regarding his mixed heritage and his black roots stemming from Kenya. He apparently did no longer feel the need to fill a black or white mold in the end. Earlier in the text, he expresses the deep conviction that his identity cannot be limited by racial factors: "My identity might begin with the fact of my race, but it didn't, couldn't, end there."[275] A reminder of his refusal to accept this limitation is Obama's frequent insistence on his patchwork family scattered over three continents and which includes four different races.[276] By frequently evoking his multiracial and multinational family, Obama reaffirms his multiracial identity.

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[270] Obama, *Dreams*, 305.

[271] Obama, *Dreams*, 431.

[272] Justin Ponder, "'A Patchwork Heritage': Multiracial Citation in Barack Obama's Dreams from My Father," in *Obama and the Biracial Factor: The Battle for a New American Majority*, ed. Andrew Jolivétte (Bristol, UK: The Policy Press, 2012), 73.

[273] Ponder 76–77.

[274] Obama, *Dreams*, 82.

[275] Obama, *Dreams*, 100–1.

[276] Obama, *Audacity*, 231. "As the child of a black man a white woman, someone who was born in the racial melting pot of Hawaii, with a sister who's half Indonesian but who's usually mistaken for Mexican or Puerto Rican, and a brother-in-law and a niece of Chinese descent, with some blood relatives who resemble Margaret Thatcher and others who could pass for Bernie Mac, so that family get-togethers over Christmas take on the appearance of a UN General Assembly meeting, I've never had the option of restricting my loyalties on the basis of race, or measuring my worth on the basis of tribe." His family lives mainly in the US, the United Kingdom, and Kenya.

Although at the personal level Obama seems to have found an equilibrium regarding his racial identity, it is slightly different as far as his public image is concerned. As a politician, Obama does not have the same freedom regarding his identity. The way citizens perceive him is partly determined by their culture, which in the US is still largely influenced by the One-drop rule. Thus his multiracial identity is not really an option. This perception influenced his self-identification: "I identify as African-American—that's how I'm treated and that's how I'm viewed."[277] The statement makes it clear that this identification is largely due to outside pressure. But this African-American identity was not yet firmly established at the beginning of his fist term, when he often recalled his mixed identity.

A racial *faux pas* which occurred at the beginning of Obama's first term became notorious. During an interview the journalist asked the president which breed he intended to pick for the dog he was about to give to his daughters, as he had promised in case of an electoral victory. Obama answered that he would probably chose "a mutt like me."[278] This remark was considered as an insult by many people identifying as biracial or multiracial.[279] Whether or not it is an insulting remark is of little interest here. This remark, however, shows once again Obama's mixed racial background. Obama often evokes his biracial ancestry in his speeches in an indirect manner, through his parents: "I am the son of a white woman from Kansas and a black man from Kenya."[280] Obama introduced himself so often in this way that some less racially open-minded people did not want to hear it anymore.[281] Although this way of presenting himself could hurt some people who do not want to be reminded that biraciality exists, it had one advantage: this way, Obama did not have to choose, or at least he does not have to say openly what he considers his racial identity to be. By evoking the origins of his father, Obama also said that he did not claim an African-American cultural heritage,[282] and he left it to the public to project onto him the identity they wanted to see.

In *The Audacity of Hope*, Obama does not present himself as an African-American in the strict sense of the definition that excludes recent African immigrants. He describes himself as a "black candidate with an exotic background" or as "a black man of mixed heritage."[283] This presentation seems to indicate that he accepts a black identity, but without denying his origins or his mixed ancestry. Nonetheless, his endorsement of an African-American identity became official in 2010 when he ticked only the box "Black, African-American, or Negro" in the census questionnaire. Of course, this sparked a new controversy,[284] because since 2000 the questionnaire has

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[277] Quoted in Darryl G. Barthé Jr., "Racial Revisionism, Caste Revisited: Whiteness, Blackness, and Barack Obama," in *Obama and the Biracial Factor: The Battle for a New American Majority*, ed. Andrew Jolivétte (Bristol, UK: The Policy Press, 2012), 88, 91.

[278] Lauren Kornreich, "Obama: New Dog Could Be 'Mutt like Me,'" November 7, 2008, http://politicalticker.blogs.cnn.com/2008/11/07/obama-new-dog-could-be-mutt-like-me/.

[279] Zebulon Vance Miletzky, "Mutt Like Me: Barack Obama and the Mixed Race Experience in Historical Perspective," in *Obama and the Biracial Factor: The Battle for a New American Majority*, ed. Andrew Jolivétte (Bristol, UK: The Policy Press, 2012), 141.

[280] Obama, "A More Perfect Union."

[281] Orbe 96–97.

[282] Obama, "A More Perfect Union."

[283] Obama, *Audacity*, 10, 120.

[284] Oscar Avila, "Obama's Census-Form Choice: 'Black,'" *Los Angeles Times*, April 4, 2010, http://articles.latimes.com/2010/apr/04/nation/la-na-obama-census4-2010apr04.

offered the possibility to precisely state racial nuances; biracial or multiracial would have been an option.

At the cultural level Obama more readily puts forward his African-American identity. But in this case again, he is careful to select elements that have a positive place in mainstream culture as well, such as sports or art. Obama repeatedly mentioned his playing basket ball in high school in his autobiography, he welcomed several basket ball teams at the White House, and there are many pictures showing the president attending games, playing himself, or with a basket ball in hands. A photograph illustrating a recent newspaper article on the president's involvement with basketball shows Obama in between the columns of what looks like one of the main government buildings in Washington, in a sober suit, concentrated on a phone call, while distractedly bouncing a basket ball in his right hand. This picture was used to illustrate the close link perceived between the president and this sport.[285] In the art field, the Obamas selected canvases from black painters to decorate the White House, such as the little known expressionist painter Alma Thomas, as well as William H. Johnson, and Glenn Ligon. From the latter, the Obamas chose the work *Black Like Me No.2*.[286] Among the other pieces chosen by the Obamas to decorate the White House to their taste are two pieces with more political significance: the bust of Winston Churchill in the Oval Office was replaced by a bust of Martin Luther King Jr. and the original of the Emancipation Proclamation was displayed as well, thus insisting on decidedly African-American moments of American history. Besides this affirmation of African-American culture, Obama readily condemned aspects of black culture that are criticized by the mainstream population. Among those elements are the part of the rap music universe that glorifies gansta life and all its implications of violence, criminality, and misogynistic behavior.[287]

Thus it appears that Obama has after all endorsed an African-American identity for his political *persona*, putting forward aspects of black culture that are acceptable to the white public. Moreover, he presents himself politically as racially conscious, but without appearing to be obsessed about race, and especially without resorting to identity politics. The MLK bust was the politically acceptable choice, compared to, for example, a bust of Malcolm X, who is less accepted by the mainstream, but to whom Obama nonetheless feels an intellectual closeness, as he mentions in his autobiography. This image, however, is not enough to grasp his full identity and does not show how he uses his rich identity palette in his political discourse.

3.3.4. Identity Chameleon

Although Obama endorsed a main identity, he also used alternative identities depending on the context. This type of behavior has been examined in theories about identities depending on the situation or the culture, by Henri Tajfel in *Social Identity*

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[285] Jeff Zillgitt, "The NBA's President: League Reflects on Obama's Enduring Love for the Game," *USA Today*, January 18, 2017, http://www.usatoday.com/story/sports/nba/2017/01/18/nba-barack-obama-lebron-james-stephen-curry-michael-jordan/96734800/.

[286] Carol Vogel, "A Bold and Modern White House," *New York Times*, October 7, 2009, http://www.nytimes.com/2009/10/07/arts/design/07borrow.html.

[287] Obama, *Audacity*, 252.

Theory, or by David Heise in *Affect Control Theory*.[288] These theories respectively postulate that an individual adapts their identity according to the social context. The individual does that in order to achieve an agreeable interaction with others, meaning that they will adopt the identity best accepted by the other.

Obama, as a politician, is confronted to situations where political implications determine the relevance of his identity choice. The variables include the makeup of the audience and the topic of the speech. Some subjects cannot be treated in the same manner depending on whether the audience is black or white, and also depending on the orator. This is particularly the case for racially sensitive subjects, and even more so in the context of the strong ideological polarization in social and racial policies. A statement made in this context will be received and interpreted in very different ways depending on the orator. Obama adapted his identity choice according to these variables. It is important to highlight that Obama did not play a role in the sense that he would take an identity he had no real claim to, but rather that he would put forward the facet of his multiracial identity that was most relevant in the given context. However, it is role-play in the sense that the different identities he endorsed were not fixed identities, but representations made in given moments. This representation is what Ruth Amossy terms the *discursive ethos*, which is distinct from the orator's deep, personal, and intimate identity. This discursive ethos is also based in part on the preliminary image or ethos the public has of the orator, depending on their institutional functions, their status, their power, and their collective representation or associated stereotypes. The orator builds their discursive ethos according to what they think their public believes regarding their *Weltanschauung* and their vision of their preliminary ethos. The modeling of the ethos is, among others, made through the doxa and the way in which the orator reworks this doxa.[289]

The main identity that Obama adopted is the transcendent or supra-racial identity. It made his success and he was praised for it by the media.[290] It was the identity he showed at the 2004 Democratic National Convention in his keynote address and which brought him to wider national attention. The quotation is famous by now: "There's not a black America and white America and Latino America and Asian America; there's the United States of America."[291] The identity deployed here suppresses any racial affiliation and reaches back to the melting pot myth. Obama used the same transcendent identity especially during his first presidential election, when his racial identity was still a salient issue. Subsequently, he regularly reaffirmed this identity, notably by insisting on the fact that he was the president of all Americans. His credibility for doing this stems precisely from his multiracial background. Quite paradoxically, his multiraciality can be seen as a proof of his colorblindness: as he belongs in a certain sense to all the communities, there is no immediate reason for him to favor one of these communities. In *The Audacity of Hope*, Obama commented on the above-cited declaration. He explained his deep belief in this statement through his patchwork family and the family Christmas gatherings which he likened to a UN General Assembly meeting. His family includes so many different races that it leaves him no other choice than to believe in colorblindness and to reject identity politics. Yet, he also defines what he understands by this declaration. For him, it does

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[288] Henri Tajfel, *Social Identity and Intergroup Relations* (New York: Cambridge University Press, 1982); David Heise, "Affect Control Theory," April 25, 2011, www.indiana.edu/~socpsy/ACT/index.htm.
[289] Amossy 77, 79–80.
[290] Tesler and Sears 3.
[291] Obama, "Keynote Address at the Democratic National Convention."

not mean that the United States has reached a post-racial state as some have af-firmed, although, to a certain degree, he acknowledges America's capacity to inte-grate newcomers. Thus he does not completely reject the melting pot model, and considers the US as a unique multicultural nation. Nonetheless, he denounces the persisting racism and nativism that still undermine this.[292]

Obama needed racial unity for his election and he thus had to show a supra-identity that helped deflect racial tensions and inter-group competition.[293] For white voters in particular, Obama's ability to transcend race was important.[294] Even when directly confronted with reproaches and criticism from the black community, Obama repeated his deep conviction, already expressed in *The Audacity of Hope*, that race-neutral policies are the best solution:[295]

> I can't pass laws that say I'm just helping black folks. I'm the president of the United States. What I can do is make sure that I am passing laws that help all people, particular-ly those who are most vulnerable and most in need. That in turn is going to help lift up the African-American community.[296]

This quotation, although it illustrates Obama's universalist aspirations well, also points to a deep-seated problem. The inter-group conflict in the US is particularly exacerbated between blacks and whites. Thus, beyond his transcending ethos, Obama also often endorsed a biracial identity to bridge the black-white divide.

The biracial identity is the identity that Obama used when he wanted to func-tion as a bridge between the black and the white communities. In his autobiography, Obama already mentioned his conviction that he could play this role, but it was in his famous speech, 'A More Perfect Union,' that he did so with the greatest success.[297] In this speech he presents himself as biracial, through his parents: "I'm the son of a white woman from Kansas and a black man from Kenya." This way of introducing himself fulfills two functions for his identity. The first is to establish his authority on both racial sides, black and white. The second is to reassure the white population: he insists on the fact that he is the son of an African immigrant who has a different his-torical background than an African-American, and who does not have the same his-torical grievances against the white population.[298] This, in turn, could be seen as a problem of legitimacy with the African-American community, especially regarding his appeals to put resentment and conflicts aside and to stop victimization. Nonethe-less, Obama legitimizes this through his wife Michelle, who provides him with the crucial link with the African-American community. In the same way, he uses his ma-

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[292] Obama, *Audacity*, 10, 120, 231–32.

[293] John E. Transue, "Identity Salience, Identity Acceptance, and Racial Policy Attitudes: American National Identity as a Uniting Force," *American Journal of Political Science* 51, no. 1 (2007): 79. For a more detailed discussion of Obama's unity discourse, see 3.4.1. "A More Perfect Union:" the Unity Discourse.

[294] Orbe 106.

[295] Obama, *Audacity,* 247.

[296] Sheryl Gay Stolberg, "For Obama, Nuance on Race Invites Questions," *New York Times*, February 9, 2010, http://www.nytimes.com/2010/02/09/us/politics/09race.html.

[297] Obama's openness in talking about race in this speech has been lauded, but has also been criticized. Some critics considered that he described issues of racism and discrimination as belonging to the past. For a more detailed analysis, see Sarah McCaffrey, "Ghosts and Gaps: A Rhetorical Examination of Temporality and Spatial Metaphors in Barack Obama's 'A More Perfect Union,'" in *The Obama Effect: Multidisciplinary Renderings of the 2008 Campaign*, ed. Heather E. Harris, Kimberly R. Moffitt, and Catherine R. Squires (Albany, N.Y.: SUNY Press, 2010), 31–48.

[298] Chuck Todd and Sheldon Gawiser, *How Barack Obama Won: A State-by-State Guide to the Historic 2008 Presidential Election* (New York: Vintage Books, 2009), 12.

ternal grandmother's prejudice and racial fears to show to the white community that he perfectly understands the white point of view, even in its least politically correct recesses.[299]

This way of introducing himself somehow justifies his political beliefs. The first assumption from the white population that must immediately be deflected is the suspicion that a black politician will necessarily advocate identity politics, which is precisely what parts of the black population expect. The incidents with Reverend Wright, Shirley Sherrod, professor Henry Gate, or Van Jones[300] precisely illustrate this problem that any black politician will encounter at the national level. A representative in the House can have a mainly black electorate; this, however, is not possible for a senator, and of course it is even less the case for a president. These offices require universalist politics that exclude any (minority) identity politics.

Obama explains that while he did not receive an African-American education, he nonetheless daily experienced the same discrimination as all blacks in the United States. He gives the example of being followed by security agents in the mall, of being confused with a parking valet when waiting in front of a restaurant, of being frequently stopped without any reason by the police.[301] Despite being adamant about his race-neutral ideology, Obama's tone was more virulent regarding racial inequalities when he was still a senator. His tone became more conciliatory during the first presidential campaign. Yet, the theme of racial reconciliation and the need to understand the other exposed in 'A More Perfect Union' is already present in *The Audacity of Hope*. However, as president, he really had to be careful not to appear as an "angry black man." This feature of racial constraints which weighed on Obama was particularly exacerbated in the incident with Reverend Wright. In his speeches, which were considered as hateful by many, Wright appeared almost as the caricature of the angry black man. Obama distanced himself from Wright when the latter gave a second hate preach after the first speech which had attracted public attention. Some considered that this move and his own political stance were a good equilibrium in the Good Black Man/Bad Black Man dichotomy described by communication scholar Judy Isaksen.[302] Obama managed to show that he has a racial conscience, without having a racial obsession. This was a major quality in presidential candidate Obama to sway his electorate.[303]

Nevertheless, Obama did not work on his African-American identity with the sole aim of reassuring the white population. As mentioned above, because of his origins, because he was not born and raised in the African-American community, Obama also had to establish a black identity to create a basis for discussion with the African-American community.

Among the sensitive topics that are difficult to discuss with the African-American community is the question of personal responsibility, notably concerning education. As explained above, two major opposite strategies are advocated by conservatives and liberals, the first favoring personal responsibility to the detriment of government responsibility, the second favoring more government intervention with-

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[299] Obama, "A More Perfect Union."

[300] Van Jones resigned his position as advisor for the Environmental Protection Agency after officials of the Republican Party tried to use his statements and past as an activist to tarnish Obama and to present him as a dangerous radical.

[301] Obama, *Audacity,* 233.

[302] Isaksen, "Obama's Rhetorical Shift: Insights for Communication Studies," 457.

[303] Orbe 213.

out considering a change of behavior and moral values.[304] For those who, like Barack Obama, wish to create a "third way" between the usual stances, a combination of personal responsibility and sustained government intervention, this polarization presents some caveats that must be avoided. By talking about issues of personal responsibility, Obama runs the risk of being misunderstood, of being perceived as a politician who does not care about the interests of the black community.

Obama was well aware of this political minefield, for example in his 2010 speech given at the Centennial Conference of the National Urban League.[305] He talks about education reform to a mainly black audience. After having exposed his reform plans at length in relation to government intervention and his own political principles, Obama urges parents to be more involved in their children's education. He also ventures into the rhetorical terrain of personal responsibility, which is largely dominated by conservatives. To try to defuse this rhetorical mine and to model his ethos of the "third way" politician, Obama proceeds in three steps.

First, he reassures his public that he is aware of the need for strong social policies and that he supports them:

> Now, in the past, even that statement has sparked controversy. Folks say, well, why are you talking about parents? Parents need help, too. I know that. Parents need jobs. They need housing. They need—in some cases—social services. [...] We're working on all those fronts.[306]

The second step consisted in explaining that this is not a case of racial targeting, that he does not consider that this is an exclusively black problem, and that he does not mean this in a conservative sense that blames and attributes guilt, but in a universal sense: "Then some people say, well, why are you always talking about parental responsibility in front of black folks? (Laughter and applause.) And I say, I talk about parent responsibility wherever I talk about education." Finally, Obama insists on his belonging to the black community and thus on his legitimacy to address these sensitive issues: "Michelle and I happen to be black parents, so—(laughter and applause)—I may—I may add a little umph to it when I'm talking to black parents. (Laughter)." The laughter recorded in the transcript suggests that the strategy worked.

The endorsement of a biracial or black identity is easy to fathom, but this is less plain for the connection Obama established with the Hispanic community. The problems encountered by the Hispanic community in matters of education are slightly different from the case of the black community. The Hispanic community has a very high rate of high school dropouts.[307]

Obama addressed the issue of education reform and what had already been done through the *American Recovery and Reinvestment Act* of 2009 at a 2009 meeting at

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[304] For a detailed discussion, see 3.2. Responsibility Discourse and Debate.

[305] Barack Obama, "Urban League."

[306] Obama, "Urban League."

[307] Kurt J. Bauman and Nikki L. Graf, "Educational Attainment 2000: Census 2000 Brief" (Census Bureau, 2003), 5; The percentages of people without a high school diploma are: 19.6% for the total population, 14.5% for whites, 27.7% for blacks, and 47.6% for Hispanics. These rates have greatly improved between 2000 and 2010: only 12.9% of the total population, 12.4% of whites, 15.8% of blacks, and 37.1% of Hispanics did either not attend high school or did not complete the degree. Mexicans in particular have a very high non-completion rate of 42.6%. " Educational Attainment by Race and Hispanic Origin, 2010," Statistical Abstract of the United States: 2012 (Census Bureau, September 30, 2011).

the Hispanic Chamber of Commerce.[308] He chiefly insisted on the role played by education in global economic competitiveness. The underlying theme was the same as for African-Americans: the need to combine personal efforts with government efforts and the need for parents to be involved in their children's education. Obama articulated his messages around two complementary axes. First, he firmly planted education as a core element of the American Dream and associated education to the sacrifices made for the better future of the children: "And when you're a kid you don't think about the sacrifices they're [parents] making. She [Obama's mother] had to work; I [Obama] just had to go to school. But she'd still wake up every day to make sure I was getting what I needed for my education."[309] The doxa of the American Dream particularly insists on the idea that anyone can be successful in the US as long as they work hard. This is fuelled by the myth of the Land of Opportunity for new immigrants, the ideal that anyone can reach by making sacrifices, and with the core idea that a better future is being prepared for the children. Of course, this also summons the image of those who already live the American Dream, and of course, of Obama himself, who comes from a modest family and who became president of the United States.[310] To establish his authority to ask for more sacrifices and more personal responsibility from recent immigrants who are still struggling to get their share of the American Dream, Obama recalls his own immigration experience:

> I say this not only as a father, but also as a son. When I was a child my mother and I lived overseas, and she didn't have the money to send me to the fancy international school where all the American kids went to school. So what she did was she supplemented my schooling with lessons from a correspondence course. And I can still picture her waking me up at 4:30 a.m., five days a week, to go over some lessons before I went to school. And whenever I'd complain and grumble and find some excuse and say, "Awww, I'm sleepy," she'd patiently repeat to me her most powerful defense. She'd say, "This is no picnic for me either, buster." (Laughter and applause.)[311]

After this detailed description of the daily sacrifices his mother made when they lived in Indonesia, Obama presents himself as the successful result of this ordeal, the American Dream come true: "[...] I can stand here today as President of the United States. It's because of the sacrifices [...]."[312] Through this, he reminds his audience that his family experienced the exact same situation as most people in the room.

Interestingly, Obama also used the immigration trope in a very different manner. In his keynote address at the Democratic National Convention in 2004, Obama used this theme to go back to the foundations of the US, through the history of his parents. He told the story of his father seeking opportunity, and of his mother, whom he presents as the epitome of white low-income America. He insists on the fact that these modest white Americans greatly benefited from extensive government intervention and aid, such as the GI Bill and the FHA programs. He depicts himself as the result of his parents' American Dream, grounded in some fundamental American values: opportunity and equality. He describes his own experience not as anomaly, as something exceptional, but as something inherently American, what the US has al-

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[308] Barack Obama, "Remarks of the President to the United States Hispanic Chamber of Commerce," (speech, Washington Marriott Metro Center, October 3, 2009), http://www.whitehouse.gov/the-press-office/remarks-president-united-states-hispanic-chamber-commerce.
[309] Obama, "Chamber of Commerce."
[310] For a more detailed discussion of Obama's rhetoric on the American Dream, see 3.4.6. "In No Other Country on Earth Is My Story Even Possible:" the American Dream.
[311] Obama, "Chamber of Commerce."
[312] Obama, "Chamber of Commerce."

ways been about: "I stand here knowing that my story is part of the larger American story, that I owe a debt to all of those who came before me, and that in no other country on Earth is my story even possible."[313] By slightly changing the point of view, by just marginally switching the focus, Obama managed to use one theme, immigration, for two different purposes: in the first case to establish a privileged and legitimate relationship with a specific racial group; in the second case to present himself as quintessentially American.

3.4. "I Ran Because I Had a Different Idea About How America Was Built:"[314] Obama's Rhetorical Construct

Obama tried to establish a counter-discourse to an old, deep-seated, and well established political discourse that has profoundly marked the American political landscape. As discourse analyst Frank Austermühl explained it, "presidential discourse constitutes a tightly woven web of American cultural texts," which form a "discursively erected scaffold" also called *bibliothèque* by philologist Charles Grivel.[315] Austermühl defined this discursive scaffold as follows:

> A scaffold prevents the early stages of (cultural) construction work from falling apart, and supports the addition of new levels to the edifice. Moreover, a scaffold also guarantees to uphold the stability of a building's predetermined shape, and, in doing so, rules out the implementation of alternative designs. With every new discourse contribution, with every new cultural cross-reference, the scaffold is stabilized and strengthened. Simultaneously, with every new utterance the implementation of an alternative design of Americanness outside clearly established systemic boundaries becomes less likely.[316]

Austermühl highlights a certain rigid dimension to this scaffold. This subpart intends to show how Obama works his discourse within this scaffold by using elements of this American library, by weaving a new web of American cultural texts, bending them to his needs, twisting them slightly as to insist on the aspects and interpretations of these texts that suit his discursive needs, are consistent with his ideology, and his *Weltbild*. These concepts are close to Amossy's concept of *doxa*.[317]

Political scientist, rhetorician, and communications analyst Martin J. Medhurst defines the study of presidential rhetoric as follows:

> If one conceives the principal subject of investigation to be rhetoric rather than the presidency, then the nature, scope, and presumptions change rather radically. Under this construct the presidency is the particular arena within which one can study the principles and practices of rhetoric, understood as the human capacity to see what is most likely to be persuasive to a given audience on a given occasion.[318]

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[313] Obama, "Chamber of Commerce."

[314] Obama, "Remarks by the President on Earmark Reform."

[315] Frank Austermühl, *The Great American Scaffold: Intertextuality and Identity in American Presidential Discourse* (Philadelphia, PA: John Benjamins Publishing Company, 2014), 7–8; Charles Grivel, "Thèses Préparatoires sur les Intertextes," in *Dialogizität*, ed. Renate Lachmann (Munich: Fink, 1982), 240.

[316] Austermühl 8.

[317] Amossy 44.

[318] Martin J. Medhurst, "Introduction: A Tale of Two Constructs: The Rhetorical Presidency Versus Presidential Rhetoric," in *Beyond the Rhetorical Presidency* (College Station: Texas A&M University Press, 1996), xiv.

Medhurst's definition highlights once again the need of taking the context into account, in order for the orator to choose the elements of the doxa or texts of the American library that will be most persuasive depending on the audience and the occasion.

Most presidential speeches Obama made were addressed to the nation at large, except for some speeches that he gave to very narrow audiences which can be identified rather reliably, such as addresses to the Hispanic Chamber of Commerce, the NAACP, the National Urban League, or certain town hall meetings, such as the one in Belgrade, Montana, in 2009, that has already been discussed, where 94.2% of the population were white, most inhabitants have a high-school diploma, the median household income was $44,252, and the majority (66.9%) of the population was either working or middle class (with incomes between $15,000 and $74,999).[319] These, however, are rather isolated cases, and most speeches are addressed to the nation as a whole, be they Inaugural Addresses, States of the Union Addresses, or even the speech at the 2004 DNC, which is certainly addressed mainly to Democrats but which is also a highly mediatized event likely to be watched by more than just registered Democrats. When possible and relevant, the scope and audience of the different speeches will be discussed. However, the speeches will not be analyzed according to a typology of speeches, as it is done by some,[320] or through the rather statistical analysis that is proposed by Austermühl, which combines a quantitative evaluation of word clusters in inaugural addresses with a qualitative analysis of the respective importance of the themes identified through the quantitative analysis.[321] The method used here differs widely. Given the rather complex interweaving of the current American political discourse discussed so far, based on various types of political discourse (media echo and discourse, political advertisement, and policy enactment) this part attempts to give an overview of Obama's discursive construct from the angle of the broad ideology he articulates in his speeches and writings (policy matters will be discussed in part 4). In this context the main reference is sociologist Jeffrey Prager's definition of ideology as

> [...] the dominant, more or less culturally universal scheme by which the social order is understood and explained. Through ideological formulation, members of the society account for and understand the social order of which they are a part. It is the public's best effort—at any given time—to make sense of, comprehend, and explain the problematic world of everyday life.[322]

Thus the following pages will try to show the *Weltbild* that Obama depicts in his attempt at creating a new discursive context in which he builds a social order that is

[319] "American FactFinder - Belgrade, Montana, 2010 Census," accessed May 2, 2017, https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF; "American Fact-Finder - Belgrade, Montana, Income 2009," accessed May 2, 2017, https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF; "American Fact-Finder - Community Facts, Belgrade, Montana," accessed May 2, 2017, https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml?src=bkmk.

[320] See for example: Karlyn Kohrs Campbell and Kathleen Hall Jamieson, *Deeds Done in Words: Presidential Rhetoric and the Genres of Governance* (Chicago: University of Chicago Press, 1990), 109; Karlyn Kohrs Campbell and Kathleen Hall Jamieson, *Presidents Creating the Presidency: Deeds Done in Words* (Chicago: University of Chicago Press, 2008). Michael Nelson and Russell L. Riley, eds., *The President's Words: Speeches and Speechwriting in the Modern White House* (Lawrence, KS: University of Kansas Press, 2010).

[321] Austermühl 136–37.

[322] Jeffrey Prager, "American Racial Identity as Collective Representation," *Ethnic and Racial Studies* 5, no. 1 (1982): 102.

widely different from the one painted by Reaganite discourse. This allows him to put forward his policy agenda, and specifically allows him to pursue the aim of enacting social policy which would help minorities, while attempting to deflect a reaction akin to the backlash against social policies that has dominated in the US since the 1970s.

There is an academic debate over the impact of presidential discourse on legislative matters. Some, as political scientist George C. Edwards, argue that presidential discourse has no power. Edwards quotes, for example, Clinton's health reform failure or Reagan's failure to get support for the Contras in Nicaragua.[323] These findings, however, can be debated. In the case of the Clinton health reform failure it was, according to Jacobs and Shapiro, the powerful opposition discourse that led to the debacle and Clinton's failure to work his public discourse enough, as the latter admitted: "My first two years here, I was totally absorbed in getting legislation passed. I totally neglected how to get the public informed. It was my fault and I have to get more involved in crafting my message—in getting across my core concerns."[324]

Political scientists Richard J. Powell and Dean Schloyer's analysis suggests "that presidential speechmaking has very little impact on the likelihood that members of Congress will support the president's position on roll call votes."[325] Indeed, direct processes of policymaking in Congress appear less likely to be influenced by presidential speeches, as the relations between the different actors are distinctive from the interactions with the wider public. The influence of party leaders, or direct discussion between the president and party members, appear to be more likely and effective.[326]

However, public opinion has an impact on Congressional vote, although in a rather negative manner, as Congresspeople fear for their prospects of reelection. Besides, public opinion can be used to defeat a legislative proposal when sufficient opposition is voiced, as was the case with the Clinton health care reform, or Reagan's attempt to attack Medicare.[327] Other scholars have a more nuanced evaluation. Political scientist Reed L. Welch found that presidential speeches are more successful with certain demographic groups, such as educated people, whites, men, or the elderly, although overall he sees a "limited success with his [the president's] message to the public." However, Welch concedes that "the president at the right times can use the bully pulpit to tremendous political advantage."[328]

Others concede a greater impact, although a rather diffuse one. Political scientist Brandice Canes-Wrone avers that "the president's proposals for potentially significant legislation virtually always make it on to the congressional agenda," but she minimizes this claim as "we do not know the extent to which the president's public

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[323] George C. Edwards, *On Deaf Ears: The Limits of the Bully Pulpit* (New Haven, CT: Yale University Press, 2003), 7–8.

[324] Jacobs and Shapiro 1.

[325] Richard J. Powell and Dean Schloyer, "Public Presidential Appeals and Congressional Floor Votes: Reassessing the Constitutional Threat," *Congress and Presidency* 30, no. 2 (2010): 123.

[326] Representatives Pomeroy and Gordon insisted in their interviews on the role played by President Obama in convincing them to cast their yea. See, for example, Sinclair, *Unorthodox Lawmaking: New Legislative Processes in the US Congress*. Sinclair devotes a significant part of the book to how crucial votes were obtained, which political deals were made, and the role played by Senate Majority Leader Harry Reid in this respect.

[327] Jacobs and Shapiro 65.

[328] Reed L. Welch, "Presidential Success in Communicating with the Public through Televised Addresses," *Presidential Studies Quarterly* 33, no. 2 (2003): 362.

statements facilitate this process."[329] Political scientist Matthew Eshbaugh-Soha sees an impact of presidential discourse at two levels. He argues that the "presidential rhetoric increases the president's legislative success on votes pertaining to policies that are both salient and complex" and that "instead of moving public opinion, presidential speeches act as informational cues for legislators."[330] Political scientist Andrew W. Barrett states that "[t]here is a strong, statistically significant and positive relationship between the number of times per month a president speaks publicly in support of a particular bill and the president receiving his legislative wish regarding that piece of legislation."[331] In this respect political scientist Theodore Lowi has shown that this is particularly true for redistributive policies, which would not pass, according to his analysis, without executive intervention and support.[332]

Obama's core message was greatly based on the political vision he had explained in his successful book *The Audacity of Hope*. The book tour organized for its publication led to calls for Obama to run as president. The main message that was devised from the book tour for the campaign was: "change versus a broken status quo; people versus special interests; a politics that would lift people and the country up; and a president who would not forget the middle class."[333] So not only was the campaign sparked by Obama's own ideas and his writing, but he continued to strongly influence speechwriting during the campaign, as explained David Plouffe, Obama's campaign manager:

> [Jon] Favreau was a brilliant writer, and he and Obama had a great collaborative rhythm. Jon understood Barack's voice and, unlike many speechwriters, was open to feedback and constructive criticism on his speech drafts. He did not treat them like sacred texts, but as living organisms that would change many times from start to finish. Now the draft sat with Obama, who wanted to add a few lines and spend some time refining the entire speech. It was unusual that the best writer in the campaign was the candidate, but that was definitely our situation. It was a huge asset, not only because it produced effective and powerful speeches but also because by participating so thoroughly in the writing of major speeches, he internalized and owned the material, resulting in better delivery.[334]

Thus there is a major ideological continuity between *The Audacity of Hope* and Obama's speeches, as well as a strong personal influence on the content of the speeches.

3.4.1. "A More Perfect Union:"[335] the Unity Discourse

Among the speeches that made Obama famous was the 2008 *A More Perfect Union* speech. He gave it in reaction to the criticism made against him for belonging to Trinity United Church of Christ led by Reverend Wright, who had made some in-

[329] Brandice Canes-Wrone, *Who Leads Whom? Presidents, Policy, and the Public* (Chicago: University of Chicago Press, 2006), 245–46.

[330] Matthew Eshbaugh-Soha, "How Policy Conditions the Impact of Presidential Speeches on Legislative Success," *Social Science Quarterly* 91, no. 2 (2010): 415.

[331] Andrew W. Barrett, "Gone Public: The Impact of Going Public on Presidential Legislative Success," *American Political Research* 32, no. 3 (2004): 363.

[332] For a detailed explanation, see 2.1.1. Different Types of Policies.

[333] Plouffe 5, 32.

[334] Plouffe 39–40.

[335] Obama, "A More Perfect Union."

flammatory speeches which were perceived as hateful by many whites. This incident, which was widely relayed by the media, was one of the worst moments of the primaries, and Plouffe admitted that the Obama campaign had not been sufficiently prepared for this: "we had got caught with our pants down on this one." He characterized their initial response of just distancing themselves from the statements as insufficient and inadequate, given the divisiveness of Wright's statements. Most importantly, Wright's statements were at the opposite of the image that the Obama campaign had sought to build over the previous months: "It threatened to undermine the profile we had spent fifteen month building: Obama was someone who sought to and would bridge divides, a man of deep faith, a steady leader and pragmatic problem solver."[336] Quite on the contrary, the association with Wright's inflammatory remarks which virulently highlighted racial injustice, such as "The USA of KKK,"[337] created a strong association with "the angry black man" who would practice identity politics and demand racial preference.

During the fall of 2007 Obama had already wanted to give a speech on race, but his campaign team, David Plouffe and David Axelrod in particular, had strongly advised him against it. After the Wright incident, and the initial interviews in reaction to the media storm, they changed their minds.[338] According to Plouffe, Obama was very firm about making this speech and insisted on handling most of it himself:

> "I don't want a big meeting or conference call on this," he told me [Plouffe]. "You and Ax and I will arbitrate this. But know this is what I think I need to do, so I'll need an awfully compelling argument not to give this speech. And I think it should be delivered in the early part of next week and I need to write most of it myself."[339]

The schedule was very tight and the campaign program very full, but coming up with the speech at such short notice was not a problem. Several days before the speech was to be scheduled, Obama told Plouffe late during the night: "[...] I already know what I want to say in this speech. I've been thinking about it for almost thirty years."[340] The main issue was the divisiveness of Reverend Wright's words, and Obama gave this speech in reaction to that, claiming his aspiration for unity and his belief in American values. The incident was a moment of crisis for the campaign, which turned out to become one of its best moments.

The location of the speech itself is already revealing; they chose the National Constitution Center in Philadelphia, which is located close to Independence Hall where the Constitution was signed. The background of the stage was covered in American flags. The flags might have been displayed to counteract accusations of divisiveness and a lack of patriotism, as well as the questioning of Obama's origins and American nationality launched by the Birther movement. The other reason might be that the American flag is a symbol of American history and unity, but also of its diversity.

Obama chose a segment of the most famous line of the Constitution as a title for his speech and began with a narration of the creation of the Constitution, from a racial perspective. In the speech Obama insisted on the fact that the Constitution was unfinished because it contained the compromise over slavery. He pointed out that

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[336] Plouffe 207–8.
[337] Jodi Kantor, "The Wright Controversy," *New York Times*, March 13, 2008, https://thecaucus.blogs.nytimes.com/2008/03/13/the-wright-controversy/.
[338] Plouffe 211.
[339] Plouffe 211.
[340] Plouffe 212.

the union created through the Constitution was something that needed working on, that the ultimate union was contained in the values expressed in the document, but that they had to be brought into reality yet:

> Of course, the answer to the slavery question was already embedded within our Constitution—a Constitution that had at its very core the ideal of equal citizenship under the law; a Constitution that promised its people liberty and justice and a union that could be and should be perfected over time.[341]

A little further in the speech Obama explained that he was running for president precisely because he believed that this union was possible:

> This was one of the tasks we set forth at the beginning of this presidential campaign—to continue the long march of those who came before us, a march for a more just, more equal, more free, more caring and more prosperous America. I chose to run for president at this moment in history because I believe deeply that we cannot solve the challenges of our time unless we solve them together, unless we perfect our union by understanding that we may have different stories, but we hold common hopes; that we may not look the same and we may not have come from the same place, but we all want to move in the same direction—toward a better future for our children and our grandchildren.[342]

Although Obama emphasized his strong belief in a possible American unity which played partly on the melting-pot myth, he also insisted on the fact that the future of the US was bound to the overcoming of the racial cleavage and the creation of a real American union, as promised in the Constitution.

The major types of presidential speech that are likely to carry messages of unity are Inaugural Addresses and State of the Union speeches (SOTU), because they address the nation at large. Political scientist Michael Nelson explains that the Inaugural Address is one of the most unifying speeches made as the president makes it in his function as chief of state (as opposed, for example, to the Nomination Acceptance speech, where the president acts as chief of party and thus has a dividing role). An Inaugural Address presents the orator as the president of all and is highly formalized. The function of the speech is to "remind the nation more of what we have in common than of what divides us."[343] And indeed, a critical element of Obama's rhetorical construct is the notion of unity in order to deflect the division of the population along racial lines that has constituted the basis of the new Republican majority since the 1970-80s.

In his Inaugural Address, Obama presented the moment when he took office as the moment that proved this unity, but he rooted this purpose of unity in American history and in the founding values of the Declaration of Independence:

> We remain a young nation, but in the words of Scripture, the time has come to set aside childish things. The time has come to reaffirm our enduring spirit, to choose our better history, to carry forward that precious gift, that noble idea passed on from generation to generation: the God-given promise that all are equal, all are free, and all deserve a chance to pursue their full measure of happiness.[344]

Beyond the inherently unifying nature of the Declaration of Independence as one of the most unanimously cherished founding documents of the US, the extract that

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[341] Obama, "A More Perfect Union."

[342] Obama, "A More Perfect Union."

[343] Michael Nelson, "Speeches, Speechwriting, and the American Presidency," in *The President's Words: Speeches and Speechwriting in the Modern White House*, ed. Michael Nelson and Russell L. Riley (Lawrence, KS: University Press of Kansas, 2010), 2, 13.

[344] Obama, "Inaugural Address."

Obama had chosen to rework is not only one that every American recognizes, but also one that includes elements that hint at his economic goals for a more equal society that distributes opportunity more evenly.[345] The extract also played on the deserving/undeserving dichotomy that Obama inserted in the sentence referencing the Declaration of Independence. Obama significantly rephrased "the pursuit of happiness" into "all deserve a chance to pursue their full measure of happiness," which sets the idea that all Americans are deserving in the universalistic perspective of the promises and values of the Declaration of Independence. It is impossible not to make a link with the doxa of the undeserving, who because of their inherent laziness and their insufficient work ethic, would not be deserving of the benefits of social programs. Moreover, Obama insists on "a chance" and "their full measure," which hint at social and economic barriers, such as discrimination and deep inequalities, preventing some from pursuing their happiness.

In his first Inaugural Address, Obama presents American unity in two other ways. The first hinges on the makeup of the population, where his description manages to combine a multicultural perspective with the older aspirations of the melting pot. The second dimension is that of the more painful periods of American history marked by open racial oppression and internal American ideological conflict, but which Obama turns into a strength for the country and a proof of the solidity of American unity:

> For we know that our patchwork heritage is a strength, not a weakness. We are a nation of Christians and Muslims, Jews and Hindus and nonbelievers. We are shaped by every language and culture, drawn from every end of this Earth. And because we have tasted the bitter swill of civil war and segregation and emerged from that dark chapter stronger and more united, we cannot help but believe that the old hatreds shall someday pass, that the lines of tribe shall soon dissolve; that as the world grows smaller, our common humanity shall reveal itself, and that America must play its role in ushering in a new era of peace.[346]

Obama's evocation of the history of the Civil War and segregation as an eventually binding factor opens onto another crucial element of his rhetorical construct: the transcendence of racial divisions.[347]

The other type of presidential speech that is most likely to convey messages of unity is the State of the Union Address. Nelson insists on the fact that despite declining numbers in the audience and increasing partisanship, the SOTU is still "that one communal moment a year when the country comes together." Nelson highlights this unifying function of the SOTU, but explains the hybrid nature of this type of speech: "They invoke unifying, chief of state symbols to buttress the president's effectiveness as chief of government [which is considered more divisive]." According to Nelson, SOTUs are largely bipartisan in appearance to make the president appear as running government, but are highly divisive as the content focuses on the legislative agenda. However, Nelson cautions that crisis speeches are less predictable in character.[348]

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[345] For Obama's economic discourse, see 3.4.3 "For Nothing More Than a Profit:" Class Populism.
[346] Obama, "Inaugural Address."
[347] For a detailed discussion, see 3.4.2. "With a Bit of Translation:" Transcendence.
[348] Nelson 2, 16, 19.

Obama's SOTUs of 2009 and 2010 are clearly crisis speeches, as the US was still in the midst and wake of the Great Recession.[349] In both cases, Obama began his address with an evocation of the economic crisis. In both cases, Obama used the context of economic hardship as a unifying element to bring the population together:

> Our Constitution declares that from time to time, the President shall give to Congress information about the state of our union. For 220 years, our leaders have fulfilled this duty. They've done so during periods of prosperity and tranquility. And they've done so in the midst of war and depression; at moments of great strife and great struggle.
>
> It's tempting to look back on these moments and assume that our progress was inevitable—that America was always destined to succeed. But when the Union was turned back at Bull Run, and the Allies first landed at Omaha Beach, victory was very much in doubt. When the market crashed on Black Tuesday, and civil rights marchers were beaten on Bloody Sunday, the future was anything but certain. These were the times that tested the courage of our convictions, and the strength of our union. And despite all our divisions and disagreements, our hesitations and our fears, America prevailed because we chose to move forward as one nation, as one people.
>
> Again, we are tested. And again, we must answer history's call.[350]

The historical references Obama chose to remind the nation of its capacity to prevail in times of hardship sweep across a wide array of themes. Obama makes references to major historical moments of crisis, but which, in their eventual victory, evoke cherished American values. The first major battle of the Civil War hints at the saving of the Union and the end of slavery; America's commitment to democracy and combating totalitarianism is mentioned through the reference to D-Day and the liberation of France in WWII; the vanquishing of economic crisis is alluded to with the reference to the Crash of 1929 that led to the Great Depression; and the overcoming of racial divisions is inferred with the reference to the discouraging moments of the Civil Rights Movement. The latter two references are not innocent: the Great Depression was ended through massive government intervention and the building of the welfare state, while the Civil Rights Movement successfully ended in equal rights and opened a short period of a heightened commitment to racial equality in terms of means and redistribution.[351]

Moreover, Obama used the context of crisis to call for political unity by appealing for bipartisanship:[352]

> So we face big and difficult challenges. And what the American people hope, what they deserve, is for all of us, Democrats and Republicans, to work through our differences, to overcome the numbing weight of our politics. For while the people who sent us here have different backgrounds, different stories, different beliefs, the anxieties they face are

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[349] The 2009 Address before a Joint Session of Congress given by Obama on February 24, 2009 is technically not a SOTU, as he just took office, but otherwise than that, the Address has all the characteristics of a SOTU and is commonly included among the SOTUs, as it is the case for other presidential addresses of this type for the few (last) presidents who chose to address Congress at the beginning of their first term. See for example: Gerhard Peters, "State of the Union Addresses and Messages: Research Notes," 2017, http://www.presidency.ucsb.edu/sou.php.

[350] Obama, "SOTU 2010."

[351] For a detailed discussion of Obama's rhetoric regarding government intervention and redistribution, see 3.4.7. "Keep Your Government Hands out of my Medicare"—"Sir, Medicare is a Government Program:" Obama on the Role of Government.

[352] For a detailed discussion of Obama's position regarding bipartisanship, see 2.5.2. "So You Kind of Hit That Ideological Wall:" Obama on Bipartisanship.

> the same. The aspirations they hold are shared: a job that pays the bills, a chance to get ahead, most of all, the ability to give their children a better life.[353]

Most importantly, in this passage Obama bases his bipartisan call on what he perceives to be a uniting and unifying factor in the American population: shared economic needs and interests that boil down to a modest version of the American Dream.[354]

Using the context of economic difficulties to try to draw Americans closer together was a rather recurrent theme in Obama's speeches. In a 2010 speech, Obama argued for his agenda of governmental intervention to rebuild the economy on the background of past difficulties that have been overcome thanks to American unity:

> We are here today because in the worst of times, the people who came before us brought out the best in America. Because our parents and our grandparents and our great-grandparents were willing to work and sacrifice for us. They were willing to take great risks, and face great hardship, and reach for a future that would give us the chance at a better life. They knew that this country is greater than the sum of its parts—that America is not about the ambitions of any one individual, but the aspirations of an entire people, an entire nation. (Applause.)
>
> That's who we are. That is our legacy. And I'm convinced that if we're willing to summon those values today, and if we're willing to choose hope over fear, and choose the future over the past, and come together once more around the great project of national renewal, then we will restore our economy and rebuild our middle class and reclaim the American Dream for the next generation. (Applause.)[355]

Obama draws on two images of the American doxa: the US as the land of opportunity and immigration that attracts people who fiercely believe in the American Dream and the idea of the melting pot: that these immigrants who believe in the American Dream become one united nation. He then musters these images as a foundation to build on in order to achieve his political agenda, the "great project of national renewal"—massive government intervention—that, according to him, would make these images of a middle-class America real again and the American Dream possible.[356] It is interesting to note that the same images of the land of opportunity, hard work, and individuals driven by their dreams, also summoned by neoliberal discourse to argue for less government intervention, are used by Obama in the opposite way: the sharing of these values precisely brings the nation together and should result in a common commitment to make the aspirations and the Dream a possibility for everyone, through government intervention.[357]

Obama's capacity to convincingly express American unity, even by conjuring up again a renewed a vision of America as a melting pot, is what also attracted national attention to him when he first spoke on a national stage at the 2004 DNC convention:

> It's what allows us to pursue our individual dreams, yet still come together as a single American family: "E pluribus unum," out of many, one.

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[353] Obama, "SOTU 2010."

[354] For a detailed discussion of Obama's use of the American Dream, see 3.4.6. "In No Other Country on Earth Is My Story Even Possible:" the American Dream.

[355] Obama, "Remarks by the President on the Economy in Parma, Ohio."

[356] Just a little earlier in the speech Obama had detailed examples of rather massive and successful government intervention — by Republican presidents.

[357] For a detailed discussion of Obama's rhetoric on government intervention, see 3.4.7 "Keep Your Government Hands out of my Medicare"—"Sir, Medicare is a Government Program:" Obama on the Role of Government.

> Now even as we speak, there are those who are preparing to divide us, the spin masters and negative ad peddlers who embrace the politics of anything goes.
>
> Well, I say to them tonight, there's not a liberal America and a conservative America; there's the United States of America. (APPLAUSE)
>
> There's not a black America and white America and Latino America and Asian America; there's the United States of America.[358]

Obama's use of the melting-pot image could be criticized through all the shortcomings and inaccuracies of the concept. However, this image is necessary in his discourse focused on American unity and racial transcendence which create the class basis for his pro-reform majority. This does not mean that Obama was unaware of, or minimized, racial differences and inequalities. The melting-pot characteristics that Obama put forward were not based on a similar lifestyle or identity for all Americans, it did not presume assimilation to a stereotypical mainstream (white) middle class ideal based on a melting-pot identity, but it was rather based on a different type of shared Americanness. This Americanness, as presented by Obama, was based on shared values, based on the promises of the founding documents, and common beliefs. Thus Obama's conception of a transcended melting-pot America was based on solidarity, hard work, family, and the American Dream. Obama expressed this idea of common values uniting the nation in the 2010 State of the Union Address:

> In the end, it's our ideals, our values that built America—values that allowed us to forge a nation made up of immigrants from every corner of the globe; values that drive our citizens still. Every day, Americans meet their responsibilities to their families and their employers. Time and again, they lend a hand to their neighbors and give back to their country. They take pride in their labor, and are generous in spirit. These aren't Republican values or Democratic values that they're living by; business values or labor values. They're American values.[359]

Contrary to Republicans, who had claimed these values for themselves and who had used them to divide the working- and the middle classes further along racial lines, Obama expressed the idea that these values were a uniting element. The monopoly that Republicans claimed on those values is openly referred to by Obama in this speech.

Such values are hardly new, but Obama presented them as something that favors government intervention and social policies. That use is quite new in recent years and opposed to the use that, for example, Reagan, and even Clinton, had made of these concepts.[360]

3.4.2. "With a Bit of Translation:"[361] Transcendence

Obama's unity discourse cannot work without his discourse on racial transcendence. It is the aspect for which he has been both most lauded and most criti-

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[358] Obama, "Keynote Address at the Democratic National Convention."

[359] Obama, "SOTU 2010."

[360] For a detailed discussion, see 3.2.1. "The Dream Smells Like Peppermint but Tastes Like Strawberry Shortcake:" the Conservative Responsibility Discourse and 3.2.3. "A New Culture of Responsibility:" Clinton and G. W. Bush.

[361] Obama, *Dreams*, 82. The full sentence is: "As it was, I learned to slip back and forth between my black and white worlds, understanding that each possessed its own language and customs and structures of meaning, convinced that with a bit of translation on my part the two worlds would eventually cohere."

cized. For example, rhetorician David A. Frank thought that Obama's 2004 DNC keynote address went towards healing and moved the American nation "more effectively toward racial reconciliation."[362] Among the critics was activist Tim Wise, who interpreted Obama's transcendence and the absence of an openly racial discourse as a sign that Obama was not willing to address race issues:

> Sadly, if President Obama is willing to ignore the pain of race-based discrimination and injustice, so as to make whites comfortable, —and this, after he has already been elected and the campaign is long over—then the likelihood he will ever speak the truth about these matters, let alone address them, shrinks to nearly zero.[363]

Wise went so far as to call Obama's position "damag[ing] to the cause of civil rights and racial equity."[364] Wise was right to point out how little Obama spoke about race. A study by political scientist Daniel Q. Gillion showed that Obama spoke less about race during his first term than the average Democratic president since 1961. Despite the fact that Gillion clearly mentioned the particular political and discursive constraints faced by the black president, he also criticized Obama's choice, going so far as to say that it is worse, in terms of public awareness and policy discussions, to speak little of race than to do so in a negative way, as Reagan did for example. According to Gillion, the latter spoke more about race than Obama, albeit in a negative fashion and with the aim of attacking some policies that were beneficial to the black population.[365]

This near absence of racial discourse, however, is partly due the wish not to appear as an "angry black man", as communication researcher Judy Isaksen pointed out. She insisted that this transcendence—Obama distancing himself from race and race figures—was key to his success.[366] Another Communication researcher, Ralina L. Joseph, concurs with Isaksen's assessment: according to her, Obama was portrayed as positive only when he transcended blackness and when he shed "black characteristics."[367] This became apparent, for example, in the infamous remark made by Joe Biden in 2007 during the primaries, when he highlighted how Obama did not correspond to the negative black stereotype.[368] As seen previously, Obama himself became aware, very early in his life as a teenager, of the danger of appearing as an angry black man when denouncing inequalities too bluntly. [369] In 2008, Obama maintained this stance, especially after the incident with Reverend Wright. Wright's sharp criticism of race relations in the US made him the embodiment of the angry black man and led to an upsurge of accusations of fostering divisiveness, which tinted Obama by association. In 2009, Obama refused to denounce some criticism against him as racism, although many journalists and former president Jimmy Carter denounced this as

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[362] David A. Frank and Mark L. McPhail, "Barack Obama's Address to the 2004 Democratic National Convention: Trauma, Compromise, Consilience, and the (Im)possibility of Racial Reconciliation," *Rhetoric and Public Affairs* 8, no. 4 (2005): 581.

[363] Wise 20.

[364] Wise 21.

[365] Daniel Q. Gillion, *Governing with Words: The Political Dialogue on Race, Public Policy, and Inequality in America* (Cambridge: Cambridge University Press, 2016), 48–49.

[366] Isaksen 460–61.

[367] Ralina L. Joseph, "Imagining Obama: Reading Overtly and Inferentially Racist Images of Our 44th President, 2007-2008," *Communication Studies* 62, no. 4 (2011): 389–405.

[368] For the detailed quotation, see 3.1.1. Code.

[369] Obama, *Dreams*, 85.

such,[370] which is consistent with the wish to appear conciliatory and to distance himself of the image of the 'angry black man.'

Refusing to appear as an 'angry black man' makes sense, especially at the political level. Given the political context, the lasting effects of the backlash, and the current rejection of affirmative action, open minority identity politics and strong racial demands are not an option. Besides, Obama's racial transcendence discourse unquestionably is a key element of his rhetorical construct.

In his 2004 DNC keynote address, Obama not only presented a melting pot America, but also insisted on the US being the land of opportunity and equality:

> Tonight, we gather to affirm the greatness of our nation not because of the height of our skyscrapers, or the power of our military, or the size of our economy; our pride is based on a very simple premise, summed up in a declaration made over two hundred years ago: "We hold these truths to be self-evident, that all men are created equal... (APPLAUSE) ... that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness."

> That is the true genius of America, a faith... (APPLAUSE) ... a faith in simple dreams, an insistence on small miracles; that we can tuck in our children at night and know that they are fed and clothed and safe from harm; that we can say what we think, write what we think, without hearing a sudden knock on the door; that we can have an idea and start our own business without paying a bribe; that we can participate in the political process without fear of retribution; and that our votes will be counted—or at least, most of the time.[371]

Only after a long praise of American exceptionalism, quoting from the Declaration of Independence and listing rights safeguarded in the Constitution, Obama allowed himself to slip in a light criticism at the end, hinting at the fact that voting rights were not being fully respected.[372] Although the extract insists on transcendence by pointing out the beauty of American rights and ideas applying to everyone, Obama also alluded to the fact that the reality was a little different: it is "a faith in simple dreams, an insistence on small miracles."

The speech that made Obama famous for his transcending stance was 'A More Perfect Union.' In it, he extolled a vision of a melting pot America which he expressed in the motto of the United States, based on the makeup of his own family:

> This belief comes from my unyielding faith in the decency and generosity of the American people. But it also comes from my own story.

> I am the son of a black man from Kenya and a white woman from Kansas. I was raised with the help of a white grandfather who survived a Depression to serve in Patton's Army during World War II and a white grandmother who worked on a bomber assembly line at Fort Leavenworth while he was overseas. I've gone to some of the best schools in America and lived in one of the world's poorest nations. I am married to a black American who carries within her the blood of slaves and slave owners—an inheritance we pass on to our two precious daughters. I have brothers, sisters, nieces, nephews, uncles and cousins of every race and every hue, scattered across three continents, and for as long as I live, I will never forget that in no other country on Earth is my story even possible.

> It's a story that hasn't made me the most conventional of candidates. But it is a story that has seared into my genetic makeup the idea that this nation is more than the sum of its parts—that out of many, we are truly one.[373]

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[370] Robinson, "Some Obama Foes Are Indeed Racists."
[371] Obama, "Keynote Address at the Democratic National Convention."
[372] Voting rights are a sensitive and extremely complex issue that will not be discussed in detail here.
[373] Obama, "A More Perfect Union."

However, this description, which presents Obama and his family as a multiracial melting-pot family and his own story in a certain rags-to-riches or American Dream fashion, did not mean for Obama that everything had been achieved yet. On the contrary, he asserted that this union had to be worked on, had to be perfected, and he stated openly that America still had to work through its race relations: "The fact is that the comments that have been made and the issues that have surfaced over the last few weeks reflect the complexities of race in this country that we've never really worked through—a part of our union that we have not yet made perfect."[374] In order to address some of these issues, Obama cited a long list of discriminations and inequalities that African-Americans suffered from and he insisted strongly on the fact that these did not belong to the past. Moreover, Obama explained that anger over discrimination and inequality was not something that blacks felt could be expressed in the open, with white friends or colleagues, but which was confined to black spaces, such as the churches, the kitchen table, or the barbershop—the spaces that political scientist Melissa Harris-Lacewell terms the *counterpublic*.[375] But as Obama criticized the anger expressed by Reverend Wright for its counterproductive nature, he also addressed white America and the need to acknowledge this anger: "But the anger is real; it is powerful. And to simply wish it away, to condemn it without understanding its roots, only serves to widen the chasm of misunderstanding that exists between the races."[376]

Obama also acknowledged white anger and resentment and showed understanding for the backlash sentiments. However, one of the major aspects of Obama's transcending stance was that he did not require blacks to put their racial feelings aside, it did not mean total assimilation and forgetting; it did mean, however, that both sides had to make a better effort to understand the other and to acknowledge parts of their grievances. It was in the creation of this understanding, of explaining the point of view of the other, that Obama saw himself as the translator between the two racial groups, a role that he could fill because of his mixed heritage and his complex history and identity. However, he pointed out that this resentment, described as being mainly over economic competition and perceived unfair advantage in the form of affirmative action, was misdirected along racial lines and should rightly focus on economic inequality produced by the current system:

> Just as black anger often proved counterproductive, so have these white resentments distracted attention from the real culprits of the middle class squeeze—a corporate culture rife with inside dealing, questionable accounting practices and short-term greed; a Washington dominated by lobbyists and special interests; economic policies that favor the few over the many.[377]

This is Obama's main approach of transcending the racial divide: to show how all suffer from the current economic system created through neoliberal economic policies, which are denounced in an economic populist manner.[378]

In his first Inaugural Address, Obama worked on the trope of the most famous line of the Declaration of Independence in order to foster racial transcendence. He insisted on the fact that the nation needed to overcome its divisions and embrace the spirit of the Declaration:

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[374] Obama, "A More Perfect Union."
[375] Harris-Lacewell xxii, 175.
[376] Obama, "A More Perfect union."
[377] Obama, "A More Perfect Union."
[378] For a detailed discussion, see 3.4.3 "For Nothing More Than a Profit:" Class Populism.

> On this day, we gather because we have chosen hope over fear, unity of purpose over conflict and discord. On this day, we come to proclaim an end to the petty grievances and false promises, the recriminations and worn-out dogmas that for far too long have strangled our politics. We remain a young nation. But in the words of Scripture, the time has come to set aside childish things. The time has come to reaffirm our enduring spirit; to choose our better history; to carry forward that precious gift, that noble idea passed on from generation to generation: the God-given promise that all are equal, all are free, and all deserve a chance to pursue their full measure of happiness. (Applause.)[379]

The same extract which has been commented upon to analyze Obama's unity discourse can be used to analyze his transcending stance. The passage highlights American unity, but upon looking or listening closely, one notices Obama's criticism: equality and freedom are described as a "promise", not something that exists already; the possibility of pursuing happiness is not guaranteed yet, it is "a chance" that all "deserve," which alludes to the fact that not all have it yet. Moreover, Obama slightly altered the original quote by inserting the phrase "full measure", which hints at the idea that some people are shortchanged in the current context. Although Obama subtly points at some inequalities, he is careful not to clearly state that these are exclusively racial inequalities. First, because poor whites also suffer from economic inequalities. Second, because an Inaugural is an address meant to gather the nation; consequently, it is not a tactical move to point out specific groups. And lastly, because by not openly saying who exactly is being denied their full measure of happiness, equality, and freedom, people from all backgrounds are free to feel included in this sentence. However, Obama posits as the transcending factor that all Americans believe in these rights.

In his first Inaugural Address, Obama staged himself as a symbol of this racial transcendence:

> This is the price and the promise of citizenship. This is the source of our confidence, the knowledge that God calls on us to shape an uncertain destiny. This is the meaning of our liberty and our creed; why men and women and children of every race and every faith can join in celebration across this magnificent Mall, and why a man whose father less than 60 years ago might not have been served at a local restaurant can now stand before you to take a most sacred oath.[380]

By highlighting the contrast between the racial situation his father had faced and his own situation when he was being sworn in as president, Obama insists on the racial progress that has been made in the US. Although it might seem that Obama gave a description of a post-racial America,[381] he also carefully reminded the audience of the dark past of segregation, and of the fact that this past was not all that long ago. Obama negotiated this fine line between praise and criticism on several occasions and with a similar pattern: while lauding the greatness of America, he always slips in the comments which explain that the previously acclaimed quality is not fully achieved yet.

In his 2010 State of the Union Address, Obama put forward common economic interests and aspirations to appeal for bipartisan collaboration:

> So we face big and difficult challenges. And what the American people hope—what they deserve—is for all of us, Democrats and Republicans, to work through our differences; to overcome the numbing weight of our politics. For while the people who sent us here

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[379] Obama, "Inaugural Address."
[380] Obama, "Inaugural Address."
[381] For a more detailed discussion of Obama's opinion regarding post-racialism, see 1.1.4. A Post-Racial America?

> have different backgrounds, different stories, different beliefs, the anxieties they face are the same. The aspirations they hold are shared: a job that pays the bills; a chance to get ahead; most of all, the ability to give their children a better life.[382]

Although Obama acknowledges the differences and the diversity of the population, his rhetoric insists on the fact that economically people are united in their aspirations. It is transcending in the sense that he does not evoke particular economic differences between whites and minorities, or point out the historical economic discrimination of blacks. Historian Jacqueline Jones has insisted on this common and very basic economic interest and values of "hard work, love for family, and commitment to schooling for their children" that transcend race and class lines. Jones explains that during her work on the American 'underclass,' she was startled by the convergence of values and experiences among poor people regardless of race, although she admits the heightened vulnerability of blacks.[383]

To show that there are common interests transcending racial lines is paramount, especially when one considers one of the functions of racism as explained by legal scholar and Critical Race Theorist Kimberlé Crenshaw. She explains that racism creates an "Other" that unites and bonds the dominant group through the opposition and thus creates an illusory unity along racial lines.[384] It is not superfluous to remind the nation that there are common interests transcending the divisive lines of society. Political philosopher Cornel West recalled the discursive work accomplished by the Republican Party to precisely make people forget these common interests which were shared during the New Deal Coalition:

> And given the way in which the Republican Party since 1968 has appealed to popular xenophobic images—playing the black, female, and homophobic cards to realign the electorate along race, sex and sexual orientation lines—it is no surprise that the notion that we are all part of one garment of destiny is discredited.[385]

The claim of hope transcending the racial divide is by no means new in black discourse. In 1941 Richard Wright wrote in *Twelve Million Black Voices*:

> The differences between black folk and white folk are not blood or color, and the ties that bind us are deeper than those that separate us. The common road of hope which we all traveled has brought us into a stronger kinship than any words, laws, or legal claims.[386]

It is likely that Obama has come across this often-cited quotation. Based on the success of the New Deal coalition, on his knowledge of the white middle class because of his upbringing, and on his knowledge about the black population thanks to his work as community organizer, Obama knew that a focus on class populism and shared economic interests would make a powerful theme to transcend racial divisions.

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[382] Obama, "SOTU 2010."

[383] Jones, *The Dispossessed,* ix, 5, 10.

[384] Crenshaw, "Race, Reform, and Retrenchment," 617. For a detailed discussion of Race and Racism, see 1.1.2. Race, Racism, Prejudice.

[385] West 11.

[386] Richard Wright, *Twelve Million Black Voices: A Folk History of the Negro in the United States of America*, 1941 (London: Lindsay Drummond Limited, 1947), 145.

3.4.3. "For Nothing More Than a Profit:"[387] Class Populism

Obama's class discourse, based on shared economic interests, was meant to transcend the racial divide and to create a new unity, not unlike the New Deal coalition. In the light of the backlash, the focus on economic issues appears particularly important. Given that the white middle and working class felt and still feel abandoned, economic populism opposing the privileged interests to the interests of the people of all backgrounds appears as a good strategy.

The economic populist rhetoric that Obama used was very similar to the rhetoric used by the Democratic Party during its populist phase, i.e. from 1896 to 1948, according to political scientist John Gerring. The central dichotomy of this rhetorical phase was articulated around the people versus the interests; the major themes were egalitarianism, majoritarianism, and Christian humanism. Gerring insists on the fact that the Democratic Party has always been the "champion of class politics," although not explicitly so, with the central and lasting theme of equality, even in periods when this was not a forefront issue. The populist period witnessed a recentering of discourse on the people in a more outspoken class perspective, with terms like "common people," "ordinary Americans," or "struggling masses." Yet, this class perspective was openly denied. For example, Democratic politician William Jennings Bryan said in a speech in 1896: "While I do not want to array one class against another," he was nonetheless willing to "array all the people who suffer from the operation of trusts against the few people who operate the trusts."[388] Obama used a similar rhetoric with his core campaign message of "the people versus special interests."[389]

Obama's rhetorical construct first emphasizes the fact that people of all backgrounds, including racial backgrounds, share the same economic interests. Through economic class populism, he shows that the people (in a very wide and loose sense)[390] have interests that are opposed to these of a hazy elite. Moreover, Obama emphasizes the fact that in his opinion, the politics of the Republican Party, contrary to what the Republican Party has claimed since the Reagan era, does not represent the interest of the (white) working and middle classes.

In *The Audacity of Hope*, Obama explains how, in his sense, the politics of the Republican Party has led to greater inequalities, and will lead to a sharply unequal society if this is continued, underscoring as well that this economic polarization would lead to more divisiveness among the population and make the US more politically unstable.[391] He describes economic inequality in the US at length by insisting on the trends existing since the 1970s and the first implementations of neoliberal principles, and he accuses Republican tax cuts of worsening these trends. He states his position regarding taxation as follows:

> I point out these facts not—as Republican talking points would have it—to stir up class envy. I admire many Americans of great wealth and don't begrudge their success in the least. I know that many if not most have earned it through hard work, building businesses and creating jobs and providing value to their customers. I simply believe that those of

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[387] Obama, "A More Perfect Union." The full sentence is: "This time, we want to talk about the fact that the real problem is not that someone who doesn't look like you might take your job; it's that the corporation you work for will ship it overseas for nothing more than a profit."

[388] Gerring 196–98.

[389] Plouffe 32.

[390] For a detailed discussion of Obama's class conception, see 1.2.3. Obama's Conception of Class.

[391] Obama, *Audacity*, 145–49.

> us who have benefited most from this new economy can best afford to shoulder their ob
> ligation of ensuring every American child has a chance for that same success. And per
> haps I possess a certain Midwestern sensibility that I inherited from my mother and her
> parents, a sensibility that Warren Buffett seems to share: that at a certain point one has
> enough, that you can derive as much pleasure from a Picasso hanging in a museum as
> from one that's hanging in your den, that you can get an awfully good meal in a restau
> rant for less than twenty dollars, and that once your drapes cost more than the average
> American's yearly salary, then you can afford to pay a bit more in taxes.[392]

Obama's position on taxes here very clearly underscores the sense of solidarity he
sees in taxation, and especially in the budget increase it would provide, which then
could be used for more redistributive policies. Interestingly enough, just like Bryan,
Obama denies that he wants to do class politics, and expresses his admiration for successful people, although in a very careful context of references to hard work and
fruitful economic contribution, which excludes the notion of people getting their
wealth through speculation or inheritance. Obama justifies his tax position through
his redistributive ideas, whose ideological roots he very carefully attributes to his
white working and then later middle class family, to distance himself from the image
of blacks demanding more welfare. He underscores this with the reference to the
multibillionaire businessman Warren Buffet, who despite being one of the richest
persons in the world, shares Obama's opinions about taxation.[393]

In his Inaugural Address, Obama speaks at length about the economy, although
doing so in a rather conciliatory tone and emphasizing the plans he had for the future. Yet, he blames the economic crisis of 2008 and the Great Recession on hazy
elites: "Our economy is badly weakened, a consequence of greed and irresponsibility
on the part of some, but also our collective failure to make hard choices and prepare
the Nation for a new age."[394] The date of the speech (January 20, 2009) makes the allusion plain enough as the recent mismanagements of the financial sector were still
fresh in the minds of the audience.

Obama expanded on this theme in his 2009 Address to a Joint Session of Congress, where he most virulently used economic populism to try to unite public opinion and create a climate favorable for social reform. In this Address, which Obama
not only addresses to Congress, but also very insistently to the people, the President
gibes his view of the causes of the 2008 crisis and the ensuing Great Recession:

> In other words, we have lived through an era where too often, short-term gains were
> prized over long-term prosperity; where we failed to look beyond the next payment, the
> next quarter, or the next election. A surplus became an excuse to transfer wealth to the
> wealthy instead of an opportunity to invest in our future. Regulations were gutted for the
> sake of a quick profit at the expense of a healthy market. People bought homes they
> knew they couldn't afford from banks and lenders who pushed those bad loans anyway.
> And all the while, critical debates and difficult decisions were put off for some other time
> on some other day.[395]

Although Obama does not attack the Republican Party openly in this passage, the
time frame he gives, mentioning an era where a budget surplus was used to create tax
cuts for the wealthy, clearly identifies the G. W. Bush presidency, since the only recent budget surplus had been obtained by Clinton. Obama highlights the fact that

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[392] Obama, *Audacity*, 193.
[393] For a detailed account of Obama's meeting with Buffet and their discussion about tax policies, see
The Audacity of Hope, 189–93.
[394] Obama, "Inaugural Address."
[395] Obama, "SOTU 2009."

most of the decisions taken by the Bush administration favored economic elites, through the tax cuts for the wealthy, the short-term gains, or the deregulations that were detrimental to the long-term conditions of the market.[396] By pitting these practices against "an opportunity to invest our future," Obama indirectly voices his support for government intervention and an expansion of social policies, which is more explicit, for example, in the chapter "Opportunity" in *The Audacity of Hope*. There he explains at length that for him "investment in the future" also means federal intervention in education or health care for example, and the strengthening of the social safety net.

After explaining this mismanagement by the previous administration, Obama exposes broad plans to reinvest in the country,[397] before he moves on to discuss the benefits of the American Recovery and Reinvestment Act of 2009 (ARRA), enacted only a few days earlier. He particularly highlights how this Act would help ordinary Americans:

> Over the next two years, this plan [ARRA] will save or create 3.5 million jobs. More than 90% of these jobs will be in the private sector—jobs rebuilding our roads and bridges; constructing wind turbines and solar panels; laying broadband and expanding mass transit.

> Because of this plan, there are teachers who can now keep their jobs and educate our kids. Health care professionals can continue caring for our sick. There are 57 police officers who are still on the streets of Minneapolis tonight because this plan prevented the layoffs their department was about to make.

> Because of this plan, 95% of the working households in America will receive a tax cut—a tax cut that you will see in your paychecks beginning on April 1st.

> Because of this plan, families who are struggling to pay tuition costs will receive a $2,500 tax credit for all four years of college. And Americans who have lost their jobs in this recession will be able to receive extended unemployment benefits and continued health care coverage to help them weather this storm.[398]

All the accomplishments of the ARRA which Obama cites are areas that concern either the working or the middle classes, thus showing by contrast that his administration enacts laws that favor the masses, not the elites. Moreover, he taps into the greatest concerns of Americans (health, education, and taxes of course) and is careful to mention jobs that emphasize solidarity and care, as health care professionals and teachers, or that are synonymous with steady and useful public employment, such as police officers. Moreover, these professions are also closely associated with honest middle-class jobs. It must also be noted that Obama insists on the fact that the job growth that would be created by the ARRA would be in the private sector. This element shows how lasting and deeply entrenched the Reagan rhetoric is, which has made neoliberal discourse a central feature of American political discourse. This insistence on jobs in the private sector was designed to ward off accusations of socialism or government takeover.

In the same address, Obama presents his budget in an economic populist manner:

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[396] There is a debate about the idea that there was a racial dimension to the predatory loans that led to the subprime crisis, but it is too complex to discuss here. See for example Reed 200 or Jeffries 112.
[397] For a more detailed discussion of Obama's argument in favor of government intervention, see 3.4.7. "Keep Your Government Hands out of my Medicare"—"Sir, Medicare is a Government Program:"
[398] Obama, "SOTU 2009."

> In this budget, we will end education programs that don't work and end direct payments to large agribusiness that don't need them. We'll eliminate the no-bid contracts that have wasted billions in Iraq and reform our defense budget so that we're not paying for cold war-era weapons systems we don't use. We will root out the waste and fraud and abuse in our Medicare program that doesn't make our seniors any healthier. We will restore a sense of fairness and balance to our Tax Code by finally ending the tax breaks for corporations that ship our jobs overseas.

First, Obama attacks spending waste as the result of privileges for economic special interests and big business subsidies. Then he targets aspects of government programs which were modified by the Bush administration—such as the *No Child Left Behind Act* of 2001, considered problematic and inefficient by critics,[399] or Medicare Advantage, Bush's 2003 Medicare reform, which moved Medicare beneficiaries to private providers at a higher cost. This is in sharp contrast with, for example, the Reaganite discourse that located waste and fraud with the "undeserving" who were to be found among the program beneficiaries. Reagan's fraud symbol was the welfare queen; Obama located waste and fraud within the economic system and with greedy business elites.

Obama then exposes the plans for his tax reform:

> In order to save our children from a future of debt, we will also end the tax breaks for the wealthiest 2 percent of Americans. Now, let me be clear—let me be absolutely clear, because I know you'll end up hearing some of the same claims that rolling back these tax breaks means a massive tax increase on the American people: If your family earns less than $250,000 a year, a quarter million dollars a year, you will not see your taxes increased a single dime. I repeat: Not one single dime. In fact—not a dime—in fact, the recovery plan provides a tax cut—that's right, a tax cut—for 95 percent of working families. And by the way, these checks are on the way.[400]

Obama's tax plan opposed the interests of a very narrow and wealthy elite of 2% of the highest incomes to the broad masses of "95 percent of working families," with the promise that not only would taxes not increase for the masses, but that the latter would even receive a tax cut, thus opposing the traditional Republican tax-cut scheme which favors the wealthy. This opposition is very typical of the broad economic populism that can work in the USA and echoes the dichotomy offered by the Democratic Party during its populist period which opposed "interests" and "trusts" to "ordinary Americans." Interestingly, Obama's promise of "not a single dime" of increase strangely echoes G. H. W. Bush's "Read my lips: no new taxes." However, in Obama's case the promise was explicitly circumscribed to the working and middle class and was opposed to a tax increase for the wealthy, thus highlighting the economic populism and a more progressive taxation system.

Obama also more explicitly linked his populist attacks against economic elites with the defense of the middle class. He did so, for example, in a speech given in Iowa in 2008: "I'll be a president who ends the tax breaks for companies that ship our jobs overseas and put a middle-class tax cut into the pockets of working Americans who deserve it."[401] This quote also takes up the deserving/undeserving dichotomy, but by subtly relocating it. Instead of evoking the usual dichotomy opposing the undeserving at the lower half of society, which opposes the deserving white middle class to the undeserving black 'underclass', Obama creates a new opposition between the masses

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[399] See for example, Kahlenberg, "Fixing No Child Left Behind."
[400] Obama, "SOTU 2009."
[401] Barack Obama, "Iowa Caucus Speech," January 3, 2008, http://www.nytimes.com/2008/01/03/us/politics/03obama-transcript.html.

of American workers and elites. He identifies "working Americans" as the deserving group, but opposes them to "companies that ship our jobs overseas." The latter are blamed for their bad behavior and indirectly identified as the new undeserving group, because their tax breaks are to be ended and are attributed to the deserving group instead. This is one of the ways in which it becomes apparent that Obama tried to create an interracial class alliance against economic power elites through the use of economic populism, thus creating the image of a new enemy.

Obama also applied the populist rhetoric to his argument in favor of health care reform:

> And when you hear about these experiences, when you think of the millions of people denied coverage because of preexisting conditions, when you think about the thousands who have their policies cancelled each year, like Katie, I want you to remember one thing: There but for the grace of God go I. (Applause.) Most of us have insurance. And most of us think, you know, knock on wood, that we're going to stay healthy. But we're no different than Katie and other ordinary Americans, no different than anybody else. We are held hostage at any given moment by health insurance companies that deny coverage, or drop coverage, or charge fees that people can't afford at a time when they desperately need care.[402]

In this passage, Obama first emphasizes that losing health insurance is something that any American could potentially face, making it an issue that concerns all Americans, and not only some indigent people. These "ordinary Americans" are opposed to "health insurance companies", the economic elites that exploit and oppress people by denying or dropping coverage and by charging exorbitant fees.

Obama also explains the financial mechanisms of his health care reform in economic populist terms:

> Now, it is true that providing these tax credits to middle class families and small businesses, that's going to cost some money. It's going to cost about $100 billion per year. But most of this comes from the nearly $2.5 trillion a year that Americans already spend on health care. It's just right now, a lot of that money is being spent badly.
>
> So with this plan, we're going to make sure the dollars we make—the dollars that we spend on health care are going to make insurance more affordable and more secure. And we're going to eliminate wasteful taxpayer subsidies that currently go to insurance companies. Insurance companies are making billions of dollars on subsidies from you, the taxpayer. And if we take those subsidies away, we can use them to help folks like Natoma get health insurance so she doesn't lose her house.[403]

Obama argues in a particularly clear way that the insurance subsidies for middle class families would come from fighting the former privileges of the insurance companies and he very obviously insisted on the fact that those privileges—in the form of government subsidies for insurance companies—constitute a form of upward redistribution that wastes taxpayer money on wealthy companies.

