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# Journal of Pedagogy, Pluralism and Practice

## Volume 1, Issue 4, Fall 1999

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Deconstructing the Concept of Human Rights, Legal Elements  
of Bilingual Education, and the Relationship Between Language  
Development and Education

### Table of Contents

- [What is Critical Literacy?](#)
  - Ira Shor
- [The University of Puerto Rico – Colonialism and the Language of Teaching and Learning](#)
  - Pablo Navarro-Rivera
- [Bilingual Education and the Law](#)
  - Solange de Azambuja Lira, Maria de Lourdes B. Serpa,  
and William T. Stokes
- [Beyond the Illusion of Human Rights](#)
  - Baron Kunstler
- [Three Prose Poems](#)
  - Anne Elezabeth Pluto
- [About the Contributors](#)
  - Journal Staff

# What is Critical Literacy?

Ira Shor, College of Staten Island

## Introduction

We are what we say and do. The way we speak and are spoken to help shape us into the people we become. Through words and other actions, we build ourselves in a world that is building us. That world addresses us to produce the different identities we carry forward in life: men are addressed differently than are women, people of color differently than whites, elite students differently than those from working families. Yet, though language is fateful in teaching us what kind of people to become and what kind of society to make, discourse is not destiny. We can redefine ourselves and remake society, if we choose, through alternative rhetoric and dissident projects. This is where critical literacy begins, for questioning power relations, discourses, and identities in a world not yet finished, just, or humane.

Critical literacy thus challenges the status quo in an effort to discover alternative paths for self and social development. This kind of literacy--words rethinking worlds, self dissenting in society--connects the political and the personal, the public and the private, the global and the local, the economic and the pedagogical, for rethinking our lives and for promoting justice in place of inequity. Critical literacy, then, is an attitude towards history, as Kenneth Burke (1984) might have said, or a dream of a new society against the power now in power, as Paulo Freire proposed (Shor and Freire, 1987), or an insurrection of subjugated knowledges, in the ideas of Michel Foucault (1980), or a counter-hegemonic structure of feeling, as Raymond Williams (1977) theorized, or a multicultural resistance invented on the borders of crossing identities, as Gloria Anzaldua (1990) imagined, or language used against fitting unexceptionably into the status quo, as Adrienne Rich (1979) declared.

From this perspective, *literacy* is understood as social action through language use that develops us as agents inside a larger culture, while *critical literacy* is understood as "learning to read and write as part of the process of becoming conscious of one's experience as historically constructed within specific power relations" (Anderson and Irvine, 82). Consequently, my opening question, "What is critical literacy?," leads me to ask, "How have we been shaped by the words we use and encounter? If language use is one social force constructing us ('symbolic action' as Kenneth Burke, 1966, argued), how can we use and teach oppositional discourses so as to remake ourselves and our culture?"

Essentially, then, critical literacy is language use that questions the social construction of the self. When we are critically literate, we examine our ongoing development, to reveal the subjective positions from which we make sense of the world and act in it. All of us grow up and live in local cultures set in global contexts where multiple discourses shape us. Neighborhood life and schooling are two formidable sites where the local and the global converge. In my case, until I left home for an elite university in 1962, I grew up in a Jewish working-class neighborhood in the South Bronx of New York City. In this treeless, teeming area, moms and dads held steady jobs but always spoke of needing money; chimneys coughed out garbage smoke daily yet few people complained; abundant ethnic food with names like "kishke" and "kugel" were occasions for passionate conviviality in kitchens filled with talk and stories; Eastern European accents were common and sometimes ridiculed, while non-Standard English was typical even among the native-born; televisions were always on and newspapers were delivered daily to our doors, teaching us the world beyond the neighborhood; and the N-word was spoken casually on gray blocks where only whites lived and only whites operated the small stores (except for one Asian family that slept and cooked in the back room of the Chinese laundry run by a mom and a dad who spoke little English, unlike the African-Americans I heard who had lots of English but no stores).

In that alleged Golden Age, black families and their own English were quarantined across the Bronx River Parkway in a housing project built in 1953 along with a junior high that straddled the racial border and became home to gangs divided by color and ethnicity. My first September day there in 1957 was made memorable by seeing a knife fight at dismissal time. For the next two years, I never went to the bathroom in that building. This was a coming attraction for the even more aggressive senior high nearby, which could have been the set for "Blackboard Jungle," a famous urban flick in that decade.

Like many American places then and now across the country, these gritty streets were a suburb of Hollywood. We kids went weekly to the local Skouras movie house under the roaring Pelham Bay el, paid 40 cents to see a John Wayne cowboy or war saga along with 20 cartoons, and devoured teeth-destroying candy, like a chocolate treat we called "nigger babies." It was a time when John D. Rockefeller's grandson Nelson first ran for Governor of New York, and my young ears noticed a change in one of my favorite jingles--Chock Full of Nuts, the heavenly coffee, stopped saying that "better coffee Rockefeller's money can't buy" and suddenly crooned that "better coffee a millionaire's money can't buy." Could such a change help the famous grandson get elected? Were words that important?

Rockefeller took the state house in Albany while I was in junior high, but before I got to that gang-divided territory and the accelerated "special progress" section that creamed off the most scholastic working-class kids, I patiently made my way up the "one" track in my all-white elementary school (1-1, 2-1, 3-1, 4-1, etc.) set aside for supposedly "smart" kids who were being divided from their "ordinary" peers very early in life. I soon learned that

a handful of chosen white working-class kids were supposed to leave the others behind, which I happily did with the push of my mother who insisted I stop cursing like my friends and speak proper English ("he doesn't" not "he don't").

Racially, in the desegregation 1950s, my elementary school changed ever so slightly when a single perfect black girl mysteriously appeared--Olivia was her name. One day, our third grade teacher asked us how many of our fathers went to work in suits and ties. Few hands went up, not mine or Olivia's. The teacher's question confused and embarrassed me because my dad--a sheet-metal worker and high-school drop-out--wore his only suit for special occasions, perhaps as did Olivia's father. Suits in my neighborhood were for bar mitzvahs, weddings, funerals, lodge gatherings, high holidays, or union meetings. The teacher's question that morning invited me to be ashamed of my family and our clothes which, like our thick urban accents and bad table manners, marked us as socially inferior, despite the white skin which gave us some decisive privileges over Olivia's family, such as my dad's union wages, living on the 'better' side of the Parkway, segregated classes for us white kids in junior high (internal tracking), and moms who could hire black cleaning ladies on Saturdays while they went off to the local beauty parlors to get a perm.

Perms were a small weekly luxury in this neighborhood, where suits, 'proper' English, and good table manners were rare. Still, I did see in those days a grownup wearing a tie and jacket to work--the elementary school principal. One morning, this suit called me to his office to let me know he was banning the little school newspaper I had started with my best friend Barry. (We called it "The Spirit of '93" to play on "the spirit of '76" we had read about vis a vis the American Revolution, and to honor our public school that had a number but no name.) When the principal abruptly ended our literate venture, I learned that 11-year-olds in our democracy can't publish a paper without prior official approval. The suit's word was power and law. Our kid's word vanished.

Thirty years later, unfortunately, the Supreme Court confirmed the right of public schools to censor student publications, in the Hazelwood decision. More recently, my memory of childhood censorship was stirred again when a New Jersey principal stopped my colleague Maria Sweeney's class from performing its original anti-sweatshop play (Nieves, 1997; Karp, 1997). The suit this time was worn by a female who suggested that fifth-graders can't really understand such issues as sweatshops, and besides, the kids weren't being fair to Nike and Disney. Maria with some parents and theater professionals stood by the 11-year-olds and their script, which the kids eventually performed onstage in Manhattan, so there was a happy ending to this story.

I could have used Maria Sweeney and activist parents in the '50s. Students of all ages need adult coalitions to help them win language rights to free speech and to social criticism (the presidents at two City University of New York campuses recently nullified student government elections when dissident slates won). Adult support can keep

restrictive authorities at bay, not only when a Broadway cause celebre erupts like the sweatshop play, but also for the low-profile, everyday forms of silencing that researchers like John Goodlad (1983) and Michelle Fine (1987, 1993) found in mass schooling. Administrative rule-making and top-down curricula mean that authority is unilateral not democratic, featuring standardized tests, commercial textbooks, mandated syllabi, one-way teacher-talk, and fill-in-the-blank exams. As teachers well know, silenced students find ways to make lots of noise, in the unofficial spaces of halls, toilets, lunchrooms, yards, and streets, as well as during class when teachers attempt their lesson plans. At many sites of mass education including public colleges, a culture war of discourses is apparently underway. In wars of words, can language and literacy be innocent? Can education be neutral?

### **Innocent or Neutral? Literacy and Pedagogy**

If language and education were non-partisan, I suppose my school principal would have allowed the "Spirit of '93" to circulate in the building. (Why didn't he campaign against the circulation of the N-word among us kids and our parents?) If words and schooling were free from conventional politics, I suppose Maria's class would have been able to perform its sweatshop play for classes at their Jersey school instead of crossing the Hudson River to do an exile gig. (Why didn't their principal support the campaign against sweatshop apparel instead of declaring the students unfair to corporate America?) All in all, if classroom discourse was not partisan, this nation's schools and colleges would display different stories than the conflicted accounts rendered by various scholars (Ravitch, 1974, 1983; Karabel and Brint, 1989; Dougherty, 1994; Tyack and Cuban, 1995; Berliner and Biddle, 1995). Consider, for example, the case of the Boston authorities in 1826, who decided to open an all-girls high school to match the all-boys one started a few years earlier. So many girls applied that the brahmin city fathers chose to kill the project rather than to meet the demand for female equality. For the time being, patriarchy was protected. If education were indeed neutral, boys and girls of all colors and classes would have had equal access as well as equal monies invested in their development, something this democratic nation never provided and still doesn't (*Quality Counts*, 20-21, 54). Racially, in fact, schools have become resegregated since the 1954 decision, according to recent studies (Orfield, 1993; Orfield and Easton, 1996; Orfield, et.al., 1997).

While segregation and unequal funding remain fixtures in American education, a partisan inequality rules daily life as well. For example, the Hunger Action Network and Food First group estimate that 5 million senior citizens and upwards of 4 million children go to bed hungry every day in this food-rich country (Lieberman, 1998). Can anyone doubt that hungry students are at a disadvantage in the classroom? The response of a humane society would be to simply feed everyone with the vast food surplus already available, but distribution in a market-driven society is based on income, not need. ("Marketplace"

on National Public Radio for June 25, 1998 reported a "problem" for farmers in the Northwest--"too much wheat and too few customers.") This sorry saga of separating hungry kids from plentiful food includes a bizarre attempt during the Reagan Administration to declare ketchup a vegetable to save money on school lunch programs. You don't need a PhD to know that ketchup is a condiment and not a vegetable, but such irrational claims mark conservative politics in recent decades (Bracey, 1994). When it comes to the disgraceful fact of hungry kids in a food-rich nation, all we can claim for critical literacy is that this discourse and pedagogy is food for thought and feeling (symbolic nourishment), not real calories needed by real people. Critical education cannot feed the hungry or raise the minimum wage; it can only invite people into action to achieve these and other humane goals. The moral core of critical literacy, then, should be put in high profile, especially in the wealthy U.S., where General Electric reported a record \$8.2 billion profit (Smart, 1998) and General Motors sits on \$14 billion in cash (Moody, 1998). The consequences of corporate power make it necessary for dissidents to say the obvious: Real food must be guaranteed each child to support her or his academic learning.

Food-rich America has the highest child poverty rate in the industrialized world, 20.8% (*Statistical Abstract*, Table 739, 1997). Here, black and Hispanic kids are more than twice as likely to live in poverty as are white kids (*Statistical Abstract*, Table 737, 1997). Conversely, in a high-tech age, white students are three times more likely to have computers at home than are black or Hispanic youth (*Technology Counts*, 1997; Zehr, 1998). A child whose parents earn

\$70,000 or more (top quartile) has an 80% chance to graduate college by age 24, while a child whose family earns \$22,000 or less (bottom quartile) has about an 8% chance (Mortenson, 1995; Viadero, 1998). White median family income is about \$41,000, remarkably higher than that of blacks (\$24,698) or Hispanics (\$24,318), indicating that white supremacy is still firmly in the saddle (*Statistical Abstract*, Table No. 727, 1997). Education and literacy are situated in these larger conditions, where the economy is the "decisive" factor influencing school policy and outcomes, as John Kenneth Galbraith (1967) suggested some time ago.

The good news is that from 1970s to mid-1980s, black students substantially narrowed test score gaps between them and their white peers (*Digest of Education Statistics*, Table 128, 1997; Williams and Ceci, 1997). The bad news is that these gains slowed or stopped by the 1990s, as economic and educational policies that increased inequality gained momentum (*Quality Counts*, 10-13). Further, black unemployment has remained about twice the white rate, virtually unchanged through boom and bust periods (*Statistical Abstract*, Table 656, 1997), despite the black achievement of near-parity with whites in average levels of education (*Digest of Education Statistics*, Table 8, 1997). Similarly, the income advantage of white families over minority households mentioned above has also

remained steady during this recent period of improving non-white educational achievement (Henwood, 1997). Additionally, in higher education, black and Hispanic graduation rates severely lag white student rates despite a notable narrowing of the racial gap in high school completion and test scores (Gose, 1998). Further, in higher education, only 3% of full professors are black and only 2% of all faculty are Hispanic (Schneider, 1998a). While the racial gap in wages has not narrowed, inner cities have become more segregated and minority families there more impoverished and isolated (*Quality Counts*, 14-15; Anyon, 1998).

Like black students' test score gains, females made historic advances in college attendance and degrees, yet have not been able to translate their higher credentials into wage parity. As the Department of Education (1996) noted, "despite large gains in educational attainment and labor force participation, significant differences in earnings persist between females and males, even at similar levels of education" (18). Female high school grads earn about a third less than male grads the same age; female college grads earn about 80% of what their male counterparts receive. Further, women are not getting PhDs in the high-paying fields of science and technology still dominated by white men, who also continue to dominate the high-salaried professions of medicine and law. Instead, women collect in low-wage doctorates and 'helping' professions such as education, social work, and library science (*Digest of Education Statistics*, Tables 272, 299- 304, 1997). Finally, women hold only 18% of high-wage full professorships but about 70% of low-salary schoolteacher jobs (Schneider, 1998a).

Besides the race and gender divides, mass education has also not equalized the widening gaps between social classes (Hershey, 1996; Perez-Pena, 1997). People of all colors and genders have gained more educational credentials every decade, yet the bottom 80% of wage-earners saw no growth in their share of national income since the 1970s while the top 20% take home higher wages (Holmes, 1996; "Wealthiest Americans," *New York Times*, 1997). In a single year, 1996- 1997, the number of billionaires in the U.S. increased from 135 to 170, according to Forbes magazine's annual report on the richest Americans (Sklar and Collins, 1997). The top 1% now control about 40% of the country's wealth, the highest percentage in our history, even though high-school diplomas and college degrees are more widely distributed today than ever (Boutwell, 1997). What Lester Faigley (1997) called "the revolution of the rich" means that class inequity is growing, not declining, at a moment when mass education is at its greatest reach.

Such inequities in school and society have been constant sources of critique as well as conflict. For example, Christopher Jencks (1972) concluded in a landmark study that progress towards equality would be at the speed of *glaciers* [his metaphor], if we depended on education to level disparities. What would move equality faster? Jencks proposed reducing wage differences and rotating jobs within occupations to give all people access to all competencies in a field or industry. An income/employment policy



plus progressive taxation to redistribute wealth would be far swifter equity mechanisms than mass education, he argued, because they would directly create more wages from the bottom up. A quarter of a century later, Jencks's analysis still holds, I would say, insofar as economic inequality is the primary problem needing change to build community foundations for school achievement (Anyon, 1998; Mickelson and Smith, 1998).

All in all, perhaps these are a few good reasons to question the status quo, including the myth of education as a "great equalizer" (Horace Mann's hope, discussed further shortly). Critical literacy is a pedagogy for those teachers and students morally disturbed by the above "savage inequalities" as Jonathan Kozol (1991) named them, for those who wish to act against the violence of imposed hierarchy and forced hunger.

## **Literacy for Equity: Transforming Words in the World**

In many ways, the project of critical literacy fits the savage and contentious time in which it emerged. In recent decades, America has been moving left and right at the same time though not in the same way or at the same speed, I would say. In this long period of polarization, when the liberal "center" declined dramatically, Democrats and Republicans virtually fused on the right.

Humane hope has resided in challenges to inequality made on various fronts of the left--challenges which have been met by powerful reactionary efforts to maintain tradition and privilege (Faludi, 1991; Ingalls, 1998; Morris, 1998; Shepard, 1998). To state the obvious, the past thirty years have witnessed monumental culture wars in school and society over gender, race, class, and sexual preference. Since the 1960s, these culture wars--a long-term questioning of the unequal status quo--have disturbed traditional language arts (phonics, the 5-paragraph essay, and grammar drills) and mainstream discourse (like the practice of only using the masculine pronoun "he" to refer to people in general). A familiar response to egalitarian pressures from below has been the "political correctness" campaign and other conservative education projects which have attempted to turn back the clock through various school policies: career education, back-to-basics, the literacy crisis, steep tuition increases, public sector budget cuts, more standardized testing at all levels, restrictions on open access to higher education, "cultural literacy" proposals steeped in Eurocentric facts and didactic lecturing (Hirsch, 1987, 1989; Hirsch, Kett, and Trefil, 1988), and "bell curve" arguments justifying the subordination of minorities (Herrnstein and Murray, 1994; Gould, 1995; Williams and Ceci, 1997). This counter-offensive to defend the status quo--which I call "the conservative restoration" against the democratic opening of the 1960s (see *Culture Wars*)--included corporate conglomeration of the mass media as well as high-profile attempts to muzzle criticism, such as progressive Jim Hightower's removal from national talk-radio, *Time* magazine's refusal to run essays on welfare reform, militarism, and the death penalty by its own columnist Barbara Ehrenreich, Oprah Winfrey's famous 'free speech' beef case in Texas, and the industry lawsuit against Cornell researcher Prof. Kate Bronfenbrenner who

publicly criticized labor-law violations of Beverly Enterprises, a health-care provider. The broad defense of the status quo also brought attacks on affirmative action (begun in earnest with the 1978 Bakke case in California; see Sandman, 1998, and Hill, 1998, for more recent events); on welfare (epitomized by the punitive "W-2" program in Wisconsin and cheap-labor "workfare" in New York; see Coniff, 1998, on the "mirage" of welfare reform and Gordon, 1994, on "how welfare became a dirty word"); on labor unions (like the 1998 corporate attempt to end labor financing of political campaigns through Proposition 226 in California); on abortion rights (restrictive access sanctioned by the Supreme Court; shooting of doctors, murders and bombings at clinics); on school-equity (the refusal of states like New Jersey and Texas to equalize student funding despite three decades of lawsuits and one court order after another); and on gay rights (like the banning of Indigo Girls from some high school concerts because of their lesbian identification, Strauss, 1998, and the attempt to drive Terrence McNally's new play *Corpus Christi* out of the Manhattan Theater Club, Blumenthal, 1998).

