Perceiving Learning Anew: Social Interaction, Dignity, and Educational Rights

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What are the origins of educational rights? In this essay, Espinoza and Vossoughi assert that educational rights are “produced,” “affirmed,” and “negated” not only through legislative and legal channels but also through an evolving spectrum of educational activities embedded in everyday life. Thus, they argue that the “heart” of educational rights—the very idea that positive educative experiences resulting in learning are a human entitlement irrespective of social or legal status—has come to inhere in the educational experiences of persons subjected to social degradation and humiliation. After examining key moments in the African American educational rights experience as composite historical products, the authors determine that learning is “dignity-conferring” and “rights-generative.” They revisit African slave narratives, testimony from landmark desegregation cases, and foundational texts in the history of African American education where they find luminous first-person accounts of intellectual activity in the shadow of sanction, suppression, discouragement, and punishment. They conclude by outlining an empirical framework for studying the nexus of learning, dignity, and educational rights from a social interactional perspective.

Of all the civil rights for which the world has struggled and fought for 5,000 years, the right to learn is undoubtedly the most fundamental. If a people has preserved this right, then no matter how far it goes astray, no matter how many mistakes it makes, in the long run, in the unfolding of generations, it is going to come back to this right . . . The freedom to learn, curtailed even as it is today, has been bought by bitter sacrifice.

And whatever we may think of the curtailment of other civil rights, we
should fight to the last ditch to keep open the right to learn, the right to have examined in our schools not only what we believe but what we do not believe; not only what our leaders say, but what the leaders of other groups and nations, and the leaders of other centuries have said. We must insist upon this to give our children the fairness of a start which will equip them with such an array of facts and such an attitude toward truth that they can have a real chance to judge what the world is, and what its greater minds have thought it might be.


What are the origins of educational rights? Before ratification by legislature, before guarantee via court opinion or constitutional clause, what do they look and sound like? We approach educational rights as products of human labor and history that are understandable through examination of the activity through which they were created (Vico, 1984). We argue that educational rights are produced, affirmed, and negated not only through legislative and legal channels but along an evolving spectrum of activities embedded in everyday life. Further, we assert that the heart of educational rights—the very idea that positive educative experience is a human entitlement irrespective of social or legal status—has come to inhere in the learning experiences of persons subjected to social degradation and humiliation.

Education and learning are human processes occurring unabated and without permit on an everyday basis. Broadly construed, education exhibits immense variability across regions and national contexts. Further, when we train our analytic lenses on any point in human history, we find rich instances of learning in the context of family, work, and community (Heath, 1983; Rogoff, 2003; Rose, 2004; Scribner & Cole, 1981). We also know that the blossoming of the institution of the public school in the United States during the late nineteenth century (Anderson, 1988; Cremin, 1980; 1988; Tyack, 1974) and the subsequent struggles over access to public schooling in the era of de jure segregation (Donato, 1997; Kluger, 1976; Patterson, 2001) have lent an almost auriferous value to education—institutionally mediated learning in school. This perceived value is the implicit focus of domestic educational rights claims.

Yet, we are wary of reifying the schoolhouse in this way. We contend that this narrow focus inadvertently diminishes the learning that sated the hunger for knowledge long before it was legal or acceptable for oppressed people who fell into specious and subordinate racial categories to engage in projects of intellectual betterment. Thus, when discussing the education of African Americans in the antebellum period, we are referring to the cultivation of mind and self. When we arrive at the twentieth century, we use “education” to refer to the development of mind and self within state-sponsored institutions such as public schools and universities. Regardless of era, when we discuss learning, we refer specifically to the social and political meanings generated by social actors in adverse environments as well as the tensions between emergent intellectual capabilities and the social hierarchies that demarcate their development.
We assert that educational rights have discernible social interactional and dignitarian origins. To support our inquiry, we search for textual evidence of these historically significant experiences by examining sectors of the American historical record: selected African slave narratives, specifically those that include rich descriptions of encounters with letters; transcripts of oral testimony from lead plaintiffs in landmark desegregation cases, chiefly information from the “finding of fact” phases of litigation pertaining to the subjective experience of racial segregation; and foundational texts in the history of African American education that provide a sense of the historical value of education to enslaved persons and their descendants.

These archival sources provide an empirical foundation for exploring how the cultural-historical activity of learning has served as an experiential vessel, carrying in its bilges the generative resources for educational rights. We cautiously treat these documents as serendipitous field notes of social interaction and philosophical commentary on the social value of learning. Cradled—sometimes buried—within these bodies of information are brief, luminous first-person accounts of intellectual activity in the shadow of sanction, vigorous endeavors to learn that were suppressed, and fertile brushes with the acquisition of knowledge that, on occasion, resulted in harrowing forms of punishment. These reports are the remnants of learning—evidence of its cultivation, proof of its liquidation, and enduring witness regarding what participation in educational endeavors meant to the people involved.

We maintain that it is possible to observe and plausible to perceive the generative core of educational rights in the multigenerational African American experience of learning. Under circumstances of extreme and invidious constraint, learning has the power to “unfit” individuals from subordinate social status. Insofar as learning helps persons and selves flourish, it is dignity-conferring. Dignity can be derived from productive participation in the process of learning. Although perilous, it can also be acquired from resistance to the inaccessibility of the opportunity to learn. The kind of dignity derived from learning is rights-generative because it incites the push for full and vigorous participation in educational activity protected by law.

**Instruments of Human Potential**

We ask the reader to think about learning, dignity, and educational rights within the larger constellation of human potential. First, though concepts such as these tend to be perceived as independent accomplishments and personal possessions, we emphasize their social dimensions. Second, we assert that entities such as schools, universities, states, and societies ought to exist to promote the full realization of human potential.

The distance between the anthropological fulfillment of human needs and the acquisition of legal powers is vast. How is it possible for learning to give rise to an exalted quality like dignity? How is it possible for learning to func-
tion as a crucible for educational rights? We believe that convincing answers can materialize in the back and forth between the discourse of human potential and the language of educational rights, a scholarly journey best traveled in manageable segments.

On Potential and Learning

We begin with the maxim formulated by philosopher Marx Wartofsky (1981) regarding the relationship between education and potential:

The child’s capacity for learning, discovering, imagining, and finding out is much richer and more complex than any matrix the adult world can articulate for what has to be learned and what can be taught . . . The child’s construction proceeds from the one feature essential to cognitive development: freedom to learn, which in turn presupposes no upper bound on what can be learned. (pp. 202–203)

Colloquies on potential are not metaphysical chitchats; they are radically empirical dialogues. Discourses of potential are ways of thinking and talking about skills, knowledge, and capabilities that are manifestly absent yet within reach. Regarding the concrete quality of potential, philosopher Israel Scheffler (1985) writes:

In no case is potential a metaphysical essence governing the predetermined direction of the subject’s development, nor is it a durable feature intrinsic to the subject. It has been uniformly interpreted here as reflecting both the subject and his social environment, and, moreover, as open to considerable change. (p. 63)

What, then, are the means by which potential can be shaped? The learning of individuals in society is one particularly powerful mode through which potential is actualized and altered. Drawing from the traditions that have most influenced our thinking, we conceive of learning in a number of largely congruent ways: intellectual and social growth in and through experience (Dewey, 1916, 1938); the tool- and language-mediated movement between independently accomplished tasks and those performed in collaboration with others (Vygotsky, 1978); the construction of epistemological relations and mental structures through the continuous interaction between persons and the social world (Piaget, 1970); and productive shifts in participation over time in an apprenticeship (Rogoff, 1990). Above all, learning is “the capability to re-form or re-shape oneself” in collaboration with others and in the context of environmental constraints and affordances (Scheffler, 1985, p. 84).

