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ARTICLE: CLUSTER VII: RACE, GENDER, AND SEXUALITY: CLUSTER INTRODUCTION: Identity Matters

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BIO:

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SUMMARY: ... As I read this cluster of papers on race, gender and sexuality, I am reminded of the caterpillar in Alice in Wonderland. ... While not as explicit, this also is an expression of the race precept because this view evidences Harlan's belief that Blacks do not deserve to be equal to Whites or, presumably, White society would do something to create racial equality. ... Race precept lessons usually are not consciously taught by public school teachers, because Whites of goodwill, by definition, express their belief in racial equality. ... Quite significantly, by explicitly prohibiting race conscious admissions policies, the dominant culture maintains its power to define equality as process. ... Creating emotional segregation by teaching children the validity of the race precept is one way teachers impose inferior/superior racial identities on all children. ... Whites of goodwill who truly want to achieve racial equality must understand the ways in which children are taught the validity of the race precept because racial equality cannot be achieved as long as children are asked by teachers to engage in exercises that racialize people and identify them as superior or inferior depending on where they fall in the hierarchy. ... Mungu's mother's lesson to her son was about rejecting the race precept and embracing his fundamental identity as an African American. ...

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Introduction

As I read this cluster of papers on race, gender and sexuality, I am reminded of the caterpillar in Alice in Wonderland. n1 When Alice comes upon him as he rests on a mushroom, he blows smoke from his hookah that, in the movie version, spells out the question he simultaneously asks her, "W h o a r e y o u?" n2 The smokey, blurry letters float in the air and gradually fade into oblivion while Alice thinks about the question. n3 Obviously, the caterpillar wants to know Alice's name and perhaps what her business is in Wonderland, "his" world. n4 But he also is asking Alice a much harder question: Who is she fundamentally? The question confuses Alice because she knew who she was before arriving in Wonderland, but a number of curious events have disoriented and confused her about many things, including her identity.

Authors Beverly Greene, Joe Feagin, Felipe Lopez, Josephine Ross and Ofelia Schutte ask variations of the caterpillar's question: Who should decide one's fundamental identity? n5 Is identity a matter [*910] of self-definition or is it a matter of other imposed-definition? The authors explore the tension between these possibilities and expose how hegemonic power structures impose negative identities on members of minority groups to strip them of their power to identify themselves in ways that are socially or legally acceptable. Specifically, in Riddle for Our Times: The Continued Refusal to Apply the Miscegenation Analogy to Same-Sex Marriage, Ross explores the connections between society's need to sexualize interracial marriages and same-gender marriages for the purpose of identifying those relationships as inferior because they lack mutual love, loyalty, trust, and respect - emotions that automatically are presumed to exist in same-race and different-gender marital relationships. n6

Closely related, Feagin's essay, White Supremacy and Mexican Americans: Rethinking the "Black-White Paradigm," and Lopez's essay, The Construction of Mexican Identity, analyze the need for dominant races to define minority races as "inferior" in order to maintain racial supremacy. n7 Feagin lays out some of the history establishing White society's control over the racializing of others, including its power to define where racial groups fit into a hierarchy with Whites at the top and Blacks at the bottom. n8 Lopez's paper, in some ways, exemplifies Feagin's point: the primary

reason indigenous people are pressured to identify as Mestizo and not Indian is because a "Mexican identity" is perceived by the dominant culture to be more valuable if it is closer to being White than to being Black. n9 In *Heterosexism and Internalized Racism Among African Americans: The Connections and Considerations for African American Lesbians and Bisexual Women*, Greene makes a similar point but in a different context. n10 While Lopez focuses on indigenous people resisting the identity of racial and cultural inferior because they are not Mestizo or White, n11 Greene focuses on gays, lesbians, and bisexuals resisting the identity of sexual deviate because they are not heterosexual. n12 Finally, in her essay, *Indigenous Issues and the Ethics of Dialogue in Lat Crit Theory*, Schutte reminds us that dominant groups have ethical [*911] and moral obligations not to impose liberation paradigms on indigenous people because such imposition is yet another way to strip people of their power to self-identify. n13

Thus, all of the authors explore the dominant culture's ability to impose identities on sexual and/or racial minorities by inducing them to reject their self-imposed fundamental identities. This is one way to "motivate" minorities to deny who they are and to conform to the dominant culture's normative classification of who they should be. Significantly, the authors understand the importance of individuals resisting imposed identities, while also acknowledging the difficulties in exposing how other-imposed identification on marginalized groups often is not understood by the groups themselves. The caterpillar's question can create self-doubt in anyone who threatens the status quo in Wonderland. n14 Indeed, as the authors stress, a powerful way to undermine a person's self-esteem is to create self-doubt or even self-hatred in the person based on the person's fundamental identity.

Degrading minorities because they are who they are is only part of the hegemony paradigm because dominant cultures can identify some groups as inferior only by identifying themselves as superior. n15 Accordingly, dominant group members also must have identities imposed on them for hegemony to persist and function. While most dominant group members accept and embrace their imposed superior status, n16 inequality is maintained from generation to generation by indoctrinating young children in the lessons of inferiority/superiority precepts. I remember a middle-aged Black woman's expression of this at a conference. She said, "I remember the pain on my mother's face and I am sure my children see it on mine." n17 Indeed, most young children are too intellectually and emotionally immature to resist the initial indoctrination. Instead, children identified as

"superior" happily embrace the lesson and children who are identified as "inferior" struggle to resist it and, sadly, some internalize it.

The problem is enormous because dominant cultures largely control [*912] children's education and impose identities on all of them. This is not unique to the United States and is, in fact, a universal problem as Schutte and Lopez highlight. n18 In describing the marginalization of indigenous people in Mexico, Lopez states, "Education has long been used as a means by which identity is constructed... children are taught that "the Mestizo is the symbol of Mexican nationalism." n19

Increasingly, dominant cultures that purportedly support the equality of all people nevertheless define equality in ways that promote their privileged status. For example, under the U.S. Constitution, "equal protection" seems to mean "process equality," requiring that all people be treated the same regardless of differences in their fundamental identities. n20 This precludes the possibility of judicially protecting minorities' right to self-identify in legally meaningful ways unless the dominant culture supports their legal equality through legislation. By wielding their political power to control whether minorities will be treated equally, dominant cultures attempt to "motivate" minorities to conform to dominant norms if they want to be equal. A process definition of equality not only devalues the identities of minorities, it further exalts the identities of majorities under the guise of treating everyone equally.