In this embattled period, when the status quo mobilized to defend tradition and hierarchy, culture wars have been particularly sharp in the field of English. Consider the bitter conflict fought by Linda Brodkey (1996) at Austin when she tried to redesign freshman comp with diversity issues; Maxine Hairston's (1992a) denunciation of critical theorists in composition and the responses it provoked; the growing dispute between entrenched literary study and subordinated writing instruction (the "comp-lit split," Schneider, 1998b); the rescue of the SAT as a tool for measuring literacy despite 20 years of criticism against its cultural bias (Weissglass, 1998); and the long-term contention between phonics and whole-language (Daniels, Zemelman, and Bikar, 1998). The specific area of culture wars which I address in this essay involves literacy and pedagogy in writing instruction. What methods help develop students as critically thinking citizens who use language to question knowledge, experience, and power in society? This social context for education joins a long discussion dating back to John Dewey and in some ways to Horace Mann before him.

## **Looking Back: Reform and Reformers**

In the year John Dewey was born in Vermont, 1859, an ailing 63-year-old Horace Mann delivered his final commencement address as President of Antioch, which he had helped found six years earlier as the first co-ed college in the country (also admitting blacks as well as whites, though Oberlin broke the race barrier a decade before). Mann, known as the Father of the Common School for his prodigious efforts to set up free public schooling in Massachusetts from 1837-1849, had helped rescue Antioch from near-bankruptcy soon after it opened (Williams, 1937). Now, on a June day in Ohio, he ended his last address with an extraordinary call to students, "Be ashamed to die until you have won some victory for humanity." A zealous reformer, he succumbed to illness that August, ending a controversial career devoted to mass education which he hoped, in part,

would solve growing class divisions in 19th century America. If education remained private, Mann thought, "Intellectual castes would inevitably be followed by castes in privilege, in honor, in property" (Williams, 188).

Dewey, more secular than Mann, argued in *Democracy and Education* (1916) that the curricular split between elite and mass education was passed down from the class divisions of ancient Greece, where leisured rulers could study philosophy and evade useful labor, supported by the majority who were marked inferior precisely because they worked with their hands. Subject matters dealing with utility and labor were deemed lesser than those relating to philosophy. Dewey thus saw the new mass curriculum of his time (the three R's and job-training) deriving from class inequities, where the study of abstract liberal arts remained a leisure class privilege while basic skills and occupationalism were relegated to society's subordinates: "The idea still prevails that a truly cultural or liberal education cannot have anything in common, directly at least, with industrial affairs, and that the education which is fit for the masses must be a useful or practical education in a sense which opposes useful and practical to nurture of appreciation and liberation of thought...The notion that the 'essentials' of elementary education are the three R's, mechanically treated, is based upon ignorance of the essentials needed for realization of democratic ideals" (*Democracy and Education*, 257, 192). Education separated from experience and usefulness on the one hand, and from philosophy on the other, was a dead-end for learning in a democracy, he argued. Dewey thus affirmed a holistic curriculum based simultaneously in experience and philosophy, in working and thinking, in action and reflection.

Accordingly, from such an integrated curriculum, Deweyan education seeks the construction of a reflective democratic citizen. In this curriculum, the class-based division between the ideal and the real, the liberal arts and the vocations, is collapsed into a unified learning field. Language use in such an egalitarian field is the vehicle for making knowledge and for nurturing democratic citizens through a philosophical approach to experience. For Dewey, language use is a social activity where theory and experience meet for the discovery of meaning and purpose. In this curricular theory and practice, discourse in school is not a one-way, teacher-centered conduit of class-restricted materials while "language arts" is not a separate subject for the transfer of correct usage or grammar skills to students. "Think of the absurdity of having to teach language as a thing by itself," Dewey proposed in *The School and Society* (1900). To him, children are born language-users, naturally and eagerly talking about the things they do and are interested in. "But when there are no vital interests appealed to in the school," he continued, when language is used simply for the repetition of lessons, it is not surprising that one of the chief difficulties of school work has come to be instruction in the mother-tongue. Since the language taught is unnatural, not growing out of the real desire to communicate vital impressions and convictions, the freedom of children in its use gradually disappears. (*The School and Society*, 55-56)

With vital interests disconnected from classroom discourse, the students lose touch with the purpose of human communication. When they lose touch with purpose in speaking or writing, they struggle to mobilize their inherent language competencies. They lose their articulateness along with their motivation, Dewey suggested, compelling the teacher "to invent all kinds of devices to assist in getting any spontaneous and full use of speech" (56).

Dewey's hundred-year old observations remain relevant today for the ongoing campaign against drilling in grammar and rhetorical forms (like comparison and contrast, description, narration, the 5-paragraph essay, etc.), and against "cultural literacy" transmission models (see also Stunkel, 1998, for a traditional defense of "the lecture"). Since the 1960s, dialogic and student-centered methods from expressivist, feminist, and other critical teachers have foregrounded the personal and the social as the subject matters Dewey called for in his reference to "vital impressions and convictions." The remarkable growth of composition studies in the last decades has led to substantial options to skill drills, such as writing-across-the-curriculum, ethnography-as-syllabus, writing process methods, service learning, journal writing, community literacy approaches, literacy narratives, mainstreaming basic writers, portfolio assessment, and collaborative learning, with many classrooms redesigned as writing workshops. These forward-looking developments in language arts coexist with the regressive dominance of grammars and workbooks, and the rise of more standardized testing and more mandated syllabi in public schools, as well as the greater exploitation of adjunct teachers in higher education (Shor, 1997). Top-down authority in school and society has aggressively reasserted itself against bottom-up efforts for democratic language arts.

In this conflicted milieu, recent developments include the emergence of critical literacy as one approach to pedagogy and language use. Critical literacy can be thought of as a social practice in itself and as a tool for the study of other social practices. That is, critical literacy is reflective and reflexive: Language use and education are social practices used to critically study all social practices including the social practices of language use and education. Globally, this literate practice seeks the larger cultural context of any specific situation. "Only as we interpret school activities with reference to the larger circle of social activities to which they relate do we find any standard for judging their moral significance," Dewey wrote (*Moral Principles in Education*, 13). Critical literacy involves questioning received knowledge and immediate experience with the goal of challenging inequality and developing an activist citizenry. The two foundational thinkers in this area are certainly Dewey and Freire, but the work of Lev Vygotsky is also central. Some contemporary critical educators have made exceptional contributions: theorists and practitioners like Elsa Auerbach, Jim Berlin, Bill Bigelow, Patricia Bizzell, Stephen Brookfield, Linda Christensen, Jim Cummins, Nan Elsasser, Marilyn Frankenstein, Henry Giroux, Patricia Irvine, Donaldo Macedo, Peter Mayo, Peter McLaren, Richard Ohmann, Bob Peterson, Arthur Powell, Roger Simon, and Nina Wallerstein; feminists

like Carmen Luke, Jennifer Gore, and Kathleen Weiler; and multiculturalists like Jim Banks, Antonia Darder, Deborah Menkart, Sonia Nieto, Nancy Schniedewind, and Christine Sleeter.

The diverse paths to critical literacy represent it as a discourse and pedagogy that can be configured in feminist, multicultural, queer, and neo-Marxist approaches. As mentioned earlier, critical teaching invites students to consider options to fitting quietly into the way things are. Disturbing the socialization of students and teachers into the system is certainly not easy, transparent, or risk-free (try questioning Nike's use of sweatshop labor to students who are Nike'd from head to toe and for whom Michael Jordan is an airborne god; try questioning such ventures as the Gulf War of 1991 among students with military relatives ordered to the front in Iraq). Coming to critical literacy is a rather unpredictable and even contentious process filled with surprises, resistances, breakthroughs, and reversals (Shor, 1996). It's no easy or open road for a number of reasons I've been defining in various books. The forces that need questioning are very old, deeply entrenched, and remarkably complex, sometimes too complicated for the interventions of critical pedagogy in a single semester. But, as Horton and Freire (1990) put it, we make the road by walking, and for teachers who report their experiences so far, the critical road has produced some interesting results and some still unresolved problems.

## **Do Not Walk Gently Into That Status Quo: Alternative Roads for Development**

As I've been arguing, critical literacy belongs to Deweyan constructivist education which has also been associated with *activity theory*. As David Russell (1995) defined it in a masterful essay:

Activity theory analyzes human behavior and consciousness in terms of *activity systems*: goal-directed, historically situated, cooperative human interactions, such as a child's attempt to reach an out-of-reach toy, a job interview, a "date," a social club, a classroom, a discipline, a profession, an institution, a political movement, and so on. The activity system is the basic unit of analysis for both cultures' and individuals' psychological and social processes...Activity systems are historically developed, mediated by tools, dialectically structured, analyzed as the relationship of participants and tools, and changed through *zones of proximal development*. (54-55)

Activity theory in general, and the "zone of proximal development" (ZPD) specifically, derive from cognitivist Lev Vygotsky (1962, 1978) who proposed that such zones exist when a less- developed individual or student interacts with a more-advanced person or teacher, allowing the student to achieve things not possible when acting on her or his own. The relationship with the more-developed person pulls the less-developed forward, a dynamic similar to the way Dewey understood curriculum that began from student experience and was structured forward into organized reflective knowledge of the kind

teachers have. In posing experience as the starting point of a reflective process, Dewey asked: "What is the place and meaning of subject-matter and of organization within experience? How does subject-matter function? Is there anything inherent in experience which tends towards progressive organization of its contents?" (*Experience and Education*, 19).

A critical writing class is a zone where teachers invite students to move into deepening interrogations of knowledge in its global contexts. The main differences between critical literacy as I propose it here and Vygotsky's zone of proximal development are first that critical literacy is an activity that reconstructs and develops ALL parties involved, pulling teachers forward as well as students (whereas Vygotsky focused on student development), and second that dissident politics is foregrounded in a critical literacy program, inviting democratic relations in class and democratic action outside class (whereas Vygotsky did not foreground power relations as the social context for learning). I want here to emphasize the mutual and dissident orientations of critical literacy's zone compared to the ZPD of Vygotsky. Again, one key departure is that all participants in a critical process become redeveloped as democratic agents and social critics. Critical teaching is not a one-way development, not "something done for students or to them" for their own good (Freire, 1989, 34). It's not a paternal campaign of clever teachers against defenseless students. Rather, a critical process is driven and justified by mutuality. This ethic of mutual development can be thought of as a Freirean addition to the Vygotskian zone. By inviting students to develop critical thought and action on various subject matters, the teacher herself develops as a critical-democratic educator who becomes more informed of the needs, conditions, speech habits, and perceptions of the students, from which knowledge she designs activities and into which she integrates her special expertise. Besides learning in-process how to design a course *for* the students, the critical teacher also learns how to design the course *with* the students (co-governance). A mutual learning process develops the teacher's democratic competence in negotiating the curriculum and in sharing power. Overall, then, vis a vis the Freirean addition to the Vygotskian zone, the mutual development ethic constructs students as authorities, agents, and unofficial teachers who educate the official teacher while also getting educated by each other and by the teacher.

Though he highlighted mutuality in his two foundational works, Freire (1970, 1973) was not a libertarian educator of the "Summerhill" kind. He believed in rigor, structure, and political contention in society at large. For Freire, critical education as a group process rather than as an individualist one, was neither permissive nor agnostic (*A Pedagogy for Liberation*, "Chapter Three," 75-96). That is, on the one hand, students and teachers were not free to do whatever they wanted whenever they wanted, and on the other hand, the conceptual knowledge of the teacher was not denied but rather posed as a necessary element. The teacher must be expert and knowledgeable to be a responsible critical educator, Freire thought.

Yet, teacher knowledge and authority could also contradict dialogue and thus destroy mutuality in this critical process. A central problem for Freirean mutuality is how and when a teacher should use authority and expertise to promote rather than to silence student agency. Saying too much or too little, too soon or too late, can damage the group process. The problem of adjusting to dialogic practice is complicated because students and teachers have already been deeply socialized by prior "banking" models, that is, by one-way teacher-talk and non-negotiable syllabi. Critical literacy has to develop mutual inquiry in a field already crowded with anti-critical monologue. No wonder, then, that in Freire's "culture circle," the first problem of education was reconciling the student-teacher dichotomy (*Pedagogy of the Oppressed*, 57-60). Freire complained early on that 'liberatory' educators were themselves too often poor practitioners of dialogue and too infected with the old habits of one-way communication:

A major problem in setting up the program is instructing the teams of coordinators. Teaching the purely technical aspects of the procedure is not difficult. The difficulty lies rather in the creation of a new attitude--that of dialogue, so absent in our upbringing and education. (*Education for Critical Consciousness*, 52; see also *Empowering Education*, Chapter 4, 85-111)

While distributing democratic authority is a teacher's challenge in a dialogic program, there is also the opposite dilemma, that is, of the teacher *not having enough authority*. In some cases, the *lack* of authority interferes with a teacher's ability to initiate a critical and power-sharing process. On the one hand, there are classrooms where some students' disruptive behavior overwhelms other students and the teacher, making control the issue instead of knowledge-making or power-sharing. On the other hand, the authority teachers bring to class varies according to the teacher's gender, race, age, condition of employment (full or part-time), physical stature and ability, regional location, grade level, discipline or subject matter, type of institution (elite or mass), and other factors. Similarly, the students' varying ages, genders, races, classes, ethnicities, etc., equally affect their authority as well as that of the teacher. Students who develop socially subordinate identities can possess too little authority for them to feel secure in joining an unfamiliar critical process. Put simply, there is simply no universal teacher authority uniformly empowered in front of standard students. Teachers, students, and settings differ. The same teacher can have more authority in one class and less in another because few classes are alike. In sum, identity differences in an unequal society mean that teachers possess uneven authority when they address students and students possess uneven and unequal authority when they encounter a critical process. Consequently, while all teachers need to establish and distribute authority in critical classrooms, some are at a distinct advantage both in taking charge and in sharing power: white males who are tall, older, full-time, long-employed, and able-bodied, though teachers of color tend to have more authority than whites in inner-city schools with minority populations.

These differences complicate the mutual ethic of critical literacy. The risk and difficulty of democratizing education should be apparent to those who read these lines or to those who have attempted critical literacy, perhaps encountering the awkward position of distributing authority to students who often do not want it or know how to use it. Still, the long history of this mutual ethic makes it a landmark responsibility of democratic teachers. Mutuality certainly goes back to Dewey, who was preoccupied with the cooperative development of social feeling and with the democratic involvement of students:

There is, I think, no point in the philosophy of progressive education which is sounder than its emphasis upon the importance of the participation of the learner in the formation of the purposes which direct his activities in the learning process, just as there is no defect in traditional education greater than its failure to secure the active co operation of the pupil in construction of the purposes involved in his studying. (*Experience and Education*, 67)

Dewey saw cooperative relations as central to democratizing education and society. To him, any social situation where people could not consult, collaborate, or negotiate was an activity of slaves rather than of a free people. Freedom and liberty are high-profile 'god-words' in American life, but, traditionally, teachers are trained and rewarded as unilateral authorities who transmit expert skills and official information, who not only take charge but stay in charge. At the same time, students are trained to be authority-dependent, waiting to be told what things mean and what to do, a position that encourages passive-aggressive submission and sabotage.

In this and other difficult settings for critical pedagogy, I knew Freire as an optimist in touch with the limits of his own interventions. His pedagogy was hopeful but historical, utopian but situated, that is, aware of the limits in any specific situation yet aimed to question and overcome restrictions. Freire proposed that critical pedagogy was one form of cultural action for freedom whose goal was to bring a humane future to life against and within an unjust present (*A Pedagogy for Liberation*, 184-187). Freire's social hopefulness and concrete practice stood on the shoulders of John Dewey, whose impact Freire openly acknowledged. Dewey was himself optimistically focused on pragmatic "agencies for doing" (*Democracy and Education*, 38), by which he meant concrete methods for enacting a project in a specific setting. Dewey proposed that a curriculum must have a social ethic at its core: "the intention of improving the life we live in common so that the future shall be better than the past" (*Democracy and Education*, 191). As did Freire, who emphasized "generative themes" taken from everyday life as the starting points for problem-posing, Dewey recognized the power of experience as a curricular resource for critical learning. Dewey even quantified this everyday thematic power with a metaphor by saying that "An ounce of experience is better than a ton of theory" (*Democracy and Education*, 144), certainly a strong statement for this Vermont



native of sober words. Only by relating to experience, Dewey argued, does theory have any "vital and verifiable significance." Reflection on experience, he thought, could yield extensive theory while theory alone was "a mere verbal formula, a set of catchwords" that obscured critical thinking. Freire later referred to theory-based action/action-based theorizing as "praxis."

The notion of praxis/reflective action which so preoccupied these two thinkers could be understood in the difference between *theorizing practice* and *theorizing theory*. Consider the phrase 'theorizing practice' and how it can be reversed to 'practicing theory.' This is what praxis meant to Freire and reflective action to Dewey, a close relationship between discourse and action, between symbolic analysis and concrete action, using language as a tool to enhance our understanding of experience--theorizing practice/practicing theory. However, while theorizing practice can be reversed to practicing theory without doing violence to the concept, if we try this same linguistic reversal with the phrase 'theorizing theory,' we lose praxis; we wind up with the same phrase we began with, 'theorizing theory,' because the participle and the noun in that phrase have the same root, referring to the same thing, theory alone, symbolic analysis, words without the world (as Freire might have said). Theorizing theory produces abstract discourse whose reference to experience and history gets lost. Yet, in academic life, as we know, the more abstract a spoken or written discourse, the more prestige the speaker or the text represents. Herein lies the immense problem of the elite discourses already dominating academic work in classrooms, conferences, and professional publications (see Peter Elbow's, 1991, provocative and sensible essay on the students' need to use their own language for writing development).

To do praxis through pedagogy, imagine the joint process of theorizing experience and experientializing theory. Critical teaching is a praxis that begins from student generative themes and then invites unfamiliar reflection and unfamiliar connection of the local to the global. In doing so, this special discourse evolves what I have called "the third idiom," that is, a local critical discourse synthesized in the immediate setting for the purposes undertaken there, different from the everyday language of students and from the academic language of the teacher (see *Empowering Education*, Chapter 7). The third idiom is thus an invented medium that emerges from the conflicts and collaborations of teacher and students. The emergence of a situated third idiom can suggest that some of the power conflicts between students and teacher are being worked through, because the participants are co-constructing a new code not identical to the ones they brought to class. In this regard, Patricia Bizzell's (forthcoming) work in "hybrid discourses" is helpful in clarifying this new idiom as an egalitarian option to traditional academic discourse.

## **Working Through the Writing Class**

As I have argued, human discourse in general, education in particular, and literacy classes specifically are forces for the making self in society. On the one hand, we make ourselves

in the world according to the way we have learned to think about society and our place in it. On the other hand, human thought, language, and action are never fully under singular control, never monolithically determined by a status quo. The opposite to monolithic discourse that sets the agenda from the top down is dialogic discourse that evolves an agenda from the bottom up. Human agency is rarely erased in even the most controlled settings where people find ways to cope with, push against, and sabotage authority (what Scott called "the weapons of the weak"). The more space open or won for critical action, the more we can speak and act critically to change ourselves and the world. We can critique the way things are, imagine alternatives, hypothesize ways to get there, act from these plans, evaluate and adjust our actions (Dewey's problem-solving method, 1933; Stephen Brookfield's, 1987, social theory of critical thinking).