It is a commonly accepted truth that learning can shape people and groups. What merits closer attention, however, is the extent to which the experience of learning recasts the meaning of learning. In a particularly evocative passage, Scheffler (1985) writes that “the enhancement of potential is the empowering of learning” (p. 83). We take this to mean that as people flourish, the meaning of learning itself evolves alongside the proliferation of human possibilities.
Further, Scheffler asserts that “a person with enhanced potential . . . is one with increased control over his future” (p. 84). If it is possible to acquire a measure of control over something as feral as the future, then perhaps through learning, one can also procure qualities previously unavailable and reacquire values once despoiled.

On Dignity via Learning

If dignity is to be serviceable within this inquiry, it must be perceivable in the everyday empirical fields of human activity. Borrowing from cultural theorist Stuart Hall (1997), dignity is a floating signifier, a word without natural fixed content, a term whose meaning is made elastic by the gravitational field between world history and local context. Our review of the literature on dignity in moral philosophy and judicial interpretation in domestic and international contexts leads us to concur with Christopher McCrudden (2008) and Jeremy Waldron (2012) that broad acceptance of the concept of human dignity coexists with the prolific conceptions of human dignity.

We have observed that when judges, lawyers, and philosophers use the term “dignity,” its implications vary greatly. For all the allure of a universal notion and practice, the singular tacitly gives way to the plural: “dignity” remains the organizing concept, but “dignities” constitute the working reality (Waldron, 2012). Consequently, we proceed from the premise that dignity has “multiple habitats” (Dimock, 2012, p. 120), including moral philosophy, law, literature, social movements, and educational activity.

Across judicial and scholarly contexts, assertions abound that dignity is the basis on which rights exist. Since the adoption of the Universal Declaration of Human Rights in 1948, the number of preambles, declarations, covenants, and constitutions that make use of “dignity” has grown. Domestically, the history of the use of dignity as a precept in constitutional interpretation is substantial (Brennan, 1977; Meyer & Parent, 1992; Paust, 1984). However, its development as a tool for legal argumentation has been (and continues to be) hampered by the productive problem of articulating the criteria and content of this “untamed juridic concept” (Paust, 1984, p. 150).

Though dignity is an “essentially contested concept” (Gallie, 1955, p. 169), it is susceptible to provisional definition. It is “an expression, perhaps the most prominent in the history of man’s self-reflection, of self-evaluation” (Rotenstreich, 1983, p. 9). Dignity can have “thick” meanings that anchor worldviews and help explicate positive duties associated with its fulfillment and “thin” meanings that focus predominantly on understanding humiliation and diminution of human worth (Shultziner, 2003, pp. 6, 12). Plainly, dignity can be defined as “the particular cultural understandings of the inner moral worth of the human person and his or her proper political relations with society” (Howard & Donnelly, 1986, p. 802). Socially, it is a “symbol of demand” for the presence of certain kinds of treatment and the absence of others (Paust, 1984, p. 147). Regardless of preferred meaning, the idea of dignity carries the
potential to enrich our social vocabulary and influence our decision making across fields of practice (Waldron, 2012, p. 137).

We submit a constructive view of dignity, one that treats intrinsic worth as a historical accomplishment, not a transempirical or a priori belief. The activity of human self-creation confers dignity (Dan-Cohen, 2012 p. 7). Consider the analysis of Charles Davis and Henry Louis Gates Jr. (1985) regarding the functions of literacy for asserting personhood and crafting identity:

The slave narrative represents the attempts of blacks to write themselves into being. What a curious idea; through the mastery of formal Western languages, the presupposition went, a black person could become a human being by an act of self-creation through the mastery of language. Accused of having no collective history by Hegel in 1813, blacks responded by publishing hundreds of individual stories . . . Without writing, there could exist no repeatable sign of the workings of reason, of mind; without memory or mind, there could exist no history; without history, there could exist no “humanity,” as was defined consistently from Vico to Hegel. (pp. xxiii–xxvii)

What, then, are the indicia of the kind of dignity that emanates from educational activity? In the African slave narratives, we search for those indications by attending to episodes featuring the respectful drawing out of mind as well as oppressive efforts to turn persons into nonentities.

On Educational Rights via Experience

Educational rights have been in development in the United States since at least the colonial period. Just as the Fourteenth Amendment was the result of not only the formal ratification process but also abolitionist activity and language dating back at least to the 1830s (Graham, 1968; TenBroek, 1965), we can also look for the origins of educational rights in extralegal activities and spaces.

In tracking the long march of educational rights, we must credit the Massachusetts Education Laws of the mid-1600s. Notwithstanding the exclusionary gendered language and the dogmatic wording of the statutes, the people of the colony deemed education sufficiently vital to community life to warrant codification with provisions for funding. However, also significant were collective historical experiences—especially of groups that suffered from the negation of educational opportunities—the evidence of which constitute rich empirical material for thinking about rights.

Made by and for humans, rights are products of culture and history and are comprehensible through examination of the processes by which they were made and the contexts that gave rise to the need for legally secured powers. In the United States, rights are taken to be personal possessions, yet their realization is so dependent on cooperation and solidarity that the proclamation “I have a right . . . ” is rendered meaningless if others do not perform the actions necessary to animate the statement.
Legally speaking, rights are powers, privileges, and immunities secured to individuals by common and statutory law. Thus, we do not err in seeking the origins of educational rights in adjudication, legislation, or the crafting and amending of constitutions. Consider *San Antonio Independent School District v. Rodriguez* (1973), a landmark U.S. Supreme Court case that addressed the question of whether Texas’s public education finance system, based on ad valorem taxation of property within districts, violated the equal protection provision of the Fourteenth Amendment by failing to distribute funding equally among its school districts. In a 5–4 vote, the Burger Court held that education was not a fundamental right and, consequently, found that the state only needed to show a rational basis for its finance system. The state showed a plausible reason for funding schools using within-district property taxes, which was ruled to be not “so irrational as to be invidiously discriminatory” (p. 55). Close to a decade later in *Plyler v. Doe* (1982), a case dealing with the constitutionality of a Texas statute that allowed the state to withhold from local school districts state funds for educating children of unauthorized immigrants, a slightly reconstituted Burger Court affirmed, in a 5–4 vote, that education was not a fundamental right but asserted that it was more than a government benefit (p. 221). A few years later, in *Papasan v. Allain* (1986), the Court, in another 5–4 vote, proclaimed the question concerning the constitutional character of education unsettled (pp. 266–267).