My work focuses on racial equality and this essay explores race to better understand how children are taught the race precept - the myth of White superiority and Black inferiority. n21 Using Frank Valdes' concept of "rotating centers" n22 and Trina Grillo and Stephanie Wildman's concept of "recognition time," n23 my focus on Black/White [*913] relationships is not meant to detract from the importance of other types of oppression or to suggest that the "Black/White paradigm" is the only important critical analysis in the study of race. n24 Rather, by sharing my experiences as a White mother of a Black child, I hope to offer insights that also apply to other forms of discrimination. Particularly, lessons about inferiority/superiority precepts can be studied in many contexts in addition to race, including sex and sexual orientation, the focus of the articles by Greene and Ross. n25 Moreover, many individuals have multiple fundamental identity traits, highlighting the complexities of any exploration about identity. Greene's analysis of African American lesbians and bisexuals highlights this concept of multiple identities. n26 Accordingly, many of the principles in the

following analysis of racial equality may be useful to understand other hegemonic power structures.

Educating Children in the Race Precept

De terminate Segregation

The United States is in an era somewhere between de jure and de facto segregation, an era I call de terminate segregation: White society is determined to keep America racially segregated. White people of goodwill, those who identify themselves as antiracist, do not want to return to de jure segregation, but de facto segregation is generally unproblematic to them. Moreover, they also seem increasingly unwilling to share public space with people of color. n27 Perhaps this is not surprising, especially if one focuses on Justice Harlan's dissent in *Plessy v. Ferguson*, n28 in which he stated that "our Constitution is color-blind." n29 Frequently omitted from discussions of Harlan's dissent is the following passage:

The white race deems itself to be the dominant race in this country. And so it is, in prestige, in achievements, in education, in wealth, [*914] and in power. So, I doubt not that it will continue to be for all time, if it remains true to its great heritage, and holds fast to the principles of constitutional liberty. n30

As Alice might say, it gets ""curiouser and curiouser"" n31: How can the Constitution be color-blind and yet Whites be and remain the dominant race?

Harlan might be suggesting that Blacks are inherently inferior to Whites and Whites are inherently superior to Blacks. This would be an explicit rendition of the race precept and given that Harlan dissented in *Plessy*, undoubtedly an unpopular position, it seems unlikely that he believed in the inherent inferiority of Blacks or superiority of Whites. Alternatively, Harlan might be suggesting that Blacks are so far behind in social and legal equality that they can never catch up to Whites. While not as explicit, this also is an expression of the race precept because this view evidences Harlan's belief that Blacks do not deserve to be equal to Whites or, presumably, White society would do something to create racial equality. This position seems particularly compelling given that Blacks' inequality resulted directly from White society's institutions of slavery and Jim Crow. n32 Regardless of how one interprets Harlan's message, then, racial inequality will persist because Whites believe they are entitled to be the dominant race.

Over a century has passed since Harlan's dissent and thus far, he has been right; Whites continue to be the dominant race because on some level of consciousness,

Whites believe their fundamental identity as a race includes being superior to all other races. Moreover, the validity of the race precept is a primary lesson children are taught by adults, including public school teachers. Race precept lessons usually are not consciously taught by public school teachers, because Whites of goodwill, by definition, express their belief in racial equality. However, most Whites of goodwill have yet to renounce the White superiority-half of the race precept because they continue to believe in it. Realize what this means: as long as Whites believe in their racial superiority, then they also must believe in the inferiority of people of color. One can only be "superior" if someone else is "inferior." Like a horse and carriage, superiority and inferiority go together.

If Harlan is correct, America is in a perpetual state of racial inequality [*915] with the contours established by the Black/White paradigm explored by Feagin. n33 Whites constructed the paradigm to place themselves at the top, Blacks at the bottom, and other racial groups somewhere in between. n34 Despite Harlan's admonition that the United States is a color-blind nation, not only will color-blindness not equalize the races, but no legal rules will promote racial equality as long as Whites insist on being the dominant race. This is de terminate segregation: White society is determined to keep society racially segregated as a principle of constitutional equality because their fundamental identity is linked to the race precept.

A dominant culture that purportedly believes in the equality of all people but does relatively little to achieve it is challenged to devise and justify procedures that look like they promote equality but which actually maintain the status quo of inequality. In the United States, White society has been able to meet this challenge by adopting the process definition of equality, n35 thereby legally ensuring racial inequality, including involuntary racial segregation in many public spaces. For example, requiring race blind admissions in public universities is a form of de terminate segregation. States that eliminated race conscious processes in their public university admissions saw enrollment of Blacks drop n36 and consequently, decided to engage in intense efforts to regain the racial diversity those processes brought. For example, California's Proposition 209 n37 prohibits the consideration of race in admissions n38 and university officials have since implemented race blind processes designed to maintain racial diversity. These policies entail automatically accepting the top four percent of [*916] graduating high school classes, increasing scholarship money based on need, spending "hundreds of millions of dollars ... on improving public schools in low-income neighborhoods," and actively recruiting students from neighborhoods that typically would not

have applied to the university. n39 More recent figures show that racial minority enrollment in California universities is getting back to previous levels. n40 Nevertheless, racial minority students' admission to California's two most elite state universities remains lower than it was prior to Proposition 209. n41

The Supreme Court's latest ruling on the question of whether race can be a factor in admissions is *Regents of the University of California v. Bakke*, n42 in which the Court allowed the practice, but failed to agree on the correct standard of review to apply to affirmative action policies. n43 Since *Bakke*, the Court has held that strict scrutiny must be applied to all racial classifications, n44 but has not decided whether affirmative action policies can meet this standard. n45 Interestingly and significantly, however, in *United States v. Virginia*, n46 in which the Virginia Military Institute's male-only admission policy was struck down, all eight Justices n47 presiding in the case agreed that [*917] diversity in higher education is a valid state interest. n48 Presumably, if gender diversity is a constitutionally acceptable state interest, then racial diversity should be also. One is left to ask: why would a society that purportedly believes in racial equality adopt laws that prohibit race from being a factor in higher education admissions, especially given that (1) the Supreme Court stated in *Bakke* that universities can do this, n49 (2) the current Court has not stated such a policy would fail strict scrutiny, and (3) the current Court overwhelmingly supports diversity in higher education? n50

Certainly, the intense efforts by officials in California and other states to regain and maintain racial diversity levels after adopting race blind admissions procedures indicate that most states agree that racial diversity is important in higher education. The challenge is to figure out how public universities can achieve both diversity and equality, concepts which most people think are synonymous, or, at least, inextricably intertwined. n51 Operating on a premature assumption that race conscious admissions policies are unconstitutional under equal protection, racial diversity nevertheless is important enough to California officials that they "use class and geography as proxies for race and ethnicity." n52 Whether these policies also violate equal protection is an open question. If proxies are unlawful, then laws mandating race blind admissions policies are consistent with de terminate segregation because the law will have made it even more difficult to achieve racial diversity in education, a valid constitutional goal.