Obama's economic populism appears to have worked, as he managed to increase his share of working and lower-middle class voters compared to previous elections. According to the *New York Times* exit polls, since 1992 when income categories started to be referenced, voters with incomes up to $50,000 have consistently voted for Democrats, but Obama managed to increase his voter share among those categories between 3% and 10%. Although he did not get a majority of the votes for the income category between $50,000-$74,999, he managed to increase the Democratic share by 5 percentage points to reach 48%, thus scoring even better among those vot-

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[402] Obama, "Remarks by the President in Town Hall on Health Care, Belgrade, Montana."
[403] Obama, "Remarks by the President on Health Care Reform in Strongsville, Ohio."

ers than Clinton in 1996 with 47%. Obama also significantly increased the Democratic vote among people with incomes between \$75,000 and \$99,000 by 6 percentage points.[404] And last but not least, Obama's discourse focusing on the economic needs of ordinary Americans contributed to creating enough momentum for the enactment of his health care reform.

3.4.4. "A Rising Tide Lifting Minority Boats:"[405] The Issue-Focused Approach

And yet, Obama's economic populism is not complete without the guarantee that all efforts would be made in a truly universalistic way to reassure whites—meaning that there would be no racial preference—, while explaining to blacks that race-specific policies are not an option and that blacks would benefit from universal social policies. This part will only deal with the side of the discourse addressing minorities. Given the context of the backlash against social policies, the reassuring of whites mainly comes from the promise that the middle class will not be forgotten, which will be detailed in the next subpart.

Obama's opposition to race-specific policies, which is partly grounded on their relative inefficiency and the political handicap they represent, has already been explained in Part I.[406] As president, he remained especially adamant that he could not enact, or push for, race specific legislation. In a 2009 interview with journalist April D. Ryan on the black American Urban Radio Networks he stated this very bluntly:

> The only thing I cannot do is, you know, by law I can't pass laws that say I'm just helping black folks. I'm the President of the entire United States. What I can do is make sure that I am passing laws that help all people, particularly those who are most vulnerable and most in need. That in turn is going to help lift up the African-American community.[407]

This refusal to engage in race-specific policies does not mean that Obama was unaware of the inequalities and discrimination blacks face. In 'A More Perfect Union,' Obama described the conditions of the black population, emphasizing the ongoing effects of past discrimination, ongoing segregation in schools, the economically stratifying effects of exclusion from social programs that helped to build the white middle class, the destructive effects of economic and social exclusion that shatters the black 'underclass,' and the deep psychological impact of discrimination and exclusion. He also highlights, even for mainstream blacks, the importance of race and racism, to which he has been confronted himself:

> Legalized discrimination—where blacks were prevented, often through violence, from owning property, or loans were not granted to African-American business owners, or black homeowners could not access FHA mortgages, or blacks were excluded from unions or the police force or the fire department—meant that black families could not amass any meaningful wealth to bequeath to future generations. That history helps ex-

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[404] "Election Results 2008: National Exit Polls Table 1972-2008" (*New York Times*, November 5, 2008), https://www.nytimes.com/elections/2008/results/president/national-exit-polls.html.
[405] Obama, *Audacity*, 246.
[406] For a detailed discussion, see 2.4.3. Obama and the Backlash.
[407] Ryan, "Interview With President Barack Obama for AURN."

plain the wealth and income gap between blacks and whites, and the concentrated pockets of poverty that persist in so many of today's urban and rural communities.[408]

Obama resituates the origins of economic stratification along racial lines with institutionalized discrimination which prevented blacks from benefiting from the same advantages as whites and led to today's deep inequalities as well as to the problems of the 'underclass.' Obama insists on the nefarious impact this had:

> A lack of economic opportunity among black men, and the shame and frustration that came from not being able to provide for one's family contributed to the erosion of black families—a problem that welfare policies for many years may have worsened. And the lack of basic services in so many urban black neighborhoods—parks for kids to play in, police walking the beat, regular garbage pickup, building code enforcement—all helped create a cycle of violence, blight and neglect that continues to haunt us.[409]

Obama's conciliatory stance can be seen here, through the combination of conservative and liberal criticism. He both admits that some aspects of welfare policies—such as initial requirements in ADC which prevented mothers from having a male partner living under the same roof or that prevented people from saving money—are not working well, and have effectively led to behavioral problems in urban neighborhoods. On the other hand, he also proposes a rather liberal criticism in pointing out that a lack of government investment in these areas has strongly contributed to this phenomenon.

Obama even resituates one of the major aspects of the white backlash, the 'underclass,' in its rightful context of barred opportunity and residential segregation:

> For all those who scratched and clawed their way to get a piece of the American Dream, there were many who didn't make it—those who were ultimately defeated, in one way or another, by discrimination. That legacy of defeat was passed on to future generations—those young men and, increasingly, young women who we see standing on street corners or languishing in our prisons, without hope or prospects for the future. Even for those blacks who did make it, questions of race and racism continue to define their worldview in fundamental ways.[410]

Obama also explains that socioeconomic improvement does not prevent people from experiencing discrimination and does not mean that they are completely freed from racial problems and issues. And yet, in the same speech, Obama emphasizes the fact that too strong a focus on racial grievances prevents political progress:

> That anger [about racial injustice] is not always productive; indeed, all too often it distracts attention from solving real problems; it keeps us from squarely facing our own complicity within the African-American community in our condition, and prevents the African-American community from forging the alliances it needs to bring about real change.[411]

The forging of political alliances would mean abandoning race-specific demands. Obama is strongly aware of racial inequalities and of fears in the black community linked to the abandoning of race-specific demands. He explains this in *The Audacity of Hope*:

> Such a shift in emphasis is not easy: Old habits die hard, and there is always a fear on the part of many minorities that unless racial discrimination, past and present, stays on the front burner, white America will be let off the hook and hard-fought gains may be re-

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[408] Obama, "A More Perfect Union."
[409] Obama, "A More Perfect Union."
[410] Obama, "A More Perfect Union."
[411] Obama, "A More Perfect Union."

> versed. I understand these fears—nowhere is it ordained that history moves in a straight line, and during difficult economic times it is possible that the imperatives of racial equality get shunted aside.[412]

And yet, despite this understanding, Obama remained firm that his vision of racial progress in America includes a change in tactics for the black population which consists in abandoning race-specific demands and in linking its quest for economic justice to those of the rest of the American population:

> For the African-American community, that path means embracing the burdens of our past without becoming victims of our past. It means continuing to insist on a full measure of justice in every aspect of American life. But it also means binding our particular grievances—for better health care and better schools and better jobs—to the larger aspirations of all Americans: the white woman struggling to break the glass ceiling, the white man who has been laid off, the immigrant trying to feed his family. And it means taking full responsibility for our own lives—by demanding more from our fathers, and spending more time with our children, and reading to them, and teaching them that while they may face challenges and discrimination in their own lives, they must never succumb to despair or cynicism; they must always believe that they can write their own destiny.[413]

This extract, besides highlighting the common economic interests blacks have with other minorities and with the white population, is very delicate as it plays on two sensitive themes: victimization and responsibility. By exhorting African-Americans to "embrace the burdens of our past without becoming victims of our past," Obama, who identifies as African-American here, wants blacks to stop feeling victimized and asking for race-specific measures grounded in this victimization. For Obama, however, this does not mean to stop searching equality, but to do so in an economic/class approach instead. The issue of responsibility, which is directly linked to the notion of victimization, shows his black conservatism as far as social behavior is concerned. It also helps him to address white prejudice against the 'underclass' and backlash sentiments. However, Obama also explains the idea that part of this responsibility is not to victimize yourself and let yourself be defeated. In this context, victimization becomes a form of defeat. The major and most important difference with white conservative anti-victimization discourse is that Obama does not deny the reality of discrimination, but he reacts to the social and political problems he perceives in victimization.

In a 2009 speech given at the NAACP Centennial Conference, Obama highlighted many areas where blacks suffer injustices and inequalities. But while acknowledging those deep inequalities, many of which result from ongoing discrimination, this speech also constitutes a list of areas where an issue-focused approach is possible:

> And yet, even as we celebrate the remarkable achievements of the past 100 years; even as we inherit extraordinary progress that cannot be denied; even as we marvel at the courage and determination of so many plain folk—we know that too many barriers still remain.
>
> We know that even as our economic crisis batters Americans of all races, African-Americans are out of work more than just about anybody else—a gap that's widening here in New York City, as a detailed report this week by Comptroller Bill Thompson laid out. (Applause.)
>
> We know that even as spiraling health care costs crush families of all races, African-Americans are more likely to suffer from a host of diseases but less likely to own health insurance than just about anybody else.

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[412] Obama, *Audacity*, 248.
[413] Obama, "A More Perfect Union."

> We know that even as we imprison more people of all races than any nation in the world, an African-American child is roughly five times as likely as a white child to see the inside of a prison.

> We know that even as the scourge of HIV/AIDS devastates nations abroad, particularly in Africa, it is devastating the African-American community here at home with disproportionate force. We know these things. (Applause.)[414]

However, contrary to expectations, Obama does not use this long list of disparities, such as unemployment, higher uninsured rates, higher incarceration rates, overall worse health conditions, or the HIV/AIDS epidemic in the black population, to argue for specific racial measures to alleviate them. He explains that an approach similar to the one used by the NAACP against segregation is needed: an interracial alliance focused on specific issues and unjust laws driven by committed people and in which "reformers united, not by color, but by cause."[415] At the beginning of the speech Obama summarizes this strategy and lauds its efficiency. After exposing this long list of inequalities, Obama calls for the same type of approach:

> These are some of the barriers of our time. They're very different from the barriers faced by earlier generations. They're very different from the ones faced when fire hoses and dogs were being turned on young marchers; when Charles Hamilton Houston and a group of young Howard lawyers were dismantling segregation case by case across the land.

> But what's required today—what's required to overcome today's barriers is the same as what was needed then.[416]

Later in the same speech, Obama explains how this is supposed to work, and how it would especially work in the context of the health care reform:

> That's why my administration is working so hard not only to create and save jobs in the short-term, not only to extend unemployment insurance and help for people who have lost their health care in this crisis, not just to stem the immediate economic wreckage, but to lay a new foundation for growth and prosperity that will put opportunity within the reach of not just African-Americans, but all Americans. All Americans. (Applause.) Of every race. Of every creed. From every region of the country. (Applause.) We want everybody to participate in the American Dream. That's what the NAACP is all about. (Applause.)

> Now, one pillar of this new foundation is health insurance for everybody. (Applause.) Health insurance reform that cuts costs and makes quality health coverage affordable for all, and it closes health care disparities in the process.[417]

In his 2010 speech for the NUL, Obama explained through two concrete examples, the *Fair Sentencing Act* and the *Race to the Top* program, how this race-neutral approach worked for African-Americans by focusing on structural elements:

> Across agencies, we're taking on the structural inequalities that have held so many of our fellow citizens back, whether it's making more housing available and more affordable, making sure civil rights and anti-discrimination laws are enforced, making sure our crime policy is not only tough, but also smart. So yesterday, we took an important step

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[414] Barack Obama, "Remarks by the President to the NAACP Centennial Convention" (speech, Hilton, New York, July 17, 2009), https://www.whitehouse.gov/the-press-office/remarks-president-naacp-centennial-convention-07162009. For a detailed discussion of racial inequalities, see 1.4. "To Be a Poor Man is Hard, but to Be a Poor Race in a Land of Dollars is the Very Bottom of Hardships:" the Intersection of Race and Class.

[415] Obama, "NAACP Centennial."

[416] Obama, "NAACP Centennial."

[417] Obama, "NAACP Centennial."

> forward when Congress passed a fair sentencing bill that I look forward to signing into law—(applause)—a bipartisan bill to help right a longstanding wrong by narrowing sentencing disparities between those convicted of crack cocaine and powder cocaine. It's the right thing to do. (Applause.) We've gotten that done.[418]

Moreover, Obama used these examples to openly address some of the criticisms he had faced for not pursuing more race-specific policies:

> So the charge that Race to the Top isn't targeted at those young people most in need is absolutely false because lifting up quality for all our children—black, white, Hispanic— that is the central premise of Race to the Top. And you can't win one of these grants unless you've got a plan to deal with those schools that are failing and those young people who aren't doing well. Every state and every school district is directly incentivized to deal with schools that have been forgotten, been given up on.[419]

Obama shows how the criteria used by the program manage to target minority schools without naming them, simply by conditioning the grants to the schools that have been most neglected, which, because of structural inequalities, are mainly minority schools.

In this speech, the President closes his demonstration using a combination of his best skills and favorite argumentative strategies. He uses a real life example in the form of a letter received from a 10-year-old girl. This has the advantage of giving the words more legitimacy, as they are a real example of the will of the people. The age of the student also allowed Obama to draw a link with his own family, which he would regularly do to give more legitimacy to his words, by pointing out that one of his daughters was the same age. This aims at convincing the audience that he has a personal stake in the issue, because he potentially faces the same situation. Moreover, Obama is very good at picking stories or anecdotes that contain a lot of pathos and are very touching, which reinforces the emotional bonding with his audience. Rhetorician Ruth Amossy insists on the importance of emotions and feelings in argumentative discourse. According to her, intellectual persuasion is not enough to convince and trigger action. She distinguishes between 'convincing,' which implies intellectual capacities, and 'persuading,' which touches the heart. She explains that emotions and sentiments especially have their place when moral issues are being addressed.[420] As demonstrated earlier, moral arguments are made in the defense of colorblindness.[421] The bond with the audience is also reinforced through the use of humor. In addition, storytelling is a characteristic of black discourse and also a rhetorical device used by Critical Race Theorists who devise their sense of authority from their own voices.[422] All these elements come together in this short extract aimed at bringing a largely black audience to adhere to Obama's race-neutral but issue-focused politics:

> I got a letter recently postmarked Covington, Kentucky. It was from Na'Dreya Lattimore, 10 years old—about the same age as Sasha. And she told me about how her school had closed, so she had enrolled in another. Then she had bumped up against other barriers to what she felt was her potential. So Na'Dreya was explaining to me how we need to improve our education system. She closed by saying this:

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[418] Obama, "Urban League."

[419] Obama, "Urban League."

[420] Amossy 180–86.

[421] For a detailed discussion of the issue of colorblindness, see 1.5. Has Color-Consciousness Become Utopian?

[422] Isaksen 464.

"One more thing," she said. (Laughter.) It was a long letter. (Laughter.) "You need to look at us differently. We are not black, we're not white, biracial, Hispanic, Asian, or any other nationality." No, she wrote—"We are the future." (Applause.)[423]

Obama thus presents the demand for race-neutral but issue-focused policy as emanating from the youngest generation of blacks[424] to try to convince the old generation marked by the Civil Rights Movement to adopt a change in political strategy.

3.4.5. "It's the Middle Class That Gets Squeezed, and That's Who We Have to Help:"[425] Obama's Focus on the Middle Class

As previously explained, the focus on the middle class was a political necessity that emanated from an assessment of the 1970s backlash and subsequent political and rhetorical tools used by Republicans. Moreover, this focus also makes sense from a racial perspective, as the black middle class is much more fragile than the white middle class. It is therefore potentially more dependent, for the conservation of its class status, on government programs, such as more affordable health care insurance, which help reinforce and stabilize this status. Health expenditures are actually among the main reasons for personal bankruptcies and have increasingly become a middle-class problem.[426]

The strong focus on the middle class by the Obama administration goes beyond speeches. It can also be illustrated by the creation in 2009 of the White House Middle Class Task Force, chaired by Vice-President Joe Biden. The press release that announced the creation of the Task Force on January 30, 2009, within the first weeks of the Obama administration, insisted on the central place of the middle class in the American economy. In this release, both the President and the Vice-President emphasized the link between a strong and stable middle class and a prosperous America.[427] The early creation of this Task Force underscored the prominent position that the Obama administration wanted to give to the middle class and was supposed to signal to its members that this administration was aware of the difficulties they faced, especially during the Great Recession. In the 2010 Report of the Task Force, the Executive Summary highlighted what the administration had already done, or was doing, for the middle class—the ARRA and the pending health care reform—and underlined the fact that the Task Force's purpose was to examine more long term policy needs.[428] The report accentuated policy solutions that take into account the changing economic situation, as for example the fact that middle class status increasingly depends on two incomes, which means that programs must be created that allow the

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[423] Obama, "Urban League."

[424] The name of the young student allows for the guess that she was African-American. A presentation with a picture of her on the website of her school confirms this. "Meet Na'Dreya Lattimore, A 'Kid of Character,'" *Good Things Going Around*, October 1, 2011, http://goodthingsgoingaround.com/young-people-and-students/meet-nadreya-lattimore-a-kid-of-character/.

[425] Obama, "Remarks by the President on Health Care Reform."

[426] For a more detailed discussion, see 1.4.3. Why Health Care Reform?

[427] Macon Phillips, "Press Release: Vice President Biden Announces Middle Class Task Force," *Whitehouse.gov*, January 30, 2009, https://obamawhitehouse.archives.gov/blog/2009/01/30/press-release-vice-president-biden-announces-middle-class-task-force.

[428] Biden, "Annual Report of the White House Task Force on the Middle Class," iii.

combining of work and care for dependents.[429] This aspect is also very interesting in a racial perspective and for questions of upward social mobility. As it has been previously explained, the black middle class, to an even greater extent than the white middle class, bases their class status on two incomes instead of one.[430] Moreover, combining childcare with work requirements is among the problems that are faced by people from the lower classes, who would like to move up socially into the middle class, but who have difficulties affording childcare. The report also emphasized this aspect.[431]

The tone of the report is close to economic populism and emphasizes the continuity between the working and the middle classes and thus their shared economic interests. Besides highlighting the harmful consequences of the economic crisis and the Great Recession on the middle class, the report also pinpointed the increasing inequalities created by the neoliberal economic system:

> The new Administration did not develop these views overnight. During their campaign for office, then-candidates Obama and Biden observed the middle class struggling with a recession that began in December 2007. Moreover, this deep downturn came after an economic expansion that left too many middle-class families behind. As shown in the next section, productivity grew solidly over the 2000s expansion, but the real median income of working-age households actually fell between 2000 and 2007.
>
> So when the Task Force was created, it was not intended simply to look out for the middle class over the course of the recession. The Task Force was created to keep a steady eye on a central goal of the Obama Administration's economic policy: making sure that the middle class does not get left behind again. As the President's Executive Order creating the Task Force puts it: "It is a high priority of my Administration to achieve a secure future for middle-class working families, one in which they share in prosperous times and are cushioned during hard times." And importantly, as President Obama said that day, our mission extends not only to families who are currently in the middle class, but also to those who aspire to rise into the middle class.[432]

This presentation of the purpose of the Task Force insists on the need for social policies and programs that "cushion" difficult periods and allow people to maintain their class status, as well as to move up. The report examines several factors that could explain the difficult situation of the middle class, among them stagnating, and even decreasing, real wages. Eventually the report concludes that insufficient economic redistribution is the cause: "In other words, there is strong evidence that a major cause of the middle-class squeeze is the wedge of inequality: the fact that, at any given level of growth, a smaller share of the benefits of that growth is flowing to the middle on down."[433] Thus the report, contrary to neoliberal claims, shows that the current economic system is inherently unequal and does not work in favor of the middle class.

Two other tropes are developed in the report that echo elements discussed in Part 3.4.3[434]: the effect of globalization and economic inequality:

> Globalization has played a role as well [in the growth of inequality], as increased competition with lower-wage countries has raised competitive pressures, especially in our manufacturing sector. And a very important factor that tends to get less attention is the diminished bargaining power of many workers in the middle class, in part because there is less of a union presence in the workplace, and in part because the combined dynamics

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[429] Biden, iii.

[430] For a more detailed discussion, see 1.3.3. Black Social Classes.

[431] Biden iii.

[432] Biden 1.

[433] Biden 5.

[434] For more details, see 3.4.3. "For Nothing More Than a Profit:" Class Populism.

of technological change, trade, and the growth of the financial sector have tilted the bargaining scale against many mid-level workers.[435]

It must be noted once again that the denunciation of elites is very vague. The interesting point here is the way the Obama administration portrays the elements that are the enemy of the middle class: growing inequalities resulting from insufficient economic redistribution, the negative effects of globalization, and an economic system that privileges powerful economic elites. Even more importantly, the report goes beyond the traditional solution of economic growth to help the middle class. It also advocates government intervention in the form of social programs for a better redistribution of this economic growth and to help the middle class over time:

> But the figures above underscore the critically important reality of today's economy: a return to economic growth, or even robust job creation, is necessary but not sufficient to lift the living standards of middle-class families and loosen the squeeze.
>
> [...] But in order to reconnect the growth of American prosperity and productivity with the growth of middle-class living standards, we also need to ensure that middle-class families have access to the things they need in order to succeed: affordable child and elder care, opportunities for higher education, secure retirement savings options, and of course, quality, affordable health care.[436]

The interesting fact is that the Obama administration emphasized the need for social policies favorable to the middle class, thus breaking the perception that social policies are only aimed at poor minorities. These elements are also strongly present in Obama's discourse.

In his 2009 Address to a Joint Session of Congress, Obama outlined the immediate measures the government had taken through the ARRA to try to help the middle class to face what would be the last months of the Great Recession:

> Because of this plan, 95% of the working households in America will receive a tax cut—a tax cut that you will see in your paychecks beginning on April 1st.
>
> Because of this plan, families who are struggling to pay tuition costs will receive a $2,500 tax credit for all four years of college. And Americans who have lost their jobs in this recession will be able to receive extended unemployment benefits and continued health care coverage to help them weather this storm.[437]

By highlighting these provisions of the ARRA—a tax cut, help with college tuition fees, unemployment protection in a period of economic crisis, and maintained health care insurance in case of a job loss—the Obama administration addressed four items on the list of middle class concerns. The tax cut for working Americans is particularly interesting in this context, as it more openly addresses the backlash sentiment of having to pay higher taxes for programs that benefit the poor and minorities. The extended unemployment benefits may seem less straightforwardly linked to the middle class. Yet, the aspirations that characterize the American middle class according to the White House Task Force and the Department of Commerce ("home ownership, a car, college education for their children, health and retirement security and occasional family vacations"[438]) are linked to a well paying job. The economic crisis and ensuing Great Recession had created a particular context of crisis where middle class

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[435] Biden 6.

[436] Biden 8–9.

[437] Obama, "SOTU 2009."

[438] Biden 10. For a more detailed discussion, see 1.2. Class: Limitations of Race as the Sole Dimension of Analysis.

status was threatened by a job loss. The extension of unemployment benefits thus represents a means to maintain this class status until a new job can be found. Moreover, it has been discussed at length how many social programs suffer from a negative image. Unemployment benefits can be seen as an earned right through the work contribution that conditions participation in the program. In addition, during difficult economic times, a short reliance on a social program is linked to the necessities created through exterior factors, the bad luck of the crisis, and is consequently not associated with a stereotype of laziness or personal fault or responsibility. This perception is reflected, for example, in a study conducted by political scientist Bass van Doorn. He showed that during bad economic times like the 2008-2010 period, 53.2% of the news articles were illustrated with whites, compared to only 32.8% in the favorable economic period of 1998-2000.[439] The needed and deserved help in a period of economic crisis was emphasized by the President, as the whole Address mainly dealt with the recession, but also in the extract itself, where this help is presented as a means to face the "storm" of the recession.

Obama used very similar terms in the 2010 SOTU, where he insisted on what the administration had done for the middle class, even though the middle class was presented through its aspirations rather than being named explicitly:

> That's why we extended or increased unemployment benefits for more than 18 million Americans; made health insurance 65 percent cheaper for families who get their coverage through COBRA; and passed 25 different tax cuts.
>
> Now, let me repeat: We cut taxes. We cut taxes for 95 percent of working families. (Applause.) We cut taxes for small businesses. We cut taxes for first-time homebuyers. We cut taxes for parents trying to care for their children. We cut taxes for 8 million Americans paying for college. (Applause.)[440]

In this extract, although Obama uses the term "working families," which could be interpreted as referring rather to the working class, the themes that are mentioned, such as jobs, health care, and college education, make it clear that it refers to the middle class. Besides, the definition of the middle class given by sociologists Earl Wysong, Robert Perrucci, and David Wright insists on the fact that the middle class might have money that goes beyond immediate consumptive needs, but this money is derived from labor, not from capital investments etc. Once more, this extract stresses the importance of the tax issue, which played and still plays such a central role in the opposition of the middle class to social policies.

This definition of the middle class hinging on aspirations also enables Obama to create a link between the different racial populations and between blacks and whites in particular. He emphasized this in his 'A More Perfect Union' speech, the purpose of which was to create a bridge between racial groups: "But it also means binding our particular grievances—for better health care and better schools and better jobs—to the larger aspirations of all Americans [...]."[441] Here Obama summarizes the same aspirations for blacks as for whites, with the slight difference of mentioning schools instead of college. This might seem trivial, but it is not necessarily innocent: for the black population, the problem starts with schools, because of the deep educational

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[439] For a more detailed discussion, see 2.3.4. The Welfare Myth.
[440] Obama, "SOTU 2010." COBRA refers to the 1985 Comprehensive Omnibus Budget Reconciliation Act that provides certain employees with the right to continue the benefits of their group health plan after a job loss.
[441] Obama, "A More Perfect Union."

inequalities and the overall worse primary and secondary education that blacks receive.

In *The Audacity of Hope*, Obama makes this link more explicitly. After having exposed the extent of racial inequalities over 18 pages in the chapter entitled "Race", Obama expresses the idea that the problems faced by minorities today are not exclusively related to race, but are middle- and working-class problems. Obama makes the connection through shared aspirations:

> Ultimately, though, the most important tool to close the gap between minority and white workers may have little to do with race at all. These days, what ails the working-class and middle-class blacks and Latinos is not fundamentally different from what ails their white counterparts: downsizing, outsourcing, automation, wage stagnation, the dismantling of employer-based health-care and pension plans, and schools that fail to teach our young people the skills they need to compete in a global economy. (Blacks in particular have been vulnerable to these trends, since they are more reliant on blue-collar manufacturing jobs and are less likely to live in suburban communities where new jobs are being generated.) And what would help minority workers are same things that would help white workers: the opportunity to earn a living wage, the education and training that lead to such jobs, labor laws and tax laws that restore some balance to the distribution of the nation's wealth, and health-care, child care, and retirement systems that working people can count on.[442]

Among the uniting middle-class aspirations that Obama mentions, and which could come within reach through a better system of redistribution, is health care. And yet, making the case of health care reform from the angle of better redistribution was not a straightforward task, because of the negative rhetorical context created by conservative and neoliberal discourse around this issue.[443]

To make health care reform palatable to the middle class and to try to avoid the Clinton health reform debacle, when the middle class ended up turning against the reform, Obama worked on several fronts at once. In his discourse, he presented health care as being mainly a middle class problem, stressed the middle-class friendly dimension of the reform, and argued on the reform's capacities to reduce the deficit. This was also done through the mentioning of health insurance loss stemming from the "dismantling of employer-based health care" in the previous extract. This directly appeals to the middle class, as they were the ones left out in the previous government health care system as they initially got their health insurance through their employer. Moreover, this re-emphasized the link with the threat of globalization, as increasing health care costs were among the reasons that pushed many employers to sacrifice the health benefits of their employees for the sake of competitiveness and to be able to yield dividends for their shareholders.

First, to array any suspicion that the proposed reform would be a program targeted at the poor and thus at minorities, Obama tried to stress the fact that this was not the case:

> Our collective failure to meet this challenge—year after year, decade after decade—has led us to the breaking point. Everyone understands the extraordinary hardships that are placed on the uninsured, who live every day just one accident or illness away from bankruptcy. These are not primarily people on welfare. These are middle-class Americans. Some can't get insurance on the job. Others are self-employed, and can't afford it, since buying insurance on your own costs you three times as much as the coverage you get from your employer. Many other Americans who are willing and able to pay are still de-

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[442] Obama, *Audacity*, 245–46.
[443] For a detailed discussion, see 3.1.5. Cracking the Code.

> nied insurance due to previous illnesses or conditions that insurance companies decide are too risky or expensive to cover.[444]

In this extract Obama very openly addresses the backlash sentiments when he refutes the idea that health care issues concern "primarily people on welfare," which again underscores the lack of willingness to support social programs for these populations and the inherently negative association made with the term. Obama precisely explains to what extent lacking health insurance has become a major concern for the middle class. It is interesting to notice that Obama's description of the situation is not entirely accurate, but it serves the political purpose. In 2009, the highest uninsured rate (26.3%) was for people with incomes below $25,000, meaning the category most likely to benefit from means-tested programs. It is true, however, that over the past two decades uninsured rates had been more sharply increasing for the lower middle and the middle class (to 21% and 15.4% respectively).[445] In this extract, Obama does the exact same thing as detractors of the welfare state: he twisted the statistics and used the perceptions people had of the situation to his discursive and political advantage.

Obama also tried to put forward the idea that the reform was designed to help and favor the middle class:

> And my proposal says that if you still can't afford the insurance in this new marketplace, even though it's going to provide better deals for people than they can get right now in the individual marketplace, then we'll offer you tax credits to do so—tax credits that add up to the largest middle-class tax cut for health care in history. After all, the wealthiest among us can already buy the best insurance there is, and the least well off are able to get coverage through Medicaid. So it's the middle class that gets squeezed, and that's who we have to help.[446]

Although in this case Obama's representation is slightly oversimplified—the poor are not all able to get Medicaid coverage as eligibility criteria are rather restrictive[447]—it matches the overall perception of Medicaid and serves his discursive purpose: showing that the reform would benefit the middle class and using the magic word of 'tax cut' by inserting the translation of what a tax credit actually means.

Obama first tried to explain his campaign promises regarding taxation from an economic populist perspective to highlight the fact that the rich would pay more in order to enable that kind of reform:

> A: "When I was campaigning, I made a promise that I would not raise your taxes if you made $250,000 a year or less. That's what I said. But I said that for people like myself, who make more than that, there's nothing wrong with me paying a little bit more in order to help people who've got a little bit less. That was my commitment. (Applause.)"[448]

After this essential reminder, Obama tried to explain how the necessary funds for the reform were to be obtained:

> So my point is—my point is, number one, two-thirds of the money we can obtain just from eliminating waste and inefficiencies. And the Congressional Budget Office has agreed with that; this is not something I'm just making up; Republicans don't dispute it.

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[444] Obama, "Remarks by the President to a Joint Session of Congress on Health Care."

[445] De Navas-Walt, Proctor, and Smith, "Income, Poverty, and Health Insurance Coverage in the United States: 2010," 12, 26.

[446] Obama, "Remarks by the President on Health Care Reform."

[447] For a detailed discussion of the misrepresentation of Medicare-Medicaid, see 2.3.4. The Welfare Myth.

[448] Obama, "Remarks by the President in Town Hall on Health Care, Belgrade, Montana."

> And then the other third we would have to find additional revenue, but it wouldn't come on the backs of the middle class.[449]

The answer can seem slightly unsatisfing and vague, but it came at the end of a long explanation of measures that could be taken, such as the elimination of the greater tax exemptions that high incomes get for charity donations. Most importantly, this quote stresses the importance of not burdening the middle class. To try to synthetize his argument, Obama finally put forward the essential elements of his reform which would benefit the middle class:

> Now, let me say this: Under the proposals that Max is working on, more than 100,000 middle-class Montanans will get a health care tax credit. More than 200,000 Montanans will have access to a new marketplace where you can easily compare health insurance options. Nearly 30,000 small businesses in Montana will be helped by new tax benefits, as well. (Applause.) And we will do all this without adding to our deficit over the next decade, largely by cutting waste and ending sweetheart deals for insurance companies that don't make anybody any healthier. (Applause.)[450]

This passage also makes it apparent that Obama's economic populism is aimed at the middle class, to deflect attention from the divisive anti-social policy discourse and create a new common enemy to unite all Americans of lower incomes.

3.4.6. "In No Other Country on Earth Is My Story Even Possible:"[451] the American Dream

Arguing for social policy reform in a political context dominated by conservative and neoliberal discourse could not be done with a simple discourse that targeted the middle class on the basis of economic populism. To cement and consolidate his message, Obama also had to rework the most quintessentially American element of the national doxa: the American Dream. Obama gave a rather prominent place to the American Dream as he enclosed it in the subtitle of his book detailing his political ideas: *The Audacity of Hope: Thoughts on Reclaiming the American Dream*.

There are many definitions of the American Dream, but they all combine the basic set of middle class aspirations in a decidedly optimistic view of improvement of the situation. In *Who Stole the American Dream?*, which analyzed rising economic inequalities and their political origins, political journalist Hedrick Smith defined the American Dream as the wish for a "steady job with decent pay and health benefits, rising living standards, a home of your own, a secure retirement, and the hope that your children would enjoy a better future."[452]

Wysong, Perrucci, and Wright offer a similar definition which insists on the idea, encapsulated in the American Dream, that everyone can succeed if they work hard, regardless of class origins. According to them, it has included since World War II the following elements: "financial security, home ownership, family, higher educational levels (leading to upward mobility), greater opportunities and rewards for the next generation (compared with the current generation), a successful career, happiness, and a comfortable retirement." However, they also emphasize the "potent ten-

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449 Obama, "Remarks by the President in Town Hall on Health Care, Belgrade, Montana."
450 Obama, "Remarks by the President in Town Hall on Health Care, Belgrade, Montana."
451 Obama, "Chamber of Commerce."
452 Smith, *Who Stole the American Dream?* xvi.

sions that exist between our cultural ideals and social realities" because of the inherently dreamlike nature of the American, which they explain by using the iceberg metaphor of hidden structural inequalities hampering upward social mobility.[453]

Reverend Jesse Jackson, in an interview with African-American studies professor Henry L. Gates, proposed a black and more militant understanding of the American Dream:

> After all, what Thurgood Marshall and Dr. King and Medgar Evers was about, was fighting for the American dream. What is the American dream? The American dream is one big tent: (Of the many, we are one). One big tent. And on that big tent you have four basic promises: equal protection under the law, equal opportunity, equal access, and fair share. Historically, we have been in the margins outside of that tent. Now, while in the margins, you can either adjust to the margins as if that is your plight and God will fix it after a while; you can glorify it as our own unique culture, therefore drop my buckets where I am (a conservative approach, a reactionary approach, a frightened approach); or you can demand your share of the tent. And that's where confrontation takes place, because as you seek to open the gates to get inside the big tent, where the opportunities are, where education is, where health care is, where wealth is, that's the point of confrontation.

Jackson's description of the American Dream shows two notable differences, and one major and important similarity to the common or white definition of the American Dream. The first difference is the explicitly mentioned notion of equality, be it for the protection of the law, opportunity, access, or equal distribution. The other major difference is that for Jackson, African-Americans have been widely excluded from the Dream. Hence his conclusion that the black population has to "demand their share" of the Dream. However, what the promise of the Dream encompasses refers to the same basic aspirations to opportunity, to education, to health care, and to wealth. Jackson's vision of the American Dream overlaps with the description that journalist and activist writer Ta-Nehisi Coates offers in his 2015 book *Between the World and Me*:

> I have seen that dream all my life. It is perfect houses with nice lawns. It is Memorial Day cookouts, block associations, and driveways. The Dream is treehouses and the Club Scouts. The Dream smells like peppermint but tastes like strawberry shortcake. And for so long I have wanted to escape into the Dream, to fold my country over my head like a blanket. And knowing this, knowing that the Dream persists by warring with the known world, I was sad for the host, I was sad for all those families, I was sad for my country, but above all, in that moment, I was sad for you.[454]

Coates describes the American Dream as an illusion in which whites live, which does not coincide with reality, and that blacks watch from outside. Moreover, Coates' description emphasizes a cultural dimension, betraying an assimilationist pressure to culturally resemble white America. This marks a notable difference with Obama's conception, which insists more on shared values and economic aspirations than on cultural assimilation.

Jackson and Coates are both at the more racially conscious end of the African-American political spectrum and their interpretations consequently diverges considerably from the white mainstream understanding of the Dream. In her book *Facing Up to the American Dream: Race, Class, and the Soul of the Nation,* which proposes a detailed analysis of the American Dream and its racial and class implications, political scientist Jennifer Hochschild emphasizes the general belief that the American Dream is for everybody in the US, regardless of race, class, gender, religion, as well as its ex-

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[453] Wysong *et al.* 4.
[454] Coates, *Between the World and Me,* 11.

tremely wide scope ranging from religious freedom to the middle class ideal of owning a home in the suburbs. According to Hochschild, the notion of success encapsulated in the American Dream can be defined as "a high income, a prestigious job, [and] economic security." She stresses the fact that this notion of success is strongly attached to the belief that achieving success is a matter of will and hard work. The reward of this hard work should come according to talent and accomplishment, not according to need.[455] In this, the mainstream understanding diverges from the dominant black political thinking that puts a greater emphasis on fairer redistribution and equality of means, instead of just equality of opportunity—which of course stems from a very different understanding of structural inequalities in the US. Despite this, Hochschild's analysis shows that most blacks, even poor ones, believe in the American Dream with education and hard work as key elements.[456]

In this sense, Obama's use of the American Dream in his discourse is a racially uniting element. However, the way in which Obama has reworked the doxa is quite interesting and original in recent years: Obama makes social policies an integral part of the American Dream. Obama does so in two ways, the first being the example of his own story, which indeed sounds like an American Dream success story, the second being the presentation of social policies as a tool to reach the American Dream. He expansively played that card in his keynote address at the 2004 Democratic National Convention, where he described his ascent as an American Dream come true. He put this in perspective in his family history, which allowed him to unite two typical American Dream stories, the immigrant story on the one hand and the rise into the middle class on the other.

Obama starts his speech by presenting himself as the achievement of his family's American Dream:

> Tonight is a particular honor for me because, let's face it, my presence on this stage is pretty unlikely.
>
> My father was a foreign student, born and raised in a small village in Kenya. He grew up herding goats, went to school in a tin-roof shack. His father, my grandfather, was a cook, a domestic servant to the British.
>
> But my grandfather had larger dreams for his son. Through hard work and perseverance my father got a scholarship to study in a magical place, America, that's shown as a beacon of freedom and opportunity to so many who had come before him.
>
> While studying here my father met my mother. She was born in a town on the other side of the world, in Kansas.
>
> Her father worked on oil rigs and farms through most of the Depression. The day after Pearl Harbor, my grandfather signed up for duty, joined Patton's army, marched across Europe. Back home my grandmother raised a baby and went to work on a bomber assembly line. After the war, they studied on the GI Bill, bought a house through FHA and later moved west, all the way to Hawaii, in search of opportunity.[457]

Here Obama uses two stock images of the American Dream: the first focuses on the immigrant in search of opportunity and freedom, emphasizing the rise from extreme poverty and a background of British colonial oppression to the American freedom of a college education. The second tells the story of his white maternal grandparents' rise into middle class America. The most interesting part is his insistence on the role played by two government programs, the GI Bill and the mortgage program of the

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[455] Hochschild, *Facing Up to the American Dream,* 15, 18–19, 21.

[456] Hochschild, *Facing up to the American Dream*, 159.

[457] Obama, "Keynote Address at the Democratic National Convention."

FHA, which allowed his white grandparents' social and economic ascent and thus the fulfillment of their American Dream of a good job and homeownership. It is particularly fitting, as many academics credit these two programs with having strongly contributed to the creation of the prosperous middle class of the post-WWII era.[458]

Obama elaborates on the story with the dreams his parents had for themselves and for him:

> My parents shared not only an improbable love; they shared an abiding faith in the possibilities of this nation. They would give me an African name, Barack, or "blessed," believing that in a tolerant America, your name is no barrier to success.
>
> They imagined me going to the best schools in the land, even though they weren't rich, because in a generous America you don't have to be rich to achieve your potential.
>
> They're both passed away now. And yet I know that, on this night, they look down on me with great pride.
>
> And I stand here today grateful for the diversity of my heritage, aware that my parents' dreams live on in my two precious daughters.
>
> I stand here knowing that my story is part of the larger American story, that I owe a debt to all of those who came before me, and that in no other country on Earth is my story even possible.[459]

Although Obama's rendition of his biography in American Dream fashion stresses images of racial harmony and the overcoming of racial barriers, he also articulated a slight criticism of the illusionary dimension of the Dream, when dealing with his parents' experience. When he mentions his parents' hopes for racial tolerance, he carefully puts it as a "belief." This presentation of social policies as being a substantial part of the American Dream, as being the tool that puts the Dream within reach, was developed by Obama in an even more explicit way on other occasions.[460]

In a 2011 interview with NPR, he developed the same idea. When asked if he had any special responsibility to the African-American community he answered:

> I have a special responsibility to look out for the interests of every American. That's my job as president of the United States. And I wake up every morning trying to promote the kinds of policies that are going to make the biggest difference for the most number of people so that they can live out their American dream.[461]

While insisting on the role of the president to push for policies that bring the American Dream within reach, this statement both reaffirmed his transcending stance and his issue-focused approach aimed at alleviating racial inequalities through general social programs.

However, just as Obama explained to the black population that he could not create race-specific programs for minorities, he tried in 'A More Perfect Union' to explain to the white population that they should abandon their backlash sentiments against special preferences:

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[458] See for example: Katznelson, *When Affirmative Action Was White*; Jacob Hacker and Paul Pierson, *American Amnesia: How the War on Government Led Us to Forget What Made America Prosper* (New York: Simon and Schuster, 2016).

[459] Obama, "Keynote Address at the Democratic National Convention."

[460] See for example: Obama, "Remarks by the President on the Economy in Parma, Ohio."

[461] Quoted in George E. Condon Jr. and Jim O'Sullivan, "Has Obama Done Enough for Black Americans?" *National Journal*, April 4, 2013, http://www.nationaljournal.com/magazine/has-obama-done-enough-for-black-americans-20130404.

> In the white community, the path to a more perfect union means acknowledging that what ails the African-American community does not just exist in the minds of black people; that the legacy of discrimination—and current incidents of discrimination, while less overt than in the past—are real and must be addressed, not just with words, but with deeds, by investing in our schools and our communities; by enforcing our civil rights laws and ensuring fairness in our criminal justice system; by providing this generation with ladders of opportunity that were unavailable for previous generations. It requires all Americans to realize that your dreams do not have to come at the expense of my dreams; that investing in the health, welfare and education of black and brown and white children will ultimately help all of America prosper.[462]

In this quote Obama tries to put forward the argument that making the American Dream possible for minorities through social policies and anti-discrimination measures does not lead to a zero-sum game, as it is perceived in the backlash sentiment. On the contrary, it would help the whole population and bring the nation closer to grasping the Dream of a strong, continuously improving country filled with opportunity. Obama thus uses the same argument for blacks and whites: the idea that shared economic interests would benefit all racial groups and would allow them to reach their common American Dream.

In his 2010 "Budget Message of the President" announcing the budget for Fiscal Year 2011, Obama explained how neoliberal policies, not a racial zero-sum game, had shattered the American Dream of the middle class:

> As a result, the economy may have been working very well for those at the very top, but it was not working for the middle class. Year after year, Americans were forced to work longer hours and spend more time away from their loved ones, while their incomes flatlined and their sense of economic security evaporated. Beneath the statistics are the stories of hardship I've heard all across America. For too many, there has long been a sense that the American dream—a chance to make your own way, to support your family, save for college and retirement, own a home—was slipping away. And this sense of anxiety has been combined with a deep frustration that Washington either didn't notice, or didn't care enough to act.
>
> Those days are over. In the aftermath of this crisis, what is clear is that we cannot simply go back to business as usual.

After accusing the previous administration of having destroyed the American Dream for many citizens, Obama goes on describing the negative consequences of the implementation of neoliberal economic policies, such as a cyclic crisis, a failing education system, a costly health care system that infringes on economic competitiveness, opposition to clean energy, the accumulation of a huge deficit after eight years of Bush policies, and the plundering of public money by special interests. Obama then goes on to expose how government intervention and social policies would help secure a more stable and prosperous future which would allow living the American Dream:

> That is why, as we strive to meet the crisis of the moment, we are continuing to lay a new foundation for the future.
>
> Already, we have made historic strides to reform and improve our schools, to pass health insurance reform, to build a new clean energy economy, to cut wasteful spending, and to limit the influence of lobbyists and special interests so that we are better serving the national interest. However, there is much left to do, and this Budget lays out the way ahead.[463]

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[462] Obama, "A More Perfect Union."
[463] "Budget of the US Government: Fiscal Year 2011," 2.

Of course, if Obama saw social policies as a means to reach the American Dream, he gave a special place to education and health care, the two areas where he wanted to achieve major reform. The example of health care will be the only one discussed, as the initial education reform died in Congress.[464]

In his September 2009 Address to a Joint Session of Congress on Health Care, Obama argued for health care on a non-partisan basis, by appealing to the American sense of solidarity. After paying tribute to Ted Kennedy for his commitment to solidarity and health care, the President commented:

> That large-heartedness—that concern and regard for the plight of others—is not a partisan feeling. It's not a Republican or a Democratic feeling. It, too, is part of the American character—our ability to stand in other people's shoes; a recognition that we are all in this together, and when fortune turns against one of us, others are there to lend a helping hand; a belief that in this country, hard work and responsibility should be rewarded by some measure of security and fair play; and an acknowledgment that sometimes government has to step in to help deliver on that promise.[465]

Obama tried to create bipartisanship for the enactment of the health care bill. Senator Kennedy had died just a few days before, on August 25, 2009, but the appeal to his memory went beyond the concomitance of his death. Kennedy enjoyed respect across the aisle and was a long-time health care champion. Obama also tried to play on common American values, among them the notions of hard work and responsibility, which Republicans had claimed for themselves since the 1980s, especially in the debate about social policy. However, Obama also asked Republicans to make a step towards Democrats, by asking them to envision some government intervention in trying to achieve common ideals encapsulated in the idea of the American Dream, the promise that if you are hard-working and responsible, your life should become better and more secure.

In June 2010, shortly after signing the ACA into law, Obama presented the Act as a means to make the American Dream more secure and as a means to express the sense of American solidarity which allows more people to reach this Dream:

> In every story I heard out there, in every letter I read at night, people were not asking for much more than that. Nobody ever asked for a handout. Nobody ever asked for a free ride. A lot of times, folks wrote they were embarrassed or guilty about asking for help at all when so many of their fellow Americans were hurting as well. Some even apologized for writing in the first place. But they all said the same thing—please do something for people like me and families like mine.[466]

In this extract, Obama explicitly detaches health policy from the negative perception of undeserved help, to make sure that no association with welfare will be made, by emphasizing the fact that the people he mentions did not want to ask for undeserved help, but only for fairness, adding:

> [...] every time this country has moved forward, it's because ordinary Americans like these summoned what's best in each of us to make life better for all of us. (Applause.) And it's because we as a people find the will to cobble together out of all of our differences

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[464] For Obama's rhetoric on education, see for example: Barack Obama, "Prepared Remarks of President Barack Obama: Back to School Event" (speech, Arlington, Virginia, August 9, 2009), http://www.whitehouse.gov/MediaResources/PreparedSchoolRemarks/; Obama, "Urban League"

[465] Obama, "Remarks by the President to a Joint Session of Congress on Health Care."

[466] Barack Obama, "Remarks by the President on the Affordable Care Act and the New Patients' Bill of Rights" (White House, Washington DC, June 22, 2010), https://www.whitehouse.gov/the-press-office/remarks-president-affordable-care-act-and-new-patients-bill-rights.

that American sense of common interest and common purpose that's always been re-
quired to advance the dreams of all of our people.

That's why we got this done. And that's what the Affordable Care Act does. And as long
as I have the honor of being your President, that's what we're going to keep on doing to-
gether.[467]

In this extract Obama presents the spirit of solidarity as quintessentially American
and the ACA as a means to reach the American Dream. However, the place social
policies have in the American Dream according to Obama's definition also requires
an additional element of justifying anew the role of government and its legitimacy to
intervene on behalf of the people.

3.4.7. "Keep Your Government Hands out of my Medi-care"—"Sir, Medicare is a Government Program:"[468] Obama on the Role of Government

The way in which Obama portrayed the role of government deserves a detailed
analysis for three reasons. On a purely economic level, the attack on government in-
tervention is so strong and dominant in contemporary neoliberal and conservative
discourse that this must be addressed. The dominance of the anti-government dis-
course in contemporary politics is so strong and pervasive that in order to achieve
major social policy reform, a new discourse must be constructed that 'rehabilitates'
government intervention. In addition, big government is also a racially loaded code
word which embeds the notion of favoring minorities.[469] And lastly, accusations of
big government, government takeover, or socialized medicine were among the
strongest accusations made against Obama's health care reform. Among them were
the widely mediatized death panel accusations, which were supposed to show the
deadly dimension of government intervention, and which tried to prove that Obama
wanted to establish the same practices as totalitarian regimes, such as Nazi-Germany
or the USSR. [470]

The central part of the neoliberal and conservative argument is that government
intervention, especially in the form of social policies, is bad for the economy. First, it
would lead to socialism, which is the argument mostly used during the hot phase of
the Cold War; and second, because it would increase the deficit as social programs, in
this worldview, are considered to be expensive and a waste of money. The supply-
side theory advocates stopping to channel money to the consumer side and to chan-
nel money instead to the supply side, meaning businesses, because this would enable

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[467] Obama, "Affordable Care Act."

[468] Barack Obama, "Remarks by the President on Health Insurance Reform in St. Charles, MO" (St.
Charles, Missouri, March 10, 2010), https://www.whitehouse.gov/the-press-office/remarks-president-
health-insurance-reform-st-charles-mo. The unabridged extract is: "And when the health care reform
debate was really heating up, one of the things that I heard from a lot of seniors was, 'Keep your gov-
ernment hands out of my Medicare.' (Laughter.) I heard this from a bunch of seniors. They say, 'I don't
want your government-run health care plan, and don't touch my Medicare.' And so I'd have to write
back and I'd say, 'Ma'am,' or 'Sir, Medicare is a government program.'"

[469] For a detailed explanation, see 3.1.5. Cracking the Code.

[470] For details, see 3.1.3. "Oh, You Got to Be—You Got to Be Careful About Them Cable Networks,
Though:" Politics and the Media.

them to produce more and thus hire more people, which eventually would benefit everyone. The wealth generated through lower taxes on businesses and the rich would eventually "trickle" down to the lower strata of society. But lower taxes necessarily entail lowering social benefits.

Obama adheres instead to a Keynesian view of the economy: he favors a more progressive taxation system and defends the idea that strengthening the middle class would boost the economy, meaning that channeling money to the consumer side would help the economy. This redistribution to the consumer side of the economy is traditionally operated either through tax cuts or redistributional social programs. Obama expressed this idea, in a simplified manner, in a 2010 speech given in Parma, Ohio:

> Now, I believe we ought to make the tax cuts for the middle class permanent. (Applause.) For the middle class, permanent. These families are the ones who saw their wages and incomes flat-line over the last decade—you deserve a break. (Applause.) You deserve some help. And because folks in the middle class are more likely to spend their tax cut on basic necessities, that strengthens the economy as a whole.[471]

This extract also clearly highlights the fact that Obama linked his economic discourse to the needs of the middle class and tried to put forward the idea that government intervention is beneficial for the middle class, to counter the previous discourse of trickle-down economics. Obama promoted a worldview in which it became apparent that government intervention and social policies would favor the interests of all Americans, from the middle class downwards. This of course was underscored by the use of economic populism.

In *The Audacity of Hope*, Obama exposes his economic ideas and opinions in the chapter entitled "Opportunity," the longest in the book. In it, he describes his understanding of the American economic situation, and the way in which he perceives American workers as being squeezed between greedy big business and the threats of globalization. Regarding globalization, Obama does not deny some of its benefits, but he strongly emphasizes the negative impact of the measures taken in the name of international competitiveness, which are also used to advance the interests of the stock market.[472]

He criticizes laissez-faire economics at length, especially low or inexistent taxes, its vilification of government intervention, and its inherently negative and destructive image of social policies. The criticism extends to the Reagan and Bush administrations, which tried to apply those ideas. In this, Obama insists on the channeling of funds toward the elites through the tax policies of these administrations.[473] Obama then depicts the vision of a future resulting from these policies, should they continue unchecked. This future, closely resembling the late 19th century, would be inherently unequal, with a society sharply divided between the super rich and the poor workers who serve this elite. Moreover, Obama insists on the long-term dangers for the economy and its competitiveness should these trends continue. He also mentions the dangers of social and political instability which would result from such an unequal system.[474]

The rest of the chapter is devoted to possible solutions, which Obama introduces with a historical overview of how he perceives the creation of American prosperity.

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[471] Obama, "Remarks by the President on the Economy in Parma, Ohio."
[472] Obama, *Audacity*, 146, 178.
[473] Obama, *Audacity*, 147–48.
[474] Obama, *Audacity*, 148–49.

He attributes this to the American spirit of business and enterprise on the one hand, and to government intervention, be it through market regulation, investments, or social policies, on the other. Obama discusses the domination of neoliberalism, or laissez-faire economics, and the strong ideological correlation between the tenets of these economic ideas and many American values, such as individualism, hard work and the protestant work ethic, private ownership, and the American Dream; values, which, according to Obama, contributed to America's economic success. This ideological domination, Obama explains, is the reason for the difficulty of making people realize the importance of the role that government has played in the growth of the American economy.[475] Political scientists Jacob Hacker and Paul Pierson concur in this interpretation. They argue that the political discourse of the past decades has led to an "American amnesia," which made the country forget what led to American prosperity in the first place, meaning the well-balanced tension between market and government in the mixed economy that made America prosper in the first half of the 20th century. They even draw attention to the fact that current economic dysfunctionalities, such as economic crises, are due to "too little effective government."[476]

In order to rehabilitate the role of government, Obama exposes the ways in which, according to him, government has contributed to build American prosperity since the beginning of the US; through massive investments that help private enterprise to prosper, such as in infrastructure or in science; by making opportunity available, for example through the public education system or the GI Bill; or through the providing of a safety net to deal with market failures, such as economic crises, but also consumer protection, and regulations that prevent the market from running wild. Lastly, Obama insists on FDR's creation, through government intervention, of a "social compact between business and the American worker," the most controversial aspect of government intervention in Obama's view—in other words: the welfare state and its social policies.[477]

Obama explicitly praises FDR's choice to follow Keynesian economic tenets to overcome the Great Depression, and he also lauds the following 25 years of bipartisan consensus around this model and around the American welfare state.[478] Obama cites the effects of globalization and the two oil crises of the 1970s as economic turning points which led to Reagan's election and the massive implementation of neoliberal policies at a national level[479]—which he described as a failure earlier in the book. As a solution to the current economic situation, he simply offers to learn the lessons of history and to go back to Lincoln's view of government, which emphasized the virtues of a mixed economy based on interaction between the public and the private sectors:

> But our history should give us confidence that we don't have to choose between an oppressive, government-run economy and a chaotic and unforgiving capitalism. It tells us that we can emerge from great economic upheavals stronger, not weaker. Like those who came before us, we should be asking ourselves what mix of policies will lead to a dynamic free market and widespread economic security, entrepreneurial innovation and upward mobility. And we can be guided throughout by Lincoln's simple maxim: that we will do collectively, through our government, only those things that we cannot do as well or at all individually and privately.

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[475] Obama, *Audacity*, 140–41.
[476] Hacker and Pierson 1–3.
[477] Obama, *Audacity*, 154–55.
[478] Obama, *Audacity*, 154–55.
[479] Obama, *Audacity*, 158.

> In other words, we should be guided by what works.[480]

Through these words Obama means going back to the massive investments made by Lincoln and FDR, as he exposes in the following pages, with a focus on education at all levels, infrastructure and energy, and a renewed social compact based on social policies, one of which should of course be affordable health care insurance.[481] Linking those ideas explicitly to the presidents who implemented them is not innocent, as both Lincoln and FDR enjoy a great popularity and are seen as saviors of the nation in difficult times. Moreover, Lincoln was the first Republican president and consequently reminds the party that it has not always been against government intervention.

The principle of Lincoln's 'maxim' that Obama outlined in *The Audacity of Hope* was also a theme in his first Inaugural Address:

> What the cynics fail to understand is that the ground has shifted beneath them, that the stale political arguments that have consumed us for so long no longer apply. The question we ask today is not whether our Government is too big or too small, but whether it works; whether it helps families find jobs at a decent wage, care they can afford, a retirement that is dignified. Where the answer is yes, we intend to move forward. Where the answer is no, programs will end.[482]

Obama used the context of the economic crisis and the Great Recession to try to make the case for a new attitude regarding government intervention and he highlighted the need to overcome the polarized political attitudes that result in legislative gridlock and eventually harm the population. He then went on to explain that redistribution actually creates economic prosperity for all.[483] While trying to show that he is not a socialist, Obama exposes the harmful effects of unchecked capitalism and evokes the mutually beneficial effects of redistribution, which ties in with his understanding of the mechanisms of the post-WWII prosperity period.

Obama's use of the context of the Great Recession, together with his outreach to conservatives by showing his respect of some neoliberal principles, was a recurring discursive strategy. He did this in many speeches which pushed for reform.

Obama acknowledged that he was taking two major paradigms of conservatism and neoliberalism into account: he put forward the fact that his intention was not to blindly expand government and that he was concerned about the deficit. He then went on to explain that the absence of action would have made the situation worse, especially at an economic level. He promoted the ARRA, for instance, in terms of concerns for economic growth and reducing the deficit, the mantra of neoliberalism. Other tenets of laissez-faire economics also underlay his insistence on the fact that the ARRA mainly created jobs in the private sector, which also served to deflect accusations of big government.[484]

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[480] Obama, *Audacity*, 159.
[481] Obama, *Audacity*, 159, 177, 184
[482] Obama, "Inaugural Address."
[483] Obama, "Inaugural Address."
[484] Obama, "SOTU 2009." Although I have used this extract earlier to show how Obama emphasized the impact of his policy on the middle class, I use it again here to demonstrate how Obama promoted the role of government. This also highlights the connections between the different aspects, especially the fact that the 1970s backlash and Reagan's discourse have broken the perception that government intervention is beneficial for the middle class, and actually created the strong middle class of the 1950s and 1960s.

Obama applied the specific discourse of government intervention to health care. On the one hand, Obama denounced the free market as being unfair and harming the consumer, contrary to the claims of neoliberals.[485] He did this notably in his 2009 Address to a Joint Session of Congress on Health Care:

> Now, my health care proposal has also been attacked by some who oppose reform as a "government takeover" of the entire health care system. As proof, critics point to a provision in our plan that allows the uninsured and small businesses to choose a publicly sponsored insurance option, administered by the government just like Medicaid or Medicare. (Applause.)

> So let me set the record straight here. My guiding principle is, and always has been, that consumers do better when there is choice and competition. That's how the market works. (Applause.) Unfortunately, in 34 states, 75 percent of the insurance market is controlled by five or fewer companies. In Alabama, almost 90 percent is controlled by just one company. And without competition, the price of insurance goes up and quality goes down. And it makes it easier for insurance companies to treat their customers badly—by cherry-picking the healthiest individuals and trying to drop the sickest, by overcharging small businesses who have no leverage, and by jacking up rates.[486]

Obama had to confront many accusations of government takeover, and he had repeatedly been called a socialist. Obama confronted accusations of government takeover by exposing how harmful and unfair the free market can be, especially regarding health care. This was a reality that Americans had increasingly experienced, especially since the 1990s. Regarding health insurance, Obama showed that the free market did not always work and exposed a situation of near monopolies that allowed insurance companies to abuse their clients. He thus painted a situation that required government intervention to address a shortcoming of the free market. Moreover, he insisted on the fact that the freedom of choice that is regularly associated with the idea of letting the free market handle things is not necessarily true.

In the 2009 Address to a Joint Session of Congress he justifies the role of government to intervene in health care by showing how the previous non-intervention had created a harmful situation:

> And for that same reason, we must also address the crushing cost of health care. This is a cost that now causes a bankruptcy in America every 30 seconds. By the end of the year, it could cause 1.5 million Americans to lose their homes. In the last 8 years, premiums have grown four times faster than wages. And in each of these years, 1 million more Americans have lost their health insurance. It is one of the major reasons why small businesses close their doors and corporations ship jobs overseas. And it's one of the largest and fastest growing parts of our budget. Given these facts, we can no longer afford to put health care reform on hold. We can't afford to do it. It's time.[487]

First Obama summarizes the dreadful health care situation of the American population, in which he emphasizes the collateral damages of lacking health insurance, such as loss of the social status or of economic stability. This presentation in its overall picture is concomitant with the findings of studies showing the impact of health care costs on the financial stability of Americans.[488] He also exposes the impact of the failing health insurance system on the wider economy in a very ingenious way: he turns the usual conservative and neoliberal argument of social policies being harmful for competitiveness and causing business relocations upside-down by actually present-

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[485] See for example: Friedman, "Economic Freedom, Human Freedom, Political Freedom."
[486] Obama, "Remarks by the President to a Joint Session of Congress on Health Care."
[487] Obama, "SOTU 2009."
[488] For a more detailed explanations, see 1.4.3. Why Health Care Reform?

ing the absence of health care legislation as being costly for businesses and as causing relocations. Obama also plays into concerns raised by neoliberal discourse by emphasizing the fact that the reform would bring the deficit down:

> This budget builds on these reforms. It includes a historic commitment to comprehensive health care reform, a down payment on the principle that we must have quality, affordable health care for every American. It's a commitment that's paid for in part by efficiencies in our system that are long overdue. And it's a step we must take if we hope to bring down our deficit in the years to come.[489]

Obama addressed the deficit issue not only by insisting on how his health care reform would help to reduce it, but also by setting the record straight about how the deficit situation had been created: not through wasteful spending on social programs, but through neoliberal policies as applied by the previous Bush administration. This idea can be found in the 2010 State of the Union Address:

> So let me start the discussion of government spending by setting the record straight. At the beginning of the last decade, the year 2000, America had a budget surplus of over $200 billion. (Applause.) By the time I took office, we had a one-year deficit of over $1 trillion and projected deficits of $8 trillion over the next decade. Most of this was the result of not paying for two wars, two tax cuts, and an expensive prescription drug program. On top of that, the effects of the recession put a $3 trillion hole in our budget. All this was before I walked in the door. (Laughter and applause.)[490]

Another aspect of the fear of big government is the label of the tax-and-spend liberal, which is linked to the deficit issue. It is the abovementioned perception of Democrats as developers of bureaucracy and as wasteful spenders which negatively influences the perception of the creation of new programs. Just as Clinton had tried to deflect the perception of his reform as yet another big government scheme by having the reform drafted by a 'neutral' Task Force of experts,[491] Obama tried to put forward his willingness to engage in bipartisanship and the fact that exterior health care experts and professionals would be consulted, as well as businesses and workers—in other words, people who would be impacted by the reform:

> Now, there will be many different opinions and ideas about how to achieve reform, and that's why I'm bringing together businesses and workers, doctors and health care providers, Democrats and Republicans to begin work on this issue next week.[492]

We now know that bipartisanship did not work out,[493] and fears of big government could not be deflected just by stating that doctors would be invited into the discussion.

Obama tried to present his reform as the middle way between total government control and a total free market system—as a mixed economy solution, as a bipartisan plan regarding its ideas, even if there was no actual bipartisan collaboration. The most notoriously Republican idea that had been incorporated into the reform was the individual mandate, which the Republicans had put forward during the Clinton reform attempt. By the time Obama integrated it into his reform, Republicans would

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[489] Obama, "Remarks by the President to a Joint Session of Congress on Health Care."

[490] Obama, "SOTU 2010."

[491] For a more detailed discussion of the Clinton reform attempt, see 2.2.2. "It Is a Magic Moment, and We   Must   Seize   It:" The Clinton Health Care Debacle.

[492] Obama, "Remarks by the President to a Joint Session of Congress on Health Care."

[493] For a more detailed discussion of the issue of bipartisanship, see 2.5. Scorched Earth Strategy: Polarization and Partisanship.

denounce it as a government takeover.[494] Obama explained this in a 2010 speech given in St. Charles, Missouri:

> And I know that people view this as a partisan issue, but the truth is, is that if you set aside the politics of it, and what was good for Election Day, it turns out that parties have plenty of areas where they agree. And the plan that I've put forward is a proposal that's basically somewhere in the middle—one that incorporates the best ideas of Democrats and Republicans, even though the Republicans have a hard time acknowledging it.[495]

Obama first exposed the far-left reform wish, based on the single-payer model, as being impractical. Single payer was never really discussed, and functioned mostly as a scarecrow, as an extreme that was supposed to make the proposed reform seem minimal and reasonable, like here:

> Now, there are some folks who wanted to scrap the system of private insurance and replace it with a government-run health care program, like they have in some other countries. (Applause.) We've got a couple—some applause here. And look, it works well for those countries. But I'll just be honest with you: It was not practical or realistic to do here, to completely uproot and change a system where the vast majority of people still get their health care from employer-based plans.

Obama then presented the other far end of the ideological spectrum, the neoliberal approach: a completely free-market-based system. He did so in an economic populist manner, being careful to denounce the insurance industry as the villains who oppress and abuse ordinary Americans:

> And on the other side of the spectrum there are those who believe that the answer is to simply unleash the insurance industry, and provide less oversight and fewer rules.
>
> AUDIENCE: Boo!
>
> THE PRESIDENT: And that somehow that's going to drive down prices for everybody. This is called the "putting the foxes in charge of the hen house" approach to health care reform. (Applause.) So whatever state regulations were in place, we'd get rid of those and so insurance companies could basically find a state that had the worst regulations and then from there sell insurance everywhere. And that somehow that was going to be helpful to you. All this would do would give insurance companies more leeway to raise premiums and deny care.

Obama then proceeded to present his own reform as being the sensible middle that would empower citizens:

> So I don't believe we should give either the government or the insurance companies more control over health care in America. I want to give you more control over health care in America.

Despite the presentation of health care reform as being bipartisan in substance and as representing a pragmatic middle ground between total government control and the complete absence of government intervention, fears of big government remained. The most incongruous occurrence of such fears surfaced as early as 2009, when people started to ask the government to keep their hands off their Medicare.[496] In his 2010 speech in St. Charles, Missouri, Obama reacted to these nonsensical demands.

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[494] "Republicans Hatched Idea for Obama's Health Insurance Mandate," Text. Article, *Fox News*, (March 27, 2010), http://www.foxnews.com/politics/2010/03/27/republicans-hatched-idea-obamas-health-insurance-mandate.html.

[495] Obama, "Remarks by the President on Health Insurance Reform in St. Charles, MO."

[496] See for example Bob Cesca, "Keep Your Goddamn Government Hands Off My Medicare!," *Huffington Post*, September 5, 2009, http://www.huffingtonpost.com/bob-cesca/get-your-goddamn-governme_b_252326.html.

He explained how he answered them by reminding them that Medicare is a government-run program and that his reform would make Medicare stronger. First, he patiently explained how, in his opinion, these demands stemmed from misinformation through the media:

> [P]eople have been hit with a lot of bad information. And health care is really important. And so people get worried and they get nervous. But when you get past the divisive and the deceptive rhetoric, it turns out that most Americans are happy that two generations ago we made the decision that seniors and the poor should not be saddled with unaffordable health care costs or forced to go without needed care. That was a decision that we made decades ago. And it was the right decision to make. (Applause.)[497]

> And by the way, when we made those decisions, folks were saying the exact same thing about Medicare: "That's socialized medicine, this is government-run care," and blah, blah, blah.

Obama then explained that accusations of socialized medicine are a continuous feature of health care debates, and that Medicare, Americans' much-loved program, was initially rejected on the same grounds. He then went on to develop this link, by showing how similar the debate was back in 1964-5 and in 2009-10:

> Now, today we face a different choice, but it's a similar choice to the one that previous generations faced, and that is whether we should help middle-class families and business owners that are being pummeled by the rising costs of health care. See, back when the Medicare debate was taking place, seniors were having problems because they were no longer working, and people were getting their health care through their jobs. And so it made sense to help them. It made sense to help the poor who might not be employed. But back then, middle-class folks, they were pretty secure. If you were working, you had health care that was affordable.

> But you know what's happened over the last several decades. What's happened is, is that more and more businesses are saying, we can't afford to provide health care to our workers because the costs are skyrocketing. So they just drop health care altogether. A lot of small businesses, they don't provide health care to their employees anymore. And large businesses, what are they doing? They're saying to you, we're going to jack up your premiums, we got to increase your deductibles. If you're self-employed, you are completely out of luck. If you've got a preexisting condition, you are completely out of luck. And by the way, those of us who are lucky enough to have health care today, we don't know if we're the ones who are going to lose our job tomorrow, or suddenly it turns out that our child has a preexisting condition. And we'll be stuck in the exact same situation, even if we've got good health insurance. (Applause.)[498]

By showing how the accusations of socialized medicine echo the debate over Johnson's health reform, Obama tried to capitalize on Medicare's popularity. Most of all, he tried to deflect the fear of government intervention as something bad by highlighting that something that had been decried as "socialized medicine" actually became one of the most popular programs in the US alongside Social Security. He thus tried to show that the apprehensions people had regarding his reform were just as unfounded as back then, and that his reform might become just as popular as the Johnson program. Moreover, Obama compared the situation of the middle class in the 2000s with the situation of the senior citizens in the 1960s, by showing how their health care situation had deteriorated since then and deserved the same government intervention now.

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[497] Obama, "Remarks by the President on Health Insurance Reform in St. Charles, MO."
[498] Obama, "Remarks by the President on Health Insurance Reform in St. Charles, MO."

3.5. Conclusion

In order to defend his agenda of implementing comprehensive and issue focused health care reform, Obama devised a rhetorical construct that combined several elements. First, his discourse was carefully adjusted to the racially divisive code that had evolved over time in relation to social policies. This included dealing with negative stereotypes that underlie this coded discourse, but which could also be detrimental, or potentially dangerous, in relation to his own person because of his racial origins. Thus Obama's political persona carefully negotiated those traps by putting forward his mixed racial and cultural background while, at the same time, complying to a certain extent with the way Americans perceive racial identification. Moreover, Obama skillfully used his mixed background in his discursive ethos in order to forward his political agenda.

To create a new majority in favor of a new social policy, Obama exposed his ideology and worldview in a complex and intricate discursive construct which emphasized American unity in order to overcome the racial cleavage that had shattered the New Deal coalition. This unity, which Obama greatly based on common values, beliefs, and ideas ground in the national founding documents, was completed by a specifically transcending discourse aimed at fostering understanding between the two major racial groups that have historically confronted each other in the US. This transcending discourse is strongly buttressed by Obama's definition of his identity and his transcending ethos, which make his discourse authentic. In order to cement this transcending, value-driven American unity, Obama also made use of economic populism, to create a new class-based enemy that most Americans could feel united against, and to give a new outlet to their resentments. However, both racial groups had to be reassured, and Obama had a specific discourse to convince both. The black population had to be convinced that this unity would also be beneficial for them. As for the fear of the white population of not having its interests taken into account in this 'new' interracial alliance, it too had to be deflected. Obama's insistence on the needs of the middle class was crucial in this respect, which also shows that Obama took great care to address the backlash sentiments. Lastly, to counter the prevailing neoliberal ideology that had played on the class division resulting from the racial cleavage, Obama redefined the doxa of the American Dream to give an inherently American dimension to social policies, and crafted a discourse that rehabilitated government intervention, notably by re-appropriating the notion of responsibility, which had for a long time played to the advantage of conservatives.

4
The Obama Way:
Circumvent the Discourse Problem
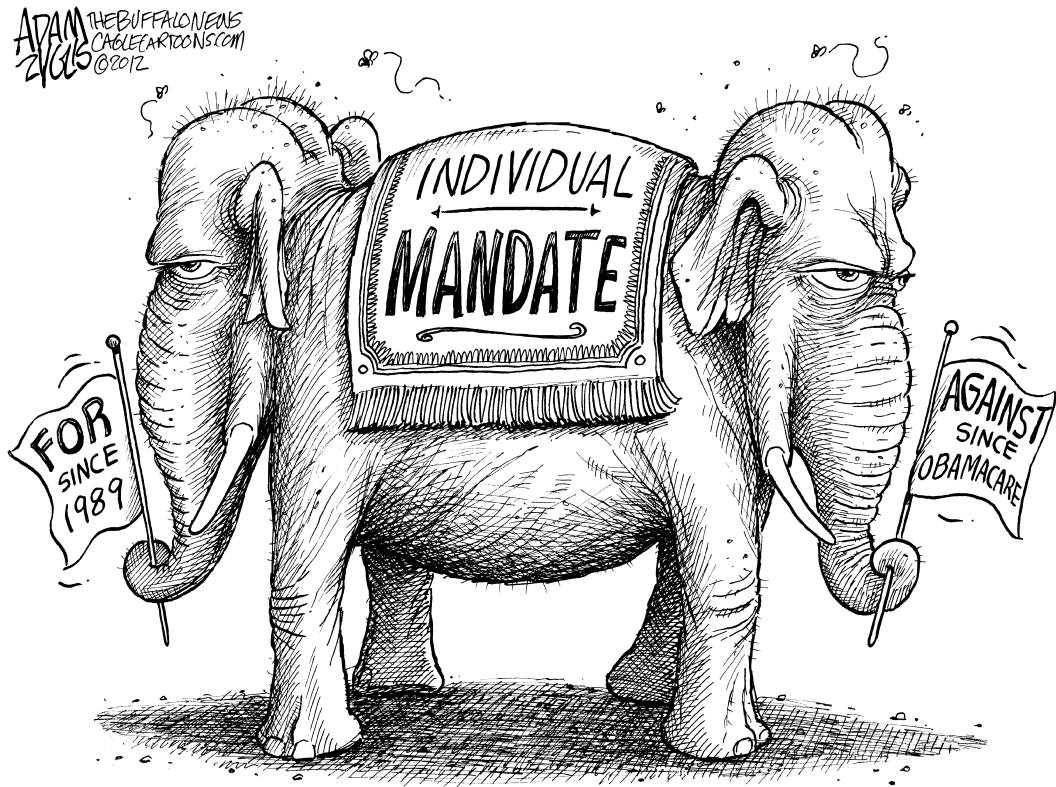
By Adam Zyglis. Published in *The Buffalo News* on April 1, 2012.

The Obama strategy was not only informed by the assessment of the political situation based on a white interpretation, which focused primarily on ways of regaining a presidential majority. The strategy was also informed by black thought, which was more concerned with finding political ways to further black interests and to tackle racial inequalities. The neutral, but issue-focused approach–or race pragmatic approach–appears as a means to this end. A close examination of Obama's political thought shows that he adheres to this approach, both for reasons of political feasibility and efficiency. Despite many black politicians and thinkers seeing the interest and relevance of this strategy, Obama has also been criticized for it. Nonetheless, Obama managed to apply this strategy in the ACA, which strongly reflects his rhetoric and ideology. The ACA shows a neutral, structural, class-based approach, which strongly impacts African-Americans, because this population is more concentrated at the lower rungs of the social ladder. In addition, the ACA also takes an issue-focused approach to tackle problems that are more prevalent among the black population, such as diabetes or HIV/AIDS. Early statistics show that the ACA has had beneficial effects, especially on many issues that are of heightened interest for blacks, such as the expansion of Community Health Centers. And yet, as the Act built on the existing system, old flaws resurfaced, and existing political divisions continued to haunt the health care reform. The Medicaid extension has been successfully challenged in the Supreme Court. Because of structural inequalities this negatively impacted blacks more than other racial populations of the US. Despite this unwanted and negative outcome, the relentless Republican attacks against the ACA appear to have contributed to changing public opinion. Recently, there has been a growing support for single payer–an all-government run health care system–among the population, which inspires hope that the ACA might be the transition to a truly solid health care system in the US.

4.1. "You Have to Go for the Whole Enchilada:"[1] Pragmatic Race Theory

The ultimate goal of racial equality can be reached by other means than through race-specific policies, and many academics and politicians believe that pragmatic race theory will provide this means. Pragmatic race theory focuses on two simultaneous problems arising from race-specific policies, especially expressed in the form of affirmative action. The more obvious problem is of course political backlash. However, the more serious problem is its relative inefficiency in creating durable improvements in the socio-economic status of minorities from all social classes.

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[1] Interview with Yardly Pollas about Rep. Rush's work on the ACA, interview with Lea Stephan, Washington, DC, April 12, 2016. By this, Yardley Pollas, who is Rush's health advisor, meant that you have to aim for a policy that does not allow for discrimination through its structure, as it is the case with Medicaid. That is one of the reasons why Rep. Rush favors single payer.

4.1.1. Pragmatic Race Theory

The emergence of pragmatic race theory is largely due to political considerations (this political strategy is also called deracialized politics, crossover politics, transformationist politics, or universalist strategy). Political scientist Georgia A. Persons states that the answer to the question of what constitutes the effective strategy for the economic, social, and political liberation of African-Americans is significantly defined by the socio-political context and "the tempo of the times."[2] This explains that the pragmatic race strategy is mainly a political compromise that is fostered by the constraints that the political use of race has created. However, it is also partly fostered by the observation that while neither of the two traditional solutions proposed by Democrats and Republicans work entirely, they are not completely wrong either. The traditional or conventional view is that Democrats propose solving racial inequalities through more social and race-specific policies, whereas Republicans advocate solutions based on colorblindness and individual responsibility. As has been demonstrated above, neither of the offered solutions will manage to solve the issue of racial inequality. And more importantly, these two radically opposed approaches have created a political stalemate that works to the advantage of the Republicans.

The switch from a racial political strategy to a deracialized strategy had already been proposed by political scientist Charles V. Hamilton in 1973 at the National Urban League assembly for the development of a new course of action. Hamilton saw that the social and economic problems that plighted blacks were not confined to the black population. After the polarizing use of race that Republicans had made in the 1972 presidential election, Hamilton advocated a deracialized strategy to avoid the stigmatization of issues that were of vital importance to African-Americans and to appeal to the general population across racial lines on issues that were of general interest, such as full employment or health insurance.[3] In their analysis of the emergence of the conceptualization of deracialized or crossover politics, political scientists Joseph McCormick and Charles E. Jones emphasize the fact that this is very explicitly a political strategy that does not deny the reality of race and racism, but which takes into account the constraints of electoral politics and the fact that the mainstream population would not be willing to support a race-specific political agenda.[4]

This political stalemate garnered heightened attention again in the late 1980s and early 1990s, as shown by the emergence of Clinton's New Democrats, but also by many black, and white, intellectuals and academics. Cornel West described this political stalemate in 1993: "The predicable pitting of liberals against conservatives, Great Society Democrats against self-help Republicans, reinforces intellectual parochialism and political paralysis."[5] West also highlighted the urgent need to find a new path both in discourse and concrete social policies. In his 1993 book *Race Matters*, West made a compelling argument for race pragmatism in an attempt to find a middle ground between the two opposing positions. As defined by West, pragmatic race theory relies on three major tenets. The first tenet proposes the merging of the two ma-

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[2] Georgia A. Persons, "Towards a Reconstituted Black Politics?," in *Dilemmas of Black Politics: Issues of Leadership and Strategy*, ed. Georgia A. Persons (New York: Harper Collins, 1993), 240.