Since the 1973 *Rodriguez* ruling, all cases challenging the equity of public schooling have proceeded at the state level. Each state in the union has an education clause in its constitution that mandates the provision of free public schooling. In certain states, such as Kentucky and Massachusetts, education is a legally protected right. Yet, even in those states where the fulfillment of educational rights is deemed fundamental through court ruling or constitutional provision, there are social milieus fraught with contradictions. Consider *McDuffy v. Secretary of the Executive Office of Education* (1993), an education finance case in which the Supreme Judicial Court of Massachusetts articulated the kind of education that the commonwealth was obligated to provide its public school students:

An educated child must possess at least the seven following capabilities: (i) sufficient oral and written communication skills to enable students to function in a complex and rapidly changing civilization; (ii) sufficient knowledge of economic, social, and political systems to enable students to make informed choices; (iii) sufficient understanding of governmental processes to enable the student to understand the issues that affect his or her community, state, and nation; (iv) sufficient self-knowledge and knowledge of his or her mental and physical wellness; (v) sufficient grounding in the arts to enable each student to appreciate his or her cultural and historical heritage; (vi) sufficient training or preparation for advanced training in either academic or vocational fields so as to enable each child to choose and pursue life work intelligently; and (vii) sufficient level of academic or vocational skills to enable public school students to compete favorably
with their counterparts in surrounding states, in academics or in the job market. (pp. 618–619)

To bolster these criteria, the court analyzed the section of the state constitution entitled “The Encouragement of Literature” and asserted that the meanings of “duty” corresponding to legislatures and magistrates and “cherish” regarding literature and the sciences were “not merely hortatory or aspirational, but impose[d] instead an enforceable duty on the Commonwealth to ensure the education of its children in the public schools” (p. 546).

Alongside the 1992 McDuffy decision, we juxtapose the outcome of Massachusetts Question 2 from the 2002 general election, a referendum initiative that garnered nearly 68 percent of the vote and placed stringent limitations on bilingual education in public schools. We believe we are justified in questioning whether the rousing, unqualified affirmations of McDuffy are tempered by social considerations of race and language.

Unable to traverse the lacuna between the heralding of a new order and its inconsistent realization, an ideological function of the law as a kind of “professional vision” (Goodwin, 1994) is brought into relief. To generalize in a substantive way, for courts the recognition and protection of rights is a normative matter tied to the doctrine of stare decisis (“stand by things decided”) and original intent approaches to constitutional interpretation. Political, economic, and social factors are often transformed into semi-invisible actors on the world-historical stage as the law writes its logic over that of other social languages.

Without aerial, macro views of social life through historical time, or without ground-floor, micro views of social interaction in specific settings, an array of analytic voices is rendered unavailable. We can think about landmark rulings as legal Midrashim—that is, as context-bound and interest-laden elucidations that expound and elaborate themes of paramount importance to the species. In the complex and contested arena of social life, legal narratives seemingly exhaust their explanatory potential. Bearing this in mind, we move to times and spaces where learning was effectively, if not absolutely, suppressed—the slave plantation and the era of de jure segregation—and attend to the activities out of which the need for legal protection of educative experience emerged.

North Star: Imagining the Relationship among Learning, Dignity, and Rights

For guidance, we submit a “North Star” illustration, both splendid and grim, intended to show how the earliest quanta of social value are bestowed upon learning itself. Historically, escapes to freedom guided by the North Star imbued the celestial object with cartographic, existential, and political meaning. As a kindred marker, intended to shepherd our thinking regarding the role of learning in the struggle for emancipation and the local roots of dig-
nity, we turn to one of the most prominent slave accounts, *The Narrative of the Life of Frederick Douglass: An American Slave, Written by Himself* (1982), which he wrote in 1845. The first of four versions of his life’s story, we foreground it as an information source because it is the account closest in time to experiences of critical consequence for our inquiry.

We turn now to an enigmatic pedagogical episode along the Chesapeake Bay, close to two hundred years ago in Maryland’s Talbot County. A five-year-old slave boy named Frederick Augustus Washington Bailey was loaned out to Hugh Auld of Baltimore, brother of the boy’s owner, Thomas Auld. (Frederick did not adopt the last name Douglass until well into adulthood as a freeman.) Of the city for which he was destined, Douglass wrote, “It was no small affair, in the eyes of the slaves, to be allowed to see Baltimore” (pp. 53–54). Locale, in his narrative, was not merely backdrop.

I look upon my departure from Colonel Lloyd’s plantation as one of the most interesting events of my life. It is possible, and even quite probable, that but for the mere circumstance of being removed from that plantation to Baltimore, I should have to-day, instead of being here seated at my own table, in the enjoyment of freedom and the happiness of home, writing this Narrative, been confined in the galling chains of slavery. Going to live at Baltimore laid the foundation, and opened the gateway, to all my subsequent prosperity. (pp. 74–75)

What did Baltimore offer that stoked Douglass’s development? A slave in either place, Douglass considered Baltimore the lesser of two evils as well as a social ecology with affordances and opportunities that a bondman in need of both bread and meaning could identify and exploit. What is remarkable about Douglass’s stay in Baltimore was the way he created and orchestrated a network of relations that, in turn, remade him. On his arrival, Douglass was met with the kindness of Mrs. Auld, who, at least initially, supported him in the momentous developmental task of establishing a connection with the alphabet. With this act—rather, with this interact—they began to alter, in minute but significant ways, a social order in which “education and slavery were incompatible” (p. 82).

Soon thereafter, Mr. Auld finds out about the undesirable and unlawful project. His bilious admonishment of Mrs. Auld is revealingly blunt: “If you give a n____r an inch, he will take an ell. A n____r should know nothing but to obey his master. Learning would spoil the best n____r in the world” (p. 78). Douglass wrote:

These words sank deep into my heart, stirred up sentiments within that lay slumbering, and called into existence an entirely new train of thought. It was a new and special revelation, explaining dark and mysterious things, with which my youthful understanding had struggled, but struggled in vain. (p. 78)

With characteristic wit, Douglass, writing in 1892, recalled this event as the “first decidedly anti-slavery lecture” he ever heard (1962, p. 97). For him, and
for his readers, the epistemological yield was substantial: “Knowledge unfits a child to be a slave” (p. 97).

By his account, Douglass was undeterred by the incident and “set out with high hope, and a fixed purpose, at whatever cost of trouble, to learn how to read” (1982, p. 79). Of the opposing forces at work in the struggle to learn—the suppression of opportunity and the realization of process—he wrote, “I acknowledge the benefit of both” (p. 79). His insight guides us as we theorize that attempts to stamp out the embers of humanity may inadvertently stoke the desire for intellectual betterment that can enkindle dangerous forms of learning.