The most important point in this debate, however, is obscured by the diversity question. A school without racial diversity is a segregated school, not because of a

Plessy-type legal mandate or de facto segregation post-Brown (efforts that were somewhat successful in integrating schools). Rather, the resegregation of public universities, to a large extent, is due to a legal mandate that requires admissions policies to be race blind. n53 The result of such policies is de terminate [*918] segregation. Racially segregated public schools violate Brown's holding that "separate educational facilities are inherently unequal." n54 In this way, race blind admissions policies almost guarantee that racial inequality in education will persist, even though the rhetoric of diversity drowns out this reality. By shifting the focus to "diversity," White society successfully skirts the issue of equality.

If racial diversity can be achieved indirectly through race blind efforts, and this has yet to be seen, then de terminate segregation will be temporary and one might question what really has been gained by enacting laws like Proposition 209 or by (prematurely) interpreting the Fourteenth Amendment to prevent race from being considered as a factor in higher education admissions. Quite significantly, by explicitly prohibiting race conscious admissions policies, the dominant culture maintains its power to define equality as process. Its race blind policies, at a minimum, temporarily segregate public universities and send officials scrambling for legal ways to "diversify" (re-integrate) them. In this way, the importance of racial equality can be manipulated to fit an understanding of equality that maintains the dominant group's superior identity.

Moreover, minorities who support color blind admissions are persuaded by the dominant culture's argument that race is tied to merit and that if race is allowed to be a factor in public school admissions, then people will think students are admitted only because of their race and that they are not really qualified. Minorities who support this view would rather avoid the stigma attached to race conscious policies. Their support "seals the deal," because the small percentage of minorities who espouse this view, in turn, provide the necessary evidence for Whites to justify their support for color blind policies. "Why should Whites support race conscious admission policies if people of color do not want them?" Whites ask.

In the end, a race blind admissions procedure produces a legal and social norm that the identities of racial and ethnic minorities are unimportant except to show the validity of the race precept. That is, race blind policies presume that Blacks can only gain admission to top public universities if their race is a factor, and similarly, the reason they are denied admission is because race was not a factor. Either way, their racial identity drives the admissions process because their

racial identities are explicitly linked to White society's belief in the race precept, including its conscious or unconscious belief in White superiority. De terminate segregation is not as explicitly malicious as de jure segregation, but both are premised on the race precept.

[*919] De terminate segregation also occurs within schools. Academic tracking policies that place children in educational groups depending on their "intellectual" abilities are forms of de terminate segregation. For example, in 1992 Blacks made up sixteen percent of public school students, but represented nearly forty percent of those in "special" education classes - classes for mentally disabled or students with other special needs. n55 "African American children nationwide are nearly three times as likely as White students to be labeled mentally retarded." n56 In 1992, White students were twice as likely to be tracked as gifted than are Black students. n57 De terminate segregation is also evident in school disciplinary systems. A 1992 study revealed that a Black child was nearly three times more likely to be suspended compared to a White child. n58

Race blind admission, tracking, and disciplinary policies that result in the physical racial segregation of children are not unconstitutional. Logically, to establish that students can be emotionally segregated in public education in violation of equality principles presents an even bigger challenge. Nevertheless, exploring this possibility is worthwhile because it is another way dominant society undermines minorities' fundamental identities and creates de terminate segregation.

Emotional Segregation

Beginning at early ages, children are indoctrinated in a variety of inequality precepts that situate them on a hierarchy. Teaching children to believe in the validity of inequality precepts creates what I call "emotional segregation," which is the societal sanctioning of disrespect for people in ways that violate democratic principles such as equality. n59 Children learn inequality precepts from adults throughout society, and the problem is particularly troubling in public schools, the focus of my comments. Again, this analysis can be applied to any hegemonic power structure because they all function on an inequality precept in which the dominant group self-identifies as [*920] "superior" and also imposes an "inferior" identity on disfavored groups.

For purposes of this essay, "emotional segregation" is sanctioned disrespect by public school teachers of racial minority students. Creating emotional segregation by teaching children the validity of the

race precept is one way teachers impose inferior/superior racial identities on all children. Significantly, teachers can impart this lesson in integrated or segregated classrooms because the lesson originated in slavery and was reiterated during Jim Crow and the days of segregation. As the Brown Court observed, the lesson "of inferiority as to [Blacks'] status in the community ... may affect their hearts and minds in a way unlikely ever to be undone." n60

As the White mother of a Black child, I have become increasingly aware of the existence of emotional segregation in public schools in the context of race. I want to use *The Adventures of Huckleberry Finn* by Mark Twain n61 to explore briefly what emotional segregation is and how it functions as a process definition of equality that imposes identifications on both racial minority and majority students. Again, it is important to understand and remember that all children are exposed to lessons from dominant cultures about what their fundamental identities are.

Huck Finn is one of the most assigned books in schools, second only to Shakespeare. n62 It also is one of the most racially divisive books in public school curricula. Blacks want it out of the curriculum because it teaches the validity of the race precept, n63 and Whites want it in the curriculum because they value it as an antiracist classic. n64 *Huck Finn* is a good vehicle for exploring the concept of emotional segregation as a form of de terminate segregation because the relationship White society has and wants to maintain with Blacks and people of color generally, mirrors the relationship Huck has with Jim.

At first glance, perhaps this assessment is an acceptable assertion [*921] because one reason *Huck Finn* is held out as an antiracist classic is because many, if not most, Whites believe Huck comes to love Jim. n65 Under this view, teachers can justify including the book in their curricula for young students, such as middle- and high-school students, because it teaches them to value interracial friendships. This lesson addresses concerns raised by Ross, who analogizes the societal hatred of same-gender marriages to the historical and persistent societal hatred of interracial marriages. n66 If children can be taught to respect interracial relationships, then perhaps similar reasoning can be applied to same-gender relationships to promote greater equality in both areas. In turn, this empowers people in those relationships to reclaim their fundamental identities.

On closer reflection, however, Huck and Jim's relationship is not an example of what a loving interracial relationship is or should be because Huck does not love Jim. It is not even a close call. Huck does not love Jim for a variety of reasons, n67 but the

reason I want to focus on is the emotion of "respect," which means "to feel or show honor for." n68 Professor Jonathan Cohen writes about the internal and external aspects of respect, meaning that one can feel respect for someone and one also can show respect for someone. n69 I posit that Huck disrespects Jim because Huck does not feel or show respect for Jim.

This lack of respect is evidenced by one of the most objectionable aspects of the novel, Twain's use of the racial epithet, the "n-word," approximately 210 times. n70 The epithet is used by Whites to identify themselves as superior to Blacks, who then become identified as inferior. Moreover, the racial epithet is the vilest form of identification. Consider its use in three different contexts.