[3] Joseph McCormick and Charles E. Jones, "The Conceptualization of Deracialization: Thinking Through the Dilemma," in *Dilemmas of Black Politics: Issues of Leadership and Strategy*, ed. Georgia A. Persons (New York: Harper Collins, 1993), 70.

[4] McCormick and Jones 75–76.

[5] West 4.

jor approaches to solve racial economic inequalities advocated by the two major parties, meaning the structural argument of using social policies to remove economic barriers and the behavioral/cultural argument of overcoming defective group values. The second tenet is the creation of a broad multiracial political coalition. The third tenet is to create issue-focused race-neutral social policies that target populations in need according to their class status. Race pragmatism specifically aims at circumventing the racial divisions that have been used since the late 1970s to dismantle the welfare state.

West defended the idea of merging the two approaches to solve economic inequalities, because neither corresponds entirely to the situation, while at the same time not being completely wrong. West acknowledged the racial progress that has been made in the US, especially at the level of economic integration, yet he also pointed out the limits of the progress made by insisting on the continued existence of hidden racism and white supremacy. In his search for a middle ground, West criticized both the liberal approach of the Democratic Party and the conservative approach of the Republican Party. In his perception, the two attitudes are radically opposed and focus only on one issue respectively: the liberal structuralists (represented by the Democratic Party) believe that only circumstances, such as discrimination and the lack of economic opportunity, prevent black progress, whereas conservative behavioralists (represented by the Republican Party) believe that the lack of Protestant work ethic prevents black progress.[6]

For West there are major limitations to these approaches. He criticized the separation between "structure and behavior." According to him, "institutions and values go hand in hand," because culture and values are something that are promoted by institutions, such as churches, schools, and communication industries. While not thinking that a strong will alone is enough to overcome structural barriers, West considers that the fact that liberals treat values as a taboo has a ravaging impact because this deprives people of a sense of self-worth and identity. West wrote of a "monumental eclipse of hope, the unprecedented collapse of meaning, the incredible disregard of human life" among certain black populations in the inner city neighborhoods, and he qualified this as "the nihilistic threat to [their] very existence." However, he just as sharply criticized the conservative behavioralist discourse for its limited view of individual responsibility and not taking into account historical oppression and structural inequalities: "In this way crucial and indispensable themes of self-help and personal responsibility are wrenched out of historical context and contemporary circumstances—as if it was all a matter of personal will."[7]

Thus West proposes an alternative middle way that incorporates both, liberal structuralism and conservative behavioralism, by taking into account structural barriers while addressing self-destruction and destructive behavior.[8] By incorporating values-issues, pragmatic race theory also reaches out to working and middle class blacks for whom these issues are central and which they emphasize in order to set themselves apart from negative stereotypes linked to the 'underclass.' Moreover, this does not only appeal to a certain part of the black population, but also to a significant part of the white population. Indeed, one of the reproaches made to liberal Demo-

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[6] West 18–20.
[7] West 22.
[8] West 30.

crats of the 1970s and 1980s was their refusal to discuss and admit issues in the 'underclass,' and especially issues related to out-of-wedlock births and substance abuse.[9]

Political philosopher Elizabeth Anderson, although making a strong argument in favor of affirmative action, shares West's argument. Although being strongly aware that the common conservative, or behavioralist, argument is essentially used to oppose structural explanations and remedies, she also sees that the sole focus on external causes "wrongly exculpates bad behavior and thereby reinforce the very conduct that keeps the black community down."[10] The polarized either/or focus is ultimately detrimental to the interests of the black population. Anderson, just as West, argues for the possibility of combining both.

Pragmatic race theory does not only propose a different approach regarding the causes of the problems in terms of structural or behavioral origins, but also a change in terms of racial reasoning. West advised that instead of being only in lock step with blacks, black politicians should focus on inclusion and establish a coalition strategy with all those who want to fight racism and inequality. In this context West also mentioned that black politicians needed to be able to criticize and denounce black mediocrity. He pinpointed the appointment of Clarence Thomas to the Supreme Court, who despite deserved criticism was supported by black leaders such as Louis Farrakhan out of racial solidarity. For West, this inclusion strategy also meant abandoning black cultural conservatism (subordinating black women, attacking gays and lesbians) and replacing it with black cultural democracy. Widening the tent and relying less on closed racial solidarity also leads to a different policy approach. West advocated a policy approach focusing on class-based affirmative action. He grounds this argument on the efficiency of "white affirmative action" programs, such as the FHA programs and the GI Bill,[11] which greatly contributed to creating the strong middle class of the 1950s and 1960s. West identified two major problems that according to him prevent blacks from meaningfully defending redistributive policies. He first mentioned the monolithic treatment of the black population that confuses the black middle class with the black poor. He argues that a special focus on the working poor is needed, and on people who are on the edge of poverty. It could be argued that this should include the black lower middle class that has a very fragile social status and is always in danger of losing their social position. Second, West sees a need for a multiracial alliance and principled coalitions, and thus he sees a need for a non-racial class approach that does not ask for special privileges for only one specific racial population but for an approach that creates a strong basis for advocating broad redistributive measures.[12]

It is especially the last feature of the pragmatic race theory that finds broad support. Sociologist Dalton Conley insists on the need for more aggressive policies focusing on the wealth gap between the different racial populations, especially between whites and blacks. He insists on the fact that this policy does not need to be a racial policy, as long as it is a wealth-based policy, in other words, a policy designed along class lines because class so closely reflects race when looking at economic aspects. Thus, a wealth policy targeting the "asset poor" would mainly help African-Americans as they constitute a majority of this group. [13] Conley advocates a race-

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[9] Edsall and Edsall 25, 121–23.
[10] Elizabeth Anderson 83.
[11] West 44, 94–95.
[12] West 98.
[13] Conley 53.

neutral but issue-focused policy targeting a specific structural difference created through historical racial oppression. In this context it must be recalled that one of the main purposes of racism and racial oppression is to achieve economic exploitation. Sociologist Michael P. Jeffries also insists on this stratification effect of past and present discrimination that closely links race and class.[14]

In 2009 Manning Marable concurred with most of what West had said in 1993, although he had criticized the latter in 1995 for his very strong class orientation, his heightened focus on coalition building, and the opposition to affirmative action he perceived in West. By 2009 Marable had changed his opinion somewhat and advocated the breakdown of the old racial categories and more inclusive politics in order to challenge white hegemony. Instead of continuing an old race-based approach, Marable encouraged a struggle based on a "have" vs. "have-nots" dichotomy and thus essentially a class-based struggle. He saw this class approach primarily as related to work conditions, thus differing slightly from Jeffries who focuses also more largely on wealth and assets. Marable based this mainly on the observation of the deterioration of the work conditions since the 1980s as well as the difficult economic situation in the second half of the 2010s.[15] The greater economic insecurity and increasing inequalities between the rich and the poor resulting from Reagan's application of neoliberal economic theories led Marable to point out the need for changes in the strategy of black politics: "The radical changes within the domestic economy require that black leadership reaches out to other oppressed sectors of the society, creating a common program for economic and social justice."[16] Marable especially criticized identity politics for its lack of focus on social inequality and because he considered that identity politics created a "competitive model of group empowerment"—a zero-sum game that was detrimental to coalition building. He was very adamant about the need to see the intersection between race and class, the need to link racial oppression with class exploitation. In this sense, he saw the key to dismantling racism in the redistribution of wealth.[17]

West made a similar appeal to blacks to be more inclusive and to see that their claims are linked to the claims of others in the US, that the economic situation makes their claims go beyond the boundaries of race: "And we must acknowledge that as a people—*E Pluribus Unum*—we are on a slippery slope toward economic strife, social turmoil, and cultural chaos. If we go down, we go down together."[18] It is necessary to insist on this appeal to black politics to open up to other populations because so far only white exclusionary attitudes have been discussed. However, there is also a strong awareness of the need of inclusion stemming from blacks, as well as the realization that demands for racial policies exclude poor whites who face similar economic oppression. Marable insists on the underestimation of the class factor and on the need to move away from a radicalized discourse based on race to a critique of inequalities that is inclusive. However, he also highlights that both race and class have to be taken into account. He focuses on the link between racial oppression and class

[14] Jeffries 84–85.
[15] Marable, *Beyond Black and White,* 25, 170, 199–201.
[16] Marable, *Beyond Black and White*, 201.
[17] Marable, *Beyond Black and White*, 190, 242–3.
[18] West 8.

exploitation that has already been emphasized by Jeffries and that had mostly clearly been demonstrated by Myrdal in his *American Dilemma*.[19]

Legal scholar, leader of the Critical Race Theory movement, and pioneer of intersectionality theory Kimberlé Crenshaw insists on the ongoing reality of this crucial connection. According to her, Civil Rights only removed symbolic subordination and put an end to the rhetoric of white supremacy. This, however, is only a formal equality: "White race-consciousness, in a new but nonetheless virulent form, plays an important, perhaps crucial, role in the new regime that has legitimated the deteriorating day-to-day material conditions of the majority of blacks."[20] Based on this acceptance of the crucial connection of race and class, Marable calls for redistribution of wealth as a key to dismantling racism. However, Marable uses a different term and calls this approach transformationism.[21]

Political scientist and historian Ira Katznelson has an ambivalent position about the race pragmatic approach. He advocates taking into account the structural effect of inherited inequality and curtailed opportunity, just as Jeffries does, and especially pleads for the kind of issue-focused economic measures that helped whites in the first place to reach middle-class status: extensive social policies for the expansion of opportunity, which include subsidized mortgages, education grants and training, small business loans, help with job searches and placement, more Earned Income Tax Credit, child care and guaranteed basic health insurance. Despite supporting this approach, Katznelson also wants to show the extent of structural white affirmative action and white privilege in order to argue for better classical affirmative action as a means for compensation,[22] which would represent a racial approach that is incompatible with race pragmatism.

Antiracism activist Tim Wise harshly criticizes race pragmatics for two major reasons. In his opinion, the race pragmatic approach does not work because the public identifies all social policies with minorities and calls any other understanding "naïve." Wise insists on the fact that the public will perceive any policy in even more neutral areas such as education, health care, and job creation, as essentially benefiting minorities. Moreover, Wise criticizes the universal focus as an insufficient remedy since racial inequalities stem from racism. In his opinion, a neutral approach cannot fully address this specificity.[23] It has been shown above that at the same social class level blacks fare worse than whites and face greater difficulties. Notwithstanding the statistical reality and foundation of Wise's criticism, the crucial aspect of pragmatic race theory is that it is a political theory and thus heavily focuses on political feasibility. The universal approach of race pragmatics specifically aims at addressing the utopian dimension of race-specific policies: the impossibility of finding in the contemporary political context a broad support for race-specific policies. As has been

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[19] Myrdal published his book in 1944. The still-existing practice of segregation at that time led Myrdal to choose the term caste instead of race, because of the rigidity of the social structure and the impossibility for blacks to escape their socio-economic status.

[20] Crenshaw, "Race, Reform, and Retrenchment," 620. Critical Race Theory was developed in legal studies and posits that race and racism are deeply embedded in the institutional framework. CRT aims at challenging white supremacy. CRT, because of its focus on openly denouncing racism and more confrontational stance is a less adapted strategy for Obama's purposes.

[21] Marable, *Beyond Black and White*, 229, 243.

[22] Katznelson, *When Affirmative Action Was White*, 171–72.

[23] Wise 17. For a detailed demonstration of the close association of minorities and social policy benefits, and in particular between blacks and welfare, see 2.3. The Creation of "Welfare:" The Attack against Social Policies.

highlighted above, in a political and economic climate that is dominated by neoliberal economic theories and a divisive racial discourse, which both aim at the dismantling of social policies and preventing a class alliance of the have-nots, demanding race-specific policies is committing political suicide. Moreover, race pragmatism also takes into account the fact that the approach would serve whites with similar economic interests. However, a perception of favoring minorities more, as well as the perception of a zero-sum game, must be avoided, lest these whites be scared into voting against their interests out of racial resentment.

As previously mentioned, the focus on economic issues among black thinkers and politicians is hardly new, ranging from Du Bois over Martin Luther King Jr. and John Lewis to the Black Panthers. However, it is the universalist focus that is more problematic, because it can easily give the impression that more racial claims are being abandoned. The emergence in the 1980s of a new type of black politicians in electoral politics who started to put forward racial reconciliation and who did not run on a black agenda was identified as a strategic dilemma for black politics by political scientist Georgia A. Persons. However, in this context, she did not consider the absence of open racial appeals to black voters to be a problem, contrary to the absence of a populist or reformist agenda. Persons expressed these concerns in the context of a rise of black conservatives in the late 1980s, such as Republican Representative Gary Franks who represented Connecticut's 5th Congressional district from 1991 to 1997 for the Republican Party.[24] Frank was the first black Republican to be elected to the House since 1935.[25] The next black Republican, Julius Caesar Watts, was elected in 1995 in Oklahoma's 4th district.[26] The Reagan and Bush administration had appointed quite a few black conservatives, among them Clarence Thomas (EEOC in 1982, the Supreme Court in 1991), Clarence Pendleton Jr. (Chairman of the US Civil Rights Commission), Colin Powell (Chairman of Joint Chiefs of Staff, 1989,) Condoleezza Rice (Senior Director of the National Security Council on Soviet Affairs and East European Affairs, 1989), or Louis Wade Sullivan (United States Secretary for Health and Human Services, 1989).

At the time of the emergence of a new deracialized black politics in the 1980s and 1990s that was more focused on broader electoral politics, political scientist David Covin pointed to the constraints that those politicians faced. Their leadership emerged in a context dominated by white interests that were at odds with the perceived interest of blacks. Covin indicated that most Congressional blacks perceived their role to be to address specific black problems, but they represent majority black districts. The question of racial uplift or self-help, as defined by Du Bois, is not questioned by these congresspeople, but deracialization is seen as problematic. Covin pointed to the conundrum faced by black politicians. If they adopt a universalist strategy they fail to serve the more specific needs of the black population, but if they pursue black interests "the society at large will expend stupendous energies to limit their effectiveness."[27] The pragmatic race strategy addresses this conundrum as best as possible. However, it is undeniable that in order to be able to operate politically at a national level concessions are required.

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[24] Persons, *Dilemmas of Black Politics,* 3–5.

[25] "Gary Franks," n.d., http://history.house.gov/People/Listing/F/FRANKS,-Gary-A--(F000348)/.

[26] "Julius Caesar Watts," n.d., http://history.house.gov/People/Detail/23468.

[27] David Covin, "Reflections on the Dilemmas of the African-American Leadership," in *Dilemmas of Black Politics: Issues of Leadership and Strategy*, ed. Georgia A. Persons (New york: Harper Collins, 1993), 16, 23, 35.

Persons noted a major change in black electoral politics in November 1989, when several black candidates won the mayoralties in majority white cities (New York, New Haven, Seattle, Cleveland, and Durham, NC) as well as the Democrat L. Douglas Wilder who was elected governor of Virginia the same year.[28] Persons noted that most black politicians had previously come from predominantly black constituencies, and whites showed a strong and persistent reluctance to support them. According to Persons' analysis, the interesting common point of these elected officials was that these winning candidates had not made any of the familiar appeals to black voters and had deemphasized anything that could be interpreted as a black agenda. Persons labels this "cross-over politics" and insists on the fact that race is addressed at best to appeal for racial harmony. This was a major shift away from the previous "new black politics" that had emerged in the 1970s and which had emphasized racial appeals in black majority districts to achieve substantive representation for black interests.[29] Marable noted that it was really at the beginning of the 21st century that blacks started to win elections even in predominantly white areas, for example in New Hampshire, Iowa, or Minnesota.[30]

The deracialized, or crossover, or universalist, or race pragmatic strategy has allowed many other black politicians to be elected into important positions without relying mainly on black votes. A few examples would be Deval Patrick, the Democratic governor of Massachusetts from 2007 to 2015, Democrat David Paterson who served as New York's governor from 2008 to 2010, Senator Carol Moseley Braun (D-IL 1993-1999) who was the first black senator for the Democratic Party, and Senator Cory Booker (D-NJ) who was elected in 2013, managing the transition from the mayoralty of Newark, NJ (2006-2013), a majority black city, to the representation of a majority white state in the US Senate.

Yet, this strategy is not only an appeal to whites. It also corresponds to certain changes and to a certain diversity of opinion within the black electorate. Political scientist Frederick Harris noted that there is a division within black political opinion regarding the best strategy to adopt to improve the group status of blacks; whether to opt for protest or for mainstream approaches; whether to view their identity primarily as black or primarily as American. Harris thinks that these questions are part of Obama's deracialized political strategy.[31] Moreover, Harris points out similarities with the issue of personal responsibility, which he sees as having been initiated by black and white conservatives in the 1980s; issue over which the African-American population is divided. There is no consensus over whether society is to blame for the social ills that black communities confront, or whether bad individual choices are to blame.[32] Obama's mixed approach to the question is based on a discourse that builds a reciprocal responsibility between the individuals and the government, seeking to reconcile both positions.

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[28] Wilder was the first African-American to be elected governor of Virginia, and the first African-American to be elected as governor for any US state since Reconstruction.

[29] Georgia A. Persons, "Black Mayoralties and the New Black Politics: From Insurgency to Racial Reconciliation," in *Dilemmas of Black Politics: Issues of Leadership and Strategy*, ed. Georgia A. Persons (New York: Harper Collins, 1993), 38, 41, 64.

[30] Marable, "Introduction: Racializing Obama: The Enigma of Postblack Politics and Leadership," 4.

[31] Frederick Harris, "Toward a Pragmatic Black Politics," in *Barack Obama and African-American Empowerment: The Rise of Black America's New Leadership* (New York: Palgrave Macmillan, 2009), 69.

[32] Harris 71.

Political scientist David A. Bositis sees growing generational changes within the black electorate. According to his analysis, younger blacks tend to identify more as independents, to be less politically active, and to believe less in "political efficacy." Moreover, he noted that blacks identified more with the GOP during midterm elections.[33]

Democratic

■ 1998 ■ 2000 ■ 2002 ■ 2004 ■ 2008

18-25: 58%, 51%, 54%, 71%, 81%
26-35: 57%, 70%, 56%, 63%, 75%
36-50: 73%, 79%, 65%, 62%, 66%
51-64: 93%, 77%, 70%, 55%, 75%
65+: 83%, 82%, 75%, 66%, 77%

Independent

■ 1998 ■ 2000 ■ 2002 ■ 2004 ■ 2008

18-25: 33%, 36%, 34%, 22%, 14%
26-35: 17%, 24%, 29%, 20%, 19%
36-50: 13%, 18%, 21%, 26%, 26%
51-64: 5%, 18%, 21%, 24%, 17%
65+: 8%, 13%, 16%, 20%, 14%

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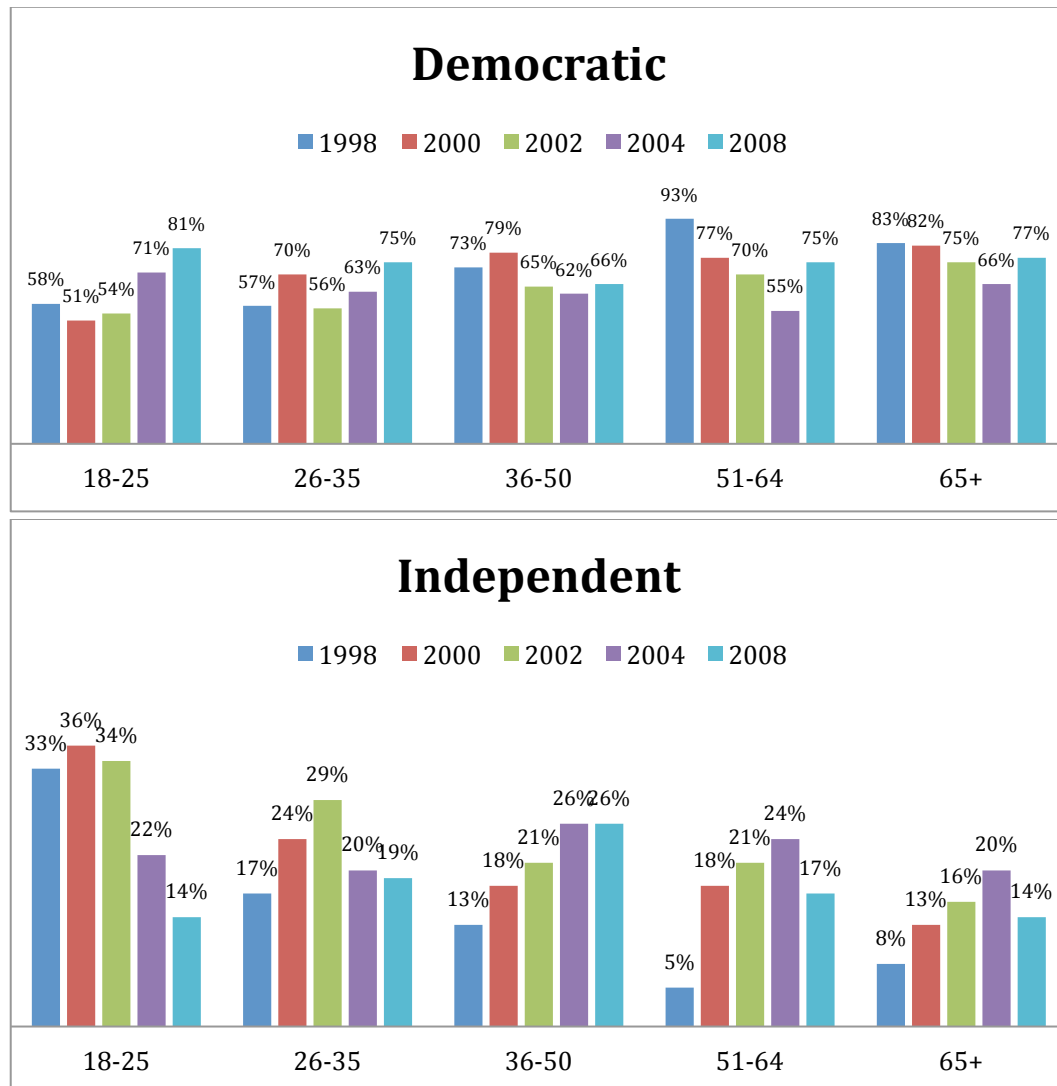
[33] David A. Bositis, "The Political Orientation of Young African-Americans," in *Barack Obama and African-American Empowerment: The Rise of Black America's New Leadership*, ed. Manning Marable and Kristin Clarke (New York: Palgrave Macmillan, 2009), 81–82.
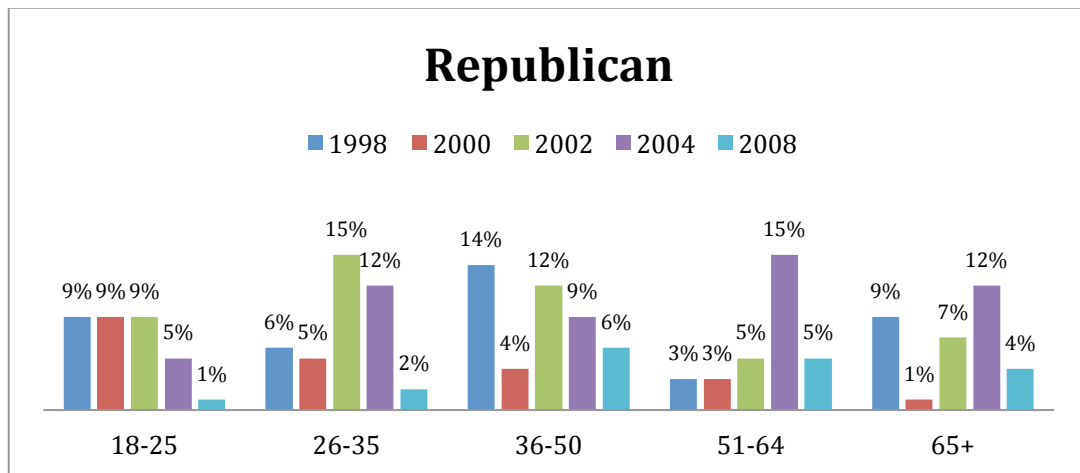
Diagram 35 Black Partisanship by Age Cohort, 1998-2008[34]

It appears that the younger generation of people under age 35 particularly tend to less strongly identify with the Democratic Party. Although most of those not identifying with the Democrats identify as independents, a non-negligible part of almost 10% identify with Republicans.

Black presidential votes differ slightly and have been more consistently in favor of Democrats over the past decades.
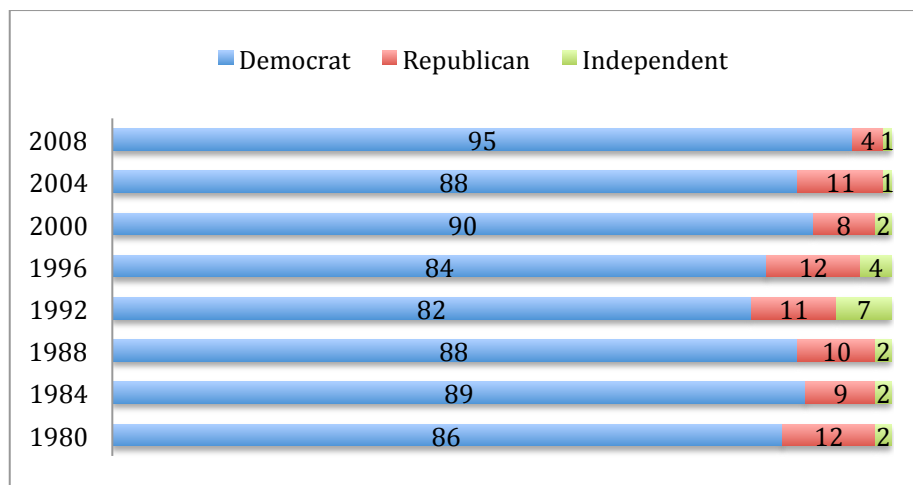
Diagram 36 Black Presidential Votes, 1980-2008, in Percent[35]

The comparatively low vote for Clinton in 1992 shows that blacks do not neces-sarily vote almost exclusively for the Democratic candidate, but that a Republican or independent candidate can gain some black votes as well. Moreover, black party identification is more nuanced than the black presidential voting pattern, with more blacks identifying as Independents than actually voting for an independent candi-date.

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[34] Adapted from Bositis, "The Political Orientation of Young African-Americans," 83; David A. Bositis, "National Opinion Poll 2008" (Joint Center for Political and Economic Studies, October 21, 2008).
[35] Adapted from Bositis, "Blacks and the 2012 Democratic National Convention," 9.
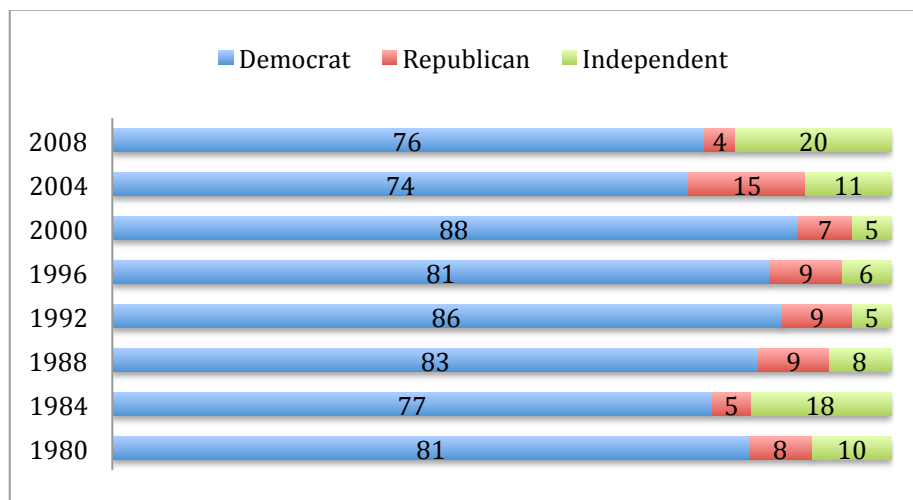
Diagram 37 Black Party Identification, 1980-2008, in Percent[36]

Of course, the massive, almost unanimous black vote for Obama stands out. However, black party identification with Democrats only moderately increased that year. In the context of the 2008 Obama election, it must not be forgotten that during the 2008 primaries, blacks had not yet endorsed Obama and that the little-known candidate had to compete with Hillary Clinton, who benefited from Bill Clinton's popularity. Obama also faced criticism from black leaders, such as Al Sharpton, who expressed his wariness, when he said that he wanted first to see Obama's political approach before supporting him.[37]

Political scientist Kareem Crayton highlighted how Obama had to use surrogates from the black political establishment in order to establish his credentials with the black electorate. For Obama's ascendance in Chicago, Crayton cites in particular Reverend Wright, who offered him acceptance in the black community and gave him a religious and cultural identity. In this context, Crayton insists on the importance of the membership in a church as political base. He also cites Illinois Senator Emil Jones Jr. who enhanced Obama's political résumé and who helped him for the Senate race.[38] Obama's longest-serving presidential advisor Valerie Jarrett is credited with a similar role very early on. Jarrett met the Obamas at the end of the 1980s when they were still lawyers in Chicago. Jarrett was a protégé of Chicago Mayor Richard Daley of Chicago and was able to introduce the Obamas to the higher-connected circles of the city. During the 2008 campaign Jarrett was also essential in working the black leadership to convince them that Obama could win.[39]

[36] Adapted from Bositis, "Blacks and the 2012 Democratic National Convention," 9.

[37] Fraser, "Race, Postblack Politics, and the Democratic Presidential Candidacy of Barack Obama," 166–67.

[38] Kareem Crayton, "You May Not Go There with Me: Obama and the Black Political Establishment," in *Barack Obama and African-American Empowerment: The Rise of Black America's New Leadership*, ed. Manning Marable and Kristin Clarke (New York: Palgrave Macmillan, 2009), 196–97, 200.

[39] Jodi Kantor, "Chicago Mentor Follows Obama to Washington," *New York Times*, November 24, 2008. https://www.nytimes.com/2008/11/24/world/americas/24iht-profile.4.18110914.html.

4.1.2. "If We Can't Go Hand in Hand I Don't Want to Go:"[40] A Resurrection of the New Deal Coalition?

Despite these political insights, the mobilization of voters along class lines is not an easy task. The 1990s witnessed a revival of the study of class and political behavior. [41] In this part I will only focus on some theoretical aspects of the political implications of class.[42] Sociologists Jeff Manza and Clem Brooks see a class dimension to voting behavior, but they insist on the fact that there is little political class-consciousness. It is more a sharing of the same economic conditions that would indicate that there are shared interests. The same hazy and vague class feeling as discussed in PART 2 applies to the political class-consciousness.[43] Brooks and Manza propose for political analysis "a more limited, structural conception [of class], defining clusters of actors in similar economic locations rather than a group of actors with highly developed consciousness of those interests."[44] Sociologist Dennis Gilbert shares the assumption that there is a critical link between objective class position and political behavior. However, he explains that this objective position must be strengthened with class-consciousness or class identification to have a causal effect between class and political ideology.[45]

Sociologists Earl Wysong, Robert Perrucci and David Wright see a "class war" taking place in American politics because the elite class has cultural, economic, and political interests directly opposed to the working class; they also see a domination of elite interests in the current political landscape. However, they specify that this "class war" has nothing to do with the conservative use of the term "class war," which is invoked when taxes on the rich are proposed. To illustrate these power struggles around conflicting economic interests that can be described as class warfare, they give the example of wage increases, which mean a loss of capital for the rich. Among the tactics of class warfare the rich use against the poor, they cite business practices outsourcing, union-busting, downsizing, wage and benefit cutting, or plant closing. Government policies they cite are tax cuts for the rich, austerity budgets, anti-labor laws, or international "free trade" agreements. Cultural aspects include "corporate media-disseminated attacks by conservative organizations, pundits, and other super-class allies against 'big government' and trade unions as the primary sources of our major economic and social problems". This also includes social policy bashing, accusations about the "inefficiency" of public institutions like schools, and the heralding of the private sector and market as panaceas.[46] Gilbert also identifies class warfare in the political power that is wielded through financial influence. Money obviously influences politics through campaign financing and personal fortunes thrown behind electoral campaigns, and appointments resulting from money connections/class connections, but it also does so through policy planning groups and think tanks. Gilbert

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[40] Hazel Scott 1974. Quoted in Harris-Lacewell 1.

[41] Clem Brooks and Jeff Manza, "Class Politics and Political Change in the United States, 1952-1992," *Social Forces* 76, no. 2 (1997): 380.

[42] For the discussion of some causal aspects in class voting behavior, see 2.3.5. The Reagan Democrats: When the White Working and Middle Classes Vote Against their Interests.

[43] See 1.2.2. We're All Middle Class.

[44] Manza and Brooks, *Social Cleavages*, 55.

[45] Gilbert 156, 196.

[46] Wysong *et al.* 42, 108.

points out that part of this influence is exerted in an indirect way through the economy and the media.[47] Political scientists Sidney Verba and Gary R. Orren describe this mechanics as follows:

> Political equality ... poses a constant challenge to economic inequality as disadvantaged groups petition the state for redress. Egalitarian demands lead to equalizing legislation, such as the progressive income tax. But the continuing disparities in the economic sphere work to limit the effectiveness of such laws, as the economically advantaged groups unleash their greater resources in the political sphere. These groups lobby for tax loopholes, hire lawyers and accountants to maximize their benefit from tax laws, and then deduct the costs.[48]

Verba and Orren's description highlights two aspects: the two confronting class poles do not have the same financial resources and do not work through the same channels for their political demands, with the lower pole operating in the public political sphere, while the upper pole uses its money resources to wield influence under the political surface. Verba and Orren also recognize inequality as a defining element for this class confrontation to take place. However, this class war, despite its demonstrable existence, is not openly discussed and admitted. Political scientist Larry Bartels thinks that the fact that economic inequality is/was not a major issue on the political agenda is linked to the lack of consciousness regarding the political dimension of economic inequality in the US. He expresses his puzzlement regarding even scholarly explanations of economic inequality, which tend to look at every reason, such as baby-boomers flooding the job market or educational issues, but seem never to examine political factors.[49] Similarly, sociologist and political scientist Leslie McCall points out that inequality, and dealing openly with it, remain a tricky topic that is potentially divisive, especially with fast accusations of "class warfare" coming from the elite class.[50]

Manza and Brooks give a historical explanation for this absence of open class politics in the American political context. According to them "[t]he absence of an electorally powerful labor or social democratic party has meant that class divisions are not as politicized in the same way as in other countries." They explain that the two-party system and single-member districts prevented the emergence of third parties, which had a negative effect on the attempts to create class-based third parties between the 1890s and World War II. Additionally, they argue that the South undermined class politics: African-Americans and many white working class individuals were disenfranchised. Paradoxically, they think that the early enfranchisement of

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[47] Gilbert 181–82. Among the policy planning groups that are created and financed by the corporate elite are: the Council of Foreign Relations, the Council for Economic Development, the Business Council. There are research foundations named after the families that endowed them: the Rockefeller Foundation, the Ford Foundation, the Lilly Foundation, the W.K. Kellogg Foundation. Among the major partisan political research institutions there are the Brookings Institute for the Democrats and the Heritage Foundation and the American Enterprise Institute for the Republicans.

[48] Sidney Verba and Gary R. Orren, *Equality in America* (Cambridge: Harvard University Press, 1985). Quoted in Bartels, *Unequal Democracy*, 6.

[49] Bartels, *Unequal Democracy,* 19, 23. Bartels made this assessment in 2008. The Great Recession and the Obama presidency have brought an increasing consciousness regarding inequality and increasing demands for government action, with admittedly major disagreements regarding the form of action. The 2016 presidential primaries are a further element in this direction: both the initial mavericks, Bernie Sanders and Donald Trump, did well in the primaries and beyond. Although very different in the detail of their discourse, they resorted to elements of class populism.

[50] McCall 221.

white workers in the US meant that class-based demands for franchise were not linked to demands for social policies, as was the case in European countries, leading to a weakened political class alliance in the US.[51]

The role of political machines that hampered class-based alliances has also been denounced. Sociologist François Bonnet explains that class-consciousness was eroded by the ethnic solidarity extolled by politicians relying on political machines for their careers. Thus political machines contributed to preventing the formation of social-democratic parties as in Europe and blocking a class-based solidarity between blacks and whites. This was reinforced by the allocation of resources (redistribution) through the political machines in their nepotistic system along ethnic and racial lines, instead of class lines.[52] McCarty *et al.* identify a party polarization along income lines today that they consider as consistent with a period of high inequality.[53] Regarding general trends, this is certainly true. However, more fine-tuned distinctions must be drawn to explain contradicting phenomena like the Reagan-Democrats, working and middle class people voting Republican against their own economic interests, and liberal professionals or higher income people voting Democrat.

The divisiveness of race in social policies has already been demonstrated. West's development of the pragmatic race theory was greatly influenced by this assessment. He insisted on the importance of the race struggle to deflect white struggle. According to him, black oppression serves as a factor of stability in American democracy: white unity is created in opposition to blacks.[54] Political scientist Joe Feagin makes a similar demonstration in *White Party, White Government*, insisting on the harmful effects of this for poorer whites. Feagin points out that while US society is clearly dominated by racism, it is is also marked by a strong classism. Thus, ultimately, the combined oppression of race and class privileges a small white minority at the very top.[55] Race pragmatism insists on the need to create a multiracial alliance to defend meaningful redistributive policies. This would mean the re-creation of a New Deal coalition, a multiracial and multiethnic coalition based on common economic interests, effectively an alliance based on common class interests.

There are examples of interracial class-based alliances other than the New Deal coalition. Historian Jacqueline Jones evokes some biracial organizations in the US, although she points out that they were short-lived. The Populist Party of the 1890s was an interracial party united around common economic interests. She mentions smaller organizations with narrower goals such as the Southern Tenant Farmers Union of the 1930s and the Congress of Industrial Organizations, particularly during the 1930s.[56]

However, some major factors have changed compared to the situation that witnessed the emergence of the New Deal coalition. The 1929 stock market crash and ensuing Great Depression created a situation that was favorable for a class alliance around social policies and strong government intervention, notably because of the intellectual backing and popular support for Keynesianism. Since the 1970s, however, neoliberal thought has dominated the political economy, making a focus on poverty

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[51] Manza and Brooks, *Social Cleavages*, 51.

[52] François Bonnet, "Les machines politiques aux États-Unis. Clientélisme et immigration entre 1870 et 1950," *Politix*, no. 92 (2011): 11–12.

[53] McCarty, Poole, and Rosenthal 28–29, 73.

[54] West 156.

[55] Feagin xii, 38.

[56] Jones, *The Dispossessed*, 6; Feagin 50.

more difficult. As has been mentioned above, poverty is often presented as self-inflicted because of a lack of Protestant work ethic and deficient cultural values, in an economic system that is presented as fair, based on equal opportunity, and where everyone benefits from economic growth. Neoliberalism especially erased the thinking of an economic class struggle. The founders of neoliberal thought like Ludwig von Mises and Milton Friedman put forward the fundamentally democratic aspect of the free market, i.e. the fact that a free private market "is the only mechanism that permits a complex interrelated society to be organized from the bottom up rather than the top down."[57]

Moreover, Friedman also greatly insisted on the fact that the free private market benefits everyone and is not a zero-sum game. In this system everyone can succeed, provided they work hard. Of course, this discourse resonates deeply with Americans as American tradition strongly emphasizes self-reliance, individualism, and private enterprise. Nonetheless, in a period dominated by neoliberal ideas, this creates an environment that is not propitious to policies aimed at the poor. The ideological context favorable to claims of more class equality that allowed vast government intervention, in the form of the New Deal and the Great Society, is over. Government intervention itself, no matter to what end, has been heavily attacked and even discredited by neoliberal rhetoric, especially by associating any form of government intervention with socialism and communism, thus exploiting the context of the Cold War to weaken redistribution.

Moreover, it has been extensively demonstrated how social policies, especially measures aimed at the poorest, are heavily associated with minorities. These measures have been reduced to 'welfare,' which is stigmatized. Political scientist Michael C. Dawson insists on this problematic aspect. He thinks that programs aimed at the black poor could mobilize the black poor, but nobody else. In this context, Dawson also insists that blacks, and especially the black poor, are not only a political power minority, but also a numerical minority, making their vote less significant.[58] Targeting only the poor, just as targeting only race, would lead to political defeat. Moreover, the deteriorating economic conditions since the late 1970s, linked to globalization and the implementation of neoliberal supply-side principles, have eroded the middle class, especially hitting the lower middle class, and pushing the working class closer to the edge of poverty. These populations are made to believe that the profits of the rich will trickle down to benefit them and if this does not happen, it is ultimately due to social programs for minorities that syphon away their tax money. Thus to mobilize them, they need to be convinced that new programs will benefit them as well, and even benefit them primarily. Not only must they be shown that their loss of economic power is not caused by social policies, but that they really need social policies, for example to meet soaring health care and higher education costs. The only possible way to create meaningful social policy that helps alleviate some of the greater burden on the population and overcome the class-race division appears to be a broad universal policy that seriously aims at the working and middle classes.

This assessment of the need for a broad, interracial class alliance is further supported by political scientist Larry Bartels. He demonstrated that policy making was more influenced by the preferences of the affluent than by the masses, particularly in the case of spending on social policies. Regarding poor citizens, this trend was non-

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[57] Milton Friedman, "Economic Freedom, Human Freedom, Political Freedom", November 1, 1991.
[58] Dawson, *Behind the Mule*, 205.

existent or even negative, meaning that policy enactment was even contrary to the preferences of poor citizens.[59]

4.1.3. "Your Dreams Do Not Have to Come at the Expense of My Dreams:"[60] Obama as a Race Pragmatist

Obama's race pragmatic position is first of all influenced by his personal story and his identity, which has been discussed previously. The point that most strongly informs Obama's choice of pursuing a race pragmatic strategy stems from the makeup of his family, which he describes as follows in *The Audacity of Hope*:

> As the child of a black man a white woman, someone who was born in the racial melting pot of Hawaii, with a sister who's half Indonesian but who's usually mistaken for Mexican or Puerto Rican, and a brother-in-law and a niece of Chinese descent, with some blood relatives who resemble Margaret Thatcher and others who could pass for Bernie Mac, so that family get-togethers over Christmas take on the appearance of a UN General Assembly meeting, I've never had the option of restricting my loyalties on the basis of race, or measuring my worth on the basis of tribe. [61]

He explained that because of this, he had no other choice than to believe in Dr. King's vision of America, in which people would only be judged on the content of their character and not by the color of their skin.[62]

The recurrent use of his personal story that emphasized his complex racial background in his speeches made Obama's transcending stance believable and ring true. Thus he managed to create a transcending ethos based on a transcending persona, which made him a powerful figure to create the necessary unity for a broad, class based interracial coalition.

Beyond these more personal motivations, Obama's adherence to race-pragmatism was based on political considerations. These political motivations come in part from his assessment of the relative inefficiency of affirmative action and from his vision of the 1970s backlash.[63] Obama explained his position at length in *The Audacity of Hope*, which is based on two major premises: he believes that the race-neutral but issue-focused approach is both more effective at a social and economic level, and a political necessity.[64] Obama makes it plain that he believed that US citizens were no longer willing to accept programs based on racial preference. However, he does not attribute this to racism: "Rightly or wrongly, white guilt has largely exhausted itself in America".[65] His explanations are based on the political utilization of the backlash: "Some of this has to do with the success of conservatives in fanning the politics of resentment—by wildly overstating, for example, the adverse effects of af-

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[59] Larry M. Bartels, "The Social Welfare Spending Deficit: Public Opinion, Democratic Responsiveness, and Political Inequalities in Affluent Democracies," 2015, 8, http://piketty.pse.ens.fr/files/Bartels2015.pdf.

[60] Obama, "A More Perfect Union." The full sentence is: "It requires all Americans to realize that your dreams do not have to come at the expense of my dreams; that investing in the health, welfare and education of black and brown and white children will ultimately help all of America prosper."

[61] Obama, *Audacity*, 231.

[62] Obama, *Audacity*, 231.

[63] See 2.4.3. Obama and the Backlash.

[64] Obama, *Audacity*, 247.

[65] Obama, *Audacity*, 247.

firmative action on white workers."[66] But he also highlights that open and institution-alized discrimination started to fade in the mist of history, making people feel not directly responsible for the effects, and thus less sensitive, to arguments of restitution. Given this feeling, and the context of limited resources embodied by the national debt and increasing budget deficits, Obama pointed to a situation of intergroup competition over resources that made people less willing to give special preferences to some groups.[67] Clearly, Obama's perception of the political and economic situation at the time of writing is very close to that of the 1970s. The Crisis of 2008 and the ensuing Great Recession has deepened this problem, if anything else.

Obama explains what, in his opinion, the consequences of race-specific policy demands would be:

> As a result, proposals that solely benefit minorities and dissect Americans into "us" and "them" may generate a few short-term concessions when the costs to whites aren't too high, but they can't serve as the basis for the kinds of sustained, broad-based political coalition needed to transform America. On the other hand, universal appeals around strategies that help all Americans (schools that teach, jobs that pay, health care for everyone who needs it, a government that helps out after a flood), along with measures that ensure our laws apply equally to everyone and hence uphold broadly held American ideals (like better enforcement of existing civil rights laws), can serve as the basis for such coalitions—even if such strategies disproportionately help minorities.[68]

First, Obama is deeply convinced about the greater effectiveness of the economic approach to alleviate racial inequalities, as he explicitly mentions in *The Audacity of Hope*.[69] It is important to note that Obama refutes the traditional stances of both parties: the "surge of affirmative action hiring" refers to Democrats; the "sudden change in black work ethic" refers to Republicans. Obama dismisses both arguments and suggests targeted government intervention in favor of a better overall redistribution. He particularly insists on the fact that the well being of the black population is intrinsically linked to the tides of the wider economy and cannot be dissociated from it. In this, Obama echoes the argument William Julius Wilson had made in 1978 against affirmative action.[70]

It has been shown above how Obama tried in his speeches to convince the black population to enter an interest-based class alliance and to view their struggle for equality in the broader context of other demands for more equality stemming from other people who also suffer from an unfair economic system. [71] While Obama pointed out that a broad, interracial, class-based coalition had to be created, as advocated by Manning Marable for example,[72] he was careful not to deny racial discrimination. Obama did, however, remain adamant about the fact that inequalities would better be addressed through universal instead of race-specific programs:

> Similarly, we should support targeted programs to eliminate existing health disparities between minorities and whites (some evidence suggests that even when income and levels of insurance are factored out, minorities may still be receiving worse care), but a plan

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[66] Obama, *Audacity*, 247.

[67] Obama, *Audacity*, 247.

[68] Obama, *Audacity*, 248.

[69] Obama, *Audacity*, 246. For a more detailed discussion, see 2.4.2. Opinions on Affirmative Action.

[70] Wilson, *The Declining Significance of Race*, 21–22.

[71] See 3.4.4. "A Rising Tide Lifting Minority Boats:" The Issue-Focused Approach.

[72] Marable, *Beyond Black and White*, 200–201.

for universal health-care coverage would do more to eliminate health disparities be-
tween whites and minorities than any race-specific programs we might design.[73]

If the black population needed convincing, the white population needed to be reas-
sured as well. It has been pointed out that parts of the white population had been
alienated from the New Deal coalition because they felt that the Democratic Party
mainly concentrated on minority demands rather than on the needs of the white
working and middle class. Obama's strong rehabilitation of government responsibil-
ity, in other words the denunciation of structural inequalities and barriers, appealed
more to minorities, but also to a significant portion of the white lower income catego-
ries that continue to vote according to their economic interests.[74] Beyond reworking
some divisive doxic terms, Obama, once elected, openly focused on the middle class,
be it through the creation of the Middle Class Task Force, or through his discourse on
the middle class that highlighted the middle class's need for government interven-
tion. This intervention would come in the form of social policies and tax cuts and the
measures his administration had already taken or would take, such as the health care
reform.

It must be highlighted that Obama's race pragmatism also takes into account
some aspects that Lowi's policy analysis has posited. Lowi pointed to the fact that
redistributive policies allow for an ideological polarization and are aligned along
class lines. Obama, in his race-pragmatic approach, tried to break the ideological po-
larization on certain issues, such as the question of responsibility, which had been
used in a very divisive way to argue against social policies. The discourse used by
Obama to advocate for universal health care was broad, transcending, and inclusive.
Through this transcending, economic-interest based unity Obama tried to rebuild the
class lines that had been weakened when Reagan managed to break the New Deal
coalition. Thus, Obama's politics and discourse aligned closely with the needs creat-
ed by the type of policy he wanted to enact.

In a 2011 interview with journalist Emmett Miller on BET TV, a major black TV
channel, Obama confronted questions about African-Americans' ongoing difficult
economic situation. Obama insisted that even in the face of ongoing difficulties, he
did not wish to take a race-specific approach, but continued to promote his race-
neutral, but issue-focused approach. Obama highlighted the steps his administration
had already taken to boost the economy and pointed to the ARRA in this respect. He
also insisted on the measures of the American Jobs bill,[75] which Democrats were try-
ing to push through Congress at the time, which would have had a beneficial impact
on African-Americans. When Emmett Miller asked him why he would not openly
make policies for blacks, Obama answered "that's not how America works," and in-
sisted on the fact that he only wanted to enact measures that helped all Americans,
but which targeted pressing problems. In this respect, he insisted again on the Amer-
ican Jobs bill, but he also mentioned the ACA. He explained that the focus his admin-
istration had taken, targeted major health problems, but which were predominant in

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[73] Obama, *Audacity*, 247.

[74] Larry M. Bartels, "What's the Matter with What's the Matter with Kansas?," *Political Science Quarterly*
1, no. 2 (2006): 201–26.

[75] Not to be confused with the JOBS Act of 2012. The American Jobs Act, which never was enacted, was
a very strongly downward redistributive bill, would have massively invested in the economy, and had
aimed at the creation of jobs. Harry Reid, "S.1549 - 112th Congress (2011-2012): American Jobs Act of
2011," webpage, (September 14, 2011), https://www.congress.gov/bill/112th-congress/senate-
bill/1549.

the African-American and Hispanic populations. He also insisted again on his strong downward redistributive approach by saying that "it is a test for American of how well those at the bottom do." When confronted to criticism from black leaders, such as Representative Maxine Waters (D-CA) who said, regarding the difficult situation blacks faced, that to her "it was not clear what [Obama's] strategy was," Obama maintained that for him the well-being of the black population was very strongly linked to the overall economy.[76]

4.1.4. Criticism and Defense of Obama's Pragmatism

Obama's pragmatism has been widely criticized, as could have been predicted from the strong movement that continued to defend race-specific or color-conscious policies. For example, activist Tim Wise criticized Obama's race pragmatism as resulting from the transcending stance that was needed for his election. Wise pointed to the fact that a transcending rhetoric necessarily leads to a race-neutral policy agenda. He called the combination of a race-neutral rhetoric and colorblind public policy "post-racial liberalism," a concept that de-emphasized racial inequality and focused on universal policies against inequality. Wise seemed to be surprised that Obama would adopt this position, noting that "despite his racial identity [Obama] seemed at home in the center of the political spectrum."[77] This criticism completely overlooks Obama's deep personal conviction regarding the political strategy he chose, just as it undervalues the type of politics that is required for broad redistributive policies. Moreover, Wise's assessment that Obama's racial identity should have driven him towards another, more color-conscious type of politics, shows a rather monolithic view of black politicians, although they rather readily embrace a more economic and class based approach.

Bonilla-Silva was also among the harsh critics of Obama's politics. Bonilla-Silva did not consider Obama's election as anything foundational and rejected Obama's centrism and colorblindness. He described Obama's transcendence as a "post-racial persona and political stance" and pointed out the limitations of this transcending strategy, as only 43% of whites had voted for Obama in 2008, and even less had in 2012: 39%. Bonilla-Silva categorized Obama as a post-Civil Rights type of black politician, who, in Bonilla-Silva's opinion, favors compromise over deep change. Moreover, Bonilla-Silva blamed Obama for distancing himself from some civil rights leaders and particularly from Reverend Wright, as well as for not taking a racial position in the Gates incident. According to Bonilla-Silva, Obama's 'A More Perfect Union' speech was wrong. Obama should not have distanced himself from Wright by admitting that Wright's sermon was divisive. Along with Wright, Bonilla-Silva views racism as endemic and avers that Wright's speech was not divisive, but that race is. Bonilla-Silva especially rejected the idea that whites might have some racial grievances too.

Bonilla-Silva went on to criticize Obama for not taking a race-specific approach and for putting "the economy, health care, the wars, and the like" above tackling racism, which in his view is more important. He particularly rejected Obama's opinion

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[76] *Dr. Emmett Miller's Son Interviews President Obama 2011*, 2012, https://www.youtube.com/watch?v=AK7hlYZAk1A.

[77] Wise 13, 15–16.

regarding affirmative action, since for Bonilla-Silva the program works perfectly well.[78] Bonilla-Silva's condemnations make it clear that he would have wanted a more confrontational stance about race from Obama. This also becomes apparent in Bonilla-Silva's comment that Obama's transcendence shows that Obama was an "accommodationist *par excellence*" among those who "teach the 'wretched of the earth' the wrong political lesson: that electoral, rather than social-movement, politics is the vehicle for achieving social justice"—in essence blaming Obama for not being Jesse Jackson or Al Sharpton and for not enacting race-specific policies.[79]

This shows the first fundamental wrong turn in assessing Obama's strategy: Obama chose electoral politics as the arena in which he wanted to express and apply his political ideas; a choice for which he can hardly be blamed. If Obama had chosen the social movement arena and had become an activist, he could have taken a far more radical stance. His choice, however, to run for president precluded this, due to the simple reason that Marable had pointed out as an argument in favor of race pragmatism: the black population alone is not big enough to ensure an electoral victory. This was the conclusion that Jesse Jackson had drawn after his first candidacy for the Democratic nomination in 1984 and that led him to reach out to other minority groups in creating the Rainbow Coalition in 1988, which allowed him to significantly increase his voter share. As a presidential candidate, Obama did not have the luxury of appearing as the candidate of a numerical and political minority, whose first item on the agenda would have been to eradicate racism, especially not in a context that was dominated by a decreasing belief in the existence of racism and discrimination. In addition, Obama never posed as a civil-rights leader figure, and during his campaign his advisors were very clear about the fact that this was not to be expected.[80] Bonilla-Silva's criticism shows the profound misunderstanding of and opposition to the pragmatic race strategy that focuses primarily on a class alliance.

Obama's transcending stance, especially as expressed in 'A More Perfect Union,' was qualified as "neoslave narrative" by sociologist Tamara K. Nopper, in which negativity was associated with blackness, while enlightenment was associated with whiteness. Nopper viewed Obama's condemnation of black anger as expressed by Reverend Wright as a refusal to view it as a legitimate political response. Nopper pointed to the slave narrative as a tool that moderates racial politics because, in the end, there is a reconciliation with the power structure. In this context, Nopper saw it as problematic that Obama said that the country was on the road of racial progress and that a common future was possible because of the values embedded in the Constitution. Nopper claimed that in his will to discuss the legacy of slavery, Obama ended up ultimately denying it.[81]

However, a close analysis of the speech shows that Obama was not completely denying the legitimacy of Wright's anger. Rather, he put it back into a Civil Rights Movement context that made it easier to understand for the white population. Moreover, Obama highlighted the ongoing effects of slavery and past discrimination in 'A More Perfect Union,' going so far as to evoke even the more difficult topic of lasting psychological effects of past discrimination and abuse.

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[78] Bonilla-Silva, *Racism without Racists*, 255, 265–67.

[79] Bonilla-Silva, *Racism without Racists*, 255, 268, 278.

[80] Matt Bai, "Is Obama the End of Black Politics?," *New York Times*, August 10, 2008, http://www.nytimes.com/2008/08/10/magazine/10politics-t.html.

[81] Tamara K. Nopper, "Obama's 'Race Speech' as Neoslave Narrative," *Black Agenda Report*, October 21, 2008, https://www.blackagendareport.com/node/3360.

Among the fundamental difficulties in any race-related discussion is the problem that blacks and whites do not have the same perception of racism and discrimination. A 2010 PEW study found that while 43% of blacks said that there was a lot of anti-black discrimination, only 13% of whites did so. Moreover, overall, Americans perceived blacks, at 18%, to be the second group facing discrimination after Hispanics at 21%. Interestingly enough, Americans perceived whites to be the next group facing discrimination at 10%, just slightly ahead of Asian Americans at 8%.[82] These opinion trends are confirmed by the fact that after Obama's election, 61.3% of whites believed that racial equality had been achieved.[83]

The accuracy of these perceptions can be discussed and criticized; however, it does not change the fact that these perceptions have to be politically taken into account at the level of national politics. To pursue his goal of an expansion of social policies, Obama needed a big coalition, he could not antagonize a share of the population through confrontational politics.

Obama's senior advisor from 2008 to 2017, Valerie Jarrett, explained his relative silence on race in a 2013 interview with the *National Journal*:

> The president gave one of the most powerful speeches about race in history during the 2008 campaign. He is now interested in results. So he will be judged by his actions... Simply talking about race is not as important as actually working toward equality [...] He is interested ... in describing our challenges in terms of how we are inextricably linked in mutuality. [...] The president tries to describe our challenges in ways that are inclusive [to] keep the broadest possible mandate for moving forward. He does not intend to polarize; he intends to unify.[84]

This unification, as it has been discussed above, was partly based on a change of tone in the responsibility discourse, which is also advocated in the pragmatic race theory, not wishing to leave the values-debate to Republicans. Secondly, as explained by Cornel West, for example, in his exposition of the pragmatic race approach, this change was also needed in order to help part of the black population. Obama's stance on personal responsibility was also widely criticized, for example by Ta-Nehisi Coates, who claims that Obama's position blames the victim and negates structural barriers. Coates in particular pointed out Obama's wrong understanding of the Moynihan report as meaning that more personal responsibility was needed within the black population. Coates preferred to read the Moynihan report as urging governmental intervention in helping black men find jobs.[85] The misreading of Obama's tactic is that he wanted to find a way out of a political stalemate that was working to the advantage of the Republican Party and which was detrimental to the black population. Moreover, as it has been exposed earlier, Obama's position was indeed grounded in enacting social policies that would help address problems faced by the black population.

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[82] "Blacks Upbeat about Black Progress, Prospects," 4.

[83] Bobo, "Jim Crow," 30.

[84] George E. Condon Jr. and Jim O'Sullivan, "Has Obama Done Enough for Black Americans?," *The National Journal*, April 5, 2013, http://www.nationaljournal.com/magazine/has-obama-done-enough-for-black-americans-20130404.

[85] Bonilla-Silva, *Racism without Racists*, 277; Quoted in Daniel Geary, "'Racial Self-Help' or 'blaming the Victim'?: 50 Years after Its Publication, the Moynihan Report Still Provokes Debate about the Causes and Cures of African-American Inequality," *Salon*, February 23, 2016, http://www.salon.com/2015/07/19/racial_self_help_or_blaming_the_victim_50_years_after_its_publication_the_moynihan_report_still_provokes_debate_about_the_causes_and_cures_of_african_american_in%c2%adequality/.

Wise particularly criticized Obama's universalist strategy, claiming that this led to believe that there were no specific institutional barriers for minorities that could not be overcome with colorblind policies. Moreover, Wise accused Obama of implying that whites and minorities faced similar obstacles on a "relatively even playing field." Wise rejected these notions, and concluded that, given Obama's intelligence, his position must result from political calculation.[86] Obama is well aware of structural inequalities, as has been shown above. Although his position and his motivations are more complex than pure political calculation, the race pragmatic strategy is indeed based to a great extent on political calculation—if the taking into consideration of political feasibility must be named so. Reed pointed out that Obama's universalist position was "readily understandable to politically oriented observers" because of the risk of a white backlash, should Obama attempt to adopt a race-specific approach. Reed insisted on the fact that despite the disappointment resulting from expectations that were too high to begin with, racial justice had to rely more on actions outside of the White House.[87]

The CBC were among those who had an ambivalent position about Obama's universalist strategy. In 2009, ten members of the CBC (Maxine Waters D-CA, Mel Watt D-NC, Gregory Meeks D-NY, Lacy Clay D-MO, David Scott D-GA, Al Green D-TX, Emanuel Cleaver D-MO, Gwen Moore D-WI, Keith Ellison D-MN, and André Carson D-IN) criticized Obama for not having done enough for African-Americans and argued that Obama should take more focused measures to help the most vulnerable through the difficult economic period. They gave examples of policies they wanted to see enacted, such as efforts to reduce foreclosures, better access to credit for African-American-owned car dealerships, more aid to small and community banks that lend to African-Americans, and more federal money to support ad buys in African-American radio stations or newspapers. To make their point, these ten representatives withheld their votes from a financial reform bill designed to try to prevent future financial crises,[88] the Dodd-Frank Act of 2010, introduced in the House on December 2, 2009. In May, Obama had signed the Preventing Mortgage Foreclosure and Enhancing Mortgage Credit Act of 2009 to help people avoid losing their homes.[89] However, given the more dramatic losses that blacks and Hispanics suffered compared to whites in the 2008 crisis and ensuing Great Recession, the Dodd-Frank Act was of heightened interest for minorities. The Dodd-Frank Act also targets predatory lending practices in Title XIV Mortgage Reform and Anti-Predatory Lending Act. Some scholars argue that there was a racial dimension to the subprime crisis and that minorities in particular had been targeted by these loans.[90] Hilary O. Shelton, the director of the Washington NAACP bureau praised the Dodd-Frank Act for this.[91]

Actually, one member of the CBC went so far as not to vote for the ACA in 2009 and 2010. Democratic Representative Artur Davis from Alabama's 7th district, which is the fifth poorest district in the country, voted against the ACA, and explained his vote to his constituents as follows: "I didn't vote against health care—I voted against

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[86] Wise 20.

[87] Reed 194.

[88] Silla Brush, "Black Caucus Tells Obama You've Done Too Little for African-Americans," *The Hill*, December 3, 2009, http://thehill.com/homenews/administration/70353-black-caucus-tells-obama-youve-done-too-little-for-african-americans-.

[89] "Preventing Mortgage Foreclosure and Enhancing Mortgage Credit," Pub. L. No. 111—22 (2009).

[90] Reed 200; Jeffries 112.

[91] Condon and O'Sullivan.

the bill in Washington . . . I just happen to think that we can't keep throwing a trillion dollars at every problem that we have."[92] It appears that Davis thought that the ACA was not sufficiently addressing the problems of his constituents.

The CBC vocally supported the ACA on their website starting in January 2011. On the website, they very explicitly addressed the fact that people might not be able to see how the ACA helped African-Americans, and proceeded to explain it by showing health disparities and how the Act would affect black health conditions.[93]

The NAACP as well showed strong support for the ACA, as could be seen on their website in 2014. They highlighted the ways in which many provisions of the ACA would help African-Americans and how many provisions favored people with difficult health or financial situations. They estimated that about 500,000 young blacks would be eligible to stay covered under their parents' plans, that about 2.9 million blacks would be eligible for subsidies, and that about 2.8 million African-Americans would be eligible for Medicaid or low-cost health insurance. Moreover, the NAACP sharply criticized the Obamacare repeal blackmailing of the 2013 shutdown and warned about its consequences.[94] Among the health issues the NAACP was most concerned about were: low access to health care and outreach measures to enhance enrollment in health care insurance, targeted measures against HIV, childhood obesity, diabetes, and infant mortality. They also criticized the imbalances in the health care delivery systems that disproportionately affect African-Americans and Hispanics.[95]

Reverend Al Sharpton was among those defending Obama's position from accusations of not doing enough for African-Americans during his first term. In a 2013 White House meeting between Obama and activists, Sharpton explained Obama's strategy with an amusing analogy:

> I had a friend when we were in school who told me he was going on a kosher diet. He converted his religion. We went to eat, and he ordered a ham sandwich. I said, 'You can't eat that.' He said, 'Why?' I said, 'That is pork.' He said, 'No, no, no. Pork is pork chops or pork loin. I said, 'No, you don't have to call it pork for it to be pork. It is still pork.' Some things [Obama]'s done, it may not have been called 'black.' But it affected us. It was still pork.[96]

4.2. Obama's Rhetoric and Ideology Reflected in the Reform

Obama's ideology and political strategy of using a race pragmatic approach in an attempt to alleviate racial inequalities without creating a white backlash thus hinges on several principles:
-        A race-neutral or deracialized strategy that advocates broad universal social policies through economic populism.

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[92] "DAVIS, Artur | US House of Representatives: History, Art & Archives," accessed September 7, 2017, http://history.house.gov/People/Detail/12579.

[93] "Congressional Black Caucus Foundation," (January 14, 2011), http://www.cbcfinc.org.

[94] "NAACP-Supported Affordable Care Act Implementation Slated for January 1, 2014," March 7, 2014, http://www.naacp.org/action-alerts/entry/naacp-supported-affordable-care-act-implementation-slated-for-january-1-201.

[95] "Welcome to The Civil Rights Health Care War Room," December 11, 2015, http://www.naacp.org/blog/entry/welcome-to-the-civil-rights-health-care-war-room.

[96] Quoted in Condon and O'Sullivan.

- A reorganization of the electorate along class lines with a strong focus on the middle class.
- The achievement of a structural impact on minorities through a class focus targeting the working poor and the lower middle class.
- An issue-focused approach to target major areas of racial inequalities.
- A new definition of responsibility that incorporates personal and governmental responsibility to break the counterproductive stalemate over values issues.

Obamacare will be discussed in detail, although many other reform propositions or legislations enacted during the Obama presidency, such as education reform or the Fair Sentencing Act of 2010, reflect the same ideology and strategy. Obamacare is composed of two legislations: the Patient Protection and Affordable Care Act of 2010 (ACA, signed into law on March 23, 2010) and the Health Care and Education Reconciliation Act of 2010 (HCER, signed into law on March 30, 2010). Although the ACA is far more prominent than HCER, the latter nonetheless makes important contributions to the Obamacare system.

4.2.1. Universal, Affordable Health Care for All

> *That's not a racial stake, that's a statistical proof.*[97]
> Earl Pomeroy

The first aim of Obama's health care reform was to create a universal health care system that would provide affordable health care insurance for all. This corresponds to two points of the pragmatic race strategy: focusing on a problem that is a concern for the whole population, but which also represents a particular interest for African-Americans. As detailed earlier, health care insurance plays a particular role in maintaining one's social status and in social mobility. Because blacks face greater difficulties of social ascension and have a more fragile middle class status, health care insurance plays a major role for them.

The history of health care legislation has shown that the American system stood out due to its lack of universal scope and its high costs. Obama very simply announced this main focus of the reform project in an Address to a Joint Session of Congress on Health Care in September 2009:

> The plan I'm announcing tonight would meet three basic goals. It will provide more security and stability to those who have health insurance. It will provide insurance for those who don't. And it will slow the growth of health care costs for our families, our businesses, and our government.[98]

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[97] Pomeroy interview. This was Pomeroy's answer to the question whether the strong focus on low-income groups could be seen as targeting minorities: "Exactly, I mean, you've got an alignment where various racial, ethnic groups simply fall disproportionately into lower earning ranks of our population. That's not a racial stake, that's a statistical proof."

[98] Barack Obama, Remarks by the President to a Joint Session of Congress on Health Care. US Capitol, Washington, DC 9 September 2009.

These problems had significantly increased since the 1990s and the previous attempt at reform.
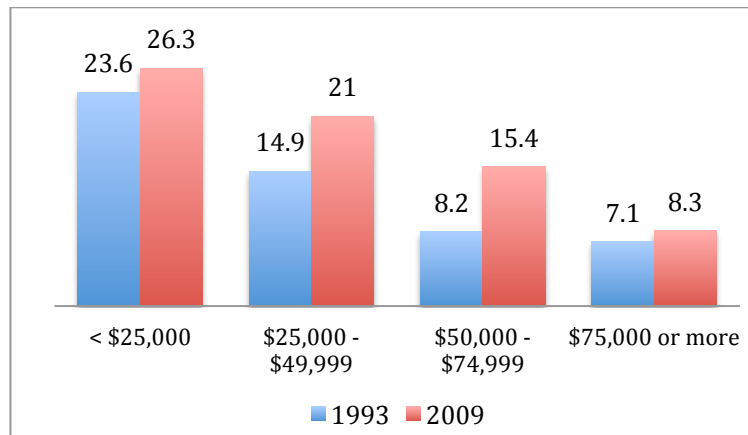
Diagram 38 People without Health Insurance by Income 1993 and 2009, in Percent[99]

The previously discussed class models do not use the same income brackets to define the different classes, but a broad picture emerged. Incomes up to $25,000 include the 'underclass' (defined by Gilbert for incomes up to $15,000) and the working poor with incomes between $15,000 and $25,000. The definition of class according to income becomes trickier for the middle class, where the overall income categories span from $30,000 to $100,000, or even $150,000 for the upper middle class in the widest definitions. However, it is possible to distinguish between a working class (Wysong *et al.*'s Contingent class) with incomes from $25,000 to $40,000, and a middle class (Wysong *et al.*'s Comfort class) with incomes between $40,000 and $80,000.[100]

However, the income categories used by academics to define the social classes do not necessarily match the income brackets used by government agencies to establish their statistics. Nonetheless, the diagram above shows that, between 1993 and 2009, the uninsured rates for what could broadly be termed the working and the middle class significantly increased. The increase was highest for the middle class with 7.2%, closely followed by the working class with 6.1%. The situation that Clinton had already considered as dramatic had worsened.

This situation stemmed from two interdependent factors: health care costs had been steadily increasing, thus fewer employers had been offering health insurance as employment benefits. This caused a major problem in a system that relied on employer-coverage for the working and middle class.

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[99] In 1993 15.3% of the total population had no health insurance, 23.6 of people with incomes below $25,000 had no insurance, 14.9% of people with incomes between $25,000 and $49,999 were in the same situation, and 8.2% of people with incomes between $50,000 and $74,9999 had no health insurance. De Navas and Bernstein, "Health Insurance Coverage: 1993," 2–3; In 2009, 26.3% in the first income bracket had no insurance, 21% of the second bracket, and 15.4% of the third bracket. 65% had private insurance, sometimes in combination with a government-run program. Carmen De Navas-Walt, Bernadette D. Proctor, and Jessica C. Smith, "Income, Poverty, and Health Insurance Coverage in the United States: 2010," Household Economic Studies, Current Population Reports/Consumer Income (Census Bureau/US Department of Commerce, September 2011), 12, 26.

[100] For a detailed discussion, see 1.2.1. Sociological Approaches and the Definition of Class.
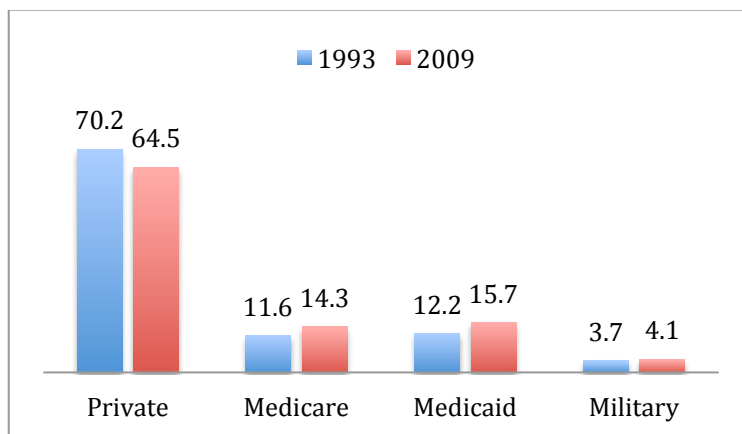
Diagram 39 Type of Health Insurance Coverage, 1993 and 2009, in Percent[101]

Although the overall increase of the percentage of people without health insurance was not dramatic, it was nonetheless significant. From 1987 to 2009 the number of insured persons (any type of coverage) went from 87.1% down to 83.9%, with many variations over the years. For example, although there was a low at 84.7% of insured persons in 1993, there was a new high at 86.9% in 2000.[102] However, the type of coverage had changed. Overall, the percentage of private insurance plans had diminished, whereas government insurance had increased, which is consistent with the increase of uninsured people among the working and middle classes, as they most heavily relied on private, employer-sponsored health insurance.

Another interesting change appears when race is taken into account. Whereas the overall uninsured rate increased, the uninsured rate for whites diminished between 1993 and 2009.
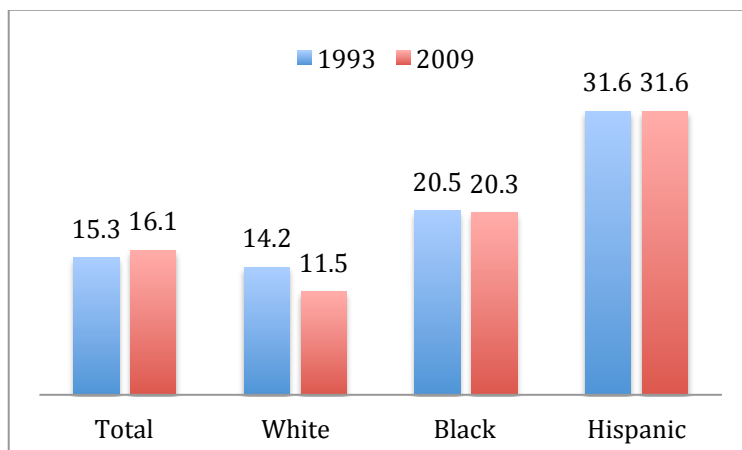
Diagram 40 Uninsured Rates 1993 and 2009 by Race, in Percent[103]

Although the uninsured rates for blacks and Hispanics hardly changed between 1993 and 2009, the composition of the American population did change. The white

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[101] De Navas and Bernstein, "Health Insurance Coverage: 1993," 1; De Navas-Walt, Proctor, and Smith, "Income, Poverty, and Health Insurance Coverage in the United States: 2010," 77.

[102] De Navas-Walt, Proctor, and Smith, "'Income, Poverty, and Health Insurance Coverage in the United States: 2010," 77.

[103] De Navas and Bernstein, "Health Insurance Coverage: 1993," 2; De Navas-Walt, Proctor, and Smith, "Income, Poverty, and Health Insurance Coverage in the United States: 2010," 77–78, 80–81.

and the black populations increase very slowly, especially the white population. On the contrary, the Hispanic population is growing very fast. Thus in the overall composition of the population of the US, the white population is decreasing (from 75.6% in 1990 to 63.7% in 2010).[104] Thus it appears that the increasing overall uninsured rate and the decreasing white uninsured rate are absorbed in the growing black and Hispanic populations.
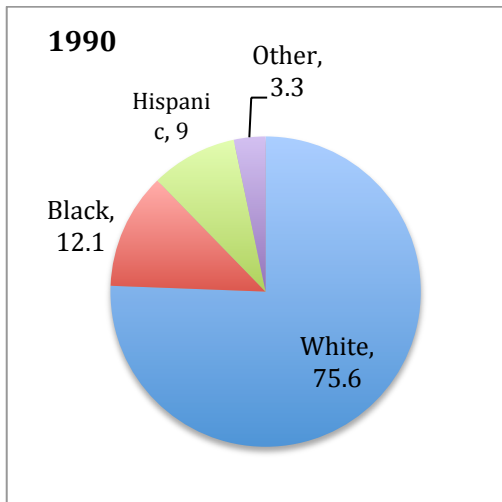
Diagram 41 Population by Race 1990
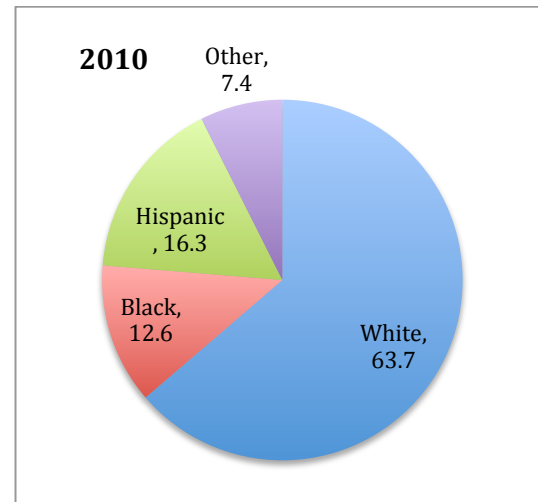
Diagram 42 Population by Race 2010

Moreover, there are racial differences in the type of health care coverage people have. Whereas whites mainly rely on private coverage, in particular on employment-based coverage, blacks and Hispanics more heavily depend on public coverage, on Medicaid in particular. This corresponds to the overall lower socio-economic status of minorities.

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[104] Antonio J. Villammil *et al.*, "1990 Census of Population: General Population Characteristics, United States" (US Census Bureau/US Department of Commerce, 1992), 3; Karen R. Humes, Nicholas A. Jones, and Roberto R. Ramirez, "Overview of Race and Hispanic Origin: 2010," US Census Brief (Census Bureau/US Department of Commerce, March 2011), 4.
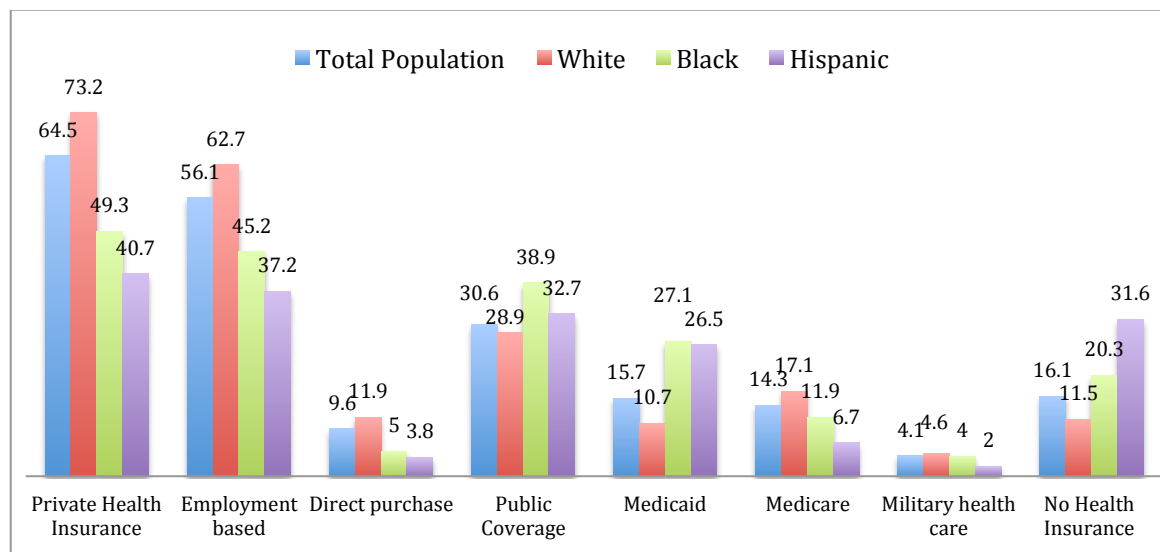
However, whites have a higher rate for Medicare than other populations, which is linked to their higher life expectancy.

