Brian K. Pinaire | AS I SEE IT

How will Kagan decide cases?

As with past Supreme Court nominees, that's unknown

Sen. Arlen Specter recently announced that he would be voting for Supreme Court nominee Elena Kagan when the Judiciary Committee votes on the matter — possibly today.

Specter was persuaded to support her because she favored televising oral arguments and viewed Thurgood Marshall as a role model, but he was generally disappointed with the nominee's vague responses, lack of candor and refusal to comment on a host of recent cases and controversies. Once again, it seems, an "unknown" justice is about to accept a life appointment to the highest court in the land.

If you have watched any of the confirmation charades in the post-Robert Bork era, you know not to expect too much.

After the nominee's home-state senators introduce her and praise her super-human valor, we are treated to carefully scripted and vacuous opening statements, after which the "questions" begin. A Democrat presses Kagan on whether or not the White House is white. Another asks about her favorite flavor of ice cream. (Kagan assures us she would need to try all 31 flavors.) Another wonders which judge from American Idol Kagan would most closely resemble if confirmed.

Republicans counter with their own intense theorizing about umpires calling foot faults, bombs planted in the Senate gymnasium, and the obligatory questions about whether or not "activist" Supreme Court interns secretly wrote the opinion in *Roe v. Wade*. And so on.

For her part, Kagan and her handlers take a page from the playbook of Sonia Sotomayor, last summer's nominee, steadily invoking platitudes instead of answering questions.

Recall that Sotomayor promised that her decisions would be bound by "fidelity to the law," whereas Kagan promised us she would rely on law "all the way down." I suppose this is better than relying on something *other* than law "all the way down," but what does it tell us? For that matter, what did we learn from Clarence Thomas' assertion as a nominee that he intended to reach the court "stripped down like a runner" and with "no agenda"? The answer: nothing.

And yet, at the point of confirmation, how much can we really expect to know? Who could have known that Earl Warren, who had been the 1948 Republican vice-presidential nominee, would end up steering the Supreme Court to some of its most liberal destinations during the late 1950s and '60s? Certainly not President Dwight D. Eisenhower, who referred to this appointment as one of his "mistakes" made as president.

ALEX BRANDON, The Associated Press

Sen. Arlen Specter, D-Pa., chats with Supreme Court nominee Solicitor General Elena Kagan on Capitol Hill in Washington.

Another "mistake" was William Brennan, chosen to appease northeastern Catholic voters in the 1956 presidential election, but who went on to become one of the greatest intra-court bargainers for liberal political outcomes in recent Supreme Court history.

What would happen if a nominee actually candidly and comprehensively answered every question, was confirmed, and then made a career of voting in exactly the opposite fashion?

Who could have known that William Rehnquist, an assistant attorney general who had not initially been considered for the Supreme Court, would one day end up as the chief justice for the final 19 years of his life and profoundly reshape the modern jurisprudence of federalism?

Who could have known that the just-retired John Paul Stevens, appointed by the Republican President Gerald Ford, would become the most "liberal" member of the most recent crop of justices? Who could have known that Antonin Scalia, confirmed in the Senate by a vote of 98-0, would become one of the most polarizing figures in modern America? The answer: no one.

Is that because of a flawed confirmation process? To some degree, it is; but not entirely. Clearly the viewing audience and the voting senators would like to know as much about a nominee as possible, but at the same time, justices—like presidents, senators and dog-catchers — grow into the position, respond to changes in personnel — moving to the political right or left as colleagues come or go, refine and re-conceive their views, and adjust to forces and events external to the court (like the Great Depression, the civil rights movement, the Vietnam War, 9/11, or the growth of the Internet).

What would happen if a nominee actually candidly and comprehensively answered every question, was confirmed, and then made a career of voting in exactly the opposite fashion? In theory she could be impeached, but it is highly unlikely the public would expect or pursue that option. Why? Because judges make *judgments*, not campaign promises or pledges from the stump.

There might be patterns that emerge over time, and many academics indulge in teasing out such trends, but there is always a certain amount of the "unknown" in any judicial profile — before *and* after they join the Supreme Court.

How will Justice Kagan decide cases? Beyond looking at law "all the way down," I don't know and I don't think we *can* know.

Brian K. Pinaire is associate professor of political science at Lehigh University in Bethlehem.

David Brooks | THE NEW YORK TIMES

Mel Gibson, others, suffer from extreme self-esteem

Let us enter, you and I, into the moral universe of the modern narcissist.

The narcissistic person is marked by a grandiose self-image, a constant need for admiration, and a general lack of empathy for others. He is the keeper of a sacred flame, which is the flame he holds to celebrate himself.

There used to be theories that deep down narcissists feel unworthy, but recent research doesn't support this. Instead, it seems, the narcissist's self-directed passion is deep and sincere.

His self-love is his most precious possession. It is the center of all that is sacred and right. He is hypersensitive about anybody who might splatter or disregard his greatness. If someone treats him slightingly, he perceives that as a deliberate attack. If someone threatens his reputation, he regards this as an act of blasphemy. He feels justified in punishing the attacker for this moral outrage.

And because he plays by different rules, and because so much is at stake, he can be uninhibited in response. Everyone gets angry when they feel their self-worth is threatened, but for the narcissist, revenge is a holy cause and a moral obligation, demanding overwhelming force.