The O.J. Simpson Trial n71

White people of goodwill understand that the epithet is offensive and that saying it marks a person a racist. Professor Arac offers a poignant example. n72 In O.J. Simpson's trial for the murder of his wife, [*922] Nicole, and her friend, Ronald Goldman, African American defense counsel Johnnie Cochran wanted to demonstrate witness Detective Mark Fuhrman's racism toward Blacks, including Simpson. Cochran's theory was that Fuhrman fabricated evidence to ensure Simpson's conviction, and Cochran's best evidence of Fuhrman's racism was his use of the epithet in a film made years before the Simpson trial. n73 In an effort to keep the jury, comprised mostly of Blacks, from hearing this evidence, prosecutor Christopher Darden, also African American, argued that:

"[the epithet] was so hideously pejorative that it would inevitably prejudice the mostly black jury ... It's the filthiest, dirtiest, nastiest word in the English language, so powerful that "when you mention that word to this jury, or any African-American, it blinds people. It'll blind the jury. It'll blind the truth. They won't be able to discern what's true and what's not." n74

Cochran responded that African Americans "bear so much that they can bear this too and keep their 'perspective': "African Americans live with offensive words, offensive looks, offensive treatment every day of their lives." n75

Judge Ito ruled in favor of admitting the evidence, with this caution to the jury: "[the epithet] is so vile that it operates as a divisive demand that those to whom or about whom it is said take some action and that its use can cloud the operation of good judgment and common sense." n76

This excerpt raises three interesting points. First, Darden, Cochran, and Ito agreed that the word was extremely pejorative and considered whether it would be potentially destructive of the truth-finding mission of the trial. n77 Second, it seemed to be a given that if Fuhrman had used the racial epithet, then he was racist and probably was motivated to fabricate incriminating evidence against Simpson. At a minimum, the jury would have had reasonable doubt to question Fuhrman's integrity in conducting the investigation of the crime scene. Finally, Fuhrman's use of the word was not directed at Simpson or at any other African American in the courtroom, but everyone seemed to agree that merely uttering the word could do serious collateral damage to all the African Americans who would hear it, including the jurors, Simpson, Darden, and Cochran.

[*923]

The Nursery School n78

Carla is a three-year-old biracial (White/White-Asian) child who attempts to move her cot during nap time because she cannot sleep next to four-year-old Nicole, who is Black. When asked why by the teacher, Carla replies, "Because I can't sleep next to a ... [n - - -] ... [N's] are stinky. I can't sleep next to one." n79 The teacher does not accept this explanation from Carla, and insists she keep her cot next to Nicole. The teacher reported the incident to the director of the nursery school, who convened a meeting at which eight adults were present, including Carla's parents, several teachers, and an educational psychologist. n80

When Carla's parents learned what had happened, they could not believe it. n81 They quickly emphasized that they did not teach their daughter the word, and the teacher quickly defended the nursery school staff. n82 The adults remained puzzled as to who taught Carla the racial epithet until Carla's father figured it out. n83 He deduced that Carla learned the word from a nursery schoolmate, who learned it from her dad. n84 Carla's father was convinced this was the source of the lesson because the "other" father was a "redneck" in Carla's father's eyes. n85

The use of "redneck" silenced the other seven adults at the meeting and after a few moments, the director announced the real source of Carla's racial epithet lesson, "It's amazing what kids will pick up in the neighborhood." n86 Relieved, the adults decided the appropriate response to the situation was to teach Carla to "unlearn" the epithet and make sure the other children did not learn it. n87

The Public School Classroom

Compare the serious consideration given to the introduction of the word in Simpson's trial and the serious concern given to Carla's use of it in the nursery school with the facile acceptance of its repeated use in *Huck Finn*. Realize that all of those involved in the decision whether to allow Fuhrman's testimony were adults. Moreover, [*924] invocation of the epithet in the trial setting was for a limited purpose in a controlled environment. In stark contrast, it is children, usually between the ages of eleven and seventeen, who are subjected to the repeated use of the epithet in reading *Huck Finn*. Children and young adults are far less able to contextualize use of the epithet or control their emotional responses to it. The harm to children inflicted with racial pain is greater than it is for adults, n88 and logically, the impact of the epithet on them deserves as much, if not more, consideration than the impact on the adults in the Simpson trial.

Moreover, all the adults in the nursery school agreed that Carla needed to be taught not to use the word. n89 Adults who tell children not to use the word because it is uniquely harmful and who then support its repeated use in a novel held out as an antiracist classic send confusing messages to children. This is not a way to "unlearn" the word, and some children interpret the mixed message as a license to use it. n90 Intellectually and emotionally immature students learn that it is acceptable to use the word sometimes, which is a lesson in the validity of the race precept.

Huck's disrespect for Jim and Blacks extends beyond the epithet. Another troubling message many children learn from the novel is that White children are superior to Blacks because Huck's dilemma whether to see Jim as a human being or a piece of property is presented as a real moral dilemma. But is it? If Huck believed that White society thought that slavery was moral, then his dilemma was whether he should abide by a moral law or break the law and participate in a robbery by concealing Miss Watson's "property" from her. The whole point of the book, however, is to show Huck's moral development. Twain wants the reader to believe that Huck comes to the conclusion that it is justifiable to break the law because Jim is a human being and to enslave him is immoral. However, the choice whether to treat an individual as a human being or as a piece of property was not a moral dilemma because Whites knew slavery was immoral but tried to justify it on economic and political grounds. n91 If Huck understood that even White society knew that slavery was immoral, then his dilemma did not turn on his rebellion against society. Rather, Huck's dilemma turned on choosing between violating or following [*925] an immoral law that made Jim property. How

can that choice be characterized as a moral dilemma, that is, as equally morally "unfavorable?"