Pledges to learn how to read and/or write punctuate the slave narratives and index the well-evidenced fact that bondmen and bondwomen were willing to risk “discovery, dismemberment, and punishment” (Cornelius, 1991, p. 9) to participate in the process of literacy learning. Using contemporary interpretive tools, we think of those perilous actions as “appraisals” or “bestowals” of value (Singer, 1992, p. xix). Reading and writing occupied an exalted place in Douglass’s worldview and played an indispensable role in helping him become an abolitionist of consequence. Yet, we must not elide Douglass’s authoritative assertion of the worth of both negation and affirmation in the acquisition of letters. Owing to its descriptive and explanatory qualities, Douglass’s narrative can also be read as a philosophical account of how dignity is born via disparate kinds of human activity and how the cultural achievement of capability adumbrates the birth of legal powers.

The Place of Learning in the African Slave Narratives

Enumerated at more than six thousand stories and over one hundred book-length chronicles created between the 1700s and the 1940s (Starling, 1981, p. xxvi), the African slave narratives are no meager corpus of information. Described as “veritable repositories of the ontological and epistemological concerns of human beings enslaved in Antebellum America” (Davis & Gates, 1985, p. vi), the narratives constitute “testimony strong as sacred writ” (Mallack, 1849, p. i) against slavery itself. As beneficiaries of this African American heritage, this human heritage, we face the task of fashioning an interpretive approach both reverent and bold. Our selection process was informed by the foundational and detailed exegesis of narratives and interviews by historians and literary scholars (Blasingame, 1977; Davis & Gates, 1985; Starling, 1981) and the exemplary secondary literature on the development of slave literacy in the antebellum period (Cornelius, 1991; Gundaker, 2007, 2010).

Understanding that the narratives and interviews were not representative of the slave population as a whole, we approached the accounts with the intention of making informed decisions about which documents to examine. We patiently made our way through stacks of reading in order to construct a detailed, working conception of slave life. Guided by our scholarly fore-
bears, we lost ourselves in the “classic” slave narratives of Olaudah Equiano (1967), Mary Prince (2004), Henry Bibb (1849), Solomon Northup (1968), and Harriet A. Jacobs (1988) among others. We concur with historian John Blassingame’s (1977) assertion that the chief affordances of narratives are the presence of perceptible first-person, authorial power; the length and detail contained in the accounts; and the closeness of persons to bondage at time of composition. Thus, we have privileged narratives written by slaves themselves. And although black women wrote only a small percentage of the narratives that live on today, we have endeavored to place equal emphasis on the voices of bondwomen and freewomen because the gendered dimensions and dangers of slave existence gave rise to radically different narrative strategies and truths (Schwalm, 1997).

Moreover, we immersed ourselves in the interviews conducted by the American Freedmen’s Inquiry Commission during the 1860s and the Works Progress Administration (WPA) during the 1930s. Regarding the latter, we cannot dismiss Blassingame’s (1977) nuanced critique of the racial attitudes of some interviewers, the young ages of many of the interviewed former slaves at the time of emancipation, and the reporting and transcription practices of WPA staff. As a result, we tended to veer wide of interviews conducted by the WPA in constructing our vision of slave life, though we did examine interviews conducted by university-trained African American scholars in Arkansas, Georgia, Louisiana, and Tennessee. We also included within our scope of reading the skillful and empathetic narratives elicited by Octavia V. Rogers Albert (1988), a woman born into slavery and educated at Atlanta University who undertook the research as part of a social mission.

Negations of the Opportunity to Learn and Grow

In their push to survive, slaves “risked discovery, death, and dismemberment” (Cornelius, 1991, p. 4) to learn how to read and write. Violence, sanctions, and laws served to suppress learning opportunities, and slaves wrote vividly about those negations. Within the narratives, accounts of “sufferings in the cause of learning” (Starling, 1981, p. 180) abound. But not all negations were gloriously overcome.

It was perilous for slaves to be caught with and without letters. Describing a cruel and macabre “joke” (p. 212), J. F. Boone (1938) of Arkansas related how his father, who did not know how to read, was given passes from a young master that bore instructions for anyone who came across the slave to beat and repeatedly “pass him out” (p. 212). Leonard Black (1847) of Maryland told of a whipping so severe that it made him “sick of books” and “overcame [his] thirst for knowledge” until after his escape (p. 19). And Henry Nix (1938) of Georgia recounted how his uncle stole a book for the purpose of learning to read and write and was punished by having his finger cut off “down to de fust jint” as a “sign for de res uv ’em” (p. 144).
To paraphrase poet Czesław Miłosz (2011), what strengthened some slaves was lethal for others. While our thesis rests on the ways educational negations were collectively overcome, the horrifying character of bondage compels us to contemplate the millions of slave narratives that were never written. Over the years and in various scholarly contexts, we have repeatedly come across the contention that slaves who wrote narratives were exceptional in comparison to ordinary bondmen and bondwomen. Given the human-made character of slavery, we cannot ascribe to this naturalistic “survival of the fittest” thesis. Bearing in mind the pervasive violence of the slave system and the treacherous contexts in which resistance operated, we are fortunate to have even a single narrative in existence. The broad suppression of educational opportunity and the extensive efforts of the slave-owning class to establish dominion over the minds and bodies of slaves were essentially assaults on the dignity of bondmen and bondwomen. Thus, a portion of the value learning has acquired over the centuries can be traced to its prohibition and the blood exacted from slaves in their pursuit of knowledge.

**The Price and Value of Learning**

Yet, of greater import were the ways individuals responded to the physical and symbolic violence of slavery. In certain cases, the negation of the opportunity to learn spurred the pursuit of letters. Thomas L. Johnson (1882), writing about slave life in Virginia, recounted the story of a bondman named Anthony Burnes told to him by his own slave master, Mr. Brent. After writing himself a pass, Burnes escaped north but was soon captured. Once returned, his master sold him off to someone in Georgia, the state Johnson said had the most menacing reputation among members of his slave community. Johnson reported Mr. Brent’s admonishment: “All this [Burnes] brought upon himself because he knew how to write” (p. 12). In the presence of slave master, Johnson feigns ignorance. Alone, however, Johnson reasoned, “If dat is so, I am going to learn how to write, and if I can get to Boston, I know I can get to Canada” (p. 12).

Although the negation of opportunity may bestow upon learning its earliest quanta of social value, the myriad functions of learning in the context of slavery are its most powerful manifestation of worth. We highlight the connection Johnson made between learning and locomotion. Johnson’s “if I can get to Boston” gives voice to the idea that if learning is dignity conferring and, thus, rights generative, it must provide the means to procure “primary goods” (Rawls, 1971) such as freedom of movement and respect, the raw materials for achieving justice in society.