Critical writing classes test the open space available in any setting for questioning the status quo. Because these kinds of writing classes propose alternatives to the dominant culture, the stakes are high. Some indication of just how high the stakes are in doing critical teaching can be seen in the enormous official attention devoted to questions of reading, writing, and the canon. So much controlling administration and testing directed to regulating literacy makes language use and instruction into pillars of the status quo. Power is obviously involved in the "sponsorship of literacy," as Deborah Brandt (1998) wrote:

...everybody's literacy practices are operating in differential economies, which supply different access routes, different degrees of sponsoring power, and different scales of monetary worth to the practices in use. In fact, the interviews I conducted are filled with examples of how economic and political forces, some of them originating in quite distant corporate and government policies, affect people's day-to-day ability to seek out and practice literacy. ("Sponsors of Literacy," 172)

The power issues specifically circulating in language education were described like this by John Rouse (1979):

...language learning is the process by which a child comes to acquire a specific social identity. What kind of person should we help bring into being?...[E]very vested interest in the community is concerned with what is to happen during those years, with how language training is to be organized and evaluated, for the continued survival of any power structure requires the production of certain personality types. The making of an English program becomes, then, not simply an educational venture but a political act. ("The Politics of Composition," 1)

Rouse noted that a writing program can help produce people "acceptable to those who would maintain things as they are, who already have power," which Richard Ohmann (1976, 1987) saw as the official function of composition. Ohmann and Rouse anticipated Jim Berlin's idea that when we teach writing we are teaching a version of the world and

the students' places in it. Berlin (1996) said that a curriculum "is a device for encouraging the production of a certain kind of graduate, in effect, a certain kind of person. In directing what courses will be taken in what order, the curriculum undertakes the creation of consciousness. The curriculum does not do this on its own, free of outside influence. It instead occupies a position between the conditions of the larger society it is serving--the economic, political, and cultural sectors--and the work of teacher- scholars within the institution" (17). Berlin's orientation was concretely tied to a pedagogy for critical consciousness by Tom Fox (1993), who proposed a composition class that

...interrogates cultural and political commonplaces...refuses to repeat clichéd explanations for poverty, racism, sexism, homophobia...explores and embodies conflicts...critiques institutional inequities, especially in the immediate context of the classroom, the writing program, the department, the university, but also in the institutions that have played an important role in students' lives...demonstrates successful practices of resistance, that seeks historical evidence for possibilities and promise...that self-consciously explores the workings of its own rhetoric...that seeks to reduce the deafening violence of inequality. ("Standards and Access," 43- 44)

While Fox stipulated goals for questioning the status quo, Robert Brooke (1987) defined writing, *per se*, as an act of resistance:

[Writing] necessarily involves standing outside the roles and beliefs offered by a social situation--it involves questioning them, searching for new connections, building ideas that may be in conflict with accepted ways of thinking and acting. Writing involves being able to challenge one's assigned roles long enough that one can think originally; it involves living in onflict with accepted (expected) thought and action. ("Underlife and Writing Instruction," 141)

Brooke offered an intelligent argument that writing itself was synonymous with divergent thinking. Still, I question the direct link of composing with resisting. Some kinds of writing and pedagogy consciously disconfirm the status quo, but not composing and instruction in general. Think of all the books written from and for the status quo. Further, it is also easy to find composition classes that reflect traditional values and encourage status quo writing ("current- traditional rhetoric," see Ohmann, as well as Crowley, 1996). Human beings are certainly active when writing, and all action involves development and agency of some kinds, but not all agency or development is critical. Critical agency and writing are self-conscious positions of questioning the status quo and imagining alternative arrangements for self and society (Brookfield, 1987).

This perspective on literacy for questioning society is markedly different from Erika Lindemann's (1995) definition of writing as "...a process of communication that uses a conventional graphic system to convey a message to a reader" (11). From a different point of view than Lindeman's rhetorical functionalism, Louise Phelps (1988) acknowledged writing as a rich cultural activity, not a set of basic skills: "the potential for

composing becomes the principle of reflection...and especially the critical spirit" (67, echoing Brooke above and endorsing Shirley Brice Heath's, 1983, idea of writing as complex social activity). Phelps also embraced Ann Berthoff's notion (taken up as well by Knoblauch and Brannon, 1984, and John Mayher, 1990) that "Writing is an act of making meaning for self and for others" (70). Related to activity theory and to cultural context, Marilyn Cooper and Michael Holtzman (1989) proposed that "Writing is a form of social action. It is part of the way in which some people live in the world. Thus, when thinking about writing, we must also think about the way that people live in the world" (xii). They reflected Brian Street's (1984) and Harvey Graff's (1987) arguments that all language use is socially situated, against what Street called the myth of autonomous literacy, that is, language falsely posed as independent of its social context.

The social context and making-of-meaning schools of literacy go back not only to Vygotsky's activity theory but also to Dewey's definition of "education" as increasing the ability to perceive and act on meaning in one's society (*Democracy and Education*, 76ff). To Dewey, the goal of education was to advance students' ability to understand, articulate, and act democratically in their social experience. This definition of education as meaning-making in culture prefigures the epistemic approach to composition, which Kenneth Dowst (1980) described as "the activity of making some sense out of an extremely complex set of personal perceptions and experiences of an infinitely complex world...A writer (or other language-user), in a sense, composes the world in which he or she lives" (66). Maxine Hairston (1992b) also featured the epistemic nature of "writing as a way of learning," reiterating Brooke's ideal that writing per se is a critical activity: "Writing helps us absorb new information...discover new information...[and] promotes critical thinking" (1).

Berlin, Ohmann, and Fox would agree with the epistemic definition of writing as a way of making meaning, but they distinguish their critical position by foregrounding and historicizing the power relations at any site where meaning is made. Specifying the political forces in any rhetorical setting is a key distinction of critical literacy separating it from other writing-to-learn proponents and epistemic rhetoricians. Critical literacy as a discourse that foregrounds and questions power relations was called "social-epistemic rhetoric" by Berlin (1988, 1996). The orientation to foreground and question the ideologies in any setting links critical educators of diverse persuasions--feminists, multiculturalists, queer theorists, and neo-Marxists. Even though each dissident approach uses a different identity lens, they all expose and disconfirm dominant ideologies in the rhetorical settings which construct identity in society. Because there are multiple ideologies at the root of the social experiences which make us into who we are (for example, male supremacy, white supremacy, corporate supremacy, heterosexism), the positions or identities for contesting the status quo also need to be appropriately multiple. Critical literacy thus crosses identity boundaries because it is a discourse and pedagogy for counter-hegemonic resistance. This resistance occasionally becomes a common cause

against dominant culture when diverse insurgent groups coalesce, but much stands in the way of coalitions in a society where *every difference is used against us* by an elite minority maintaining power by divide-and-conquer among other mechanisms.

## **Identity, Difference, and Power: Literacy in Contact Zones**

Critical literacy classes focused on identity differences have also been construed as "contact zones" by Mary Louise Pratt (1991): "...social spaces where cultures meet, clash, and grapple with each other, often in contexts of highly asymmetrical relations of power..."(34). Pratt proposed some rhetorical arts for a critical pedagogy that profiles differences while resisting dominant culture, including two useful alternatives to mimicking elite discourse in writing classes. These two alternatives for producing texts offer students and teachers options to assimilating uncritically into academic discourse:

Autoethnography: a text in which people undertake to describe themselves in ways that engage with representations others have made of them...

Transculturation: the processes whereby members of subordinated or marginal groups select and invent from materials transmitted by a dominant or metropolitan culture...While subordinate peoples do not usually control what emanates from the dominant culture, they do determine to varying extents what gets absorbed into their own and what it gets used for. ("Arts of the Contact Zone," 35,36)

These literate practices ask students to take critical postures towards their own language uses as well as towards the discourses dominating school and society, such as mainstream news media. Further, from Pratt's contact zone theory, we can extract and summarize more pedagogical advice for questioning power relations and encouraging critical literacy:

Structure the class around "safe houses" (group caucuses within the larger class where marginalized "others" can develop their positions).

Offer exercises in oral and written storytelling and in identifying with the ideas, interests, histories, and attitudes of "others."

Give special attention to the rhetorical techniques of parody, comparison, and critique so as to strengthen students' abilities to speak back to their immersion in the literate products of the dominant culture.

Explore suppressed aspects of history (what Foucault referred to as "disqualified" or "unqualified" narratives relating popular resistance).

Define ground rules for communication across differences and in the midst of existing hierarchies of authority.

Do systematic studies of cultural mediation, or how cultural material is produced, distributed, received, and used.

Finally, Pratt enumerated other "critical arts" of the contact zone that could encourage a rhetoric of resistance: doing imaginary dialogues (to develop student ability to create subjectivities in history), writing in multiple dialects and idioms (to avoid privileging one dominant form), and addressing diverse audiences with discourses of resistance (to invite students to imagine themselves speaking to both empowered and disempowered groups). Pratt's pedagogy for producing critical discourse has been deployed for writing classes by Patricia Bizell and Bruce Herzberg (*Negotiating Difference*, 1996). In general, contact zone theory has a friendly fit with the critical literacy I defined elsewhere as

Habits of thought, reading, writing, and speaking which go beneath surface meaning, first impressions, dominant myths, official pronouncements, traditional clichés, received wisdom, and mere opinions, to understand the deep meaning, root causes, social context, ideology, and personal consequences of any action, event, object, process, organization, experience, text, subject matter, policy, mass media, or discourse. (*Empowering Education*, 129)

My definition is also consistent with Aronowitz's and Giroux's (1985) notion that "critical literacy would make clear the connection between knowledge and power. It would present knowledge as a social construction linked to norms and values, and it would demonstrate modes of critique that illuminate how, in some cases, knowledge serves very specific economic, political and social interests. Moreover, critical literacy would function as a theoretical tool to help students and others develop a critical relationship to their own knowledge" (132). With this kind of literacy, students "learn how to read the world and their lives critically and relatedly...and, most importantly, it points to forms of social action and collective struggle" (132). This activist agenda was also central to Joe Kretovics' (1985) definition: "Critical literacy...points to providing students not merely with functional skills, but with the conceptual tools necessary to critique and engage society along with its inequalities and injustices. Furthermore, critical literacy can stress the need for students to develop a collective vision of what it might be like to live in the best of all societies and how such a vision might be made practical" (51).

## **Critical Literacy For Envisioning Change**

Envisioning and realizing change was a key goal of Freire's literacy teams in Brazil before they were destroyed by the military coup of April, 1964:

From the beginning, we rejected...a purely mechanistic literacy program and considered the problem of teaching adults how to read in relation to the awakening of their consciousness...We wanted a literacy program which would be an introduction to the democratization of culture, a program with human beings as its subjects rather than as patient recipients, a program which itself would be an act of creation, capable of releasing other creative acts, one in which students would develop the impatience and vivacity which characterize search and invention. (*Education for Critical Consciousness*, 43)

Freire's original method included trisyllabic exercises for decoding and encoding words. Even though this project had explicit political intentions, Freire's practical pedagogy focused on writing, reading, and dialogue from generative themes based in student life, not on didactic lectures based in teacherly discourse. Freire thus developed pragmatic "agencies for doing," to use Dewey's phrase. The students' literacy skills emerged through concrete exercises on generative themes displayed in drawings ("codifications") from their lives (Dewey's vital subject matter as the context for developing reflective habits and language abilities).

Freire's much-read reports of dialogic pedagogy for illiterate Brazilian peasants and workers offer an instructive comparison to the literacy narrative of Mike Rose (1990) who chronicled his life and work among basic writers at UCLA and elsewhere. Rose, based at a high-profile campus dominated by academic discourse, developed and taught a rhetorical form of critical literacy: "framing an argument or taking someone else's argument apart, systematically inspecting a document, an issue, or an event, synthesizing different points of view, applying theory to disparate phenomena...comparing, synthesizing, analyzing...summarizing, classifying..."(188, 194, 138). Rose's definition of critical literacy reiterates Mina Shaughnessy's (1977) earlier advice for teaching rhetorical habits to basic writers. By naming these literate habits and by asking students to learn them through complex cases drawn from across the curriculum, Rose responded to the academic needs of basic writers at a flagship campus, UCLA. In Freire's original culture circles, the situation was not academic but rather informal adult basic education offered where the students lived or worked, certainly not on a campus. Later in his career, when Freire became Secretary of Education for the City of Sao Paulo in 1989, responsible for an impoverished school system of about 700,000 students, he proposed that standard forms should be taught to non-elite Brazilian students in the context of democratizing schools and integrating the themes of their lives:

Finally, teachers have to say to students, Look, in spite of being beautiful, this way you speak also includes the question of *power*. Because of the political problem of power, you need to learn how to command the dominant language, in order for you to survive in the struggle to transform society. (*A Pedagogy for Liberation*, 73)

Freire reiterated this point a few years later in *Pedagogy of the City* (1993): "The need to master the dominant language is not only to survive but also better to fight for the transformation of an unjust and cruel society where the subordinate groups are rejected, insulted, and humiliated" (135). In these remarks, Freire foregrounds ideology and education for changing society, activist positions typical of critical literacy.

Freire's remarks just above involve an inflammatory issue of language education in the U.S. and elsewhere: Should all students be taught standard usage and initiated into academic discourses used in traditional disciplines, or should students be encouraged to use the language they bring to class (called *students' rights to their own language* in a

controversial policy statement by the Conference on College Composition and Communication in 1973)? In the U.S., the argument for teaching standard usage to black youth has been taken up strenuously by Lisa Delpit (1995). Yet, despite her stance in favor of standard usage for all, Delpit produced a special anthology defending "ebonics" in the classroom (with co-editor Theresa Perry, *The Real Ebonics Debate*, 1998). This anthology includes a strong essay by Geneva Smitherman, the long-time proponent of black students using African-American English for writing and teaching. A bidialectal or contrastive rhetoric approach is being suggested here, for honoring and using the students' community language while also studying standard English. Freire would likely agree with the bidialectal approach, but he would insist on ethical and historical foundations for such a program: standard usage, rhetorical forms, and academic discourse make democratic sense only when taught in a critical curriculum explicitly posing problems about the status quo based in themes from the students' lives. In a program clearly against inequality, many tools and resources can be useful, including standard usage, bidialectalism, bilingualism, contrastive translations of texts from community language into academic discourse, etc. In a critical program, the teaching of standard form is thus embedded in a curriculum oriented towards democratic development. By themselves, correct usage, paragraph skills, rhetorical forms like narrative, description, or cause and effect, are certainly not foundations for democratic or critical consciousness, as Bizzell (1992) recognized after her long attempt to connect the teaching of formal technique with the development of social critique.

Another oppositional approach merging technique and critique is Gerald Graff's (1992) "teach the conflicts" method, which has been developed thoughtfully for writing classes by Don Lazere (see his chapter in *Critical Literacy in Action*, Shor and Pari, 1999). Lazere provides rhetorical frameworks to students for analyzing ideologies in competing texts and media sources. The specific rhetorical techniques serve social critique here, insofar as the curriculum invites students to develop ideological sophistication in a society that mystifies politics, a society in fact where 'politics' has become a repulsive 'devil-word.' Lazere uses problem-posing at the level of topical and academic themes (social issues chosen by the teacher and subject matters taken from expert bodies of knowledge and then posed to students as questions) rather than generative themes (materials taken from student thought and language). (See *Empowering Education*, 2-5, 46-48, 73-84.) My own Deweyan and Freirean preference is to situate critical literacy in student discourse and perceptions as the starting points, but the "teach the conflicts" method of Graff and Lazere is indeed a critical approach worthy of study, especially because it teaches us a way to pose academic subject matters as problems, questions, and exercises rather than merely lecturing them to students.

Merging the study of formal technique with social critique is not simple but this project is no more and no less "political" than any other kind of literacy program. The position taken by critical literacy advocates is that no pedagogy is neutral, no learning process is



value-free, no curriculum avoids ideology and power relations. To teach is to encourage human beings to develop in one direction or another. In fostering student development, every teacher chooses some subject matters, some ways of knowing, some ways of speaking and relating, instead of others. These choices orient students to map the world and their relation to it.

Every educator, then, orients students towards certain values, actions, and language with implications for the kind of society and people these behaviors will produce. This inevitable involvement of education with developmental values was called "stance" by Jerome Bruner (1986):

...the medium of exchange in which education is conducted--language--can never be neutral...[I]t imposes a point of view not only about the world to which it refers but toward the use of mind in respect of this world. Language necessarily imposes a perspective in which things are viewed and a stance toward what we view...I do not for a minute believe that one can teach even mathematics or physics without transmitting a sense of stance toward nature and toward the use of the mind...The idea that any *humanistic* subject can be taught without revealing one's stance toward matters of human pith and substance is, of course, nonsense...[T]he language of education, if it is to be an invitation to reflection and culture creating, cannot be the so-called uncontaminated language of fact and "objectivity." (*Actual Minds, Possible Worlds*, 121, 128, 129)

Also denying the neutrality of language and learning, poet Adrienne Rich (1979) said of her work in the Open Admissions experiment attacked by conservative authorities at the City University of New York that "My daily life as a teacher confronts me with young men and women who had language and literature used against them, to keep them in their place, to mystify, to bully, to make them feel powerless" (61). Rich ended her tribute to the cultural democracy of Open Admissions by connecting the writing of words to the changing of worlds:

[L]anguage is power and...those who suffer from injustice most are the least able to articulate their suffering...[T]he silent majority, if released into language, would not be content with a perpetuation of the conditions which have betrayed them. But this notion hangs on a special conception of what it means to be released into language: not simply learning the jargon of an elite, fitting unexceptionably into the status quo, but learning that language can be used as a means for changing reality. (*On Lies, Secrets, and Silences*, 67-68)

Thus, to be for critical literacy is to take a moral stand on the kind of just society and democratic education we want. This is an ethical center proposed many years ago by the patron saint of American education, John Dewey, who insisted that school and society must be based in cooperation, democratic relations, and egalitarian distribution of resources and authority. Progressive educators since Dewey, such as George Counts, Maxine Greene, and George Wood, have continued this ethical emphasis. Freire openly

acknowledged his debt to Dewey and declared his search "for an education that stands for liberty and against the exploitation of the popular classes, the perversity of the social structures, the silence imposed on the poor--always aided by an authoritarian education" (Cox, 94).

Many teachers reject authoritarian education. Many strive against fitting students quietly into the status quo. Many share the democratic goals of critical literacy. This educational work means, finally, inventing what Richard Ohmann (1987) referred to as a "literacy-from-below" that questions the way things are and imagines alternatives, so that the word and the world may meet in history for a dream of social justice.

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# The University of Puerto Rico: Colonialism and the Language of Teaching and Learning 1903 - 1952

Pablo Navarro-Rivera

## **Introduction**

With the military invasion of Puerto Rico in 1898 the United States (U.S.) initiated a colonization effort that made English the official language of the island. Soon after the occupation, the United States took steps to control and expand the public education system in Puerto Rico, which included requiring English as the language of instruction.

The requirement of English as the language of instruction in Puerto Rico has been studied extensively. The scope of these studies, however, has focused almost exclusively on Catholic and public primary and secondary schooling.<sup>1</sup> I have not found research that has examined how the imposition of English was implemented at the University of Puerto Rico (UPR) and how it might have affected teaching and learning at this institution.

## **Language and Culture: Historical Context**

Puerto Rico, a colony of Spain for more than 400 hundred years, was by the time of the Spanish- American War a country where Spanish was the vernacular. By 1898 Spanish was firmly rooted in the population of approximately one million Puerto Ricans living in a relatively small territory.<sup>2</sup> A language rich in history, Spanish was also one of the principal international languages, through which Puerto Ricans could be in contact with the world. It was also the language in which culture was communicated, its social and political thought, philosophy and education, and its literary tradition.

From 1898 to 1952 the U.S. implemented numerous, and often conflicting policies pertaining to the English language and education in Puerto Rico. The Commissioners of Education considered their policies the most effective way for students to learn English and the values expected of those living under the aegis of the U.S. Educators such as Cebollero<sup>3</sup>, Muñiz Souffront<sup>4</sup>, Benítez<sup>5</sup> and Vientós Gastón<sup>6</sup>, on the other hand, found the policies confusing and detrimental to teachers and students.