Given this very varied health insurance landscape, the Obama administration chose a threefold approach to achieve universal coverage that built on the existing system. The single payer system was abandoned for political reasons.[106] Instead of opting for a unified system administered by the federal government, a kind of Medicare for all that would resemble the Canadian single payer system, the Obama administration chose to provide coverage through the threefold approach of the employer mandate, the individual mandate, and the Medicaid extension. The employer mandate applied to businesses with more than 50 full-time employees during the year. The ACA also provided for a small business tax credit to help employers that were not subjected to provide health insurance. This tax credit of 50% (or 35% for tax-exempt small employers) applies to businesses with less than 25 full-time (or equivalent) employees during the year and whose average annual wages did not exceed $40,000 (the amount was defined for the period from 2011 to 2013, subsequently the amount would be adjusted for inflation). Additionally, for the employer-provided coverage, the employee's contribution must not exceed 9.5% of the employee's income.[107]

The potential impact of this small business tax credit to help provide health insurance coverage must not be underestimated. Most businesses in the US are small businesses (96%). Although small black businesses represent only 2% of all businesses (82.5% are white businesses [including white Hispanics]), almost all of them fall within the category of less than 50 employees (97.3%, compared with 96.8% for white businesses). However, a smaller proportion of black businesses than white businesses

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have paid employees: 82.2% of black firms compared with 85.3% of white firms.[108] The overall weaker black economy has been discussed previously,[109] but this can also be seen in the lower average annual salaries in black businesses: $28,398 is the average annual pay for employees in black businesses, compared with $38,153 for white businesses (including white Hispanics).[110] This means that a substantial portion of black businesses should be able to qualify for the small business tax credit.

The part of the population that could not benefit from this employer mandate was subjected to an individual mandate that made it compulsory to purchase individual health insurance, or exposed people to a fine. To help people afford health care insurance, two measures were taken: an overall cost containment system for health care plans, and a system of tax credits. The ACA set requirements and regulations for insurance companies to define qualified health care plans—meaning plans eligible for subsidies. These regulations pertain to essential health benefits, limit cost-sharing, and set criteria for the level of coverage. The categories of health benefits comprise: ambulatory patient services, emergency services, hospitalization, maternity and newborn care, mental health and substance use disorder services which include behavioral health treatment, prescription drugs, rehabilitative and habilitative services and devices, laboratory services, preventive and wellness services and chronic disease management, as well as pediatric services that include oral and vision care.[111] The coverage of abortion became optional because of conservative pressure in Congress.[112] The regulations regarding cost-sharing limit the amount of deductibles, premium increases, co-insurances, co-payments and similar charges. Furthermore, the levels of coverage are defined for 4 levels: bronze, silver, gold, and platinum ranging from a 60% coverage for bronze to a 90% coverage for platinum. Individuals under age 30 can enroll in a Catastrophic Plan that provides at least 3 primary care visits per annum, and which otherwise only provides coverage for catastrophic care.[113] Unmarried children can stay as dependents on their parents' plan until age 26 (before they turn 27).[114]

The individual mandate applies to all individuals not covered otherwise, but is not applicable if a person can prove extreme financial hardship when the premiums for the lowest-cost bronze plan (as defined by the cost-containment system) available through the health exchange in the state of residence exceed 8% of the individual's income, after deduction of the tax credits/subsidies. The tax credits or subsidies apply to incomes up to 400% FPL and the amount corresponds to the excess amount of the cost of the second lowest silver plan (as applicable to the taxpayer) so that the premium costs do not exceed a certain percentage of income for the taxpayer/individual. This ratio of income is devised on a progressive scale that favors the lowest incomes. The income percentage for incomes up to 133% FPL is 2%, and it progressively in-

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[108] "Statistics for All US Firms With Paid Employees by Industry, Race, and Employment Size of Firm for the US and States: 2012," 2012 Survey of Business Owners, 2012, https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=SBO_2012_00CSA11&prodType=table.

[109] See 1.3.3. Black Social Classes.

[110] Calculated from: "Statistics for All US Firms With Paid Employees by Industry, Race, and Employment Size of Firm for the US and States: 2012."

[111] ACA Sec. 1301, Sec. 1302.

[112] ACA Sec. 1303.

[113] ACA Sec. 1302.

[114] ACA Sec. 2714, HCER Sec. 1004.

creases to 9.5% for incomes up to 400% FPL.[115] In addition, the ACA provides for cost-sharing subsidies for people eligible for the tax credits to help them pay for the expenses not covered by the plan. First, the ACA limits the share of out-of-pocket contributions according to income level. Then, it provides subsidies to increase the reimbursement level (actuarial value) of the health care plans. These subsidies are most heavily concentrated among the lower incomes. The HCER sets the actuarial value increase at 93% for incomes between 100% and 150% FPL, at 87% for incomes from 150% to 200% FPL, and at 73% for incomes between 200 and 250% FPL (compared to the actuarial value of 70% of the standard silver plan).[116]

To give a rough idea of how these tax credits work and the amount of money involved, a projection of the CBO will be used.

The model is calculated on the second-lowest silver plan (with a 70% actuarial value, in other words, 70% of health expenses would be covered by the plan) available through the individual's health exchange. For a hypothetical family of four of modest income at 150% FPL in 2015, the CBO projected that for a family plan roughly evaluated at $10,000, the family would have to pay premiums corresponding to 4.02% of its income—$1,438—and would receive a tax credit of $8,562 for the remaining cost. For the same type of plan a family with a higher income at 300%FPL would receive a premium tax credit of only $3,160 to cover the amount of premium exceeding their 9.5% income share. However, the families could also choose a lower-cost bronze plan with an actuarial value of 60%. The amount of the tax credit would still be calculated on the silver plan, and because the bronze plan is cheaper, the lower income family would only pay $983 for their plan. The same applies for higher cost plans.[117]

When the ACA was enacted, 65.9% of Americans were eligible for its tax credits. Because of the structural inequalities that concentrate minorities in the lower income categories, more minorities are eligible for the subsidies; 79,6% of blacks and 76.2% of Hispanics were eligible, while 60.7% of whites were.

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[115] ACA Sec. 1401 and HCER Sec. 1001.

[116] ACA Sec. 1402, HCER Sec. 1001.

[117] "Private Health Insurance Premiums and Federal Policy" (*Congressional Budget Office*, February 2016), https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/reports/51130-Health_Insurance_Premiums_OneCol.pdf.
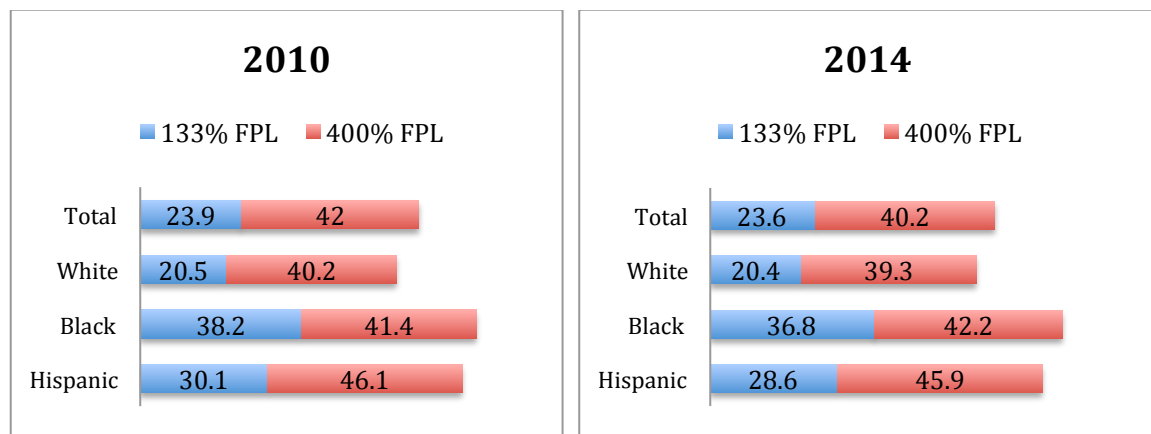
Diagram 44 Population Eligible for Subsidies by Race, in Percent, 2010[118]

Diagram 45 Population Eligible for Subsidies by Race, in Percent, 2014[119]

In 2014, when the individual mandate became effective, these figures were slightly lower, but the differential impact had remained the same. Moreover, minorities are less likely to have employer-provided coverage. Thus they are more susceptible to have to rely on insurance on the individual market for which these tax credits are provided.

The remaining population was to be covered by an extension of Medicaid to all low-income people, regardless of their family, pregnancy, or health status—meaning that able-bodied childless adults became eligible. The income criterion was set at 133% FPL by the ACA, which was extended to 138% FPL by 5% income that can be disregarded by the HCER.[120] This Medicaid extension, which became optional after the *Sebelius* lawsuit, went into effect in 2014. As shows the diagram above, this Medicaid extension is particularly beneficial for blacks, as many blacks have very low incomes.

This system is admittedly quite complicated. To help people find adequate health care insurance and to find out whether or not they are eligible for Medicaid, the ACA established a federal health exchange, but states can also establish their own exchanges. They make qualified health plans available for individuals and employers and are supposed to make finding an adequate and affordable health care insurance

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[118] Carmen De Navas-Walt and Bernadette D. Proctor, "Income and Poverty in the United States: 2014," Current Population Reports (Census Bureau/US Department of Commerce, September 2015), 23, 25–26, 29. These percentages are rounded because of several problems. The income categories provided by the Census count do not precisely match the thresholds devised by the ACA. Moreover, incomes are provided for households. In the 2010 Census the average household size was 2.58 persons. This meant, that for the average household 133% FPL corresponded to $22,263 in 2010 and to $24,053 in 2014. For this average household, 400% FPL corresponded to $66,956 in 2010 and to $72,340 in 2014. The income categories used by the Census, and which are of interest here, are "under $15,000; $15,000 to $24,999; $25,000 to $34,000; $35,000 to $49,999; $50,000 to $74,999", thus they exceed the thresholds for the subsidies. However, the point of the analysis here is not to precisely assess the number of people who are eligible for the subsidies, but to see the racially differential impact. Although imprecise, these figures nonetheless help show the disproportionate impact of the tax credits on minorities.

[119] De Navas-Walt and Proctor 23, 25–26, 29.

[120] ACA Sec. 2001, HCER Sec. 1004. In 2014, the 138% FPL threshold for an average-sized household corresponded to $24,957, which is almost precisely the upper limit of the second lowest income category used by the Census. In other words, the estimated 36.8% of potentially eligible blacks is a rather accurate figure.

plan easier.[121] So far, as of 2017, enrollment operates through state exchanges in 15 states.[122] Moreover, the federal exchange also offers a specific exchange—SHOP—for employers. In addition, the exchanges have to maintain a toll-free telephone hotline to provide assistance. Such aspects may appear trivial, but they are essential in helping people to find adequate health insurance, especially for low-income people, or the working poor who do not have the luxury of spending a lot of time to find a good insurance plan or for people with low levels of education who might find it difficult to compare many different plans.

Moreover, the enactment of the ACA brought a number of other measures that made health care insurance more accessible and more affordable. One of the most well-known and most discussed provisions was the prohibition of preexisting condition exclusion,[123] which had prevented people from contracting health insurance or switching plans. The ACA also prohibits discriminatory premium rates, the only variations that are allowed are according to individual or family plan, age (at a specified ratio), tobacco use (at a specified ratio), or rating area (as defined by the ACA).[124] The ACA also provides guaranteed availability and renewability of coverage. Moreover, the ACA prohibits discrimination based on health status, including medical condition (physical and mental illnesses), claims experience, receipt of health care, medical history, genetic information, evidence of insurability (including conditions arising out of acts of domestic violence), or disability.[125]

Such universal measures as provided by the ACA have a structural impact on minorities through the progressive focus on incomes that helps low incomes most, where minorities, and blacks in particular are disproportionately concentrated. The preexisting condition clause and nondiscrimination based on health status should be particularly beneficial for blacks as they have overall worse health conditions than the total population. This can be seen in overall higher death rates and in the shorter life expectancy for blacks: in 2009, life expectancy at birth for the total population was 78.5 years, 78.8 years for whites, but only 74.7 years for blacks.[126]

The regulations of costs and out-of-pocket contributions should meet, at least in part, the needs of the most vulnerable populations. Health expenditures are among the factors that contribute to the foregoing or delaying of care, which, of course has a negative impact on life expectancy.

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[121] ACA Sec. 1311.

[122] "The Marketplace in Your State," *HealthCare.gov*, accessed July 21, 2017, https://www.healthcare.gov/marketplace-in-your-state/. These states are: California, Colorado, Connecticut, District of Columbia, Idaho, Maryland, Massachusetts, Minnesota, Mississippi, New Mexico, New York, Rhode Island, Utah, Vermont, and Washington.

[123] ACA Sec. 2704.

[124] ACA Sec. 2701.

[125] ACA Sec. 2702–3, Sec. 2705.

[126] "Health, United States, 2010: With Special Features on Death and Dying," 137–38. The overall death rates for blacks are markedly higher than for the rest of the population. In 2007, the death rate for the total population was 760.2 (per 100,000), 763.3 for whites, 546.1 for Hispanics, but 958 for blacks. "Health United States 2012: With Special Feature on Emergency Care," 76.
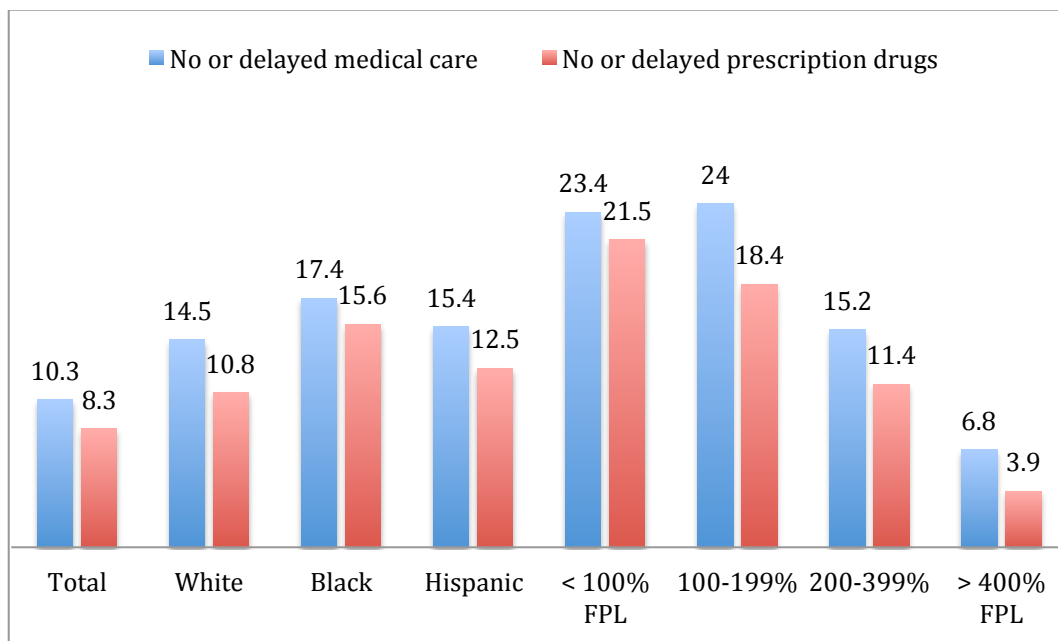
Diagram 46 Absence or Delay in Medical Care Due to Cost, by Race and Poverty Level, in Percent, 2010[127]

The intersection of race and class becomes obvious once again, as the absences or delays in care are concentrated among blacks and among the poorest populations. This absent or delayed care was particularly high among individuals aged 18-64, at an average of 14.7%,[128] which corresponds to the populations that are least covered by health insurance. This picture, however, is somewhat inaccurate. When looking at the absence or delay of medical care by poverty level within the different racial groups another picture emerges.
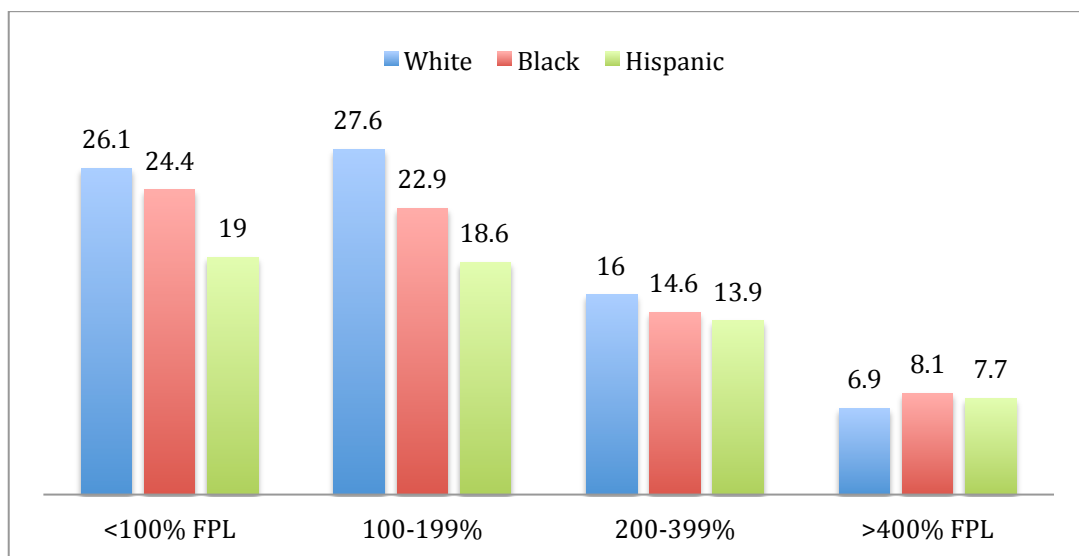
Diagram 47 No or Delayed Medical Care by Poverty Level by Race, in Percent, 2010[129]

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[127] "Health United States 2012: With Special Feature on Emergency Care," 235.
[128] Health United States 2012, 235.
[129] Health United States 2012, 236.

It becomes apparent that it is the structural concentration of blacks and Hispanics at the lower rungs of the socioeconomic ladder, which makes that, overall, these populations have to forego or delay medical care. Within the varying poverty levels of the different populations, whites fare worse at lower levels of poverty than blacks for example. This highlights the shared economic interest that exists along class lines, which is particularly relevant for whites, but which is also a counter-argument to race-specific measures. This also helps explain white opposition to race-specific measures. As shown above, at the same poverty level, whites can have worse situations than some minorities.

There are two additional progressive features in Obamacare. The ACA imposed an Excise Tax, also known as the Cadillac Tax. This is a penalty that imposes a 40% tax on excess benefits as compared to the coverage of employer-provided high cost-plans. This tax is to be paid by the coverage provider, i.e. the insurance companies. This was modified and delayed to 2018 (instead of 2013) by the HCER, which defines the high cost plan as a plan with premiums over $10,200 for an individual and $27,500 for family coverage.[130] The aim was to reduce the number of high-cost plans proposed by insurers and to gain additional revenue for some of the expenses of the ACA.

The other progressive downward redistributional aspect of Obamacare was introduced by the HCER. It is an additional Medicare contribution on unearned incomes. The 3.8% tax concerns net investment incomes such as incomes from interests, dividends, annuities, royalties, rents, etc. (other than normal business or trade incomes), as well as the net gain from the sale of property. The tax also applies to certain trades and businesses if they are a passive activity, or to businesses trading in financial instruments or commodities. The tax applies to individuals, as well as to estates and trusts. This additional tax also applies to the modified adjusted gross income for incomes over the threshold of $250,000 for a joint return (half of this amount for married individuals filing their taxes separately) and $200,000 for individuals.[131]

This corresponds to the idea expressed in the pragmatic race strategy of focusing on interests and measures that are shared among the population but which are of crucial importance for blacks. Moreover, as advocated by the pragmatic race approach, the ACA is strongly downwards redistributional through different measures, such as the higher subsidies for lower incomes and the higher contributions for higher incomes.

The notion of personal responsibility is also present in health policy. As mentioned previously, the issue of responsibility plays a central role in ideology and discourse. It is used by conservatives to argue for less government intervention. Among blacks, opinions are divided between those who interpret talk about personal responsibility as "blaming the victim," and those who think, like some race pragmatists, that it is necessary to combine a greater focus on personal responsibility with a strong government intervention. As demonstrated above, Obama shares this opinion, and the reform reflects this. It must be noted that the reform strictly corresponds to this strong interplay between personal and government responsibility.

In the Affordable Care Act, personal responsibility is a strategic component of the reform, in the subpart entitled "*Individual Responsibility*" which introduces the "individual mandate." The individual mandate, originally a conservative idea that

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[130] ACA Sec. 9001, Sec. 10901; HCER Sec. 1401. High-risk professions are excluded. This represents a 0.9 percentage point increase on the Medicare tax on high incomes.
[131] HCER Sec. 1402.

was for example applied in Mitt Romney's health care reform in Massachusetts, is the obligation for each citizen to hold a health insurance or be penalized by a fine. Moreover, the act also insists on a more responsible health care, at the level of the citizen, through incentives to use preventive care, in order to be healthier and thus less of a burden on the system by requiring expensive care through delay resulting in aggravated illnesses.[132] However, and there is a major difference with the conservative Republican approach, Obama did not stop at personal responsibility. The individual mandate is a subpart of a part of the act entitled "Shared Responsibility."[133] In the case of the ACA, personal responsibility is not used in a conservative sense to push for a disengagement of the government, quite on the contrary, it serves as the building block of a solid system to the benefit of all. Indeed, a system of health care insurance only functions if everybody participates by contracting insurance. The responsibility in health is organized on different levels and among different social and economic agents. The second part of the section "Shared responsibility," entitled "Employer responsibility," created a shared responsibility with employers. The ACA requires businesses with 50 or more full-time employees to provide a minimum health insurance as defined by the ACA.[134]

Obama's convictions about a greater government responsibility can be seen in the ACA in the form of regulations, redistribution, or the Medicaid expansion, in other words government-provided health care for low-income individuals who cannot afford insurance. Another government form of taking responsibility are the premium tax credits that help people with incomes up to 400% FPL afford their insurance premiums.

4.2.2. An Issue-Focused Approach

As explained in Part 1, a race-specific approach was not among the options to tackle racial inequalities, despite the long political awareness about this problem, which came to the forefront with the 1965 Moynihan Report. However, an issue-focused approach was possible, meaning that instead of claiming to do something specific for minorities, and blacks in particular, the ACA would focus on some of the major problems the black population confronted. This approach, as previously evoked, is also favored by many black politicians and thinkers, not only for its greater political potential regarding the white population, but also because some, as William Julius Wilson or Obama, think that it is more efficient.

Former Representative Andrews explained that in his opinion more could and should have been done for minorities, but through an issue-focused approach. He would have liked to see more investment in preventative health care, in research on

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[132] ACA. Title 1 Subtitle F, Part I "Individual Responsibility" Sec. 1501 "Requirement to maintain minimum essential coverage," and Title 1, Part A, Subpart II sec. 2713 "Coverage of preventive health services." Preventive health care might appear to be a superficial or even innocent thing. However, the lack of access to health care for many citizens has been a heavy burden on the American health system through the excessive charge of serious emergency care for illnesses and diseases that were not treated earlier at a more benign and less expensive state because of a lack of health insurance or excessive premiums and copayments. Many hospitals offer free emergency care, thus people wait until their disease is severe enough to qualify for this type of care.

[133] Affordable Care Act. Title I subtitle F "Shared Responsibility" Part I

[134] Affordable Care Act, Title I subtitle F "Shared Responsibility" Part II

asthma or type 2 diabetes, both problems that particularly affect the black popula-
tion. However, he also strongly defended the idea that a race-specific approach was
too great a political challenge. He got input from civil rights advocacy groups like the
NAACP and the National Urban League, who weighed in on the law. Although they
asked for more, they were key in focusing on salient issues for the black population.
According to Andrews, they had asked for a more race-conscious approach, but with
their help, the issue-focused approach was improved:

> Yes, yes they did [ask for a more race-conscious approach]. And by focusing on, again,
> acute diseases and conditions that had a disproportionate impact on minority communi-
> ties, yes they did. And they properly, maybe incorrectly, claim the issues as civil rights is-
> sues. It's hard to vote, or speak, or go get an education when you're sick. And you know,
> the disproportionate prevalence of illness in the minority community made that a civil
> rights issue.[135]

Former Representative Tierney also spoke of exchanges with the NAACP and
the National Urban League. However, he carefully pointed out that they had no di-
rect influence on any language in the bill.[136] Former Representative Braley explained
that there was a strong awareness about racial health disparities, but that a close
analysis of the data also showed an even greater class difference:

> There were specific conversations about those disparities and one of the things that we
> discovered is, even though there are clear racial and ethnic health care disparities that
> show up in the health care delivery system, socio-economic disparities were one of the
> biggest disparities we were able to determine.

In light of this analysis, the issue-focused approach, and especially the abovemen-
tioned structural approach makes sense, both at the level of political and socioeco-
nomic efficiency. When asked about a more open racial focus, he explained that the
racial disparities were precisely sought to be addressed by focusing on some very
specific issues or structural elements that affect minorities more:

> Well, no, I mean if you get into the nuance of this very complex bill, there were specific
> provisions designed to address just that. In a lot of times in places that are hard to dis-
> cern. So, there is something called DISH-payments, that were a big focus of the debate
> about funding because it gives added payments to providers in areas that are dispropor-
> tionately underserved by health care, including many racial and ethnic populations like
> the ones you're talking about. So, even though it may not state specifically in that provi-
> sion of the bill, this is what we are trying to address. The reality is that those payments
> are in place to address those disparities and try to get better health care outcomes for
> those patient populations.[137]

Former Representative Earl Pomeroy, who had explained that an openly racial
approach was not ever considered, despite the urgency of the situation and the bla-
tant inequalities, insisted on the same approach, of focusing efforts on elements that
were particularly beneficial for the black population:

> I tell you other ways we addressed [racial health inequalities]. You're not going to ad-
> dress this through affirmative action, but one of the things we did in the bill, that I was
> terribly exited about, was eleven billion dollars toward community health centers. Now,
> community health centers are a special delivery system to address the needs of urban
> poor. I think we got some in rural areas as well. But I think the best successes have been

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[135] Andrews interview.
[136] Tierney interview.
[137] Braley interview.

in urban areas. And so, I look at that as a response. So, that's not affirmative action, but it's very responsive to the needs in that area.[138]

Former Representative Tierney expressed something similar to Pomeroy's statement. Regarding efforts made for minorities, he said that "we tried as much as we could", but that more obvious steps had not been possible.[139]

Yardly Pollas, senior health advisor to Representative Bobby Rush explained that indeed many of the issues targeted by the ACA are prevalent in Representative Rush's majority-black district that also has high levels of poverty. Among the major concerns is access to quality care:

> [...] we represent basically a... well, our district is vast, and it is... you see different parts. Most parts, I have to say, are people who are in the poverty line, right. And so you do see a high level of diabetes, and that's sometimes a cause of malnutrition. And what I mean by malnutrition, not eating the right stuff, right, what they call a type 2 diabetes, HIV/Aids, yes we have a higher level too, and that's all because of not having *access* to preventive measures, so... sometimes you can get it from drug abuse.[140]

Regarding the initially somewhat lukewarm reaction of some black politicians to Obamacare, she explained that a major concern was that the ACA was built on a similar system as the one in Massachusetts. The wariness was due to the fear that the efforts of the ACA did not go far enough. In light of the consequences of the *Sebelius* decision, their concerns were fully justified. Thomas Dorney, advisor to Congressman Lewis expressed similar concerns:

> [...] when the Affordable Care was being discussed and debated, we knew that there were probably going to be problems with the bill, there are going to be areas of improvement, and we also knew that we would make one of the most comprehensive expansions of health care coverage that the country had ever seen [...].[141]

Dorney's words reflect the ambivalence about the approach chosen in the ACA. Although they knew that it was imperfect and insufficient, it was nonetheless a lot better than nothing.

However, as Representative Braley pointed out, the situation did not allow for more. He recalled conversations with members of the CBC and the Hispanic Caucus and explained that everyone was aware that the ACA was better than nothing, which was basically the alternative:

> I think that a lot of members of the Congressional Black Caucus, the Congressional Hispanic Caucus, I certainly would not presume to speak for them, but based on conversations we had during those times, I think they realized that the dramatic expansion of Medicaid and the availability of vouchers to allow millions of uninsured Americans, including many African-Americans and Hispanics, to get access to health insurance who did not have it at the time would be a better outcome than not passing anything and keeping the status quo.[142]

Dan Riffle, health advisor to Representative Conyers, who was not involved in the ACA and who champions a new single payer bill, explained that the Representative certainly welcomed the efforts made in the ACA, but that his offices considered them as insufficient:

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[138] Pomeroy interview.

[139] Tierney interview.

[140] Pollas interview.

[141] Thomas Dorney, Interview about Rep. John Lewis' work on the Affordable Care Act, interview with Lea Stephan, face to face at Rep. John Lewis' office in Washington, April 12, 2016.

[142] Braley interview.

> Sure, he's happy with them. I mean, it's an improvement over the status quo, we're in a better position than we were, but it's entirely inadequate, and I think that he would be the first to tell you that we're glad the Affordable Care Act passed, we're glad the people with preexisting conditions are able to get insurance, we're glad that poor people are able to get tax subsidies in order to afford some of the plans that are offered in the marketplace, but the fact of the matter is, a lot of the people lack the financial or tax literacy necessary to know how to get those subsidies, how to access the marketplace, they might see just the deductible or just the monthly premium cross and just be scared off without knowing that subsidies are out there to help them and how to get them.[143]

The major problems highlighted by Riffle are the fact that it is piecemeal and that the resulting system is quite complex and difficult to understand.

Although Obamacare did not manage to address all the needs and issues of the black population and could not make a more outspoken effort, it nonetheless managed to focus on certain issues that are of particular interest to the black population.

Although the overall death rates are higher for blacks for almost all causes of death,[144] some issues and differences particularly stand out. However, there are two marked differences in death rates that will not be discussed here. The first is the markedly higher suicide rate for whites, who have a ratio of 2.8 to blacks; the other is the homicide rate that is seven times higher for blacks compared to whites. Those two issues, although they are among the main causes of death, exceed the strict scope of a health care reform. Neither the ACA nor the HCER address the issue of suicide specifically, although the CDC recognizes it as a public health issue. More and more public health specialists claim that gun violence is also a public health issue, for two reasons: the black homicide rate and the white suicide rate. It is estimated that gun ownership (meaning the availability of a firearm in the home) increases the risk for suicide maybe as much as three times.[145] However, as these two issues are linked to the very tricky and complicated subject of gun control, it will not be discussed here. Two other causes of death stand out because of their stark racial differences (meaning a ratio of more than 2): diabetes and HIV/AIDS, which will be discussed in detail.

The death rates for diabetes show marked racial differences: whereas the death rate for the total population was 20.8 per 100,000, it was 18.2 for whites, 38.7 for blacks, and 27.1 for Hispanics.[146] The black/white ratio was 2.1. The higher mortality rate of blacks corresponds to a higher prevalence of the disease among the black population. The diagram below also shows that the prevalence of diabetes is strongly linked to income, which shows once more the intersection of race and class.

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[143] Riffle interview.

[144] For the detailed table, see 1.4.3. Why Health Care Reform? Whites have higher death rates for: Chronic lower respiratory diseases, chronic liver diseases and cirrhosis, Alzheimer's disease, unintentional injuries, and suicide.

[145] Victor R. Fuchs, "Black Gains in Life Expectancy," *JAMA* 316, no. 18 (2016): 1869–70; David Hemenway, "Gun Violence Is a Public Health Issue," *Harvard T.H. Chan School of Public Health*, June 23, 2016, https://www.hsph.harvard.edu/news/hsph-in-the-news/gun-violence-public-health-issue/.

[146] Health United States 2012, 80.
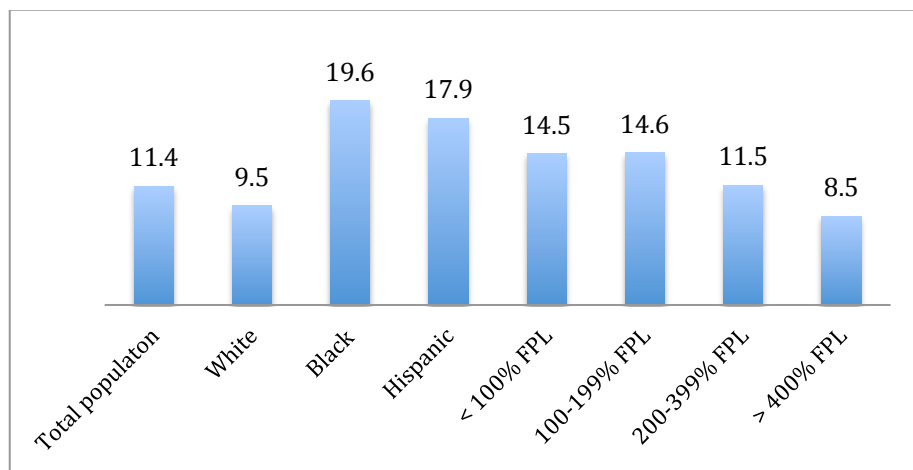
Diabetes is particularly problematic because its treatment needs to be constant and daily and is very expensive. A Kaiser Family Foundation study showed that in 2013 the per capita health expenditures for people with diabetes were on average $14,999, compared to the average per capita expenditures of $4,305 for people without the disease. This even has a serious impact for people with insurance, as the average out-of-pocket contributions for these patients were $1,922, compared with the average $738 for people without the disease.[148] The absence of care or poorly managed care of diabetes can lead to complications such as heart disease and strokes, blindness, kidney failure, or lower limb amputation because of the development of diabetic gangrene, or hyperglycemic crises that can result in death. In 2009-2012, 65% of patients with diabetes also had high cholesterol and 71% had high blood pressure, or already used medication to control these. Diabetes, especially Type 2, the most prevalent form (accounting for 90-95% of the cases of adult diabetes) is linked to race/ethnicity, obesity, inactivity, tobacco use, and family history of diabetes.[149] The structural overlapping is apparent in the prevalence of diabetes among minorities, who are at-risk groups for diabetes, and lower income groups.

Moreover, compared to other OECD countries, the US has very poor results regarding diabetes care. The US ranked first by a wide margin in diabetes related amputations with a rate of 36 per 100,000 populations in 2007 (the OECD average was 15). The same patterns holds for admission rates for acute complications caused by diabetes: the US rate was at 57 per 100,000 populations, compared with 21 for the

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[147] "Health United States, 2013: With Special Features on Prescription Drugs" (Hyattsville, MD: US Department of Health and Human Services/Centers for Disease Control and Prevention/National Center for Health Statistics, 2014), 165.

[148] Michelle Andrews, "Cost Of Diabetes Drugs Often Overlooked, But It Shouldn't Be," *Kaiser Health News*, August 18, 2015, http://khn.org/news/cost-of-diabetes-drugs-often-overlooked-but-it-shouldnt-be/.

[149] Centers for Disease Control and Prevention, "National Diabetes Statistics Report: Estimates of Diabetes and Its Burden in the United States, 2014" (Atlanta: US Department of Health and Human Services/Centers for Disease Control and Prevention/National Center for Health Statistics, 2014), 5–6, 9. Type 1 diabetes is more prevalent among children, results from complete pancreatic dysfunction, and needs constant insulin treatment.

OECD average. This high prevalence of diabetes-related problems shows that the disease and its care are a major problem in the US.[150]

The ACA strongly focuses on diabetes, and diabetes-related complications. It has been mentioned previously that the regulations defining the contents of health care plans also include Wellness and Prevention programs. These wellness and prevention efforts are to focus on smoking cessation, weight management, stress management, physical fitness, nutrition, heart disease prevention, healthy lifestyle support, and diabetes prevention.[151] Weight loss and a healthy diet are among the measures cited to try to manage diabetes. Under the Medicaid improvement section of the ACA, states have the option of providing 'health homes' for enrollees with chronic conditions.[152] Those chronic conditions include, among others, diabetes. Moreover, states can apply for grants for the prevention of chronic diseases, among them the cessation of tobacco use, weight control and loss, lowering cholesterol and blood pressure, avoiding the onset of diabetes, or improving the management of the disease.[153] The ACA established a national diabetes prevention program. Moreover, the ACA focuses on better diabetes care at a more administrative level to monitor the effectiveness of programs and care.[154]

Another very problematic issue for the African-American population is HIV/AIDS. The black/white death rate ratio is a staggering 18.7, the highest discrepancy that can be found among the different death rates. Although blacks represent about 12% of the American population, they represent 41% of the HIV-infected population.
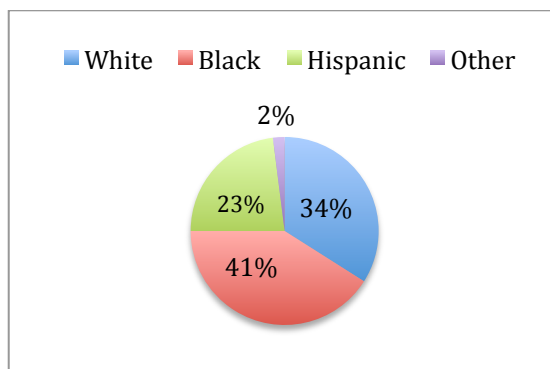
Diagram 49 Racial Composition of the HIV Infected Population 2012[155]
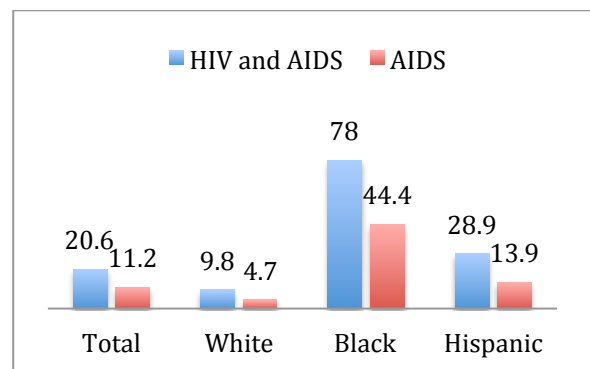
In per 100,000.
Diagram 50 Diagnoses of HIV/AIDS and AIDS, 2009[156]

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[150] OECD, *Health at a Glance 2009* (Paris: Organization for Economic Co-operation and Development, 2009), 119.

[151] ACA Sec. 2717.

[152] The term 'health home' does not appear to mean inpatient care, but the designation of a provider or team of health professionals that provide specific services to help manage chronic conditions. These services include: "comprehensive care management; care coordination and health promotion; comprehensive transitional care, including appropriate follow-up, from inpatient to other settings; patient and family support (including authorized representatives; referral to community and social support services, if relevant); and use of health information technology to link services, as feasible and appropriate." Sec. 2703.

[153] ACA Sec. 2703, Sec. 4108.

[154] ACA Sec. 399V-3, Sec. 10407.

[155] "Division of HIV Prevention" (Centers for Disease Control and Prevention, April 29, 2015), http://www.cdc.gov/hiv.

A similarly alarming picture emerges when looking at new diagnoses. For example, in 2009, blacks had distinctively higher rates of diagnoses of HIV/AIDS and full-blown AIDS (meaning the outbreak of the syndrome).

The CDC found an increase of infection due to male-to-male sexual contact and to heterosexual contact, whereas the transmission of HIV through injection drugs remained stable.[157] The lack of health insurance, competing basic needs (such as food and clothing), the lack of adequate child-care, and the fear of the stigma associated to HIV/AIDS are cited as reasons for the high prevalence of HIV/AIDS in the black population. This fear, which is partly fostered through homophobia in the black community, contributes to a lack of treatment of the disease and to a heightened transmission of the infection. A significant share of the HIV infections occurs through male-on-male sexual intercourse.[158]

The ACA urged states to conduct Medicaid enrollment outreach to vulnerable and underserved populations that included racial and ethnic minorities and specifically people with HIV/AIDS.[159] Regarding HIV/AIDS, but also the previously discussed diabetes, the prohibition of denial of health insurance due to preexisting conditions is particularly important, as is the prohibition of annual or life-time limits on benefits. Just as diabetes, HIV/AIDS treatment is extremely expensive. However, Community Health Centers provide free screening for HIV, and in some cases deliver the care, or refer to the next specialist. Payments are made according to the person's ability to pay.[160] Additional, HIV/AIDS-specific help for low income, under- and uninsured people is provided through the Ryan White CARE Act of 1990, to which the Aids Drug Assistance Program (ADAP) was added in 1996. Although it is a governmental program for HIV/AIDS care, it is not supposed to be primary care, but a last-resort solution. The National Alliance of State and Territorial Aids Directors (NASTAD) provides an overview of the different ADAPs at the state level. Their annual reports of 2016 and 2017 discuss some of the effects of the ACA on HIV/AIDS cost and insurance enrollment that helps illustrate how the ACA managed to impact the epidemic. First, the major part of the clients served in 2015 by ADAPs were blacks (38%), closely followed by whites (31%) and Hispanics (23%). The share of black patients was as high as 78% in Mississippi or 70% in South Carolina. The help that ADAPs provide can include paying for insurance premiums, paying for deductibles and co-payments to filling drug prescriptions, or combinations of these. Because of the ACA, the insurance profile of ADAP clients has quite drastically changed. Whereas in 2013, 60% of ADAP clients had no form of insurance whatsoever and received fully paid medication from ADAP, this number dropped to 42% in 2016. Be-

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[156] Centers for Disease Control and Prevention, "HIV Surveillance Report, 2009" (US Department of Health and Human Services/Centers for Disease Control and Prevention/National Center for Health Statistics, 2011), 27–28.

[157] HIV Surveillance Report 8.

[158] Richard D. Moore, "Epidemiology of HIV Infection in the United States: Implications for Linkage to Care," *Clinical Infectious Diseases* 52 (2011): 212.

[159] ACA Sec. 1943.

[160] Centers for Disease Control and Prevention, "Understand How HIV Treatment Works and Stay in Care," *HIV Treatment Works*, February 8, 2016, http://www.cdc.gov/actagainstaids/campaigns/hivtreatmentworks/stayincare/index.html.

tween 2013 and 2014, the number of clients for which ADAP helped pay for premiums, co-payments and deductibles for insurance increased from 33% to 40%, while the percentage of persons for whom ADAP had to do both, paying for medication and helping with premiums etc. decreased from 7% to 2%.[161]

From 2014 to 2015, the first year of the implementation of most of the provisions of the ACA, the ADAPs managed to serve over 10,000 more clients, while actually decreasing their annual expenditures by $26 million. They report that compared to 2009, the average cost for purchasing health insurance (or co-insurance etc.) for their clients had dropped from $5284 per year and per person to $2,720 thanks to the provisions of the ACA.[162] This has allowed them to expand their help to more persons. Moreover, since Obama signed the re-authorization of the Ryan White CARE Act, which includes the ADAP, in 2009, the program had more than doubled the number of clients for which they purchase insurance or provide insurance continuation.[163]

Parallel to these developments in the ACA, the Obama administration also launched a "National HIV/AIDS Strategy" in 2010 with the aim of reducing the number of new infections, increasing access to care, optimizing the health outcomes of people living with the infection, and of reducing HIV-related disparities. Although the increased health care access was based on the Ryan White program that has existed since 1990, the new strategy wants to focus on the detection of HIV among blacks and Hispanics, and more generally wants to target high risk populations with measures to reduce transmission and spread of the virus, especially among blacks and Hispanics. Additionally, those programs aimed at allocating public funding to geographic areas depending on the prevalence of the epidemic.[164] For example, in the context of this new strategy, the CDC has allocated to health departments in areas and communities with the highest HIV concentrations at least $330 million of funds for prevention for the years between 2012 and 2015. This includes a new project of pre-exposure prophylaxis treatments for high-risk populations, such as gay and bisexual persons of color, and additional funding (115$ million over 5 years) for additional support for on-the-ground organizations. This new strategy as implemented by the CDC also includes culturally-tailored prevention and awareness programs that focus on testing and reducing the stigma of AIDS, and that encourage the taking of medication and accompany people in keeping health coverage.[165]

Moreover, the ACA provided funds for Personal Responsibility Education programs, which focus on contraceptive education, especially among the younger generation. The programs also aim at reducing youth pregnancy rates, which are particu-

[161] "National ADAP Monitoring Project: Annual Report" (NASTAD, 2017), 63, https://www.nastad.org/sites/default/files/nas001_report_v6_singlepages.pdf; "National ADAP Monitoring Project: Annual Report" (NASTAD, 2015), 10, http://www.nastad.org/sites/default/files/NASTAD-ADAP-Monitoring-Project-Annual-Report-May-2015.pdf.

[162] "National ADAP Monitoring Project: Annual Report," 2017, 41; "National ADAP Monitoring Project: Annual Report" (NASTAD, 2016), 21, http://www.nastad.org/sites/default/files/2016-National-ADAP-Monitoring-Project-Annual-Report.pdf.

[163] NASTAD 2016, 21.

[164] Barack Obama, "National HIV/AIDS Strategy: Federal Implementation Plan," July 2010, 1, 7, 10–11, https://obamawhitehouse.archives.gov/files/documents/nhas-implementation.pdf.

[165] National Center for HIV/AIDS Prevention, "HIV in the United States by Geographic Distribution," November 2016, https://www.cdc.gov/hiv/pdf/statistics/cdc-hiv-geographic-distribution.pdf.

larly high among African-Americans. Youth pregnancies have a strong negative influence on future job prospects and education attainment.[166]
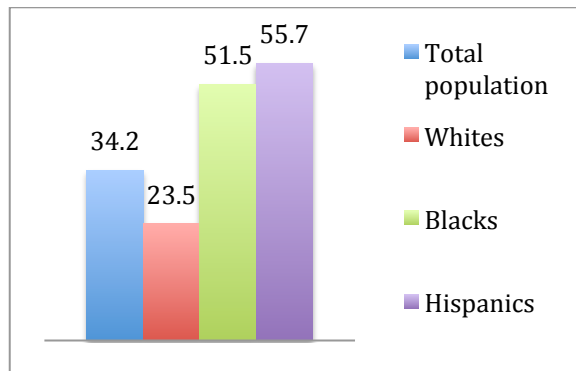
Diagram 51 Teen Pregnancy Rates by Race in per thousand, 2010[167]

Similarly, the ACA focuses on improved maternal and childhood care programs. Among the actions taken is the identification of at-risk communities on the following criteria: the concentration of premature birth, low-birth weight, infant mortality, poverty, crime, domestic violence, high rates of high-school drop-outs, substance abuse, unemployment, or child maltreatment. Additional funding is provided for suited care programs.[168] The ACA allots additional funds to supplement existing programs for pregnant and parenting teenagers and women. These funds are specifically aimed at students to help them continue their education when they have children. These measures include maternity coverage and the possibility to cover additional family members in student health care, the availability of family housing, child care, flexible or alternative academic scheduling, education to improve parenting skills and to strengthen marriages, but also basic material help such as maternity and baby clothing, baby food or even furniture. High schools and community service centers are exempt from the requirement to match the federal funds at 25% (money or in-kind contribution), meaning that the federal government would pick up most of the tab.[169]

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[166] Rebecca A. Maynard, "Kids Having Kids: Economic Costs and Social Consequences of Teen Pregnancy" (Washington DC: Urban Institute Press, 1997).
[167] "Health United States 2012: With Special Feature on Emergency Care," 50–51. Live births for 1,000 population, teenagers 15-19 years old.
[168] ACA Sec. 2951.
[169] ACA Sec. 10212–3.
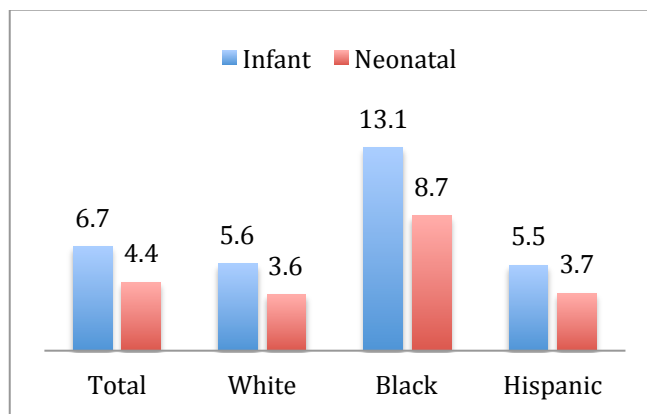
Diagram 52 Infant Mortality Rate by Race, 2006-8[170]

Infant and neonatal mortality rates for blacks far exceed those of the rest of the population and are also remarkably higher than in any western country. The infant mortality rate for blacks was close to the one in Mexico at 14.7. Thus the enhanced care programs should have a major impact on the black population, especially as the priority of the programs is set for those at-risk populations. Other priority criteria rather obviously match some of the pathological behaviors that can be found in inner-city neighborhoods. Thus it is to be expected that these underserved areas should be able to get additional funds under the ACA.

A more conservative, or behavioral, tone is taken in the section of the Act that awards funds for programs that promote positive health behaviors and outcomes. This is aimed at medically underserved communities and is to be carried out through community health workers. The section is explicitly aimed at racial and ethnic minorities. It focuses on outreach, the promotion of healthy behavior and the avoidance of risky behavior, enrollment in CHIP, Medicare and Medicaid, but also in other health care agencies (such as for example an ADAP) or community organizations that provide maternal and prenatal home visit programs. The ACA set a priority for the funding of areas with high concentrations of eligible but un- or under-insured populations, high concentrations of people with chronic diseases or high infant-mortality rates. This also builds on existing programs at the community level, as the priority goes to areas that already have experience in providing health or related social services to underserved communities, have documented activity in this respect and have experience with community health workers.[171]

The ACA and the HCER awarded increased funding to Community Health Centers (CHC) for a total of $9.5 billion from 2011 to 2015 and of $1.5 billion for the National Health Service Corps (NHSC) over the same period. An additional $1,5 billion was made available over the period 2011-2015 for the construction and renovation of CHCs.[172] CHCs are organizations based in communities that serve populations with limited access to health care. Moreover, these centers are directed by patients (51% of the board must be constituted by patients). They have to provide comprehensive primary health care, but also additional health-related services, such as education,

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[170] "Health United States 2012: With Special Feature on Emergency Care," 67–68, 71–73. In per 1,000 live births. Infants up to age 1. For comparison: in 2009, the infant mortality rate of Iceland was 1.8, Finland 2.6, the Czech Republic 2.9, Belgium 3.4, Germany 3.5, France 3.9, Chile 7.9, and the USA 6.4. The US ranked 27th out of 31 OECD countries.
[171] ACA Sec. 399V.
[172] ACA Sec. 10503; HCER Sec. 2303.

translation, or transportation. They have to provide health services to all and the fees are adjusted to the patients' ability to pay.[173]

The NHSC was established in 1972 and focuses on health care providers for underserved communities. In addition, it includes programs to help with medical student loan repayments and provides scholarships for people who work, or will work, on underserved sites for two years.[174]

In 2013, the US already had a wide network of community health centers of about 1,202 CHCs receiving federal funds, 52% of which were in urban areas. These centers delivered care to about 21.7 million patients in 9,170 health care delivery sites. The type of services included medical and dental care, behavioral health and enabling services. They mostly served low-income minority patients who are mainly able-bodied working-age women. People with incomes below 100% FPL represented 72% of the patients, 23% of the patients were African-American (42% of the patients were white, 28% were Hispanics), and 61% of the patients were between 18 and 64 years old. Most of the CHC patients were either uninsured (35%) or covered by Medicaid (41%). A vast majority of the health care visits were for primary medical care (71%). In 2013, CHCs already received 40% of their funding through Medicaid. The expansion of Medicaid should thus have a beneficial impact on CHCs, as the majority of their patients fall within the new Medicaid eligibility guidelines.[175] As African-Americans and other minorities in the lowest income categories disproportionately rely on CHCs for their health services, it can be expected that this population will benefit directly from funding increases.

The issue of preexisting conditions was quite complex prior to the enactment of the ACA. Prior to the prohibition, there was a patchwork regarding preexisting conditions that varied by state. A 2016 Kaiser poll found that 53% of Americans had a preexisting condition or that someone in their household had such a condition. The foundation estimated that, in 2016, about 30% (29.4 million women) of nonelderly women and 24% (22.8 million men) of nonelderly men had a preexisting condition. There are strong state variations. Colorado had the lowest rate of individuals who could have coverage denied due to preexisting conditions at 22%. Southern states had particularly higher rates, the highest being Mississippi at 34% and West Virginia at 36% of their non-elderly population. Since not all of these individuals would have had to purchase coverage on the individual market (possibly being covered through their employer or Medicaid, or other), the study estimates that prior to the ACA about 18% of applications were denied. In some states the rates of denied applications were as high as 33% (Kentucky, North Carolina, Ohio). According to 2008 data from AHIP, denial rates for children were 5% and 29% for adults between 18 and 64 years old. However, the study considered that these rates were underestimations, as many people did not apply because they knew their condition made them ineligible or were told so by an insurance agent. In addition, regulations regarding preexisting conditions exclusions varied widely from state to state. In 19 states a preexisting condition was only considered as

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[173] "Community Health Center Strengthening," *Centers for Disease Control and Prevention*, December 23, 2016, https://www.cdc.gov/nchhstp/preventionthroughhealthcare/ healthdepartments/commhealthcenters.htm.

[174] "The National Health Service Corps," *Health Resources and Services Administration*, 2017, https://www.nhsc.hrsa.gov.

[175] Peter Shin *et al.*, "Community Health Centers: A 2013 Profile and Prospects as ACA Implementation Proceeds" (kff.org, March 17, 2015), http://kff.org/report-section/community-health-centers-a-2013-profile-and-prospects-as-aca-implementation-proceeds-issue-brief/.

such if the individual had received treatment or advice for the conditions over a previous period ranging from 6 months to 5 years. In other states this included conditions that had not been diagnosed, but for which symptoms would have prompted a 'prudent person' to seek advice and treatment. In 7 states and Washington DC, preexisting conditions included any condition, even if it was undiagnosed and asymptomatic (meaning the symptoms did not correspond to the symptoms usually associated with the disease) that had begun prior to the coverage. So this could include congenital conditions in a newborn baby.[176]

The same study conducted an overview of the preexisting conditions commonly listed by insurers as reasons for denying coverage: HIV/AIDS, alcohol or drug abuse with recent treatment, Alzheimer's disease, arthritis, cancer (within 10 years), congestive heart failure, coronary artery or heart failure, or any bypass surgery, Crohn's disease, diabetes mellitus, epilepsy, Hepatitis C, kidney disease or renal failure (but this has been an eligibility criterion for Medicaid since 1972), many mental disorders (severe bipolar or eating disorders), multiple sclerosis, severe obesity, organ transplant, paraplegia, paralysis, Parkinson's disease, pending surgery or hospitalization, pregnancy or expectant parent (this means that men could be denied coverage as well), stroke, or transsexualism. In some cases specific medication was excluded. This concerned some drugs against arthritis, cancer, diabetes, HIV/AIDS or hepatitis, among others. Some insurers also developed lists of occupations that made people ineligible for insurance, most of them being high-risk or high-stress professions, such as active military personnel, air traffic controllers, bodyguards, aviation and air transportation, crop dusters, firefighters and EMTs, law enforcement and detectives, meat packers and processors, or taxi drivers, to cite just a few.[177]

The study also found a list of conditions that would not result in denial of coverage, but could result in coverage with higher premiums. The specific treatment for the condition or body part where the condition is located could be excluded, deductibles could be increased, or benefits could be modified so as to exclude prescription drugs, for example. Some of the conditions that could trigger such measures were: acne, allergies, anxiety, asthma, depression, ear infections, fractures, high cholesterol, hypertension, incontinence, joint injuries, menstrual irregularities, overweight, varicose veins, and vertigo.[178]

The ACA very simply prohibited all preexisting condition exclusions and prohibited discrimination based on health status, meaning the above-mentioned practice of charging higher premiums because of certain prior health conditions, such as frequent ear infections or irregular menstrual periods.

In the case of many of these conditions there are strong racial disparities. Regarding hypertension, which can often lead to very serious conditions such as heart attacks, strokes, chronic heart failure, or kidney disease, African-Americans have the highest rates.

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[176] Gary Claxton *et al.*, "Pre-Existing Conditions and Medical Underwriting in the Individual Insurance Market Prior to the ACA" (Kaiser Family Foundation, December 12, 2016), http://www.kff.org/health-reform/issue-brief/pre-existing-conditions-and-medical-underwriting-in-the-individual-insurance-market-prior-to-the-aca/.
[177] Claxton *et al.*
[178] Claxton *et al.*
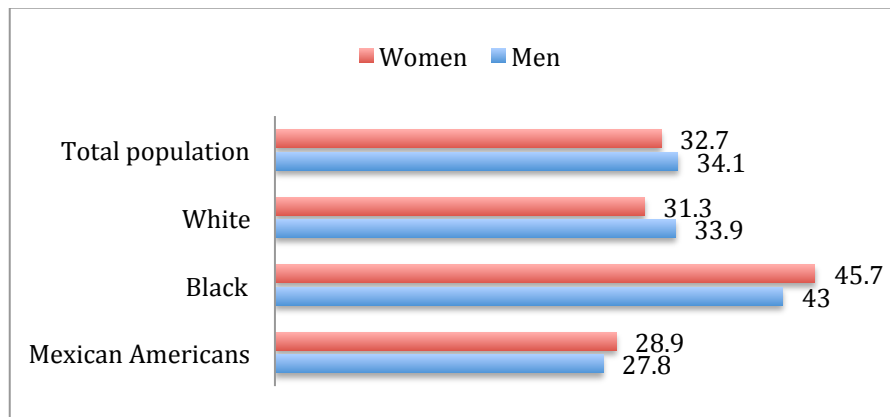
Diagram 53 High Blood Pressure by Race in Percent, 2016[179]

Although the highest rates are among seniors, who qualify for Medicare, a significant proportion of the non-elderly population have hypertension, most notably over half of the 55-64 year olds. The CDC also alerts readers to the fact that only 54% of the people concerned have their hypertension under control.[180]

The trends for cholesterol show less marked racial disparities, though it is something that significantly affects all populations. Only about 29.5% of affected patients have their condition under control and only 48.1% are getting treatment. High cholesterol doubles the risk of developing heart disease (the leading cause of death in the US). Although 31.7% of all Americans have high cholesterol, Mexican American men are particularly affected with 38.8%.[181]

Obesity has sharp racial disparities. Although the population with obesity problems is growing overall, blacks have the highest rates.
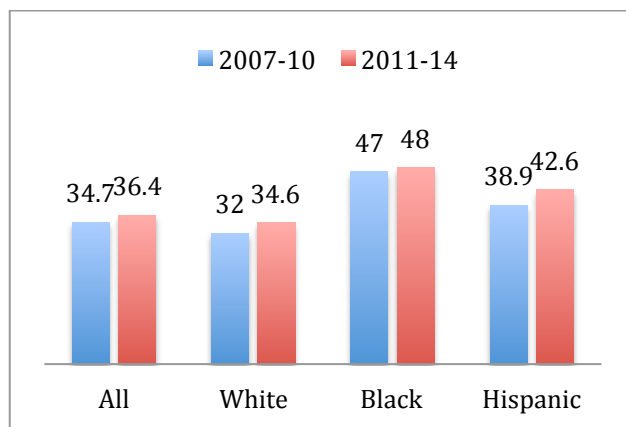
Diagram 54 Obesity Rates by Race in Percent 2007-10 and 2011-14[182]

These figures concern obesity of all types. In addition, blacks have markedly higher rates of grade 3 obesity (with a Body Mass Index over 40.0) than other populations:

[179] Adapted from "High Blood Pressure Facts" (Centers for Disease Control ad Prevention, November 30, 2016), https://www.cdc.gov/bloodpressure/facts.htm.

[180] CDC.gov "High Blood Pressure Facts."

[181] "High Cholesterol Facts" (Centers for Disease Control ad Prevention, March 17, 2015), https://www.cdc.gov/cholesterol/facts.htm.

[182] Adapted from "Health, United States, 2016: With Chartbook on Long-Term Trends in Health" (Hyattsville, MD: US Department of Health and Human Services/Centers for Disease Control and Prevention/National Center for Health Statistics, 2017), 238.

11.9% of blacks compared with 5.4% of whites, and 5.3% of Hispanics, or 6% of the total population in 2007-10. This is an increasing trend with rates having more than doubled since 1988-1994. For Grade 3 obesity, the rates vary by income level: they were 1.8 times lower for incomes over 400% FPL than for the highest obesity rate at incomes between 100% and 199% FPL. The difference is less marked for overall obesity, for which there is a 6% decrease for incomes over 400% FPL, compared to the highest obesity rate of 37.3% for incomes between 100%-199% FPL in 2007-10. This, however, is changing. The overall obesity rates for incomes below 400% FPL are still growing, whereas for incomes over 400% FPL the rate decreased by 1.6% in 2011-14. Thus the discrepancy was at 12.9%, more than double the discrepancy between these populations in 2007-10. The difference with other lower income levels was around 10%. These trends show that obesity is increasingly becoming a problem linked with poor minority populations. Children are also seeing growing rates of obesity; between the age of 2 and 19 years old, the rate grew from 16.9% in 2009-10 to 17.2% in 2013-14.[183]

It appears then that the ban on using preexisting conditions exclusion was especially important for minorities and blacks because they had among the highest uninsured rates, which could have resulted partly from the high proportion of preexisting conditions among these populations. The high rates of obesity and hypertension and other similar conditions were among factors that made health insurance premiums more expensive. In this sense, blacks should benefit from the ACA, which prohibits this kind of practice.

However, the issue of obesity is so problematic that the ban on pre-existing conditions is not sufficient. Although some of the abovementioned measures address obesity issues, the health care reform cannot address the problem of nutrition, especially among children, for whom the onset of obesity can be more easily prevented or for whom existing obesity can be tackled. Moreover, political scientist Clodagh Harrington draws attention to the fact that childhood obesity is recognized as one of the most pressing matters of the 21st century by the World Health Organization, as confirmed by studies showing the impact of obesity, especially among low-income children, on their chances in life.[184]

The specific focus on child obesity came through First Lady Michelle Obama's initiative *Let's Move*. The initiative launched in 2010, is very complementary to the ACA, as it focuses on childhood obesity. It has been shown above that the black community disproportionately suffers from obesity, and the trends are similar for children. In 2007-2010, among children 12 to 19 years old, overall 18.2% were obese. However, this concerned 15.9% of white youths, compared with 24.1% of black youths, or 22.5% of Hispanics. For all groups, except for whites, these trends had been increasing from the previous years. Although for 2011-2014 the rates were almost the same or increasing for all populations, except for blacks whose rate dropped by 1.5%,[185] it is not possible to say whether or not the FLOTUS initiative is responsible for that. Beyond these racial differences, there are also striking differences according to income: the obesity rates decline as income increases: whereas in 2007-10 24.3% of

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[183] "Health United States 2016" 54, 238, 241.

[184] Clodagh Harrington, "The Power of Lunch: Healthy Kids, Vested Interests and the Nanny State" (European Association for American Studies, Ovidius University, Constanta, Romania, 2016), 2—3.

[185] "Health, United States, 2016: With Chartbook on Long-Term Trends in Health," 241—43. The trends for younger children are similar.

youngsters from families with incomes below 100% FPL were obese, this decreased steadily along income lines to drop to 14% for incomes over 400% FPL.[186]

Thus the initiative launched by Michelle Obama targets a problem that is present among all racial groups, but which is prevalent among African-Americans. Thus it is perfectly consistent with the race pragmatic approach. Moreover, it has been shown above that obesity has implications on health care insurance, as well as on health conditions. *Let's Move!* focuses on different things, such as improving child nutrition, for example through an update of child nutrition policies, providing access to healthy, affordable food in schools and communities, promoting physical activity, and providing information and support for parents and caregivers. In this respect, the elements that aim at parents seem slightly superficial. However, these elements aim at establishing new habits at home, such as advice to keep fresh fruit available for the children, to go for a family walk after dinner, to plan the menu for the week and to involve the children in this and in the preparation of the meals, to make mealtimes a family moment without TV, and to address the school principal about healthier food in school. Advice to children is in a similar tone and highlights the need to drink water instead of soda or insists on the need to move, even when watching TV. The program's website urges schools to create a Health Advisory Council, to incorporate nutrition and physical education, or to plant a school garden.[187] This focus on unsound behavior or negative habits is also perfectly consistent with the race pragmatic approach, which highlighted the need to openly address such issues and to insist on such issues of personal responsibility.

Such measures might seem trivial or symbolic. However, Harrington points out in her analysis of the Healthy Hunger-Free Kids Act that recent studies explain the staggering link between a low socio-economic level, the lower educational background of the parents, and child obesity. Moreover, Harrington points out that, for the First Lady, the realization came when starting this initiative, that obesity was not only linked to a lack of physical activity, but was strongly linked to many other factors in people's environment. However, Harrington insisted on the fact that at the political level this information is not always well received, because it raises the issue of responsibility. As long as a lack of physical activity is portrayed as the sole cause for obesity, structural inequalities need not be addressed. However, obesity raises the question of food subsidies and thus interferes with vested interests in the food industry, where junk food is subsidized to a much greater extent than healthy food. An additional problem that gained new attention was that children receive a substantial part of their meals at school, where junk food often dominates for practical reasons and because it is cheap. Given the extent of the problem, and to make her initiative viable and meaningful in the long term, Michelle Obama urged her husband to sign the Healthy Hunger-Free Kids Act in 2010. The White House Task Force on Child Obesity was created at the same time. As pointed out by Harrington, it was a good move for the Obamas to carefully dissociate the FLOTUS initiative, which is supposed to be more superficial, from the policy enactment that went through the regular channels. It is yet another example where some of the Clintons' mistakes, such as a too prominent and too active role for the First Lady, were painstakingly avoided.[188]

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[186] "Health United States 2016" 243.

[187] "Let's Move! America's Move to Raise a Healthier Generation of Kids," n.d., https://letsmove.obamawhitehouse.archives.gov.

[188] Harrington 2-5.

This was a continuation of an initiative by Lyndon Johnson in the 1960s, but it was triggered by the Obama administration's focus on health and social justice. Harrington explains that early on in the Obama administration, particular attention was paid to the problem of childhood obesity and the more general issue of poor diet among children from lower-income backgrounds.

Harrington highlights the fact that the Obama initiative on school lunches does not come out of the blue, but dates back to 1945 when the US military informed Congress that 40% of the draftees had to be rejected because of malnutrition. This led to the passage of the National School Lunch Act in 1946, which provided free and subsidized school meals. The program enjoyed mixed partisan support over the years and fared according to the general wave of social programs: Nixon supported it, Carter reduced it, and Reagan made substantial cuts. In addition, the 1980s marked a change in attitudes regarding diet. Reagan made his famous comments about tomato ketchup being a vegetable, and he allowed fast food chains to sell in schools. The difference between 1945 and 2009 was that the conclusion of the military report that reached the Obama administration was "too fat to fight." Thus the military was a strong ally in support of school lunches. Additionally, it provided good arguments regarding the costs of better school lunches: the military claimed that obesity was costing them over $1 billion a year.[189]

Obama's bill built on the existing legislation and added $4.5 billion in new funding to reach a total of $10.1 billion. It established a new nutritional standard for school meals including breakfast. Among the most progressive features of the bill was an easier enrollment, which would prevent disadvantages for poor children with more chaotic family lives. The other progressive feature was the fact that school meals would run throughout the year, including vacations to ensure the continuity of (healthy) meals. Moreover, eligibility was expanded. The US Department of Agriculture got the authorization to set the standards for school meals, including vending machines, which had in the past often provided a junk food alternative to the healthy school lunch. Moreover, schools and communities were provided with resources to shop for fresh produce at local farms and gardens for a more ecological approach. However, Harrington highlighted the fact that Obama had to agree to temporary cuts in the SNAP program (food stamps) to get the deal pass Congress, which of course brought criticism from liberal Congressmen.[190]

Despite these initial problems and the opposition of food interests, Harrington lauded the accomplishment of a suddenly unpopular law that was pushed through for the greater good of a long-term goal. First evidence seems to indicate that the program works and that many schools have taken up additional initiatives. Moreover, Harrington underlined the disproportionate racial impact on black children, as they suffer from higher obesity rates and are disproportionately poor and thus eligible for school lunches.[191]

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[189] Harrington 6-7.
[190] Harrington 6-9.
[191] Harrington 17-19.

4.2.3. The Aftermath: The ACA at Age 7

Most provisions of the ACA and the HCER took effect in 2014, in particular the individual mandate and the employer mandate. Other provisions went into effect quickly, such as the prohibition of health care exclusion based on preexisting conditions that was effective immediately or the option for early enrollment of newly eligible Medicaid patients, which became possible starting 2011. The overall Medicaid extension, however, went (at least partially) into effect in 2014. With these new provisions, the insurance landscape changed.
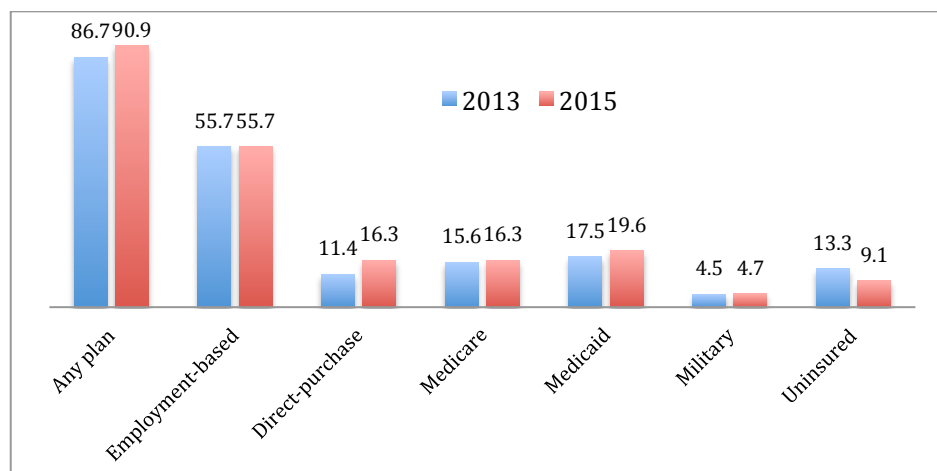
Diagram 55 Health Insurance Coverage 2013 and 2015, in Percent[192]

The gain of new health insurance coverage was particularly strong for direct-purchase insurance, meaning private insurance not provided by the employer. Medicaid enrollment also significantly increased. The decline of uninsured people was particularly marked for people age 21 to 28, with a decrease of almost 10%.[193] This shows that the possibility for people of remaining on a parent's health plan until turning 27 was quite effective.

Regarding income, not surprisingly, higher incomes continue to rely mostly on private coverage. However, the relatively high government insurance proportions among the higher incomes mainly reflect Medicare enrollment, which is not dependent on income. The lower incomes have a higher reliance on government insurance, which reflects the high Medicaid enrollment based on incomes criteria.

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[192] Adapted from Jessica C. Barnett and Marina S. Vornovitsky, "Health Insurance Coverage in the United States: 2015," Current Population Reports (Census Bureau/US Department of Commerce, September 2016), 4.
[193] Adapted from Barnett and Vornovitsky 8.
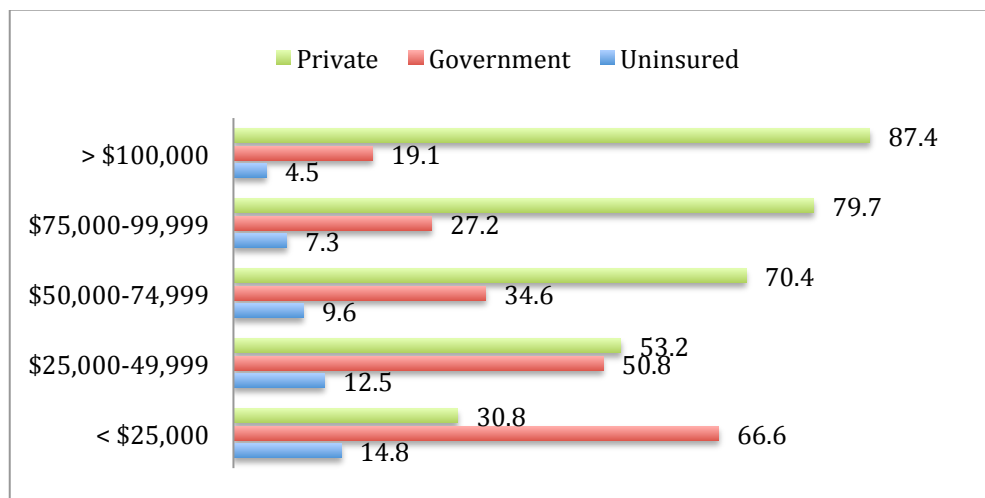
Note: the different types of health insurance coverage are NOT mutually exclusive.
Diagram 56 Type of Health Coverage by Income 2015, in Percent[194]

Compared to 2010, the decline in the number of people without health insurance was particularly sharp among the lowest incomes, which shows the effects of the Medicaid extension. It may also reflect structural effects on the preexisting conditions ban. As seen previously, some diseases or preexisting conditions such as diabetes and obesity occur at very varying rates. This exemplifies structural inequalities along income and racial lines.
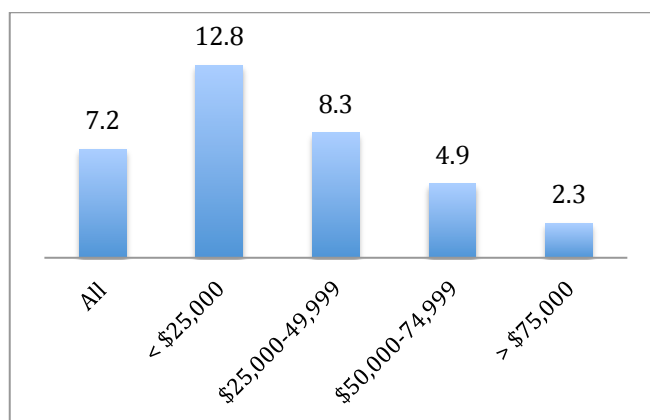
Diagram 57 Decline in Uninsured Rates by Income 2010-2015, in Percentage Points[195]

Some provisions went into effect immediately with the enactment of Obamacare. Thus it is more revealing to compare the overall changes since 2009.

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[194] Adapted from Barnett and Vornovitsky 13.
[195] Adapted from CPS 2010 and CPS 2015.
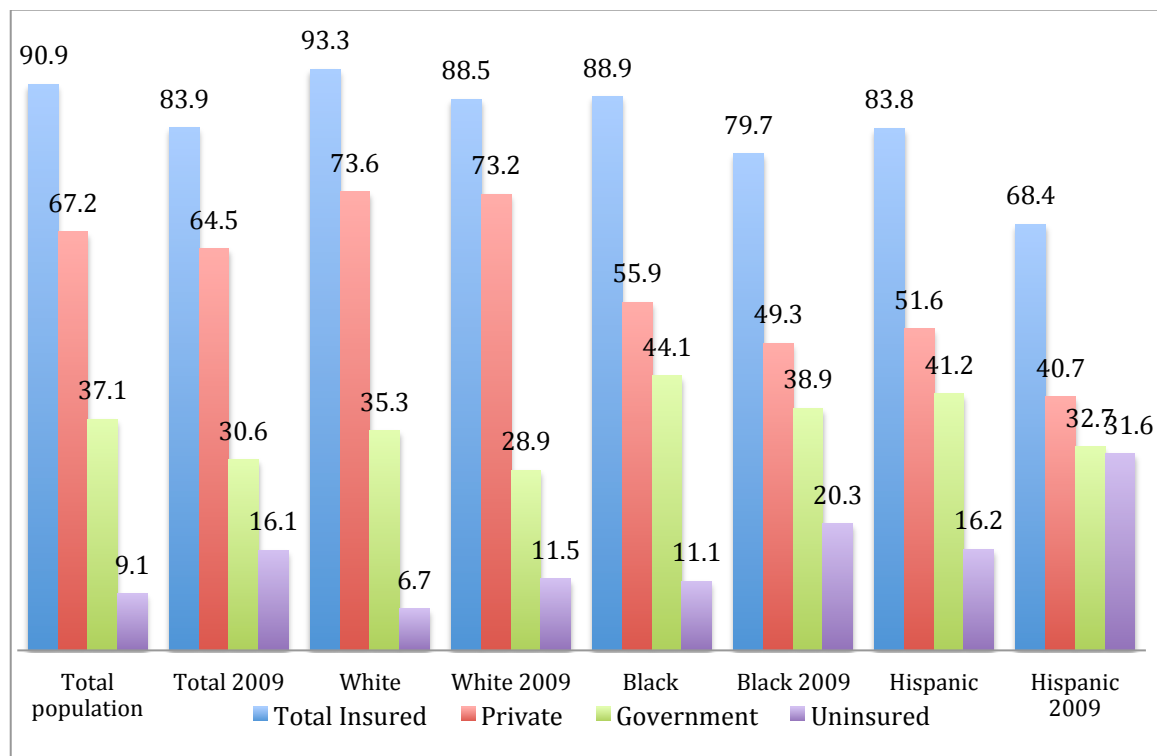
Diagram 58 Type of Health Coverage by Race 2009 and 2015, in Percent[196]

The change in health coverage was significant for the whole population, but the changes were particularly important for minorities, especially for Hispanics. Black and Hispanic uninsured rates dropped by 9.2% and 15.4% respectively. The drop was lower for whites at 4.8% but still significant. The health reform had little impact on private insurance for whites, but they gained 6.4% in public coverage (mostly Medicaid). Although the overall public insurance rate increase was 6.5 percentage points, Hispanics increased their public coverage more than other populations with an 8.5 percentage point increase, and blacks increased their public coverage rate the least with 5.2 percentage points.[197] The reason for this low increase of public coverage will be explained in detail later, because it is due to the non-extension of Medicaid.