**Dignity Through Learning in Community**

Whereas Douglass’s narrative lends insight into the meaning of literacy learning for himself, an excerpt from *Incidents in the Life of a Slave Girl, Written by Herself* by Harriet A. Jacobs (1988) illustrates the interpersonal bonds that buttress educational activity and reinforces the assertion that African American
women of the eighteenth and nineteenth centuries “acquired literacy within an environment of activism, advocacy, and action” (Royster, 2000, p. 110).

Early in her 1861 narrative, Jacobs (born in 1813 in Edenton, N.C.) writes, “The degradation, the wrongs, the vices that grow out of slavery are more than I can describe” (1988, p. 45). Yet, over the course of three hundred pages, Jacobs, who spent seven years hiding in an attic waiting for an opportunity to escape and reestablish her family, eloquently and forcefully testifies about slave existence. Through channels largely unavailable to male narrators, female autobiographers reveal the degree to which plantation societies were sexual regimes where the threat of rape was imminent. For female slaves, evading sexual aggression was as much an everyday activity as the procurement of daily bread. Nevertheless, within these volatile contexts of perverse and pervasive violence, families and communities were formed and maintained (Blassingame, 1972; Genovese, 1974).

I knew an old black man, whose piety and childlike trust in God were beautiful to witness. At fifty-three years old he joined the Baptist church. He had a most earnest desire to learn to read. He thought he should know how to serve God better if he could only read the Bible. He came to me, and begged me to teach him. He said he could not pay me, for he had no money, but he would bring me nice fruit when the season for it came. I asked him if he didn’t know it was contrary to law; and that slaves were whipped and imprisoned for teaching each other to read. This brought the tears into his eyes. “Don’t be troubled Uncle Fred,” said I. “I only told you of the law, that you might know the danger, and be on your guard.” He thought he could plan to come three times a week without its being suspected. I selected a quiet nook, where no intruder was likely to penetrate, and there I taught him his A, B, and C. Considering his age, his progress was astonishing. As soon as he could spell in two syllables he wanted to spell out words in the Bible. The happy smile that illuminated his face put joy into my heart . . .

I tried to encourage him by speaking of the rapid progress he had made. “Hab patience, child,” he replied. “I larns slow.”

I had no need of patience. His gratitude, and the happiness I imparted, were more than a recompense for all my trouble. (Jacobs, 1988, pp. 111–113)

Through his “A, B, and C,” Uncle Fred acquires the means within his universe of Christian faith to strive for communion with God. Through her assistance, Jacobs is provided a rare, abiding kind of fulfillment. Through their collaboration, a powerful and atypical relationship emerges that minutely, but unquestionably, amends the social order.

Returning to our central assertion—learning is dignity-conferring and, thus, rights-generative—we ask: what exactly was emerging in and through the interactions between Uncle Fred and Harriet Jacobs? Though limited to Jacobs’s description of Uncle Fred’s experience, her words provide evidence for the emergence of a growing capacity to decipher and make meaning of religious text. This expanding personal relationship with the Bible (an artifact
that, letter by letter, becomes legible) opens up different qualities of spiritual experience and a widening sense of dignity and personhood. The connections Jacobs draws between literacy learning and “happiness” can be understood as an empirical account of the dignity-bearing quality of learning under a regime that treated reading as criminal activity. Further, the social and experiential core of dignity is made evident in the communion that emerges through Jacobs’s willingness to risk punishment for the betterment of another person. Three days a week, in the “quiet nook,” Jacobs and Uncle Fred enacted an alternate social reality where the right to learn how to read was birthed and the fundamental humanity assumed by such activity was nurtured.

Wartofsky (1979) posits the existence of “imaginary worlds . . . embodied alternative canons of representation” (p. 209) and theorizes about their dialogic relation to the governing nomos of our world. To establish theoretical clarity, these rare and powerful mediating artifacts are not dreams or mental representations but actual “visual pictures [to] be lived in” (p. 210). Moreover, experiences in these neighboring worlds carry the potential to color our perception of what is possible in ordinary life. Neither products of fantasy nor heralds of a more just society, imaginary worlds are grasshopper-scale fragments of the future alive in the present. To the extent that activity in these worlds transcends immediate necessity and prepares participants for needs that lie “only in the future” (p. 208), imaginary worlds are emancipatory spaces.

Turning back to the ensemble of Jacobs and Uncle Fred, we respectfully ask: What need did slaves have for literacy in a plantation society? For slave masters, the answer was none. For slaves, literacy was absolutely pragmatic: a vehicle to the past, an indispensable tool for the present, and a way of preparing for a world that did not yet exist. For chattel slaves, literacy learning was simultaneously an assertion of personhood and an activity that shaped perceptions of what was possible in ordinary life, one that unfitted them for the repressiveness of the slave quarters and, thus, was dignity-conferring.

The Burden of Learning, the Demands of Dignity

Found throughout the slave narratives are descriptions of “learning situation[s] which encouraged a slave’s unrest” and often led to “experiential enlightenment” (Davis & Gates, 1985, p. xxvii). Whether made manifest through their own pen or by trustworthy interlocutors, slave testimony provides contemporary scholars with an abiding witness to the human condition as well as to the value of learning in contexts where tyranny reigned but minds still endeavored to flower.

Sensing the need to move away from universal conceptions of reading and writing, literacy scholar F. Nyi Akinasso (1991) has argued for “more detailed investigation into literacy practices and actual choices in specific societies . . . to enhance our knowledge of the relationship between literacy and individual consciousness” (p. 93). With this, we return to Frederick Douglass’s narrative to understand how literacy worked to both procure and safeguard dignity in
contexts where humans were property, where sexual violence and rape were omnipresent in the life of the female slave, and where familial and community bonds were under constant assault.

Mr. Auld’s disquisition on slaves and learning prompted Mrs. Auld to discontinue her tutorials with Douglass, the young slave. By Douglass’s (1845) own account, the cessation of instruction took place too late, because “Mistress, in teaching me the alphabet, had given me the inch, and no precaution could prevent me from taking the ell” (p. 82). Both Douglas and Mr. Auld understood that the “inch” would portend the flourishing of a fledgling power; the “ell” signified nothing less than a liberation made possible by signs and meanings. Douglass described the succor literacy provided as well as the agitation it cultivated:

I was now about twelve years old, and the thought of being a slave for life began to bear heavily upon my heart. Just about this time, I got hold of a book entitled “The Columbian Orator.” Every opportunity I got, I used to read this book . . . I found in it a dialogue between a master and slave . . . the whole argument in behalf of slavery was brought forward by the master, all of which was disposed by the slave . . . These were choice documents to me. I read them over and over again with unabated interest. They gave tongue to interesting thoughts of my own soul, which had frequently flashed through my mind, and died away for want of utterance. The moral which I gained from the dialogue was the power of truth over the conscience of even the slaveholder . . . The reading of these documents enabled me to utter my thoughts, and to meet the arguments brought forward to sustain slavery; but while they relieved me of one difficulty, they brought on another even more painful one than the one of which I was relieved. The more I read, the more I was led to abhor and detest my enslavers . . . I would at times feel that learning to read had been a curse rather than a blessing. (pp. 83–84)

Crisis shapes both self and tool. For Douglass, becoming a person of letters was at once liberating and painful. This is literacy as a verb, as unfitting an individual for servitude: to read and write oneself into being was to inure oneself to degradation, to make oneself less biddable, to make a future in which one’s value was not reducible to dollars and cents. Douglass’s sojourn between “The Columbian Orator” and plantation society disrupted (albeit minutely) the “symbolic flow” (Warman, 1976, p. 334) of slave capitalism; the words and ideas that once connected him to that mode of economic exploitation no longer fit the self he was imagining himself to be. As he grew, as he read and wrote in concert with the continuous stream of interactions with the slave world, he nursed an emancipatory kind of torment that proved impossible to anesthetize.