The requirement of English responded to a context perhaps best explained in 1899 by Victor S. Clark, President of the Board of Education established in Puerto Rico by the

United States, when he indicated that:

If the schools are made Americans [sic] and the teachers and pupils are inspired with the American spirit . . . , the island will become in its sympathies, views and attitude toward life and toward government essentially American. The great mass of Puerto Ricans are as yet passive and plastic . . . Their ideals are in our hands to create and mold. We shall be responsible for the work when it is done, and it is our solemn duty to consider carefully and thoughtfully to-day [sic] the character we wish to give the finished product of our influence and effort.<sup>7</sup>

Language was a key element in the socialization process instituted by the United States. The policies regarding the English language in Puerto Rico were in important ways similar to those adopted for American Indians in the latter part of the 19th century. As observed by J. D. C. Atkins, Commissioner of Indian Affairs from 1885 to 1888, "A wider and better knowledge of the English language among them is essential to their comprehension of the duties and obligations of citizenship."<sup>8</sup> To support his views, Atkins cites an 1868 report on the condition of Indians that stated:

Through sameness of language is produced sameness of sentiment, and thought; customs and habits are moulded [sic] and assimilated in the same way, and thus in process of time the differences producing trouble would have been gradually obliterated. ...they have not the Bible, but their religion, which we call superstition, teaches them that the Great Spirit made us all. In the difference of language to-day [sic] lies two thirds of our trouble . . . Schools should be established, which children should be required to attend; their barbarous dialect should be blotted out and the English language substituted . . .<sup>9</sup>

In his 1889 annual report as Commissioner of Indian Affairs Thomas J. Morgan was adamant about the need to socialize the American Indian in the "white man's ways" and the use of English in this effort. Morgan manifested that:

The Indians must conform to the "white man's ways," peacefully if they will, forcibly if they must. They must adjust themselves to their environment, and conform their mode of living substantially to our civilization. This civilization may not be the best possible, but it is the best the Indians can get. They cannot escape it, and must either conform to it or be crushed by it. The tribal relations should be broken up, socialism destroyed, and the family and the autonomy of the individual substituted. The allotment of lands in severalty, the establishment of local courts and police, the development of a personal sense of independence, and the universal adoption of the English language are means to this end.<sup>10</sup>

The effort to socialize Puerto Ricans also had the same two basic elements: substitution of the distinct cultural traits of Puerto Rico with those considered to define the "American" civilization. As it relates to the second element, language, the U.S. approved public education policies that regulated the use of English, and Spanish, in schools,

including the University. Such policies are relevant to this study to the extent that they might have influenced the administrative and academic affairs of the UPR. This is particularly important since English was the dominant language of the colony and its departments, such as the University, during the years covered by this research.<sup>11</sup> Instruction at the UPR, on the other hand, was offered in English until 1942, when the Superior Educational Council approved a resolution declaring Spanish as the preferred language of instruction at the University.<sup>12</sup>

The language policies are also relevant to this study because they communicate the different approaches instituted by the United States to socialize, or "Americanize"<sup>13</sup>, Puerto Ricans. Finally, the policies are important source material because they were formulated and implemented by the Commissioners of Education, a presidential appointee with enormous influence over the entire public education system, including the UPR.

## **Opposition to the Requirement of English**

Puerto Ricans, even those who supported the presence of the United States in Puerto Rico, objected to the requirement of English as the language of instruction. Among those opposed to the use of English as the mandated language of instruction was the Teacher's Association of Puerto Rico. As early as 1912 this association expressed its concerns about the directives related to the language of instruction.<sup>14</sup> The Teachers Association argued that the issue was not the coexistence of English and Spanish required by the new political status between the United States and Puerto Rico. The real issue, they insisted, was the effort to impose English as the vernacular of Puerto Ricans. The language used in the classroom should be determined by pedagogical reasons. Using a language not understood by both teachers and students they felt was detrimental to the educational process.<sup>15</sup>

Significant opposition to the requirement of English came from Puerto Rican intellectuals, in particular those involved in literature. Convinced that the requirement of English threatened Puerto Rico's national culture, they produced a significant body of work characterized by the affirmation and defense of Puerto Rican nationality and its culture. *Paliques*<sup>16</sup>, a book of essays by Nemesio R. Canales; the novel *La Lllamarada*<sup>17</sup> by Enrique Laguerre and *Los Soles Truncos*<sup>18</sup>, theatre, by René Marqués are representative of the cultural reaffirmation effort by those who felt that the culture of Puerto Rico was in danger of being destroyed by the United States.<sup>19</sup> An important work is the collection of short stories by Abelardo Díaz Alfaro, *Terrazo*<sup>20</sup>, in which Díaz Alfaro not only defends Puerto Rican culture but directly attacks and ridicules the United States efforts to impose English.

The controversy surrounding the language issue extended to the legal and political forums. In the legal sphere we find that in 1905 the Supreme Court of Puerto Rico decided that, when in conflict, the English text of a law would prevail over the Spanish version.<sup>21</sup> In 1948 this same court upheld a presidential veto of legislation passed by Puerto Rico's Legislature in 1946 ordering the Commissioner of Education to establish Spanish as the language of instruction, with English being a required subject.<sup>23</sup> The 1946 legislation, which included the UPR, the veto of such legislation first by the Governor and later by President Truman, and the ruling on this matter by Puerto Rico's Supreme Court reflected the impact that the language debate had in Puerto Rico. As it relates to the University of Puerto Rico the widespread support for the use of Spanish as the language of instruction resulted in the 1942 resolution by the Superior Educational Council establishing that instruction at the UPR should be offered preferably in Spanish.

From the literature examined by the author, the language policies and the political status of the island, were perhaps the most hotly debated topic in Puerto Rican society from 1903 to 1952. For some these issues were inseparable. The attempts by the United States to impose English as the vernacular in Puerto Rico and the response to this effort by the people of the island had extraordinary influence on the political, legal, cultural and educational panorama.

It could be argued that the language policies implemented by the U.S. failed to accomplish its intended objectives. Such failure was acknowledged by President Franklin Delano Roosevelt in his letter of appointment of José Gallardo as Commissioner of Education in 1937. President Roosevelt informed José Gallardo that he, Roosevelt, was extremely frustrated with the situation of the English language in Puerto Rico. As he described it, after 38 years of Puerto Rico being under the American flag, and 20 years since United States citizenship was extended to its inhabitants, hundreds of thousands had little, if any, knowledge of English. President Roosevelt further informed Gallardo that the policy of his government was to have the next generation of Puerto Ricans fluent in the official language of the United States. The President concluded stating that this policy objective could only be achieved if the public school system actively pursued the teaching of English, and instructs Gallardo to do so.<sup>24</sup> The Roosevelt policy also failed.

### **The "English Problem"<sup>25</sup> and the University**

The language policies adopted in Puerto Rico by the United States impacted the UPR in two distinct ways from 1903 to 1952. Although I have found official UPR correspondence and other institutional documents in Spanish, instruction was primarily conducted in English until 1942 and it was the language used between University officials and the United States government from 1903 to 1952. As the institution with primary responsibility for teacher preparation, on the other hand, the University played an important part in the teaching of English and the teaching in English in Puerto Rico's

public schools.

The part played by the UPR in the teaching of English in Puerto Rico was described by Dr. Juan José Osuna, at the time Dean of the UPR School of Education, in a 1942 report covering the language policies during the previous twenty years. Osuna authored the report "Memorandum on the Teaching of English in Puerto Rico",<sup>26</sup> in which he indicated that:

During the last twenty years the University has been very deeply concerned with the general educational problems of the island and specially concerned with the problem of the teaching of English. I beg to offer a brief summary of the part the University has played in connection with:

The Effort [sic] of the last 20 years on the teaching of English.

Future approach to the Problem [sic].

In the first part of his report, Osuna included the recommendations on the teaching of English in Puerto Rico made by the International Institute of Teachers College in its study of the education system in 1926. From this report Osuna cited the following:

Neither in reading nor in oral communication does the work now done in English in the first three grades reach a point which makes English a useful second language. Except for those children who will continue in school beyond the fourth grade, and except for those leaving the school earlier, to whom life outside of school may give practice and added skill in the use of the language, the English work in the first three grades is almost a total loss.

As cited by Osuna, the same Teachers College study added that:

The Survey Commission therefore recommends: that English be not taught in any schools below the fourth grade, and that the time thus released in the program of the lower grades be devoted to content materials, to the teaching of civics of a functional sort, and to instruction in health and development of health habits; that English, as a subject be taught intensively in the fourth, fifth, and sixth grades and that it be used as the language of instruction beyond the sixth grade.<sup>27</sup>

While the report prepared by the International Institute of Teachers College reflected optimism that in future generations Puerto Rico could offer a more fertile ground for the English language, it also observed that:

Furthermore, there is no probability that for more than a generation to come most of the young people now being trained in the lower grades to read and to speak English will have an opportunity to read English outside of the schools. The rate at which the reading of books, magazines, and newspapers, in English by Porto Ricans will be increased is exceedingly low.<sup>28</sup>

This assessment did not dissuade the members of the Brookings Institution team that studied Puerto Rico in 1928 and 1929. The chapter on education in their 1930 report stated, responding to recommendations made by the International Institute of Teachers College, that "Notwithstanding this weightily opinion to the contrary, however, the members of the present Survey incline to the opinion that the teaching of English in the elementary grades should be continued." The report added that:

Moreover, English is the chief source, practically the only source, of democratic ideas in Porto Rico. There may be little that they learn to remember, but the English school reader itself provides a body of ideas and concepts, which are not to be had in any other way. It is also the only means which these people have of communication with and understanding of the country which they are now a part.<sup>29</sup>

In 1934, Commissioner of Education José Padín agreed to adopt Spanish as the language of instruction in the elementary grades, up to grade eight. In subsequent grades, including higher education, English would continue as the language of instruction. His decision was in response to a 1933 resolution by the Teachers Association of Puerto Rico calling for Spanish to be the language of instruction in Puerto Rico, with English as a preferred subject.<sup>30</sup> To facilitate and monitor the implementation of this effort, Padín appointed a committee comprised of representatives of the Department of Education and the University of Puerto Rico. In 1936 Padín, who in addition to Commissioner of Education was president of the Board of Trustees of the UPR, hired William S. Gray, a reading expert from the University of Chicago and Michael West from England, an expert on the teaching of English in India.<sup>31</sup> Gray produced a detailed report in March, 1936 on ways to improve the teaching of English in Puerto Rico. How this report influenced the teaching of English, and the preparation of teachers of English at the UPR could not be determined in this work.

West's findings were communicated to the Commissioner of Education in August, 1936. His conclusions, as cited in Osuna's December, 1942 "Memorandum on the Teaching of English in Puerto Rico", included the following:

There is no essentially [sic] bilingual problem in Puerto Rico, in the sense in which this term is used in Wales, South Africa, etc. In fact, the only bilingual problem in the Island exists among the American residents. There is in Puerto Rico a unilingual [sic] people who have a certain need of English, as have the French and many other peoples. The extent of this need and the best method of fulfilling it has unfortunately been made a political issue. As a result, the development of a language policy has been blocked; the system of English teaching in the schools has got out of date and out of touch with the facts of the present day. There is need of diffusion of ability to read and understand English, so that the contact may be maintained with American culture and ideas. It would be an evident

misfortune if Puerto Rico were linguistically shut off from the life and thought of the neighboring continent. Whatever the political future of the island may be, there is manifest advantage in maintaining that bond.<sup>32</sup>

Professor Pedro A. Cebollero, advisor to the Commissioner of Education on language instruction issues, summarized West's work in the following manner:

The high points in Professor West's recommendations are a ratification of Padín's contention of 1916 that English in the Puerto Rican schools should be recognized as a foreign language and that the teaching of it should be organized in view of this recognition; . . .<sup>33</sup>

The last involvement of the UPR in the teaching of English in Puerto Rico included in Osuna's report is the research effort initiated in 1940 by the American Council on Education (ACE).<sup>34</sup> Sponsored by the Carnegie Corporation, the ACE sent Columbia University scholar Dr. R. H. Fife and Dr. H. T. Manuel from the University of Texas, Austin, to examine "the English situation in Puerto Rico" and determine if further study was deemed advisable. Once Fife and Manuel recommended an extensive study, the UPR and the Department of Education of Puerto Rico took steps to participate in such effort, which included assigning staff to assist Fife and Manuel.

The purpose of this study, as stated by Osuna was:

To assist in the program of teaching the peoples of this hemisphere the language of their neighbors and thus to promote the attainment of democracy within the United States and throughout the hemisphere.

To stimulate and facilitate international cooperation in education and thus to lay the foundation for understanding and friendship.<sup>35</sup>

One of the specific purposes of the study was:

To provide tools for necessary research in problems of teaching English as a second language and in the related field of bilingualism. For example:

What abilities in English are being attained in Puerto Rico after forty years of experience with a program of teaching English to Spanish-speaking children? How do these abilities in English compare with the abilities of the same children in Spanish and with the language abilities of monolingual children of similar age in other places?

How may English be taught as a second language to attain the greatest efficiency in both the vernacular and the second language?

How are the fundamental abilities of a child affected by learning a second language under different policies of language teaching?<sup>36</sup>

Osuna cites Dr. George F. Zook, then president of the American Council on Education, to



describe the nature of the research:

In addition to the foreign language studies, the committee is active in a second area, the teaching of English as a foreign language. The preliminary work for an objective and detailed study of English teaching in Puerto Rico through the preparation of parallel tests in English and Spanish has been in progress since February 1941 at the University of Texas under the direction of H. T. Manuel. The tests, which have been designated Inter-American Tests, when completed will be available for administration in all countries of Spanish speech where English is taught. They are the first undertaking of this character.<sup>37</sup>

Zook added that:

They are also the first standardized tests to measure large groups to determine the results of parallel instruction in school subjects through the medium of two languages in a bilingual situation. They will be used in Puerto Rico, where an effort is made to coordinate the teaching of the two languages.<sup>38</sup>

The testing and evaluation effort by the ACE, promoted as a scientific and impartial, was expected to make Puerto Rico a significant laboratory for the teaching of English in Spanish-speaking America. The fact that Puerto Rico's "educators have had more than forty years of experience in dealing with the problem" was seen as an invaluable source of information to researchers.<sup>39</sup> In a letter to Osuna, Manuel observed that:

The whole Island is a laboratory for the study of the teaching of English. The practical problem of teaching a second language to two million people is a staggering one. And we must remember that Puerto Rico has a strategic position with reference to the meeting of the two American cultures.<sup>40</sup>

Osuna was optimistic that this research effort was "evidence that we are now entering a period of scientific approach to the study of the English question in Puerto Rico, and that we are rejecting mere opinion or arbitrary authority". He concluded his Memorandum adding that:

With the good will and cooperation of the many agencies interested in this study, the University of Puerto Rico may become now a great center, and Puerto Rico a great laboratory, for the study of bilingualism with special reference to the teaching of English to Spanish-speaking children, and to the teaching of Spanish to English-speaking children. We hope that our University may avail itself of this great opportunity to contribute to a scientific approach of our own language problem and to hemisphere solidarity, in bringing together the two great civilizations of the American continent through a study of the prevailing languages of the peoples of the Americas and the preparation of personnel to teach these languages".<sup>41</sup>

## English and Instruction at the UPR

For the most part instruction at the University of Puerto Rico was in English from 1903 to 1942. The United States had greater success in implementing the language policy at the UPR, including its sub-collegiate program, than in the public elementary and secondary schools throughout the island. This was due in part to the fact that up to the 1920's most of the UPR teaching personnel were native English speakers from the United States. A 1921 report to the Legislature by the UPR, for example, observes that "The University at Río Piedras has 53 teachers, of whom 24 are Porto Ricans and 29 continental Americans."<sup>42</sup> Faculty members at the UPR from the United States increased to more than sixty percent in 1925.<sup>43</sup> This gradually changed and by 1942 the vast majority of the faculty were native Spanish speakers from Puerto Rico.<sup>44</sup>

The presence of faculty members who could teach in English notwithstanding, opposition to English as the language of instruction was as, if not more, intense at the UPR than it was throughout the public education system. The use of English as the vehicle of instruction was seen as an obstacle to effective teaching and learning at the UPR. In addition to pedagogical concerns, opposition also came from those who objected to the colonial rule of Puerto Rico by the United States.

Having students and faculty engage in the learning process in a language that was not their vernacular was viewed as a problem that needed to be corrected.<sup>45</sup> At the urging of Chancellor Benítez, the Superior Educational Council in 1942 passed a resolution that was an attempt to remedy 39 years of requiring the use of English. The approval in 1942 of Spanish as the preferred language of instruction was received with great enthusiasm. It was also viewed as an important step towards the correction of the problems created by the use of a language of instruction that was foreign to teachers and learners. With the approval of the resolution courses could be taught in Spanish and textbooks in Spanish could be adopted. Even though some programs continued to offer their courses in English and faculty members whose language was English could continue teaching their courses in that language, English officially became a second language, albeit was required for graduation from the UPR.<sup>46</sup> The new challenge, according to UPR officials, was how to teach English effectively as a second language to UPR students.

That Spanish could become the language of instruction in Puerto Rico, including the UPR, was a source of concern in the United States. When the newspaper *El Mundo* reported in February, 1943 that United States Senator Dennis Chávez, from New Mexico, was considering filing legislation to have English as the required language of instruction in Puerto Rico, Chancellor Benítez responded to Chávez stating his opposition to any such legislation.<sup>47</sup> Benítez added that in his opinion, as well as that of the absolute majority of teachers in Puerto Rico, such legislation would be "an attempt against the creative potential, the spiritual development and the capacity of the children of Puerto

Rico to express themselves." He criticized Chávez for proposing policies that had already failed in Puerto Rico and which negatively impacted teachers and students, as well as the teaching and learning process. Benítez further noted that "A people cannot be uprooted from its language without mutilating the way they think."<sup>48</sup>

In his letter to Chávez, Benítez indicated that the language issue was not a political one. According to Benítez the issue was pedagogical, a matter of basic respect to the challenges of the pursuit of learning. All Puerto Ricans, Benítez argued, from all political parties, understand the need to learn English, regardless of the political status of the Island. But Puerto Ricans, Benítez added, also considered that knowledge and understanding of the Spanish language and culture was a source of pride and a profound spiritual need. Even Commissioners such as Padín and Gallardo, who were enthusiastic supporters of a permanent affiliation of Puerto Rico with the United States, realized the need to adopt Spanish as the language of instruction.