Both blacks and Hispanics significantly increased their private insurance rates by roughly 10 percentage points. The overall picture that emerges is that the universal but class-specific focus has yielded some results due to the structural intersection of race and class, while also helping the poorer white populations to increase their health insurance coverage rates.

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[196] Adapted from Barnett and Vornovitsky, "Health Insurance Coverage in the United States: 2015," 16; De Navas-Walt, Proctor, and Smith, "Income, Poverty, and Health Insurance Coverage in the United States: 2010," 78–81.
[197] The reason for this will be discussed in 4.3.1. Lawsuits Against the ACA and Medicaid.
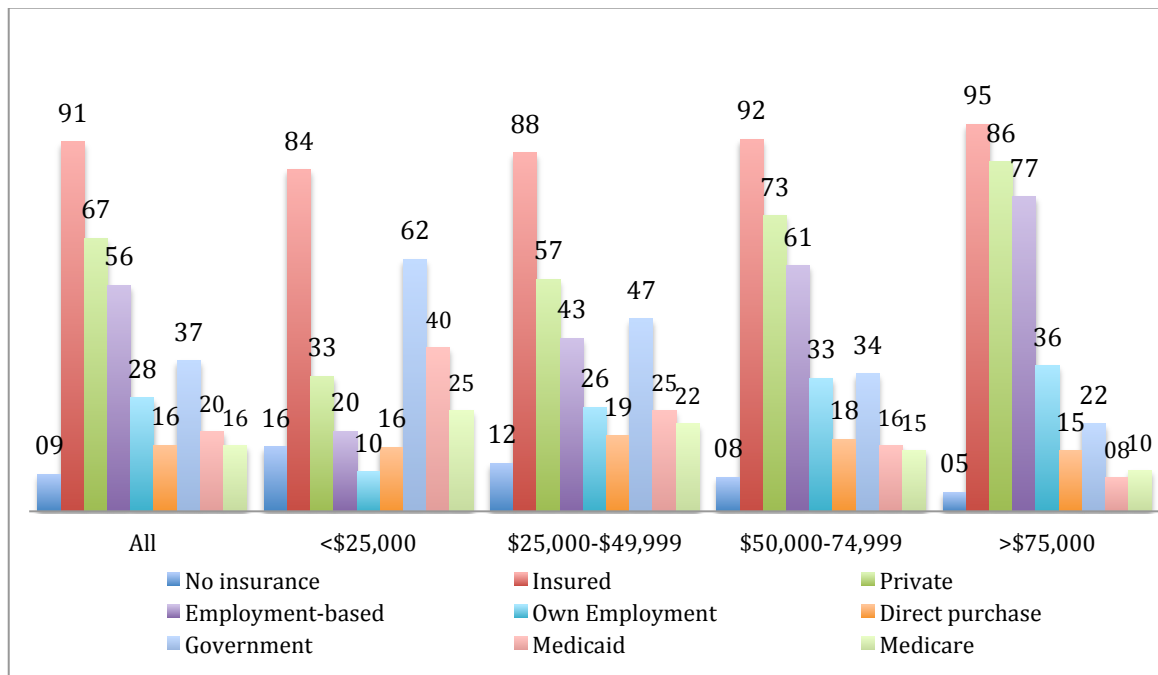
Diagram 59 Type of Health Coverage by Income 2015, in Percent[198]
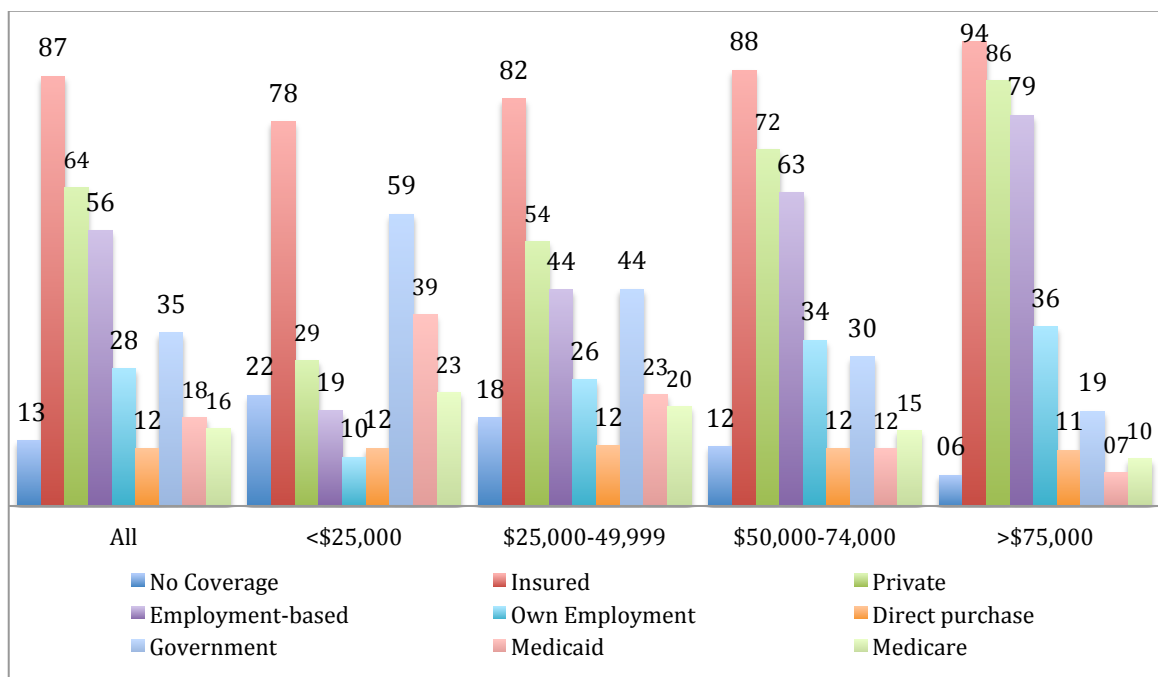
Diagram 60 Type of Health Coverage by Income 2013, in Percent[199]

Among the lowest incomes, the insured rate increased by 8 percentage points, mostly through direct-purchase private insurance. The same occurred for the working and lower middle class, although the overall increase in the insured rate was low-

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[198] Adapted from CPS 2016. Insurance through "own employment" refers to the direct insurance an individual receives as an employment benefit. Employment-based includes the coverage of dependents who get their coverage through the direct employment-related coverage of a spouse or parent. The totals do not equal 100 because the different types of coverage are not mutually exclusive.

[199] Adapted from CPS 2014.

er at 6 percentage points. This indicates that the overall lowering of health insurance costs and tax credits had some effect. For the middle class, the overall insured rate increased as well, although moderately by four percentage points, resulting from a 6 percentage point increase in direct-purchase private insurance and four percentage point Medicaid increase (this probably results from some large families qualifying for Medicaid). Overall, all income categories saw a slight increase in employment-based coverage, ranging from one to two percentage points for the highest incomes. The highest incomes also increased their direct-purchase private coverage by four percentage points.
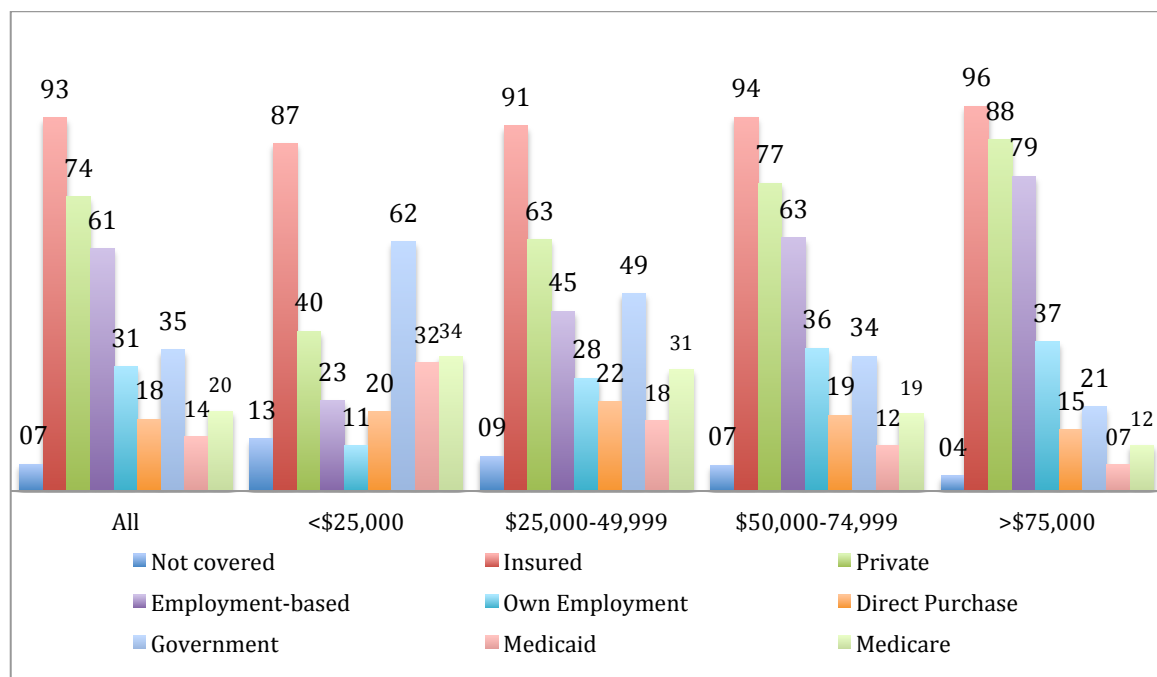
Diagram 61 Type of Health Coverage by Income, for Whites, 2015, in Percent[200]

[200] Adapted from CPS 2016.
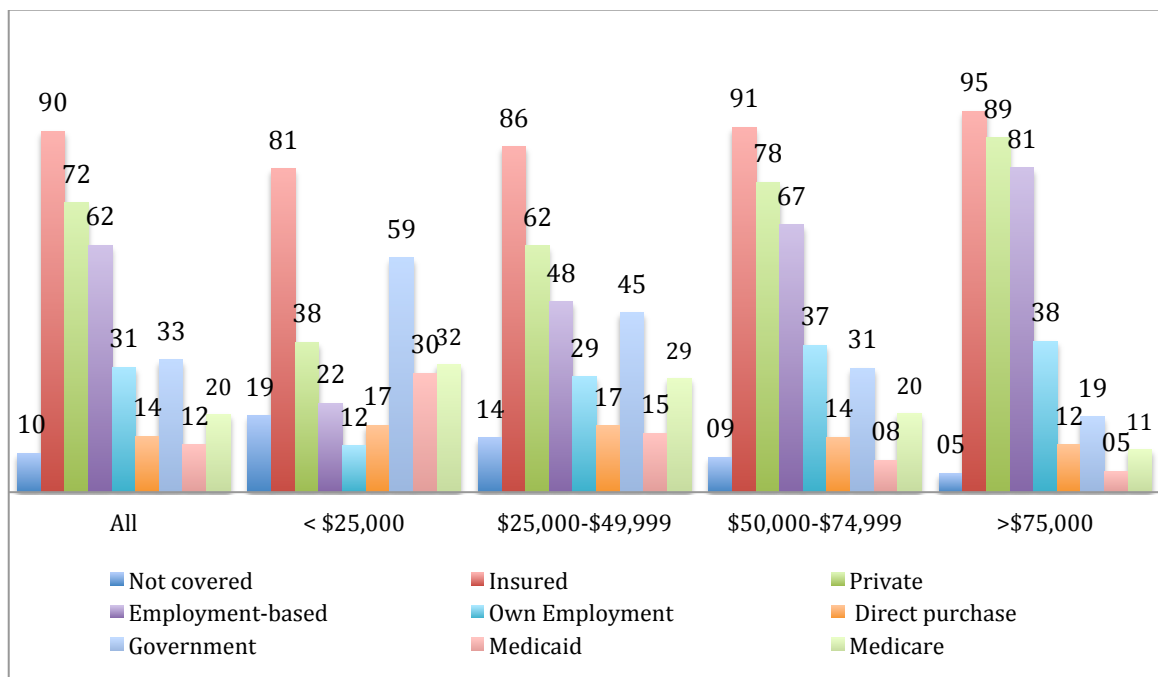
Diagram 62 Type of Health Coverage by Income, for Whites, 2013, in Percent[201]

The pattern is slightly different for whites. Although the overall uninsured rate for whites fell by only three percentage points, the decrease was strongest among the lowest income category with a six percentage point decrease, followed by the working and lower middle class with a five percentage point decrease. Because whites are less concentrated in these income categories, the effect on the overall uninsured rate was not that spectacular. These income categories also experienced an increase in private direct purchase insurance and in Medicaid enrollment. For the working and lower middle class, employment-based insurance actually decreased slightly. The same pattern applied to the middle class and the higher incomes.

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[201] Adapted from CPS 2014.
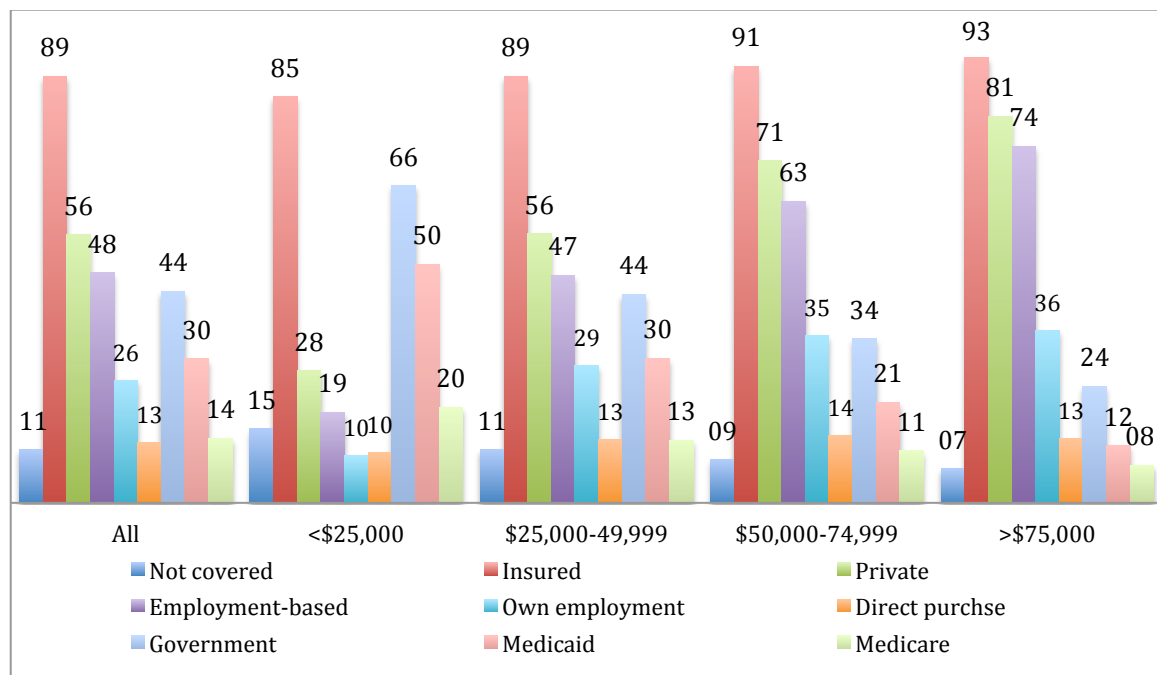
Diagram 63 Type of Health Coverage by Income, for Blacks, 2015, in Percent[202]
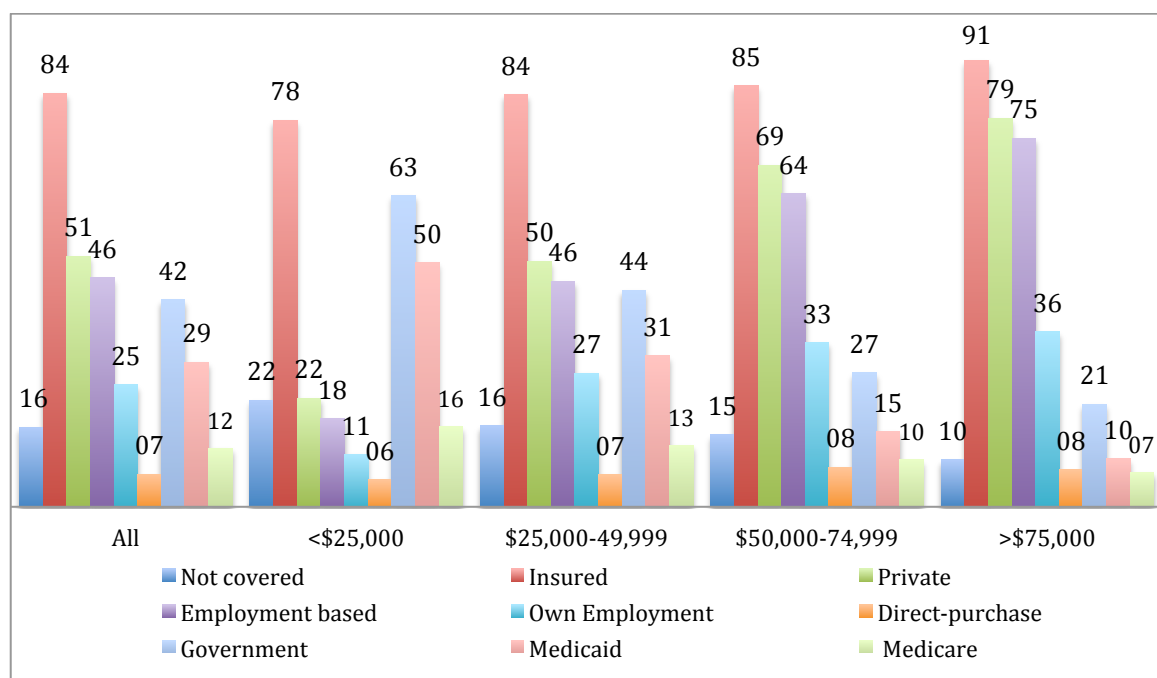
Diagram 64 Type of Health Coverage by Income, for Blacks, 2013[203]

The overall uninsured rate for blacks declined by five percentage points. This decline was most heavily concentrated among the lowest income category and among the middle class with seven and six percentage points respectively. Direct-purchase private insurance increased for all income categories by five to six percentage points. Employment-based insurance increased for the lower incomes by one

[202] Adapted from CPS 2016.
[203] Adapted from CPS 2014.

percentage point, but decreased by the same amount for the two higher income categories. Interestingly enough, government health care increased along a surprising pattern. Among the lowest income categories, only Medicare enrollment increased by four percentage points, whereas Medicaid enrollment did not increase. It even decreased by one percentage point for the working and lower middle class. However, Medicaid enrollment increased by six percentage points for the middle class, indicating most probably that large households were able to benefit from the Medicaid extension. Moreover, for the working and lower middle, as well as for the middle class, health insurance based on their own employment increased slightly. For the lowest income category, coverage based both on their own employment and the employment coverage for dependents increased by one percentage point.
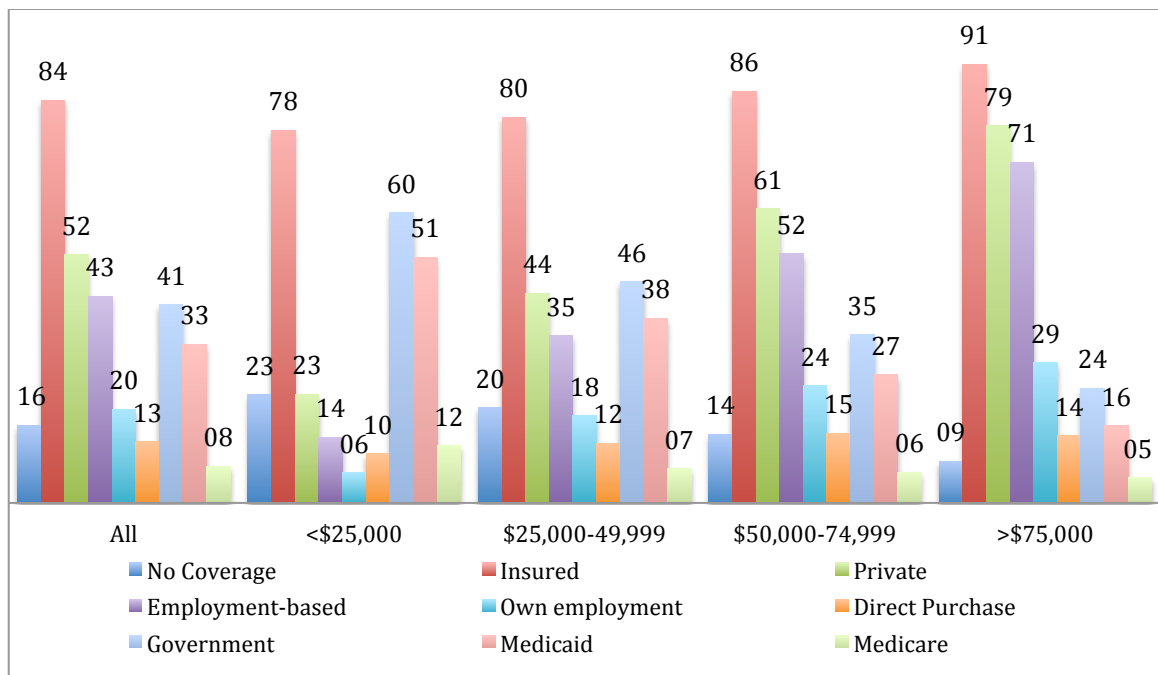
Diagram 65 Type of Health Coverage by Income, for Hispanics, 2015, in Percent[204]
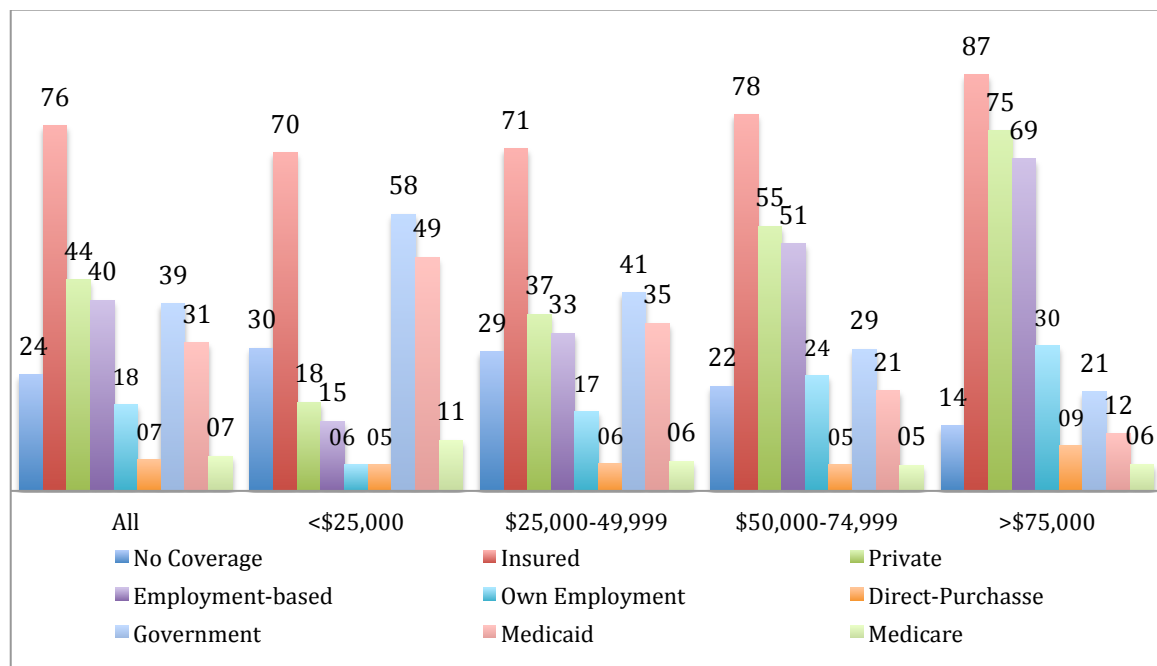
Diagram 66 Type of Health Coverage by Income, for Hispanics, 2013, in Percent[205]

Hispanics benefited most from the changes in the insurance system as they had the highest uninsured rates to begin with. Overall the uninsured rate among Hispanics declined by eight percentage points. The greatest effect was on the working and lower middle class, which experienced a nine percentage point increase in insured rates. The working, the lower middle and the middle class also saw significant gains in Medicaid enrollment. The six percentage points increase in Medicaid enrollment for the Hispanic middle class might reflect large families and households. All income categories also substantially increased their direct-purchase private health insurance. Regarding employment coverage, the lowest and the highest income categories saw a one percentage point decrease in coverage derived from their own employment; however, the coverage of dependents increased. For the working and lower middle, as well as for the middle class, this type of coverage saw a slight increase.

Above and beyond the questions purely related to the type of coverage, health care expenses have been a continuous problem in the American health care system. As shown previously, even people with coverage were often not able to afford some health care expenses because of the high co-pays and deductibles. A 2015 study by the Urban Institute showed that an increasing number of people were able to meet their medical bills as a result of the implementation of the ACA, and especially the Medicaid extension. Between 2013 and 2015, the percentage of people unable to pay their medical bills declined from 22% to 17.3%. This decrease was slightly more important in states that had expanded Medicaid (0.9%). In expansion states, the share decreased from 20.5% to 15.4%, whereas in non-expansion states the share decreased from 24.6% to 20.4%. However, stark problems remain. In 2015, 24.2% of people with incomes below 138% FLP still reported that they had difficulties meeting medical bills, compared with 14.4% of people with incomes above 138% FPL. It should be noted that 73.8% of people who had difficulties paying for medical bills reported that they did forego

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[205] Adapted from CPS 2014.

medical care because they could not afford it. For people without difficulties paying for care, the rate was 23.2%.[206]

By 2015, the share of people unable to pay their medical bills had declined to 16.5% (a 4.8 percentage point decrease). This was particularly the case for poor families whose share decreased from 32.1% in 2011 to 24.5% in 2015. Similarly, for near-poor families the share decreased from 34.6% to 27.1%. The decrease was less important for families not categorized as poor with their share from 15.2% to 12.2%. This decrease was rather evenly distributed among the different racial populations; however the decrease was slightly more important for whites at 5.2% (from 19.8% in 2011 to 14.7% in 2015), compared with a 4.3% decrease for Hispanics (from 24.3% in 2011 to 20% in 2015), or the 4.2% decrease for blacks (from 27.3% in 2011 to 32.1% in 2015).[207]

The changes that Obamacare brought to the health insurance landscape also had an impact on Community Health Centers, which deliver care and health related services to the poorer populations. Between 2013 and 2015 the patient profile of CHCs had not changed much with African-Americans representing 22% of patients, Hispanics 29% and whites 41%. Seventy-one percent of patients had incomes under 100% FPL, with and additional 21% having incomes between 100-200% FPL. Sixty-one percent of the patients were working-aged. However, the insurance status of these patients had changed: only 24% (11 percentage point decrease) of patients were still uninsured, 49% were covered by Medicaid, and 17% (a three percentage point increase) had private insurance. The revenue for CHCs grew from $15.9 billion in 2013 to $21 billion in 2015. The increase did not come only from the increased direct ACA funding, but also from the share of revenue derived from patients, be it through private insurance or Medicaid payments, which together increased by five percentage points to reach 61%. The share of revenues coming from Medicaid increased by four percentage points. Moreover, in addition to these modified insurance profiles, the overall number of CHCs has increased to 1,375 (173 new CHCs in two years), which deliver care in 9,750 sites, meaning 580 sites were added over a two years). The overall caseload increased by 10% in two years to about 24.3 million patients.[208] This represented a total increase of 251 of the number of CHCs compared to 2010, when the CHCs served 19.5 million patients and received 77.1 million visits.[209]

A study conducted by health policy researcher Janet Weiner, economist Clifford Marks and public policy expert and economist Mark Pauly shows that the new cost-containment measures for Medicare Advantage had some effect. The cost for Medicare Advantage was reduced to just above 2% of regular Medicare, generating $65 billion in savings between 2011 and 2016. Over the same period, enrollment increased from 24% to 31%. This is noteworthy, because critics feared that the new provisions of

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[206] Michael Karpman and Sharon K. Long, "9.1 Million Fewer Families Are Having Problems Paying Medical Bills," Health Reform Monitoring Survey (Urban Institute: Health Policy Center, May 21, 2015).

[207] Robin A. Cohen and Jeanine S. Schiller, "Problems Paying Medical Bills Among Persons under Age 65: Early Release of Estimates from the National Health Survey Interview Survey 2011-2015" (Center for Disease Control and Prevention/National Center for Health Statistics, 2015), 1, 5–6, https://www.cdc.gov/nchs/data/nhis/earlyrelease/probs_paying_medical_bills_jan_2011_jun_2015.pdf

[208] Sara Rosenbaum *et al.*, "Community Health Centers: Recent Growth and the Role of the ACA" (Kaiser Family Foundation, January 2017). This represented roughly 7.6% of the population.

[209] Shin *et al.*

the ACA would reduce enrollment. Other cost saving measures related to Medicare or the delivery of service had some small or zero effects, but did not lead to losses.[210]

The trickiest part of the impact of Obamacare is the effects on insurance premiums and this deserves some preliminary remarks. The first point is that it is quite difficult to know the price of the average health insurance plan because of the variety of providers, types of plan, benefits, etc. This is further complicated through the fact that the main share of health care insurance is delivered through employment-based group plans, while only a small share concerns the non-group market of directly purchased private insurance. In addition, two elements lead to confusion among the people and the media. First, it appears that people expected to a certain extent that insurance premiums would massively decrease or at least not increase anymore. The ACA never promised that. As the discussion above showed, the ACA sought to find ways of making insurance affordable through other means, by finding ways of paying for the premiums and to rein in the increase of costs. The aim was also to regulate the value of the plans, to make sure that people actually got care in return for their premiums. Second, the subsidies for purchasing health insurance follow some strict conditions that have been exposed above. It is not to be excluded that there might be some confusion within the population as to what type of insurance plan allows for a maximum of subsidies.

The CBO projected, based on past premium increases, that health insurance premiums would continue to increase by 5% over the following years. The massive increases (9% on average) over the previous decade had mainly occurred between 2000 and 2005. After that, premium increases slowed a little. However, these premium increases were still on average 2% higher than the increase of the average per capita income. Overall, between 2005 and 2014, the premiums for employment-based individual insurance massively increased by 48%, whereas family plans increased by 55%. The CBO, based on several surveys and analyses, estimates that in 2015 the premiums of the average employment-based single plan was $6,400 per annum, and a family plan cost around $15,500. The Kaiser Family Foundation evaluated the family plan at $17,550. Non-group direct-purchase insurance was less costly on average, but it also provided significantly less actuarial value, meaning the reimbursement is significantly lower. On average, employment-based insurance has a 83% reimbursement rate compared with roughly 60% for non-group direct purchase plans. This means that on average, for a family plan, the out-of-pocket contribution is $4,127 for direct-purchase plans, compared to $1,765 for employment based. The rise in premiums in 2013 was actually lower than the 5% initially projected. Thus the CBO projected the increase for 2014-16 at 3-4% for employment-based insurance. However, in 2011, non-group plan premiums grew by 6.2%, compared with the 4.5% of growth for group plans. There was a similar difference for 2012 when premiums for non-group plans increased by 2.4%, compared with 1.9% for group plans. The CBO estimates that many of the regulations regarding the quality of coverage, the type of benefits (massively extended) and the ban on preexisting conditions exclusion affected the individual market more strongly.[211]

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[210] Janet Weiner, Clifford Marks, and Mark Pauly, "Effects of the ACA on Health Care Cost Containment," *Leonard Davis Institute of Health Economics/University of Pennsylvania*, March 2, 2017, https://ldi.upenn.edu/brief/effects-aca-health-care-cost-containment.
[211] "Private Health Insurance Premiums and Federal Policy" (*Congressional Budget Office*, February 2016), 1–3, 5,10–11, 52.

The way in which the ACA affects the affordability of health insurance is mostly in picking up the tab. For 2016, the CBO estimates that the federal government spent $300 billion for health care subsidies. These are provided in two ways. As was the case before the implementation of the ACA, employer-based health insurance is still heavily incentivized through tax exemptions (these apply to nearly all health care premiums), meaning that health care premiums are exempted from federal income and payroll taxes. This accounts for roughly 30% of the average premium cost. Thus, in 2016, the federal government subsidized employment-based health insurance through about $260 billion in lost revenue. The subsidies through the income tax credit are more modest, accounting for the smaller share of people insured in the individual market (16% in 2015). In 2016, the federal government spent $40 billion on those tax credits.[212] However, the amount of tax credits received for premiums on the individual market is higher than the amount provided through the tax exemption for employer-based insurances. In addition to that, the CBO estimates that the federal government spent an additional $8 billion on cost-sharing subsidies for low-income families, which are designed to help paying for health care expenses.[213]

Health policy experts Loren Adler and Paul Ginsburg from the Brookings Institution estimate that Obamacare even had a lowering effect on premiums. According to their analysis, the 2014 premiums in the health exchanges were overall between 10 and 21% lower than the 2013 premiums on the individual market. They concede that there are many cost-increasing features in the ACA; however, these features also substantially increase the quality of the plans, which must be taken into account. Yet, the overall premiums also decreased because of the simple increase of the market and the influx of healthier individuals. They based their analysis on the silver plan, as this plan functions as a benchmark in the ACA. For the average silver plan, the premiums were lower, even while the coverage provided by the plan increased by 17%. In 2016 premiums were still lower than in 2013 (for the same amount of coverage), meaning that the premiums were actually lower by 20% than the projections made by the CBO in 2009. Employer-based plans were 12% lower than 2009 CBO projections foresaw. Although the average silver plan premium increased by 9% over the 5 years between 2009 and 2014, the nominal dollar amount paid for it actually decreased because of the increase in actuarial value. Adler and Ginsburg offer some suggestions to explain the confusion about the premium increases. They point to strong local variations depending on the marketplaces, as some regions have higher premiums than others. Moreover, they insist on the redistributional aspect of the ACA, as premiums increased for healthier people while they decreased for sicker people.[214]

This health redistribution should work to the advantage of blacks, as they have overall poorer health conditions than whites. As seen in the previous discussion, pre-existing conditions or conditions that prior to the ACA led to increased health premiums are strongly present in the black population. Thus a disproportionate effect in lower premiums as compared to previous access and costs can be conjectured.

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[212] CBO 2.
[213] CBO 20.
[214] Loren Adler and Paul Ginsburg, "Affordable Care Act Premiums Are Lower than You Think," Center for Health Policy (Brookings Institution, 2017), 3–4, 6–7, https://www.brookings.edu/wp-content/uploads/2016/07/acapaper721.pdf.

4.3. The Fragility of the Reform

It could have potentially been more thoughtful.[215]
Bart Gordon

As explained earlier, the ACA was shaped by important constraints, which resulted in a rather complicated reform. The fact that Obamacare did not establish one unified system proved to be a liability, although this resulted from the fact that Democrats sought to enact a reform that would be palatable to Republicans. Moreover, other aspects of the reform were attacked, showing once again the deep ideological divide between the two parties and within the population.

4.3.1. Lawsuits Against the ACA and Medicaid

As mentioned previously, the ACA was challenged in a series of lawsuits. Three of these lawsuits are of interest here.[216] They are *Sebelius v. NFIB*, 2012, *Burwell v. Hobby Lobby* in 2014, and the latest, *King v. Burwell*, in 2015. They will be discussed by increasing order of importance.

First, the 2014 *Burwell v. Hobby Lobby* decision is interesting because the ruling decided against the ACA, and secondly because it concerned the highly divisive cultural issue of abortion.

The owners of a family business, Hobby Lobby, argued that, based on their religious beliefs, they refused to comply with a provision of the ACA that required employer plans to include preventive care and screening for women without extra cost or cost-sharing requirements to the patients. The HHS decided that these preventive services included contraceptives, notably four contraceptives that were judged to be similar to abortion by the owners of the corporations involved in the lawsuit because they prevent the fertilized egg from nesting in the uterus. They argued that under the Religious Freedom Restoration Act of 1993 (RFRA), they should not have to comply with this provision because it puts an unusual burden on them due to their religious beliefs. The RFRA had been interpreted to date as applying to religious non-profit organizations, but the Supreme Court in a 5-4 decision extended this to closely held for-profit corporations, in other words family businesses. Justice Alito wrote the opinion, he was joined by the other conservative Justices Kennedy, Roberts, Scalia, and Thomas. Ginsburg dissented emphatically. She was joined by Justice Sotomayor, and in part by Justice Kagan and Justice Breyer. Justice Ginsburg insisted on the unusual financial burden that had been placed on women through high co-payments for preventive care specific to women. She quoted the fact that women in child-bearing age had a 68% higher out-of-pocket spending compared to men of the same age, which Senator Mikulski had used as argument to add the Women's Health Amendment to the ACA, which had established the inclusion of women specific preventive care in the health plans.

Ginsburg also recalled that the Senate had voted down the conscience amendment, which would have allowed employers to deny coverage based on religious be-

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[215] Gordon interview.

[216] Besides these cases, which reached the Supreme Court, other lawsuits were filed, but they will not be discussed here.

liefs. Ginsburg insisted on the denial of freedom that this decision represented for the women employed by these businesses. However, the most interesting point of Ginsburg's dissent is her warning of future implications. First, she sees no reason why the logic should not be applied to corporations of any size in the future. She moreover insisted that in this case the majority's reasoning might as well be extended to other issues, like vaccines, or paying the minimum wage, or equal pay for women, pointing out precedents where this had already been attempted. Ginsburg insisted that this would also open the door for discriminatory practices disguised behind religious beliefs. She pointed to a series of precedents where business owners had attempted to refuse to serve patrons or hire employees based on their religious beliefs, one claiming that his religion was against racial integration, others refusing to serve homosexuals, or to hire or retain women who worked without their father's or their husbands' consent, or just generally people antagonistic to the Bible.[217]

This case is particularly interesting in illustrating how the issue of abortion resurfaced in the context of the ACA. Moreover, the Supreme Court ruling highlights again how deeply liberals and conservatives are still divided over the issue. Ginsburg's dissent insists on the potential of the *Hobby Lobby* decision to function as a Trojan horse for discriminatory practices.

The 2015 case *King v. Burwell* challenged the functioning of the health exchanges and the tax credits, and thus attacked a fundamental component of the ACA. The four petitioners from Virginia did not wish to purchase insurance. Yet, thanks to the tax credits, the premiums were below the threshold that would have exempted them from the individual mandate. They argued that the language of the ACA was faulty, and that the passage in question could be interpreted as to mean that only plans purchased in exchanges established by the states were eligible for subsidies. Thus, they argued, their plans would not be eligible for subsidies because they would have to purchase them through a federal exchange since the state of Virginia had not established a state exchange.

The Supreme Court decided that since the ACA sought to expand coverage, the ACA regulations must be interpreted as applying to the federal exchange as well. The Supreme Court argued that if the justices followed the petitioners' reasoning a "death spiral" would result, leading to the result Congress had precisely sought to avoid. The subsidies and the individual mandate, two of the major provisions of the ACA, would not work and fewer and fewer people would be covered, driving costs up for those remaining in the exchanges. The decision was 6-3 in favor of the ACA. Chief Justice Roberts wrote the opinion, he was joined by Ginsburg, Sotomayor, Kennedy, Breyer, and Kagan. Justice Scalia wrote the dissent, he was joined by Thomas and Alito.[218]

The importance of the decision is made clear by the Supreme Court's description of how the proper function of the ACA depended on the two abovementioned mechanisms. Since 2015, 34 states have relied on the federal exchange, thus the Supreme Court decision was vital for the functioning of the ACA. Currently in 2016-2017, more than 12 million persons have purchased plans through the exchanges. Had the Supreme Court agreed with the petitioners, in 2016-17, about 8.8 million people

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[217] *Burwell v. Hobby Lobby Stores*, 723 F. 3d (2014).
[218] *King v. Burwell*, 759 F. 3d (2015).

would not have been eligible for the tax credits.[219] Although whites rely to a greater extent on direct purchase insurance, minority coverage rates increased more sharply thanks to the individual market between 2013 and 2015. Interestingly enough, more whites with modest incomes than with higher incomes rely on direct purchase insurance. For minorities the trend is reversed. In 2015, 16% of the total population relied on direct purchase insurance on the individual market. This was an increase of 4% compared to 2013.[220] This means that a decision in favor of the petitioners in *King v. Burwell* would have had a stronger impact on low-income people and on minorities.

Perhaps the most important lawsuit against the ACA was the first one brought against it in 2012, *National Federation of Independent Business v. Sebelius*. In it, two major components of the ACA were challenged based on constitutional arguments: the individual mandate and the compulsory Medicaid extension to all low-income adults. These were, with the employer mandate, two of the three cornerstones aimed at achieving universal coverage. The goal was to have an insured pool that would contain a mixed population of healthy people as well as people with health problems, in order to have a sustainable insurance system. As shown previously, an insurance system only works if everyone is insured, even healthy people, which ultimately drives down cost.

It was argued in the *Sebelius* case, in which 26 states and several individuals joined, that the federal government had no right to penalize non-compliance with the new Medicaid extension with the loss of all federal Medicaid funds, as opposed to only those pertaining to the expansion to low-income adults. This would have deprived states of over 10% of their budget.

The Supreme Court upheld the individual mandate by arguing that, if it is construed as a tax, it falls within Congress's authority to lay and collect taxes. The opinion was delivered by Chief Justice Roberts; Ginsburg, Breyer, Sotomayor, and Kagan joined. [221] The Medicaid expansion, however, was ruled unconstitutional. Chief Justice Roberts, who was joined by Breyer and Kagan, argued that the Medicaid expansion violated the Constitution because the threat of losing all Medicaid funds for the old Medicaid in case of non-compliance with the new Medicaid program was a form of pressure that was against the rules of federalism. They argued, however, that the spending clause was constitutional, meaning that the federal government could provide additional Medicaid funds. It just could not compel states to participate. This made the Medicaid extension optional. Chief Justice Roberts delivered the opinion, in which he was joined by Breyer and Kagan.[222]

Ginsburg filed a partly dissenting concurrence in which Sotomayor joined, and Breyer and Kagan joined in part. Ginsburg argued that the compulsory Medicaid extension was perfectly valid. She pointed out that Congress could have created a health care reform on the model of Social Security, on the model of single payer. She highlighted the fact that Congress was already generous in building the reform on the existing system, which gave a prominent role to private insurers and the states.

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[219]   "Total   Marketplace   Enrollment   2016-2017"   (Kaiser   Family   Foundation,   2017), http://www.kff.org/health-reform/state-indicator/total-marketplace-enrollment/?currentTimeframe=0&selectedDistributions=marketplace-type--total-individuals-who-have-selected-a-marketplace-plan.

[220] CPS 2013 and 2015.

[221] *National Federation of Independent Business et al. v. Sebelius, Secretary of Health and Human Services, et al.*, 519 US 567 (US Supreme Court 2012).

[222] *Sebelius*.

Moreover, Ginsburg found the argument of the Commerce Clause as allowing Congress to regulate health care and impose the individual mandate was perfectly valid. She described Roberts' interpretation of the Commerce clause as follows: "This rigid reading of the Clause makes scant sense and is stunningly retrogressive," pointing out that the Supreme Court should rather side with the government's efforts to try to regulate the economy in favor of labor. Ginsburg most strongly disagreed with Roberts' interpretation of the clause that Congress could not compel people to engage in unwanted commerce. Ginsburg argued that the uninsured were engaged in health commerce because of their reliance on emergency care. Breyer and Kagan joined with Ginsburg in the argument that the Commerce clause could apply. However, only Ginsburg and Sotomayor defended the Medicaid extension as valid. First, Ginsburg expanded her argument that the federal government could have opted for a far more disruptive approach and could simply have recalled the whole existing Medicaid system to replace it with a new one. She underlined the fact that the existing Medicaid legislation allowed state autonomy only within the boundaries and regulations set by the federal government, which condition the receipt of federal grants. In this, the new Medicaid extension that Ginsburg considered to be just a new amendment to the existing Medicaid was perfectly in compliance with existing regulations.[223]

The dissent written by Scalia, in which Kennedy, Thomas, and Alito joined, found a relatively easy way out of the problem of whether or not the "tax-and-spend" power of Congress extended to the possibility "to coerce" the states into "a massive state-administered federal welfare program." The dissenting justices applied the same simplicity to the question of whether or not the commerce clause applies to the individual mandate. For the individual mandate they invoked the 10th Amendment—or the states' rights amendment—regarding the limits of what the federal government can impose on individual conduct or on "sovereign states." Scalia argued that the Medicaid extension was "a blatant violation" of the Constitution, arguing that the federal government may provide funds to the states to administer programs that would be too big on a federal scale, but that it is unconstitutional if the states have "no choice" in how to administer these programs and in how to employ the funds. The dissenters further concluded that the whole Act was unconstitutional, since the ACA was built around the individual mandate and the Medicaid extension, both of which they found unconstitutional.[224] Justice Thomas filed a separate, additional dissent stating that in his view Scalia's dissent was too lenient regarding the Commerce clause, and that the Supreme Court had been too liberal in that regard for quite some time. He indicated that, in his opinion, the subclause, which allows the federal government to regulate economic activity, which "substantially affects interstate commerce," was dangerously liberal. He made the point that this has led the federal government to abuse its power, as it even wanted to extend this regulation to economic inactivity through the ACA.[225]

It is interesting to see that the language in Scalia's dissent includes references to states' rights, revamped into "sovereign states," and also raises the issue of "choice" again, which were two staple arguments in the resistance to civil rights. Similar echoes are contained in Thomas' dissent, in which he took a position against an overreaching and unduly interfering federal government. Of course, the matter at hand

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[223] *Sebelius*, Ginsburg Concurrence
[224] *Sebelius*, Scalia Dissent
[225] *Sebelius*, Thomas Dissent.

dealt with the evaluation of federal power and with federalism in the case of Medicaid. However, given the history of the United States, and in particular the issue of economic inequalities along racial lines, it is impossible not to notice the choice of arguments and the choice of language.

Political sociologist Daniel Béland, political scientists Philip Rocco and Alex Waddan offer an explanation as to the reason why the different states did not extend Medicaid in their 2016 book *Obamacare Wars: Federalism, State Politics, and the Affordable Care Act.* They explain a path dependency between prior policy patterns and the current status of the Medicaid extension. For example, they mention the fact that Arizona had already made prior extension efforts, which could have had an influence on Arizona extending Medicaid under the ACA.[226] The analysis here, however, does not focus on factors that could have influenced individual states in opting or not for the expansion. The present analysis rather focuses on the disparate impact these decisions have. However, it must be highlighted that the states which did not extend Medicaid in 2014 had among the lowest eligibility levels for adults with children (except for Wisconsin, which had a 200%FPL eligibility level for parents) in 2010, whereas a vast majority of expansion states had already high eligibility levels for parents.[227] This indicates a pattern of policy attitude regarding Medicaid coverage.

This becomes particularly remarkable when looking at the impact of the Supreme Court decision. As the Medicaid extension became optional, the most conservative states chose to restrict Medicaid eligibility. This had a negative impact on two levels: on the universality of coverage and on the black population.

Prior to the initially mandatory expansion of Medicaid that was scheduled for 2014, states had the option for an early expansion of Medicaid to able-bodied childless adults. By January 2013, 26 states had not requested such a flexibility, with only 8 states and Washington DC having extended full Medicaid benefits to low-income adults. In addition, 16 states provided for limited Medicaid benefits for low-income adults, though in 9 of these states enrollments were closed to new applicants.[228] The 2014 mandatory expansion was supposed to fill these gaps. Thus the *Sebelius* ruling undercut the universality of coverage, because the ACA relied on this extension to cover the poorest populations. First surveys from this period show that the uninsured rate in the states without the Medicaid extension is still significantly higher than in the states that have adopted the extension.[229]

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[226] Daniel Béland, Philip Rocco, and Alex Waddan, *The Politics of Policy Change: Welfare, Medicare, and Social Security Reform in the United States* (Lawrence, KS: University Press of Kansas, 2016), 111.
[227] Martha Heberlein et al., "Holding Steady, Looking Ahead: Annual Findings of a 50-State Survey of Eligibility Rules, Enrollment and Renewal Procedures, and Cost Sharing Practices in Medicaid and Chip, 2010-2011" (Kaiser Family Foundation, 2011), 41.
[228] "Where Are the States Today? Medicaid and CHIP Eligibility Levels for Children and Non-Disabled Adults" (Kaiser Family Foundation, March 2013), https://kaiserfamilyfoundation.files.wordpress.com/2013/04/7993-03.pdf.
[229] "Key Facts about the Uninsured Population" (Kaiser Family Foundation, September 29, 2016), http://kff.org/uninsured/fact-sheet/key-facts-about-the-uninsured-population/.
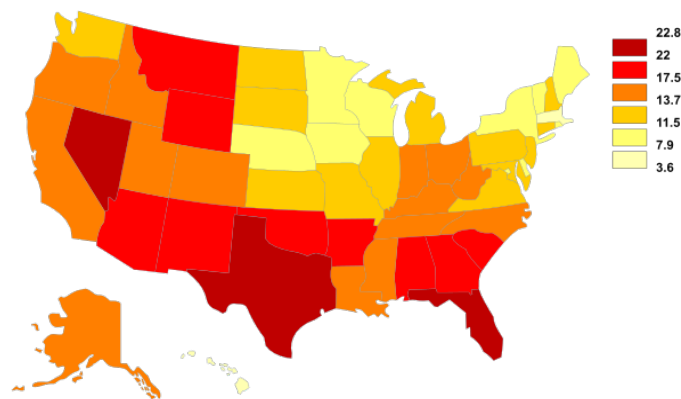
Diagram 67 Uninsured Rates by States, in Percent, 2013[230]
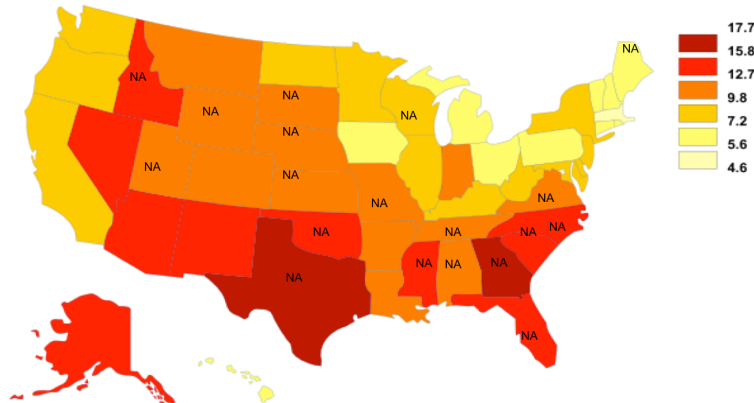
Diagram 68 Uninsured Rates by States, in Percent, 2015[231]

The *Sebelius* decision had a tremendous impact on the poorest populations, and especially on the "working poor," people who work full time but do not manage to earn a sufficient living due to low wages and who have to forego health insurance. Moreover, this decision had a disproportionately negative impact on blacks because Republican states—in the South in particular—did not implement the Medicaid extension. While these states[232] concentrate 37.9% of the American population, 48.3% of the black population live there. In fact, before Louisiana adopted the Medicaid extension in 2015 (to take effect in 2016), the 20 states concentrated over half (51.8%) of the black population, compared with 39.4% of the total population. The impact for Hispanics is not disproportionate, as the rate of Hispanics in the 19 states matches the percentage of the total population at 37.9%.[233]

A 2016 analysis by the Kaiser Family Foundation shows that the coverage gap resulting from the non-extension of Medicaid and the fact that people with incomes

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[230] Adapted from the Kaiser Family Foundation.

[231] Adapted from the Kaiser Family Foundation.

[232] Idaho, Wyoming, Utah, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Missouri, Wisconsin, Mississippi, Tennessee, Alabama, Georgia, North Carolina, South Carolina, Florida, Virginia, and Maine.

[233] These calculations are based on the "Population Estimates, July 1, 2015, (V2015)," accessed December 16, 2016, https://www.census.gov/quickfacts/table/PST045216/01,00.

below 100% FPL are not eligible for tax credits affects about 2.6 million people. They are concentrated in a few states with the highest uninsured rates: 26% in Texas, 18% in Florida, 12% in Georgia, 8% in North Carolina, and 36% in the remaining 15 states. Ninety-one percent of these people are in the South, 6% in the Midwest, and 3% in the West. More poor uninsured live in the South, where a higher share of states (10 out of 19) did not expand Medicaid. Moreover, these states have among the lowest Medicaid eligibility thresholds for parents, many below 50% FPL. The population in the coverage gap also has a racial profile, 46% are white, 31% black, 18% Hispanic, and 5% other. The abovementioned population concentration has an effect: a disproportionate share of blacks falls within the coverage gap, whereas it is proportionally lower for whites, and almost proportional for Hispanics. Among these people falling in the coverage gap, 77% are childless adults who were not eligible under the previous Medicaid system and 23% are parents who are not eligible because these states have such low-income thresholds—the lowest being 16% FPL for non-disabled parents in Alabama in 2014.[234]

A 2017 analysis by economists Marc Duggan and Valerie Scimeca found that blacks had the lowest Medicaid enrollment ratio compared to their poverty rate. The ratio was 1.28 for blacks, compared with 1.46 for the total population, 1.52 for whites, 1.48 for Asians, and 1.57 for Hispanics. However, the same study found that there is a "compensation effect" among blacks because of a higher enrollment in the federal programs of SNAP (food stamps) and SSI. They suggest that one of the possible explanations for the low Medicaid ratio stems from the fact that the black population is more concentrated in non-expansion states.[235]

When looking at regional Medicaid enrollment data, this picture becomes much clearer. For the total population, Medicaid enrollment has been increasing overall between 2010 and 2015 and this over all regions. The increase was particularly spectacular in the North East and in the West from 16.9% in the North East in 2010 to 20.7% in 2015, and 16,7% in 2010 in the West to 23.3% in 2015.[236] For the Midwest and the South there was roughly a 2.5 percentage points increase. Medicaid enrollment for whites has been increasing in all regions, according to the pattern exposed for the overall population. For Hispanics, the same trends across all regions apply, although they experienced a more important increase in the Midwest and in the South (respectively 3.9 percentage points and 2.7 percentage points). For blacks, however, the pattern is different. In the South, their enrollment rate increased by 2 percentage points, the lowest increase, but in the West, their rates decreased by 1.8 percentage points. In the same region, Hispanic Medicaid enrollment increased by 11.1% over the same period.[237] These regional discrepancies explain the overall more important increase in Medicaid enrollment for Hispanics due to the different regional populations concentrations.

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[234] Rachel Garfield and Anthony Damico, "The Coverage Gap: Uninsured Poor Adults in States That Do Not Expand Medicaid," Issue Brief, October 19, 2016, http://www.kff.org/report-section/the-coverage-gap-uninsured-poor-adults-in-states-that-do-not-expand-medicaid-issue-brief/.

[235] Marc Duggan and Valerie Scimeca, "State of the Union 2017: Safety Net" (The Stanford Center on Poverty and Inequality, 2017), http://inequality.stanford.edu/sites/default/files/Pathways_SOTU_2017_safety-net.pdf.

[236] CPS 2010 and 2015.

[237] "Health Insurance: 2010," 2011, https://www.census.gov/data/tables/time-series/demo/income-poverty/cps-hi/hi-01.html; "Health Insurance: 2013," accessed July 31, 2017, https://www.census.gov/data/tables/time-series/demo/income-poverty/cps-hi/hi-01.html.

However, one problem remains unexplained. Overall, black Medicaid coverage did not grow between 2013 and 2015 during the Medicaid expansion. It grew very slightly in the Northeast and the Midwest, and even in the South. This is due to the fact that the regional definition of the South by the Census includes expansion states such as Delaware, Maryland, West Virginia, and Kentucky, as well as Washington, DC. However, blacks experienced a regional drop in the West of 5.4 percentage points. During that same period, Hispanics saw a substantial increase in Medicaid enrollment in all the regions except in the South, which is consistent with the Medicaid non-extension and the concentration of the Hispanic population. The fact that four states had a limited expansion of Medicaid prior to 2014 but did not chose to follow the full extension in 2014 cannot explain these differences, as less than 1% of the black population lives in these states (Idaho, Utah, Oklahoma, and Maine on the East Coast). Although enrollment rates across incomes were still roughly similar between blacks and Hispanics in 2010, this changed in 2013 when significantly more Hispanics with incomes between $25,000 and $49,000 were enrolled than blacks. The enrollment discrepancies became more sharply accentuated after 2014. In the West only a few states have black populations of more than 100,000 (or even 50,000) that would affect black enrollment in Medicaid: California, Nevada, Washington, Arizona, and Colorado. Among those states only Nevada saw an increase in black Medicaid enrollment between 2013 and 2015, with a peak in 2014 that decreased in 2015. The figures for 2015 in Washington are not available yet, but the enrollment decreased from 2013 to 2014. So far, it is not possible to find an explanation for this.

More specifically, the non-extension of Medicaid had a negative impact on HIV/AIDS patients, because their concentration is higher in the South. NASTAD report that 50% of their clients reside in the 19 states, many of them in the South, that did not expand Medicaid.[238] The Centers for Disease Control (CDC) reported that 44% of all people infected with HIV/AIDS lived in the South in 2015, although these states represent roughly 37% of the American population. The South had the highest rates of HIV diagnoses per 100,000 population at 16.8% (compared with 11.6% for the North East, 9.8% for the West, and 7.6% for the Midwest). In 2015 the South accounted for 52% of the new diagnoses. Moreover, of the deaths directly linked to HIV/AIDS in 2015, 53% occurred in the South (compared with 19% in the North East, 17%in the West, and 11% in the Midwest). According to the analysis of the CDC's HIV Division, people in some southern states are three times more likely to die from their HIV/AIDS condition than in other parts of the country.[239]

A 2017 sample study by the Kaiser Family Foundation shows that the non-extension of Medicaid had a strong impact on the HIV population. Although not eligible, people with HIV could qualify for Medicaid based on income once their disease had progressed enough to be considered as disability status. The coverage nationwide for people with HIV improved between 2012 and 2014, increasing from 36% to 42%. In expansion states the share of people with HIV with incomes below 100% FPL covered by Medicaid increased from 58% in 2012 to 73% in 2014; the uninsured rates for HIV patients with incomes between 100% and 138% FPL decreased from 13% to 6%, and from 13% to 8% for incomes between 139% and 399% FPL. In non-expansion

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[238] "National ADAP Monitoring Project: Annual Report" (NASTAD, 2017), 44.

[239] National Center for HIV/AIDS Prevention, "HIV in the United States by Geographic Distribution." The regions are defined as follows: North East: CT, ME, MA, NH, NJ, NY, PA, RI, VT; Midwest: IA, IL, IN, KS, MI, MN, MO, NE, ND, OH, SD, WI; South: AL, AR, DE, DC, FL, GA, KY, LA, MD, MS, NC, OK, SC, TN, TX, VA, WV; West: AK, AZ, CA, CO, HI, ID, MT, NV, NM, OR, UT, WA, WY.

states, no major changes were observed over that period, except a gain of private insurance for those below 100% FPL, from 5% to 13%. Although the uninsured rate of people living with HIV changed between 2012 and 2014 as it dropped from 18% to 14%, the decrease was stronger in expansion states where the rate fell from 13% to 7%. In non-expansion states the rates decreased only from 26% to 23%. One of the major reasons for this is that, in 2014, about 53% of HIV patients with incomes below 100% FPL lived in the non-expansion states.[240]

The NASDAT report of 2017 shows that 50% of the ADAP clients were in non-expansion states and that 58% of their clients had incomes below 138% FPL (133% + 5% disregard). Although they had registered a slight increase of clients with Medicaid (9% in 2016, plus an additional 4% of dual-eligible Medicaid-Medicare), many people could not access Medicaid because they were in states that did not expand.

Among these states, Idaho and Alabama had a concentration of ADAP clients under 139%FLP of over 80%, and many others had concentrations of clients with incomes under 139% FPL between 60% and 80%: Wyoming, Utah, Texas, Mississippi, Georgia, North Carolina, Florida, and Virginia. Some of these states have also very high concentrations of black ADAP clients, at over 50%: the highest was for Mississippi at 78%, South Carolina at 70%, Georgia at 67%, Alabama at 66%, North Carolina at 64%, Virginia at 61%, Tennessee at 58%, and Missouri at 52%. NASTAD estimated that 32% of their overall clients in 2015 could have entered Medicaid if all the states had expanded.[241] In this context it must be remembered that the Ryan White CARE Act and the ADAPs do not provide full coverage, but only last-resort solutions for HIV/AIDS.

The non-extension of Medicaid also had a negative impact on Community Health Centers (CHCs). Although CHCs, which deliver essential primary care and many additional services to medically underserved populations, have experienced a significant growth thanks to ACA funding and the additional revenue derived from a higher rate of insured patients, this trend was less seen in the non-expansion states, precisely because the CHCs in those states did not receive the additional revenues through Medicaid. The CHCs in expansion states got 49% of their revenue through Medicaid payments, compared to 29% for non-expansion states. These states relied to a greater extent on federal grants for their revenues, 25% compared to 15% for expansion states. However, more CHCs in non-expansion states reported increased revenue from private insurance, which may be due partly to more patients with low incomes purchasing private insurance who would have been eligible for Medicaid, had the expansion taken place. The greater fragility of the populations in non-expansion states becomes apparent in the higher percentage of CHCs reporting an increase in coverage lapses or patients who are unable to pay their deductibles or cost-sharing. Forty-five percent of CHCs reported an increase in the number of patients with lapses or breaks in their coverage, compared with 49% in non-expansion states; 55% of expansion CHCs reported patients who were unable to pay their deductibles or their cost-sharing, compared with 64% of non-expansion CHCs. Forty-two percent of expansion CHCs reported an increase of privately insured patients who pay sliding fees (adjusted according to ability to pay) compared with 55% of non-expansion CHCs.

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[240] Jennifer Kates and Lindsey Dawson, "Insurance Coverage Changes for People with HIV Under the ACA" (Kaiser Family Foundation, February 14, 2017), http://www.kff.org/health-reform/issue-brief/insurance-coverage-changes-for-people-with-hiv-under-the-aca/.

[241] "National ADAP Monitoring Project: Annual Report," 2017, 66–67; "National ADAP Monitoring Project: Annual Report," 2016, 7.

Moreover, overall CHCs in expansion states had slightly more service sites, provided a wider range of services, and higher treatment provider-to-patient ratios. Overall, CHCs in expansion states served 40% more patients and provided 60% more visits than CHCs in non-expansion states. Although many CHCs in expansion states have increased their hours of operation and their number of sites, they have some difficulties in managing the caseload. This is also due to increased services, such as dental and mental care.[242]

Thus the non-expansion of Medicaid had a negative impact on the black population in three major areas: a lower Medicaid enrollment ratio for blacks because they are disproportionately concentrated in non-expansion states, a negative impact on the HIV/AIDS population that is disproportionately black, and a negative impact on CHCs on which blacks and Hispanics disproportionately rely for health care and health-related services. In light of these negative impacts, it must be remembered that the Medicaid extension was fully federally funded in 2014. The funding is set to phase down slowly to 90% by 2020 and for the subsequent years.[243] The high level of federal funding makes it obvious that the non-extension is primarily a political decision, and not the result of a practical or budgetary consideration. All the states that did not expand have been held by Republicans since 2014, with the only exception of Maine that had a Democratic legislature in 2014, which is now split, and Missouri that had a Democratic governor until 2017, but a Republican legislature.[244]

As explained earlier, partisan polarization is particularly strong about issues like the role of government in general, and social policies in particular. Moreover, given the history and racialization of social policies, it is not surprising that Medicaid was hit both by the decision of the Supreme Court and by the choice of the states not to expand. It confirms Medicaid's weaker status as a program that benefits the poor, but also mainly minorities.

Former Representative Earl Pomeroy commented in a 2016 interview on the Medicaid expansion. He first explained that the fully federally funded extension was a way of addressing existing patterns of inequality along racial lines in the former system. As mentioned before, Southern states have particularly low eligibility thresholds, many of them below 50% FPL. Pomeroy was very upset about the non-extension of Medicaid:

> It's pathetic. It's pitiful. In some states... again, you have to ask a state to have responsibility where most will have coverage to spend tax dollars for those who don't. And what I have seen, particularly in Southern states, where those who don't have coverage are racial minorities, there is very little heart to want to do anything for them. And it is a statement about the moral fabric of those states, and the vestiges of our s... sorry system that persists a 150 years after slavery ended. And that's just the truth of it.[245]

Pomeroy very explicitly linked the low social policy, and in particular low Medicaid effort, to Southern states and vestiges of institutional racial oppression. These are reflected in current practices regarding redistributional efforts that aim at alleviating the effects of past discrimination and structural inequalities. He then explained that

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[242] Rosenbaum *et al.*

[243] HCER Sec. 1201.

[244] "State and Legislative Partisan Composition," *National Conference of State Legislatures*, September 7, 2016, http://www.ncsl.org/Portals/1/Documents/Elections/Legis_Control_2016_Sept7.pdf; "2014 State Legislative Partisan Composition" (National Conference of State Legislatures, June 9, 2014), http://www.ncsl.org/documents/statevote/legiscontrol_2014.pdf.

[245] Pomeroy interview.

the new Medicaid extension was designed to overcome these inequalities through full federal funding. In this context it must be remembered that the standard Medicaid system functions on match grants, in which federal funds match state funds. However, there is a scale according to the per-capita income in the states, meaning that poorer states obtain more federal funds. These rates range from 50% in richer states to 74% in poorer states, to help them cover their overall poorer populations, especially as these states have less income tax revenue. Overall, the federal government paid for 57% of all Medicaid expenses on average in 2012. With the Medicaid extension, this rate is even more advantageous for the states, especially the poorer ones, because the federal rate remains at 90% at its lowest point, meaning that states have only to pay for 10% of the costs.[246] Given the high funding, Pomeroy explained that he actually did not imagine that any state would refuse additional money out of political calculation:

> But... so we wanted to address that with Medicaid expansion and have a floor, a national floor for which we would federally pay. We really didn't imagine that a... that Republican governors trying to extract the last bit of political advantage from this, what had become a very unpopular bill, would refuse a hundred percent funding from the federal government to cover their poor people. We really didn't imagine that level of venal and evil behavior in the name of politics.[247]

He further explained that, after the *Sebelius* lawsuit, the Democratic Party had at first not fully understood the impact of the ruling, precisely because the Medicaid extension was free money:

> And so that part... came on strong in the historic Supreme Court opinion. We were so happy the whole law hadn't been tossed out, and it came very, very close to being tossed out, that, I think, there was maybe not enough attention paid about the terrible hit the law had taken. So now it's a state decision, and I like to think that some moral guidepost we just establish as a nation, and that would be the kind of... well, all of the people, regardless where they live, are assured access to medical care and quality medical care, and we don't have that now because of the Medicaid situation.[248]

Similar to Pomeroy's disappointment about the Supreme Court decision and the new inequalities it generated, former Representative Robert E. Andrews expressed his discontent in a 2016 interview:

> I think that the... I respectfully think that the Supreme Court was wrong on that part of its decision. The legal issue at stake there was whether or not under our Constitution the Congress could condition a federal subsidy, a payment of money by the federal government to the states, on some behavior by the states. [...] Then my examples would be transportation and education funding [which are tied to compliance with specific federal rules], so I respectfully think that the Supreme Court got that bit wrong. But because it's the Supreme Court, their decision is final, it's final for all of us and we got this.[249]

Former Representative Bruce Braley, in a 2016 interview, regretted the *Sebelius* ruling and its ultimately discriminatory outcome, especially in the context of attempting to create a program more strongly influenced by the federal government:

> That was a terrible decision because it resulted in the denial of access to health care for those states controlled by legislatures and governors who would not take advantage and expand the availability of health care to their population. So that led to a discriminatory

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[246] "Medicaid and the Uninsured: Medicaid Financing: An Overview of the Federal Matching Rate" (Kaiser Family Foundation, 2012), https://kaiserfamilyfoundation.files.wordpress.com/2013/ 01/8352.pdf.

[247] Pomeroy interview.

[248] Pomeroy interview.

[249] Andrews interview.

outcome where your access to the benefits of the ACA depended on what state you lived in. And that's not how federal programs are supposed to work.[250]

Not only did Braley point out the contradiction of a federal program resulting in major inequalities, he also insisted on the fact that the decision not to expand Medicaid was made based on short-term electoral calculations: "It's purely political. They fear the backlash from the Tea Party in their state if they agree to Medicaid expansion, even though there is no short-term cost for the taxpayer of their state." The fact that the Medicaid expansion was funded so massively by the federal government pushed Medicaid closer to a federal program, especially as the federal government also set the eligibility criteria that were formerly a state matter. By rendering the expansion optional, Medicaid remained more closely associated to a state program, which experiences very strong variations.

4.3.2. Single Payer: Reborn?

The abovementioned problems occurred primarily because Obama chose the same approach as Clinton in 1993, meaning he built on the existing system and preferred a market based system, instead of opting for a federally administered one on the model of Medicare or Social Security, which would have been similar to the much-lauded Canadian single-payer system. Even before the complications arising from the *Sebelius* decision, and before the Republicans massively started to call for the repeal of Obamacare, some critics, such as Bonilla-Silva, criticized Obama for not having passed a reform with the single payer system.[251] In a 2016 article that Obama published in the *Journal of the American Medical Association* he explained and defended the choice of a mixed system:

> The third lesson is the importance of pragmatism in both legislation and implementation. Simpler approaches to addressing our health care problems exist at both ends of the political spectrum: the single-payer model vs. government vouchers for all. Yet the nation typically reaches its greatest heights when we find common ground be- tween the public and private good and adjust along the way. That was my approach with the ACA. We engaged with Congress to identify the combination of proven health reform ideas that could pass and have continued to adapt them since.[252]

In this context he also insisted on the problems posed by Republican obstruction and the health care interests, which undermined the reform efforts and which pushed the Democrats towards a less radical solution. He particularly pointed to big PhRMA, who refused any discussion about drug prices "no matter how justifiable and modest, because they believe it threatens their profits."[253] Health care specialists Rosemary Gibson and Janarad Prasad Singh criticized the Obama administration for not having struck a better deal with health care interests. They particularly insists that the thirty-two million new customers should have been used as leverage in negotiating better deals to make health care more affordable.[254] However, in this respect it

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[250] Braley interview.

[251] Bonilla-Silva, *Racism without Racists*, 276.

[252] Barack H. Obama, "United States Health Care Reform: Progress to Date and Next Steps," *Journal of the American Medical Association* 316, no. 5 (August 2, 2016): 530.

[253] Obama, "United States Health Care Reform."

[254] Rosemary Gibson and Janardan Prasad Singh, *The Battle Over Health Care: What Obama's Reform Means for America's Future* (Lanham, MD, 2012), 36.

must be recalled that the health care interests had played a major role in the defeat of the Clinton health reform attempt, which could explain to a certain extent the fact that the Obama administration was hesitant to ask for more.

As discussed previously, political feasibility is the point where opinions often vary between academics and politicians. In the 2009 context single payer was a nearly impossible bet. It was difficult enough to get the moderate reform through Congress.

Furthermore, the single payer system as applied in Canada is very different from the American market-based system and would have required an almost complete overhaul of the health care insurance system. Economist Robert G. Evans compared the Canadian and the American health care systems. He found virtually no difference in the manner in which health services are provided: both systems feature highly trained doctors and nurses, dispense care in hospitals and in public and private clinics, and both provide some home care. The pharmaceutical companies are broadly the same, due to their international scope. However, national regulations have led to major differences in prices, and in some cases in the authorization of some drugs. These features are common to high-income countries. According to Evans, the big differences are to be found in the way the health care systems are financed. These differences pertain to taxation, insurance premiums, the extent of coverage of the population, and the terms and conditions of this coverage, such as out-of-pocket payments. For example, not all industrialized countries have private insurers.[255]

Evans avers that the American system is exceptional indeed, especially regarding the system performance: it has by far the worst cost-to-care ratio among high-income countries. In other words, the US spent more for worse care overall. In Canada most of the costs are borne by the government: in 2006 it was 70.3%, compared with 46.8% in the US. Both systems rely on public subsidies through the income tax system for employer-paid private insurance, which represent about 4% of the cost in Canada, compared with 13% in the US. Private insurance contribution is about 7.5% in Canada compared with 25% in the US. However, the real difference lies in the total amount of costs and the percentage of the population that is covered and actually receives the bulk of the care. In this, the US is exceptional for its levels of inequality. The US spends more, but fewer people receive care than in other countries. Evans points out that this results in unnecessary deaths, which were estimated at around

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[255] Robert G. Evans, "Extravagant Americans, Healthier Canadians: The Bottom Line in North American Health Care," in *Canada and the United States: Differences That Count*, ed. David M. Thomas and Barbara Boyle Torrey, 3rd ed. (Ontario, Canada: Broadview Press, 2008), 135.

18,000 per year in 2000 and in a high rate of family and personal bankruptcies resulting from inadequate health insurance.[256]

Regarding cost, the main difference is that the other Western countries introduced cost-control mechanisms in the 1970s, which was immediately achieved in Canada with the creation of its Medicare system in 1966. Only the US failed to introduce such a mechanism. The lack of government control allowed health care interest to make costs grow.[257] This also occurred through Medicare, which refunded providers on a fee-for-service basis without any control, which encouraged the multiplication of procedures. In 1983, Reagan introduced Diagnosis-Related Groups that regulate prices in Medicare, which was one way of limiting this. Carter had attempted something similar but it had failed to pass.[258] Thus the absence of government regulations has led to a system that is still to a certain extent very unequal, in which Americans spend more overall for poorer health care, and in which high-technology care is only available to a few.[259]

The traditional argument for single payer is based on the previously exposed statistical differences regarding costs, overall quality of care, and the availability of care, in other words unequal access to care. However, because of political considerations, a single payer or Medicare-for-all system is deemed more or less impossible in the US. As mentioned earlier, in politics it is not the objectively best solution that is chosen, but a solution that will be politically feasible. In this context it must be remembered that the Democrats paid a very high price for their imperfect centrist reform that sought to be acceptable to both parties.[260]

However, public opinion polls show that single payer is not quite the Boogeyman it is often said to be. A Kaiser Family Foundation poll of July 2009 found that, although the single payer system got the lowest support of all health care expansion possibilities, it was nonetheless substantial. An astounding 24% of all respondents strongly favored single payer, and 27% somewhat favored it. Interestingly, the word-

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[256] Evans 136–37; "Health Resources - Health Spending - OECD Data," *OECD*, 2016, http://data.oecd.org/healthres/health-spending.htm; OECD, *Health at a Glance 2009*, 21, 93, 97, 143, 145, 147. To illustrate this, the OECD data provides for easy comparison. In 2009 the US had the highest annual per capita health spending with $7,679, closely followed by Luxembourg with $6,393. In comparison, Canada spent only $4,102 and France $3,769 per person. And yet, despite the high spending, the US ranked 28th in mortality rates; only Hungary and Mexico had higher mortality rates among the OECD. The US ranked at the lowest third for its insured rates and had by far the lowest public insurance rate at 27.4%. The next lowest country was Turkey, at 67.2% of publicly insured people. The unsatisfactory quality of health care insurance becomes visible through the high out-of-pocket contribution rates Americans have. In 2007, 30% of Americans had out-of-pocket contributions over $1,000, and only 10% had no out-of-pocket contributions. In comparison, for Canada, these out-of-pocket rates respectively were 12% and 21%. The most dramatic difference can be seen in the UK, where only 4% had high contributions, compared with 52% who had none. As could be expected, the US had high rates of unmet care: 52% of people with incomes below average could not afford care. This was the case even for 25% of people with incomes above average. In Canada, these rates were 18% and 7% respectively (often due to the high cost-sharing for dental care). The more limited use of health care also becomes apparent in the low per capita doctors consultation for which the US ranked 28th and the low use of hospital beds. However, part of the high costs is explained by the great availability of technology, such as IRMs and CT scanners, for which the US ranked second regarding the number of machines, and ranked first in use.

[257] Evans 138–40.

[258] Blumenthal and Morone 302–3. They explain that conservative rhetoric was used to coat this hidden government regulation in hospital care.

[259] Evans 146–47, 152.

[260] For a detailed discussion, see 2.5.3. Fragile Majority.

ing had some importance. KFF asked the same question about an all-government plan in two different ways. The second question worded it as Medicare-for-all: this yielded 34% of strong favor and 24% of somewhat favor.[261] The wording for the single payer question contained the term "single payer" and "government plan," which can both trigger negative reactions associated to established welfare rhetoric. The Medicare-for-all question did not contain a reference to government and seems to point to the previously evoked confusions regarding Medicare. It appears that some people do not seem to know that Medicare is one of the two exclusively federally controlled social programs. The results of this poll also denote that the support for single payer substantially hinges on presentation and wording, essentially on the discourse used to promote it.

However, the political context also plays a major role. The *Sebelius* lawsuit and the subsequent crippling of the Medicaid extension have brought new attention to single payer. For example, in her concurring opinion in the 2012 *Sebelius* lawsuit, Justice Ginsburg made an interesting argument for single payer. She first mentioned that Congress had had the option to design health care reform on the model of Social Security, i.e. fully administered through the federal government, paid for in part through payroll taxes and individual tax contributions, and in part through general revenue. She then went on explaining the necessity of federal intervention in health care. She first exposed the vicious cycle of increasing costs, which the uninsured place on the health care system. This is due to the fact that the uninsured receive emergency treatment for which they cannot pay, and hospitals are not fully refunded for these expenses (she quoted the sum of $43 billion of unrecovered expenses out of $116 billion for care provided to the uninsured in 2008). These costs, in turn, are shifted onto the insured. She mentioned that Congress estimates that the average family plan costs $1,000 more per year because of this cost shifting. More importantly, she argued that states on their own could not effectively address this issue of establishing a universal health system only within their boundaries, as Massachusetts had done. Ginsburg explained that this would put the states in a difficult competitive situation because, just as it was the case for Massachusetts in 2009, thousands of people from other states went there to seek care. She insisted on the difficult situation of the state of Massachusetts because of the influx of unhealthy individuals who were attracted by its better health care system, which ultimately also drives costs up. She insisted that with these risks, other states would not have established universal health care systems, and thus federal action was needed.[262]

Ginsburg highlighted the fact that Congress chose a more centrist approach for health care reform, instead of enacting "a tax-and-spend federal program like Social Security." Although she called the ACA "a practical, altogether reasonable, solution" it is clear that she would have preferred the single payer system, because it would have avoided all these problems. Ginsburg particularly insisted on the fact that the problems of the ACA, such as the individual mandate and the Medicaid extension

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[261] "Kaiser Health Tracking Poll: Public Opinion on Health Care Issues" (Kaiser Family Foundation, July 2009), https://kaiserfamilyfoundation.files.wordpress.com/2013/01/7945.pdf. The exact wording as option to the question of which way of providing health insurance for more Americans they would favor or oppose, the wording for single payer was: "Having a national health plan — or single-payer plan — in which all Americans would get their insurance from a single government plan." For Medicare-for-all it was: "Having a national health plan in which all Americans would get their insurance through an expanded, universal form of Medicare-for-all."