On Learning, Dignity, and Caste
In the postbellum period, the terror of slavery gave way to the torment of caste and constitutionally permissible segregation. What tools would the children of Douglass use to enhance and safeguard their dignity? On what grounds would
the children of Jacobs petition the courts for freedoms and rights already guaranteed by the Thirteenth, Fourteenth, and Fifteenth Amendments? At an existentially exorbitant cost, African Americans and their allies eventually fashioned the law into shield and sword through the protracted process of book-learning, the actualization of which could lead to “heights high enough to overlook life” (Du Bois, 2008, p. 11). Through the courageous development of “rhetorical prowess” (Royster, 2000) in hostile circumstances, women such as Ida B. Wells-Barnett emerged as voices of protest and vision. Out of the sporadic, spirited fulfillment of the goals of the Niagara Movement—“Education is the development of power and ideal . . . we will fight for all time against any proposal to educate black boys and girls simply as servants and underlings, or simply for the use of other people” (Du Bois, 2014)—learning emerged as an instrument capable of slowly loosening the gnarled knot of caste.

The Social Interactional Dimension of Segregation

We turn now to examine transcripts from the “finding of fact” phases of landmark desegregation cases to see how the subjective experiences of segregation became legal evidence for rights claims. Considered in tandem with autobiographical and biographical information, the testimony of lead plaintiffs demonstrates the extent to which dignity is at stake in educational endeavors tied to classrooms. Through their collective legal efforts, the constitutional question of whether “separate but equal” facilities violate the Fourteenth Amendment is thrown into relief. Through their historical witness and narratives, a central human question is drawn out: Is it possible to divorce processes of learning from considerations of dignity?

The legal struggle against segregation and the separate but equal doctrine established in \textit{Plessy v. Ferguson} (1896) reached a pinnacle, though not an end, with the \textit{Brown v. Board of Education of Topeka} (1954; 1955) decisions of the 1950s. The preceding years brought a trio of opinions regarding segregation in universities: \textit{Sipuel v. Board of Regents of University of Oklahoma} (1948), \textit{McLaurin v. Oklahoma State Regents} (1950), and \textit{Sweatt v. Painter} (1950). We do not treat the holdings in detail here, however, as our aim is to examine the relationship between the subjective experience of segregation and the development of educational rights.

\textbf{Aloneness: Sipuel v. Board of Regents of Oklahoma}  

On June 18, 1949, exactly 1,251 days after she first applied to the University of Oklahoma and was denied admission to the School of Law on the basis of race, and approximately two weeks into the summer semester, Ada Lois Sipuel Fisher attended her first day of classes. Vigorous litigation by the legal defense arm of the National Association for the Advancement of Colored People (NAACP) and the leadership of university president George L. Cross
had opened the door. Once through, in accordance with state law, she was promptly segregated. Of this experience, she wrote:

I have tried to decide what racist action or situation over the years I have felt most acutely . . . I think perhaps walking past my classmates in the school of law classroom and climbing the levels up to the “colored” chair was the most humiliating. I was finally there, enrolled as a student along with some one hundred other first-year law students. We all were young American citizens with at least a bachelor’s degree. We all had met qualifications for admission, and we were there solely for the purpose of studying the law. I, however, was considered so different that I must sit apart from my peers. As I climbed the levels and rows of seats, I realized that all eyes were on me. What were they thinking? Was I walking erect and maintaining a calm demeanor? I must show no emotion. I had to be careful not to stumble. As I ascended the levels to my chair, I wondered why that particular experience was worse than the others.

Maybe it was the aloneness, knowing the arrangement was directed toward one person: me. Would it have been less traumatic if several blacks were along with me? I doubt it. The basic reason for my despair was the fact that this discriminatory arrangement was not the act of one or a few “rednecks” or a few bigoted people. On the contrary, it represented the laws and public policy of the state. It was designed and implemented by the government of the state of Oklahoma. My state had resorted to this ridiculous scheme. (Fisher & Goble, 1996, p. 148)

Bearing witness is an assertion of dignity. The details of the interaction—cautiously scaling the levels, anxiety over the stares of classmates invited to participate in state-sanctioned humiliation, the aloneness of the experience—serve as evidence of organized and intentional dehumanization. As Sipuel recounts, the basic reason for her despair lay in the fact that the acts of racism carried the imprimatur of her home state. Her recollections are representative of the broader trauma and experience of segregation and provide evidence for the argument that the early life of educational rights is marked by crises of dignity. However, no repressive social order is ever as absolute as it aspires to be (Foucault, 1975; Goffman, 1961; Scott, 1987). Sipuel’s place in the “colored chair” was not the final scene in this societal drama; a subsequent transformation was on the horizon.

Just Outside: McLaurin v. Oklahoma State Regents

In Oklahoma nearly a century after the first slave narratives were published and about a year after Ada Lois Sipuel Fisher is forced to the back row, George McLaurin (1887–1968) testified about the segregation in his university classroom. McLaurin’s experience is a vivid illustration of the multifaceted quality of social action and simultaneously an event of legal, historical, and social interactional import. Transcripts from the district court show Thurgood Marshall, one of a pair of attorneys representing McLaurin, being rebuffed a number of times by the three-judge panel in his efforts to get McLaurin on the
stand. One judge found a photo of McLaurin sitting outside the threshold of the classroom to be self-evident. However, the NAACP legal team persisted and succeeded in getting McLaurin on the stand. Marshall and his colleagues knew that those most harmed by segregation must be allowed to speak in order to establish a record for future litigation.

TM: Will you state briefly the circumstances after your classes were arranged and you were placed in the room that you now use as your classroom.