Benítez emphasized that, at the time of his letter to Chávez, the support of Spanish as the vehicle of instruction was not politically motivated. Benítez did warn Chávez that it could become political if the United States insisted on prohibiting the use of Spanish as the language of instruction in Puerto Rico. The Chancellor concluded his letter assuring Chávez that his administration was committed to the development of new methodology that would improve the teaching of English in Puerto Rico's schools, including the University. That the new University administration, led by him as Chancellor, was equally committed to making sure that such a counterproductive language policy would not be again implemented in Puerto Rico.<sup>49</sup> This author has not been able to determine if Senator Chávez responded to Benítez's letter other than his March 8, 1943 acknowledgement of having received the Chancellor's correspondence.<sup>50</sup>

Another United States official concerned about the use of Spanish as the primary vehicle of education was B. W. Thoron, Director of the Division of Territories and Island Possessions of the Department of the Interior. Thoron felt that English was being "pushed aside" in Puerto Rico. In a letter to Governor Tugwell on October 21, 1944, Thoron stated that:

I have just been looking over a mimeographed copy of the report of the Chancellor of the University of Puerto Rico. I was struck with the apparent pushing aside of English. As far as I can make out, English is entirely optional in the academic course and only one year of English is given in the School of Education. I do not see how the teaching of English in the elementary schools can be anything but a farce if the teachers have no better grounding than they will get from such a program.<sup>51</sup>

Tugwell sent Thoron's correspondence to Chancellor Benítez requesting the Chancellor's comments on such issue " . . . as soon as possible."<sup>52</sup> On November 13, 1944, Benítez responded indicating that "I am pleased to advise you that Mr. Thoron's apprehensions

concerning the 'apparent pushing aside of English' at the University of Puerto Rico are unfounded."<sup>53</sup> After stating that his administration was committed to the teaching of English, as a required course, at the UPR Benítez added that:

I regret to say that I have no objection to raise against Mr. Thoron's use of the word 'farce' to describe English teaching in the elementary schools. This is not a possibility for the future, however, but rather an ever pressing and depressing reality. I feel very strongly that unless an extensive modification is made in the whole procedure and objectives of elementary English teaching in Puerto Rico, we will continue the past and present practice of dismally wasting time, energy, possibilities, and good will in a hopeless and fruitless endeavor.<sup>54</sup>

In his correspondence to Tugwell on this matter, Benítez included a report by Maurice M. Segall, acting director of the UPR Department of English titled Memorandum on the Status of English at the University of Puerto Rico.<sup>55</sup> In this "Memorandum", Segall enumerated the actions taken by the administration to improve the teaching of English at the UPR. Segall informed Benítez that from 1942 to 1944 the ". . . staff of the English department has grown fifty percent, from fourteen in 1942 to twenty-one at present."<sup>56</sup> Other actions mentioned by Segall in his report are the following:

The first year basic course in English, required of all students, has been thoroughly reorganized and changed from three hours a week to four. In addition, the size of sections has been reduced from forty to twenty-five, . . .

Furthermore, . . . all sophomores, except those in science, pharmacy, and Normal work, are required to complete the second year course in English. The present administration has inaugurated a policy of inviting distinguished scholars and teachers to visiting professorships in many of the departments of the University. Such a policy implies, at least indirectly, the extension of the use of English on the campus. The visiting professors conduct their classes, deliver public lectures, converse with students and faculty, in English.

During the summer of 1944 the University invited Dr. Lee S. Hulstsen, expert phonetician, to explore the possibilities of improving the spoken English of the students. The report, we hope, will serve to guide the Department in meeting the sound language requirements of prospective teachers of English, whether Normal students or candidates for the bachelor's degree in education.

This year the Department is sponsoring the publication of a campus newspaper in English, written and edited entirely by students, and financed by University funds.

In 1943 the present administration set up a research organization known as the English Institute, whose chief purpose is to investigate methods, curricula, and program which will lead to the genuine improvement of the teaching of English on the elementary and

secondary school levels of the insular school system.

A committee consisting of members of the Department of English, the English Institute, and the College of Education have drawn up a report on recommendations for minimum requirements in English for admission to the University. On the basis of this report, conversations have been begun between this Committee and officials of the Department of Education with the ultimate purpose of bringing about closer integration of objectives in English instruction between the high schools of the Island and the University of Puerto Rico.<sup>57</sup> The policy of 1942 establishing Spanish as the preferred language of instruction at the University remained unaltered during the remaining period covered by this study. From 1942 to 1952 English was viewed by the UPR as an important second language, the study of which was a graduation requirement.

## **The Adoption of Spanish**

The adoption of Spanish as the language of instruction of the UPR was a significant event in the history of the institution. It was seen as a recognition by the Federal and colonial governments that after 39 years of requiring English as the language of instruction at the UPR, Puerto Ricans still refused to accept English as their language of teaching and learning. Similar resistance came from the public elementary and secondary schools of Puerto Rico. Commissioners of Education, such as Padín and Gallardo, concluded that only after learning in their vernacular would students be able to learn English. The usage of Spanish as the language of instruction in Puerto Rico enjoyed widespread support at the UPR. This sentiment was expressed in the 1942 resolution by UPR trustees establishing Spanish as the "preferred" language of instruction of the UPR. An important issue before the Council was the harm that could result from using English as the language of instruction, in particular as it relates to faculty members whose vernacular was Spanish.<sup>58</sup>

The support for Spanish became evident when President Truman communicated to Governor Jesús T. Piñeiro on October 25, 1946<sup>59</sup> that he was returning without his signature the bill passed by Puerto Rico's Legislature ordering "the exclusive use of the Spanish language for teaching in all public schools."<sup>60</sup> In its "Statement of Motives" the vetoed Act, which included the University of Puerto Rico, affirmed that:

When at the beginning of this century the present system of public education was first established, those responsible for its establishment made the big and very serious mistake of directing that all subjects in the schools of Puerto Rico be taught in English, on pretext that the students should thereby require a thorough knowledge of the language. With slight variations, the system of teaching in English continues practically the same. A theoretical and speculative political concept still prevails over the plain principles of pedagogy.

How absurd and antipedagogical said system is, because its repugnancy to common sense and to the very nature of the educational process, is clearly evident from the statements of eminent pedagogists, among which is found the following from the President of Columbia University, Dr. Nicholas Murray Butler:

If a child at a tender age has the great misfortune of having to learn a foreign language at the expense of a broader and more thorough knowledge of his vernacular tongue, and if the spontaneous and natural rhythm of his mental process is diverted inward instead of naturally outward, the most probable result will be an intellectual chaos causing incalculable injury and preventing innumerable beneficial possibilities from developing in the child's mental life.<sup>61</sup>

In reference to the numerous efforts by educators to modify the language policies imposed in Puerto Rico by the U.S., the Act added that:

Save for a brief period of time, all attempts on the part of pedagogists and sociologists who pointed out the absurdity of the system and urged its reform in order to conform it to the needs of nature, the demands of logic, and the dictates of common sense, were unsuccessful in view of the determination of the authorities responsible for the system, who remained impassive and continued to uphold a method of teaching unanimously condemned by the highest authorities on the matter.

The Legislature proceeded to enumerate some of the consequences of the imposition of English as the language of instruction. Such consequences were identified as follows:

The persistence in this absurdity for over forty years has caused the people of Puerto Rico incalculable financial loss since it prevented the full measure of success to be expected from the investment of the huge sums of money expended by the people in public education, by prolonging the period of learning and making it obviously fruitless to a great extent. It has likewise notably diminished the efficiency of the expensive and continuous official endeavors, aimed at a greater diffusion and betterment of popular education, by sacrificing the scope, intensity, and essence of the culture imparted in the classrooms, to an excessive zeal to subordinate the essential purposes of education to the learning of the English language, a goal which did not demand so great a sacrifice for its accomplishment.

The Act approved by the Legislature, and vetoed by President Truman mandated that:

Beginning with the school year 1946-47, teaching in the public schools, including the University, shall be conducted through the exclusive use of the Spanish language.

In special cases only, and in order to facilitate teaching at the University by eminent foreign intellectuals, shall it be permissible, as an exception, upon the previous special authorization of the Superior Educational Council, to teach any subject in any language other than Spanish.

The teaching of the English language in the public schools is hereby declared compulsory. The textbooks to be used in the public schools shall be written in Spanish, but present textbooks may nevertheless continue to be used until they are superseded in accordance with the provisions of this Act.<sup>62</sup>

According to Truman, he did not consider "the merits of the pedagogical program which the bill would introduce into the Insular public school system, . . ." The veto was prompted by the "untimeliness of the measure" and Truman's feeling that the political status of Puerto Rico "would be confused and its solution delayed by the adoption just now of a new language policy. Important as the language question may be, I regard the reaching of a permanent and satisfactory solution to political status as of greater importance, and I cannot permit a measure to stand which in my opinion would jeopardize that solution."<sup>63</sup>

Truman's veto was denounced by Puerto Rico's Teachers Association, as well as by organizations representing the faculty and students of the University. Arguments against the veto included the defense of Spanish as the language of instruction in Puerto Rico and a more narrow legal position which stated that the time provided for the President's consideration of the legislation had elapsed and therefore the bill had become law. In February, 1947, the District Court of San Juan sided with this interpretation, but was overruled in January, 1948, by Puerto Rico's Supreme Court, upholding the President's veto.<sup>64</sup>

Days after the veto, on October 30, 1946, University students celebrated an assembly to protest the veto.<sup>65</sup> Students criticized Truman for vetoing legislation that was of great significance to the people of Puerto Rico. Students protested against what they considered to be a stubborn imperialist policy of the United States in its attempts to impose English in Puerto Rico.<sup>66</sup> They noted that the language bill had been approved twice by the Legislature of Puerto Rico, the second time to override the veto by the Governor. As stated by students, it was wrong for someone who was not elected by Puerto Ricans to veto legislation that enjoyed the unanimous support of teachers and which was approved by a popularly elected body. As a way to protest the veto, students called for a one-day stoppage at the University, from 7 a.m. on November 8 till 7 a.m. on November 9, 1946.

The University Faculty met on October 31, 1946 and approved a resolution protesting President's Truman veto. The approved resolution was presented to the University Faculty by Chancellor Benítez, and written in both English and Spanish, the former being the version cited here.<sup>67</sup> In addition to the Chancellor's resolution, several members of the faculty developed their own proposal for a resolution, which was presented to the University Faculty by Professor Margot Arce de Vázquez.<sup>68</sup> After an extensive debate, seventy-four voted in favor of the Chancellor's proposal, thirteen against and twenty six abstained.<sup>69</sup> The approved resolution affirmed, among other things, the following:

The University Faculty believes that as a general rule in Puerto Rico Spanish should be used as the vehicle of teaching save in special situations which makes an exception . . . advisable, and it furthermore believes that the teaching of English should be intensified.

On the basis of clear pedagogical reasons, the University Faculty believes that such educational proposals can be carried into effect only through the teaching of "content" subjects in Spanish and through the intensification of the teaching of English.

The University Faculty believes that departure from this norm has been, and is, highly prejudicial to public education, not only in respect to the teaching of "content" subjects, but to the teaching of English itself.

The University Faculty deplores the fact that President Truman, in vetoing Bill #51, has committed, in its opinion, the grave error of mixing considerations of a political nature-not in order in this case-with those of a pedagogical nature, to the detriment of education in Puerto Rico.<sup>70</sup>

The proposal that was defeated condemned the veto in much stronger terms than the one proposed by Benítez and approved by the University Faculty. This proposed resolution called the veto antidemocratic, which ignored the will of the people expressed through its elected representatives. In this document it is stated that Truman did not consider the pedagogical merits of the bill because the President knows that Puerto Rico's situation is in fact a political one. In addition to calling for Spanish as the language of education at the UPR, allowing for exceptions, it called for Spanish to be the vehicle for teaching in both public and private schools. The proposal expressed its solidarity with the resolution passed by University students on October 30, 1946. The resolution also demanded the solution of the political status of Puerto Rico. The lack of sovereignty was viewed as a fundamental problem that needed to be addressed. Sovereignty was indispensable if Puerto Ricans was to be able to find solutions to the Island's problems, including the language problem.<sup>71</sup>

The approved resolution, as Benítez himself indicated before the University Faculty on October 31, 1946, was similar in substance to the resolution passed by the Superior Educational Council in 1942 establishing Spanish as the preferred language of instruction of the University.<sup>72</sup> It was therefore the official policy of the UPR on this matter. The resolution approved in the student assembly and the one defeated at the University Faculty meeting went beyond pedagogical concerns, stating that the veto of the language bill in essence reflected a political problem.

An important difference was that while the approved resolution reiterated the notion that Spanish should be the preferred language of education, the other faculty proposal called for Spanish to be the required language of instruction, with exceptions to be considered on the merits of each case. The 1942 resolution did not mandate the use of Spanish. Professors could decide in which language to teach, and some programs continued to use



English as their language of instruction in Río Piedras, Mayagüez and in other academic units of the institution. The language bill approved by the Legislature actually required "the exclusive use of the Spanish language for teaching in all public schools", including the UPR.

The 1946 veto by the President postponed the solution of a problem that had been of great concern for the people of Puerto Rico since 1898. Until 1948, English was the official language of instruction in all public schools, with the exception of the UPR, where Spanish became the preferred language of instruction in 1942. The different language policies approved between 1898 and 1948 had a similar goal: to find the most effective way of instituting English as the language of teaching and learning in Puerto Rico.

We know that there was much resistance in Puerto Rico to these policies. It is known that such resistance manifested itself in the political, cultural, legal and educational arenas. From short stories written about the attempts to impose English in schools, for example, we have learned that teachers might have resisted by teaching in Spanish with the exception of those days that they expected school supervisors to visit their schools.<sup>73</sup> According to UPR professor Harry Bunker, in his participation in the University Faculty meeting on October 31, 1946, members of the faculty ignored the language policies and secretly taught in Spanish.<sup>74</sup>

It is also known that, from the reports and official correspondence cited in this study, during the period under study English did not become the language of teaching and learning in Puerto Rico. The failure of the language policies was recognized by President Roosevelt in his letter to Gallardo appointing him Commissioner of Education in 1937.<sup>75</sup> The documents examined in this work could suggest that not only little English was learned during this period, but learning in general suffered greatly.

It seems from the examined documentation that what Chancellor Benítez stated earlier about the elementary level was also true for the other levels of the public education system, including the University. In reference to the University it should be noted that for the most part its students came from those very same schools where the quality of the educational experience in general, and the learning of English in particular, was questioned.

If not much English was learned during this period, the achievement of the political goals of the U.S. related to the English language, could be put into question. The opposition to the language policies reached its highest level in the 1940's. The frustration with this issue is evident in the correspondence of educators such as Benítez, as quoted above, and in reports such as Osuna's "Memorandum on the Teaching of English in Puerto Rico". The strong language used in Puerto Rico's Legislature Bill #51 of 1946 is evidence of the frustration in Puerto Rico with the language of instruction controversy.

Two significant events, which had repercussions on the language problem, took place in 1948. The colonial government of the island was modified to allow Puerto Ricans to elect the Governor. Secondly, the Governor was vested with the authority to appoint the Commissioner of Education. The elected Governor, Luis Muñoz Marín, appointed Mariano Villaronga, who by administrative fiat instituted Spanish as the language of education in Puerto Rico in the 1949- 1950 school year. For the first time since 1898, Puerto Rico had Spanish as the official language of instruction at all levels of public education. This policy remained unchanged for the remaining years of this study.

The changes in policy of 1948, as in 1942 when Spanish became the "preferred" language of instruction at the UPR, came after many years of a language policy imposed by the U.S. to serve the needs of a colonial effort that disregarded the will and needs of the colonized society. The fact that the clear purpose of colonialism is to colonize does not spare the colonized from the devastating consequences that this has on the conquered society. In the case of Puerto Rico, as it relates to this work, the decades long imposition of English had severe consequences on the teaching and learning process at all levels, including the University of Puerto Rico. As documented extensively in this work, mandating the use of English did not result in this language becoming the language of learning in Puerto Rico. Very little English was actually learned during this period. The quality of the educational experience offered under these circumstances was strongly criticized by most sectors of Puerto Rican society. It seems to the author that the imposition of English, and the resulting resistance, created an atmosphere that prevented any meaningful teaching and learning from taking place.

## Notes

Cebollero, 1945; Muñoz Souffront, 1950; Negrón de Montilla, 1971; Beirne, 1976; Canino, 1981.

Puerto Rico is approximately 100 miles long and 35 miles wide.

Memorandum to Jaime Benítez, Chancellor of the UPR, from Pedro A. Cebollero, Dean of the School of Education of the UPR, February 27, 1945. Proyecto de Idioma, Rectoría, R-186, IV, 1941-1948. Also see A school language policy for Puerto Rico, Cebollero, 1945.

Muñoz Souffront, Op. cit..

Letter to Rexford G. Tugwell, Governor of Puerto Rico, from Jaime Benítez, Chancellor of the UPR, November 13, 1944. Rectoría, R-155 III. Archivo Central UPR, Río Piedras.

See Vientós Gastón in Zavala and Rodríguez, 1973, pp. 397-412.

Cited in Negrón de Montilla, Op. cit., p. 13.

Cited in Prucha, 1973, p. 197.

9 Idem., pp. 198-199.

Idem., p. 75.

Vientós Gastón, Op. cit.

"Resolución del Consejo Superior de Enseñanza relativa al idioma de enseñanza en la Universidad de Puerto Rico". September 25, 1942. As certified by Ismael Rodríguez Bou, Permanent Secretary of the Superior Educational Council, March 21, 1947. It should be noted that this resolution did not prevent University programs and faculty from using English as their language of instruction.

Negrón de Montilla, Op. cit.. For an alternative explanation of the phenomenon identified by Negrón de Montilla as "Americanization" see Navarro, 1977. In this essay "Educación en Puerto Rico: Adecuación y Plusvalía", Navarro argues that the United States did not intend to make Americans out of Puerto Ricans, but rather adapt them to the new social and economic order.

Muñiz Souffront, Op. cit., p. 25.

Idem., p. 26.

Canales, 1968.

Laguerre, 1935.

Marqués, 1970.

Navarro, Op. cit., p. 4.

Díaz Alfaro, 1948. In reference to the language issue see "Peyo Mercé Enseña Inglés" and "Santa Cló va a la Cuchilla".

The Laws of Puerto Rico are published in both English and Spanish. The 1905 case was Cruz vs. Domínguez, 8 D.P.R. 580. Cited in *El Tribunal Supremo de Puerto Rico y el problema de la lengua*, by Nilita Vientós Gastón. Published in Zavala and Rodríguez, 1973, p. 397.

Proyecto del Senado 51, 16a Asamblea, 2a Legislatura, Febrero 12, 1946. Proyecto de Idioma, Rectoría, R 186, IV, 1941-1948. Archivo Central UPR, Río Piedras.

Parrilla vs. Martin, 68 D.P.R. 90. Cited in Vientós Gastón, Op. Cit., p.403. In her essay, Vientós Gastón also refers to a 1956 Supreme Court decision against a Registrar of Deeds who had refused to record a deed written in English. In this case the Supreme Court referred to a 1902 law that stipulated, in the opinion of the court, that both English and Spanish were official languages in Puerto Rico (R. C. Communications vs. Registrador, 79 D.P.R. 77). According to Vientós Gastón the Puerto Rico Supreme Court recognized the significance of the language controversy in 1965, when it ruled that legal proceedings

in Puerto Rico must be conducted in the language of Puerto Ricans, which is Spanish (Pueblo vs. Tribunal Superior, 92 D. P. R. 596.

Cited by Vientós Gastón, *Op. cit.*, pp. 410-411.

*El Mundo*, April 18, 1937.

Educators Juan José Osuna and William S. Gary referred to the teaching of English in Puerto Rico as the "English problem".

"Memorandum on the Teaching of English in Puerto Rico", to the Chancellor and Superior Council of Education, from Juan José Osuna, Dean of the UPR School of Education, December 3, 1942. Rectoría, R-155, III, 18. Archivo Central UPR, Río Piedras.

The International Institute of Teachers College, 1926. Cited by Osuna in "Memorandum on the Teaching of English in Puerto Rico", to the Chancellor and Superior Council of Education, from Juan José Osuna, Dean of the UPR School of Education, December 3, 1942, p. 4. Rectoría, R-155, III, 18. Archivo Central UPR, Río Piedras.

*Idem.*, p. 4.

*Idem.*, pp. 4-5.

*Idem.*, pp. 5-7. Also see Muñiz Souffront, 1950 and Vientós Gastón in Zavala and Rodríguez, 1973.

Osuna, "Memorandum on the Teaching of English in Puerto Rico". Rectoría, R-155, III, 18. Archivo Central UPR, Río Piedras.