Finally, Black students repeatedly object to the book because of the disrespect they feel when classes read it. For example, my daughter's reaction to the book and Twain's repeated use of the epithet is quite telling about its potential impact on Black children. She said the book is racist because Twain makes Jim call himself by the word. "This means to me that Twain is saying that Blacks have no heart, no dignity, no soul." This is a profound expression of one eleven-year-old's reaction to the book. Consider the reaction of an African American at least one, possibly two generations older than my daughter. When her eighth grade class read the book, Toni Morrison said it "'provoked a feeling I can only describe now as muffled rage, as though appreciation of the work required my complicity in and sanction of something shaming.'" n92

If it is acceptable to expose Black students to the novel even though it hurts them as they say it does, then teachers are instructing all of the students that it is acceptable to show disrespect for Blacks because Blacks do not deserve to be respected. This is emotional segregation. Moreover, some students, regardless of race, may internalize the message of Whites' disrespect for Blacks. For Black students, it takes enormous self-esteem to resist being identified as inferior, someone who deserves no respect, but it takes no thought for Whites to absorb and internalize the message of superiority, n93 which results in puffing up their self-esteem at the cost of denying Blacks' humanity. In this way, Carla's three-year-old nursery school identification of Blacks as n<uscore><uscore><uscore><uscore>s does not get "unlearned;" it gets reinforced when she is a teenager in middle-school reading *The Adventures of Huckleberry Finn* as part of a mandatory curriculum. n94

Moreover, the lesson of the validity of the race precept is even more pernicious in *Huck Finn* because children also are taught that Huck and Jim eventually learn to love each other. But true love cannot exist in a relationship built on disrespect and premised on an inequality precept, because individuals whose partners believe one of them is superior to the other either lack self-love if they are the targeted [*926] "inferior" partner, or they lack authenticity if they are the targeted "superior" partner. A major consequence of engaging children in an exercise that strips Black children of their hearts, their dignity and their souls is to reinforce the racial precept even if teachers do not consciously intend this result. Whites of goodwill who truly want to achieve racial equality must understand

the ways in which children are taught the validity of the race precept because racial equality cannot be achieved as long as children are asked by teachers to engage in exercises that racialize people and identify them as superior or inferior depending on where they fall in the hierarchy.

In this way, White society's interpretation of Huck and Jim's relationship as loving when it is not, provides evidence of the problems Greene, Ross, Feagin, Lopez, and Schutte explore in their papers about perpetuating negative stereotypes of minority groups. For example, Feagin and Lopez similarly describe the negative stereotyping of marginalized people of color by racially dominant groups as intellectually, socially, and culturally inferior human beings. n95 Perhaps Justice Harlan would disagree but he probably would not be surprised. Similarly, Greene and Ross describe heterosexual society's negative stereotyping of gays, lesbians, bisexuals, and people of color as sexually promiscuous individuals who therefore are incapable of having loving relationships. n96 Perhaps even Twain would appreciate the irony: Huck can disrespect and dehumanize Jim in many ways and that is defined by Whites not as cruelty, but as love. Similarly, the gay relationship built on mutual respect, empathy, trust and other affirming emotions is defined by heterosexuals not as love, but as promiscuity. n97 All the while, America holds itself out as a democratic nation that supports equality of all people. America's definition of equality for minorities, however, is like Huck's definition of love for Jim; both are defined and manipulated to sustain Huck's power over Jim, Whites' power over people of color, and heterosexuals' power over gays, lesbians, and bisexuals.

Fortunately, some students are able to exert their agency and actively resist the inferiority/superiority message in Huck Finn. My daughter did not accept Twain's message about her racial inferiority to Huck and correctly identified the novel as racist because it tried to strip Blacks of their hearts, their dignities, and their souls. Parents often are and should be the best buffers against their children's indoctrination in inequality precepts. Consider this conversation between Mungu and his mother:

"I feel that Jim is not a human being," ... adding that Jim was [*927] there only to serve whites. At his mother's suggestion, Mungu took the matter up with his teacher, who replied that "a lot of Blacks were not intelligent at the time the book was written, and they were too ignorant to understand how they were being treated." Mungu answered: "Blacks were powerless, not unintelligent." n98

Mungu's mother's lesson to her son was about rejecting the race precept and embracing his fundamental identity as an African American. Lopez suggests that indigenous people also resist being defined as Mestizo and hold on to their fundamental identities as a distinct and unique culture. n99 Resistance of imposed identities is easier if one has safe-places to retreat from dominant cultures - places where one is loved for who one is.

Conversely, imagine situations where the "inferiority" group member's identity is not supported by his or her family. In situations where parents believe in an inequality precept relevant to their children's identities, the parents contribute to the indoctrination of their children in the validity of that precept. This creates a greater possibility for self-doubt or self-hatred. Specifically, when a child's identity differs from the parents', it can result in alienation from the family, perhaps because the family feels a need to escape the stigma that attaches to having a "different" and "inferior" child. In the context of sexual orientation, Greene suggests that some families try to incorporate the "different" child into the family in a way that both denies the child's "difference" and simultaneously "accepts" the child. n100 She exemplifies this in the context of African American culture in which strong "girlfriend" relationships are valued. n101 It is possible for a lesbian couple to fit within the "girlfriend" paradigm of the culture without being identified as lovers. n102 In this way, families and cultures may treat "others" respectfully but not feel respect for them.

Parents who deny or denounce their children's fundamental identities as gay, lesbian, bisexual, or as the partners of someone of a different race, teach their children self-disrespect and self-rejection. Their relationships are like Huck and Jim's: purportedly loving but full of disrespect. n103 Parents, even though not state actors, can create emotional segregation in the private realm, which then gets reinforced by state actors in the public realm. Even if parents or dominant cultures treat "others" with basic respect as would be expected in a society where civility is valued, attempts to change someone's identity to conform to dominant norms is strong evidence of the [*928] dominant culture's internalized disrespect of the individual. Moreover, unless the dominant culture feels that "others" are entitled to respect in the fullest sense of the word, that is, they are entitled to self-identify, the dominant culture will be unmoved to eliminate inequality precepts. This is what Harlan implied would happen in the context of race. n104

If Whites felt that people of color deserved to be treated equally, Whites would do something to achieve that goal. In the context of Huck Finn, the book could

be taken out of mandatory curricula of intellectually and emotionally immature students. It could be made available in libraries for students to check out on a voluntary basis. Perhaps most significantly, it could be relegated to an anticanon of American literature much the way cases like *Dred Scott* n105 and *Plessy v. Ferguson* have been relegated to the anticanon of constitutional law. n106 The message is similar: a society of diverse people who believe in equality for all people, reject the once canonical texts that no longer reflect the normative values of the society. n107 *Huckle Finn*, *Plessy v. Ferguson*, and *Dred Scott* can be studied as anticanonical texts in appropriate settings because they can be valuable materials for understanding why and how society once valued them in ways they no longer do.