GM: Those pictures describe the room in which I was placed adjoining the main classroom, and sometimes I would sit by the wall and there would be just an opening and of course it is necessary for me to look with a greater angle than anyone else to see the west side of the blackboard and so forth, and quite strange and humiliating to be placed out in that position, and it handicaps me in doing effective work, always conscious of something, bring about unnatural conditions and so forth. It is really handicapping me. Sometimes I can’t concentrate my mind on work as I should. (Testimony of McLaurin, 1949, p. 24)

Why was the photograph of McLaurin sitting beyond the wall of the classroom so significant? (See “White students in class at the University of Oklahoma, and G. W. McLaurin, an African American, seated in anteroom,” 1948.) At a time when the actual harm segregation inflicted was in doubt, the image served as a way to show what the violation of the Fourteenth Amendment looked like. What did segregation signify for George McLaurin? McLaurin’s description of his experience as “strange and humiliating” evinces the threats to his dignity as well as indexes the societal arrangements barring the realization of his potential. Toward the end of the deposition, Marshall, with the assistance of Judge Alfred Murrah, added legal meaning to McLaurin’s placement just outside the classroom.

TM: [Previous desegregation] cases show that the plaintiff, the complaining party, actually has lost something that you can put your hand on as a result of that classification. We take the position as to the McLaurin case that McLaurin is losing something, what he is particularly losing is by being put in a situation of being a leper, or something wrong with him to exclude him from a room. It interferes with his ability to study . . . That takes something away from him . . . [We] think in this case that so far as I am concerned it is the first time that the true result of segregation laws is apparent . . . Here we take one man and put him on the outside and let him peep in from the outside, that the purpose of that segregation is not to maintain separation of the races, the purpose of segregation is to humiliate him. To humiliate, maybe is not enough for a court to pass upon, but when the humiliation is coupled with a frame of mind that will prevent that man from getting the same thing that everybody else gets, it most certainly is the type of classification that comes within the regular classification cases in the Fourteenth Amendment.
AM: In other words, to epitomize your argument, it is to the effect that the segregation as shown by these facts is humiliating and so odious and so humiliating as to deprive him of the equal protection of the law or equal facilities.

TM: Yes, sir. (Testimony of McLaurin, 1949, p. 72–73)

Both McLaurin and the NAACP were, at that time, in the process of becoming experts at transmuting the subjective experience of segregation—the humiliation of McLaurin—into personal and legal arguments for full and vigorous participation in educational activity shielded by the law. In his questioning, Marshall put forth a litmus test for a Fourteenth Amendment claim: “the plaintiff, the complaining party, actually has lost something that you can put your hand on as a result of that classification.” We assert that a vital part of that “something” was dignity and that its acquisition or alienation is inseparable from the moment-to-moment experience of learning.

Though advanced in age, McLaurin was able to perform the duties of his role as lead plaintiff. However, he was not able to complete his graduate studies in education. A diligent search of the historical record unearthed no definitive explanation from scholars or McLaurin himself as to why this was the case. Regarding the day following the McLaurin ruling, Ada Lois Sipuel Fisher (Fisher & Goble, 1996) wrote, “I moved down to the front row. I have not sat in the back ever since” (p. 152).

Refusal: Sweatt v. Painter

Heman Marion Sweatt hailed from a Houston family in which all five children earned advanced degrees while attending segregated schools. Sweatt’s father, James Leonard, worked as a postal clerk, and his mother, Ella Rose Perry, labored as a seamstress. Together they were homeowners. By his own account, family life was rich with discussions of “black history, black problems” as well as with union-organizing activities. At the time of litigation, Sweatt worked as a substitute mail carrier and was considered by the NAACP to be an ideal lead plaintiff, a person capable of withstanding the long-term pressures of litigation (Lavergne, 2010).

During the mid-1940s, Sweatt applied for and was denied admission to the University of Texas Law School. In accordance with Article VII, Section 7, of the Texas Constitution, he was denied admission on the basis of his race: “Separate schools shall be provided for the white and colored children, and impartial provision shall be made for both” (Texas Legislative Council, 2014, p. 80). Sweatt pursued a writ of mandamus (a command from a court ordering a person to perform a public duty) in the state district court in Travis County. As the proceedings dragged on, the Texas State University for Negroes was created. What Sweatt (building on the gains in Sipuel and McLaurin) evinced was a move away from a legal approach that emphasized “equalization” (i.e., the strategy of pressuring states through litigation to equalize the resources of Negro universities, making segregation economically unsustainable) and
toward the position that the separate but equal doctrine was untenable under the Constitution. At the heart of the case were a pair of refusals on the part of Sweatt and the NAACP, the first involving a comparison of facilities.

The act of equating the first accommodations (a collection of rooms, dubbed “the Texas State University for Negroes,” located in a petroleum engineering office near the capitol building in Austin) to the well-established and prestigious University of Texas Law School at Austin strains the limits of credulity. Yet, the stakes attached to such determinations were enormous. If the institutions were deemed equal, Texas would be compliant with the law of the land and Sweatt would be “forced to matriculate into an institution he never
If deemed unequal, Texas would be in violation of the equal protection clause of the Fourteenth Amendment and Sweatt (along with others similarly situated) would have the right to attend the state’s flagship institution.

The second refusal appears in a 1947 deposition in which Sweatt, in close collaboration with his NAACP legal team, left a record of his thoughts regarding the separate but equal doctrine. Under questioning by Texas state attorney Price Daniel, the following exchange took place:

**PD:** In other words, you have no objection to a separate law school for Negroes if it is equivalent?

**HS:** I will have to answer the question in this way. I don’t believe in segregation. I don’t believe equality can be given on the basis of segregation. I answered that question, in that it stated that it would be—if it would be given at Prairie View, I still do not believe that segregation will give equal training. (Testimony of Sweatt, 1949, pp. 292–293)
His dissent in the face of the long-held legitimacy of the separate but equal doctrine constituted a defense of dignity, an assertion of the integrity of his mind and a bid for equality in the realm of reason.

In the context of education, the separate but equal doctrine advanced the deception that learning and dignity were mutually exclusive. To learn, all one needed was a back-row seat, a spot to eavesdrop, or the facade of a university. Matters of humiliation, indignity, and dignity were extraneous to the process of learning. Counter to these beliefs, the transformation of Sipuel’s aloneness into witness, the transmutation of McLaurin’s humiliation into evidence, and Sweatt’s refusal to cosign what would soon be determined to be inherently ludicrous all point to the existence of a social interactional and legal nexus, a space where infralegal activity takes place and everyday matters take on constitutional import. What those experiences illustrate is the extent to which learning and dignity are inextricably bound and the capacity for the law to recognize—not just proclaim—the fact of dignity.

Ambitious Social Science

Legal scholar Laurence Tribe (2012) has submitted the compelling notion of an American constitutional narrative, a “centuries-long dance of text, original meaning, history and tradition, judicial doctrine, social movements, and aspirational values” (p. 18). Within this frame, the Constitution is a “verb—an ongoing act of creation and re-creation that we perform in courts, in the halls of Congress and in the White House, on the streets, in scholarly works, and in a dazzling array of other venues” (p. 34). With room for competing stories, the narrative is actually a “conversation that constitutes us as a people and stretches backward and forward in time” (p. 34).