*Idem.*, p. 14.

*Idem.*, p. 15.

34 *Idem.*, pp. 15-24.

*Idem.*, p. 17.

*Idem.*, p. 17.

*Idem.*, p. 19.

*Idem.*, p. 20.

*Idem.*, p. 22.

*Idem.*, p. 23.

*Idem.*, p. 24.

University of Porto Rico, Río Piedras. "The Conditions and Needs of the Río Piedras Departments of the University of Porto Rico". A Report to a visiting committee of The Legislature of Porto Rico. March 4, 1921. *Informes y Estudios*, Caja 1, 1909-1934.

Archivo Central UPR, Río Piedras.

University of Puerto Rico Faculty, 1925. Rectoría. Archivo Central UPR, Río Piedras.

Acta de la Reunión del Claustro Universitario Celebrada el Jueves, 19 de Febrero de 1942. Rectoría, R-155, III. Archivo Central UPR, Río Piedras.

"Problemas Urgentes de la Universidad de Puerto Rico", paper presented by Gildo Massó before students and professors of the Agriculture and Mechanic Arts Faculty in Mayagüez, February 16, 1932. Published by the newspaper *El Mundo*, February 21, 1932.

In his "Memorandum on the Status of English at the University of Puerto Rico", Maurice M. Segall indicates that, in addition to a first year English requirement, all "sophomores, except those in science, pharmacy, and Normal work, are required to complete the second year course in English. It should also be noted that for the first time in several years the dean of the division of the Sciences will recommend that second year English be taken by Science Majors as an elective." "Memorandum on the Status of English at the University of Puerto Rico", to Jaime Benítez, Chancellor of the UPR, from Maurice M. Segall, Acting Head, Department of English of the UPR, October 28, 1944. Rectoría, R-155, III, 18. Archivo Central UPR, Río Piedras.

*El Mundo*, February 20, 1943.

Letter to Dennis Chávez, United States Senator from New Mexico, from Jaime Benítez, Chancellor of the UPR, February 21, 1943. Rectoría, R-155, III, 18. Archivo Central UPR, Río Piedras. Quotations from this letter were translated into English by this author.

Idem.

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# Bilingual Education and the Law

Solange de Azambuja Lira

Maria de Lourdes B. Serpa

William T. Stokes

## Introduction

A public hearing was held before the Joint Committee on Education, Arts and Humanities on May 13, 1999 at the Massachusetts State House. It was Chaired by House Representative Harold Lane and Senator Robert Antonioni. Two House Bills, H3444 sponsored by Representative Mary S. Rogeness and H3441 Sponsored by Ronald Mariano, proposed changes to the Bilingual Education Laws, and one House Bill H3037, sponsored by Antonio F. D. Cabral, Marc Pacheco and Jarret Barrios, prohibited the Board of Education from making certain changes to the Bilingual Education Law. We testified in favor of HB3037 and against HB3444 and HB3441.

## First Testimony

My name is Solange de Azambuja Lira. I am Associate Professor in Second Language Acquisition at Lesley College's School of Education in Cambridge, Massachusetts and I testified that the transitional bilingual education and the rules and regulations relative to transitional bilingual education currently in effect should continue. Children for whom English is a second, third or fourth language should continue receiving support in their native language while learning English. I added that the controversies concerning bilingual education have become matters of intense public debate throughout the country. The confusion of goals, approaches and even the definitions of essential terms renders the debates almost meaningless. Because of this, I would like to clarify some of the misleading assumptions about second-language learning.

1. First, it is in the interest of every child to learn English as fast as he or she can to be able to reach the high standards demanded by the Massachusetts Curriculum Frameworks. However, we may disagree how to do it. For example Rep. Rogeness proposed that a program in Bilingual education should not be offered to children of limited English speaking ability entering kindergarten or first grade'
2. Second, research shows us that the knowledge that children get through their first language helps them read, write, and speak in English faster than if they didn't have home language support. In a sample of 42,000 language minority students from across the U.S.,

Thomas and Collier (1997) found that when children were schooled bilingually, they would take four to seven years to reach the 50th percentile on standardized tests in English. Moreover, the children were on or above grade level in their first language as well. However, when there was no schooling in the home language literacy, the children would need seven to ten years to reach those levels of performance.

3. Third, instruction in the home language promotes higher level cognitive and academic skills that are necessary for the development of literacy in both languages. Cummins (1979) explains that language proficiency is a combination of skills in two basic domains of language development: Basic Interpersonal Communication Skills (BICS), which is the competence to function in everyday interpersonal contexts, and Cognitive Academic Language Proficiency (CALP), which is the competence to engage in abstract, decontextualized, academic tasks. The first is not directly related to academic achievement and can be attained after two years in a host country. Many children are mainstreamed into English-only classes after they reach this stage because they appear to be fluent.

4. Fourth, fluency is not the same as proficiency. A child in first grade can appear to be fluent with a productive vocabulary of 1000 words, while a native English speaking child will have more than 6000 words. Consequently, when language minority children are placed in an English- only class and are expected to learn more demanding academic skills, they are often unprepared and fail. They don't have the vocabulary and the concepts necessary to succeed. According to Cummins (1992), it takes five to seven years to develop the language proficiency needed to function in decontextualized, academic settings.

5. Finally, to have a second or third language is an asset in the global economy. It is not in our best economic interest to turn all potentially bilingual students into English-only monolinguals. The Massachusetts Common Core of Learning, adopted by the state Board of Education (1996), states, "All students should read, write, and converse in at least one language in addition to English." We are fortunate to have such a large number of students who speak another language; they can help us reach this goal of teaching a second language to monolingual students. We should not accept policies that tend to eliminate the home languages of linguistic minority students, and then try to add a foreign language in middle school. We should take fullest advantage of the linguistic diversity present in this country.

## **Second Testimony**

I am Maria de Lourdes B. Serpa, a Bilingual Professor of Education and Special Education at Lesley College School of Education in Cambridge since 1983. I have been involved with teacher education and inservice training in monolingual and bilingual special education for over two decades. I am here to testify against House Bill 3441. The

reasons for my opposition include the following:

### **Teaching for Understanding**

In a global economy there is a pressing need to educate all our students to high levels of understanding (See SCANS REPORT from the US Department of Labor, and the Massachusetts Educational Reform Act). School learning is language based and teaching/learning for understanding is highly dependent on high levels of language/vocabulary (among other variables). Furthermore, the Massachusetts Curriculum Frameworks are very clear about the standards for what students need to understand and be able to do in terms of academics. Therefore my questions to you are:

Given what we have learned from research in this area, how can any English monolingual teacher teach for understanding in a language in which the students have not yet gained proficiency? How are monolingual English teachers without any training in second language learning going to make certain that bilingual/ESL students not yet proficient in English learn the academic skills required by the Massachusetts Curriculum Frameworks: Science and Technology, Mathematics, Language Arts, Arts, Health and History & Social Science?

### **To Learn English in Not Enough**

Learning a language and learning through a language are two different things. Bilingual students need not only to learn English but also to learn the academic content. As we all know, the academic development of native English speaking students will not be put on hold to wait for Bilingual/ESL students to catch up academically. Let me give you an example: college students from other countries attending American Universities are required to have a high level of knowledge of English in addition to a good academic record in their native language. Why? Because learning for understanding is language based and bilingual/international students need proficiency in English to succeed academically in the USA context, they need to have acquired high levels of English language proficiency. Mastery of the English language is necessary for these college students to understand and learn the academic content. House Bill 3441 is in direct opposition to what we know about the role of language in academic learning. It proposes to abolish the transitional bilingual program for newcomers in favor of a program in English as a second language. The impossible will be expected of ESL students, which is to learn academic content through English before they have acquired English proficiency. Moreover, this bill proposes to lower current requirements for Certification of ESL teachers. Special Education Overrepresentation

When ESL students have difficulty learning the academic content through English because they don't understand the language, and fall behind, they inevitably end up receiving special education services. Was this the intention of House Bill 3441? I don't think so!

## **Does Bilingual Education Work?**

Does Bilingual Education work? Does Education really work? For whom does it work? In this Commonwealth we have embarked on Education Reform because education was not working for a great number of students. The answer was not to stop education, but to fix it. With Bilingual Education (instruction in two languages) we are facing the same issue. We shouldn't stop bilingual education; we NEED TO DO IT RIGHT.

## **Are bilingual and ESL teachers adequately prepared to teach our children who are learning English?**

No. Many schools throughout the Commonwealth hire bilingual and ESL teachers just because they happen to speak the language, not because they have the necessary teaching qualifications. We cannot afford to have students be schooled but not educated. We need to strengthen bilingual/ESL teacher credentialing and to hold school administrators more accountable for hiring and mentoring qualified bilingual/ESL educational professionals.

In my professional experience for the last thirty years, I have seen many school systems pay little to no attention to this segment of the school population; students are setting up to fail because of inadequate resources and many unqualified teachers. Bilingualism, per se, does not cause learning difficulties, and indeed is an asset for all who develop it proficiently.

## **Are all (monolingual English) teachers adequately prepared to teach our children/students who are learning English?**

Unfortunately no. Actually all teachers regardless of content area should be familiar with first and second language acquisition. Colleges and universities should be held more accountable for addressing linguistic diversity needs in all of the teacher prep programs.

## **Third Testimony**

I am William Stokes, a Professor at Lesley College in the School of Education. I am also Director of The Hood Children's Literacy Project. I have been involved with teacher education and professional development for monolingual and bilingual educators for 25 years. I am here to testify against House Bill H3444, sponsored by Representative Mary S. Rogeness.

To avoid repeating points my colleagues have already made, I will focus my remarks on two interrelated points concerning early reading instruction for language-minority children: (1) the role semantic system, especially vocabulary, and (2) the role of phonics instruction, especially with regard to phonemic awareness.

The goal of all approaches to teaching reading to young children is to guide the development of their competencies to read accurately, fluently and with comprehension. When native English-speaking children enter first grade, they bring with them a rich

knowledge of English semantics, syntax and phonology, appropriate to their developmental level. Estimates vary for legitimate technical reasons, but the receptive vocabulary of a six year old, native English-speaking child reared in a literate environment has been estimated at 13,000 words (Pinker, 1994, p151). It has also been suggested that the vocabulary size of lower income children may be half that size (Graves and Slater, 1987, cited by Snow et al., 1998, p47), presumably because lower-income status correlates with reduced opportunities for participation in highly literate environments. Nevertheless, both groups of children enter school with substantial vocabularies and knowledge of semantic and syntactic systems sufficient to understand that 'the boy hit the ball' and 'the boy got hit by the ball' are different in meaning. Native English-speaking children also enter first grade with near mastery of the phonological system. They are able to distinguish all of the forty- four phonemes of American English (with the possible exception of a small number of those phonemes that are acquired last, e.g., the sound represented by the letter in the word 'measure'). Phonemic awareness has also begun to develop, although in this regard there is greater variability among children, and lack of phonemic awareness has been identified as one of the risk factors for reading difficulties (Adams, 1990, Snow et al., 1998).

It has been widely argued that children should be taught to read through phonics. There are policy makers, researchers and educators who take this position with great energy and conviction, and who claim that all children should be taught through some form of systematic, explicit, intensive phonics instruction. Let us take the proponents of phonics seriously, and ask explicitly about what they are promising. They are promising that when children are introduced to the alphabetic principle that underlies our writing system, they will be in a position to take full advantage of their knowledge of the language which will in turn allow them to sound-out and read words they have not read before. That is, the great advantage of phonics is that the learner already knows the language and only now needs to acquire the code that maps the oral and written forms of the language. All that the child knows about English words and sounds can be brought to bear in their effort to learn the alphabetic code.

Now, let us consider the challenge facing the language-minority children who enter first grade with little or no knowledge of English. Under the proposed legislation, those children would be denied access to native-language instruction or support. As detailed in the National Research Council report entitled, *Improving Schooling for Language-Minority Children* (August and Hakuta, 1997, see Note below), "we need to understand the nature of the cognitive challenge faced by the many children in immersion or submersion situations for whom oral language and literacy skills are acquired in the second language simultaneously" (p 71). The authors of the report agree that language-minority children should be provided with direct instruction into the component processes of reading, i.e., phonemic awareness and phoneme-grapheme relationships (usually known as phonics). But, in which language should this occur? Collier and

Thomas (1989) have argued that "children should first learn to read in a language they already speak" (cited by August and Hakuta, 1997, p60).

The logic for this claim is entirely in keeping with the claims made for phonics instruction in the first place -- that children will be able to build upon their substantial knowledge of oral language words and sounds. This is precisely what many language-minority children will lack in English. The English language vocabulary of many language-minority children, even those who appear somewhat fluent in ordinary, everyday conversation, will likely be only a small fraction of the size of vocabularies of native English-speaking children, perhaps only a few hundred to a thousand words. August and Hakuta (1997, p60) identify some of the risk factors for reading difficulties; these include "absence of the sort of background knowledge and skills acquired in highly literate environments, and unavailability of semantic support for decoding that comes from familiarity with the words one reads."

For example, let's suppose a child encounters a story which begins with the sentence, 'the shark could swim very fast.' Notice that the word 'could' rhymes with 'hood' but looks very different. Let's suppose that a child who relies principally on visual cues might mistake the word 'could' for the word 'cloud' and read the sentence as the 'the shark cloud swim very fast'. If the child knows English well, then that reading makes no sense and the child is likely to self-correct or look for help from a teacher or parent. For the child who knows little of English, the sentence is read as a list of words, and in a list there is no reason for 'cloud' to seem out of place. Common words in English provides endless opportunities for confusion. Let's assume a particular child knows the word 'bear' and now encounters the word 'fear' but reads it to rhyme with 'fare' or 'fair' -- how will the child discover the error, unless she knows more about the language? Among the most common words in English, even if one limits the list to the one thousand most common words that children will encounter in the primary grades, there are hundreds of homophones (ate, eight), or homographs (bow - of bow and arrow, bow - of taking a bow), or homonyms (bark: of a tree, of a dog), or near misses (then, than), or phonetically irregular words (would, said, friends, once, who, etc.). We should not underestimate the challenge being posed to children when they are expected to learn to read these words based on phonics principles, but may not have acquired them even as part of their spoken vocabulary of English. In order to successfully decode these words, the child must have the corresponding vocabulary in spoken English and enough knowledge of the grammar of English to be able to apply context to support successful decoding.

Snow et al. (1998) in a National Research Council report, Preventing Reading Difficulties in Young Children, review the research literature bearing on early reading. They argue that "hurrying young non-English-speaking children into reading in English without ensuring adequate preparation is counterproductive. The ability to hear and reflect on the sublexical structure of spoken English words, as required for learning how the alphabetic



principle works, depends on oral familiarity with the words being read. Similarly, learning to read for meaning depends on understanding the language and referents of the text to be read. To the extent possible, non-English-speaking children should have opportunities to develop literacy skills in their home language as well as in English." (p246).

The sublexical features they refer to include syllables and phonemes. Without a knowledge of the sound system of English, a child could not be expected to exhibit phonemic awareness in English. In as much as phonemic awareness is considered by many to be essential to success in initial reading instruction, then pushing non-English-speaking children too rapidly into an English-only instructional environment should be recognized as being tantamount to malpractice.

Finally, what do these considerations imply for language-minority children who, even under current law, have no access to native-language instruction? Many language-minority children have no alternative but to enroll in monolingual-English classrooms led by monolingual-English teachers, without support of aides or paraprofessionals who speak the dozens of languages represented in the schools. It will never be sufficient that a single ESL teacher or aide can support dozens of children in pull-out programs that seldom amount to an hour per week of support.

It seems to me that the proposed legislation moves in entirely the wrong direction. It proposes to limit or remove access to support for literacy development. What we must do, it seems to me, is to greatly expand support for literacy development. If we can not now foresee the day when all children, from all language backgrounds, may have native language support where needed. We should be able to envision the possibility that all monolingual-English teachers will be required to fully understand the nature of first and second language acquisition, the nature of English phonology, the nature of the English lexicon and spelling system, and the adaptations that will be required for language-minority children to be successful in achieving literacy both in English and in their native languages. This will require explicit statement in the state Curriculum Frameworks. And, it will require that all English-speaking teachers also see themselves as teachers of English.

What I hope to see are legislative proposals that address the real problems and incorporate the findings the best basic research (as outlined in the recent NRC reports). The proposed House Bill 3444 only hopes that the problem will somehow disappear if language-minority children are simply denied access to any native-language support.

*Note* - The National Research Council (NRC) has issued two recent reports that are of critical importance in these debates. In 1997, under the editorship of Diane August and Kenji Hakuta (Committee Chair, Stanford University), the NRC released a report entitled, *Improving Schooling for Language-Minority Children: A research agenda*. In 1998, there followed a report entitled, *Preventing Reading Difficulties in Young Children*, edited by

Catherine Snow (Committee Chair, Harvard University), M. Susan Burns and Peg Griffin. Together, these reports provide a comprehensive review of research of the past thirty years, or more, concerning the nature of language learning and reading development. Both reports are available from the National Academy Press, which publishes reports by the National Academy of Sciences (NAS), the National Academy of Engineering, the Institute of Medicine and the National Research Council - all operating under a charter granted by the Congress of the United States. (Web address: <http://www.nap.edu>).

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# Beyond the Illusion of Human Rights

Barton Kunstler

## Universal Rights

The idea that natural, innately held universal human rights are the basis for human dignity and justice is so deeply flawed that the idea of rights may be obsolete as a means of resolving social disputes, regulating human behavior, or achieving the ends of social justice that rights were originally conceived to fulfill. To use rights as a reference frame for attempts to overcome oppression or extend justice overburdens a concept that does not have sufficient intrinsic authority to achieve these ends, and restricts our ability to draw upon alternative solutions to timeless problems.

The future is a screen upon which we project our hopes for liberation from the terrors of the past. The notion of human rights has, for the past two centuries, fulfilled this very same role: America as the longed for destination of the downtrodden; the promise of freedom, elections, democracy in every country throughout the world; the dream of liberation have replaced paradise and hyssop as balms for the human spirit. Rights seem palpable: they can be guaranteed, we can almost taste them. Rights, whether we hold them or only hope to one day possess them, guarantee our future. Rights, however, are as elusive as the future, and perhaps illusive as well. As social and ecological crises intensify, we must free ourselves of the delusion of rights before we can free ourselves of the delusions of the future.

In an attempt to do so, we shall examine the notion of rights and the alternative system from which it emerged, and finally offer an alternative suitable to the present age.

The belief in universal human rights as it crystallized in the 18th century is the central engine of modern legal, moral, and relational frameworks. It undergirds the social contract between citizen and society, and governs the parameters of legal protection and political participation. It profoundly affects our values. Outrage at poverty and oppression, the hopes of the oppressed, our belief that to expect justice in the world is rational, all rest on a deeply felt sense that all human beings have the right to live free of threats to body and property, and to participate fully in the social process. Psychologically, we tend to feel valued in a society that protects us and allows us full latitude of expression, while our self-worth suffers under a regime that sanctions our abuse or forbids us behavior allowed to others. The extent to which we are endowed with rights matches the degree to which society views us as human, while the extent to which we are deprived of rights defines the level of dehumanization to which we are subject.

Thus, violation of rights is not just an assault on a specific option (free speech or the right to vote), but strikes at the very identity and thus stability of self and society. If, as Paolo Freire states, citing Hegel, that "what characterizes the oppressed is their subordination to the consciousness of the master", then deprivation of rights is clearly a profoundly psychological as well as political act. Any society that allows or encourages the violation of rights is already, whether it recognizes it or not, in a state of violent disintegration. A society that does not actively maintain and extend the umbrella of rights, finds its freedoms eroded and itself liable to corruption and decay.