Summary

Emotional segregation is a subset of de terminate segregation. It is a form of racial segregation that is legally sanctioned disrespect of racial minorities that perpetuates racial inequality. I have tried to show how *The Adventures of Huckleberry Finn* creates emotional segregation in classrooms. Perhaps the greatest irony in the debate whether the novel should be part of public school curricula is captured by Kenny Williams, an African American scholar: "Ultimately, the status of *Huckleberry Finn* as a 'classic' may tell more about the nation than many Americans want to know." n108 Perhaps Professor Williams is right. It is increasingly easier to exclude children from the equality circle because equality currently is about process and [*929] not about substantive results. n109 I have focused on racial emotional segregation because this is my interest, but others are invited to join this discussion to help flush out either or both of the concepts of de terminate or emotional segregation. One thing is certain: As long as society sanctions the disrespect of people in ways that violate democratic principles - like equality - then segregation in myriad forms will persist as Greene, Ross, Feagin, Lopez, and Schutte highlight. n110

Once a young child is taught that he or she is inferior to a dominant group because of race, sexual orientation, religion, gender or any other identity trait that "other-izes" the child, then the dominant paradigm becomes even more entrenched. It is exceedingly difficult for individuals who are programmed into believing they are inferior to reclaim their self-identities. Equally significant, such programming also makes it difficult for individuals who are taught to believe in their superiority to "others" to claim their self-identities as authentic human beings. In this way,

all children have identities imposed on them from young ages.

Mindful of Schutte's admonition to respect the right to self-determination, it nevertheless seems an unavoidable conclusion that equality can only be achieved if individuals' rights to self-identify are embraced as a principle of universal human rights. n111 An individual's freedom to self-identify, in contradistinction to being identified by the dominant culture, depends on teaching children both to reject established hierarchies that support inequality precepts, particularly those of Western-dominant influence, and to accept universal principles of humanity articulated in many U.N. declarations. Schutte correctly emphasizes the importance in the struggle for equality of all people to abide by international human rights principles, including principles of autonomy and self-determination. n112 This is an intrinsic part of internationally accepted understandings of human equality. n113 Admittedly, while assimilation correctly is eschewed by minority groups, as all of the authors highlight, n114 children nevertheless must [*930] be indoctrinated in the principle that self-identity matters for minorities and that who they are fundamentally should be legally respected and protected. n115

FOOTNOTE-1:

n1. Lewis Carroll, *Alice's Adventures in Wonderland and Through the Looking Glass* 40-41 (Roger Lancelyn Green, ed., Oxford Univ. Press 1971) (1865).

n2. *Alice in Wonderland* (Walt Disney 1951).

n3. *Id.*

n4. *Id.*

n5. See generally Joe R. Feagin, *White Supremacy and Mexican Americans: Rethinking the "Black-White Paradigm,"* [54 Rutgers L. Rev. 959 \(2002\)](#); Beverly Greene, *Heterosexism and Internalized Racism Among African Americans: The Connections and Considerations for African Americans Lesbians and Bisexual Women: A Clinical Psychological Perspective,* [54 Rutgers L. Rev. 931 \(2002\)](#); Felipe H. Lopez, *The Construction of Mexican Identity,* [54 Rutgers L. Rev. 989 \(2002\)](#); Josephine Ross, *Riddle for Our Times: The Continued Refusal to Apply the Miscegenation Analogy to Same-Sex Marriage,* [54 Rutgers L. Rev. 999 \(2002\)](#); Ofelia Schutte, *Indigenous Issues and the Ethics of Dialogue in*

LatCrit Theory, [54 Rutgers L. Rev. 1021 \(2002\)](#).

n6. Ross, *supra* note 5, at 999-1002.

n7. See generally Feagin, *supra* note 5, at 959-982; Lopez, *supra* note 5, at 989-997.

n8. Feagin, *supra* note 5, at 959-962.

n9. Lopez, *supra* note 5, at 990-991.

n10. Greene, *supra* note 5, at 932.

n11. Lopez, *supra* note 5, at 995-96.

n12. Greene, *supra* note 5, at 932.

n13. Schutte, *supra* note 5, at 1022.

n14. Carroll, *supra* note 1, at 40.

n15. Professor Adrienne Davis calls this the problem of the "mythic double-headed hydra," suggesting that inequality has both a subordination element as well as a privilege element. Davis asserts, "Discrimination cannot be ended by focusing only on subordination." Stephanie M. Wildman & Adrienne D. Davis, *Language and Silence: Making Systems of Privilege Visible*, in *Critical Race Theory: The Cutting Edge* 573, 577 (Richard Delgado, ed. 1995).

n16. But see Interview with Noel Ignatiev, *Treason to Whiteness Is Loyalty to Humanity*, in *Critical White Studies: Looking Behind The Mirror* 607, 607 (Richard Delgado & Jean Stefancic eds., 1997) (arguing that whites who become "race traitors" jeopardize their "ability to draw upon the privileges of the white skin").

n17. Sharon E. Rush, *Loving Across the Color Line: A White Adoptive Mother Learns About Race* 7 (2000) [hereinafter Rush, *Loving*].

n18. Lopez, *supra* note 5, at 995; Schutte, *supra* note 5, at 1026-27.

n19. Lopez, *supra* note 5, at 994 (quoting Barbara Luise Margolies, *Princes of the Earth: Subculture Diversity in a Mexican Municipality* 140 (1975)).

n20. This difference is at the center of the debate about what "equal protection" means. See generally Erwin Chemerinsky, *Constitutional Law: Principles and Policies* 10.11 at 887-89 (2d. ed. 2002) (observing

that "rational" wealth discrimination often masks irrational race discrimination).

N21. See A. Leon Higginbotham, Jr., *Shades of Freedom: Racial Politics and Presumptions of the American Legal Process* 9 (1996) ("The precept of inferiority ... posed as an article of faith that African Americans were not quite altogether human.").

n22. Sharon Elizabeth Rush, *Sharing Space: Why Racial Goodwill Isn't Enough*, [32 Conn. L. Rev. 1, 10 n.18 \(1999\)](#) (citing Videotape: Frank Valdes, Remarks at the Confronting Race Conference, Univ. of Florida Center for the Study of Race and Race Relations (Feb. 20-21, 1998) (on file with the Univ. of Florida College of Law Media Center)) [hereinafter Rush, *Sharing Space*]. Rush interprets Valdes's remarks to suggest scholars can "focus on one type of oppression at a time without diminishing the importance of focusing on other types of oppression." *Id.*

n23. Trina Grillo & Stephanie M. Wildman, *Obscuring the Importance of Race: The Implication of Making Comparisons Between Racism and Sexism (or Other Isms)*, in *Privilege Revealed: How Invisible Preference Undermines America* 85, 99 (Stephanie M. Wildman ed., 1996) ("Recognition time acknowledges both the need to honor the pain of those oppressed by other isms, each in their turn, and the need to allow the oppression being focused on to remain center stage.") [hereinafter *Privilege Revealed*].

n24. See e.g., Juan F. Perea, *The Black/White Binary Paradigm of Race: The "Normal Science" of American Racial Thought*, [85 Cal. L. Rev. 1213 \(1997\)](#), [10 La Raza L.J. 127 \(1998\)](#) (suggesting the focus on the Black/White paradigm marginalizes other racial groups); Berta Esperanza Hernandez-Truyol, *Borders (En)gendered: Normativities, Latinas, and a LatCrit Paradigm*, [72 N.Y.U. L. Rev. 882 \(1997\)](#) (discussing the need for Latino/a race theories).