[262] Ginsburg, *Sebelius* concurring.

being challenged in the Supreme Court, occurred precisely because Congress had
wanted to find a political compromise instead of adopting a radically liberal sys-
tem.[263]

Similarly, the historically discriminatory impact of Medicaid, which has been
reinforced by the *Sebelius* decision, has led some representatives to strongly support
single payer. This is the case for Representative John Conyers (D-MI).[264] In a 2016
interview, Rep. Conyers' health advisor Dan Riffle explained:

> I think that it is certainly true that the way that Medicaid is administered, the discretion
> that states have, tends to disproportionately impact minority communities, it's certainly
> true that we want to help poor people, and that poor people tend to disproportionately ...
> minority communities tend to be disproportionately poor, but the overarching reason
> why we support the single payer system is because to make health care affordable, so af-
> fordable that you can make it available universally as a right, you have to have the sim-
> plicity that comes with the single payer system.

Riffle also insisted on the cost-saving argument of single payer and its greater effi-
ciency in providing universal coverage. In a 2016 interview Yardley Pollas, health ad-
visor to Representative Bobby Rush who has represented Illinois 1st congressional
district since 1993 (majority black), insisted on the qualities of single payer in fighting
racial discrimination. In this context she explained that the initially somewhat luke-
warm support of the CBC for the ACA was due to the fact that in their opinion the
ACA did not go far enough. She said that Congressman Rush would definitely sup-
port a single-payer bill and, as a long time advocate of universal health care, he is
strongly in favor of single payer. However, she said that she was not in favor of reo-
pening the debate and the fights with Republicans now (the interview was conducted
during the presidential primaries, before Donald Trump, who had started a cam-
paign centered on the repeal of Obamacare and the Wall with Mexico, became the
official Republican candidate).[265]

Representative Bart Gordon, one of the conservative Blue Dogs, admitted that in
retrospect single payer would have been a better solution:

> Well I think that, in retrospect, that may have been a better approach, but I think the
> general feeling was that was just politically undoable. [...] At that time it was not possi-
> ble, I don't think, to get that passed. And we certainly couldn't now.[266]

Moreover, he believes that the support for single payer in Congress stems from
genuine convictions about the greater efficiency of the system and that initial talks
about single payer were not just to make the public option appear as the lesser evil.
However, he is equally convinced that single payer was politically impossible in
2009/10, and that it continued to be in 2016.[267]

Meg Sussman, senior legislative assistant to Representative Doris Matsui, who
represented California's 5th district from 2005 to 2013 and has represented its 6th dis-
trict since 2013, explained that in her opinion the complete overhaul of the health
care system required by the introduction of the single payer system is simply not pos-
sible. In this context it should be remembered that in 2010, only 31.2% of the Ameri-
can population was already covered by a government health care plan. Sussman also
insisted that every health care system has its flaws, which is true when one considers

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[263] *Sebelius*.
[264] John Conyers has represented Michigan's 13th district since 1965. The district is majority black.
[265] Pollas interview.
[266] Gordon interview.
[267] Gordon interview.

the problems regarding dental care in the Canadian system. Sussman appeared less dissatisfied with the mixed system the US had chosen. Regarding racial inequalities, she insisted on Matsui's support for CHCs, which deliver care and health education to the very diverse population of Matsui's district (however, the 5th district was majority white, although just barely. It also had a more than double than average strong Asian population. On average, Asians tend to fare well in the US and have among the highest economic indicators. The 6th district, however, is majority-minority). Sussman also lauded the early steps California had taken in the Medicaid expansion.[268] Sussman's more moderate appreciation of the situation can be partly explained through the fact that in California the system is actually functioning rather well. Prior to 2013, the 5th district included Sacramento and most of its metropolitan area. In short, it is not among the poorest districts of the nation, quite to the contrary.

Although Earl Pomeroy was very upset about the Medicaid issue and uttered very harsh comments in that respect, he is nonetheless convinced that single payer was never an option and never will be. He made this comment in the context of the debates between Hillary Clinton and Bernie Sanders in the 2016 Democratic primaries:

> Well, the debate continues in the presidential primaries between Hillary Clinton and Bernie Sanders. Bernie Sanders is saying the whole... all of this should just be stopped and we should go to single payer. It's very easy to say. It's impossible to achieve politically. You can only do which you can pass and get the population to accept. And so moving from where we were to single payer was not going to happen.[269]

Pomeroy put this into perspective with the Hillarycare defeat, when the moderate, centrist mixed-system approach had been discredited. He insisted on the fact that Obama had faced a similar situation, meaning that around 70% of the people had coverage, and an equal share of these liked their coverage. In his opinion single payer would have been too disruptive, too new and unknown for people to adhere to, especially since they were not that dissatisfied with the existing system. Pomeroy explained the political difficulty he faced in his district even with the moderate 2009 proposal. Most people in his at-large district were opposed to the Obama reform. Single payer, in Pomeroy's opinion, would have been too heavy to defend politically given the issue of taxes and the role of government:

> And so this business of... you know, coming from a small district, that only represents economically disadvantaged people, and saying, we should do more, we should do more, we should do more, had no understanding of the district I dealt with, where 2/3rds hated this bill. And in representing them, I was going vote for the bill and try to explain why. So, really, I believe the... for example the evolution of the Congressional Black Caucus thinking they wanted more, the politics of the system couldn't produce more. The politics of the system could never produce single payer as called for by Bernie Sanders. The tax burden would be unacceptable. People wouldn't trust the federal government to move to a system like that.[270]

Regarding the issues of taxes and government he insisted on the fact that Republicans would have had a field day. And indeed, given the conservative rhetoric on taxes and big government, Pomeroy's interpretation is perfectly logical. It was difficult enough as it was to get the moderate Obama reform through. Now, the situation is changing. The support for Bernie Sanders in the Democratic primaries is one indi-

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[268] Sussman interview.
[269] Pomeroy interview.
[270] Pomeroy interview.

cator of that. Sanders enjoyed strong support, even though he called himself a social-
ist or sometimes a democratic socialist, to draw the distinction with Soviet-style ty-
rannical government. His version is more centered on European socialism, meaning
more government intervention, more progressive taxation, and more social policies.
In addition, Sanders' stance has led to a new debate about the meaning of the term.[271]
In April 2016, Sanders was even ahead of Hillary Clinton in the polls. For the overall
polls, it was a narrow 47%-46% tie, but Sanders was far ahead among Democratic-
leaning independents (61% to 32% for Clinton) and in particular among younger vot-
ers (almost 75% among the 18 to 29 years old).[272] A 2012 PEW poll showed that espe-
cially among younger Democrats, lower-income people, and minorities the term 'so-
cialism' is viewed positively.[273] A 2016 Gallup poll identified the same trends. Among
Democrats, even slightly more people had a positive view of socialism than of capital-
ism.[274] These trends are consistent with the increasing support for government inter-
vention in health care. In this sense, it can be said that the Obama reform might have
had an effect in showing people that reform and government intervention can result
in more coverage and lower health care expenses. At least, the ACA seems to have
brought people closer to the idea that the government should have a role to play in
health care.

In April 2016, Sanders was even ahead of Hillary Clinton in the polls.
Although sharp partisan divisions remain, a 2017 PEW poll showed that overall
58% of the respondents thought that it is the government's responsibility to ensure
that all Americans have health care coverage. Even within the 38% who think that
government has no such responsibility, a staggering 87% want to keep Medicare and
Medicaid. This shows once again the confusion that reigns about many programs and
to what degree it is not necessarily understood where, and to what extent, the gov-
ernment intervenes. Among Republicans a greater share (66%) do not see a govern-
ment responsibility for health care coverage, nonetheless 86% of these want to keep
Medicare and Medicaid. There is even some support for single payer among Republi-
cans (phrased a 'single national government program') from a low 8% among con-
servative Republicans, to 20% among moderate and liberal Republicans. This makes
an average of 12% of support for single payer among Republicans. Of course, Demo-
crats more strongly see a government responsibility in health care, with only 14% dis-
agreeing, but these still want to retain Medicare and Medicaid. Just as for the overall
population, support for single payer is now greater than support for the mixed sys-
tem. The average support for single payer among Democrats was 52%, with 42%
among moderates and conservatives, and a strong 64% among liberal Democrats. The
overall support for single payer for the total population was 33%, in a tie, with those
who saw no government responsibility, but who wanted to keep Medicare and Medi-
caid, and ahead of the 25% who saw a government responsibility but favored the

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[271] See for example: Linda Qiu, "Bernie Sanders—Socialist or Democratic Socialist?," *PolitiFact*, August 26, 2015, http://www.politifact.com/truth-o-meter/article/2015/aug/26/bernie-sanders-socialist-or-democratic-socialist/.

[272] Russell Berman, "Sanders Catches Clinton," *The Atlantic*, April 7, 2016, https://www.theatlantic.com/please-support-us/?next=https%3A%2F%2Fwww.theatlantic.com%2Fpolitics%2Farchive%2F2016%2F04%2Fa-sanders-surge-in-polling-if-not-delegates%2F477198%2F#seen.

[273] "Little Change in Public's Response to 'Capitalism,' 'Socialism'" (Pew Research Center, December 28, 2011), http://www.people-press.org/2011/12/28/little-change-in-publics-response-to-capitalism-socialism/.

[274] Frank Newport, "Americans' Views of Socialism, Capitalism Are Little Changed" (Gallup, May 6, 2016), http://www.gallup.com/poll/191354/americans-views-socialism-capitalism-little-changed.aspx.

mixed system, and of course well ahead of the 5% who wanted no government involvement whatsoever. Since 2014, support for single payer has been increasing sharply by 12%.[275]

Attitudes are consequently changing. People are getting used to the idea of government intervention in health care and start asking for it. In 2009/2010, single payer was not a political possibility, but events since then, including the expanded coverage and more affordable premiums, have apparently started to influence the thinking of the population. The repeal of Obamacare, which Republicans had promised, failed spectacularly in the summer of 2017 because of opposition in their own ranks. As Dan Riffle pointed out when he commented on Rep. Conyers' single payer advocacy since the 1960s, Congress alone cannot do much about single payer given the political situation with Republicans, but activists have to show their support for it, have to demand the government intervention they see as appropriate. This in turn would break the vicious media cycle in which the media do not cover an issue because they deem it dead, which leads to fewer people supporting it and on it goes. It is self-evident that Congress has difficulties moving on such a critical and disruptive issue without strong support among the population.[276]

However, this growing support has now propelled single payer into the media. In July 2017 several national newspapers discussed the issue. During the same period Senate minority leader Chuck Schumer said that single payer was being discussed among Democrats and that they aimed at defining their party more clearly along the lines of giving Americans better tools to survive in the 21st century and actively work on increasing wages.[277] The media have been very active discussing single payer in late July 2017, partly because of the failed single payer vote on July 27th, 2017 in the Senate, when Senator Steven Daines (R-MT), who is opposed to single payer, introduced such a proposal in an attempt to embarrass Democratic senators. However, among the many publications that discussed single payer over the first weeks of August 2017 (among them *Salon, The Hill, Newsweek, The Atlantic,* the *Business Insider, Rolling Stone, Forbes, The Nation, Time,* the *LA Times, The Huffington Post, The Washington Post, The New York Times* and many others), most discussed single payer on its principles, and not only in reference to the failed Senate vote. Headlines strongly indicate that most view the rise of single payer in light of Trump and the Republicans' repeated failures to repeal Obamacare. Some other more conservative media, like *The Federalist, Forbes* (in part), *Breitbart*, and even surprisingly the progressive online magazine *MotherJones* discussed single payer to warn about its cost and potentially catastrophic consequences. Nonetheless, all this shows that the idea is being examined in earnest. Right now growing public and congressional support have created a virtuous media cycle that might contribute to an increasing support for single payer. In comparison, in 2016, media discussions were almost exclusively linked to the Sanders campaign and his advocacy of single payer and to a much lesser extent to the Colorado single payer initiative, which had failed in 2016.

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[275] Jocelyn Kiley, "Public Support for 'single Payer' Health Coverage Grows, Driven by Democrats," *Pew Research Center*, June 23, 2017, http://www.pewresearch.org/fact-tank/2017/06/23/public-support-for-single-payer-health-coverage-grows-driven-by-democrats/.
[276] Riffle interview.
[277] Charlie May, "Chuck Schumer Says Single-Payer Health Care Is 'on the Table' for Democrats," *Salon*, July 23, 2017, http://www.salon.com/2017/07/23/chuck-schumer-says-single-payer-health-care-is-on-the-table-for-democrats/.

On January 24, 2017 Representative Conyers introduced a new single payer bill in the House entitled Expanded and Improved Medicare for All Act. Representative Lewis was among the 51 original co-sponsors of the bill. Representatives Matsui and Rush were among the many who joined in the following months. The latest count as of early August 2017, is at a total of 116 co-sponsors,[278] out of the 194 Democrats currently sitting in the 115th Congress. It is noteworthy to see that Conyers chose a name for the bill based on the more popular Medicare-for-all theme, which avoids the chilling effect of 'single payer' and which benefits from Medicare's strong popularity.

Among senators as well support for single payer is growing. Recently Elizabeth Warren (D-MA), Kirsten Gillibrand (D-NY), Kamala Harris (D-CA), and Cory Booker (D-NJ) have voiced support for single payer. This is all the more interesting as these senators are seen as progressive rising stars and some are deemed possible presidential candidates in 2020. Moreover, in several states, gubernatorial candidates are running on platforms including single payer or are voicing their support for such an approach. Among these are Ben Jealous, a Democrat running in Maryland, Democratic Lieutenant-Governor of California Gavin Newsom who is running for the 2018 gubernatorial election, several Democratic candidates running in the New Jersey gubernatorial primaries, such as Jim Johnson, who said he would be open to it, or Raymond Lesniak, John Wisniewski, and Mark Zinna, who voiced strong support and affirmed legislative intentions. These are just a few examples to show that the tide may be turning.[279]

The California state legislature is considering a single payer bill (SB 562) at the moment, and New Jersey Democratic Senate majority leader Loretta Weinberg said that the New Jersey legislature was considering following California's example.[280] New York, Massachusetts, and Rhode Island are contemplating the idea as well.[281] In 2016, Amendment 69, which would have created a single payer system, was rejected in Colorado, and in 2014 Vermont finally abandoned its single payer initiative started in 2011.[282] These failed and abandoned initiatives can be viewed as a negative rejec-

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[278] John Conyers, "H.R.676 - 115th Congress (2017-2018): Expanded & Improved Medicare For All Act," webpage, (February 10, 2017), https://www.congress.gov/bill/115th-congress/house-bill/676.

[279] Jeff Stein, "It's Time to See If Democrats Are Serious about Single-Payer," *Vox.com*, July 24, 2017, https://www.vox.com/2017/7/24/15915406/bernie-sanders-medicare-single-payer; Claude Brodesser-Akner, "How Each N.J. Governor Candidate Would Handle a Repeal of Obamacare," *NJ.com*, May 25, 2017,
http://www.nj.com/politics/index.ssf/2017/04/we_got_every_nj_governor_candidates_plan_on_health
.html; Josh Hicks, "Candidate for Md. Governor Says State Should Start Single-Payer Health Program," *Washington Post*, June 23, 2017, sec. Maryland Politics, https://www.washingtonpost.com/local/md-politics/candidate-for-md-governor-says-state-should-start-single-payer-health-program/2017/06/23/3ebd3a26-5795-11e7-a204-ad706461fa4f_story.html; Phil Willon, " Gavin Newsom adds a new plank to his 2018 campaign for California governor—a statewide universal healthcare system," *Los Angeles Times*, March 13, 2017, http://www.latimes.com/politics/essential/la-pol-ca-essential-politics-updates-gavin-newsom-adds-a-new-plank-to-his-1489439179-htmlstory.html.

[280] Patrick McGreevy, "How California Lawmakers Have Tried and Failed to Fix the State's Housing Crisis," *Los Angeles Times*, June 1, 2017, http://www.latimes.com/politics/essential/la-pol-ca-essential-politics-updates-single-payer-healthcare-plan-advances-1496361965-htmlstory.html; Brodesser-Akner.

[281] Alexander Burns and Jennifer Medina, "The Single-Payer Party? Democrats Shift Left on Health Care," *New York Times*, June 3, 2017, sec. US, https://www.nytimes.com/2017/06/03/us/democrats-universal-health-care-single-payer-party.html.

[282] Jeffrey Young, "Single-Payer Health Care Dream Dies In Colorado," *Huffington Post*, November 8, 2016, sec. Politics, http://www.huffingtonpost.com/entry/colorado-single-payer-vote_us_581cdf8be4b0d9ce6fbbf369.

tion of single payer. But they can also be seen positively: there were state legislatures, and there are more now, willing to seriously consider this approach and to do the hard work of putting single payer forward as a viable solution.

4.4. Conclusion

The race pragmatic theory stemmed from the combined realization that a solely race-specific approach had its limits, both regarding its actual effectiveness and its political viability. Nonetheless, the resulting political strategy, an inclusive class based approach, which focuses on issues that are particularly problematic for minorities, also has its limits, particularly in its relative constraint in denouncing racial problems. However, especially during the presidential campaign and the first term, Michelle Obama was the racial element of the presidential couple. Despite its comparatively recent political application dating back to the 1980s, it is deeply rooted in African-American thought, going back to the 19th century and is not at odds with many claims of the Civil Rights era. The application of the strategy to reach the highest American office can be partially seen with Jesse Jackson's second campaign for the Democratic presidential nomination. The successful application of it to reach the highest office of the US and its implementation in policy, however, was a first with Barack Obama. With his health care reform, he managed to effectively apply the strategy of gathering an interracial majority around an issue of shared interests, which also strongly affected the middle class, in order to avoid a 1970s-type backlash. Moreover, the system created by the reform is strongly downwardly redistributional, which structurally impacts minorities more. In addition, the ACA emphasizes some issues that are particularly problematic for minorities, such as HIV/AIDS, diabetes, teenage pregnancies, preexisting conditions, or lack of insurance and affordability.

However, the choice of building on the existing system, which directly resulted from the negative view of too much government intervention, had its host of negative consequences. Provisions of the ACA were challenged and resulted in a crippling of the reform, creating a Medicaid coverage gap that left millions of low-income people uninsured. This highlights once more the role played by strong federal intervention in ensuring racial equality, as the optional Medicaid extension disproportionally impacted blacks.

Despite the ACA being a rather moderate reform, Republicans have attempted to repeal it many times. They have vowed to do so immediately after Obama signed the Act.[283] In 2016 Donald Trump ran a successful presidential campaign centered on two issues: the repeal of Obamacare and building a wall with Mexico to stop illegal immigration and drug trafficking.[284] Efforts to repeal Obamacare and enact a conservative health care law have met with public resistance and resistance within Republican ranks. The American Health Care Act narrowly passed the House on May 4, 2017, with 20 Republicans voting against it.[285] On July 27, 2017, the Senate voted against the proposed amendments that would have repealed the individual mandate. Three Republican senators joined the Democrats to defeat the proposal: Senator Su-

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[283] "Boehner: GOP Will Repeal Health Care Law," *NPR.org*, April 30, 2010, http://www.npr.org/templates/story/story.php?storyId=126395806.

[284] See appendix for screenshot of Trump's campaign website.

[285] Diane Black, "Actions - H.R.1628 - 115th Congress (2017-2018): American Health Care Act of 2017," webpage, (July 28, 2017), https://www.congress.gov/bill/115th-congress/house-bill/1628/all-actions.

san Collins from Maine, Lisa Murkowski from Alaska, and Senator John McCain from Arizona.[286] Senator Collins, in her statement explaining her vote, harshly criticized the ACA, but equally emphasized that the various Republican proposals would have been worse, be it regarding the number of uninsured people, reduced funding for many areas, or impact on women's health. Collins also sharply criticized both parties for their partisanship and attempts (or success) at passing partisan legislation. She called for renewed bipartisan efforts to find an effective solution for health care reform.[287] The developments since the passage of the ACA show how deeply polarized the two parties still are over the issues of social policy and government intervention.

These repeated attacks on the ACA have lead to an increasing support for single payer and several states are considering legislation in that direction. Although among the public support is growing, the issue remains complex arising especially from America's complicated relationship with government intervention.

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[286] Ed O'Keefe, "The Night John McCain Killed the GOP's Health-Care Fight," *Washington Post*, July 28, 2017, https://www.washingtonpost.com/powerpost/the-night-john-mccain-killed-the-gops-health-care-fight/2017/07/28/f5acce58-7361-11e7-8f39-eeb7d3a2d304_story.html.

[287] Susan Collins, "Sen. Collins' Statement on Health Care Vote," *Susan Collins: United States Senator for Maine*, July 28, 2017, https://www.collins.senate.gov/newsroom/sen-collins-statement-health-care-vote.

5
Conclusion

In many respects the Patient Protection and Affordable Care Act of 2010 is a reflection of the United States' racial history. Its inception was based on the difficulties arising from the US's history of social policies, which is deeply marked by racial cleavages and political polarization, but it was also based on the wish to address racial inequalities deeply embedded in the American society and economy. The final legislation is marked by the constraints of American politics; it is an unsatisfying compromise that proved vulnerable to attacks. Although the ACA is still alive, conservative attacks are in the process of eviscerating it. Due to the fact the ACA was built on the existing system, the attacks have proven to be most detrimental to racial and economic minorities, showing the ongoing relevance of the structural intersection of race and class and how deeply entrenched this structure is.

Obama's commitment to social policies stems from a genuine wish to improve the conditions for the black population and to provide more opportunity, but also from the aspiration to create a better safety net for the whole of the American population. This is based on his own experience and history. The will to provide more opportunity and support for the black population is less grounded in his own life, as he was raised in a white family, although his skin color made him think about the issue of race from an early age. His experience with the black population and the conditions in inner city neighborhoods dates back to his work as a community organizer in Harlem and the South Side of Chicago in the 1980s that made him aware of the lack of government intervention for many people, as well as of the destructiveness of joblessness and drug abuse.[1] Moreover, his awareness of how some government programs provided opportunity for his family and his personal understanding and experience of the benefits of a good social network fostered in him the will to extend governmental ladders of opportunity. Moreover, Obama appears to be convinced about the effectiveness of Keynesianism for the economy.

However, in his quest for the expansion of social policies, Obama was acutely aware of the political constraints he faced. These political constraints, which are exemplified in the sharp partisan division over social policies and government intervention, are deeply rooted in American history and the development of the welfare state in the US. Since the late 1970s, the partisan divide over social policies and government intervention has played out in favor of the Republicans, notably because of the greater intellectual dominance of neoliberal principles that strongly oppose taxes and any form of government intervention, apart from the military. Taxes, however, are the condition *sine qua non* for redistribution.

The forceful opposition to social policies for the poor and minorities—be it in the form of welfare or affirmative action programs—which is exemplified by the tax revolt, by claims of reverse discrimination, and legal attacks against affirmative action programs, made it obvious to Obama that a race-specific approach focused only on the poorest populations would fail to garner sufficient support. This conclusion had been already reached in the 1990s, but had arisen from two slightly different schools of thought. The first was more concentrated on mainstream politics and posited that Democrats must change their discourse to adapt to the new conservative discourse that had developed since the late 1960s. This conservative discourse had developed in response to white resentment at increased economic competition with various minority groups during a period of deteriorating economic conditions. In response to the disaffection of working and middle class voters from the Democratic Party, who

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[1] Obama, *Audacity*, 43, 68.

turned to support Reagan and his promises of less government intervention—which were understood as meaning fewer handouts for minorities—many political scientists and analysts suggested a detachment from the old image of tax-and-spend liberals who advocated for continuously increasing civil rights and programs for the poor, while refusing to discuss the failure of some programs in regard of the entrenched poverty in the inner city neighborhoods. These academics, such as Edsall and Edsall in the early 1990s, or Judis and Teixeira in the early 2000s, recommended a more centrist approach, a greater focus on the problems of the middle class, which had been suffering since the economic downturn in the 1970s, and a greater emphasis on a values discourse, especially on personal responsibility, in pursuit of recapturing a Democratic majority. The first electoral successes of this strategy came with Clinton and the New Democrats, who openly distanced themselves from the old image and emphasized their difference, primarily in regard to the social policy and welfare legacy of the 1960s.

This, however, constitutes the mainstream reaction. In black political and academic circles the problem was seen from a different point of view. Here the hitch was to reach mainstream politics beyond black congressional districts, and especially to find ways around the racial backlash against means-tested programs and affirmative action. Moreover, some black thinkers also concentrated on the values issue and the question of personal responsibility, although from a point of view and for a purpose quite different from the conservative use of the notion. Whereas conservatives tend to use the notion of personal and family responsibility to argue for cuts in social programs, black thinkers argue for personal responsibility in a more uplifting manner that is centered on self-help, also to make up for failing government institutions and lacking government intervention. Moreover, part of this thinking is also motivated by the clear view of how any societal problem or flaw within the black population would be exploited to racist ends, especially if they corresponded to the negative stereotypes. This thinking dates back at least to Du Bois, but similar ideas can be found even earlier. The black conclusion to the conundrum of conservative political power that was unfavorable to social policies was put forth by West in the early 1990s or Marable in the late 2000s. They advocate a strategy based on an interracial alliance, not unlike the New Deal Coalition, that would emphasize shared economic interests and racial transcendence. This relies on de-emphasizing race-specific measures and victimization, while at the same time emphasizing issues of personal responsibility and the advocacy of social policy issues that are salient for working and middle class whites, such as health or education. However, in this approach, race-specific measures are a no-go. To overcome this difficulty, they advocate an issue-specific approach, meaning race-neutral intervention on specific issues that are particularly problematic for blacks. Moreover, a more sociological insight concerns the particular salience of middle-class programs for the black middle class that is significantly more fragile than the white one. This approach is strongly backed by Feagin or Katznelson who argue that social policies have very much functioned to the advantage of whites. They argue that a similar neutral, but tailored focus on the black population could yield the same beneficial effects. Lieberman underscores this by arguing that regarding policy, the racial intent is less important than the racial outcome, meaning that a neutral policy can have a racist outcome, just as a race-specific policy does not necessarily produce the racially most effective results, as the case of affirmative action shows to a certain extent.

This race pragmatic approach is grounded on both the lack of political power of the black population, resulting from the smaller population count and from the racial backlash, and the assessment for some such as West, that the purely racial approach and the exclusively structural focus on barred opportunity has its limits regarding the refrainment of so-called 'pathological' behavior in the 'underclass' of the inner city neighborhoods.

Very clearly, Obama's political thought is influenced by both the mainstream and the black race pragmatic approach, since he details and discusses both, without naming them, in *The Audacity of Hope*, and since both approaches are reflected in his political discourse.

Obama's two main social policy goals corresponded to these approaches, be it health care or education reform. Both are of critical importance for social mobility, although this is less obvious for health care, despite the fact that lacking health care insurance hampers upward social mobility and is one of the main reasons for loss of socioeconomic status. Obama seems to have a greater personal passion for education, which might stem in part from his teaching career, but the initial education reform he promoted in 2009 and 2010 died in Congress. Obama seemed to be less passionate about health care, although he peppered his speeches with personal health stories, be it the cancer of his mother, his daughter Sasha's meningitis, or even the multiple sclerosis of his father-in-law. Nonetheless, health care was, (and still is due to the imperfect reform and the current attacks against Obamacare), the pressing matter of the beginning of the new millennium. Moreover, by the time Obama reached the presidency, health care, due to the haphazard health care policies enacted by the Johnson administration, had become a very acute problem for the middle class, although the same argument can be made about soaring university tuition fees. Thus health care was for Obama a good policy domain in which to apply the race pragmatic approach advocated by many black thinkers and politicians. It was also a good policy domain in which to apply the precepts of the mainstream political thought on the need to show the white middle class that the Democratic Party has not abandoned them. Moreover, health care was a good issue to show the white middle class that their have their stakes in social policies and that a strong welfare state is advantageous for them.

Despite the fact that Obama scrupulously applied both precepts, meaning a reform that would not look too much like a 'tax-and-spend' big government monster, and which targeted some specific minority issues, such as diabetes or HIV/AIDS, while having a structural impact through strong downwards redistribution, the reform was not immune to stark partisan division. Republican cooperation was absolutely minimal verging on the nonexistent regarding the crafting of the reform or voting for it at one moment or another (only Representative Joseph Cao (R-LA) voted once in the House for it, and Olympia Snowe (R-ME) voted the ACA out of a committee in the Senate, and three Republican senators participated in the reform debates). The enactment of the ACA and the HCER and the subsequent attacks against it, with Republicans vowing shortly after Obama signed the bill into law to repeal it as soon as possible, shows how deep and strong the partisan divide over redistributive issues continues to be. The immediate Republican opposition to the ARRA early in 2009, even before Obama had exposed the content of the bill, is yet another example of this strong divide that started with Reagan, but which was carried to an extreme by Newt Gingrich in the 1990s.

The sharp partisan division between Republicans and Democrats is articulated over the scope of government intervention, which hinges on redistribution through

taxation and social policy. This division has evolved over the history of the welfare state, with Democratic president Roosevelt setting the first massive building block, although some programs had been developed prior to that. Gradually the Democratic Party became the party of social policies, as well as minorities, leading to a definite inversion of the racial stance of the parties by 1968; the Republicans no longer being the abolitionist party championing civil rights for blacks, and the Democrats no longer being the party of slavery and segregation. Moreover, Civil Rights brought about political correctness that made open racial appeals to whites a political liability. The racial appeals, which built on white racial resentment over increased economic competition, had to be coded in order to avoid open rejection and condemnation. Neoliberal economic ideology and discourse proved to be a fortuitous discursive vessel for this coded discourse. Although Carter had applied some neoliberal ideas in the 1970s, and even in the early 1980s some Democratic politicians such as Senators Paul Tsongas (D-MA) and Gary Hart (D-CO) thought it could be beneficial for the Democratic Party to integrate some neoliberal aspects,[2] it was the Republican Party that most effectively promoted and applied neoliberal ideas. Reagan appeared to be genuinely convinced that neoliberalism would provide solutions for the economy and the neoliberal ideology proved to most effectively integrate coded racial appeals.

Although not explicitly mentioned by Edsall and Edsall, who most adroitly explained Reagan's use of the white backlash by parlaying his discourse on race and taxes as a way to gain a new Republican majority, neoliberalism offered the economic backbone to Reagan's racial populism. The strength of the neoliberal *Weltbild* lies in the fact that it draws on old American values, such as individualism and work ethic, and builds on an idealized conception of America as the land of freedom and opportunity, integrating elements such as the American Dream. Moreover, neoliberalism based its ideology in opposition to Soviet-style socialism, creating a simple good-bad dichotomy that also tapped into American history by positing America as the land of freedom in contrast to economic and political tyranny. The free market became the symbol of political freedom and democracy, devoid of discrimination and oppression, which empowered the individual. Government regulation, incarnated by the Soviet Union, was the oppressive enemy. In the free market, as portrayed by neoliberalism, anyone could succeed if they worked hard. Those who failed to thrive in this perfect economy lacked work ethic or had not tried hard enough. This ideology managed to transform the resentment of paying taxes for social programs that appeared to benefit mainly minorities into a positive economic argument.

Interpretations vary as to the political changes occurring during the 1970s. The economic narrative is that the crisis following the 1973 oil shock discredited Keynesianism and paved the way for neoliberal economic principles, which were most deftly incorporated into conservatism by Reagan and allowed the creation of a new Republican majority. Others, like Edsall and Edsall, defend a different theory. In 1991 they argued that Reagan managed to politically exploit the 1970s backlash over taxes and social policy to drive a racial wedge through the class-based New Deal coalition. By playing on the backlash sentiments, the Reagan discourse emphasized and exacerbated the perception of white tax money being wasted for social programs that fostered dependency and immorality, that were harmful to the very people they were supposed to help. By insisting on the dimension of abuse of the system, they created the image of greedy people living on comfortable social benefits that they did neither need nor deserve. The emergence of the 'underclass' in the 1970s lent credibility to

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[2] John B. Judis and Ruy Teixeira, *The Emerging Democratic Majority* (New York: Scribner, 2002), 28.

this portrait. Edsall and Edsall posit that Reagan managed to convince white working and middle class voters, who formerly voted Democratic according to their economic interests—the so-called Reagan-Democrats—to vote for Republicans based on shared values, such as personal responsibility.

This discourse worked because it drew upon old American myths and corresponded to the image people wanted to have of their country. It also worked because, as Suzanne Mettler points out, most of government intervention is hidden and many people fail to identify government programs as such. "Get your government hands off my Medicare" is just one of the most amusing examples. Nonetheless, due to the historically strong association of federal intervention with Civil Rights and social policy efforts for minorities, as well as the use of states' rights as tool for racial oppression in the form of slavery and segregation, attacks against big government cannot be viewed in a racially neutral way. However, with neoliberalism, attacks against the federal government were given the coat of economic respectability.

The Reaganite discourse intertwining racial populism and neoliberalism works, and has proven very lasting, because it is also built on the structure of American society that is stratified along race and class lines. There are social classes that can be defined along income lines, occupation, and to a certain extent educational attainment, but more importantly, the long history of racial oppression causes society at the same time to be stratified along racial lines that concentrate minorities on the lowest rungs of the social ladder.

The intersection of race and class has long been noted and discussed. Du Bois and Myrdal saw more the fixed and immutable dimension of this intersection that situated African-Americans at the bottom of the socio-economic hierarchy. This was linked, of course, to the fact that they analyzed American society when *de jure* segregation still existed. Although Civil Rights brought the promise of upward social mobility, very quickly the economic dimension came back to the forefront, because, as Myrdal or John Lewis pointed out, racial oppression strongly worked through its economic dimension. In this sense, racism can be viewed as a justification for the economic oppression of a whole group or groups of people based on their skin color. In the US, slavery and segregation had this economically stratifying effect along color lines, the effects of which persist today, partly through the transmission of social status from parents to children, but also through ongoing discrimination and *de facto* residential and school segregation. However, because of Civil Rights, affirmative action, and a greater emphasis on non-discrimination, the purely economic stratification has gained even more importance.

In the late 1970s, Wilson noted that affirmative action had little to no impact on the black populations in the inner city neighborhoods. Affirmative action, the tool that had been devised by the Kennedy and Johnson administrations to make up for past discrimination, did not take structural inequalities into account because it was based on equal qualification for hiring. For entering university, affirmative action indeed compensates for lower SAT scores to allow minority students to enroll, but it does not make up for the lower-quality education that many children receive in poor neighborhoods. Hence, more minority students fail to complete their college education. Lower-quality education is compounded by the lower incomes of the parents and often a lack of health insurance, which are other factors that negatively influence college completion rates. In this sense, Wilson identified that affirmative action, a purely racial policy that did not treat the cause of inequalities but only its symptoms, was useless for populations who had no access to the structural advantages that most

whites enjoy. Similarly in the late 1990s, Oliver and Shapiro pointed to the lack of human capital of the populations in the inner city neighborhoods that prevent these populations from competing in the regular job market.

Affirmative action does work for the black middle class that has access to similar socio-economic advantages as whites, although the black middle class status remains much more fragile than that of whites because of blacks' late access to social mobility. Blacks were largely excluded from social policies during the booming years of the welfare state and were largely excluded from the regular economy during the post-WWII prosperity period that witnessed the rise of the massive and prosperous white middle class. During this period of explosive economic growth and upward social mobility that propelled many poor and working-class whites into the middle class, blacks were largely excluded through *de jure* and *de facto* segregation. Their access to social programs was limited, be it through structural exclusion—as it was the case with social security until 1950, *de jure* segregation and exclusion, or through discrimination—as it was the case for the FHA housing and mortgage programs and the GI Bill, or ADC (later AFDC, now TANF).

The passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965 that granted access to the mainstream society and promised political empowerment occurred shortly before the economic downturn and the oil shock of 1973 that opened a decade of economic crisis. Would things have been different without the economic crisis? Would there have been a backlash against racial equality in any case? It is impossible to say, but the timing was the worst possible as the claims for a fair share in the economy arrived at a moment when shareable amounts diminished rapidly. The population experienced massive inflation and thus money loss, while being confronted with high unemployment after decades of easily-found and well-paying jobs with low qualification requirements. The claims for more equality, politically and economically, from many minority groups—blacks, women, homosexuals—during the 1960s and 1970s, were met with a white backlash. At a moment of increased economic competition and shrinking real wages, many middle class whites resented paying taxes for social programs that seemed to mainly benefit minorities, and this, apparently, to little positive effect.

This perception was created through a host of factors. Indeed, the welfare rolls were swelled quite 'suddenly' by a new influx of minorities, and blacks in particular, because of the Second Great Migration to Northern cities and because of Civil Rights. Although the War on Poverty had many positive effects and lifted many people out of poverty, it was also limited because of changes in the economy and the urban landscape. The well-paid low-qualification jobs of the industrial era were vanishing; the service industry required more education and unemployment became a normal component of the economy. Moreover, the urban landscape had been transformed, since the 1950s the white middle class had been moving to the suburbs, leaving the inner city neighborhoods as poor islands with few job prospects that fostered entrenched poverty and reliance on social programs. Barred opportunity and the absence or insufficiency of many public services also led to an increase of criminality, out-of-wedlock births, and drug consumption that contributed to the perception of a distinct 'underclass' that was marked by 'pathological' behavior. This so-called 'underclass' justified cultural racism, which incorporated previous tenets of biological racism—laziness, hyper-sexuality, dependence—but transformed them into cultural population traits. Two main rationalizations emerged to explain the existence of the 'underclass': the cultural explanation, mostly defended by conservatives, attributed

the condition of the 'underclass' to the 'underclass' and claimed that a lack of emphasis on morality, good education, and work ethic among this population was the reason for their low socio-economic status. The structural explanation, mostly defended by liberals, attributed the situation to structural barriers of discrimination and lack of opportunity.

Over time, since the inception of the welfare state, a racialization or welfarization of the various programs has occurred. Some programs, Medicare and Social Security in particular, have become seen as something other than social programs and even tend to not be seen as government intervention. They are viewed in very positive terms, notably because they are contributory (these programs are not exclusively paid for through contributions, they are also funded through general revenues, i.e. taxes). People seem to have forgotten that Medicare and Social Security are the two most federally controlled programs in the US. On the other hand, means-tested programs, or welfare, gradually gained a negative image, especially as more blacks and other minorities moved onto the rolls. These programs—such as AFDC (now TANF) or food stamps (now SNAP), but to a certain extent also Medicaid (although health programs have a better image)—are viewed negatively and are heavily associated with minorities, although the latter are not, in absolute numbers, the main beneficiaries of the programs. However, it is true that, because of their subordinate economic status, a greater share of the black or the Hispanic population often benefits from social programs (this is not the case for Medicare and Social Security, because of the shorter life expectancy for blacks, and the overall younger Hispanic population). Misrepresentations in the media, which disproportionately illustrate issues of poverty with black faces especially during booming economic periods, have contributed to the perception that it is mainly minorities who unduly benefit from means-tested programs. This welfarization creates a negative image of programs as sustaining undeserving people who should work and as fostering dependency and immorality. The stereotype is so heavily racialized that for many whites, if they or their family benefit from the same programs "it's different." This strong welfarization was notably furthered and used by Reagan in his political campaigns.

The issue of affirmative action crystallized the backlash sentiment and the opposition to policy efforts on behalf of minorities. The backlash against affirmative action even created the concept of 'reverse discrimination,' meaning the idea that these policies unduly hurt white people (and white men in particular). The ongoing attacks against affirmative action programs, especially for university admissions, illustrate the impossibility of race-specific policy efforts, just as the attacks against 'welfare' illustrate the impossibility of major policies that would target only the poor. Moreover, the backlash against affirmative action also highlights that even in a social policy domain that enjoys a rather positive connotation, such as education, measures that are too openly and strongly dedicated to minorities are met with robust resistance.

The Reagan years opened onto a new era, leaving the parties strongly polarized. The Keynesian consensus was dead and buried. Now the parties are sharply opposed over issues of taxation, government intervention, and social policies. The more generally conservative turn became obvious with Clinton and his New Democrats, who emphasized the importance of bringing down the deficit, to reform welfare, and to get tough on crime. Although Clinton was called the "first black president," the assessment of his racial and social policy record is more mitigated. Although Clinton managed to regain a Democratic majority, it appears that at the level of racial equali-

ty the strategy backfired somewhat. The same applies to his social policy agenda since Clinton's health care reform project was defeated. Although it had proposed a centrist, market-based approach that was supposed to appeal to conservatives, his reform was decried as a bureaucratic nightmare, a government-run health system that would result in shortages and higher costs for the middle class. The racial appeals were heavily coded, but the specter of big government loomed and turned an initial support for health care reform into a disastrous defeat.

Obama has shown extensive knowledge of this historical legacy, and in *The Audacity of Hope* it appears that he shares much of this assessment of the Clinton reform. Moreover, though Obama congratulated the positive effect of economic growth on the black population during the two Clinton terms, his assessment of the Clinton years regarding racial outcomes, especially for the so-called 'underclass' is mitigated at best. The ongoing, although slightly diminishing support for the Democratic Party among black voters shows the relative political weakness of this population, who has, despite the lukewarm Clinton record, no real political alternative and often remains the loser in the two-party system.

Obama wanted to maintain a centrist approach that aimed, pointlessly, at a bipartisan collaboration, but with a greater emphasis, although not outspokenly, on specific black issues. The Democrats in 2009 were strongly aware that the enactment of health policy would be difficult, considering the recent Clinton reform disaster, but also a century of failed attempts that preceded it. The health care system is one of the main features of the welfare state that sets the health system of the US apart from other Western countries. Its early halt in development led to its distinguishing feature of being the most costly system achieving the lowest coverage with rather poor public health results in many areas, such as infant mortality. Regarding the Clinton failure, two elements stand out. The first is that the Obama administration chose to keep a similar system, meaning a system building on the existing health care system that kept a market-based approach instead of introducing single payer, just as the Clinton reform had planned to do. Despite this centrist approach, the enactment came at a very high price for the Democrats. In the midterm elections following the passage of the Act, they lost their majority in Congress and have not been able to recover since then. Beyond that, Democrats have kept losing power in Congress.

The second element is that Obama and the Democrats in power avoided the Clinton mistake of a strong association of the reform with the President and the First Lady, which had been detrimental to the Clinton reform attempt. Despite the efforts to keep Obama within the role defined by his function as President, the reform still got nicknamed Obamacare. However, this time it did not turn out as a defeat; the Democrats seized the nickname that was meant as a slander, and adopted it, repeating the strategy they had used for the Harry-and-Louise ads, or actually the strategy Obama had adopted regarding his private life. Similar attacks to the ones made against Clinton, against Obama's darker secrets from his youth was simply not possible because he had already disclosed everything in his autobiography. Quite on the contrary, Obama used his sometimes tumultuous past to call for second chances and to relate to teenagers.

Although Obama strongly influenced the reform in the background—through extensive communication between the White House and Congress, and establishing a White House Office of Health Reform by Executive Order 13057 in April 2009—for the outside world he strictly kept to the role a president can have regarding redistributive issues. This role includes marshaling his troops as leader of government and

working on the members of his party. Towards the population it includes using his singular and forceful position of being able to speak with a strong single voice, by using the bully pulpit to work on public opinion. This meant the crafting of an extended and intricate discourse that painted his *Weltbild*, his view of the US as a racially transcending and united country whose generous and pioneering spirit Obama saw as a proof that social policies are something inherently American. Obama crafted a discourse that carefully took the backlash sentiment into account and countered neoliberal tenets and racial divisiveness. First, Obama insisted on racial transcendence and the efforts both groups, blacks and whites, had to make in order to come together, but he also used his biracial experience to foster mutual understanding in order to find a middle ground. This racial transcendence served to create a new, class-based, American unity that was heavily focused on the middle class. He tried to convince both blacks and whites that they could be stronger together to fight for their economic interests, and showed that they both had their stakes in a neutral, but class-focused redistributive policy.

To cement this class unity, Obama used economic populism in which hazy elites, greedy and abusive health insurance companies, and globalization served as new enemies, in order to redirect the animus of the old racial division. Obama very consciously tried to refocus economic resentment onto an economic target, instead of having it play out at the racial level, as conservatives did. Economic populism also served as a counter-discourse to neoliberalism. And lastly, Obama heavily insisted on legitimizing government intervention, by making it part of American values, and by portraying it as an inherent part of the American Dream; he posited government intervention as an enabler of the Dream, while depicting health care insurance as one of its essential element, through the safety and stability it provided. In order to foreground the importance of his health reform for the middle class, Obama insisted particularly on the universality of vulnerability regarding health issues and the fact that lacking health insurance was mainly a middle class problem.

The more centrist approach became apparent in his racially transcending stance that heavily emphasized personal responsibility to meet conservatives, but that he further used to legitimate and call for more governmental responsibility and intervention. Moreover, Obama's centrism was also apparent in his acknowledging some neoliberal tenets that enjoy a certain bipartisan consensus, such as the need to control the deficit, but he used them to his advantage to push for health care reform, by arguing that the reform would bring down costs.

However, Obama's conciliatory stance and his strong belief in bipartisan compromise resulted in a reform that was vulnerable to attacks. As the ACA built on the existing system, the old flaws that had already haunted the Johnson health system of Medicare and Medicaid, resurfaced in Obamacare. The conservative attacks against the ACA, whose major result was to make the much-needed Medicaid extension optional, not only had a detrimental impact on the universality of coverage, but due to the racial stratification of American society and the racialized development of the welfare state, also had a negative impact along racial lines. The old history of the US resurfaced in the Medicaid extension. Many of the states that chose to use their prerogatives, their states' rights, to decide for a non-implementation of the fully federally-funded Medicaid extension, are southern states that concentrate about half of the black population, and that are, in addition, among the poorest states in the US Thus, through a decision that appeared to be linked only to the scope of government, the black population got hit worst of all.

However, recent developments have shown that states' rights, in the sense of the states' autonomy to enact their own social policies, can also function as a laboratory for bolder policies and can push the federal government to the left. A few examples spring to mind, such as the fact that many states, and even some cities, have minimum wages much higher than the federal one. Many states used the leeway given by Supreme Court decisions in lowering the gap between crack and cocaine sentences before the Fair Sentencing Act was passed. As for health policy, before the ACA, Massachusetts had enacted pioneering health care legislation that served as a model and as an argumentative weapon against conservatives. And recently more and more states have been contemplating single payer. Although so far the attempts at passing such legislation have failed, the fact that some states are either putting it to the vote or are considering it, with some governors even running on platforms promoting single payer, is a hopeful sign that contrary to the Medicaid experience, state autonomy can be used again in a progressive way at the state level and help pave the way for single payer at the federal level.

Nonetheless, it is very clear that single payer would never have passed in 2009/2010; the sacrifice of the much more moderate public option is an additional proof of that. However, the enactment of the ACA and its positive results on both uninsured rates and limitation of health care cost increases (despite all the debate around this), have led to a change in public opinion. Americans seem now to accept more readily the idea of government intervention in health care. The repeated defeats of the Republican repeal attempts, despite the Republican majority in Congress, is a hopeful glimpse towards a turning tide. Moreover, public opinion increasingly favors single payer, supporting it to the same extent as other solutions like a mixed approach or less government intervention. It can only be hoped that Obamacare, imperfect though it is, might function as a stepping stone for a truly universal health care system that would not allow for discrimination, just as Johnson's Medicare and Medicaid policies served as stepping stone for the ACA.

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7
Appendix

Illustration 1 Screenshot of Trump's Campaign Website

| INSTAGRAM | FACEBOOK | TWITTER |

TRUMP PENCE MAKE AMERICA GREAT AGAIN! 45

NEWS · GET INVOLVED · GALLERY · ABOUT US · SHOP · **CONTRIBUTE**

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It's an easy decision for Mexico. There are several ways to compel Mexico to pay for the wall.

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Since March of 2010, the American people have had to suffer under the incredible economic burden of the Affordable Care Act —Obamacare. This legislation, passed by totally partisan votes in the House and Senate and signed into law by the most divisive and partisan President in American history, has tragically but predictably resulted in runaway costs, websites that don't work, greater rationing of care, higher premiums, less competition and fewer choices.

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"DONALD J. TRUMP POSITIONS," accessed December 1, 2016, https://www.donaldjtrump.com/positions.

Illustration 2 Email: "This is Obamacare"

Laposte.net   **l.stephan0@laposte.net**

Obamacare

De : Democrats <democraticparty@democrats.org>   lun., 30 sept. 2013 01:51
Objet : Obamacare
À : Lea Stephan <l.stephan0@laposte.net>
Répondre à : democraticparty@democrats.org

NO MORE LIFETIME CAPS ON INSURANCE

YOUNG ADULTS CAN STAY ON THEIR PARENTS'
HEALTH INSURANCE UNTIL THEY'RE 26

THIS IS OBAMACARE

JOIN THE TEAM
THAT'S GETTING OUT THE FACTS

I'M IN

http://my.democrats.org/Team-Obamacare

Paid for by the Democratic National Committee, 430 S. Capitol St. SE, Washington DC 20003 and not authorized by any candidate or candidate's committee.

This email was sent to l.stephan0@laposte.net. If this isn't the best email address at which to reach you, <u>update your contact information</u>. Our email list is the best way we have of staying in regular contact with supporters like you across the country and letting you know about the work President Obama and other Democrats are doing. Click <u>here</u> to unsubscribe from our supporter list. This organization is powered by you, and we'd love to hear your ideas. Send us any comments, criticisms, or feedback <u>here</u>. Thanks for supporting President Obama and other Democrats.

Illustration 3 Email "Hell Yeah, I Like Obamacare"

Laposte.net   13/09/17 21:41

Laposte.net   **l.stephan0@laposte.net**

Hell yeah, I like Obamacare

De : David Axelrod <info@barackobama.com>   ven., 23 mars 2012 23:47
Objet : Hell yeah, I like Obamacare
À : Aurelie Noel <l.stephan0@laposte.net>
Répondre à : info@barackobama.com

Aurelie --

I like Obamacare.

I'm proud of it -- and you should be, too.

Here's why: Because it works.

So if you're with me, say it: "I like Obamacare."

Obamacare means never having to worry about getting sick and running up against a lifetime cap on insurance coverage. It gives parents the comfort of knowing their kids can stay on their insurance until they're 26, and that a "pre-existing condition" like an ear infection will never compromise their child's coverage.

It's about ending the practice of letting insurance companies charge women 50 percent more -- just because they're women.

And Obamacare can save seniors hundreds of dollars a year on prescription drugs -- and gives them access to preventive care that is saving their lives.

President Obama never lost sight of the fact that this reform is about people. People like his own mother, who spent the last years of her life fighting cancer -- and fighting with insurance companies, too.

That shouldn't happen. And because of Obamacare, it can't.

So next time you hear someone railing against Obamacare, remember what they're actually saying they want to take away.

And, today, stand with me in saying, "Hell yeah, I'm for Obamacare":

http://my.barackobama.com/I-Like-Obamacare

Thanks,

David

P.S. -- Side note: Can you imagine if the opposition called Social Security "Roosevelt Security"? Or if Medicare was "LBJ-Care"? Seriously, have these guys ever heard of the long view? 🔲

Paid for by Obama for America

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Illustration 4 Email "Obamacare"

Laposte.net

l.stephan0@laposte.net

Obamacare

De : Deval Patrick <democraticparty@democrats.org>   ven., 17 mai 2013 16:47

Objet : Obamacare

À : Lea Stephan <l.stephan0@laposte.net>

Répondre à : democraticparty@democrats.org

Lea --

Yesterday, Republicans in the House of Representatives voted to repeal Obamacare for the 37th time -- just to appease their extreme right-wing base.

They have tried to repeal the law, they have tried to overturn the law, and last year, they ran a presidential candidate who promised to "kill it dead."

Americans need to have Obamacare fully implemented -- not repealed.

Join me and tell House Republicans to stop playing politics with Americans' health care and do their job.

Here in Massachusetts, we've been working to make sure all of our citizens have access to quality, affordable health insurance. And we've gotten results -- 98 percent of Bay Staters are insured, by far the highest number in the country. The plan we passed in 2006 -- which is the model for Obamacare -- has only grown more popular with people in our state over time. The more people experience the benefits in their lives, the more they like it.

That's also happening with Obamacare. While Republicans try to repeal it, over three million young adults are able to get coverage through their parents' plans, seniors have saved over $6 billion on their prescriptions, and health care cost increases are finally beginning to slow down.

But Republicans in Congress don't care about any of that. They just want to do whatever they can to block, repeal, or damage Obamacare -- just to block the President's agenda.

That's not what the American people need or want. Join me today and tell House Republicans to work with, not against, President Obama and *for* the American people:

http://my.democrats.org/37-Times

Thanks,

Deval

Governor Deval Patrick
Massachusetts

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Illustration 5 Email "This is Obamacare"

Laposte.net   **l.stephan0@laposte.net**

This is Obamacare:

De : Democrats <democraticparty@democrats.org>   jeu., 26 sept. 2013 20:12
Objet : This is Obamacare:
À : Lea Stephan <l.stephan0@laposte.net>
Répondre à : democraticparty@democrats.org
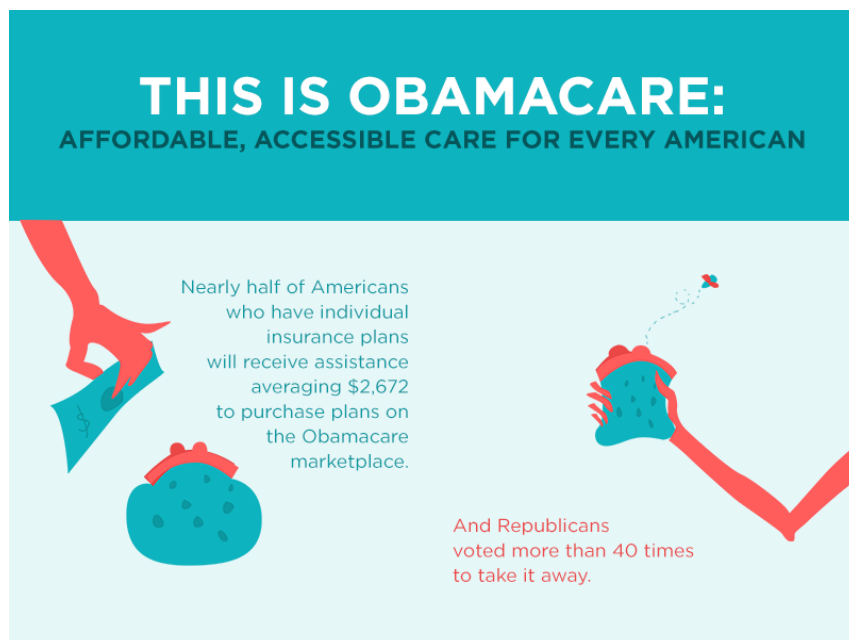
Obamacare makes it illegal for insurance companies to deny people coverage because of preexisting conditions like cancer.

DENIED

And Republicans voted more than 40 times to take it away.

80%

Obamacare requires insurance companies to spend 80% of premium dollars on health care. If they don't, they'll be forced to give consumers a refund to make up the difference.

?

And Republicans voted more than 40 times to take it away.

Obamacare allows young adults to stay on their parents' health insurance until they're 26 years old.
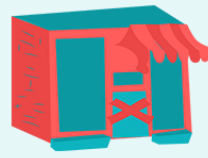
And Republicans voted more than 40 times to take it away.

Obamacare gives tax credits to small business owners so they can afford to offer quality health care to their employees.

And Republicans voted more than 40 times to take it away.

Obamacare ends lifetime insurance caps and protects families from going bankrupt just because they get sick.

And Republicans voted more than 40 times to take it away.

JOIN THE TEAM THAT'S DEFENDING OBAMACARE TODAY

I'M IN

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List of Acronyms

ACA	Affordable Care Act, Patient Protection and Affordable Care Act
ADC	Aid to Dependent Children
AFDC	Aid to Families with Dependent Children
AHA	American Hospital Association
AHIP	America's Health Insurance Plans
AMA	American Medical Association
ARRA	American Recovery and Reinvestment Act
CBC	Congressional Black Caucus
CDC	Centers for Disease Control and Prevention
CHC	Community Health Centers
EITC	Earned Income Tax Credit
FERA	Fraud Enforcement and Recovery Act
FHA	Federal Housing Administration
HCAN!	Health Care for America Now!
HCER	Health Care and Education Reconciliation Act
HHS	Health and Human Services
KFF	Kaiser Family Foundation
NMA	National Medical Association
OBRA	Omnibus Budget Reconciliation Act
OFA	Organizing for America/Organizing for Action
OSHA	Occupational Safety and Health Act
PAYGO	Pay-as-you-go
PhRMA	Pharmaceutical Research and Manufacturers of America
PRWOA	Personal Responsibility and Work Opportunity Act
SCHIP/CHIP	State/Children Health Insurance Program
SNAP	Supplemental Nutrition Assistance Program
TANF	Temporary Assistance for Needy Families

10 Résumé en français

Introduction

Le *Patient Protection and Affordable Care Act* a été signé par le président Barack Obama le 23 mars 2010. Une semaine plus tard, il a signé le *Health Care and Education Reconciliation Act,* qui a amendé et élargi le *Patient Protection and Affordable Care Act* (*Affordable Care Act* ou ACA). Ensemble ils constituent *Obamacare*, la législation phare d'Obama, et sont une réussite majeure après presque cent ans de tentatives échouées de créer une couverture de santé universelle aux États-Unis.

Le système de couverture de santé qui résulte du ACA a été fortement influencé et contraint par la politique et l'histoire étatsunienne. Le système mis en place par le ACA s'appuie sur le système existant, ce qui a créé un système mixte basé sur le marché, mais qui inclut une certaine intervention de l'État. La couverture universelle repose sur trois piliers : un mandat pour les employeurs les obligeant à fournir une assurance maladie à leurs employés, un mandat individuel obligeant toute personne à contracter une assurance maladie, et une extension de *Medicaid*, l'assurance maladie pour les pauvres payée par l'État. Comme auparavant, *Medicare* couvre les personnes âgées de plus de 65 ans.

Avant la promulgation d'*Obamacare*, une majorité d'Américains avaient une assurance maladie par leur employeur, mais celle-ci n'était pas obligatoire. Medicaid existe depuis 1965, mais le ACA a fortement élargi les critères d'éligibilité afin d'inclure les adultes sans enfants (sur la base de leur revenus). Le mandat individuel est une nouveauté, mais cette idée a été défendue par les conservateurs depuis la fin des années 1980.

Obamacare cherchait aussi à répondre au problème grandissant des coûts de santé, pour lesquels le ACA a établi une série de mesures afin de réduire ces derniers. Ces mesures ciblent particulièrement les coûts croissants des polices d'assurance. Ainsi le ACA règlemente les polices d'assurance et définit le type de prestations qu'une police doit prendre en charge. Afin de rendre les assurances maladie plus abordables pour les Américains, l'État subventionne fortement l'achat des polices d'assurance. Pour les personnes qui contractent leur assurance maladie sur le marché privé, l'État offre des crédits d'impôts en fonction du revenu afin d'aider les personnes à assumer les coûts. Concernant les assurances fournies par l'employeur, le ACA perpétue le système déjà en place, c'est-à-dire l'exemption d'impôt pour les dépenses liées aux assurances maladie. L'extension de *Medicaid* devait fournir une assurance maladie gratuite aux personnes les plus pauvres.

De plus, le ACA a mis en place les *health exchanges*, des plateformes au niveau de l'État fédéral et au niveau des États fédérés. Ces plateformes sont des marchés qui permettent aux personnes de savoir si elles sont éligibles à *Medicaid* ou à des subventions, et les aident à trouver une police d'assurance adéquate en fonction de leurs besoins en fournissant des outils de comparaison entre les différentes offres des assureurs privés.

Le ACA répond aussi à plusieurs problèmes majeurs présents dans le système de santé étatsunien. Par exemple, les assureurs pouvaient exclure ou faire payer plus cher des clients en fonction d'une longue liste de maladies préexistantes. La prohibition de cette pratique par le ACA est particulièrement importante, car pour de nombreuses personnes l'assurance maladie était liée à leur travail, ce qui rendait tout changement d'emploi difficile. Ainsi, si elles changeaient d'emploi, certaines per-

sonnes risquaient de voir leur tarif d'assurance augmenter ou de ne pas pouvoir contracter une nouvelle assurance. De ce fait, la prohibition de l'exclusion pour cause de maladie préexistante est un des éléments centraux de la nouvelle législation.

Obamacare est une législation fortement redistributive, qui répond à certains des problèmes graves liés au précédent système de santé, et à certains des problèmes auxquels était confrontée la population étatsunienne.

Bien que la promulgation d'*Obamacare* ait représenté une victoire majeure pour le Parti Démocrate et bien que celle-ci ait marqué un changement important dans les politiques sociales étatsuniennes, la législation est imparfaite et insatisfaisante par de nombreux aspects. La réforme a été critiquée d'emblée, et de nombreuses personnes ont soutenu qu'elle ne fonctionnait pas ou qu'elle provoquerait des problèmes majeurs et des difficultés pour l'économie. Les Républicains ont immédiatement juré de la faire abroger. De plus, à cause de son incroyable complexité, la législation est vulnérable aux attaques, et certaines mesures-clés ont déjà été révoquées, ce qui a créé des failles dans l'universalité de la couverture de santé.

Le rôle de la race dans la réforme

Mon questionnement pour cette recherche a commencé à la lecture d'une phrase dans *The Audacity of Hope*, le livre de Barack Obama détaillant sa philosophie politique qui a été publié en 2006 quand il était encore Sénateur de l'Illinois. Dans le chapitre intitulé « Race », Obama écrit : "*An emphasis on universal, as opposed to race-specific, programs isn't just good policy; it's also good politics.*"[1] Quelles étaient les raisons, les idées, les évaluations politiques qui ont influencé cette déclaration ? Pourquoi écarter une approche spécifiquement raciale lorsque l'intention ouvertement déclarée dans le chapitre était de réduire les inégalités raciales ? La continuation de la lecture et une analyse plus approfondie ont montré qu'Obama était convaincu à la fois des limites de l'efficacité de mesures spécifiquement raciales (particulièrement sous la forme de discrimination positive, ou *affirmative action*) et de l'impossibilité politique de créer de nouveaux programmes spécifiquement raciaux. Obama semblait convaincu du fait que de nouvelles politiques sociales dans les domaines de l'éducation et de la santé, par exemple, pourraient avoir un impact nettement plus bénéfique sur la population afro-américaine que la discrimination positive, puisque les Afro-américains font face à des difficultés particulières dans ces domaines. La partie de la déclaration insistant sur les « *good politics* » (« de la bonne politique ») fait référence à une pensée plus stratégique, qui résulte du constat fait par Obama que la population blanche était largement réticente à de nouveaux programmes spécifiquement raciaux et que toute nouvelle législation de ce type serait probablement vouée à l'échec.

Le résultat politique de ce constat est *Obamacare*, une législation de santé universelle fortement centrée sur la redistribution et qui cherche à répondre à certains problèmes auxquels la population noire est spécifiquement confrontée. Parmi ces problèmes se trouvent des taux plus élevés de personnes sans couverture maladie, ainsi qu'un plus grand risque de faillite personnelle, et par la suite, de perte de statut socioéconomique due à des dépenses de santé imprévus. On trouve aussi de plus forts taux de diabète et d'obésité au sein de la population afro-américaine. De plus, dans le

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[1] Barack Obama, *The Audacity of Hope: Thoughts on Reclaiming the American Dream* (2006. Edinburgh: Canongate, 2008), 247.

système précédent, les assurances maladies existantes étaient un frein à la mobilité sociale pour les pauvres ou les personnes à revenus très modestes. Un nouvel emploi pouvait amener à la perte de la couverture *Medicaid*, mais sans pour autant fournir une assurance d'employeur ou un revenu suffisant permettant d'acheter une police d'assurance.

L'hypothèse de recherche à propos de cette législation imparfaite était qu'Obama avait candidaté à la présidence avec l'idée de renforcer l'État providence étatsunien en général, mais aussi avec l'idée—moins mise en avant—de réduire les inégalités raciales, et surtout les inégalités économiques affectant majoritairement les Noirs. Le résultat final de ceci fut *Obamacare*. La réforme de santé n'était pas le premier choix d'Obama, ce qui est illustré par le fait que celle-ci n'était pas initialement un élément central de la campagne présidentielle. Toutefois, le contexte politique et les problèmes urgents du moment ont mis cette réforme de santé au premier plan. De plus, en termes de politique générale, la santé n'apparait pas spontanément comme le choix le plus évident pour répondre à des problèmes d'inégalités raciales. Le chômage ou l'éducation apparaissent comme beaucoup plus logiques. Obama a montré une passion toute particulière pour la réforme de l'éducation, mais celle-ci est morte au Congrès. Les problèmes de chômage sont particulièrement liés aux aléas de l'économie. L'assurance santé, quant à elle, et encore plus son absence, joue un rôle fort dans la mobilité sociale et le maintient du statut social. Par ailleurs, le système de santé étatsunien se distingue parmi les systèmes de santé des pays industrialisés pour ses coûts élevés et ses résultats décevants, tant en termes de couverture de santé que d'accès aux soins, ce qui affecte particulièrement les minorités raciales. Si l'on aborde la question des inégalités raciales dans une perspective économique, par opposition à une approche centrée sur les droits ou le pouvoir politique, concernant les inégalités raciales, alors la santé devient un domaine valide et intéressant pour essayer d'améliorer la mobilité sociale des Noirs et de consolider la classe moyenne noire.

Pourtant, en poursuivant ce but, l'administration Obama a été confrontée à des contraintes politiques de taille. Les décennies récentes de l'histoire étatsunienne n'ont pas été favorables aux politiques sociales en général, et certainement pas aux mesures raciales dont le but était d'améliorer la situation des Noirs en particulier. Le lien entre politiques sociales et question raciale peut être observée dans la polarisation extrême des deux partis au sujet des politiques sociales et de l'intervention de l'État, ce qui est mis en exergue par les attaques virulentes du Parti Républicain contre Obamacare. L'histoire particulière des États-Unis et la composition raciale de la société étatsunienne ont créé un contexte particulier pour les politiques sociales. Ceci est particulièrement vrai pour les politiques visant à réduire les inégalités caractérisées par une double dimension raciale et économique.

Ces observations ont mené à la question de savoir comment Obama contourne les problématiques raciales dans la réforme de santé. La réponse est simple et complexe à la fois. Obama a choisi une approche de pragmatisme racial, c'est-à-dire la création d'une politique sociale neutre et fortement redistributive qui cible particulièrement certains problèmes majeurs auxquels la population noire est confrontée. En d'autres termes, au lieu d'identifier la population noire dans sa dimension raciale, la loi a ciblé cette population par ses caractéristiques socio-économiques. Cette approche impliquait de se concentrer sur un domaine qui était aussi pertinent pour la population blanche, en particulier la classe ouvrière et la classe moyenne, afin de réunir une majorité suffisante pour soutenir la réforme. La santé, puisqu'elle est un problème majeur pour la classe moyenne blanche, est apparue comme un choix raisonnable pour appliquer cette stratégie, malgré la longue histoire d'échecs politiques

en matière de législation de santé. Cette stratégie est construite sur une certaine compréhension de l'histoire des politiques sociales aux États-Unis et de la polarisation des deux partis concernant les politiques sociales. Obama a précautionneusement pris en compte les divisions raciales liées aux les politiques sociales, la réaction négative des Blancs contre les mesures raciales et les programmes sociaux, ainsi que le rejet des politiques sociales en général. Afin de surmonter ceci, il a élaboré un discours spécifique basé sur la transcendance raciale, sur l'unité de classe cimentée par du populisme économique, et sur une défense de l'intervention Étatique afin d'unir l'opinion publique derrière son projet de réforme.

Méthodologie

Afin d'analyser la stratégie politique d'Obama, ses fondements, son application, et ses résultats, la thèse discute d'abord les concepts de race et de classe, fait ensuite une présentation historique des politiques sociales et de leur racialisation en politique étatsunienne, puis analyse le discours développé par Obama pour atteindre son but politique, et finalement évalue le résultat politique d'*Obamacare*.

Il a été décidé d'examiner uniquement les populations noire et blanche à cause de leur passé historique particulier (expliquant leur interaction politique et socioéconomique). À des fins comparatives, certaines caractéristiques économiques de la population hispanique, et dans certains cas, de la population asiatique, sont évoquées, afin de souligner la spécificité de la situation de la population noire ou pour faire ressortir des convergences d'intérêts. Toutefois, il n'a pas été jugé possible de faire une analyse systématique des trois principaux groupes raciaux des États-Unis, car la situation de la population hispanique aurait ajouté la question trop complexe de l'immigration dans le débat politique, ce qui mérite une étude séparée.

Afin d'évaluer les fondations de l'approche d'Obama, c'est-à-dire son choix de se concentrer sur la classe plutôt que la race, deux dimensions sont étudiées: la race et la classe en tant que réalités socioéconomiques et facteurs impactant la mobilité sociale, mais aussi le contexte historique qui a amené Obama à choisir cette approche. Les concepts de race et classe sont examinés en fonction de leur dimension sociologique et idéologique. La définition qu'Obama pouvait avoir de ces concepts est analysée afin d'examiner l'arrière plan idéologique de son approche politique. L'intersection structurelle[2] entre race et classe est étudiée afin d'évaluer la permutabilité des deux catégories. Les définitions conceptuelles de race et classe sont basées sur des écrits universitaires remontant jusqu'au début du XX$^{\text{ème}}$ siècle lorsque la dimension économique de la race a commencé à être étudiée, comme par exemple ceux de W.E.B. Du Bois.

La présentation socioéconomique est basée à la fois sur des études universitaires qui analysent les classes sociales, et sur la description des inégalités raciales et de classe actuelles à partir des données statistiques récoltées par de nombreuses agences gouvernementales, telles que le *Census Bureau*, la *Current Population Survey* à l'intérieur du *Census Bureau*, le *Bureau of Labor Statistics*, le *Department of Health and Human Services*, le *Office for Minority Health and Health Equity*, le *Center for Disease Control and Prevention*, les *Centers for Medicare and Medicaid Services*, le *US Department of*

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[2] Ces termes ici n'ont rien à voir avec l'intersectionalité telle que la définit Kimberlé Crenshaw qui étudie l'intersection de la race et du genre. Ces termes n'ont rien à voir non plus avec le structuralisme.

Justice, ainsi que des rapports de statistiques de la *Kaiser Family Foundation*, le *Brookings Institute*, et l'*Urban Institute*, par exemple.

Afin de continuer l'évaluation de cette permutabilité entre race et classe, l'analyse deleur dimension structurelle est basée sur des recherches précédentes dans ces domaines, ainsi que des facteurs de mobilité sociale. Des études concernant le rôle de la santé dans la mobilité sociale et la stabilité économique sont passées en revue afin de déterminer la pertinence d'une nouvelle législation de santé pour les deux groupes concernés.

Bien qu'une dimension de classe soit indéniable, le facteur race a toutefois un impact très fort sur les inégalités, pour des raisons diverses allant des effets présents de discrimination passée jusqu'à la discrimination actuelle et aux inégalités systémiques. Ainsi, les opinions actuelles, politiques et universitaires, concernant les politiques raciales sont examinées afin d'extraire les arguments principaux en faveur d'une approche racialement neutre qui pourraient aider à justifier le choix d'Obama. L'argument principal qui s'est détaché est celui de la faisabilité politique, une préoccupation partagée par Obama.

Le deuxième volet de l'analyse de la fondation de la stratégie d'Obama porte sur le contexte historique qui a amené Obama à la conclusion que les politiques raciales sont une impossibilité politique. Il a donc été nécessaire d'examiner l'État providence étatsunien, en particulier son développement et ses opposants, tout comme l'histoire spécifique des différentes tentatives de faire passer une législation de santé aux États-Unis, afin d'avoir une vue d'ensemble de la situation à laquelle Obama était confronté pour son projet de réforme. Étant donné le sujet, il était aussi nécessaire d'examiner attentivement la dimension raciale des politiques sociales. Toutefois, il n'y a ni consensus politique, ni consensus universitaire sur une dimension spécifiquement raciale des politiques sociales, tout comme il n'y a pas de consensus sur le fait que des formes de discrimination continuent, ou que des appels raciaux persistent en politique. Il a donc été décidé de séparer une présentation plus factuelle et consensuelle de l'histoire des politiques sociales d'une analyse des théories sur la racialisation de ces politiques. Cette séparation permet de mettre en avant les attitudes et idées, en bref, une perception racialisée des politiques sociales, distinguant entre programmes nécessaires et allocations qui façonnent les choix électoraux. Ceci se fonde sur des études précédentes concernant ces questions, mais aussi sur des sondages d'opinions de l'époque, menés par des organismes tels que *Gallup, PEW,* ou encore le *Joint Center of Political and Economic Studies,* ainsi que certains journaux connus pour la qualité de leurs sondages, tels que le *New York Times* ou le *Washington Post.*

Un soin particulier a été accordé à l'analyse basée sur des statistiques actuelles quant à savoir s'il y avait une base statistique pour la perception d'une partie de la population blanche que les programmes sociaux bénéficient principalement à des minorités raciales. *Medicaid* est apparu comme le programme le plus pertinent pour cette analyse, car il s'agit d'un programme de santé. Au contraire de *Medicare*, c'est un programme sur critères sociaux, et *Medicaid* ne jouit pas de la même popularité auprès de la population que *Medicare*.

De plus, au-delà de l'hostilité générale contre les politiques sociales perçues comme bénéficiant principalement aux minorités raciales, le cas particulier de la discrimination positive est analysé. Bien que la discrimination positive ne soit pas un programme social en soi, puisqu'elle redistribue de l'opportunité plutôt que des ressources, elle incarne et cristallise pourtant le rejet des politiques raciales et a grandement contribué au rejet de toute mesure perçue comme du favoritisme racial. Le

point de vue et les interprétations d'Obama sur la question de la discrimination positive et le rejet de cette politique par les Blancs ont été analysés, ainsi que les réactions racistes et de rejet contre Obama lui-même, afin d'évaluer la pertinence de la notion de race autant pour la pensée politique d'Obama que pour sa présidence.

Ceci est complété par une analyse de la division partisane entre les deux partis concernant les politiques sociales, division qui avait émergée du contexte historique. La continuité de cette division est analysée durant la présidence Obama et particulièrement durant la promulgation de la réforme de santé. Les interprétations du contexte politique des législations de politique sociale et l'analyse des efforts de réforme sont confrontés à, vérifiés et corroborés par des interviews menées avec des représentants Démocrates ou des aides juridiques de représentants Démocrates impliqués dans le processus législatif de la réforme de santé.

La présentation du contexte historique a permis d'identifier les problèmes idéels et idéologiques majeurs, ainsi que certains problèmes de représentation et de perception. L'analyse s'est donc portée sur la façon dont ces problèmes, ces représentations, ces perceptions, et même certains stéréotypes ont été utilisés dans le discours politique pour attaquer les politiques sociales et en particulier pour créer une division raciale au sein des classes sociales. Il a été jugé nécessaire d'avoir une vue claire du discours de l'opposition, en particulier parce que le discours visant à diviser établi par Reagan a perduré et a fortement marqué ces perceptions. Ceci sert à montrer avec quelle précision Obama répond à ce discours et avec quel soin il a façonné un contre-discours qui vise à créer une unité de classe qui transcende les divisions raciales afin de réunir une majorité en faveur de sa réforme. Bien que toute la construction rhétorique d'Obama ait été expliquée selon les paramètres identifiés auparavant par le contexte historique et la polarisation des deux partis concernant les politiques sociales, une attention particulière a été consacrée à la question de la responsabilité, car celle-ci réunit toutes les autres questions sous-jacentes. De plus, la notion de responsabilité est centrale dans le débat concernant l'intervention de l'État, qui se trouve au cœur de la question des politiques sociales et qui contient une forte dimension raciale.

L'identité raciale d'Obama est aussi analysée. Premièrement parce que l'identité raciale avait attiré beaucoup d'attention lors de la campagne présidentielle de 2008, mais aussi parce que la méthode d'analyse du discours établie par Ruth Amossy[3] insiste sur l'importance de l'identité publique (persona) de l'orateur, ainsi que de son identité discursive (ethos). Ceci est apparu comme particulièrement pertinent car Obama utilise très ouvertement son identité raciale dans ses discours, ainsi que son histoire personnelle et familiale.

L'application de la stratégie d'Obama est aussi analysée en rapport à la pensée politique noire. Le point de vue selon lequel l'attention portée par le Parti démocrate aux mesures raciales est un trop grand facteur de risque politique est principalement un point de vue blanc. L'analyse de la pensée politique noire est apparue comme nécessaire afin de situer Obama en tant qu'homme politique noir, mais aussi afin de trouver des éléments qui permettent d'éclairer la question de comment trouver des moyens de réduire les inégalités raciales. Ceci n'est pas forcément un élément central dans le constat politique des Blancs. Ceci impliquait d'examiner le type de stratégie à adopter afin de réduire les inégalités raciales et d'améliorer la situation de la population noire.

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[3] Ruth Amossy, *L'argumentation dans le discours* (Paris: Armand Colin, 2006).

L'application de la stratégie d'Obama est ensuite examinée en terme de résultat politique. Ainsi les deux législations, le ACA et le HCER (qui amende le ACA), sont analysées afin de voir à quel degré elles reflètent la pensée politique d'Obama. Les aspects redistributifs, c'est-à-dire l'approche de classe, sont examinées. L'attention s'est portée particulièrement sur les mesures qui pouvaient avoir un impact structurel sur la population noire en fonction de leur situation socioéconomique. Ensuite, l'analyse détermine si certaines clauses traitant de problèmes de santé spécifiques avaient un intérêt particulier pour la population noire. Bien que la question centrale porte sur le fait de savoir si *Obamacare* correspond ou non à la stratégie d'Obama, les premiers effets de la législation sont aussi évalués. Des données et rapports gouvernementaux sont analysés quant à un impact racial bénéfique. En relation avec cela, une analyse est faite de la décision de la Cour Suprême dans l'affaire *National Federation of Independent Business v. Sebelius* de 2012.[4] Cette décision a profondément mutilé *Obamacare*, car elle a rendu l'extension de *Medicaid* facultative. Ceci est particulièrement important, car *Medicaid* représente l'intersection entre race et classe au niveau de la santé, mais aussi parce que cela soulève la question du pouvoir fédéral par opposition aux pouvoir des états, ce qui joue un rôle majeur dans la question de la portée de l'État, et en particulier dans les politiques sociales. Cette analyse est faite selon la même méthode que pour le ACA (c'est-à-dire le contenu idéel et idéologique est analysé, ainsi que l'impact racial de la décision).