Mel Gibson seems to fit the narcissist model to an eerie degree. The recordings that purport to show him unloading on his ex-lover, Oksana Grigorieva, make for painful listening, and are only worthy of attention because these days it pays to be a student of excessive self-esteem, if only to understand the world around.

The story line seems to be pretty simple. Gibson was the great Hollywood celebrity who left his wife to link with the beautiful young acolyte. Her beauty would not only reflect well on his virility, but he would also work to mold her, Pygmalion-like, into a pop star.

After a time, she apparently grew tired of being a supporting actor in the drama of his self-magnification and tried to go her own way. This act of separation was perceived as an assault on his status and thus a venal betrayal of the true faith.

It is fruitless to analyze her end of the phone conversations because she knows she is taping them. But the voice on the other end is primal and searing.

It is striking how morally righteous he is, without ever bothering to explain what exactly she has done wrong. It is striking how quickly he reverts to the vocabulary of purity and disgust. It is striking how much he believes he deserves. It is striking how much he seems to derive satisfaction from his own righteous indignation.

And the sad fact is that Gibson is not alone. There can't be many people at once who live in a celebrity environment so perfectly designed to inflate self-love. Even so, a surprising number of people share the trait. A study conducted at the National Institutes of Health suggested that 6.2 percent of Americans had suffered from Narcissistic Personality Disorder, along with 9.4 percent of people in their 20s.

In their book, "The Narcissism Epidemic," Jean M. Twenge and W. Keith Campbell cite data to suggest that at least since the 1970s, we have suffered from national self-esteem inflation.

They cite my favorite piece of sociological data: In 1950, thousands of teenagers were asked if they considered themselves an "important person." Twelve percent said yes. In the late 1980s, another few thousand were asked. This time, 80 percent of girls and 77 percent of boys said yes.

That doesn't make them narcissists in the Gibson mold, but it does suggest that we've entered an era where self-branding is on the ascent and the culture of self-effacement is on the decline.

Cynthia Tucker | THE ATLANTA JOURNAL-CONSTITUTION

Candor about race could help us move beyond stereotypes

Can we talk? About race?

Your blood pressure is already rising? It need not. This isn't a rambling diatribe or a harsh polemic filled with invective about tea partiers, Jim Crow and reparations.

Instead, it's a plea for honest and thoughtful conversation about the ways in which long-held beliefs and biases, prejudices and predispositions pool in the back of our brains to form a feedback loop, a quick and unconscious Google that spits out judgments about people like us, different from us, unfamiliar to us.

Racism is, I think, too harsh a descriptive for those judgments that linger in our lizard brains. The proper word is "prejudice."

Barack Obama's ascension to the Oval Office proves that we're a nation increasingly comfortable with our diversity. But even as we assimilate newcomers, we struggle with old habits of mind, harmful stereotypes and moldy misconceptions.

This column won't address the remnants of malevolent racism that linger at the margins of American society — whether expressed by a tea partier carrying a Photoshopped sign of President Obama as a witch doctor or a New Black Panther yelling about killing white people. Those remnants are too few and too feeble to merit serious attention.

The more challenging problem for a diverse society is harder to see, to pinpoint, to quantify, to tease out — the problem of perceptions around race, deeply held notions that still tend to hamper people of color. Racism is, I think, too harsh a descriptive for those judgments that linger in our lizard brains. The proper word is "prejudice" because of its precise denotation — to pre-judge.

President Obama was describing prejudices when he spoke of his grandmother in a brilliant speech about race in March 2008. Though she loved him dearly, she still harbored unflattering stereotypes about other young black men.

Obama described her as "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 by her on the street, and who on more than one occasion has uttered racial or ethnic stereotypes that made me cringe."

Those who later declared that Obama had described his grandmother as a racist were wholly and completely wrong. He described the late Madelyn Dunham as fully human, a case study in the warped and woeful complexities surrounding race, color and caste in America. She could love her biracial grandson fully and completely, while still keeping implicit biases, as researchers call them, lodged in her subconscious.

Dunham was hardly unusual in that. Schoolteachers, doctors and bankers, among others, also have hidden biases — which helps explain why children of color end up in detention more often, why black men get less attention at the doctor's office, and why black and Latino homebuyers often ended up with subprime mortgages even when they had good credit ratings.

What else but implicit biases would explain the lingering employment gap between college-educated blacks and whites? According to the Bureau of Labor Statistics, black men with college degrees had an unemployment rate nearly twice as high as white men with college degrees in 2009. A study published a few years ago — "Are Emily and Greg More Employable than Lakisha and Jamal?" — showed that black job candidates were more likely to be rejected even if they had resumes identical to white candidates.

Given the paucity of black managers in positions of authority, black job applicants are left to appeal to white managers who probably believe they see only skills, not skin. Are those white managers bigots? I don't think so. But they are allowing stereotypes to seep into their considerations.

As a Southerner who grew up in an era when black adults were not given the courtesy of titles and black children were bused past white schools, I learned to distinguish between well-meaning whites who don't know their own biases and malevolent whites who are proud of their bigotry. I've had white hometown acquaintances who'd be pleased to have me as a dinner guest but who'd be far less pleased if the new president hired at the local community college were black.

Are they racists? I certainly don't think so. But I do think they're unaccustomed to seeing black men and women in such positions of authority, and a changing America makes them uncomfortable.

Can we talk about this honestly? No diatribes or denunciations, please. Just thoughtful and candid discussion.