n25. See Greene, *supra* note 5; Ross, *supra* note 5.

n26. See Greene, *supra* note 5.

n27. See generally Rush, *Sharing Space*, supra note 22, at 52 (discussing the need for society's proactive equalization of racial imbalance).

n28. [163 U.S. 537 \(1896\)](#).

n29. [Id. at 559](#) (Harlan, J., dissenting).

n30. *Id.*

n31. Carroll, supra note 1, at 16.

n32. See Randall Robinson, *The Debt: What America Owes To Blacks* (2000) (presenting the case for reparations for slavery, de jure segregation, and persistent de facto segregation); see also Joe R. Feagin, *Racist America: Roots, Current Realities, and Future Reparations* 260-66 (2000) (outlining the arguments for and against restitution and reparations, along with specific proposals).

n33. See Feagin, supra note 5, at 965-67.

n34. *Id.* at 968 ("Each new immigrant group is usually placed by dominant whites somewhere in the white-to-black hierarchy of wealth and power, as well as in the corresponding white-to-black status continuum.").

n35. See, e.g., Ruth Colker, *Anti-Subordination Above All: Sex, Race, and Equal Protection*, [61 N.Y.U. L. Rev. 1003, 1005-16 \(1986\)](#) (distinguishing between process equality (anti-differentiation theory of equality) and result equality (anti-subordination theory of equality)).

n36. See Rush, *Sharing Spaces*, supra note 22, at 53. For example, the University of California admitted 8,000 students to Berkeley in 2002, including 191 Blacks, which was down from 562 the previous year. *Id.* (footnotes omitted). Berkeley accepted 852 Latino/Latina students, down from 1,411 in 2001. *Id.* UCLA saw similar drops. In 2002, it accepted 11,000 students, including 280 Blacks, down from 488 in 2001, and 1,001 Latino/Latina, down from 1,497. *Id.* For a more detailed discussion on the effects of the elimination of affirmative action in California, see generally Charles R. Lawrence, *Two Views of the River: A Critique of the Liberal Defense of Affirmative Action*, [101 Colum. L. Rev. 928 \(2001\)](#).

n37. Cal. Const. art. 1, 31 (West 2002) (effective Nov. 5, 1996 and known as Proposition 209).

n38. *Id.* ("The State shall not ... grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin")

n39. Clarence Page, *Don't Jeopardize Progress in Racial Enrollment Trends*, *Seattle Post-Intelligencer*, Apr. 16, 2002, at B4. Page notes that Black, Hispanic, and Native American students made up 18.6% of freshman in California's ten state universities in 1997, compared to 17.6% the year before and 18.8% the year before Proposition 209 implemented. *Id.*

n40. *Id.*

n41. *Id.*

n42. [438 U.S. 265 \(1978\)](#).

n43. See [id. at 324-35](#) (4-4-1 decision) (Brennan, J., concurring in part, dissenting in part). For a detailed discussion of the different rationales, see Rush, *Sharing Space*, supra note 22, at 61, n.215.

n44. [Adarand Constructors, Inc. v. Peña, 515 U.S. 200, 222 \(1995\)](#).

n45. Lower federal courts are split on the question of whether admissions policies to public schools must be race blind or whether those policies survive strict scrutiny when they further the state's interest in racial diversity. See, e.g., [Hopwood v. Texas, 78 F.3d 932, 944 \(5th Cir. 1996\)](#) (holding "that any consideration of race or ethnicity ... for the purpose of achieving a diverse student body is not a compelling interest under the Fourteenth Amendment"); [Smith v. Univ. of Wash. Law Sch., 233 F.3d 1188, 1201 \(9th Cir. 2000\)](#) (finding that educational diversity is a compelling interest), cert. denied, [532 U.S. 1051 \(2001\)](#). The Sixth Circuit consolidated two cases on appeal because of the divergent opinions of the two district court judges. See [Grutter v. Bollinger, 288 F.3d 732 \(6th Cir. 2002\)](#) (consolidating [Grutter v. Bollinger, 137 F. Supp. 2d 821, 848 \(E.D. Mich. 2001\)](#) (holding diversity is not a compelling interest) and [Gratz v. Bollinger, 122 F. Supp. 2d 811, 821-22 \(E.D. Mich. 2000\)](#) (holding diversity is a compelling interest)), cert. granted, [71](#)

[U.S.L.W. 3154](#) (U.S. Aug. 16, 2002) (No. 02-241). The Sixth Circuit reversed Grutter but postponed decision in [Gratz. Grutter, 288 F.3d at 735 n.2.](#)

n46. [518 U.S. 515 \(1996\).](#)

n47. See Sharon Elizabeth Rush, Diversity: The Red Herring of Equal Protection, [6 Am. U. J. Gender & L. 43, 45 n.9 \(1997\)](#) (noting that Justice Thomas recused himself because his son was attending Virginia Military Institute at the time of the suit) [hereinafter Rush, Diversity].

n48. See [Virginia, 518 U.S. at 565](#); see also Rush, Diversity, supra note 47, at 53-56.

n49. See [Bakke, 438 U.S. at 272.](#)

n50. See supra notes 42-48 and accompanying text.

N51. I have always thought that diversity and equality are necessarily intertwined, but also separate concepts, and that diversity functions to divert attention away from the real issue of equality. Racial diversity is necessary to have racial equality, but diversity can be defined so broadly that racial equality drops out of focus. See Rush, Diversity, supra note 47, at 53 (discussing how the Bakke Court's definition of diversity was too broad).

n52. Page, supra note 39, at B4.

n53. See supra notes 35-45 and accompanying text.

n54. [Brown v. Bd. of Educ. of Topeka, 347 U.S. 483, 495 \(1954\).](#) supplemented by [349 U.S. 294 \(1955\).](#)

n55. Andrew Hacker, Two Nations: Black and White, Separate, Hostile, Unequal 164 (1992); see also Theresa Glennon, Race, Education, and the Construction of a Disabled Class, [1995 Wis. L. Rev. 1237, 1251-56 \(1995\)](#) (observing that black children are more likely than children of other races to be targeted for "special education" programs, but are rarely targeted for "gifted" programs).

n56. Daniel J. Losen & Kevin G. Welner, Disabling Discrimination in our Public Schools: Comprehensive Legal Challenges to Inappropriate and Inadequate Special Education Services for Minority Children,

[36 Harv. C.R.-C.L. L. Rev. 407, 412 \(2001\)](#) (suggesting that the overrepresentation of minorities in special education classes reduces their educational opportunities).