Travail de terrain

Afin de donner une dimension plus pratique à ces travaux de recherche, une enquête de terrain a été menée à travers une série d'interviews avec des représentants du Congrès qui ont été impliqués dans le processus législatif de la réforme de santé d'Obama.[5] Ces interviews n'étaient pas destinées à servir de base pour la présente analyse, mais ont été plutôt utilisées comme moyen de corroborer l'analyse et les résultats. Cette approche a été choisie parce que le nombre de personnes impliquées dans le processus législatif était trop limité pour une recherche quantitative.

Dans la Chambre des Représentants trois comités étaient impliqués dans la réforme : *Education and Labor, Energy and Commerce,* et *Ways and Means*. Au Sénat, le *Health, Education, Labor, and Pensions Committee,* ainsi que le *Senate Finance Committee* ont travaillé sur la réforme. Hormis le Gang des six au Sénat qui incluait trois sénateurs Républicains, seuls les Démocrates de ces comités du Congrès ont participé à la réforme. Très rapidement les sénateurs n'ont plus été considérés pour les interviews, car ils sont peu disponibles. Ainsi, il a été décidé de se concentrer uniquement sur les représentants car ils sont plus disponibles. Ceci n'a pas été jugé problématique, bien que la législation finale s'appuie essentiellement sur la proposition du Sénat, car les questions des interviews se concentrent principalement sur le processus, les principes

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[4] *National Federation of Independent Business et al. v. Sebelius, Secretary of Health and Human Services, et al.*, 648 F. 3d 1235 (2012).

[5] Cette recherche sur le terrain a été rendue possible par des bourses de recherche. La première était le Contrat Doctoral Unique que j'ai obtenu pour faire ma thèse et qui m'a offert un poste de recherche et d'enseignement pendant trois ans. Ceci n'a pas seulement fourni une contribution financière, mais m'a aussi donné le temps nécessaire pour mener cette recherche. La deuxième bourse était dédiée à la recherche de terrain pour les doctorants et m'a été attribuée par l'Institut des Amériques. La troisième bourse m'a été attribuée conjointement par la Commission Recherche de l'Université Toulouse-Jean Jaurès et mon laboratoire CAS EA801.

ayant guidé la réforme, et l'interaction avec l'exécutif. Ceci a réduit l'échantillon potentiel à 91 représentants ainsi que leur aides juridiques, ce qui est trop peu pour pouvoir servir de base analytique, d'autant plus qu'il était clair que seulement quelques uns allaient répondre favorablement à la requête d'interview.

Il a donc été décidé de mener une enquête qualitative, c'est-à-dire un nombre réduit d'entretiens longs en fonction de la disponibilité des répondants. Ces entretiens ont duré entre 30 minutes et une heure. Les interviews étaient semi-directives, guidées par quelques questions larges et un nombre de questions très spécifiques, mais toujours très ouvertes, afin de susciter une réponse libre et des informations supplémentaires. Afin de pouvoir élaborer un questionnaire pertinent il a été décidé de mener ces interviews relativement tard dans la thèse, au milieu de la troisième année. Cette période a été choisie afin de s'assurer que les bases théoriques étaient solides, mais suffisamment tôt pour pouvoir prendre en compte de nouvelles connaissances.

Bien qu'initialement un plus grand nombre de représentants et d'aides juridiques aient accepté d'être interviewés, j'ai réussi à mener neuf interviews au total, dont cinq anciens représentants et quatre aides juridiques d'autres représentants. Certaines de ces interviews ont été menées par téléphone ou Skype, d'autres ont eu lieu sur place à Washington, soit dans les bureaux des représentants dans les bâtiments du Congrès, soit aux lieux de travail des anciens représentants.

Les personnes suivantes ont été interviewées :

Robert E. Andrews a représenté le 1er district du New Jersey de 1989 à 2014. Il s'est décrit comme un Démocrate modéré et a fait parti du *Education and Labor Committee*. Il était le président du sous-comité *Health, Employment, Labor, and Pensions*, et était très impliqué dans le processus législatif. Son district était à majorité blanche avec environ 17% de Noirs et plutôt solidement Démocrate.

Bruce Braley était le représentant pour le 1er district de l'Iowa de 2007 à 2015. Il siégeait au *Committee on Energy and Commerce*. Son district est à plus de 90% blanc et est maintenant représenté par un Républicain. Braley s'est décrit en tant que populiste progressiste. En 2009, il a fondé le *Congressional Populist Caucus*, dont l'attention semble se porter essentiellement sur les intérêts de la classe moyenne.

Bart Gordon a représenté le 6ème district du Tennessee de 1985 à 2011. Il était au *Committee on Energy and Commerce*. Son district est à majorité blanche et plutôt conservateur. Gordon est un des *Blue Dogs*, les Démocrates conservateurs, mais il s'est décrit comme étant personnellement plus libéral que son district.

Earl Pomeroy a représenté le district général du Dakota du Nord de 1993 à 2011. Il est un des *Blue Dogs* conservateurs et siégeait au *Ways and Means Committee*, ainsi que au sous-comité à la santé et à la *Social Security* (Pensions). Son district est majoritairement blanc. Il a fait partie de la *Rural Health Care Coalition*, une coalition bipartisane. Avant d'être élu au Congrès, il avait travaillé en tant que *insurance commissioner*, qui régule l'industrie des assurances maladie, une position d'élu exécutif au niveau de l'État du Dakota du Nord de 1985 à 1992. Tous les deux, Gordon et Pomeroy, ont terminé leur carrière suite à leur vote pour le ACA.

John F. Tierney a représenté le 6ème district du Massachusetts de 1997 à 2015. Il a siégé au *Committee on Education and Labor*. Son district était à majorité blanche avec un taux de pauvreté assez faible. Son district était assez solidement Démocrate et il s'est décrit lui-même comme très progressiste.

Thomas Dorney est un aide juridique pour le Représentant John Lewis, qui représente le 5ème district de Géorgie depuis 1987. Lewis siège au *Ways and Means Committee*. Son district est majoritairement noir, avec des problèmes de pauvreté, et qui est

solidement Démocrate. Lewis fait partie du *Congressional Progressive Caucus* et du *Congressional Black Caucus*.

Yardly Pollas est la conseillère en matière de santé du Représentant Bobby Rush, qui représente le 1er district de l'Illinois depuis 1993. Il siège au *Committee on Education and Labor*. Son district est majoritairement noir et solidement Démocrate. Rush est un membre du *Congressional Black Caucus* et du *Congressional Diabetes Caucus*.

Megan Sussman est une conseillère juridique de la Représentante Doris Matsui qui a représenté le 5ème district de la Californie de 2005 à 2013. Depuis 2013, elle représente le 6ème district de la Californie, qui est un district à majorité de minorités et solidement Démocrate. Le 5ème district avait tout juste une majorité blanche et une forte population asiatique. Le district était aussi très fortement Démocrate. Matsui siège au *Committee on Energy and Commerce*. De plus, elle fait partie du *Asian Pacific American Caucus* et elle est coprésidente du *Caucus on Women's Issues*.

En plus de ces entretiens, Dan Riffle, conseiller en matière de santé du Représentant John Conyers, a accepté de se faire interviewer. Conyers représente le 13ème district du Michigan depuis 1965. Le district est majoritairement noir, avec de forts taux de pauvreté et de revenus modestes. Conyers est le doyen de la Chambre des Représentants. Il a été décidé de mener cette interview car Conyers s'est fait le champion de *single payer* depuis longtemps et il a réintroduit une proposition législative pour *single payer* en 2017. Il fait partie du *Congressional Black Caucus* et du *Congressional Progressive Caucus*, entre autres. Il ne siège dans aucun des comités qui ont juridiction sur les questions de santé.

En complément de ces interviews avec des représentants ou aides juridiques, une interview a été menée avec le journaliste David Herszenhorn du *New York Times*. Avec Robert Pear, Herszenhorn a couvert la réforme de santé pour le *Times*. Pear était plus spécialisé concernant les questions techniques se rapportant au domaine de la santé ; Herszenhorn s'est plus concentré sur les processus politiques.

Bien que l'échantillon soit de taille modeste, il est toutefois très représentatif de la diversité politique, puisqu'il contient des membres des trois comités de la Chambre des Représentants qui étaient impliqués dans la réforme de santé avec des positions différentes au sein des comités. Il y a aussi une diversité idéologique qui parcourt tout l'échiquier politique du Parti démocrate, depuis les progressistes, en passant par les modérés, jusqu'aux conservateurs. Les districts sont très diversifiés aussi, allant des districts presque entièrement blancs aux districts à majorité minoritaire, incluant un district avec une forte population asiatique et hispanique. De plus, ces districts représentent aussi une bonne diversité géographique et couvrent les quatre grandes régions des États-Unis. Ainsi l'échantillon permet une bonne représentation des différents intérêts politiques et des situations dans différentes régions des États-Unis.

Plan

Afin d'analyser les fondements, l'application, et les résultats de la stratégie d'Obama (utiliser une approche racialement neutre mais qui cible des problèmes spécifiques [pragmatisme racial] afin de contourner la problème racial dans les politiques sociales appliquée à la réforme de santé) plusieurs étapes sont faites.

La première partie traite les concepts de race et de classe, leur utilisation (universitaire, sociologique, politique) et la différence entre la perception de ces notions et leur réalité socio-économique. La position et les conceptions d'Obama concernant

ces notions sont analysées. Une attention particulière est accordée à l'intersection structurelle entre race et classe, ainsi qu'aux questions où les intérêts, basés sur la réalité matérielle, entre les populations noire et blanche pourraient converger ou diverger. Dans ce contexte, l'influence de la santé sur la mobilité sociale et la stabilité du statut social est expliquée. La partie se termine sur l'analyse du débat actuel concernant l'approche *colorblind* v. *color-conscious* (approche neutre contre approche raciale) à propos des inégalités raciales, ce qui souligne le caractère décisif de la faisabilité politique dans le choix d'une approche neutre, mais fortement basée sur la classe.

La deuxième partie se concentre sur le développement factuel de l'État providence et sur une présentation des tentatives précédentes de réformes de santé. Ils sont présentés séparément car les tentatives de réformes à elles seules sont suffisamment complexes. Cette présentation est suivie d'une analyse plus interprétative des politiques sociales basée sur des théories autant d'universitaires noirs que blancs, qui posent l'idée d'un facteur racial ayant fortement influencé l'État providence. Cette section introduit le concept de racialisation (ou welfarisation) et la distinction entre les programmes sociaux, bons ou mauvais, selon la perception du programme comme étant contributoire et bénéficiant principalement aux Blancs, ou comme étant fondé sur des critères sociaux et bénéficiant principalement aux minorités. Le point d'ancrage est l'impact de la réaction blanche contre les politiques sociales dans les années 1970 et les effets continus de cette réaction. Les opinions et pensées d'Obama concernant cette réaction sont détaillés, ainsi que les réactions raciales contre Obama. Ceci établit un contexte historique dans lequel une division de classe opère selon des lignes raciales sur des questions de politiques sociales. Ce contexte sert d'arrière plan au choix d'Obama de faire une réforme neutre qui cible la classe moyenne. De plus, cette section introduit la continuité d'une forte polarisation partisane concernant les politiques sociales. Le processus de réforme d'Obama est présenté, avec une attention particulière sur les contraintes créées par le parti pris partisan, ainsi que par la composition de la majorité Démocrate, contraintes qui ont influencé et déterminé la marge de manœuvre des réformateurs.

La troisième partie porte spécifiquement sur la dimension discursive de l'analyse. Ainsi elle explore le fonctionnement du discours incorporant un code racial et sa relation aux stéréotypes. Ceci est complété par une étude de l'impact des médias sur la politique et sur le discours politique, suivie par une discussion de la perception du rôle des medias en relation avec le ACA. Plusieurs termes du code racial sont expliqués dans une perspective historique. Ils ont été sélectionnés par l'exploration du contexte historique et l'histoire spécifique des tentatives de réformes de santé. Leur pertinence est montrée à travers des exemples de comment soit Obama soit la réforme de santé ont été critiqués. Une attention particulière est accordée au discours sur la responsabilité, de Reagan à Obama, car cette question englobe et renferme toutes les autres questions qui apparaissent dans le débat sur les politiques sociales, en particulier d'un point de vue racial. De plus, cela illustre l'approche centriste d'Obama, qui intègre certains éléments conservateurs afin de les retravailler dans un but progressiste. Ceci s'inscrit dans une longue lignée d'intellectuels noirs, comme Du Bois par exemple. Pour finir, la construction rhétorique d'Obama est détaillée. Les thèmes ont été sélectionnés en fonction de leur pertinence basée sur le contexte historique, le discours racial codé, et de leur fonction dans l'argumentation en faveur d'une unité interraciale basée sur la classe, favorable aux politiques sociales et à la réforme de santé. Ainsi des thèmes tels que l'unité, la transcendance raciale, le populisme de classe, mais aussi le rêve américain et une forte légitimation de l'intervention gouvernementale sont analysés.

La quatrième et dernière partie explore la théorie du pragmatisme racial et dans quelle mesure Obama semble adhérer à la théorie. Ceci est suivi par une discussion des réactions à l'approche d'Obama. Ensuite, les deux législations de la santé sont analysées afin d'éclairer les aspects de l'approche universelle basée sur la classe qui ont un impact structurel positif sur la population noire. Suit une analyse des provisions qui ciblent des questions particulièrement problématiques pour la population noire. Certains résultats préliminaires de la mise en œuvre d'*Obamacare* sont examinés, ainsi que la fragilité de la réforme. Ceci est étudié en grande partie à travers le procès *Sebelius* de 2012 et l'impact que la décision de la Cour Suprême a eu sur la population noire. Dans le contexte de la fragilité de la réforme la question du *single payer* et son nouveau potentiel politique sont examinés.

1 Concepts de race et classe: notions et réalité

Race

Plusieurs ouvrages forment les pierres d'angle du contexte théorique et historique. La présentation de l'intersection entre classe et race est en partie basée sur des ouvrages datant de la fin du XIXème et du début du XXème siècles, tels que des analyses faites par le sociologue W.E.B. Du Bois dans *The Souls of Black Folk* ou *The Conservation of Races*,[6] car ce sont des ouvrages fondateurs concernant les effets structurants de la race. L'ouvrage publié en 1944 de l'économiste et sociologue Gunnar Myrdal, *An American Dilemma: the Negro Problem and Modern Democracy,* est tout aussi important car il insiste sur le fait que le problème des Noirs est principalement un problème des Blancs et que le statut subordonné des Noirs reflète primairement les intérêts économiques des Blancs.[7] La continuité de cet effet structurant a été étudiée par le sociologue et théoricien racial Howard Winant qui affirme qu'à ce niveau la situation n'a pas changé de manière significative entre l'ère pré- et post-Droits Civiques.[8]

L'analyse de ces effets structurants, et plus précisément des mécanismes sociaux, économiques et politiques qui ont contribué à leur renforcement et à leur maintien a été fortement basée sur le travail de l'historien et politologue Ira Katznelson dans son ouvrage de 2005 *When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth-Century America*, ainsi que sur le travail du sociologue Joe R. Feagin dans son livre de 2012 *White Party, White Government: Race, Class, and U.S. Politics.*[9] Katznelson a analysé la façon dont les programmes sociaux ont contribué à produire un avantage supplémentaire pour la population blanche par rapport à

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[6] W. E. B. Du Bois, "The Conservation of Races 1897," in *Theories of Race and Racism: A Reader*, ed. Les Back and John Solomos, 2nd ed. (London, UK: Routledge, 2009); W. E. B. Du Bois, *The Souls of Black Folk*, ed. Jim Manis, Electronic Classics Series (Hazelton, PA: Pennsylvania State University, 2006).

[7] Gunnar Myrdal, *An American Dilemma: the Negro Problem and Modern Democracy*, ed. Sissela Bok, vol. 2 (London: Transaction, 1996), 669.

[8] Howard Winant, "Race and Racism: Towards a Global Future," in *Theories of Race and Racism: A Reader*, ed. Les Back and John Solomos, 2nd ed. (London, UK: Routledge, 2009), 679, 686.

[9] Ira Katznelson, *When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth-Century America* (New York: Norton, 2005); Joe R. Feagin, *White Party, White Government: Race, Class, and U.S. Politics* (New York: Routledge, 2012).

la population noire qui subissait déjà des barrières structurelles négatives. Ceci a contribué à l'agrandissement du fossé entre les deux populations. Feagin a un point de vue plus politique sur la question en démontrant le racisme systémique qui a fait pencher la balance vers les Blancs dans l'allocation des ressources. Une évaluation des inégalités raciales plus récentes au niveau économique est basée en grande partie sur l'étude présentée par les sociologues Melvin L. Oliver et Thomas M. Shapiro dans leur ouvrage de 1995 *Black Wealth/ White Wealth: A New Perspective on Racial Inequality*, ainsi que sur le livre paru en 2010 du sociologue Dalton Conley *Being Black, Living in the Red: Race, Wealth, and Social Policy in America*.[10] Tous deux évaluent l'impact de la discrimination sur les inégalités raciales au niveau économique, et Conley insiste particulièrement sur le rôle que peuvent jouer les politiques sociales pour y remédier. Oliver et Shapiro expliquent la plus grande fragilité de la classe moyenne noire comparée à la classe moyenne blanche. La description de la situation économique de la population noire durant la période de la reforme de la santé est complétée par des données statistiques tirées de rapports gouvernementaux récents.

Le célèbre livre *The Declining Significance of Race: Blacks and the Changing American Institutions* écrit par le sociologue William Julius Wilson publié pour la première fois en 1978 présente la première analyse majeure des limites de la discrimination positive, ainsi que de la nécessité de prendre en compte des facteurs de différence de classes sociales au sein de la population noire.[11] Le travail de la sociologue Karyn R. Lacy dans son ouvrage de 2007 *Blue-Chip Blacks: Race, Class, and Status in the New Black Middle Class* a fourni la base pour analyser les différences de classe à l'intérieur de la population noire.[12] Les attitudes récentes concernant la race et les questions raciales sont basées sur diverses études menées par le sociologue Lawrence Bobo.

L'analyse de la question des différences raciales dans les conceptions et attitudes concernant la mobilité sociale et les inégalités s'appuie grandement sur le livre de Jennifer Hochschild paru en 1995 *Facing Up to the American Dream: Race, Class, and the Soul of the Nation*.[13] La pertinence présente des tendances identifiées par Hochschild a été vérifiée à partir de sondages faits durant la période étudiée sur les mêmes questions. La discussion des questions de classe s'appuie principalement sur l'ouvrage de 2008 du politologue Larry Bartels, *Unequal Democracy: The New Political Economy of the New Gilded Age*,[14] qui met en avant le lien entre la politique et les inégalités économiques croissantes. L'ouvrage paru en 2014 des sociologues Earl Wysong, Robert Perrucci et David Wright intitulé *New Class Society: Goodbye American Dream?*[15] offre une analyse historique des changements de la structure de classe aux États-Unis et insiste sur les inégalités croissantes.

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[10] Melvin L. Oliver and Thomas M. Shapiro, *Black Wealth/ White Wealth: A New Perspective on Racial Inequality* (New York: Routledge, 1995); Dalton Conley, *Being Black, Living in the Red: Race, Wealth, and Social Policy in America*, 2nd ed. (Berkeley: University of California Press, 2010).

[11] William Julius Wilson, *The Declining Significance of Race: Blacks and Changing American Institutions*, 3rd ed. (Chicago: University of Chicago Press, 2012).

[12] Karyn R. Lacy, *Blue-Chip Black: Race, Class, and Status in the New Black Middle Class* (Berkeley: University of California Press, 2007).

[13] Jennifer L. Hochschild, *Facing Up to the American Dream: Race, Class, and the Soul of the Nation* (Princeton: Princeton University Press, 1995).

[14] Larry M. Bartels, *Unequal Democracy: The Political Economy of the New Gilded Age* (Princeton, New Jersey: Russell Sage Foundation/Princeton University Press, 2008).

[15] Earl Wysong, Robert Perrucci, and David Wright, *New Class Society: Goodbye American Dream?*, 4th ed. (Lanham, MD: Rowman and Littlefield, 2014).

Il y a un débat continu sur l'importance de la notion de race aux États-Unis, qui s'est intensifié juste après l'élection présidentielle d'Obama. Cette élection historique a été acclamée par de nombreuses personnes comme étant le signe de l'avènement de l'Amérique post-raciale, mais tout autant de personnes voient la race comme un facteur toujours prédominant dans la société étatsunienne.[16] Le concept/terme de 'race' est très difficile et sa signification a changé au fil du temps, d'où l'importance de définir le terme clairement et de décrire son contexte d'utilisation.

Le concept de race est très complexe, et il est difficile de distinguer entre race, racisme, et préjugé, et de rendre compte des utilisations changeantes du terme « race » en tant que catégorie, de l'utilisation du mot « racisme », ou plutôt de la manière dont le racisme est exprimé, ou défini, selon la période. Ceci est particulièrement compliqué parce que l'appartenance race est une question très sensible, dans laquelle les gens sont émotionnellement impliqués, soit parce qu'ils voient la race comme un facteur déterminant dans leur vie, soit parce qu'ils veulent se conformer au politiquement correct.[17] Cette question est sensible car dès le début de la création de catégories raciales basées sur des différences phénotypiques, ces catégories ont été utilisées de manière négative et destructrice (racisme) afin de justifier l'oppression de populations natives en Afrique et dans les Amériques. Selon le contexte du pays et le problème soulevé, les gens se méfient de l'utilisation de la race en tant que catégorie, précisément à cause de son histoire difficile. Par exemple, aux États-Unis le recensement inclut l'identification de l'appartenance raciale, l'État autorise et établit des statistiques raciales, et voit aujourd'hui ces données comme un moyen de combattre la discrimination. En revanche, en France, les statistiques raciales, quelle que soit l'utilisation qui en est faite, sont vues comme racistes, puisque les statistiques raciales pourraient impliquer qu'il y a bien des différences selon les races. Mais de quel type de différence parle-t-on ? Cela signifie-t-il forcément une différence de nature biologique qui implique une notion de supériorité/infériorité, comme l'entendent les théories de racisme biologique, de suprématie blanche, ou l'idéologie aryenne des Nazis ? S'agit-il d'une différence culturelle, comme l'entendent les conservateurs aujourd'hui aux États-Unis ? Est-ce que la différence raciale implique forcément une relation de supériorité-infériorité ? Et dans ces circonstances, comment expliquer les différences structurelles au niveau économique et social qui apparaissent selon des lignes raciales ? Et de manière beaucoup plus importante : qui est la cause de quoi ? Est-ce que la race est à l'origine des différences structurelles ou est-ce que les différences structurelles sont à l'origine de la race ?

Classe

Déjà en 1944 dans son ouvrage novateur, *An American Dilemma : The Negro Problem and Modern Democracy*, le sociologue et économiste Gunnar Myrdal, rejetait le terme 'race' pour sa seule connotation biologique. Il insistait sur le besoin de trouver une autre catégorie pour expliquer la séparation des Noirs du reste de la société après l'Emancipation en 1863. Il rejetait le terme 'classe' car cela impliquait la notion de

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[16] Manning Marable, *Beyond Black and White: From Civil Rights to Barack Obama* (New York: Verso, 2009), 185; Michael C. Dawson, *Not in Our Lifetimes: The Future of Black Politics* (Chicago: University of Chicago Press, 2011), 63.

[17] Howard Schuman *et al.*, *Racial Attitudes in America: Trends and InterprÉtations*, Revised Edition (Cambridge: Harvard University Press, 1997), 5–6.

mobilité sociale qu'il considérait impossible en 1944 pour les Noirs à cause de la sé-grégation (*de facto* et *de jure*), bien qu'il ait constaté une stratification de classe au sein de chacune des populations, noire et blanche. Myrdal rejetait aussi les termes 'groupe minoritaire' et 'statut minoritaire' car il considérait que ces termes prêtaient à confusion avec les statuts temporaires de nouveaux immigrés blancs. Finalement, Myrdal a opté pour le terme 'caste' dans sa signification de « type de grande différentiation sociale systématique. »[18] Le concept de caste de Myrdal n'est clairement plus adapté aujourd'hui, particulièrement parce que le *Civil Rights Act* de 1964 permet une plus grande mobilité sociale et une plus forte participation des Noirs dans la vie politique. Pourtant, au vu des profondes inégalités raciales, l'insistance de Myrdal sur le concept de caste pour sa connotation de manque de mobilité sociale ne semble pas si hors de propos.

Les politologues Nolan McCarty, Keith T. Poole, et Howard Rosenthal, dans leur ouvrage *Polarized America : The Dance of Ideology and Unequal Riches* publié en 2006, écartent le facteur race en tant que catégorie analytique pour étudier la société états-unienne à partir des années 1980, et préfèrent se concentrer sur le facteur classe.[19] Cependant, il doit être remarqué que leur analyse de la pertinence de la race reposait uniquement sur des occurrences de racisme et de tensions raciales ou la présence du terme race dans des législations, ce qui laisse de côté le racisme systémique ou structurel, le discours racial codé en politique, et la racialisation sous-jacente des politiques sociales. Bien qu'on puisse considérer que leur une approche méthodologique prête à discussion, leur travail met en avant une évolution importante dans la recherche contemporaine : une attention croissante portée à l'analyse de la classe aux États-Unis. Le sociologue Joe Feagin, dans son ouvrage publié en 2012 intitulé *White Party, White Government : Race, Class, and US Politics*, fait remarquer que la discrimination de classe est présente dans le système politique des États-Unis depuis ses origines, tout comme le racisme et le sexisme. Bien que les hommes blancs aient accédé assez tôt et de manière graduelle au droit de vote, Feagin note toutefois une domination politique forte de la part des élites financières et il dénonce le *classisme*, entendu comme la discrimination basée sur la classe.[20] Le sociologue William Julius Wilson, dans son ouvrage *The Declining Significance of Race* publié en 1978, argumente le fait que l'importance du facteur classe a pris le pas sur le facteur race à cause de la diminution du nombre d'institutions ouvertement racistes. Son raisonnement en 1978 était que les Droits Civiques de 1964 avaient changé la forme que prennent l'oppression et la structure sociale : d'une oppression raciale organisée on en est arrivé à une structure de classe. Il insistait sur le fait que la nouvelle structure n'avait pas de fondement racial au niveau institutionnel, mais avait un résultat racial, dans le sens où les inégalités économiques apparaissaient selon des lignes raciales. Selon Wilson, depuis les années 1970, les États-Unis ont évolué de l'oppression raciale à une subordination de classe.[21]

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[18] Myrdal, *An American Dilemma*, 2:667.

[19] Nolan McCarty, Keith T. Poole, and Howard Rosenthal, *Polarized America: The Dance of Ideology and Unequal Riches* (Cambridge: MIT Press, 2006), 10–11.

[20] Feagin 38.

[21] Wilson, *The Declining Significance of Race*, x, 1-2.

Intersection Structurelle

Autant la race que la classe ont pour fonction d'organiser la hiérarchie sociale. À travers le racisme, la race est devenu un moyen de subordination sociale et économique qui a créé des inégalités structurelles profondes entre les populations raciales dans la société étatsunienne dans les domaines de l'économie, de l'éducation, des réseaux sociaux, du logement, et de la santé. Bien que la discrimination institutionnelle ouverte soit prohibée, des pratiques discriminatoires persistent et les effets de la discrimination continuent à impacter la vie des minorités. Par cet effet structurant de la fonction subordinatrice, la race et la classe sont devenues des catégories qui se chevauchent. Ainsi, le caractère raciste de la subordination sociale étatsunienne fait qu'il est impossible d'ignorer le facteur race. En effet, à statut socioéconomique similaire, la situation des minorités raciales est presque systématiquement plus mauvaise, en particulier lorsque le patrimoine actif est pris en compte. De plus, les normes culturelles exprimées à travers le racisme et le *classisme* touchent deux fois plus les minorités pauvres, et font aussi que l'expérience de la classe moyenne noire est différente. La concentration des mêmes populations raciales aux niveaux les plus bas de l'échelle sociale a créé un cercle vicieux de reproduction de la même hiérarchie sociale, qui occulte les désavantages structurels (tels que le manque d'accès à une éducation de qualité et de bons réseaux sociaux) derrière des notions mythiques d'égalité des chances et de méritocratie. Le racisme institutionnel et structurel dans les politiques sociales a fortement réduit l'accès des minorités à l'État providence après la Seconde Guerre mondiale, au moment où la population blanche en a largement bénéficié pour accéder au statut de classe moyenne.

L'aspect le plus saillant est le fait que cette hiérarchisation sociale et économique tourne autour de la distribution de ressources, que ce soit de bons emplois, des avantages en matière de santé, une éducation de qualité, ou la part des revenus. Dans cette partie, seule la question de la distribution des ressources est présentée. La partie suivante traitera de la manière dont la redistribution des ressources a été influencée par des facteurs raciaux. De manière plus importante, le développement historique des politiques sociales et les positions des partis politiques sur les politiques sociales permettra d'expliquer l'impossibilité politique de promouvoir des politiques raciales.

2 La racialisation des politiques sociales

Concernant le problème que représente la race en termes de stratégie politique, deux livres ont été particulièrement importants. Le premier est des politologues et journalistes Thomas et Mary Edsall, publié en 1991 et intitulé *Chain Reaction: The Impact of Race, Rights, and Taxes on American Politics* qui explique le mieux la division raciale qui a eu lieu dans la coalition du New Deal ; coalition basée sur la classe sociale. Les auteurs portent une attention particulière au type de discours que le président Ronald Reagan avait développé pour réussir cette division. De plus, Edsall et Edsall proposent des solutions pour des contre-stratégies Démocrates basées sur leur analyse des victoires électorales de Reagan et son discours mettant l'accent sur les valeurs. Ceci implique plus d'attention politique portée à la classe moyenne blanche, mais aussi moins d'insistance sur les politiques raciales, et un discours sur les valeurs

plus prononcé.[22] L'importance du pouvoir diviseur de la race sur la Gauche est souli-gnée par les politologues Paul Sniderman et Edward Carmines dans leur livre *Reaching Beyond Race* paru en 1997.[23] Seule une analyse faite par la politologue et so-ciologue Frances Fox Piven a fourni une dimension supplémentaire à l'analyse des Edsall en incorporant la question de la mondialisation dans l'analyse.[24] Les autres ouvrages présentant des points de vue similaires font référence à la théorie des Ed-sall.

Du côté des Afro-américains, une analyse similaire a été faite par Cornel West dans son livre *Race Matters* paru en 1993.[25] Son point de vue est clairement plus racial que celui des Edsall, mais il arrive à une conclusion analogue par un cheminement différent : l'impasse politique entre conservateurs et libéraux et leurs discours figés ont des conséquences néfastes pour la population noire. West propose une stratégie différente afin de promouvoir les intérêts de la population noire. Il s'agit d'une al-liance interraciale basée sur des intérêts communs basés sur la classe qui intègrerait même des idées conservatrices telles qu'une plus grande insistance sur des valeurs constructives. Des opinions et des arguments plus récents concernant ce point de vue sont basés entre autres sur plusieurs ouvrages de l'historien et professeur d'affaires publiques Manning Marable, tels que son ouvrage paru en 2009 *Beyond Black and White: From Civil Rights to Barack Obama*.[26]

La réflexion théorique sur les différents types de politique est basée sur le livre *Arenas of Power* écrit par Theodore Lowi paru en 2009. Lowi catégorise les différents types de législations en politiques constitutionnelles, régulatrices, distributives, et redistributives. Cette catégorisation est faite en fonction de l'aire d'application de la politique, ainsi que du degré d'intervention des différents acteurs politiques, ce qui inclut l'exécutif, dans le processus législatif. Cette typologie prend en compte le po-tentiel idéologique des différentes politiques, ce qui affirme le rôle du président sur les politiques sociales et met en avant leur potentiel à provoquer de la polarisation idéologique.[27] En complément de cela, pour la dimension spécifiquement raciale, le politologue Robert Lieberman fournit une grille de lecture dans son ouvrage paru en 2007 *Shaping Race Policy: the United States in Comparative Perspective*. L'analyse de Lie-berman et sa typologie ne catégorisent pas les politiques en fonction de leur intention raciale, mais en fonction de leur impact racial.[28]

L'analyse du contexte historique dans une perspective raciale et particulière-ment la racialisation des politiques sociales s'appuie en grande partie sur certains des ouvrages de Katznelson et Feagin cités ci-dessus, mais aussi sur le travail très détaillé fait par la sociologue et politologue Theda Skocpol dans *Social Policy in the United*

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[22] Thomas Byrne Edsall and Mary D. Edsall, *Chain Reaction: the Impact of Race, Rights, and Taxes on American Politics* (New York: W.W. Norton, 1991). More recent books making the same or similar argu-ments quote Edsall and Edsall.

[23] Paul M. Sniderman and Edward G. Carmines, *Reaching Beyond Race* (Cambridge: Harvard University Press, 1997).

[24] Frances Fox Piven, "Globalization, American Politics, and Welfare Policy," *Annals of the American Academy of Political and Social Science* 577, no. Reforming Welfare, Redefining Poverty (2001): 26–37.

[25] Cornel West, *Race Matters*, 3rd ed. (New York: Vintage Books, 1993).

[26] Manning Marable, *Beyond Black and White: From Civil Rights to Barack Obama*, 2nd ed. (New York: Verso, 2009).

[27] Lowi 41, 50-2.

[28] Robert C. Lieberman, *Shaping Race Policy: the United States in Comparative Perspective* (Princeton: Princeton University Press, 2007).

States: Future Possibilities in Historical Perspective paru en 1995.[29] Dans cet ouvrage elle explique les contraintes exercées par l'histoire des politiques sociales sur la création et le développement de nouveaux programmes. D'autres ouvrages ont éclairé ceci, notamment l'ouvrage paru en 1999 de Martin Gilens, intitulé *Why Americans Hate Welfare: Race, Media, and the Politics of Antipoverty Policy,* ainsi que l'ouvrage *The Welfare State Nobody Knows: Debunking Myths About U.S. Social Policy* du politologue Christopher Howard, paru en 2007.[30] Gilens a fait une analyse minutieuse des perceptions négatives des politiques sociales et des allocations, en particulier en fonction de la perception raciale. Il parle de 'racialisation' des politiques sociales lorsqu'un programme est perçu de façon négative et comme bénéficiant principalement à des minorités raciales. Les tendances dégagées par Gilens ont été vérifiées pour la période étudiée soit par des études ultérieures répliquant certaines des analyses faites par Gilens, telles que l'étude menées par le politologue Bass van Doorn,[31] ou par des sondages d'opinions récents sur les facteurs et termes clés identifiés par Gilens. Howard, de son côté, insiste fortement sur le fossé entre la perception et la réalité de nombreux programmes. Les éléments mis en avant par Howard ont été vérifiés pour la période étudiée à partir des données statistiques mises à disposition, entre autres, par les *Centers for Medicare and Medicaid Services.*

La perspective historique sur la racialisation des politiques sociales permet de comprendre les raisons pour lesquelles les Américains continuent à s'opposer aux politiques sociales et pourquoi leurs choix électoraux sont souvent contraires à leurs intérêts économiques. Cela explique aussi pourquoi des réformes de politiques sociales significatives sont un défi politique majeur, surtout s'il y a aussi une volonté de lutter contre les inégalités raciales. Ceci était le cas pour Obama, qui ne voulait pas seulement créer un système d'assurance maladie universelle, mais qui avait aussi l'intention d'aider spécifiquement la population noire. Cette partie retrace l'évolution historique et politique des politiques sociales, qui rend cette entreprise difficile. Obama a été confronté à une opposition forte de la part du Parti républicain et de la part de la population.

La perspective historique permet de retracer comment les politiques sociales ont contribué aux inégalités structurelles, comment la compétition raciale pour les ressources économiques dans le cadre des politiques sociales a empêché la création d'une alliance interraciale basée sur la classe, et comment les deux grands partis états-suniens sont devenus fortement polarisés concernant les politiques sociales. Le développement purement historique des politiques sociales est traité séparément des différentes théories expliquant les raisons de ce développement problématique et le rejet des politiques sociales survenu plus tard. La racialisation des politiques sociales sera donc traitée séparément de la présentation de l'État providence.

La politologue Theda Skocpol insiste sur la nécessité d'adopter une perspective historique. De plus, dans son ouvrage *Social Policies in the United States : Future Possibilities in Historical Perspective* (1995), elle met en avant le fait de ne pas seulement adopter une perspective historique pour étudier le développement des politiques sociales elles-mêmes, mais aussi pour analyser le développement de la politique générale

[29] Theda Skocpol, *Social Policy in the United States: Future Possibilities in Historical Perspective* (Princeton: Princeton University Press, 1995).

[30] Christopher Howard, *The Welfare State Nobody Knows: Debunking Myths about US Social Policy* (Princeton: Princeton University Press, 2007); Martin Gilens, *Why Americans Hate Welfare: Race, Media, and the Politics of Antipoverty Policy* (Chicago: University of Chicago Press, 1999).

[31] Bas W. van Doorn, "Pre- and Post-Welfare Reform Media Portrayals of Poverty in the United States: The Continuing Importance of Race and Ethnicity," *Politics and Policy* 43, no. 1 (2015): 142–62.

étatsunienne. La différence de position entre le Parti démocrate et le Parti républicain sur les politiques sociales est souvent expliquée en termes d'idéologie concernant l'intervention de l'État. D'autres explications se concentrent sur des différences d'ordre moral. Skocpol argumente que ces explications simplifient trop la question, et que l'évolution historique et politique des politiques sociales doit être prise en compte car cela montre le racialisation graduelle de ces politiques, qui a été possible parce que des inégalités structurelles raciales y ont été intégrées dès le départ. L'existence d'inégalités raciales structurelles dans les politiques sociales développées au XXème siècle est démontrée par le politologue Ira Katznelson dans son ouvrage de 2005 *When Affirmative Action Was White : An Untold History of Racial Inequality in Twentieth Century America*.[32] Ce point de vue est partagé par le politologue Joe R. Feagin dans son livre *White Party, White Government : Race, Class, and US Politics* paru en 2012. Cependant, Feagin insiste plus sur la manière dont, dans le contexte étatsunien, la racialisation des politiques sociales a contribué à empêcher le développement d'une alliance forte basée sur la classe.[33] Finalement, ce sont les journalistes politiques Thomas et Mary Edall qui expliquent dans leur ouvrage paru en 1992 *Chain Reaction : the Impact of Rights, Race, and Taxes on American Politics* comment ces éléments ont été exploités dans la stratégie électorale du Parti républicain depuis les années 1970, et par le président Ronald Reagan en particulier. La stratégie de Reagan a consisté, en partie, à exploiter le ressentiment racial afin de briser la coalition du New Deal. Il a présenté les politiques sociales comme bénéficiant principalement aux minorités raciales et il a présenté le Parti démocrate comme étant principalement dévoué aux causes et intérêts des minorités. Ainsi il a convaincu une partie de l'électorat blanc des classes ouvrière et moyenne que la politique du Parti démocrate n'était pas dans leurs intérêts. Par cette stratégie, Reagan a convaincu une partie de cet électorat de voter pour le Parti républicain et contre leurs intérêts économiques.[34]

En élisant Reagan en 1980, les classes ouvrière et moyenne blanches se sont paradoxalement détournées des mesures redistributives durant une période de difficultés économiques majeures. En considérant les évènements de la Grande Dépression, où une période de crise économique a résulté dans la création de l'État providence étatsunien, on aurait pu penser que la population serait favorable à de nouvelles mesures redistributives lors d'une nouvelle période de difficultés économiques, mais cela n'a pas été le cas. Ces deux exemples montrent qu'il est difficile de dire si la crise de 2008 et la Grande Récession qui en a résulté ont représenté un contexte favorable pour Obama pour créer de nouvelles mesures redistributives, que ce soit au niveau politique ou au niveau de l'opinion publique.

Au niveau politique, Obama a expliqué dans une interview de 2016 qu'il était parti du principe que les Républicains se montreraient plus coopératifs et seraient prêts à faire des efforts bipartisans puisque la crise de 2008 avait débuté sous un mandat Républicain. Il a expliqué qu'il avait compris son erreur quand le Chef de la minorité de la Chambre des Représentants, John Boehner, avait déclaré publiquement que les Républicains ne soutiendraient pas la « *stimulus bill* », le projet de relance proposé par les Démocrates pour surmonter la crise, et ce même avant que les Démocrates aient présenté le premier jet de la proposition de loi.[35] Il n'y a eu que de

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[32] Katznelson, *When Affirmative Action Was White*, xv.
[33] Feagin 50-1.
[34] Edsall and Edsall 3-4.
[35] Jonathan Chait, "Barack Obama on 5 Days That Shaped His Presidency," *New York Magazine*, October 2, 2016, http://nymag.com/daily/intelligencer/2016/10/barack-obama-on-5-days-that-shaped-his-presidency.html.

rares exemples de collaboration bipartisane durant la présidence Obama. En ce qui concerne la réforme de santé, l'opposition Républicaine a été frappante. Pour l'élaboration du projet de loi, il y a eu seulement une collaboration superficielle au Sénat. Le *Patient Protection and Affordable Care Act* de 2010 a été votée sans un seul oui Républicain. De plus, les Républicains ont attaqué la constitutionnalité et certaines clauses du ACA dans deux procès majeurs.[36] Les Républicains au Congrès ont promis à plusieurs reprises, et le font toujours, d'abroger le ACA. Les candidats présidentiels Républicains de 2012 (Mitt Romney) et 2016 (Donald Trump) avaient promis tous les deux dans leurs campagnes qu'ils révoqueraient le ACA.[37] Au niveau politique, la crise économique ne s'est pas traduite par des conditions plus favorables pour les mesures redistributives (du point de vue de la collaboration du GOP).

La population, et surtout le mouvement *Tea Party*, a protesté contre la réforme de santé. En août 2009, six mois avant le vote final sur la proposition de réforme, seule une minorité de 37% de l'opinion publique était en faveur de la réforme, 39% y étaient opposés, et 24% n'avaient pas d'opinion.[38]

Des inégalités croissantes et des besoins économiques accrus ne se transforment pas automatiquement en une plus forte demande pour des mesures redistributives. Le politologue Larry M. Bartels a exprimé son étonnement quant à ce manque de revendications pour plus de redistribution. Il a remarqué la divergence entre l'hypothèse théorique que des inégalités croissantes devraient résulter en une demande politique pour une augmentation des impôts et plus de politiques redistributives de la part de la population avec des revenus plus modestes. Cependant, ce n'est pas le cas aux États-Unis, bien au contraire. Malgré le fort taux d'inégalités dans le pays, les réductions d'impôts pour les riches faites par le président George W. Bush (et ses prédécesseurs Républicains) n'ont pas provoqué une forte opposition.[39] Selon la sociologue et politologue Leslie McCall, les préoccupations concernant les inégalités de revenus ne veulent pas forcément dire que les personnes soutiennent l'idée d'augmenter les impôts pour les riches ou de faire plus de redistribution. D'après ses analyses, les Américains ont tendance à être plutôt en faveur de plus d'opportunités à travers l'éducation ou d'autres mesures qui favorisent l'indépendance et

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[36] National Federation of Independent Business *et al.* v. Sebelius, Secretary of Health and Human Services, *et al.*, 648 F. 3d 1235 (2012); *King v. Burwell*, 759 F. 3d 358 (2015). Ces procès sont discutés plus en détail plus tard dans la thèse. Dans le procès *Sebelius*, les plaignants ont remis en question la constitutionnalité du mandat individuel et l'extension de Medicaid. Seul le mandat individuel a été maintenu par la Cour Suprême. Dans *King v. Burwell*, la formulation de clause concernant les *health exchanges* a été remise en question. L'argument était que la formulation pouvait être comprise de manière à ce que seules les assurances achetées dans des *exchanges* mis en place par les États, et non pas par l'État fédéral, peuvent bénéficier des subventions.

[37] Mitt Romney, "Why I'd Repeal ObamaCare," *USA Today*, March 22, 2012, http://usatoday30.usatoday.com/news/opinion/forum/story/2012-03-22/mitt-romney-health-reform-repeal-obamacare/53711598/1; The Republican Party, "2012 Republican Party Platform," August 27, 2012, http://www.presidency.ucsb.edu/ws/?pid=101961; "Donald J. Trump Positions," accessed December 1, 2016, https://www.donaldjtrump.com/positions.

[38] Lydia Saad, "Americans Still Sharply Divided on Healthcare Reform" (Gallup, September 8, 2009), http://www.gallup.com/poll/122822/Americans-Sharply-Divided-Healthcare-Reform.aspx.

[39] Bartels, *Unequal Democracy*, 26–27.

l'autonomie.[40] Et pourtant, la grande réforme de l'éducation d'Obama est morte au Congrès et la réforme de santé a coûté cher aux Démocrates.[41]

La racialisation des politiques sociales basée sur la compétition entre groupes et le discours négatif autour des politiques sociales qui en découle permet en partie d'expliquer pourquoi les Américains se sont opposés à une réforme qui met l'accent sur l'autonomisation et l'égalité des chances, qui vise à réduire le déficit, et qui a fourni une assurance maladie à des millions de personnes.

Pourquoi la réforme de santé ?

Lorsque l'on analyse les inégalités raciales et économiques et les moyens d'y remédier, la santé n'est pas le premier élément qui vient à l'esprit. Pourtant, il y a plusieurs raisons—historiques, politiques, économiques, et raciales—de prendre en considération la santé. Avant tout, parce que le ACA a été, depuis les années 1960, la première grande réforme progressiste de politiques sociales à avoir été passée, bien que le degré progressif de la réforme prête à discussion. De surcroît, le domaine de la santé se détache du reste car il a été marqué par presque un siècle de tentatives législatives infructueuses. Depuis 1966, quand le Canada a passé le *Canadian Medical Care Act* qui a introduit une couverture de santé universelle, les États-Unis se sont distingués (et dans une certaine mesure le font toujours) comme le seul pays occidental doté d'un système de santé réduit et inégalitaire, et assez peu efficace en matière de rapport qualité-prix. Un rapport de 2012 montre qu'en 2009 les États-Unis ont dépensé 48% de plus le pays de l'OECD classé derrière eux, la Suisse, et 90% de plus que la plupart des autres pays occidentaux. La part de la santé dans le PIB des États-Unis dépasse d'au moins 5% celle des autres pays industrialisés. Par contre, les soins reçus ne sont pas beaucoup mieux que dans les autres pays.[42]

Au delà de ces considérations historiques, il y a aussi des raisons politiques de se pencher sur la santé dans le contexte des inégalités raciales. Certains universitaires et intellectuels préconisent la formation d'une coalition interraciale basée sur des intérêts économiques communs afin de créer une majorité pour défendre plus de politiques sociales. Parmi ces universitaires on peut trouver par exemple l'historien Manning Marable, qui met en avant cette stratégie dans son ouvrage paru en 2009 *Beyond Black and White: From Civil Rights to Barack Obama*.[43] Il avance cet argument particulièrement dans le contexte de la détérioration de la situation économique générale et des inégalités croissantes : "*The radical changes within the domestic economy*

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[40] Leslie McCall, *The Undeserving Rich* (New York: Cambridge University Press, 2013), 225.

[41] Pourtant Obama a réussi à faire passer quelques mesures de réforme de l'éducation dans le *American Recovery and Reinvestment Act* de 2009 qui a établi le programme *Race to the Top* qui distribue des fonds sur compétition aux écoles et qui a aussi réformé les bourses et prêts étudiants. L'administration Obama a arrêté les subventions aux assureurs privés et a instauré un système de prêts financés par l'État. Certaines mesures ont aussi été passées dans le *Health Care and Education Reconciliation Act* de 2010 qui complète le ACA. Le HCER a étendu les bourses étudiantes (*Pell Grants*), créé de nouveaux investissements dans les *Community Colleges* et les *HBCUs*.

[42] "Health Care Costs: A Primer 2012 Report" (Kaiser Family Foundation, March 30, 2016), http://kff.org/report-section/health-care-costs-a-primer-2012-report/. Des études suggèrent que ces différences de coût pourraient être dû à des prix plus élevés, une utilisation plus forte de la technologie, et des taux plus élevés d'obésité, plutôt qu'à des revenus plus élevés, une population vieillissante, ou une plus grande utilisation des services de santé.

[43] Marable, *Beyond Black and White*, 25.

require that black leadership reaches out to other oppressed sectors of the society, creating a common program for economic and social justice."[44] En 1993 Cornel West avait défendu un argument similaire dans *Race Matters*, livre dans lequel il met en avant une alliance multiculturelle et une coalition de principes afin de défendre des mesures redistributives conséquentes.[45] Dans le contexte d'une création d'une coalition interraciale de défense de politiques redistributives, la santé fait sens.

La santé représente une part significative de l'économie étatsunienne qui a augmenté de 5,6% du PIB en 1965 à 17,3% du PIB en 2009 (pour atteindre 17,8% en 2015).[46] De plus, la santé est parmi les domaines sociaux auxquels les Américains sont plutôt attachés.[47] La santé joue aussi un rôle fort dans la mobilité sociale. L'historien Michael B. Katz insiste sur le rôle primordial de l'assurance santé pour la stabilité économique des familles et le lien qui a été fait très tôt entre santé et pauvreté.[48] Le politologue Yeheskel Hasenfeld et le juriste Joel Handler mettent en avant que les problèmes de santé sont souvent un facteur pour le retour à la pauvreté des individus qui se trouvaient au dessus du seuil de pauvreté. De plus, ils insistent sur le fait que la plus grande partie des fonds de l'État providence est allée historiquement aux personnes non-pauvres à travers la *Social Security*, le programme des retraites, et à travers Medicare, le programme de santé pour les personnes âgées.[49] Toutefois, ce constat ne doit pas occulter le fait que la classe moyenne est devenue de plus en plus fragile depuis les années 1970 et ce en partie à cause des dépenses de santé.

Ceci signifie qu'une réforme de santé peut potentiellement réunir les intérêts des pauvres, de la classe ouvrière et de la classe moyenne, sans distinction de race. La nécessité politique de se concentrer sur la classe moyenne est expliquée plus en détail plus tard.[50]

Le constat de la fragilité de la classe moyenne est basé pour certains sur le *Misery Index*, l'indexe de misère, qui inclut les coûts liés à la santé (mais aussi l'impôt sur le revenu, les impôts de *Social Security*, et les frais d'intérêts). Ces postes consommaient 24% d'un budget familial en 1960, mais ont atteint 42% en 1990. Le politologue Jacob Hacker a développé le *Economic Insecurity Index*, l'index d'insécurité économique, un outil qui permet de mesurer les coups durs financiers tels que des pertes de 25% du revenu ou plus, des dépenses de santé excessives, ou l'épuisement des réserves financières de la famille. Selon ses estimations, en 1985 cela concernait environ 10% des familles, comparé à 20% en 2010, ce qui montre la vulnérabilité croissante des familles. Ceci est confirmé par le nombre croissant de faillites personnelles qui sont déclarées, que Smith identifie comme un phénomène lié à la classe moyenne, puisque cela permet de protéger certains biens essentiels, comme la maison ou les fonds de retraite.[51]

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[44] Marable, *Beyond Black and White*, 200–201.

[45] West 44, 98.

[46] CMS.gov, "National Health Expenditure Data," *Centers for Medicare and Medicaid Services*, December 6, 2016, https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/NationalHealthExpendData/NationalHealthAccountsHistorical.html.

[47] Gilens, *Why Americans Hate Welfare,* 2, 27–29.

[48] Michael B. Katz, *The Price of Citizenship: Redefining the American Welfare State* (New York: Owl Book, 2002), 257.

[49] Joel F. Handler and Yeheskel Hasenfeld, *Blame Welfare, Ignore Poverty and Inequality* (New York: Cambridge University Press, 2007), 6, 8.

[50] Voir 2.3.5 The Reagan Democrats: When the White Working and Middle Classes Vote Against their Interests.

[51] Smith, *Who Stole the American Dream?,* 74, 82-3.

Une étude de 2011 a montré que les problèmes de santé et les dépenses qui en découlent contribuent aux faillites personnelles, plus que d'autres coups durs tels que les divorces ou le chômage. Les problèmes de santé et les dépenses médicales qui dépassent 5% du revenu annuel augmentent le risque de faillite personnelle de 9,2%. Les ménages avec des problèmes de santé avaient deux fois plus de risque de déclarer une faillite personnelle (33,3%) que les ménages sans de tels problèmes (15,2%), ce qui fait des problèmes de santé un des facteurs majeurs des faillites personnelles. Il faut remarquer, cependant, que les habitudes de dépenses, c'est-à-dire, les dépenses excessives, sont la cause première de ces faillites personnelles. L'indicateur le plus fort est un emprunt immobilier trop élevé (qui augmente la probabilité de faillite de 53,4%), suivi de l'endettement par carte de crédit (35,6%). Ceci contraste nettement avec les années 1980 quand les dettes liées aux dépenses de santé étaient un facteur plus fort que l'endettement de consommation.[52]

Entre 1984 et 2005 les faillites personnelles se sont multipliées par sept. D'après l'analyse de Smith, ceci est dû en partie au déplacement des coûts de santé. Depuis 1980 (quand environ 70% des employés à plein temps dans des entreprises de plus de 100 employés avaient une assurance maladie fournie par leur employeur), les coûts ont été de plus en plus déplacés vers les employés, ou les assurances ont été abandonnées complètement. En 2005, seuls 18% des employés bénéficiaient d'une assurance maladie prise en charge entièrement, 37% avaient une prise en charge partielle, et 45% n'avaient aucune prise en charge par l'employeur.[53] Cette prise en charge décroissante par l'employeur est une cause directe de la fragilité croissante de la classe moyenne, en particulier à cause de l'augmentation concomitante du coût de la santé. Le sociologue et politologue Paul Starr fait remarquer que la situation de la santé a atteint un stade extrêmement problématique : entre 2000 et 2006, période d'augmentation extrême des coûts, les primes d'assurance pour les familles ont augmenté de 87%, alors que l'inflation cumulée n'était que de 18% et l'augmentation cumulée des salaires n'était que de 20%. De plus, Starr insiste sur le fait que l'augmentation des salaires concernait principalement les salaires les plus élevés, alors que le revenu médian des ménages a baissé de 3% depuis 2000.[54] A cause de cette augmentation des coûts des assurances maladie, le pourcentage de personnes sans assurance a augmenté. Cette tendance était particulièrement prononcée pour les classes ouvrière et moyenne.

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[52] Ning Zhu, "Household Consumption and Personal Bankruptcy," *The Journal of Legal Studies* 40, no. 1 (2011): 29, 33.
[53] Smith, *Who Stole the American Dream?,* 84–85, 90.
[54] Starr, *Remedy and Reaction*, 13.
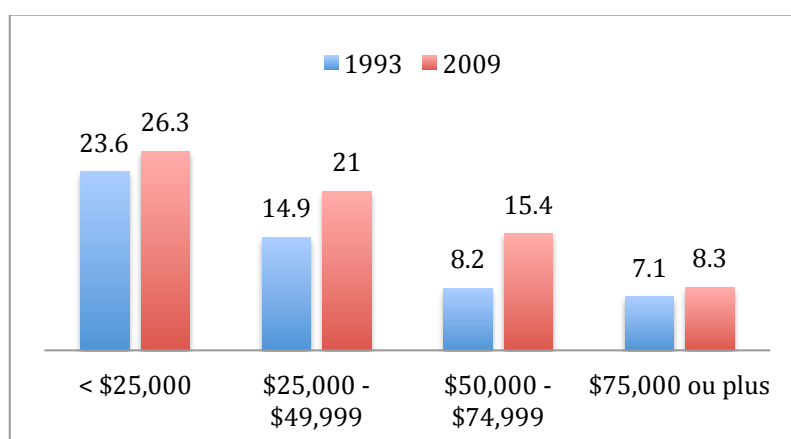
Graphique 69 Personnes sans assurance maladie par revenus, en pourcent, 1993 et 2009[55]

Que les personnes aient ou pas une assurance maladie, toutes rencontrent des difficultés à cause des coûts liés à la santé ; avec, bien entendu, de plus grandes difficultés pour les personnes sans assurance. Un sondage de 2011 montre que sur les douze derniers mois, 19% des personnes avec une assurance ont eu des difficultés pour payer les factures médicales. Ceci était le cas pour 56% des personnes sans assurance. Ainsi une part importante de la population avait opté de ne pas utiliser des services médicaux.[56]

Il y a des différences majeures en matière de santé selon la classe et la race, et particulièrement au sein de la classe moyenne inférieure. Contrairement à l'intuition initiale, les conditions de santé générale ne sont pas particulièrement marquées par la classe, bien que de moins bons états de santé soient un peu plus concentrés parmi les classes inférieures et, de ce fait, à cause du chevauchement entre classe et race, parmi les minorités.

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[55] Adapted from Carmen De Navas and Robert Bernstein, "Health Insurance Coverage: 1993," Statistical Brief (Census Bureau/U.S. Department of Commerce, October 1994), 2–3; De Navas-Walt, Proctor, and Smith, "Income, Poverty, and Health Insurance Coverage in the United States: 2010," 26, 77.

[56] "Kaiser Health Tracking Poll—August 2011," *The Henry J. Kaiser Family Foundation*, August 1, 2011, http://kff.org/health-costs/poll-finding/kaiser-health-tracking-poll-august-2011/. Parmi les personnes avec et sans assurance maladie âgées de 18 à 65 ans, respectivement 26% et 68% ont utilisé des remèdes maison ou des médicaments sans ordonnance au lieu de consulter un médecin, 21% et 67% n'ont pas fait ou ont remis à plus tard les soins nécessaires, 24% et 64% n'ont pas fait les soins dentaires ou la visite de contrôle, 20% et 54% n'ont pas acheté les médicaments prescrits, 16% et 51% n'ont pas fait le test ou le soin recommandé, 12% et 37% ont divisé les cachets ou pilules en deux ou ont espacé les prises prescrites, et 7% et 33% ont eu des difficultés pour recevoir des soins médico-psychologiques.
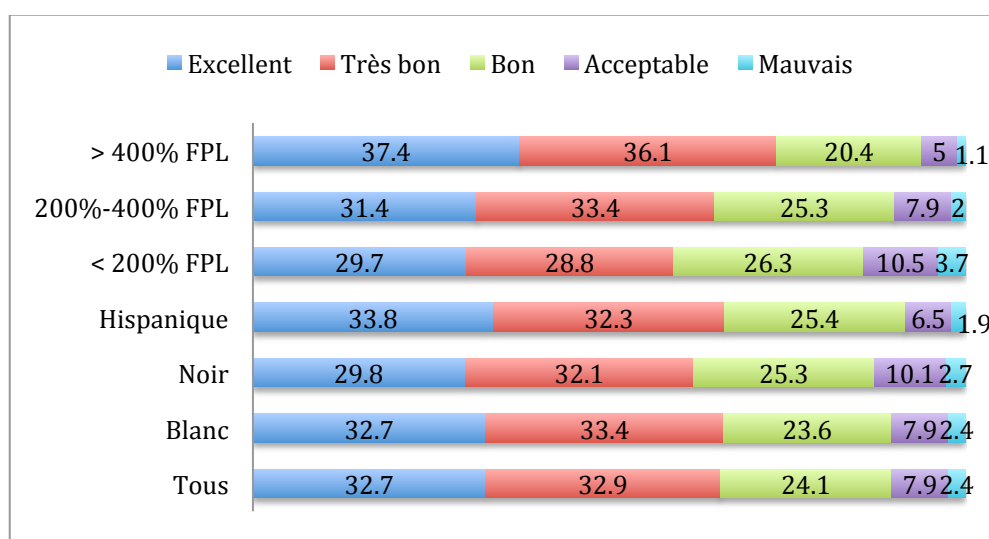
Graphique 70 Conditions de santé par race et revenus, en pourcent, 2010[57]

Malgré une légère tendance à de meilleures conditions de santé parmi les classes plus aisées, il n'est pas surprenant que ces mêmes classes utilisent plus les services médicaux que les personnes à faibles revenus.
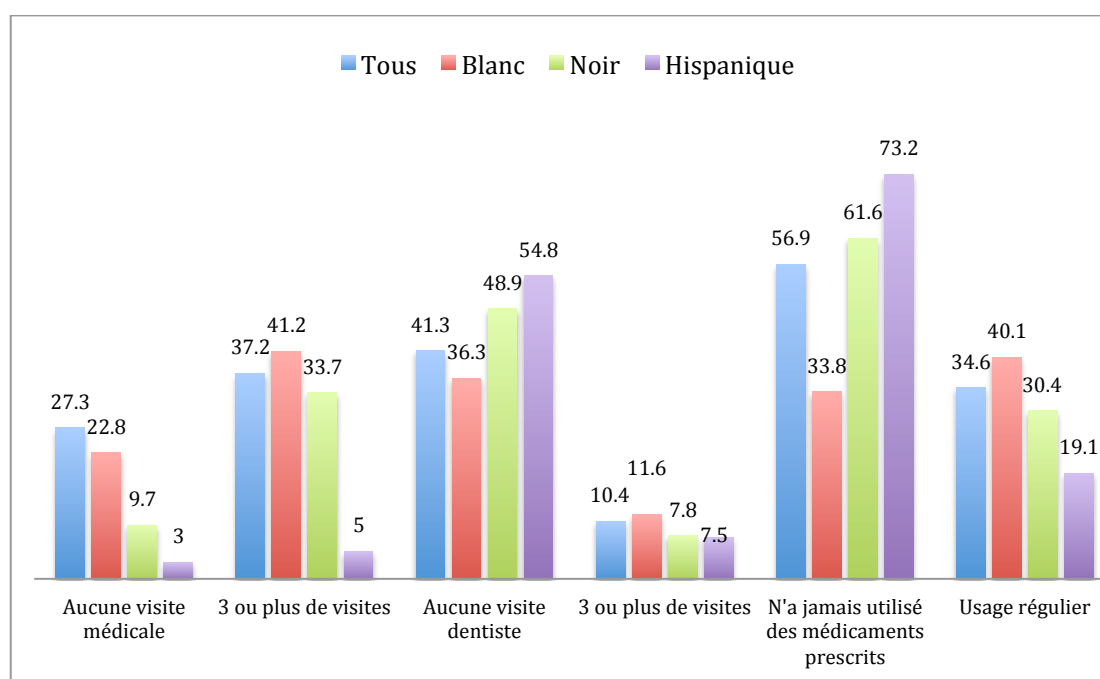
Graphique 71 Utilisation de services médicaux par race, en pourcent, 2010[58]

[57] Adapté de Brett O'Hara and Kyle Caswell, "Health Status, Health Insurance, and Medical Services Utilization: 2010," Current Population Reports, Household Economic Studies (Census Bureau/U.S. Department of Commerce, July 2013), 5.
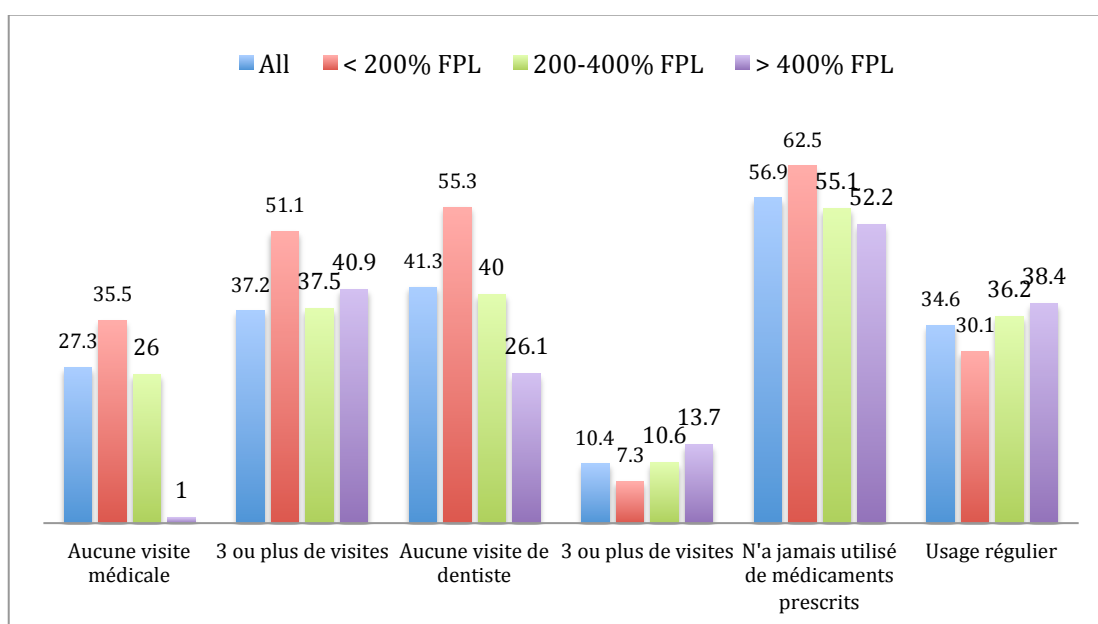
[58] Adapté de O'Hara and Caswell 8.

L'absence d'assurance maladie est fortement liée au revenu : en 2010, 29,6% des personnes vivant dans des familles avec des revenus en dessous de 200% du seuil de pauvreté (SP) n'avaient pas d'assurance maladie et 33,6% dépendaient de *Medicaid*. Parmi les familles avec des revenus supérieurs à 200% du SP, 10,2% n'avaient pas d'assurance maladie et seulement 5,3% dépendaient de *Medicaid*.[60] De plus, il y a eu une baisse dans les assurances maladie fournies par l'employeur, tant pour les assurés principaux, que pour les membres de famille dépendants. En 2010, 56,5% de la population totale avait une couverture de santé fournie par l'employeur (34,8% couverts par leur emploi, 21,7% couverts en tant que dépendants), comparé à 64,4% en 1997 (39,9% par leur propre emploi, 24,4% en tant que dépendants).[61] Cette baisse des couvertures santé fournies par l'employeur illustre bien la fragilité croissante de la classe ouvrière et de la classe moyenne, car l'emploi garantit moins l'accès à une assurance maladie. Ainsi, des efforts politiques axés sur la santé sont économiquement pertinents pour une population très large.

D'autres universitaires, comme Ira Katznelson, ont mis en avant des idées similaires (créer une coalition interraciale afin de promouvoir les politiques sociales), mais dans un but plus ouvertement affiché de favoriser l'égalité raciale. Dans son ouvrage de 2005, *When Affirmative Action Was White*, Katznelson plaide pour le même type de mesures ciblant des problèmes spécifiques qui avaient aidé tant de Blancs à atteindre le statut de classe moyenne (c'est-à-dire, des politiques sociales importantes pour l'augmentation des chances, telles que les subventions pour les crédits immobiliers, des bourses universitaires et des formations professionnelles, des prêts aux petites entreprises, de l'aide à la recherche d'emploi, une augmentation de crédits d'impôts sur le revenu salarial, des crèches, et une assurance maladie de base et garantie).[62] Bien entendu, l'assurance maladie est juste un élément parmi d'autres, mais c'est la seule politique sociale majeure à avoir été votée ces dernières années. Comme

[59] Adapté de O'Hara and Caswell 8.

[60] Adapté de O'Hara and Caswell 12.

[61] Hubert Janicki, "Employment-Based Health Insurance: 2010," *Household Economic Studies* (U.S. Census Bureau/U.S. Department of Commerce, February 2013), 3.

[62] Katznelson, *When Affirmative Action Was White*, 172.

Katznelson, William Julius Wilson, dans *The Declining Significance of Race* (1978) argumentait que l'oppression raciale était avant tout une oppression économique et qui affecte toutes les races :

> The situation of marginality and redundancy created by the modern industrial society deleteriously affects all the poor, regardless of race. Underclass whites, Hispano-Americans, and Native Americans all are victims, to a greater or lesser degree, of class subordination under advanced capitalism.[63]

De plus, selon son analyse, les tendances plus récentes montrent que la mobilité sociale et économique des Noirs a été plus fortement affectée par des facteurs économiques de classe plutôt que par des facteurs de race. De ce fait il privilégiait des programmes basés sur la classe pour s'attaquer aux éléments destructeurs et omniprésents de la subordination de classe. Selon lui, de tels programmes permettraient d'améliorer la situation pour toutes les populations souffrant d'oppression économique et pour les Noirs en particulier.[64] Wilson appelait à une grande coalition multiculturelle afin de renforcer les facteurs et institutions qui aident à atténuer les inégalités de classe, telles que l'éducation, l'État providence, ou les syndicats.[65]

Bien qu'il y ait un besoin général de meilleur système concernant l'assurance maladie, il y a aussi une dimension raciale bien spécifique. Au delà de l'impact des coûts médicaux sur la probabilité de faillite personnelle, la situation de santé a aussi un impact sur les facteurs de mobilité sociale, tels que l'éducation. L'économiste Heather Rose liste « une mauvaise santé » parmi les raisons pour lesquelles les étudiants ne finalisent pas leurs études, bien que ces raisons comprennent aussi la perte de motivation, l'insatisfaction avec la vie sur le campus, le changement de projet professionnel, les problèmes familiaux, et les difficultés financières. De plus, elle insiste particulièrement sur les inégalités dans la préparation aux études pour expliquer l'écart racial de réussite universitaire.[66]

Les tendances exposées plus hauts sont multipliées pour les minorités à cause de l'intersection entre classe et race. L'absence d'assurance maladie a une dimension raciale. Malgré des populations noires et hispaniques moins nombreuses, le nombre absolu de personnes noires et hispaniques sans assurance maladie (respectivement 8,1 millions ou 20,8% et 15,3 millions ou 31,6% pour un total de 23,4 millions) dépasse légèrement le nombre absolu de personnes blanches sans assurance maladie (23,1 millions ou 11,7%).[67]

Il y a aussi des différences raciales concernant les conditions de santé. Avant tout, les Noirs ont un taux de mortalité général plus élevé.

[63] Wilson, *The Declining Significance of Race*, 154.

[64] Wilson, *The Declining Significance of Race*, 149, 151–52, 154.

[65] William Julius Wilson, "Rising Inequalities and the Case for Coalition Politics," *Annals of the American Academy of Political and Social Science* 568 (2000): 79.

[66] Heather Rose, "The Effects of Affirmative Action Programs: Evidence from the University of California at San Diego," *Educational Evaluation and Policy Analysis* 27, no. 3 (2005): 263, 270.

[67] De Navas-Walt, Proctor, and Smith, "Income, Poverty, and Health Insurance Coverage in the United States: 2010," 24.
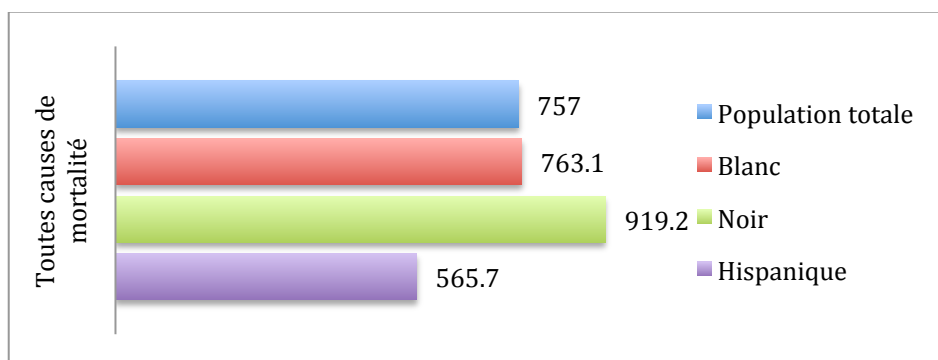
Graphique 73 Taux de mortalité toutes causes confondues, par race, 2008-10[68]

Une réalité raciale distincte émerge aussi concernant les maladies. Blancs et Noirs ne meurent pas des mêmes causes, ni aux mêmes taux. Concernant la mortalité, il apparaît que les Noirs ont des causes de mortalité bien distinctes. Leur taux de mortalité est de loin le plus élevé aux États-Unis. Leur taux était 1,2 fois plus élevé que celui des Blancs. Pour la plupart des causes de mortalité les Noirs ont des taux plus élevés, hormis pour les maladies chroniques des voies respiratoires inférieures, les maladies hépatiques chroniques et les cirrhoses, les blessures accidentelles, les blessures liées aux accidents de voiture, l'empoisonnement, et le suicide. La différence de taux de mortalité pour la grippe et les pneumonies est insignifiante. Pour d'autres causes de mortalité les différences sont très marquées et contribuent à créer une image de la santé noire bien distincte. Les maladies cardiaques et cérébrovasculaires provoquent beaucoup de morts dans la population noire, tout comme le diabète et le sida. Par ailleurs, bien qu'il ne s'agisse pas d'un problème de santé au sens propre, il faut remarquer que les Noirs ont de très loin de taux d'homicides le plus élevé. Comparé à la population blanche, les taux de mortalité pour la population noire étaient 1,3 fois plus élevés pour les maladies cardiaques, 1,5 fois plus élevés pour les maladies cérébrovasculaires, 1,2 plus élevés pour les néoplasmes malins (cancers), 2,2 plus élevés pour le diabète, 11,5 fois plus élevés pour le sida, et 7,5 fois plus élevés pour les homicides. Le sida et le diabète en particulier causent des taux de mortalité disproportionnés dans la population noire.

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[68] "Health United States 2012: With Special Feature on Emergency Care" (Hyattsville, MD: U.S. Department of Health and Human Services/Centers for Disease Control and Prevention/National Center for Health Statistics, 2013), 78. Per 100.000 population.
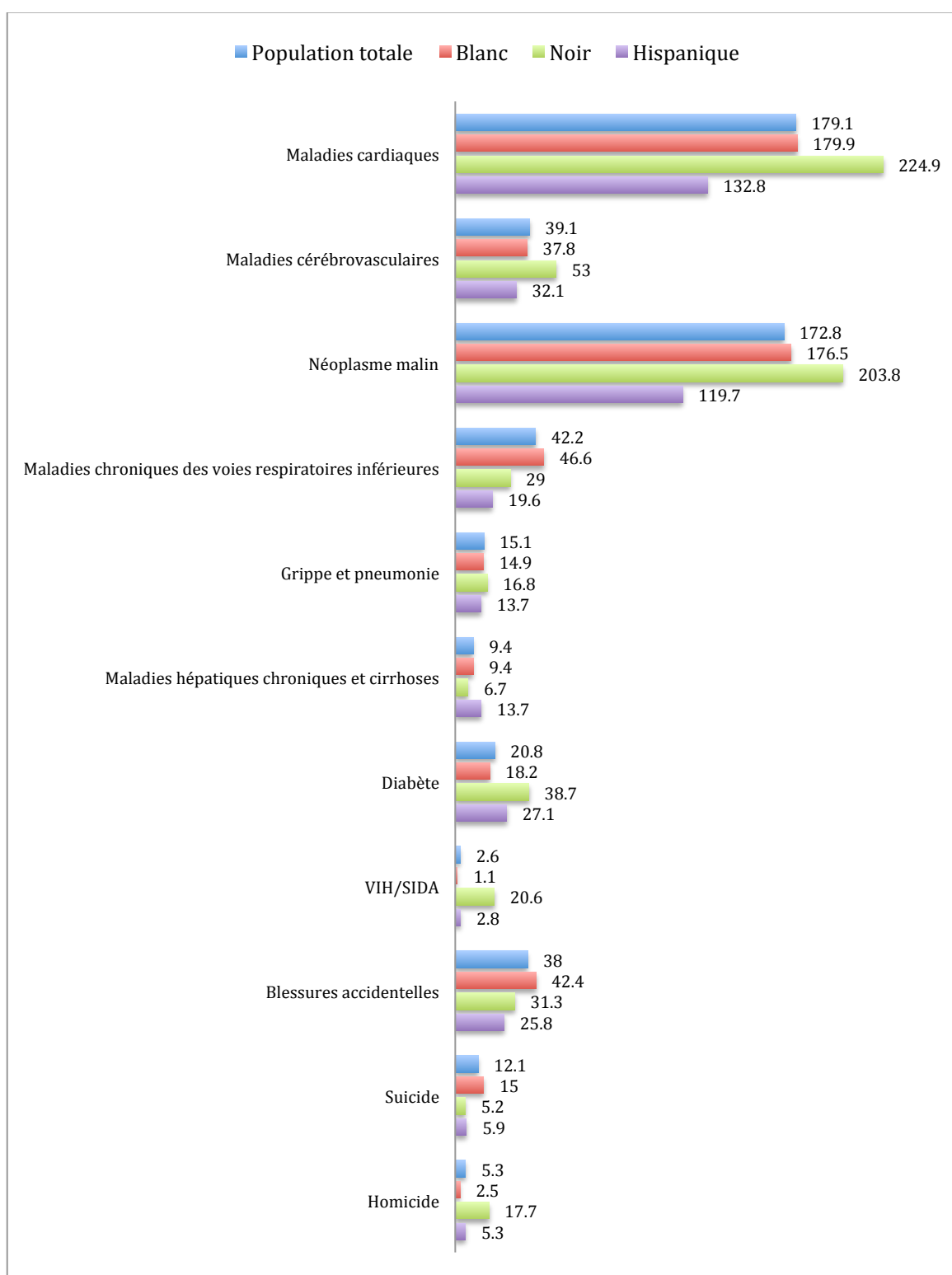
Graphique 74 Principales causes de mortalité par race, 2010[69]

D'autres différences marquées de santé existent entre les populations noire et blanche, telles que le nombre de personnes qui ont du diabète ou le sida. Les deux sont des maladies mortelles à assez court terme et les traitements sont très chers.

[69] Health United States 2012, 80–82. Per 100.000.

D'autres différences majeures concernent le taux de grossesses chez les adolescentes, par exemple.