The identity, laws, and values of the United States, in particular, are founded upon the idea of natural, inalienable rights. Yet, despite an intensified concern for human rights today and many successful human rights initiatives, the idea of rights has been degraded as rights are increasingly used to advance an endless set of agendas. Some of these agendas are indeed just, but using rights as the focal point of discourse burdens the idea with a weight it never was meant to bear.

Today, intellectual property rights are extended to portions of the genetic code used in bioengineered products. The right to bear arms is taken to include the right to use protective vest- piercing teflon bullets. The conflict between the right to choose an abortion versus the right to life of the foetus marks a major social divide. Creationists claim the right to have their beliefs taught as the equal of scientific theories. Mining and timber interests claim that U.S. laws regulating their activities undermine their rights as distinct cultures (i.e., the "mining culture") . Accused rapists' lawyers, to protect their clients' rights, can examine a victim's psychological records, and in court twist the most personal revelations of fantasy life or the most painful life episodes into an alleged flaw in the victim that somehow prompted the attack. Advertisers of myriad products proclaim everyone's right to be stylish in their own way, while real estate developers may sue environmentalist opponents for depriving them of earning a living. At the same time, crime and violence convince entire societies that members' basic rights to life and property are more insecure than ever.

The notion of rights simply has no relevance to many of these positions, and is inadequate to help contending groups resolve their disagreements. The idea of rights is so misplaced and diluted in the contexts in which it is being used, that once a claim is put forth as a right, discussion becomes futile, for "rights" is simply the wrong frame for the argument.

## Circle of Familiars

Rights in archaic societies (or those that retain their archaic legacies) differ from our own, in that they have no notion of rights apart from that bestowed by full participation in community life. The collective is primary. As A.W.H. Adkins states of ancient Greece, before the city state era, "human beings ha[d] no rights *qua* human beings". Protection and participation derived from a person's position within a group whose members had mutual interests, a relationship denoted by the term *philotes*, "a circle of people with cooperative

relationships".

In fact, human beings are creatures of society from *before* the very beginning, as can be observed in the behavior of primates, wolves, elephants, and other social mammals. Ethologists such as Frans de Waal have observed animal characteristics formerly thought to be solely human: intense competition for hierarchy and status; behaviors that precisely express and reinforce an individual's place within the group; supportive, nurturing, and protective behavior other than parent/child relationships; interwoven alliances with apparent emotional bonds; communication of feelings of pleasure, displeasure, and belonging; ritualistic behaviors incorporating violence, dance, sexuality, and intoxication; and so on. One can hardly refrain from recognizing here aspects of individualized behavior, whether we choose to call it proto-human or not.

Always, however, among social animals, group life is primary. The differentiation of social roles that defines individuality is largely adaptive, aimed at regulating violent tendencies and sexual competition, and enhancing the efficiencies of survival. As Dudley Young shows, another element asserts itself: an irrational, intoxicating, celebratory aspect of character enacted by chimps, for example, in their evening drumming, their response to thunderstorms (Young 120 ff.), or the eating of the brain of the colobus monkeys that they hunt (Young, 66). Ritual, feelings of sympathy, hierarchy, intoxication, violence, identity: even in animal bands, the rudiments are there. Group behavior already arises out of the structure of social roles. Thus, both roles and the behavior that defines them establish the extent to which the group protects individuals and allows them to participate in its activities. In short, even among animals, we can discern a primeval version of rights. a primeval version of rights. The individuality of an animal can be described with reference to its position vis `a vis the "rights" accorded it by the group.

Thus, by the time humans emerged as a species, we had a long history of performing the behaviors that define selfhood and the self's place in a group. In many such behaviors - dance, cannibalism, signals of submissions and dominance - we see the early makings of human ritual, but it is not yet ritual. Rather, an act becomes sacred and ritualized because through that act we express the essence of individuality. The very act that distinguishes one from the collective - or, conversely, that allows the collective to experience the power and synergy of its own unity, itself as one - becomes at once both a sign advertising its own identity and a monument to that identity, thus permanentizing it (neatly expressed by the dual meanings of the ancient Greek word *sema*, "sign" and "burial mound"). Establishing such a sign binds both psychological and social energies, and forms the core cathexis from which identity develops. Thus myth and identity are self-reflexive: they arise when consciousness turns back on itself to wonder at its own birth and its meaning; with this, comes the longing to secure the eternality of the identity that is embodied by the narrative content and structure of the myth.

Rights, then, have an inherent sacred aspect because they emerge in the same breath, so to

speak, as selfhood and identity. Identity is carved out of the collective mentality to the extent that individuals have rights. Yet neither rights nor identity are ever secure, for both exist by a kind of metaphysical sleight-of-hand. On the one hand, rights represent the foundation of one's role and belonging in the group. But one's role is always subject to challenge, hence, rights are negotiated with every bristle of a cohort's fur, with every physical threat. Because rights come into being as a consequence of the emergence of an individual self, and because they depend on the same act of self-conscious awareness that secures the self, every negotiation of rights is also a negotiation upon which the continued integrity of the self depends. Rights must uphold the integrity of self, but rights have no essential existence apart from the self that rights must uphold. As notions of self are elaborated, the idea of rights develops as well. This leads to a certain contradiction at the heart of the whole enterprise: rights are the "greenhouse" that nurture the development of individual self and identity. Meanwhile, rights themselves only make sense as projections of individuality.

The evolution of animal behavior towards human legal and political forms is evidenced in rituals of apportioning food that have been observed among many mammals. While female lions kill the prey, male lions get first go at it, devouring the delicacies and choice cuts. Wolves take turns at the feast according to status. Similarly, apportionment of slabs of meat among human hunters, or booty among warriors, is an early means of defining social status and rights (Kunstler, 1991). Among warrior societies, cannibalism and ingestion of psychotropic plants were marked by ritualized carving or division of the victim or plant, from which the sacred role of the steward in ancient societies derives, and Louis Gernet (1968, 1981) and Gregory Nagy (1979) have demonstrated the link between the distribution of the sacrifice and proto-legal ideas of justice.

Farther along, in ancient Greece, the foundation of new city states was formalized by apportioning land among the new citizens, and sharing food at the common table was an early guarantor, and symbol of, citizenship in the polis (Kunstler, 1991, Vernant, 1982), a precise parallel to the more primitive division of booty among warriors. Indeed, the *Iliad* begins with a conflict over one such division of booty, a conflict that inspires the "wrath" of Achilles, the first word and thematic note of the epic. In Homer, too, a formulaic phrase denotes the equal division of meat at the heroes' feast (*Iliad* 1.468, 1.602, 2.431, 7.320, 23.56). One hears echoes far more ancient than Homer in such passages.

In many myths, the bodies or substance of deities are divided and shared by celebrants, an act that often bestows identity upon a community and is linked with its discovery of a food source, i.e., a herd or agricultural crop. The inverse of such acts is the sacrifice or offering, in which the god receives portions of the slaughtered beast or the first fruits. Actually, all such acts of division and ingestion are close in meaning: the division of meat at the feast, the apportionment of land at the initiation of a colony, and the rewarding of rights are, in fact, the division of the god itself. Eating the gods distributes their power throughout the social

body and binds the community of sharers. Land, food, rights - these are all emanations of the magical substance of the deity whose division establishes a social compact and a compact with the natural sources of fertility.

Societies tend to become more stratified as wealth increases, and rituals grounded in ancient usage yield to formally defined legal relationships that precisely describe the claims of individuals to the *materia* of society. The more complex the society and the more wealth involved, the more painstaking the legal categories. Greek law evolves as the clan's claims to the deceased's property yields to the legal claims of an individual's linear descendants (Willets, 1967). The legal accounting of estates in anticipation of inheritance led to a more precise definition of rights and prerogatives in political society even as it was fueled by - and favored - the emergence of individual claimants over the groups that formerly stood as heirs.

At the city-state level, citizenship comes to replace the idea of *philotes* as the organizing principle of the larger community, but it is also exclusive and does not erase the strong feelings of membership in the *philotes* circle. One possesses rights only as a function of social responsibility, of one's contribution to the well-being of the community, and one's identity derives strictly from the polis and one's family. In most Greek poleis, only citizens able to afford the hoplite armor required to fight and protect the city and its citizens, had full participative rights. In the more democratic cities, rights under law were broadest. No one, however, would claim rights within their community by reference to innate, inalienable human rights: such a concept was meaningless to a *philotes*-oriented culture. *The magic circle of socially bonded individuals is the basis for defining rights; abstract notions of innate human rights do not exist.*

The shadow side of the circle of familiars is the fact that those outside the circle are nothing to those within it; they may be totally objectified. The horrors of genocide, the atrocities of torture prevalent in over 100 nations today, or the murderous ethnic cleansing witnessed in Bosnia, Rwanda, and Kosovo are grounded in the tensions between loyalty to the closed circle of familiars and the aggression endemic to human nature, whether one views this aggression as based in the animal or the social self. But even in times of peace, elaborate ceremonies of gift-giving are required to elevate one's status from outsider (i.e., nothing), to insider or ally.

Greek myth offers countless examples of such bonds established between members of different circles, which came under the *xenos* code of behavior. *xenos* refers to the stranger, the stranger's host (if one exists), and the code that binds them. When one travels beyond one's circle of *philotes*, one becomes *xenos*, a person with no rights except those defended by physical prowess. A native of another community, however, can extend to the *xenos* the status of guest and draw him into a local protective circle of *philotes*. The process also served to join two circles of familiars, and was the basis of marriage arrangements between phratries. The code muted aggression and mistrust and allowed closed groups to establish alliances with one another. It also modeled how rights were bestowed in all *philotes*-based

groups: via ceremonial exchange of vows and gifts.

## Cult of the Object

Greek city states defined rights via laws covering criminal acts, due legal process, inheritance, and distinct levels of political participation based on property. As commerce expanded, limited rights were extended to metics, members of other communities who lived and conducted their business abroad. Thus, in a complex mercantile environment, the primitive *xenos* code became the basis for laws that defined the protections, obligations, and behavioral latitude of strangers living among the natives. Rome, of course, bestowed citizen rights to all qualified members of its vast empire, a way of extending the social obligation and responsibility that bound the empire together. The integrity of community, not individual, was still paramount.

The rights belonging to members of any given group ebb and flow with the economic and political power of that group and its ability to compel compliance to its vision. In general, rights travel from the more propertied classes on down, each new claimant group inspired by the (often unwitting) example of previous ones. As medieval Europe developed politically, economically, and technologically, the bourgeoisie claimed its freedom from caste, nobility, church, and even guild. The growth of urban society, fueled by mercantile activity, created the social and psychic space for an expanded notion of individuality to flourish, a trend evident in the arts. During the Renaissance, as John Berger (1973, 1981) notes, the lush qualities of oil painting reflected the desire of the *nouveaux riches* to celebrate their own substance, perhaps substance itself.

"Oil painting did to appearances what capital did to social relations. It turned everything into an object. Everything became exchangeable because everything became a commodity" (Berger, 87). In such paintings, the rich textures of clothing and drapes, the reflection and sparkle on the polished surface of fine furniture, the candy-like quality of the jewels, all reveal that however religious a painting's subject, the true subject was corporeal. The oil painters of the Renaissance celebrated the self as substance. They also celebrated the creation of a universe of perception, value, and values residing in the realm of art and object that was an alternative to the religious world view of the Middle Ages. The opening of pictorial space, evident in painting in a steady progression from the 13th century throughout the Renaissance (and, arguably, up to the present day), represents both the opening of the internal self to its own possibilities for growth outside the boundaries of birth and belief.

The aestheticized object is beautiful not just because of the craft or art that goes into its creation, but because it is an extension of a newly conceived concept of self, an extension of the myth that self composes about both itself and the myth of itself (i.e., that the myth is sacred, true, etc.). The modern object, that is, the object from the Renaissance on, is important precisely because it is not sacred, in the traditional sense. The realm of the sacred is highly efficient in its use of objects: it does not need many to function as symbols.



Royalty, for example, has its crown, throne, sceptre, and insignia. Yet, this selection of objects to receive the charge of symbolic meaning has generally occurred in a world relatively poor in human-made objects. (Contrast this refinement of symbology with more archaic notions of the sacred, such as those that hold every tree or animal to partake of holiness). Whatever the relative wealth of a king in, say, 1250 A.D., it was as nothing compared to the wealth unleashed by capitalism from its early stages on. The modern object, liberated from the constraints of the archaic economy, goes forth and multiplies. The deity of the modern age mirrors, structurally, the logic of economic forces and the machinery that serves them. The god of this new system, like all gods, is carved up and its substance distributed throughout the world, in this case into every object of beauty or wealth upon which an individual might stamp her or his ownership.

The proliferation of objects and the ballooning spatial framework available to increasing numbers of people created the ability to distinguish oneself from others, and the choices subsequent to this ability. The self was refined and cultivated by exposure to the wondrous new dimensions of the objective. The cult of possession was inevitably turned on the self: one's self, or the true self of another (as in love), becomes one's most treasured possession, and begins to displace God as the object of civilization's devotion. *As the self becomes exalted, so too must the notion of rights that protect the self and that guarantee its ability to experience all the marvelous possibilities the brave new world offers.* Out of this came a sentimentality of self that encouraged the development of romantic love and, eventually, the Rousseauvian view of Nature and childhood.

The revolution of rights in 18th century Europe and America is unthinkable without this long cultural preparation. Such thinkers as Rousseau, Thomas Paine, and Locke advanced the idea of universal rights that attach to human beings by virtue of their being human. Thomas Jefferson, the contradictions of his personal life and exclusivity aside, majestically evoked this belief in paragraph two of the Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator, with certain inalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed". It is noteworthy that Jefferson, in his own draft, referred to the "self-evident truths" as "sacred and undeniable". As Edwin S. Gaustad writes, they "required no argumentation, no Aristotelian syllogism, no Platonic presupposition, no authority whatever except Reason to establish their validity."

That all "Men", by virtue of their creation and in line with the intent and will of the Creator, possess rights, *reverses* the most ancient sense of rights, and overthrows the general insulated tendency of the *philotes* system in favor of an all-inclusive, universal formula. One no longer has rights by virtue of belonging to a circle of *philotes*. Rather, community or state must be reshaped to conform with the individual's possession, as individual, of divinely ordained rights. Rights are no longer carefully apportioned by formal ritual, law, or

traditional usage. They are now distributed throughout the entire world and attach to one at birth. To the Enlightenment minds that disdained the irrationalities of religion, the automatic dispensation of rights did away with any need for rites. And of course, if rights are automatically bestowed at birth, so too is identity, a notion that fit well with Rousseau's vision, and even Locke's *tabula rasa*, since an infant's mind begins growing at least from its earliest training.

Thus, beyond the tensions inherent in any notion of rights are added others: *rights no longer need to be earned, nor do they incur obligations equal to the status they confer upon a person*. The job now is to protect one's rights (one's *intrinsic* wealth), rather than to earn them. And the idea that one exchanges rights contractually in order to strengthen social bonds has today become anathema to many; individual rights are no longer seen as part of any exchange mechanism, including gift exchange. Rights are viewed as so essential and innate they become indivisible; hence, they inspire a strong tendency towards isolation and lend support to arguments that societies comprise discrete entities and have no innate unifying force.

The extensive claim to rights that culminated in the Enlightenment is inseparable from the cult of the object that developed hand-in-hand with the market economy. Rights are viewed as possessions precisely because they evolved in harness with the cult of the object and the principle of possession. Rights become the ultimate commodity even as they are enshrined as our most valuable possession. Their possession represents the gateway to possibilities as vast as the manufacturing and market system of the burgeoning Industrial Revolution and as broad as the scope of economic and psychological terrains pursued by colonizers across the globe. As Harold J. Laski points out: "By 1600Émen are living and working in a new moral worldÉwhat permeates them [its sources] all is the sense of a new wealth at hand for the seekingÉThe passion for novelty is intense." (Laski, p. 64). Laski points out that the new doctrine of non-governmental interference with business and trade "assume(s) that economic liberty is in the nature of thingsÉ" "Freedom" is just another word for the chance to pursue prosperity unfettered, and the traditional Christian deity is driven back from his governance of social and economic affairs into the realm of "private faith" (Laski, 100-101). Locke (Laski, 101) articulated the ethic that "The supreme power cannot take from any man any part of his property without his own consent." In other words, the new god is the god of property and it both drives the old god back into his cave and assumes the mantle of "national salvation" (Laski, 100) as its own.

The revolutionaries of America and France took the next inevitable step: if a government is not created in harmony with the demands of individual rights, then citizens can seek redress to the point of overthrowing it. Individual rights have been given precedence over community cohesion and the need to uphold community obligations, although to the 18th century mind, responsibility to the community was a given. Nonetheless, the shift in perspective is crucial to the future degradation of the idea of rights.

With the concept of natural, or inalienable rights, a new pattern is set forth, radically visionary because it asks everyone to see in everyone else the potential for full actualization. The new ethic undermined traditional forms of oppression, and certainly inspired the fight against slavery and, eventually, the struggle for the liberation of women, colonized populations, and "minorities". All our attitudes have been profoundly shaped by this ethic, and it has inspired countless people in the daily struggle for freedom and dignity.

Despite its triumphs, the principle of universal rights can also be viewed as a sentimental conceit verging on deceit, sentimental because it feeds on what we suppose it demands we feel rather than what we truly do feel. For our emotions cannot sustain the demands of a belief in all people as ends in themselves, especially in a globalized era in which the entire suffering population of the world is nightly marched into our living rooms via television. Our minds dutifully regard each new round of suffering as an outrage, but our feelings recoil or turn off. We know we must feel for the literally billions of people whose rights are being trampled, but we have nothing but the term "rights" to guide us in our feelings or response. No wonder the term has become meaningless. We watch sentimentalized movies of Gandhi or elevate Mother Theresa to the role of global saint because we must believe it possible to universalize compassion, and for some few, it may have been possible. But the gravitational pull of the *philotes* circle, indeed, of the multiple circles that claim us, is far too great and our core feelings cannot go where our minds might lead.

## **Triumph of the Object**

The relationship of person to object is primary to economy and to law. In the market economy, a person "owns" an object, whether the object is money, a house, a slave, a radio, or a tin of sardines. "To own" means to absorb a thing into the sphere of psycho-social space that an individual has managed to claim as his or her own. People considered wealthy and powerful command greater regions of socially acknowledged identity than the poor and dispossessed. To take a possession from another is to pierce the boundaries of ownership, and law exists in large part to sustain the illusion of "own-ship", i.e., self-through-ownership. The corollary is that the law exists to protect the notion of ownership so that the most powerful are granted legitimacy in their pursuit of greater ownership.

It has long been acknowledged in social formulae that the transference of ownership is intrinsically dangerous to the self. Rituals of exchange guarantee safety during the awkward liminal moment when goods are passed across boundaries. Any exchange can easily erupt into violence unless the most formal protocols are observed. Today's economy is no less free of threats: one might be "ripped off", "devoured by sharks", "beaten up" at meetings, and worse.

Because ownership bestows *de facto* rights as well as rights by law, and one's social wealth quite palpably determines one's access to rights, the relationship of an individual to the objects and structure of exchange strongly influence the character of rights in society. The

market economy has achieved its pinnacle in this era of corporate capitalism: everything is an object, everything bought and sold, including air rights, the flow of electrons and information throughout the world, water rights, land rights, mineral rights, fishing rights, timber rights, the right to pollute, and the right to market parts of the genetic code or medicines derived from specific bodily parts. All that was once holy is now for sale and "human rights" converge with the notion of "rights to" the very substance of the world itself.