n57. See Glennon, supra note 55, at 1256.

n58. Id. at 1255.

n59. See generally Rush, Emotional Segregation, supra note .

n60. [Brown, 347 U.S. at 494.](#)

n61. Mark Twain, Adventures of Huckleberry Finn (Oxford Univ. Press 1996) (1885).

n62. Elain Mensh & Harry Mensh, Black, White, and Huckleberry Finn: Re-imagining the American Dream 12 (2000) (citing Arthur Applebee, Stability and Change in the High School Canon, 81 English Journal 28 (1992)).

n63. See generally Satire or Evasion? Black Perspectives on Huckleberry Finn (James S. Leonard et al. eds., 1992) (offering essays by African American scholars who support and reject Huck Finn) [hereinafter Satire or Evasion?].

n64. Sharon E. Rush, The Anticanonical Lesson of Huckleberry Finn, [11 Cornell J. L. & Pub. Pol'y 101 \(2002\)](#) (forthcoming) (positing that the novel should be placed in an anticanon of American literature where it is available for voluntary readers) [hereinafter Rush, Huck Finn].

n65. See, e.g., Peaches Henry, The Struggle for Tolerance: Race and Censorship in Huckleberry Finn, in Satire or Evasion?, supra note 63, 25, 36 (stating that the relationship between Huck and Jim is seen by some as father/son).

n66. See Ross, supra note 5, at 1000-02.

n67. See generally Rush, Huck Finn, supra note 64 (exploring the issues of trust and empathy in Huck and Jim's relationship as well as the issue of respect).

n68. Webster's New World Student's Dictionary 758 (1996).

n69. Jonathan R. Cohen, When People are the Means: Negotiating with Respect, [14 Geo. J. Legal Ethics 739, 753-54 \(2001\).](#)

- n70. Jonathan Arac, *Huckleberry Finn as Idol and Target* 20 (1997).
- n71. This part of the essay is taken from my longer piece, *Emotional Segregation*. See generally Rush, *Emotional Segregation*, *supra* note .
- n72. Arac, *supra* note 70, at 29.
- n73. See *id.*
- n74. *Id.*
- n75. *Id.*
- n76. *Id.*
- n77. See *id.*
- n78. This example is taken from Debra van Ausdale & Joe Feagin, *The First R: How Children Learn Race and Racism* 97-98 (2001).
- n79. *Id.*
- n80. *Id.*
- n81. *Id.*
- n82. *Id.*
- n83. *Id.*
- n84. *Id.*
- n85. *Id.*
- n86. *Id.* at 99.
- n87. *Id.*
- n88. Richard Delgado, *Words that Wound: A Tort Action for Racial Insults, Epithets, and Name-Calling*, in *Critical Race Theory*, *supra* note 15, at 162 (stating that racial labeling can cause self-hatred in children of color).
- n89. See Van Ausdale & Feagin, *supra* note 78, at 97-98.
- n90. See, e.g., James S. Leonard & Thomas A. Tenney, *Introduction: The Controversy Over Huckleberry Finn, in Satire or Evasion?*, *supra* note 63, at 9.
- n91. See generally Kevin Brown, *Do African-Americans Need Immersion Schools: The Paradoxes Created by Legal Conceptualization of Race and Public Education*, [78 Iowa L. Rev. 813, 856 \(1993\)](#) (implying that Whites are worried about moral image).
- n92. Mensh & Mensh, *supra* note 62, at 109 (quoting Toni Morrison, *Introduction to Huckleberry Finn*, *supra* note 61, at xxxi). Morrison also discovered in her second reading of the novel "riveting episodes of flight, of cunning," and "convincing commentary of adult behavior." *Id.*
- n93. See Barbara J. Flagg, "Was Blind, But Now I See": White Race Consciousness and the Requirement of Discriminatory Intent, [91 Mich. L. Rev. 953, 969 \(1993\)](#) (implying that Whites are unaware of their own race and the privileges associated with Whiteness).
- n94. Van Ausdale & Feagin, *supra* note 78.
- n95. See Feagin, *supra* note 5, at 961; Lopez, *supra* note 5, at 993-94.
- n96. See Greene, *supra* note 5, at 952-56; Ross, *supra* note 5, at 1006-09.
- n97. See Greene, *supra* note 5, at 954-56.
- n98. Mensh & Mensh, *supra* note 62, at 108.
- n99. See Lopez, *supra* note 5, at 997-98.
- n100. See Greene, *supra* note 5, at 938.
- n101. *Id.*
- n102. See Ross, *supra* note 5, at 1002-04.
- n103. See generally Rush, *Huck Finn*, *supra* note 64.
- n104. See [Plessy v. Ferguson, 163 U.S. 537, 557, 560-64 \(1896\)](#) (Harlan, J. dissenting).
- n105. [Dred Scott v. Sanford, 60 U.S. 393 \(1856\)](#).
- n106. See J.M. Balkin & Sanford Levinson, *The Canons of Constitutional Law*, [111 Harv. L. Rev. 963, 1019 \(1998\)](#) (discussing American Constitutional Canon); see generally Richard A. Primus, *Essay: Canon, Anti-canon, and Judicial Dissent*, [48 Duke L.J. 243, 245 \(1998\)](#) (citing Balkin & Levinson, *supra*).
- n107. See Balkin & Levinson, *supra* note 106, at 1019.
- n108. Kenny J. Williams, *Adventures of Huckleberry Finn*; or, *Mark Twain's Racial Ambiguity, in Satire or Evasion?*, *supra* note 63, at 237.

n109. Cf. Nomi Maya Stolzenberg, "He Drew A Circle That Shut Me Out": Assimilation, Indoctrination, and the Paradox of a Liberal Education, [106 Harv. L. Rev. 581, 611-13 \(1993\)](#) (claiming that children are not indoctrinated when exposed to different beliefs in the classroom).

n110. See generally Feagin, *supra* note 5; Greene, *supra* note 5; Lopez, *supra* note 5; Ross, *supra* note 5; Schutte, *supra* note 5.

n111. Cf. Schutte, *supra* note 5, at 1026-27.

n112. See *id.*

n113. See Berta Esperanza Hernandez-Truyol, Out of the Shadows: Traversing the Imaginary of Sameness, Difference, and Relationalism - a Human Rights Proposal, [17 Wis. Women's L.J. 111, 135 \(2002\)](#) (stating that equality is a "universally accepted principle").

n114. See generally Feagin, *supra* note 5; Greene, *supra* note 5; Lopez, *supra* note 5; Ross, *supra* note 5; Schutte, *supra* note 5.

n115. Stolzenberg, *supra* note 109, at 655-56 (identifying the paradox of a liberal education).