If read skeptically, Tribe’s assertion that the United States is “less a place than a story—or, more precisely, a cluster of hundreds of millions of stories, some stretching back to before the 1700s, others unfolding at this moment, still others not yet begun” (p. 20) seemingly flouts the practical demands of everyday life. If read closely, the absence of terms such as “oppression,” “state violence,” and “lynching” yield an “antiseptic” (McCamant, 1984, p. 11) view of how this narrative has been produced. However, if read insurgently—as if it were a kind of scholarly speculative fiction—the distance between our everyday scholarly efforts and the actions of our civil rights forebears is dramatically foreshortened. Given this possibility, we are compelled to ask: How might a community secure a turn-at-talk in this grand colloquy? How might a people obtain the standing to amend this constitutional narrative? What languages must a community appropriate in order to annotate the narrative with its own social dreams?

One of many possible answers to these queries can be found in the appellant’s social science brief in Brown I (Clark, Chein, & Cook, 2004), an exemplar of conscientious research and dutiful advocacy. Straightforward and
concise, as demanded by circumstances, its evocative social vision is disguised and coded. Consider the opening paragraph:

The problem of the segregation of racial and ethnic groups constitutes one of the major problems facing the American people today. It seems desirable, therefore, to summarize the contributions which contemporary social science can make toward its resolution. There are, of course, moral and legal issues involved with respect to which the signers of the present statement cannot speak with any special authority and which must be taken into account in the solution of the problem. There are, however, also factual issues involved with respect to which certain conclusions seem to be justified on the basis of the available scientific evidence. It is with these issues only that this paper is concerned. (p. 1)

The roughly four thousand–word document, signed by thirty-two prominent social scientists, continues in this all-business voice, making precise and measured claims and presenting weighty and bountiful evidence. And although the facts and conclusions of the adversaries stand in opposition to one another regarding the separate but equal doctrine, the social science of the proponents of segregation appears as reasoned and restrained as that of the appellants (Jackson, 2005). However, the social vision of the appellants’ research—the critical difference between the bodies of work—is brought into stark relief when contrasted with the societal arrangements implied by segregation scholarship. Only the plaintiffs’ brief, a compendium of progressive social thought, provides the intellectual resources to conceptualize an alternative and tenable future free of racial violence and subjugation and tempered with the possibility of broad social solidarity. It is within this ambitious scholarly tradition that we retool the normative model through which dignity and educational rights are understood in order to perceive learning anew.

More than a judicial opinion Brown I (1954) was a revolution in legal and social thought. Theologian James Cone once characterized Brown as “a philosophy [whose] very existence reminds Americans of the gap between what is and what ought to be” (Haddad et al., 2004). The span between Plessy and Brown cannot rightly be measured in years, only in the sacrifices of those able to withstand (as much as any community possibly could) the lynchings, economic exploitation, disenfranchisement, and discrimination that marked the epoch. Chief Justice Earl Warren merits high praise for his role in bringing about the unanimous Brown ruling. However, cadres of superbly educated African American and Mexican American lawyers and their allies had been waging the legal struggle against segregation and racial subjugation since the 1920s. The Brown ruling was also made possible by the central political and pedagogical role black educators played as advocates for black children (Walker, 2013).

Through Brown I, the Warren Court overturned the separate but equal doctrine and proclaimed that racial segregation had no place in the field of public education (p. 494). For the Warren Court, segregation per se was an unconstitutional affront to the Equal Protection Clause of the Fourteenth Amendment. The broader question regarding segregation in public life would have
to be answered through a new precedent that explicitly rejected racial subordination. One of the Court's staple assertions was that state-sponsored racial segregation deprived children of equal educational opportunities (Brown I, 1954, p. 493). Even if tangible factors (e.g., funding, buildings, and transportation) were equal, the fact of segregation itself was enough to cause "a feeling of inferiority as to [the minority children's] status in the community that may affect their hearts and minds in a way unlikely ever to be undone" (p. 494).

We pause to consider the historical and political interests echoing through the words "inferiority" and "hearts and minds." Notwithstanding its majesty, aspects of Brown I equate a "feeling of inferiority" with a distance from whiteness rather than the fact of outright subjugation. Moreover, as race and law scholar Derrick Bell (2004) argues, Brown must also be interpreted as an "anti-communist decision" tinged with Cold War concerns over the country's reputation in the global battle for hearts and minds. As children of Brown as well as Cold War coups and interventions, we reject notions of equality that rest comfortably alongside U.S. hegemony and white supremacy and seek to root ourselves in a different agenda. We take the alternate vision of broad social solidarity underlying Brown to mean a fundamental and active respect for the intellectual and political self-determination of all peoples and a commitment to fostering the conditions that support this potential to bloom.

To elucidate the effects of segregation on public education, the Warren Court trained its analytic powers on intangible elements. Citing Sweatt and McLaurin, the Court sought to make the intangible salient. In Sweatt (1950), the Vinson Court unanimously determined that a segregated law school was incapable of providing equal educational opportunities for African Americans by leaning heavily on "those qualities which are incapable of objective measurement but which make for greatness in a law school . . . reputation of the faculty, experience of the administration, position and influence of the alumni, standing in the community, traditions and prestige" (p. 634). In McLaurin (1950), the Vinson Court had also unanimously ruled that a Negro admitted to an all-white graduate school of education must be treated like all other students and made recourse to intangible considerations—"his ability to study, to engage in discussions and exchange views with other students, and, in general, to learn his profession" (p. 641)—to demonstrate the injury being inflicted.

Insofar as the dynamic reasoning established in Brown can be carried forth, and insofar as intangible qualities like dignity can rendered observable, social thought can serve as a sophisticated prayer—not in the sense derived from the Latin precarius, meaning something obtained by earnest hope or wish, but in the legal sense, meaning a specific and useful request for relief or damages. Such a critical prayer is dissatisfied with conducting only the postmortem measurement of harm and labors to limn an alternative social vision, a prospective and prophetic social science.
Through these conceptual windows, foundational works in educational research can be interpreted in fresh ways. Frederick Erickson’s (1982) ethnographic appraisal of pedagogical encounters in school settings could be regarded as a primer for understanding how the qualities of interaction and environment become grafted onto the self. Mike Rose’s (2006) artistic and analytic portraits of teachers in Calexico, California, and Baltimore, Maryland, helping children forge a relationship with the who, what, where, when, why, and how of inquiry could be read as narratives of how sanctuaries for minds are crucibles for rights. Carol D. Lee’s (2001) treatment of the expertly scaffolded, vigorous appropriation of literary reasoning by “underachieving” African American high school students could be viewed as expert testimony regarding the relationship between robust intellectual activity and the communal development of individual worth. Kris Gutiérrez’s (2008) explanation of how migrant students develop powerful “sociocritical” literacies could be taken as an account of how beautifully designed educational experiences can give rise to rich and variegated social dreams. All become studies in the cultivation of dignity through learning, an experience with the potential to incite an internal riot that no slave driver can suppress, no high-pressure hose can quell, and no deportation can disperse. Contrary to its associations with placidity, a sense of dignity can sow an invasive and weedy discontent and grow a self and a society that beseech rights.

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