The self, too, as we noted, is marketed as the ultimate product behind the pitch for most products: advertising sings the hymn of the Self-Adoring Self. But this is logical, considering that the identification of ownership with self has permeated every aspect of our relationship to objects.

This is true as well of objects in the grammatical sense: the "I", the modern Self, stands as Subject over a vast kingdom of objects. At its moment of greatest power, of greatest ownership, the Self is actually at its most delusionary and fragile, at its vanishing point. Why? Because it is distributed throughout all its objects. The Subject is the apportioned God distributed among its objects, only the Subject actually worships itself through its objects. Eventually, it is divided into and invested in so many objects that it becomes fully objectified. The Subject that wanted so many things disappears piece by piece into the inanimate objects of its desire. Relations between Subjects are mediated through complex negotiations whose function is to regulate the transmission of self masquerading as ownership. Hence, connective bonds among people and groups becomes less and less important to the regulation of exchange. Abstract legal formulations come to define the algebra of contending claims typically advanced by discrete "selves-as-Subjects". Along with the wealth of objects there is also a wealth of objectified qualities such as freedom, right, beauty, etc. In an ironic twist, once the object has absorbed the sacredness of Self, the self becomes mere container, and the object appropriates the substance of the apportioned god. The object-world, in which the Self is wholly invested, becomes a new God, supplanting the Subject. The Self, fixed upon the object, loses its connection not only to deity, but to its own narcissism, and has been severed from the moorings that bound it to its own identity.

## **The Gift**

In mythopoeic consciousness, the boundary between subject and object, and between a person and things, tends to be blurry. The two are often strongly identified with one another, an identification based on the mutual identification and obligation that charge through them. The reverence with which hand-crafted objects were handled; the sacred investiture of symbolic clothing, weapons, musical instruments, and jewelry; the numberless myths and fairy tales regarding birth tokens; the sacred shields and headdresses of warriors; the powerful taboos around food, blood, flesh, and hair; the magical regard in which early technical achievements were held: the list is endless. Person and object were traditionally united by a strongly felt mutual identification and ongoing exchange - even

circulation - of identity which bestowed a sacred identity upon each object. (This sacredness is not due to the role of the object as symbol; it is sacred in itself due to its sharing the numina of identity with the individual or community).

This identity of self and object reflects the mutual identification between individual and community. The immense energy inherent in the organically forged bonds of the animal band was a *tremendum* capable of extinguishing any individual who did not respect its power. Early notions of individuality were linked with ideas of apportionment and division: the deity is divided and eaten so that its pieces may be individualized. In effect the primal deity is both superego and id. The necessities and catastrophes governing organic life, and submission to the *tremendum*, give form to the superego, while the rhythmic pulse of natural life asserts itself as id. In sharing a portion of the god with one's fellows, one gains a measure of individual sovereignty (by identifying it as oneself) over the *tremendum* represented by the collective's energy. This sovereignty contains the seed of individual awareness and integrity, the ego. Any occasion in which boundaries are crossed - birth, death, puberty, marriage, conflict, friendship, travel, shamanic journey, exchange of objects - not only connects the partners in the crossing, but actually opens up the passageways to that powerful swarm of energy out of which both community and self have been scribed.

The gift economy belongs to archaic cultures for whom objects and, more importantly, the circulation of objects, activates the energy of the *tremendum*. It derives its framework from the impulses and behaviors of the *philotes* circle, but had been left behind by many societies that still retained the *philotes* as the basis of the social contract. The northwest American Indian custom of the potlach first drew special attention to the notion of a gift economy. Marcel Mauss (1950, 1990) explained how sumptuous gifts offered by one tribal phratry to another were "woven into an inextricable network of rites, of total legal and economic services, of assignment to political ranks in the society of men, in the tribe, and in the confederations of tribes, and even internationally" (Mauss, 6). He remarked on the hostility and competition for prestige that accompanied the potlach, and the fact that the potlach not only included giving away all a phratry's wealth, but might involve mass destruction of goods as well.

In both highly formal and informal settings, the gift establishes a magical or religious bond between giver and receiver in which the latter incurs an obligation to give a gift in return, often one more "valuable" than the original. As Dudley Young observes of the *xenos* code, which belongs to the gift economy, "the offering of hospitality is no less than the bridge that enables man to move from a warring world into one of politics and other peaceful communications" (Young, 277). Anxiety underlies the gift, whether the seemingly senseless destruction of goods in the potlach, or the offering that marks a long-standing, affectionate alliance. Anxiety is alleviated by giving up what one has become overly attached to - but this only works for a society that has a clear sense of the alternative, the balanced state its sacrifice or gift seeks to achieve.

Every act of giving transforms the character of human interaction, shifts it from one laden with conflictual potential to one marked by affection (*philotes*) and collaboration. Yet, as Mauss indicates, the gift-giving transmits hostility as well. To offset this build-up of tension, the gift must keep circulating, and it is the *circulation of wealth* from one person to another, or among groups, that creates the web of relations and hence the value of the objects. Accumulation, production, and ownership for their own sake are not the objectives here. Indeed, to halt the circulation of gifts is to interrupt the flow of life force upon which the well-being of the community depends. Value intrinsic to the goods, anxiety over conflict, and resolution through alliance are fused in a continual dance that, while by no means utopian, offers an alternative to the systems of rights based on the *philotes* circle, on the one hand, and innate, natural rights on the other.

Lewis Hyde (1979) suggests that creative activity, both in regard to the internal dynamics of the creator and the role of the artist in relation to her or his auditors, can only be sustained by the dynamics of the gift economy: "Éthe commerce of art draws each of its participants into a wider selfÉIn the realized gifts of the gifted we may taste that zoe-life which shall not perish even though each of us, and each generation, shall perish" (Hyde, 152). Hyde's insight applies as well to all gift-based economies: circulation of energy and wealth through gifts is linked to notions of group cohesion and immortality. The gift economy lies at the heart of the archaic community, and Hyde (88) notes the "struggle between legal contract and what might be called 'contracts of the heart'" when gift and market economies collide.

Yet the gift and market economies stand in evolutionary relation to one another as well. The obligation incurred by the gift is identified by both Gernet and Mauss as a key feature in the early history of law. Indeed, in early law, as Mauss (49) states, "things themselves had a personality and an inherent power. Things are not the inert objects that the law of Justinian and our own legal systems conceive them to beÉ [In Roman law] they form part of the family." Mauss (48 ff.) and Hyde (86) both indicate that real law (regulating things) and personal law were not always discrete categories, but often were identical due to the mutual identification between law and object.

The role of the object in the gift economy stands as far from the notion of commodity as an object of exchange or desire can be. The gift economy's subject/object distinction is erased by the close identification of gift with self. Because the gift perpetually moves between giver and recipient. The indirect object (recipient) in one exchange becomes the subject (giver) in the next. The gift, oddly enough, never actually serves as direct object because it always belongs to the essential nature of both the giver (subject) and recipient (indirect object). The dynamic tension of the scheme is inherent in the imbalance of a grammar that possesses subject and indirect object, but no direct object at all. And if the object is never direct object, and instead only partakes of the nature of those who keep it in motion, then in a sense it is simply not an object at all. This paradox further unsettles any pretense at the social order being founded on a stable platform; it reveals the profound instability at the heart of

economic exchange and law by revealing the syntactical absurdities at their core.

Gift-giving is also associated with offerings to nature or the gods via sacrifice, pointing to another key notion of the gift economy: the vacuum that one creates by giving inevitably draws wealth back to oneself. This can only work when supported by a strong set of obligations that accompany the offering. The gift creates an obligation, which is the basis of contract law. The vacuum is creative, and out of it comes the necessity of contract as the basis of economy and law. As long as the object resists reification the system resists entropy; as the energy of the object is spent - in both senses - it is more likely to be possessed, and with possession comes weight, matter, gravity, and time.

The rights established by exchange of gifts are conceived very differently from the innate rights we receive in a commodity-based economy. In the gift economy, rights can never be taken for granted and they come with strict obligations attached. Innate rights are prior to a social connection because the object has extended its dominion over consciousness, and the relationship of owner to object becomes the model for all other relationships. Hence, we own rights just as we own the things to which we have a right. As Paolo Freire (40) writes, "The earth, property, production, the creations of people, people themselves, time - everything is reduced to the status of objects at its ('the oppressor consciousness's') disposal." In the struggle over rights - in a world where rights are objects - those with most power over objects tend to win. And remembering that the *philotes* model of rights co-existed with a commodity-based economy for millenia, we can suggest that the closed *philotes* circle may well fall short of the dynamism inherent in an active gift economy. The gift economy is potentially an open, expansive system, and the role of the *philotes* in a gift economy, while crucial, is subtly different from the closed, cautious, and conservative *philotes* group that history shows us time and again. One area of investigation may be the effect early commodity-based economies had upon the character of the *philotes*.

## **Beyond Objects and Rights**

The domain of the object may be eroding. In our current electronic, post-modern, post-relativity era, the object has become, as Gilles Deleuze (1993) notes, an "*objectile*", suitable to an age "where fluctuation of the norm replaces the permanence of a law; where the object assumes a place in a continuum by variationÉThe new status of the object no longer refers its condition to a spatial moldÉbut to a temporal modulation that implies as much the beginnings of a continuous variation of matter as a continuous development of form" (Deleuze, 19). This has an impact on the notion of subject as well as object, for the subject becomes, in Whitehead's term, a "super-ject", that is, a viewer defined by its possessing "the point of view" necessary to see the *objectile* as it travels along its path (Deleuze, 19-20). This role of *objectile* is precisely that held by the object in the gift economy. The subject in the gift economy, defined only in relation to his or her gift, performed the role of super-ject.

Deleuze's conceptual play reminds us that natural rights are at home in a Newtonian world of discrete objects in a logical clockwork universe. Newton's world is spatial, with well-defined relationships between subject and object, and object and object. In the post-Newtonian world, objects have no fixed relationship to us, nor do we have fixed relationships to anything beyond our point of view, beyond the *objectiles* streaking across the screen-of-vision field. The notion is absurdist, yet suited to a world of global networks, cyber-realities, virtual organizations, non- goods-based economies, a universe of black holes and bent space, programmed uncertainty, and a quantum-based physical ground in which "nothingness" takes up the greater portion of the volume of the universe. As the corporate economy becomes ever more voracious, even the political entities that pretended to be guardians of our rights yield to conglomerates whose notion of rights is non-existent or irrelevant. We are beyond an obsession with ownership of objects, even beyond ownership of money. The goal now is to control the flow of symbols representing currency; currency and currents have become one. Like Deleuze's *objectiles*, we are streaking in a trajectory that arcs far beyond the conditions in which the Enlightenment notion of rights were formed or could be sustained.

The problem of expenditure of surplus energy, which Georges Bataille (1991) calls "the accursed share", bears directly on the nature of the gift. The gift, the sacrifice, and even frenzies of self- destruction can be seen as adaptive mechanisms to regulate the build-up of surplus energy, which presents a tremendous, perhaps overwhelming, psycho-social challenge. The matrix defined by rights and identity is the ultimate "accursed share", for it represents the ultimate surplus of all: self-awareness, a setting apart of the individual from the universal or collective.

In this era of voracious growth and proliferation of capital, the dilemma of surplus becomes life- threatening. One cannot produce without devouring, as contemporary ecocide attests. What Lorenz (1950, 1987) calls "the pleasure experienced through increase" depends for its sustenance, as Lorenz (139-140) points out, on the natural limits to organic growth. In contrast to organic forms, "a human enterprise . . . is potentially immortal; not only is no limit set to its growth, it is in fact that much less subject to disruption the larger it becomes" (Lorenz, 140). When the "accursed share" becomes the sole objective of the market system and its institutions, the goal, in fact, of each individual, a vital limit has been breached. It is precisely at this point that the self loses itself in the infinitude of "objective" reality.

And while self-hood becomes our most precious commodity, as a commodity it is constantly being devoured. Even now, the value of our identities to marketers, information brokers, insurance companies, and biogenetic researchers, is increasing. But this is only the market economy's reflection of a more essential process. Natural rights presume an infinite self. Bataille's "accursed share" is now the greater part of production; our economy exists to produce and feed an infinite self, a self of infinite possibilities whose value is sustained by the notion of irreducible, hence infinite, rights. It is a triumph over death, of sorts, and



when death ends, so does life, for no new forms can come into being. The surplus overflows all natural bounds as well as our ability to dispose of it. Our efforts become more frantic, and our systems move towards overload.

Rights, like Lewis Hyde's notion of creativity, require some measure of a gift economy; they are the most profound of gifts, so primeval as to pre-date the human. They are coeval with the gift of identity and individuality, the gift offered in rites of passage, which are marked by the bestowal of keepsake gifts by the initiators. And just as the movement of the gift is identified with the movement of life energy throughout society, the circulation of the gift of rights strengthens both their legitimacy and the resilience and power of the self. Such power invites energy into its system, and the invitation is accepted because it is a more efficient, attractive, and satisfying system to belong to: political power achieved on that basis will have enduring effects.

Such a view offers escape from the aridity of rights activism that views rights almost as palpable objects that have somehow been taken from their deserving owners. This activism cannot be abandoned, of course; it is responsible for saving too many lives. But its victories will be defensive and local because it is a concept no longer adequate to the challenge of deep systemic change, as it was in the 18th and 19th centuries and in the anti-colonial movements of the mid- 20th century. In a sense, the notion of human rights is still resting on these laurels. If the contemporary object is *objectile*, and often unrecognized as such, then our presumptions of our relationship to wealth, property, and objects are becoming largely delusional, and our notions of rights increasingly irrelevant.

Freire's work seems especially powerful in this regard, because turns the self back on itself and offers the self the chance to negate the assumptions about itself that it holds most dear. The pedagogy of the oppressed is a gift in which the pedagogue gives up power but not due to abnegation of, or embarrassment over, ownership, but as part of a rigorous process in which a great obligation is incurred by the receiver of this power, the obligation of self-liberation, perhaps self-creation. It is essentialist and connective in the archaic sense of the *philotes* circle and the gift economy, but existential and contemporary in that it fixes the drama of self squarely on self-reflexive processes whose purpose is renewal and reassertion of connection.

## **Conclusion**

We are in the latter stages of a world system that no longer respects the sources of its own wealth, including the wealth represented by rights. Our economy can only devour, as if its own hollowness can only be filled by every resource the earth has collected for literally billions of years. The problem of rights is intrinsically linked to this, the essential problem of our time. The degree to which formulations derived from a gift economy can help resolve this dilemma depends upon our ability to acknowledge that everyone is gifted, at least in the possession of life and consciousness. That this has been interpreted as legitimizing the

notion of inalienable, natural rights should not dissuade us from the basic idea that we receive a gift of some sort at birth. Cosmology, if nothing else, speaks to the miraculous odds against life and consciousness appearing at all, and whether or not one believes in miracles, there ought to be no objection to the premise of a gift. But as we have seen, once received, the gift must be given again and again in order for it to multiply. Freire's pedagogy of the oppressed is one way our verbal and gestural languages can be transformed according to the logic of the gift economy. Our challenge in liberating the future from the graven templates of the past lies in establishing models whose logic reflects the counter-intuitive logic of giftedness.

The gift, however, is always fraught with danger: the danger of exchange, highly charged numinosity, deception, passion, hostility, and even connection. Any new notion of rights will have to be ecological as well as liberationist. It will integrate the shadow side of human nature in its fullest sense, as it was recognized in myth, and not simply as a function of difficult or oppressive economic and political conditions. Somehow, the recognition that self is illusory and that thus rights are illusory, must be met in a way that sustains both self and rights. The gift economy points the way in this, for in it neither rights nor self can become fixed. The illusion of self is sustained by continual giving and renunciation followed by the celebratory, festival spirit of renewal.

Paradoxically, both self and rights perhaps become ultimate *objectives*, objects of our attention that define the conditions of our attention. In some way, our task is to confront our brutality as a species and our inability to cope with the accursed share, the part of ourself that is both blessed and that has committed extraordinary crimes to achieve its state of blessedness. Can we do this in a way that fosters connection among individuals and between individuals and things, while giving us the navigational skills to survive in a highly technologized, capitalized world?

Naturally, one may shy away from - or flat out avoid - suggesting programs to achieve this end. I would suggest, however, that we begin to consider our own roles as agents of change and supporters of rights in light of the contradictions embedded in our very peculiar and dangerous world moment. In any such consideration, the notion of rights must be primary, but how we grasp the idea, how we objectify it, will determine whether we continue down a path of delusion or achieve a useful and sustaining approach to social change.

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## Three Poems

Anne Elezabeth Pluto

### Unnatural Acts

Great, great, great grandfather  
you lie in ice  
layers of Russian  
winter, in sleep  
I travel miles  
countries by foot  
to reach the night  
of your grave  
in the Catholic part  
of the cemetery  
I dig through  
snow, ice, break  
my nails to scratch  
open the pine box  
cracked wooden  
ornament of time  
its silence startles even  
me, and you are there  
precious bone wool suit  
dried red flowers  
mark the space that was  
your heart - pearls fused  
to gems, a rosary  
where I am

the last bead  
the end of a long  
chain, your marriage  
for land, not love  
to an Orthodox woman.

I am left  
alone, great, great, great  
grandfather and pull you  
cold, bones to my coat  
kiss your teeth, breathe  
air, frost into your suit  
it swells, flesh  
of the man who made  
the man who made  
the man who made  
the woman who gave  
the child a heart  
to see the dead

through dreams.

I am alive and with  
your silvered cross cut open  
the space above my heart,  
it bleeds through layers  
of cotton, wool, silk  
I stop time  
give you this  
my blood of memory, greedy  
your bone lips drink  
and I watch a man  
appear before my eyes.

I say your name  
in Russian, Czech, and English

*Simon Peter*

*I will make you  
a fisher of men.*

Your answer, voice of all  
my dead, beloved ghosts  
Chorus of Belorussian voices  
iconostasis of my body  
bloom now to me, you know  
my name, press my warm  
hair to your face. I  
am not afraid

and raise you up one step  
into the cold snow,  
my boots press downward  
**I lead you,**  
instinct, sense of other life,  
not my own, but yours  
the light I made from darkness,  
I whisper \*  
across these miles  
of love and granite markers.

*\* Means both Easter and Sunday in Russian*

## **Easter**

the emerald parlor  
remembered, come yourself  
to convince me now impose  
yourself firm to the  
maroon furrow  
a single wound of blood  
that is my heart.

Interloper, make your mayhem  
here, where I have been  
miserable - christen me  
this burglar  
who has stolen time and  
time again my sins rise,  
duplicate with yours,  
a column of white ash,  
our own promiscuous rupture  
of faith. I will give  
you back the way home  
assent from the cross  
gnaw through me to my bone  
and there write beautiful  
the names of all  
our dead in your salt  
milk be my confessor  
coax me, plunge sincere  
the epistle of silence

handwriting on the wall  
and beside me, the cross  
lay sown, mount me glaring  
move finally bruised  
in the disjointed  
homily of sex from which  
we will abstain, but  
not to disappoint, the  
long lure of love burns  
celestial in the dark  
to domesticate the night,  
each star numerous  
in its power to assail us  
now, in our charter of rebirth.



## **St. John the Divine**

Legend has you  
the evangelist, the writer  
the one who knew both Christ  
and the Word.

It is Epiphany  
I am a child  
in a red wool dress  
the black and gold flowers  
move against my legs and arms.  
They imprison me.

It is Epiphany  
your icon burns  
as I kiss your mouth  
my heart floats beneath the field  
of red and black and gold  
You are real  
and whisper my name  
through the glass and jewels.

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