« Cela n'a jamais été envisagé sérieusement, même pas une minute[70] » : Un quasi-consensus politique

Étant donné la situation présentée jusqu'ici, de discrimination, de racisme culturel et d'inégalités persistantes et pourtant niées, il est nécessaire de se poser la question de savoir s'il y a encore la possibilité d'établir des politiques raciales ou s'il s'agit d'une utopie d'équité absolue. La réponse apparaît assez simple : cela dépend à qui on pose la question. Au niveau politique, la réponse est principalement non. Obama partage cet avis. Son opinion se fonde en partie sur les limites de la discrimination positive, sur la plus grande efficacité qu'il perçoit dans des mesures économiques ciblées, et surtout sur le contexte politique. Pour ces raisons, Obama a préféré une approche de pragmatisme racial qui préconise d'aider les minorités en ciblant des problèmes particuliers qui affectent celles-ci.

Les acteurs du monde politique sont assez fermes concernant l'impossibilité d'une approche spécifiquement raciale, mais il y a quelques opinions divergentes. Les attaques contre la discrimination positive, et le soutien de ces attaques par la Cour Suprême, ont montré que l'atmosphère politique n'est décidément pas en faveur des mesures spécifiquement raciales. Une décision de la Cour Suprême de 2007, *Parents Involved in Community Schools v. Seattle School District,* a annulé une décision précédente qui maintenait le programme d'intégration et de transfert scolaire (*busing*) en déclarant que le programme était anticonstitutionnel car la ville de Seattle (état de Washington) n'avait pas une histoire passée de ségrégation légale et n'était donc pas soumise à un programme d'intégration raciale.[71] Ce qui rend plus difficile de s'attaquer à la ségrégation de fait. Cette décision a aussi été invoquée dans l'affaire de la prohibition de la discrimination positive dans le Michigan (*Schuette v. Coalition to Defend Affirmative Action, Integration and Immigrant Rights and Fight for Equality by any means Necessary (Bamn), et al.*). La Cour Suprême a annulé la décision précédente, qui avait rejeté cette interdiction en 2012, avec l'argument que la prohibition de la discrimination positive ne représentait pas une atteinte spécifique aux droits des minorités. De plus, dans *Schuette*, la Cour Suprême a décidé qu'il était impossible de déterminer les intérêts politiques d'une minorité raciale et qu'il serait raciste de le faire.[72] La Cour Suprême a dit clairement (et en cela elle s'est faite l'écho de nombreuses interprétations conservatrices de revendications de la part de minorités), qu'accéder à ces demandes créerait des divisions raciales. La Cour Suprême a décidé que la question principale n'était pas, en fait, une question de protection des droits des minorités raciales, mais des droits des états (*states' rights*). De plus, la Cour Suprême a fait remar-

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[70] Interview Pomeroy. "It really was not seriously considered for a minute, ever." C'était la réponse de Pomeroy à la question de savoir si le Congrès avait envisagé de faire une approche raciale dans la législation de santé.

[71] *Parents Involved in Community Schools v. Seattle School District,* (Nos. 05-908 and 05-915) No. 05–908, 426 F. 3d 1162; No. 05–915, 416 F. 3d 513, Reversed and Remanded, 2007.

[72] Dans l'affaire *Washington v. Seattle*, une interdiction des transferts à l'échelle de l'état avait été rejetée.

quer que si elle n'avait pas annulé le rejet de la prohibition de la discrimination positive dans la décision de 2012, cela aurait potentiellement mis en péril le maintien de telles interdictions dans d'autres états.

Laisser les États décider si oui ou non ils veulent protéger leurs populations minoritaires ou les laisser bénéficier de programmes sociaux a une longue tradition. Ceci a refait surface dans l'affaire *Sebelius* qui attaquait le ACA : la Cour Suprême a décidé que les États avaient le droit de refuser d'étendre le programme de *Medicaid* et ainsi de priver leurs populations pauvres, et parmi elles, beaucoup de minorités, d'argent fédéral et de l'accès aux soins.

La juge de la Cour Suprême Sonia Sotomayor n'était pas d'accord avec l'opinion de la majorité dans l'affaire *Schuette*. Dans son opinion minoritaire, rejointe par la juge Ginsburg, elle mentionne que les universités avaient d'autres programmes d'admission spéciale, qui prennent en compte des critères d'admission variés (le cas des enfants d'anciens étudiants, les athlètes, des facteurs géographiques ou des domaines d'études), et a fait remarquer que seule la prise en compte du facteur racial était exclue.

Sotomayor a argumenté qu'une intervention de la Cour Suprême en faveur de la discrimination positive était justifiée par la longue histoire de discrimination par les États qui était contraire à la loi fédérale, et elle a particulièrement insisté sur l'exemple de la discrimination électorale. De plus, elle a fait remarquer que la décision dans *Schuette* était contraire à des décisions prises lors des années précédentes, dans lesquelles des amendements d'États et des décisions de villes avaient été rejetés car ces initiatives heurtaient les intérêts des minorités. De façon très intéressante, Sotomayor a insisté sur le coût de ces initiatives d'États organisées sous forme de pétition (publicité et collecte des signatures). Dans ce contexte elle a attiré l'attention sur les inégalités financières qui désavantagent les intérêts des minorités dans ce processus politique.

De plus, Sotomayor a particulièrement critiqué le fait que le juge Scalia prête autant d'attention aux *states' rights* et sa conception presque sans limite de la souveraineté des États. Elle était aussi en désaccord avec l'interprétation de la majorité que l'interdiction de la discrimination positive ne portait pas atteinte aux minorités. Elle a démontré, à l'aide de statistiques sur les étudiants inscrits dans des universités dans des états qui ont déjà interdit la discrimination positive, que le nombre d'étudiants minoritaires diminuait après l'interdiction et que leur proportion dans les universités était inférieure à la proportion de minorités dans la population dudit État. Pour finir, elle était complètement en désaccord avec l'idée que la race n'était plus un facteur important.[73] Sotomayor liste toutes les raisons communément mises en avant par des universitaires, intellectuels, et militants dans la défense de la prise en compte du facteur racial en politique sociale : la discrimination passée, les inégalités socioéconomiques présentes dues à la discrimination passée et présente, la persistance de la discrimination et des préjugés. Pour ces raisons, elle continue à défendre le maintien d'une approche raciale.

Bien qu'Obama ait nominé Sotomayor à la Cour Suprême en 2009, il n'approuve pas l'approche spécifiquement raciale, du moins en ce qui concerne sa propre position politique, puisqu'il n'a pas la même liberté qu'un juge de la Cour Suprême nominé à vie. À plusieurs occasions, Obama a exprimé son opposition aux

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[73] *"Schuette V. Coalition to Defend Affirmative Action, Integration and Immigrant Rights and Fight for Equality by Any Means Necessary (BAMN), et al.,"* Pub. L. No. 701 f. 3d 466, reversed (2014), https://www.law.cornell.edu/supremecourt/text/12-682.

politiques ouvertement raciales, notamment dans son rejet partiel de la discrimination positive, dans son soutien d'une approche universelle mais focalisée sur des problèmes précis et surtout des questions économiques. Obama a notamment justifié son opposition par la spécificité de sa position en tant que président qui l'oblige à adopter une position universelle. À plusieurs reprises Obama a été critiqué pour ne pas avoir fait plus pour les minorités et les Noirs en particulier. Ces critiques émanaient de tous les niveaux, du *Congressional Black Caucus*, des militants, des universitaires, des intellectuels.

La situation est très différente pour un représentant au Congrès qui est supposé représenter une circonscription précise avec des besoins précis. Cette position est comprise et acceptée. Cependant, malgré cette compréhension, il y a une impossibilité forte d'accéder à ces demandes spécifiques lorsqu'il s'agit de demandes spécifiquement raciales, car cela mettrait en péril le projet de loi. Les électeurs dans d'autres États risqueraient alors de rejeter le projet de loi s'ils perçoivent que des minorités raciales bénéficient de ce qu'ils pourraient voir comme un traitement de faveur. Dans le cas du ACA, des mesures ou avantages raciaux n'ont jamais été sérieusement envisagés. Pourtant, d'autres besoins spécifiques ont été pris en compte, comme le montre le *Frontier Amendment*, qui a augmenté le remboursement de *Medicare* pour le Dakota du Nord et du Sud, ainsi que du Montana, du Wyoming et du Nevada. Par contre, un meilleur financement de *Medicaid* demandé, et initialement obtenu, par le Sénateur Ben Nelson du Nebraska avait été virulemment critiqué par des membres des deux partis et a été rapidement annulé.[74] Ceci montre entre autres qu'il est plus facile de défendre des mesures pour *Medicare* que pour *Medicaid*, tout comme il est plus facile de défendre des mesures pour la population blanche que pour la population noire.

La construction de l'État providence et ensuite les attaques contre cet État providence montrent donc l'intersection de la classe et de la race. Ceci montre tout d'abord que le début de l'État providence a renforcé et accentué des différences économiques entre les populations raciales et a ainsi créé un plus fort chevauchement entre classe et race. Ce chevauchement est présent dans l'utilisation de politiques sociales pour atténuer ces disparités raciales, et finalement le chevauchement est visible dans la manière dont la race a été utilisée comme facteur de division dans ce qui pourrait être une alliance de classe basée sur des intérêts économiques communs. Il est important de garder en tête que l'État providence est attaqué précisément à cause de son efficacité à réduire les inégalités, ce que montre l'émergence de la forte classe moyenne (surtout blanche) suite au New Deal et autres programmes créés après la Deuxième Guerre mondiale. Le conflit des classes initié par les élites économiques depuis les années 1970 a réussi avec un certain succès à convertir une redistribution vers le bas en une redistribution vers le haut, comme en témoignent les inégalités croissantes. Il apparaît que la critique des programmes et leur représentation sont basées principalement sur une réalité déformée. La redistribution est une question hautement idéologique à cause de la nature même des politiques sociales et de leur

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[74] Annie Lowrey, "What If Senators Represented People by Income or Race, Not by State?" *Washington Post*, February 7, 2010, sec. Opinions, http://www.washingtonpost.com/wp-dyn/content/article/2010/02/05/AR2010020501446.html. Il faut préciser qu'une meilleure défense avait été faite du *Frontier Amendment*. Le *Louisiana Purchase*, l'augmentation de *Medicaid* pour la Louisiane, constitue un cas particulier car cette augmentation n'est pas explicitement liée à cet état, mais à la situation d'un état en recouvrement après une catastrophe naturelle. Dans les faits, au moment du passage du ACA, cela s'appliquait uniquement à la Louisiane, d'où le surnom péjoratif de cette clause qui avait été obtenue par la sénatrice Démocrate Mary Landrieu en échange de son vote pour le ACA, disent certains. L'argument de catastrophe naturelle fait donc la différence.

envergure. Ainsi la redistribution divise les partis en les polarisant selon la classe et la race, les Républicains représentant les intérêts des puissances économiques. La stratégie politique des Républicains a fait pencher le débat politique vers la droite et a contribué à créer une impasse politique. Cette polarisation très forte et le refus de faire des compromis ont continué durant la présidence Obama. Étant donnée cette confrontation partisane sans compromis et sa dimension idéologique forte, une bonne partie du conflit se fait à travers le discours. L'enjeu n'est pas de donner la meilleure description de la réalité, mais de convaincre que les idées mises en avant sont les meilleures. Tout un discours a été construit autour des politiques sociales qui a créé un contexte politique dont la prise en compte est nécessaire pour la mise en place d'une nouvelle réforme. Ceci constitue aussi autant de pièges politiques et rhétoriques à éviter à tout prix. Obama a autant essayé de contourner ces pièges, qu'essayé de surmonter les problèmes en retravaillant le discours politique et en peignant une vision différente de la réalité dans son discours, qui favorise et légitime la création de nouvelles politiques sociales.

3 L'importance des mots

L'analyse du discours et des opinions d'Obama, c'est-à-dire la construction rhétorique de sa vision du monde et son idéologie politique, a été menée sur une série de textes qui comprend certains des écrits d'Obama, des discours politiques, ainsi que des interviews menées par des journalistes avec Obama.

Deux livres écrits par Obama avant qu'il ne devienne président ont été sélectionnés. Il s'agit de *Dreams from my Father: A Story of Race and Inheritance*, et de *The Audacity of Hope: Thoughts on Reclaiming the American Dream*.[75] Le premier, son autobiographie, a été inclus car il détaille la recherche identitaire d'Obama, ce qui était pertinent pour la discussion de sa persona et même de son ethos. L'autobiographie présente aussi l'arrière plan familial et professionnel d'Obama, ce qui permet d'éclairer la sensibilité qu'Obama concernant le questionnement des notions de classe et race, ainsi que son intérêt pour la spécificité de la situation économique de la population noire. *Dreams from my Father*, qu'Obama avait écrit après avoir été élu premier président noir de la *Harvard Law Review*, a l'avantage de présenter la pensée d'Obama concernant la race et la classe sans le filtre contraignant de la politique électorale. Le deuxième livre est particulièrement intéressant et est analysé en profondeur afin de présenter l'idéologie politique d'Obama. Comme cela a été expliqué par David Plouffe, le directeur de campagne d'Obama en 2008, la tournée de présentation organisée suite à la publication de *The Audacity of Hope* en 2006 s'est transformée petit à petit en base pour sa campagne pour la nomination présidentielle. Plouffe insiste sur le fait que le programme de la campagne d'Obama était fortement basé sur le contenu du livre.[76] Au delà de cela, le livre présente l'intérêt supplémentaire de présenter des explications bien plus détaillées et argumentées que n'importe quel discours politique ne saurait le faire. De plus, les formulations et prises de positions sont souvent bien plus radicales que ce qu'Obama a pu exprimer dans ses discours présidentiels, car le livre était écrit depuis le point de vue du sénateur, et non pas du prési-

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[75] Barack Obama, *Dreams from My Father: A Story of Race and Inheritance*, 2nd ed. (Edinburgh: Canongate, 1995); Obama, *Audacity*.

[76] David Plouffe, *The Audacity to Win: The Inside Story and Lessons of Barack Obama's Historic Victory* (New York: Viking Penguin, 2009), 5.

dent ou du candidat à la présidence. De ce fait, le livre a moins souffert de contraintes politiques.

Les discours politiques qui ont été sélectionnés commencent par la *keynote address* qu'Obama a donnée lors de la *Democratic National Convention* de 2004 qui a fortement attiré l'attention sur lui et qui avait été un grand succès. L'analyse continue avec des discours durant la première campagne présidentielle, et se termine avec des discours présidentiels en 2010, car *Obamacare* a été votée en mars de cette année-là. Ainsi les discours ultérieurs ont été exclu car considérés moins pertinents. La période est longue car l'intention était d'analyser la construction rhétorique et idéologique d'Obama dans son ensemble. Des discours présidentiels majeurs, tels que son discours inaugural en 2009, son *Address to a Joint Session of Congress* de 2009 et le *State of the Union Address* de 2010 ont été inclus pour leur large éventail thématique et à cause de l'attention portée par le public à ces discours. D'autres discours présidentiels prononcés durant la période 2009-2010 ont été inclus pour leur contenu, soit concernant la classe, la race, l'économie, soit les politiques sociales en général, et les questions de santé en particulier.

Trois interviews avec Obama ont été incluses, dont deux ont été menées après la période définie, mais ces interviews concernaient des rétrospectives sur ses mandats. Pour cette raison leur contenu a été utilisé pour une mise en perspective de certains évènements, plutôt que de servir pour définir l'idéologie politique d'Obama.

Deux livres ont servi de base à l'analyse discursive en termes de contenu, en plus de l'ouvrage mentionné précédemment, *L'argumentation dans le discours* de Ruth Amossy. L'analyse du discours racial codé est fortement basée sur le livre de la politologue Tali Mendelberg paru en 2001, *The Race Card : Campaign Strategy, Implicit Messages, and the Norm of Equality*.[77] Le discours racial dans les politiques de santé est décodé par le politologue Gerard W. Boychuck dans son ouvrage comparatiste *National Health Insurance in the United States and Canada : Race, Territory, and the Roots of Difference* publié en 2008.[78] L'approche comparatiste permet de mettre en avant l'impact de la race sur le développement des politiques de santé aux États-Unis. Les questions connexes de l'impact de l'opinion publique, en particulier sur des questions de politique de santé, ont été étudiées à partir de l'ouvrage paru en 2000 *Politicians Don't Pander : Political Manipulation and the Loss of Democratic Responsiveness* par les politologues Lawrence Jacobs et Robert Shapiro.[79] Cet ouvrage présentait l'intérêt supplémentaire de faire une étude de cas de la défaite de la réforme de santé du président Bill Clinton, ce qui a permis d'identifier certains éléments qui pourraient être critiques pour la réforme d'Obama.

Au niveau politique le discours joue un rôle central en tant que moyen de faire connaître son idéologie, pour mettre en avant ses idées, pour défendre et promouvoir des choix politiques. Dans une démocratie l'opinion publique joue un rôle crucial, dans le sens où il faut être élu ou réélu, mais aussi dans le sens où l'opinion publique est utilisée comme outil dans le jeu politique. L'opinion publique est utilisée pour modeler le discours, pour trouver ce que les gens veulent entendre et comment le message doit être construit pour convaincre. Mais l'opinion publique peut aussi être utilisée pour saper une proposition politique. Il est très difficile pour un gouverne-

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[77] Tali Mendelberg, *The Race Card: Campaign Strategy, Implicit Messages, and the Norm of Equality* (Princeton: Princeton University Press, 2001).

[78] Gerard W. Boychuck, *National Health Insurance in the United States and Canada: Race, Territory, and the Roots of Difference* (Washington D.C.: Georgetown University Press, 2008).

[79] Lawrence R. Jacobs and Robert Y. Shapiro, *Politicians Don't Pander: Political Manipulation and the Loss of Democratic Responsiveness* (Chicago: University of Chicago Press, 2000).

ment de passer une proposition de loi que la population oppose fortement, non-seulement parce que les politiciens craindraient la vengeance le jour des élections, mais aussi parce que cela dénote un manque de légitimité, l'absence de mandat pour passer telle ou telle loi.

Un gouvernement démocratique est sensé représenter la volonté du peuple, cependant, cette volonté peut être manipulée par le discours. Comme l'a fait remarquer le philosophe Arthur Schopenhauer dans son traité sur la rhétorique, *L'Art d'avoir toujours raison*, la chose la plus importante à garder à l'esprit, pour ce qui concerne la dialectique, est que la vérité n'a pas d'importance. L'aspect fondamental dans la dispute n'est pas de dire la vérité, ce n'est pas important d'avoir raison dans le sens d'avoir dit la vérité en ce qu'elle correspond à la réalité, mais d'être *perçu* comme ayant raison. Il est important d'être vu par le public comme étant le gagnant.[80] Afin d'être le gagnant rhétorique dans la confrontation, il est important de persuader, de faire adhérer le public à son opinion, à ses mots, même s'il s'agit d'un mensonge éhonté. Des réponses faciles sont données à des questions complexes. La définition de Schopenhauer de la dialectique éristique peut être appliquée au discours politique car il s'agit d'une dispute au sens large. Le discours d'un politicien n'existe pas seul, de manière isolée. Il est influencé par les discours de politiciens précédents, la dimension doxique de nombreux termes, le système de valeur de la nation, et le contexte politique donné. Ainsi, même lorsqu'un politicien fait un discours, il ne parle pas seul, il est en dispute, en argumentation avec des discours précédents, il essaie de modeler une vision du monde différente à travers une autre représentation de la réalité afin de faire adhérer le public à ses idées et propositions.

Le pied-de-biche racial qui a été inséré entre les différents groupes raciaux des classes moyennes et ouvrières est l'une de ces réponses faciles à la situation actuelle d'inégalités économiques. Cette explication fait apparaître les Républicains comme les gagnants du débat politique, même si cela repose sur une représentation déformée de la réalité et relègue à l'arrière plan la redistribution vers le haut qui résulte de leur agenda politique. Cette division raciale, pourtant, est devenue plus difficile à identifier, particulièrement dans le discours politique, parce que le politiquement correct a repoussé le discours racial sous la surface.

Bien que des appels racistes ouverts soient rejetés, un discours plus subtil parvient à déclencher la réaction liée à des stéréotypes et des préjugés profondément enfouis. De plus, il faut remarquer que le chevauchement structurel entre classe et race, bien que créé et maintenu par des choix politiques, a tendance à renforcer ces préconceptions et stéréotypes, en particulier parce qu'ils sont véhiculés par les médias. En d'autres termes, il y a bien un discours de division raciale pour attaquer l'État providence, enfoui dans des mots-code et des images chargées racialement.

Un contre-discours doit être développé par les défenseurs de l'État providence afin de s'adapter à ce changement discursif. Le discours permet d'influencer le contexte politique, même si la réalité fondamentale n'a pas changé. Ceci est le cas, par exemple, du discours qui nie la discrimination ou les conséquences de la discrimination passée, malgré l'abondance de preuves statistiques qui montrent les effets de la discrimination passée et présente. Un politicien qui veut atténuer les inégalités raciales, comme Obama, doit adapter son propre discours afin de prendre en compte ce déni, les accusations de discrimination inversée, et la perception d'un avantage in-

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[80] Arthur Schopenhauer, *Die Kunst, Recht zu Behalten* (Köln: Anaconda, 2012), 8, 11, 17–21. Schopenhauer a choisi le terme de dialectique éristique afin de s'éloigner du sens aristotélicien qui cherchait à trouver la vérité à travers la dispute.

juste pour les minorités à travers des programmes sociaux, même si cela n'est pas vrai. Le rejet de la discrimination positive par l'opinion publique et la contre-réaction des années 1970s ont montré que le public n'était plus réceptif pour un discours et des solutions politiques qui se focalisent sur les inégalités raciales et la culpabilité blanche, ce qui est une conséquence partielle du populisme racial de Reagan. Obama devait donc façonner un nouveau contre-discours qui prend en compte les paramètres de la contre-réaction et du populisme racial, un discours qui permet de surmonter la division raciale et de créer une nouvelle coalition basée sur la classe.

L'influence de ce discours de populisme racial, et ce que les gens veulent croire, fait que la solution politique sera très probablement ni idéale, ni juste, mais basée sur une nouvelle approche idéologique. Une approche idéologique n'est pas rationnelle, mais basée sur des idées et des croyances, et n'est pas nécessairement la meilleure solution d'un point de vue objectif et scientifique. L'idéologie se développe dans un contexte politique et prend en compte ce qui devrait être atteint ou fait selon les intérêts et les croyances, mais tout en tenant aussi compte des paramètres économiques, sociaux, et politiques. Ceci expose forcément le fossé entre ce qui devrait idéalement atteint et ce qui est réellement possible d'obtenir.

Afin de défendre son agenda politique de créer une réforme de santé complète qui cible des problèmes spécifiques, Obama a façonné une construction rhétorique qui combine plusieurs éléments. Tout d'abord son discours était soigneusement ajusté au code racialement diviseur qui s'est développé au fil du temps concernant les politiques sociales. Ceci incluait de se charger des stéréotypes négatifs qui soustendent ce discours codé, mais qui pouvaient aussi être néfastes ou potentiellement dangereuses par rapport à sa propre personne à cause de ses origines raciales. De ce fait, la persona politique d'Obama a précautionneusement négocié ces pièges en mettant en avant son arrière plan racial et culturel mixte, tout en se conformant à un certain degré à la manière dont les Américains perçoivent l'identification raciale. De plus, Obama a utilisé adroitement ses origines mixtes dans son ethos discursif afin d'avancer son agenda politique. Dans le but de créer une nouvelle majorité en faveur d'une nouvelle politique sociale, Obama a exposé son idéologie et sa vision du monde dans une construction rhétorique intriquée dont le point fort est l'unité étatsunienne pour surmonter le fossé racial qui avait brisé la coalition du New Deal. Cette union, qu'Obama a fortement basée sur des valeurs, des croyances, et des idées communes qui reposaient fortement sur les documents fondateurs, était complétée par un discours spécifiquement transcendant qui visait la compréhension entre les deux principaux groupes raciaux qui se sont historiquement opposés aux États-Unis. Ce discours transcendant est renforcé par la définition d'Obama de son identité et par son ethos transcendant qui rendent son discours authentique. Afin de cimenter cette union étatsunienne basée sur la transcendance et poussée par des valeurs communes, Obama a aussi utilisé du populisme économique, dans le but de créer un nouvel ennemi basé sur la classe contre lequel une majorité d'Américains pouvaient se sentir unis et qui fournissait une nouvelle échappatoire aux ressentiments. Toutefois, les deux groupes raciaux devaient être rassurés et Obama avait un discours pour convaincre chacun. La population noire devait être convaincue que cette union pouvait aussi être bénéfique pour eux. La population blanche devait être rassuré que leurs intérêts ne seraient pas oubliés. Dans ce contexte, l'insistance d'Obama sur les besoins de la classe moyenne était cruciale, ce qui montre aussi qu'Obama a fait attention à prendre en compte les sentiments de la contre-réaction. Et pour finir, afin de contrer l'idéologie néolibérale qui domine l'économie et qui avait joué sur la division raciale des classes moyennes et ouvrières, Obama a redéfini la doxa du rêve améri-

cain afin de donner un caractère profondément étatsunien aux politiques sociales. Dans le même but, Obama a façonné un discours qui a réhabilité l'intervention de l'État, notamment en se réappropriant la notion de responsabilité, qui pendant long-temps avait joué à l'avantage des conservateurs.

4 La façon Obama : contourner le problème du discours

Pour trouver les points d'ancrage dans le processus de la réforme de santé et pour comprendre la législation de santé, trois livres ont été essentiels. La relation particulière entre le pouvoir exécutif et les efforts de réforme et le rôle joué par les présidents dans les politiques de santé depuis les années 1910 ont été étudiées par le politologue James Morone et l'expert en politique de santé David Blumenthal, dans leur ouvrage *The Heart of Power: Health and Politics in the Oval Office* paru en 2009.[81] Le sociologue Paul Starr a fait une présentation des problèmes spécifiques en matières de réforme de santé rencontrés aux États-Unis dans son livre paru en 2011, *Remedy and Reaction : the Peculiar Struggle over American Health Care Reform*.[82] Une présentation de la réforme Obama a été faite dans une analyse précoce par Jacobs and Skocpol dans *Health Care Reform and American Politics : What Everyone Needs to Know,* paru en 2012.[83]

Le but ultime de l'égalité raciale peut être atteint par d'autres moyens que les politiques raciales et de nombreux universitaires et intellectuels pensent que le pragmatisme racial peut fournir ce moyen. La théorie du pragmatisme racial se concentre sur deux problèmes simultanés qui émanent des politiques raciales, surtout sous forme de discrimination positive. Le problème flagrant est une contre-réaction politique violente. En revanche, le problème plus profond est le manque relatif d'efficacité de la discrimination positive à créer une amélioration socioéconomique durable des minorités de toutes classes sociales confondues.

L'émergence de la théorie de pragmatisme racial est surtout due à des considérations politiques (cette stratégie politique est aussi appelée politique déracialisée, politique *crossover*, politique transformiste, ou stratégie universaliste). La politologue Georgia A. Persons déclare que la réponse à la question à savoir ce que constitue une stratégie efficace pour la libération économique, sociale, et politique des Afro-américains est largement définie par le contexte socio-politique et la cadence du temps.[84] Ceci explique le fait que la stratégie du pragmatisme racial est principalement un compromis politique qui émane des contraintes que l'utilisation politique de la race ont créées. Néanmoins, cette stratégie émane aussi en partie de l'observation que bien qu'aucune des deux solutions proposées traditionnellement par les Démocrates ou les Républicains ne fonctionne entièrement, elles ne sont pas non plus à rejeter entièrement.

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[81] David Blumenthal and James A. Morone, *The Heart of Power: Health and Politics in the Oval Office* (Berkeley: University of California Press, 2009).
[82] Paul Starr, *Remedy and Reaction: the Peculiar American Struggle over Health Care Reform* (New Haven: Yale University Press, 2011).
[83] Lawrence R. Jacobs and Theda Skocpol, *Health Care Reform and American Politics: What Everyone Needs to Know* (New York: Oxford University Press, 2012).
[84] Georgia A. Persons, "Towards a Reconstituted Black Politics?," in *Dilemmas of Black Politics: Issues of Leadership and Strategy*, ed. Georgia A. Persons (New York: Harper Collins, 1993), 240.

La vision traditionnelle ou conventionnelle est que les Démocrates proposent de résoudre les inégalités à travers plus de politiques sociales et plus de mesures raciales, alors que les Républicains mettent en avant des solutions basées sur la neutralité raciale et la responsabilité personnelle. Comme démontré plus haut, aucune des deux solutions parviendra à résoudre le problème des inégalités raciales. Et de manière plus importante, ces deux approches radicalement opposées ont créé une impasse politique qui avantage les Républicains.

L'idéologie et la stratégie politique d'Obama d'utiliser une approche de pragmatisme racial dans le but d'atténuer les inégalités raciales sans provoquer de contre-réaction blanche repose sur plusieurs principes :

- une stratégie de neutralité raciale ou dércialisée qui met en avant de grandes politiques sociales universelles par le biais du populisme économique
- Une réorganisation de l'électorat selon la classe sociale avec une attention particulière portée à la classe moyenne
- L'obtention d'un impact structurel sur les minorités par une approche de classe qui cible les travailleurs pauvres et la classe moyenne inférieure
- Une approche ciblée qui vise des problèmes d'inégalités raciales majeurs
- Une nouvelle définition de la responsabilité qui incorpore la responsabilité personnelle et la responsabilité étatique afin de briser l'impasse contreproductive créée par la question des valeurs

Obamacare sera analysé en détail, mais bien d'autres propositions de réforme ou législations passées durant la présidence Obama se prêteraient à la même analyse. Par exemple, le projet de réforme de l'éducation ou le *Fair Sentencing Act* de 2010 pourraient faire l'objet d'une étude similaire. *Obamacare* est composé de deux législations, le *Patient Protection and Affordable Care Act* de 2010 et le *Health Care and Education Reconciliation Act* de 2010. Bien que le ACA soit beaucoup plus connu que le HCER, ce dernier fait des modifications essentielles au système *Obamacare*.

L'approche du pragmatisme racial provient de la réalisation combinée qu'une approche purement raciale a ses limites, autant concernant son efficacité réelle que sa viabilité politique. Néanmoins, la stratégie politique qui en résulte, c'est-à-dire une approche inclusive basée sur la classe qui cible des problèmes particulièrement aigus pour les minorités a aussi des limites, en particulier concernant la possibilité de dénoncer les problèmes raciaux. De ce fait, surtout pendant la première campagne présidentielle, Michelle Obama était l'élément racial du couple qui parlait plus ouvertement de problèmes et injustices raciales. Malgré son application politique relativement récente depuis les années 1980, le pragmatisme racial a des racines plus anciennes dans la pensée afro-américaine datant du XIXème siècle et n'est pas en opposition totale avec de nombreuses revendications de l'ère des Droits Civiques. L'application de cette stratégie dans l'effort d'atteindre la présidence de la nation peut être vu en partie dans la deuxième campagne de Jesse Jackson pour la nomination Démocrate. L'application avec succès d'Obama autant pour atteindre la présidence que pour la réforme de santé par contre était une première. Avec sa réforme de santé il a réussi en effet à appliquer la stratégie de réunir une majorité interraciale autour d'une question qui représentait des intérêts partagés qui concernait aussi fortement la classe moyenne, afin d'éviter une contre-réaction comme celle des années 1970. Le système mis en place par *Obamacare* est fortement axé sur la redistribution vers le bas, ce qui a un impact structurel plus fort sur les minorités. De plus, le ACA se concentre particulièrement sur certains problèmes très critiques pour la population noire, tels que le sida, le diabète, les grossesses chez les adolescentes, les mala-

dies préexistantes, ou le manque d'assurance maladie et l'accessibilité des primes d'assurance.

Cependant, le choix de construire la nouvelle réforme sur le système existant, ce qui était une conséquence directe de la mauvaise perception d'une trop forte intervention étatique, s'est traduit par une série de conséquences négatives. Certaines provisions du ACA ont été attaquées avec succès ce qui a mutilé la réforme, notamment en créant un trou dans la couverture de *Medicaid* qui a laissé des millions de personnes sans couverture de santé. Ceci souligne encore une fois le rôle fort joué par l'intervention fédérale pour assurer l'égalité raciale, étant donné que l'extension facultative de *Medicaid* touche de façon disproportionnée la population noire.

Bien que le ACA soit une réforme somme toute assez modérée, les Républicains ont essayé de nombreuses fois de l'abroger, et avaient promis de faire cela immédiatement après qu'Obama a signé la loi.[85] En 2016, Donald Trump a fait une campagne couronnée de succès qui tournait autour de deux thèmes : la révocation d'*Obamacare* et la construction du mur à la frontière du Mexique pour arrêter les immigrés illégaux et le trafic de drogue,[86] réunissant encore une fois les thèmes d'opposition aux politiques sociales et les mesures contre une minorité raciale. Les efforts pour abroger *Obamacare* et faire passer une réforme de santé conservatrice à sa place ont fait l'objet de résistance, même au sein du Parti républicain. Le *American Health Care Act* est passé de justesse dans la Chambre des Représentants le 4 mai 2017, mais 20 Républicains ont voté contre.[87] Le 27 juillet 2017, le Sénat a voté contre les amendements qui avaient été proposés pour révoquer le mandat individuel. Trois sénateurs Républicains ont voté avec les Démocrates pour rejeter la proposition : la sénatrice Susan Collins du Maine, la sénatrice Lisa Murkowski de l'Alaska, et le sénateur John McCain de l'Arizona.[88] Dans sa déclaration justifiant son vote, la sénatrice Collins a sévèrement critiqué le ACA, mais elle a tout autant insisté sur le fait que les diverses propositions Républicaines auraient été pires, que ce soit concernant le nombre de personnes sans assurance maladie, la diminution de fonds pour de nombreux domaines, ou l'impacte sur la santé des femmes. Collins a aussi sévèrement critiqué les deux partis pour leur côté trop partisan et leurs tentatives ou succès à faire passer des lois partisanes. Elle a appelé à faire de nouveaux efforts sur une base bipartite afin de trouver une véritable solution pour réformer le système de santé.[89] Les développements depuis le passage du ACA ont montré à quel point les deux partis étaient toujours polarisés concernant la question des politiques sociales et de l'intervention de l'État.

Ces attaques répétées contre le ACA ont amené à un soutien croissant pour le *single payer*. Plusieurs états sont en train d'envisager des législations allant dans ce sens. Bien que parmi le public le soutien soit croissant, la question demeure com-

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[85] "Boehner: GOP Will Repeal Health Care Law," *NPR.org*, April 30, 2010, http://www.npr.org/templates/story/story.php?storyId=126395806.

[86] See appendix for screenshot of Trump's campaign website.

[87] Diane Black, "Actions - H.R.1628 - 115th Congress (2017-2018): American Health Care Act of 2017," webpage, (July 28, 2017), https://www.congress.gov/bill/115th-congress/house-bill/1628/all-actions.

[88] Ed O'Keefe, "The Night John McCain Killed the GOP's Health-Care Fight," *Washington Post*, July 28, 2017, https://www.washingtonpost.com/powerpost/the-night-john-mccain-killed-the-gops-health-care-fight/2017/07/28/f5acce58-7361-11e7-8f39-eeb7d3a2d304_story.html.

[89] Susan Collins, "Sen. Collins' Statement on Health Care Vote," *Susan Collins: United States Senator for Maine*, July 28, 2017, https://www.collins.senate.gov/newsroom/sen-collins-statement-health-care-vote.

plexe, ce qui résulte surtout de la relation difficile qu'ont les États-Unis avec l'intervention de l'État.

Néanmoins, en ce qui concerne la stratégie plus large de faire passer des législations redistributives et ciblées sur des problèmes spécifiques, l'administration a eu quelques succès, tels que le *Fair Sentencing Act* de 2010 qui a réussi de réajuster en partie le résultat biaisé des peines pour certains délits liés à la drogue. En revanche, d'autres propositions intéressantes et fortement redistributives axées sur une forte intervention de l'État n'ont pas pu être passées.

Conclusion

Par de nombreux aspects, le *Patient Protection and Affordable Care Act* de 2010 est un reflet de l'histoire raciale des États-Unis. Son début était basé sur les difficultés émanant de l'histoire des politiques sociales aux États-Unis, qui est profondément marquée par la division raciale et la polarisation politique. Mais cette réforme était aussi basée sur la volonté d'atténuer les inégalités raciales profondément ancrées dans la société et l'économie étatsunienne. La législation finale est marquée par les contraintes de la politique étatsunienne ; c'est un compromis insatisfaisant qui s'est avéré vulnérable aux attaques. Bien que le ACA soit toujours vivant, les attaques conservatrices cherchent encore et toujours à le vider de sa substance. À cause du fait que le ACA est construit sur le système existant, les attaques ont surtout fait du tort aux minorités raciales et économiques, ce qui montre la pertinence continue et la profondeur de l'intersection entre race et classe.

L'engagement d'Obama pour les politiques sociales provient d'une volonté sincère d'améliorer les conditions de vie de la population noire et de créer une plus grande égalité des chances. Mais cet engagement provient aussi de l'aspiration de créer un meilleur filet de sécurité pour toute la population étatsunienne. Ceci résulte en partie de sa propre histoire et expérience. La volonté de créer une plus grande égalité des chances et de mettre à disposition plus de soutien pour la population noire est moins motivée par sa propre vie, étant donné qu'il a été élevé par sa famille blanche, bien que la couleur de sa peau l'ait amené très tôt à se questionner sur la race. Son expérience avec la population noire et les conditions dans les quartiers urbains noirs date de la période durant laquelle il a travaillé en tant qu'organisateur communautaire à Harlem, puis dans le *South Side* de Chicago durant les années 1980. Ce travail lui a permis de se rendre compte du manque d'intervention de l'État auprès de beaucoup de personnes, ainsi que du côté destructeur et dévastateur du chômage et de la consommation de drogue.[90] De plus, Obama avait fortement conscience de la manière dont certains programmes sociaux ont contribué à l'ascension sociale de sa famille, ainsi qu'une bonne compréhension et expérience des avantages créés par un bon réseau social, ce qui a fait naître en lui la volonté de faire bénéficier plus de personnes d'opportunité créée par l'État. De plus, Obama apparaît convaincu de l'effet bénéfique d'une approche Keynésienne de l'économie.

Et pourtant, dans sa quête d'expansion des politiques sociales, Obama avait fortement conscience des contraintes politiques auxquelles il faisait face. Ces contraintes, qui sont illustrées par la profonde division partisane concernant les politiques sociales et l'intervention de l'État, ont des racines profondes dans l'histoire des États-Unis et le développement de l'État providence aux États-Unis. Depuis les an-

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[90] Obama, *Audacity*, 43, 68.

nées 1970 la division partisane concernant les politiques sociales et l'intervention de l'État avait joué en faveur des Républicains, notamment à cause de la domination intellectuelle plus forte de principes néolibéraux qui s'opposent fortement aux impôts et à toute forme d'intervention de l'État, excepté l'armée. Les impôts, par contre, sont la condition *sine qua non* de la redistribution.

La forte opposition contre les programmes sociaux pour les minorités et les pauvres, que ce soit sous la forme d'allocations ou de discrimination positive, qui est illustré par la révolte contre les impôts des années 1970, des accusations de discrimination inversée, ou des attaques en justice de la discrimination positive, ont fait comprendre à Obama qu'une approche spécifiquement raciale ou uniquement concentrée sur les pauvres ne trouverait pas le soutien nécessaire. Cette conclusion avait déjà été tirée dans les années 1990, mais elle provenait de deux écoles de pensées légèrement différentes. La première est plus concentrée sur la politique générale et postule que les Démocrates doivent changer et adapter leur discours afin de s'adapter au nouveau discours conservateur qui s'est développé depuis la fin des années 1960. Ce discours conservateur s'était développé en réponse à des ressentiments de la part de certains Blancs contre une augmentation de la compétition économique avec divers groupes minoritaires durant une période qui a vu les conditions économiques se détériorer. En réponse à la désaffection d'électeurs des classes ouvrière et moyenne blanches du Parti Démocrate pour donner leur soutien à Reagan et ses promesses de moins d'intervention étatique, qui ont été comprises comme voulant dire moins de favoritisme pour les minorités, des politologues et analystes ont suggéré une détachement de la vieille image qui collait à la peau des Démocrates. Cette image les montrait comme des libéraux qui taxent et dépensent, qui mettent en avant toujours plus de droits civiques et programmes pour les pauvres, tout en refusant de discuter de l'échec de certains programmes quant à la pauvreté profonde dans les quartiers urbains.

Ces chercheurs et universitaires, tels que Edsall et Edsall au début des années 1990, ou Judis et Teixeira au début des années 2000, ont recommandé une approche plus centriste, une plus grande attention aux problèmes de la classe moyenne qui a soufferte depuis le déclin économique des années 1970, et une plus grande emphase sur le discours des valeurs, particulièrement sur la responsabilité personnelle, dans la poursuite d'une nouvelle majorité Démocrate. Le premier succès électoral suite à l'application d'une telle stratégie était pour Clinton et les Nouveaux Démocrates, qui se sont distanciés ouvertement de l'ancienne image, et qui ont souligné leur différence, surtout par rapport à l'héritage des années 1960 des Démocrate en matière de politique sociale.

Ceci constitue la réaction générale. Dans les cercles politiques et universitaires noirs, le problème était vu d'un angle différent. Ici, le point crucial était de trouver un moyen d'atteindre la politique générale au-delà des circonscriptions noires, mais tout particulièrement de trouver des moyens de contourner la contre-réaction raciale contre les programmes sociaux sur critère sociaux et contre la discrimination positive. En outre, certains penseurs noirs se sont aussi penchés sur la question des valeurs et de la responsabilité personnelle, mais d'un point de vue et dans un but assez différent de l'utilisation conservatrice de la notion. Alors que les conservateurs tendent à utiliser la notion de responsabilité personnelle et familiale pour proposer et justifier des coupes dans les programmes sociaux, les penseurs noirs tendent à mettre en avant la responsabilité personnelle dans un but plus constructif qui est centré sur l'idée de s'aider soi-même, aussi dans la perspective de compenser un manque de soutien de l'État et des institutions défaillantes. Ceci viendrait donc non pas à la place

de l'intervention de l'État en tant que tel, mais bien comme une mesure compensatoire, tout en œuvrant en parallèle pour une meilleure intervention de l'État. De plus, une partie de cette réflexion est motivée par la vision claire que n'importe quel problème sociétal ou faute au sein de la population noire pourrait être exploité à des fins racistes, en particulier si cela correspond à des stéréotypes négatifs existants. Cette pensée remonte au moins à Du Bois, mais des idées similaires doivent pouvoir se trouver déjà avant. La conclusion noire à la problématique posée par le pouvoir politique conservateur hostile aux politiques sociales a été mise en avant par West au début des années 1990 ou encore Marable à la fin des années 2000. Ils défendent une stratégie basée sur une alliance interraciale, similaire à la coalition du New Deal, qui mettrait l'accent sur les intérêts économiques communs et la transcendance raciale. Cela repose sur l'a minimisation des mesures spécifiquement raciales et de la victimisation, tout en mettant l'accent sur la responsabilité personnelle et la défense de politiques sociales qui représentent une intérêt accru pour les classes ouvrière et moyenne blanches, comme l'éducation ou la santé. Toutefois, dans cette approche, les demandes pour des mesures spécifiquement raciales ne sont pas possibles. Afin de surmonter cette difficulté, ils mettent en avant l'approche du ciblage de problèmes spécifiques, c'est-à-dire une intervention racialement neutre, mais sur des problèmes particulièrement aigus pour la population noire. De plus, un constat plus sociologique concerne la pertinence particulière de programmes plus destinés à la classe moyenne pour la classe moyenne noire, qui est bien plus fragile que son pendant blanc. Cette approche est fortement soutenue par Feagin ou encore Katznelson qui pensent que les politiques sociales ont beaucoup œuvré à l'avantage des Blancs. Ils font l'argument que une approche similaire, racialement neutre mais sur mesure pour la population noire, pourrait engendrer des effets similairement bénéfiques. Lieberman fait une réflexion semblable en soulignant que l'intention raciale d'une politique est moins importante que ses effets raciaux. Une mesure neutre peut en effet avoir un résultat raciste, ou un résultat racialement bénéfique, tout comme une approche spécifique n'est pas toujours aussi efficace que l'on souhaiterait, comme le montre à un certain degré le cas de la discrimination positive.

Cette approche de pragmatisme racial est fondée autant sur le manque de pouvoir politique de la population noire, qui résulte de la population plus réduite et de la contre-réaction raciale, que sur le constat, fait par des personnes comme West, qu'une approche purement raciale et uniquement axée sur l'aspect structurel sur le manque d'opportunités et les barrières sociales a des limites concernant l'endiguement de ce qui est souvent appelé comportements 'pathologiques' parmi les populations les plus pauvres dans les quartiers urbains.

Il apparaît très clairement que la pensée politique d'Obama est tout autant influencée par l'interprétation générale de la situation politique que par le pragmatisme racial, puisque il discute les deux de façon détaillée, bien qu'il ne les désigne pas explicitement, dans *The Audacity of Hope*, et que les deux approches se reflètent dans son discours politique.

Le deux grands projets de politique sociale qu'Obama avait durant ses mandats correspondaient tous les deux à ces approches, à savoir la réforme de santé et la réforme de l'éducation. Les deux jouent un rôle crucial dans la mobilité sociale, bien que cela soit moins flagrant pour la santé, alors que l'absence d'assurance maladie est un facteur qui réduit la mobilité sociale et une des raisons de la perte de statut socioéconomique. Obama semble avoir une plus grande passion personnelle pour l'éducation, ce qui est peut être partiellement dû à sa carrière d'enseignant, mais la

réforme de l'éducation qu'il a initialement défendue en 2009 et 2010 est morte au Congrès.

Obama avait l'air moins passionné par la santé, bien qu'il ait parsemé ses discours avec des histoires de santé tirées de sa vie familiale, comme le cancer de sa mère, la méningite de sa fille Sasha, ou la sclérose en plaques de son beau-père. Néanmoins, la santé était (et est toujours, à cause du caractère imparfait de la réforme et les attaques continues contre *Obamacare*), le problème urgent de la période. De plus, la santé, à cause des programmes morcelés qui ont été créés par l'administration Johnson, était devenu un problème majeur pour la classe moyenne (le même argument peut être fait pour l'éducation à cause de l'augmentation dramatique des frais d'inscription aux universités). Ainsi, la santé s'est présentée comme un domaine favorable à l'application du pragmatisme racial et des préceptes énoncés par rapport à la politique Démocrate en général concernant une nouvelle attention marquée pour la classe moyenne. La santé était aussi un domaine favorable pour rappeler à la classe moyenne qu'ils avaient leurs intérêts dans un État providence actif et développé.

Bien qu'Obama ait scrupuleusement appliqué les deux préceptes, en créant une réforme qui ne ressemblait pas trop à un programme monstrueux d'intervention étatique basé sur l'impôt et la dépense, et qui ciblait certains problèmes majeurs auxquels les minorités font face, comme le diabète ou le sida, tout en ayant aussi un impact structurel à travers une redistribution vers le bas, la réforme n'était pas imperméable à la division partisane. La collaboration Républicaine a été absolument minimale, presque inexistante, et ceci que ce soit pour la création de la réforme ou pour le vote (seul le Représentant Joseph Cao (R-LA) a voté une fois dans la Chambre des Représentants pour la réforme, et la Sénatrice Olympia Snowe (R-ME) a voté pour faire sortir le ACA d'un comité au Sénat, et seulement trois—initialement quatre—sénateurs Républicains ont participé dans les débats de la réforme.

La promulgation du ACA et du HCER et les attaques qui ont suivies montrent la profondeur et la continuité de la division partisane concernant la redistribution. L'opposition immédiate des Républicains au ARRA au début de l'année 2009, même avant d'avoir vu le projet de loi, est encore un autre exemple de cette division partisane marquée qui avait débutée avec le président Reagan, mais qui avait été poussé bien plus loin par Newt Gingrich dans les années 1990.

Cette division partisane tranchée entre Républicains et Démocrates s'articule notamment autour de la portée de l'intervention étatique, qui repose grandement sur la redistribution à travers la levée d'impôt et des politiques sociales. Cette division a évoluée durant l'histoire de l'État providence, pour lequel le président Roosevelt a posé la première pierre massive de fondation, bien que certains programmes eussent été développés auparavant. Petit à petit le Parti démocrate est devenu le parti des politiques sociales et aussi des minorités, ce qui a résulté en 1968 dans la finalisation de l'inversement des positions des partis concernant les questions raciales. Les Républicains n'étaient plus le parti de l'abolition qui demandait des droits civiques pour les Noirs, et les Démocrates n'étaient plus le parti de l'esclavage et de la ségrégation. De plus, les droits civiques ont imposé le politiquement correct, ce qui a fait que les appels racistes ouverts sont devenu un danger politique. Les appels raciaux, qui s'appuyaient sur le ressentiment racial de la part de certains Blancs contre une plus grande compétition économique, devaient se faire de manière codée afin d'éviter le rejet ou la condamnation morale.

L'idéologie et le discours néolibéral sont apparus comme un conteneur discursif opportun pour ce discours codé. Bien que le président Jimmy Carter ait appliqué quelques idées néolibérales dans les années 1970, et que même au début des années

1980 certains Démocrates, comme les sénateurs Paul Tsongas (D-MA) et Gary Hart (D-CO), pensaient que cela pourrait s'avérer bénéfique pour le Parti démocrate d'intégrer des idées néolibérales,[91] c'était le Parti républicain qui a le mieux réussi la promotion et l'application des idées néolibérales. Si Reagan apparaissait sincèrement convaincu que le néolibéralisme pouvait apporter des solutions à l'économie, l'idéologie néolibérale s'est aussi avérée très utile pour intégrer des appels raciaux codés.

Bien qu'Edsall et Edsall, qui expliquent de manière extrêmement bien articulée l'utilisation de la contre-réaction blanche par Reagan dans son discours sur les taxes et la race pour capturer une nouvelle majorité Républicaine, ne le mentionnent pas de manière explicite, le néolibéralisme a fourni le pilier économique au populisme racial de Reagan. La force de la vision du monde néolibérale réside dans le fait qu'elle puise dans les vieilles valeurs étatsuniennes, telles que l'individualisme et l'éthique du travail, qu'elle se construit sur une conception idéalisée des États-Unis comme pays de la liberté et de toutes les possibilités, et qu'elle intègre des éléments comme le rêve américain. De plus, le néolibéralisme s'est aussi défini en opposition au socialisme soviétique, et a créé une opposition simple entre le bien et le mal, qui elle aussi a puisée dans l'histoire étatsunienne en montrant les États-Unis comme le pays de la liberté par opposition à la tyrannie économique et politique du système socialiste et communiste. Le marché libre est devenu le symbole de la liberté politique et de la démocratie, dénué de discrimination et d'oppression, et qui favorisait l'individu. La régulation ou l'intervention étatique, incarnées par l'Union soviétique, était l'ennemi. Dans le marché libre, tel qu'il était présenté par le néolibéralisme, tout un chacun pouvait réussir s'ils travaillent dur. Ceux qui ne réussissent pas dans ce système parfait manquent d'éthique du travail ou n'essaient pas suffisamment fort. Les impôts, disait la doctrine néolibérale, sont mauvais pour les affaires et les entreprises et empêchent la croissance. L'intervention étatique quelle qu'elle soit, mais surtout par les politiques sociales, est mauvaise, notamment parce que cela exige de lever des impôts. De toute façon, les programmes sociaux ne servent à rien, puisque ceux qui en ont besoin ne les méritent pas, puisque visiblement ces personnes sont trop feignantes pour travailler. Cette idéologie est parvenue à transformer le ressentiment de devoir payer des impôts pour des programmes sociaux qui semblaient profiter principalement à des minorités en un argument économique positif. De plus, cela proposait aussi une issue de la culpabilité blanche pour l'esclavage, la ségrégation, et la discrimination : le marché est libre, basé sur l'égalité des chances, et promet l'enrichissement à tous ceux qui sont prêts à faire l'effort de travailler dur.

Les interprétations varient quant aux changements politiques qui ont eu lieu durant les années 1970. Le récit économique est que la crise qui a suivi le choc pétrolier de 1973 a discrédité le Keynésianisme et a contribué à l'avènement des principes économiques néolibéraux. Ces principes, bien que le président Carter ait fait les premières applications des ces principes en politique, ont été le plus adroitement incorporés dans le conservatisme par Reagan, ce qui a permis la constitution d'une nouvelle majorité Républicaine. D'autres, comme Edsall et Edsall, défendent une autre théorie. En 1991 ils ont argumenté que Reagan a réussi à exploiter à des fins politiques la contre-réaction contre les impôts et les politiques sociales des années 1970 afin d'opérer une division raciale de la coalition du New Deal qui était basée sur la classe. En jouant sur les sentiments de la contre-réaction, le discours de Reagan a mis l'accent et a gonflé la perception que l'argent des impôts des Blancs était gaspillé pour

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[91] John B. Judis and Ruy Teixeira, *The Emerging Democratic Majority* (New York: Scribner, 2002), 28.

le financement de programmes sociaux qui créaient de la dépendance et de l'immoralité, qui nuisaient aux les personnes mêmes que ces programmes étaient censés aider. En insistant sur la dimension de l'abus du système, cela créait l'image de personnes cupides qui vivaient sur des allocations sociales confortables dont ils avaient ni le besoin, ni le mérite. L'émergence de la classe pauvre des quartiers urbains donnait une certaine crédibilité à cette image. Edsall et Edsall mettent en avant que Reagan a réussi à convaincre des électeurs blancs des classes ouvrière et moyenne, qui auparavant votaient Démocrate en fonction de leurs intérêts économiques, ce qu'on appelle les *Reagan-Democrats,* de voter pour les Républicains en fonction de valeurs partagées, telles que la responsabilité personnelle.

Ce discours fonctionne car il s'appuie sur des vieux mythes étatsuniens et qu'il correspond à l'image que les gens veulent avoir de leur pays. Cela fonctionne aussi, car, comme la politologue Suzanne Mettler le fait remarquer, la majeure partie de l'intervention étatique est submergée, et que beaucoup de personnes ne parviennent pas à identifier correctement des programmes gouvernementaux en tant que tels. « Enlevez vos sales pattes gouvernementales de mon *Medicare* »[92] est juste un des exemples les plus amusants. Néanmoins, à cause de l'association historique forte entre l'intervention de l'État fédéral et les efforts en matière de droits civiques et de politiques sociales, ainsi que de l'utilisation des *states' rights* comme outil de l'oppression raciale sous la forme de l'esclavage et de la ségrégation, les attaques contre le *big government* ne peuvent pas être vues de manière racialement neutre. Cependant, avec le néolibéralisme, ces attaques contre l'État fédéral ont reçu un air de respectabilité économique.

Le discours reaganien qui entremêle populisme racial et néolibéralisme fonctionne, et s'est avéré très durable, notamment parce qu'il s'est construit sur la structure de la société étatsunienne qui est stratifiée selon la classe et la race. Il y a bien des classes sociales qui peuvent être définies selon le revenu, l'occupation, et dans une certaine mesure selon le niveau d'éducation, mais de manière plus importante, à cause du passé d'oppression raciale, ces classes peuvent aussi être définies selon la race, qui concentre les minorités aux niveaux les plus bas de la société.

L'intersection entre race et classe a été remarquée depuis longtemps. Du Bois et Myrdal voyaient une dimension plus figée et immuable à cette intersection qui situait les Afro-américains tout en bas de l'hiérarchie socioéconomique. Ceci est dû, bien entendu, à la période historique de leur analyse de la société étatsunienne. Bien que les Droits Civiques aient amené la promesse de la mobilité sociale, très rapidement la dimension économique est revenue au premier plan, puisque, comme l'avaient fait remarquer Myrdal ou John Lewis, l'oppression raciale opère de manière significative à travers sa dimension économique. Dans ce sens, le racisme peut être vu comme une justification de l'oppression économique de tout un groupe ou plusieurs groupes de personnes basée sur la couleur de leur peau. Aux États-Unis, l'esclavage et la ségrégation avaient cet effet de stratification économique selon la couleur de peau, dont les effets sont toujours présents aujourd'hui. Cette continuité de la stratification est due en partie au fait que le statut social est transmis des parents aux enfants, hérité en quelque sorte, mais aussi à la discrimination actuelle et la ségrégation de fait des quartiers d'habitation et des écoles. Pourtant, grâce aux Droits Civiques et à la discrimination positive, et une plus grande attention à la non-discrimination, la dimension purement économique de la stratification a pris encore plus d'importance.

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[92] "Get your government hands off my Medicare."

Vers la fin des années 1970, Wilson avait remarqué que la discrimination positive avait peu ou pas d'impact sur les populations noires dans les quartiers urbains. La discrimination positive, l'outil qui avait été créé par les administrations Kennedy et Johnson pour compenser la discrimination passée, ne prenait pas en compte les inégalités structurelles car le recrutement en priorité des minorités s'applique uniquement à qualification égale. L'obtention de cette qualification égale n'était pas gérée suffisamment par la discrimination positive. En effet, pour l'accès à l'université la discrimination positive compense certes en partie les résultats au *SAT* plus bas et permet aux étudiants minoritaires de s'inscrire à l'université, mais cela ne compense pas la scolarité de mauvaise qualité que ces étudiants ont reçu, en particulier s'ils viennent des quartiers pauvres. Ainsi, plus d'étudiants minoritaires ne parviennent pas à finir leurs études supérieures. Les conséquences négatives de l'éducation de plus mauvaise qualité sont aggravées par les revenus modestes des parents et souvent par l'absence d'assurance maladie, qui sont d'autres facteurs qui contribuent à l'abandon des études supérieures. En ce sens, Wilson a identifié la discrimination positive, une mesure purement raciale qui ne traite pas les causes de l'inégalité mais uniquement les symptômes, comme inutile pour des populations qui n'avaient pas d'accès aux avantages structurels dont bénéficient la plupart des Blancs. De la même manière vers la fin des années 1990, Oliver et Shapiro dénonçaient le manque de « capital humain » qui empêche ces populations des quartiers urbains de rivaliser sur le marché du travail.

La discrimination positive fonctionne pour la classe moyenne noire qui a accès à des avantages socioéconomiques similaires que les Blancs, bien que le statut de classe moyenne des Noirs reste bien plus fragile que celui des Blancs à cause de l'accès tardif à la mobilité sociale de ces premiers. Les Noirs ont été largement exclus des politiques sociales durant les années fastes de l'État providence pendant les années d'après-guerre qui ont vu l'émergence d'une classe moyenne blanche massive et prospère. Durant cette période de croissance forte et de mobilité sociale qui a propulsé bon nombre de Blancs pauvres ou issus de la classe ouvrière vers la classe moyenne, les Noirs étaient largement exclus soit par la ségrégation, soit légale soit de fait. Leur accès aux programmes sociaux était limité, que ce soit à travers l'exclusion structurelle, comme cela était le cas de la *Social Security* jusqu'en 1950, la ségrégation légale et l'exclusion, ou par la discrimination, comme cela était le cas pour le programme de logement et de crédit immobilier de la *FHA* et la *GI Bill* ou le *ADC* (appelé ensuite *AFDC*, et maintenant appelé *TANF*).

Le passage du *Civil Rights Act* de 1964 et du *Voting Rights Act* de 1965 qui a donné accès à la société blanche et qui faisaient la promesse d'un gain de pouvoir politique a eu lieu peu de temps avant le déclin économique et le choc pétrolier de 1973 qui a amené à une décennie de dépression économique. Est-ce que les choses auraient-elles été différentes sans la crise économique ? Y-aurait-il eu une contre-réaction contre l'égalité raciale dans tous les cas ? C'est impossible à dire, mais l'enchainement des évènements était des plus infortunés, puisque les demandes pour une part équitable de l'économie arrivaient à un moment où les quantités à partager diminuaient rapidement. La population subissait une inflation forte et donc une perte d'argent, se voyait confronté au chômage et à la difficulté de trouver de l'emploi après des années de travail abondant et bien rémunéré, même avec peu de qualifications. Les demandes pour plus d'égalité, que ce soit au niveau politique ou économique, de la part de nombreux groupes de minorités—les Noirs, les femmes, les homosexuels— pendant les années 1960 et 1970 ont été accueillis avec une contre-réaction blanche. Durant une période de compétition économique croissante et des salaires réels en

baisse, beaucoup de personnes des classes ouvrières et moyennes n'appréciaient pas de payer des impôts pour des programmes qui semblaient profiter principalement à des minorités, et ce, apparemment, avec peu d'effets positifs.

Cette perception résulte d'une série de facteurs. En effet, les listes des programmes sociaux avaient augmenté de façon assez 'soudaine' à cause d'une nouvelle affluence de minorités, et de Noirs en particulier suite à la deuxième grande migration vers le Nord et aux Droits Civiques. Bien que la *War on Poverty* ait eu beaucoup d'effets positifs et a permis de sortir beaucoup de personnes de la pauvreté extrême, ces effets ont néanmoins été limités par le changement économique et les changements dans la structure des villes. Les emplois bien rémunérés accessibles avec peu de qualifications de l'ère industrielle disparaissaient, l'économie de services exigeait plus d'éducation, et le chômage est devenu une composante normale de l'économie. De plus, la structure de la ville avait changée ; depuis les années 1950 la classe moyenne blanche avait déménagée dans les banlieues, et avait laissé les quartiers urbains comme des îlots pauvres et isolés avec peu de perspectives d'emploi qui créaient une pauvreté fermement enracinée et une dépendance aux programmes sociaux. Le manque d'opportunité et l'absence ou insuffisance de nombreux services publics ont aussi contribué à une augmentation de la criminalité, de naissances hors mariage, et de consommation de drogue qui ont amené à la perception d'une '*underclass*' ou sous-classe distincte marquée par des comportements 'pathologiques.' Cette soi-disante 'sous-classe' justifie le racisme culturel, qui incorpore de nombreux principes du racisme biologique—la paresse, l'hypersexualité, la dépendance—mais qui les a transformés en traits culturels. Deux rationalisations principales ont émergé pour expliquer l'existence de cette 'sous-classe' : l'explication culturelle, défendue principalement par les conservateurs, qui attribue la condition de la 'sous-classe' à la 'sous-classe' même et qui prétend que le manque de mise en avant de la moralité, de l'importance d'une bonne éducation, et le manque d'éthique du travail, bref, le manque de responsabilité personnelle, parmi cette population est la cause de leur statut socioéconomique très bas. L'argument structurel, principalement défendu par les libéraux, attribue la situation aux barrières structurelles de la discrimination et du manque d'opportunité.

Au fil du temps, depuis le début de l'État providence, une racialisation ou welfarisation des divers programmes sociaux s'est faite. Certains programmes, tels que Medicare ou la Social Security en particulier, ont fini par être vus comme quelque chose d'autre que des programmes sociaux, et ne sont parfois même plus vus comme de l'intervention de l'État. Ces programmes sont vus de façon très positive, notamment parce qu'ils sont sur une base de contribution (bien qu'il faille remarquer que ces programmes ne sont pas uniquement financés par les cotisations, ils sont aussi financés par les recettes de l'État, c'est-à-dire les impôts). La citation évoquée plus haut illustre le fait que les gens ont apparemment oublié que Medicare et la Social Security sont les deux programmes les plus contrôlés et gérés par l'État aux États-Unis. De l'autre côté, les programmes sur critères sociaux, les allocations (*welfare*), ont graduellement été perçus de façon négative, en particulier au moment où plus de Noirs ont bénéficié de ces programmes. Ces programmes, comme le AFDC (qui s'appelle maintenant TANF) ou les bons alimentaires (qui s'appellent maintenant SNAP), mais dans une certaine mesure aussi *Medicaid* (bien que les programmes de santé jouissent d'une meilleure image), sont perçus de manière négative et sont fortement associés avec les minorités, bien que ces derniers ne soient pas, en nombre absolus, les principaux bénéficiaires de ces programmes. Toutefois, il est vrai que, à cause de leur statut économique subordonné, une plus grande proportion de Noirs

ou d'Hispaniques bénéficient de programmes sociaux (ce qui n'est pas le cas de Medicare et de la Social Security à cause de l'espérance de vie plus courte des Noirs et la population plus jeune des Hispaniques). La déformation dans les médias, qui continue aujourd'hui, en illustrant disproportionnément les sujets sur la pauvreté avec des visages noirs, en particulier durant des bonnes périodes économiques, a contribué à la perception que ce sont principalement des minorités qui bénéficient sans raison des programmes sur critères sociaux. La welfarisation crée une image négative de programmes comme entretenant des populations qui ne le méritent pas car ils devraient travailler et comme créant de la dépendance et de l'immoralité. Le stéréotype est si fortement racialisé que pour certains Blancs, si eux mêmes ou des membres de leur famille ont bénéficié des mêmes programmes, « c'est différent. » Cette forte welfarisation a été poussée par Reagan et a été exploitée dans ses campagnes politiques.

La question de la discrimination positive cristallise le sentiment de la contre-réaction et l'opposition des efforts faits pour les minorités. La contre-réaction contre la discrimination positive a même amené à la création du concept de 'discrimination inversée,' qui veut dire que ces programmes ou politiques font excessivement tort aux Blancs, et surtout aux hommes blancs. Les attaques continues et toujours actuelles contre les programmes de discrimination positive, en particulier pour l'admission aux universités, illustrent l'impossibilité de faire des politiques spécifiquement raciales, tout comme les attaques contre le *welfare* illustre l'impossibilité de faire des efforts politiques qui ciblent uniquement les pauvres. De plus, la contre-réaction contre la discrimination positive met aussi en lumière le fait que même si un domaine de politique sociale jouit d'une connotation positive, comme c'est le cas pour l'éducation, des mesures qui sont trop ouvertement et trop fortement en faveur des minorités sont confrontés à une résistance forte.

Bien que les actions menées durant la présidence de Reagan n'étaient pas toujours parfaitement cohérentes avec son discours et que la révolution reaganienne était restée inachevée, cela a amené à une nouvelle ère de polarisation politique. Le consensus Keynésien qui avait dominé durant la période d'après-guerre et qui avait continué à influencer la politique de Nixon, bien que cela n'ait pas été le cas de son discours, était mort et enterré. Maintenant les deux partis sont radicalement opposés concernant les questions des impôts, l'intervention de l'État, et les politiques sociales.

De plus, Edsall et Edsall ont insisté sur le fait que le refus des Démocrates de parler de la 'sous-classe' et de certaines limites de la *War on Poverty* ont laissé le champs discursif libre aux Républicains. Clinton et ses *New Democrats* ont partagé cet avis. Ils se sont concentrés sur la classe moyenne et se sont distanciés de l'ancienne image dépensière du parti en mettant l'accent sur l'importance de réduire le déficit (qui dans le discours néolibéral résulte des programmes sociaux), de réformer les programmes sur critères sociaux, et de combattre fermement la criminalité.

Bien que l'élection de Clinton ait permis de reprendre une partie du vote des Blancs, et bien que Clinton ait réussi à créer un excédent budgétaire, aidé par le boom économique des années 1990, le constat concernant la politique raciale et sociale du 'premier président noir' est plus mitigé. Ses résultats pour la classe moyenne sont plutôt bons, pour les minorités et les pauvres ils sont plutôt mauvais. Ceci est dû surtout à la règle des trois coups (*three strikes*) de sa législation sur le crime et la dure réforme conservatrice qui a transformée le AFDC en TANF, un programme plus sévère et limité. Bien que Clinton ait réussi à regagner une majorité Démocrate, il apparaît que Clinton, du moins pour l'égalité raciale, la stratégie se soit quelque peu retournée contre lui. De plus, le fait que Clinton avec son approche centriste se soit aventuré du côté conservateur s'est avéré être au détriment de son projet de réforme

principal, un système de santé universel. Le projet de réforme de Clinton a été un échec, malgré le côté centriste du projet, bien qu'il ait été basé sur une approche de marché, sensée plaire aux conservateurs. Malgré ces efforts, sa réforme a été décriée comme cauchemar bureaucratique, un système de santé contrôlé par l'État qui aurait résulté en pénurie de soins et en augmentation de coûts pour la classe moyenne. Les appels raciaux étaient fortement codés, mais le spectre du *big government* a réussi à tourner le soutien en faveur de la réforme en opposition et finalement en défaite désastreuse.

Obama a fait preuve d'une connaissance approfondie de ce contexte historique, et dans *The Audacity of Hope* il apparaît qu'Obama partage assez largement cette interprétation des faits. De plus, bien qu'Obama ait félicité les effets positifs de la croissance économique sur la population noire durant les deux mandats Clinton, les résultats des années Clinton concernant les minorités sont au mieux mitigés, en particulier pour la soi-disante 'sous-classe.' Le soutien persistant de la population noire, bien que légèrement en diminution, pour le Parti démocrate montre la faiblesse politique relative de cette population, qui a, malgré ces résultats mitigés, pas de vraie alternative politique et se retrouve souvent perdante dans ce système à deux partis.

Obama a voulu maintenir une approche centriste, qui visait, sans succès, une collaboration bipartisane, mais avec une attention plus grande, bien que cachée, aux problèmes spécifiques de la population noire. En 2009, les Démocrates ne savaient que trop bien que le passage d'une législation de santé serait difficile, vu le désastre de la réforme de Clinton, mais aussi basé sur presque un siècle de tentatives échouées qui avaient précédé. Le système de santé est un des éléments principaux qui distingue l'État providence étatsunien du reste du monde occidental. L'arrêt précoce du développement du système de santé a amené à son trait distinctif d'être le système le plus coûteux, qui couvre la plus petite part de population et qui obtient des résultats de santé publique assez médiocres dans de nombreux domaines, comme la mortalité infantile.

En ce qui concerne la prise en compte de l'échec de Clinton, deux éléments se détachent. L'administration Obama a choisi un système similaire que ce que projetait la réforme Clinton, c'est-à-dire un système construit sur l'existant et qui conserve l'approche de marché au lieu d'appliquer un système entièrement géré par l'État comme le *single payer*. Malgré cette approche centriste, la promulgation de loi a coûté très cher aux Démocrates. Dans les élections du Congrès qui ont suivi la signature du ACA, ils ont perdu la majorité au Congrès et ils n'ont pas réussi à la regagner depuis.

L'autre élément est qu'ils ont évité de reproduire certaines des erreurs faites par Clinton, comme l'association forte entre le projet de réforme avec le président et la Première Dame qui s'était avérée désastreuse pour la tentative Clinton. Malgré les efforts de garder les actions d'Obama dans les limites définies par la fonction de président, la réforme a tout de même été affublée du surnom d '*Obamacare*. Par contre, cette fois-ci, cela n'a pas résulté en défaite ; les Démocrates se sont approprié le surnom qui se voulait calomnieux et l'ont adopté. Ainsi ils ont reproduit la stratégie qu'ils avaient adoptée avec les publicités Harry-et-Louise, et cela ressemblait à la stratégie qu'Obama avait concernant sa vie privée. Une attaque contre les sombres secrets de la vie privée d'Obama, semblable à celle faite contre Clinton, n'était pas possible, car Obama avait déjà tout dit dans son autobiographie. Bien au contraire, Obama a utilisé son passé parfois tumultueux pour appeler à donner des secondes chances et pour établir un lien avec les adolescents.

Bien qu'Obama ait fortement influencé la réforme de la santé à l'arrière plan, par une communication extensive entre la Maison Blanche et le Congrès, et par le fait

d'avoir établi par l'ordre exécutif 13057 en avril 2009 un bureau pour la réforme de santé à la Maison Blanche (*White House Office of Health Reform*), envers le public il s'en tenait au rôle qu'un président peut avoir en matière de politique redistributive. Ce rôle consiste à mobiliser les troupes en tant que chef du gouvernement et de travailler au corps les membres de son parti. Envers le public, ce rôle inclut, en tant que chef de la nation qui utilise sa position unique et forte de pouvoir parler avec une seule voix bien définie pour travailler l'opinion publique. Ceci incluait la mise en place d'un discours élaboré et complexe qui décrit la vision du monde d'Obama, sa vision des États-Unis en tant que pays racialement transcendant et solidaire dont Obama voyait l'esprit pionnier et généreux comme preuve que les politiques sociales sont quelque chose de fondamentalement étatsunien. Obama a élaboré un discours qui a soigneusement pris en compte le sentiment de la contre-réaction et qui a tout aussi soigneusement contré les principes néolibéraux et la division raciale. Premièrement, Obama a insisté sur la transcendance raciale et les efforts que les deux groupes, autant Blancs que Noirs, devaient faire pour se réunir, mais il a aussi utilisé son expérience biraciale afin de favoriser la compréhension mutuelle pour le point de vue de chacun des deux groupes dans le but de trouver un terrain d'entente. Cette transcendance raciale a servi à créer une nouvelle unité étatsunienne basée sur la classe qui était fortement orientée vers la classe moyenne. Il a essayé de convaincre autant les Noirs que les Blancs qu'ils pourraient être plus forts ensemble pour se battre pour leurs intérêts économiques, et il a montré qu'il y avait des enjeux pour les deux groupes dans une législation redistributive neutre, mais orientée vers la classe.

Afin de bien cimenter cette union de classe, Obama a utilisé le populisme économique dans lequel des élites peu définies, des compagnies d'assurance maladie avides, et la mondialisation servaient de nouveaux ennemis, afin de réorienter les ressentiments de la division raciale. De manière très consciente, Obama a essayé de recentrer les ressentiments économiques sur une cible économique, au lieu de laisser cela se déchainer au niveau racial, comme le faisaient les conservateurs. Ce populisme économique servait aussi de contre-discours au néolibéralisme. Et pour finir, Obama a lourdement insisté sur la légitimation de l'intervention de l'État, en la présentant comme faisant partie des valeurs étatsuniennes et comme étant part inhérente au rêve américain. Il a présenté l'intervention de l'État comme un facilitateur du rêve américain. De plus, il a décrit l'assurance maladie comme un élément essentiel du rêve américain, à travers la sécurité et la stabilité que cela apportait. Il a particulièrement insisté sur l'universalité de la vulnérabilité face aux problèmes de santé et le fait que le l'absence d'assurance maladie était principalement un problème de classe moyenne dans le but de mettre en avant l'importance de sa réforme pour la classe moyenne.

L'approche plus centriste était plus apparente dans sa position de transcendance raciale qui a mis l'accent sur la responsabilité personnelle afin de faire un pas vers les conservateurs, mais qu'il a surtout utilisé pour légitimer et appeler à plus de responsabilité de l'État et plus d'intervention de l'État. Ce centrisme était aussi apparent dans la prise en compte d'Obama de certains principes néolibéraux qui jouissent d'un consensus bipartisan, tels que la nécessité de limiter le déficit, mais il a utilisé cela à son avantage pour défendre sa réforme de santé, en mettant en avant le fait qu'elle allait faire diminuer les coûts.

Pourtant, le ton conciliateur d'Obama et sa croyance forte en un compromis bipartisan se sont traduits par une réforme qui s'est avérée vulnérable aux attaques. Étant donné que la réforme a été bâtie sur le système existant, les anciens défauts, qui avaient déjà hanté le système *Medicare-Medicaid* conçu par l'administration Johnson,

ont refait surface dans *Obamacare*. Les attaques conservatrices contre le ACA, dont le résultat principal était de rendre optionnelle l'extension de *Medicaid* dont il y avait tant besoin, n'a pas seulement eu un impact très négatif sur le caractère universel de la couverture santé, mais, à cause de la stratification raciale de la société étatsunienne et le développement racialisé de l'État providence, cela a aussi eu un impact négatif en fonction de la race. La vieille histoire raciale des États-Unis a refait surface dans l'extension de *Medicaid*. Parmi les états qui ont choisi de faire usage de leur prérogatives, leurs *states' rights*, de ne pas appliquer l'extension de *Medicaid*, bon nombre sont des états du sud qui concentrent environ la moitié de la population noire, et qui en plus sont parmi les états les plus pauvres des États-Unis. Ainsi, une décision qui en surface semble liée seulement à la question de la portée de l'État fédéral heurte beaucoup plus la population noire.

Toutefois, des évènements récents ont montré que les *states' rights*, dans le sens de l'autonomie des états de faire leurs propres décision notamment en matière de politiques sociales, peuvent aussi fonctionner comme un laboratoire pour des politiques plus audacieuses et peuvent pousser l'État fédéral vers la gauche. Quelques exemples viennent à l'esprit, comme le fait que bon nombre d'états, et même certaines villes, ont des salaires minimum bien plus élevés que le salaire minimum fédéral. De nombreux états avaient déjà utilisé la marge de manœuvre accordée par la Cour Suprême pour diminuer l'écart entre les peines encourues pour des délits de crack et de cocaïne avant que le *Fair Sentencing Act* soit promulgué en 2010. Avant le ACA, le Massachusetts avait mis en place un système de couverture de santé pionnier qui a servi de modèle et d'arme dans le débat avec les conservateurs. Et plus récemment, de plus en plus d'états ont ou sont en train d'envisager le *single payer*. Certes, pour l'instant les tentatives de faire passer une telle loi n'ont pas encore porté leurs fruits, mais le simple fait que ces propositions soient mises au vote ou que les états envisagent de le faire, et que quelques candidats pour les élections au poste de gouverneur font campagne en se prononçant en faveur de *single payer*, sont autant de signes d'espoir qu'au contraire de ce qui s'est passé pour *Medicaid*, l'autonomie des états peut être utilisée dans un but progressiste et pourrait aider à frayer un chemin pour le *single payer* au niveau fédéral.

En revanche, il est tout à fait clair que *single payer* n'aurait jamais pu passer en 2009/2010, comme le montre le sacrifice de l'option publique bien plus modérée. Mais il apparaît que la mise en place du ACA et ses résultats positifs, autant sur le taux de personnes ayant pu contracter une assurance maladie que sur le coût (malgré le débat à ce sujet), ait eu un impact sur l'opinion publique. Les Américains semblent maintenant plus ouverts à l'idée de l'intervention de l'État dans la santé. Les défaites successives des efforts des Républicains à révoquer le ACA, malgré leur majorité au Congrès, laisse espérer un changement. De plus, l'opinion publique est de plus en plus favorable au *single payer*, dans une proportion similaire que pour d'autres solutions comme l'approche mixte ou moins d'intervention de l'État (ceci est encore un autre sujet de discussion, puisqu'une grande majorité de toutes les tendances politiques sont en faveur du maintien de Medicare and *Medicaid*, même ceux qui veulent moins d'intervention de l'État). On peut seulement espérer qu'*Obamacare*, aussi imparfaite que soit la réforme, puisse servir de marchepied pour un système de santé vraiment universel qui ne permette pas de discrimination, exactement comme le système *Medicare-Medicaid* de Johnson a servi de marchepied pour le ACA.