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Epilogue: The Implications of Brown v. Board of Education in an Increasingly Diverse Society

KENJI HAKUTA

It gives me great honor to use the many important issues raised in this volume as a way of looking back on the impact of *Brown v. Board of Education* and looking to challenges ahead. I write from perspectives shaped by my experiences as a researcher actively working at the interstices of policy and advocacy in two different arenas, both profoundly influenced by *Brown*. First, I have worked in the area of bilingualism and linguistic minority education, an area that has been virtually defined by another Supreme Court decision, *Lau v. Nichols*, based on Title VI of the Civil Rights Act, which of course is the most important legislative milestone downstream from *Brown*. As a beneficiary of *Lau*, I have always looked to *Brown* as its big brother, and stood in awe of the historical mantle. Second, I have worked on the issue of diversity in higher education in the post-*Bakke* environment, and tried to use social science research evidence to bear on the court battle over affirmative action, in particular the Supreme Court cases involving the University of Michigan (*Gratz v. Bollinger*, 2003; *Grutter v. Bollinger*, 2003). As a disclaimer, I should also state that I am somewhat iconoclastic and identify with neither the perspective of the normative, discipline-based social scientist, nor with that of the transformative educator, nor with that of the critical race theorist. I am mainly a pragmatist with a taste for useful research that uses strong methodology.

Seen through these lenses, the themes that have emerged in the chapters of this volume give rise to several reactions: an appreciation of legends and legacies—the giants on whose shoulders we stand; a fear of societal complacency in seeing the glass as half full; an anger at the mistaken shape that the public debate has taken; a sense of pragmatism to seek the next steps; and a hope that the cumulative nature of scholarship will give rise to a more promising future.

Legends and Legacies

A history of *Brown* immediately reminds us of the giants of the field. Edmund Gordon refers to his direct contact with W.E.B. Dubois and

Kenneth Clark. Carol Lee rightly points out that Gordon himself is a giant, and I need to add, a most gentlemanly and classy giant. The scholars involved with the *Brown* plaintiffs were the pioneers of a mission-oriented, post-World War II social science, and included Otto Kleinberg, Jerome Bruner, and Mamie Clark, among others. The *Brown* lawyers included Thurgood Marshall, who was later appointed to the Supreme Court as the first Black justice. Reconsiderations of *Brown* afford opportunities not just for celebrating the markers and players, but also for appreciating the fact that the decision is part of an epic struggle that spans centuries to rid the society of slavery and its consequences. We must appreciate the fact that the scholarship represented in this volume has taken its present shape because of this legacy—what Gordon in his chapter referred to as “science in the service of human kind and social justice” (this volume, p. ●●).

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Acknowledging legacies is also important in putting perspective on downstream events. I think particularly of events that assert the rights of language minorities and immigrants, including *Lau v. Nichols* in 1974 all the way up through the demonstrations around the reform of immigration law that are occurring at the time of this writing in spring 2006. In each of these cases, the issue of minority rights has been asserted—in the case of *Lau*, in the court of law, and in the case of immigration reform through the court of public opinion and pressure upon Congress. These are instances where inter-minority tensions can quickly rise to the surface if proper etiquette in acknowledging the historical role of the civil rights movement based in the African-American population is not appropriately acknowledged. In a very real sense, every action taken on behalf of civil rights in our history is a legacy of *Brown*.

Complacency

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Charles Ogletree (2004) titled his autobiography “All Deliberate Speed”—the words used to condition the remedies to segregation—in order to highlight the dangers of complacency that could result from the symbolism of the *Brown* decision, and to point out the enormous challenges that continue to erode racial justice. Evidence gathered for school adequacy cases, such as *Williams v. State of California* (2004), provide stark evidence that students of color, especially African-American and Latino students, continue to attend substandard schools with inadequate facilities, materials, and teachers. Evidence from higher education continues to show the need for race-conscious admissions into selective colleges and universities if racial diversity is to be attained. In the absence of affirmative action, the situation is nothing short of

catastrophic. As Richard Atkinson, former President of the University of California, noted, "UCLA and Berkeley together admitted 83 African American men in 2004, nearly half of them on athletic scholarships" (Atkinson & Pelfrey, 2005, p. 8). This is hardly the moment for complacency, yet the campuses are relatively quiet and student protests sparse. Where is the outrage? Where is the activism? Why have we lost our focus on social justice?

Shape of the Public Debate

... which brings the issue to the framing of the policy debates. In my own specialty of bilingual education, debate has tended to focus on the differences between English-only instruction versus bilingual education (Crawford, 2004). What is in reality bilingual education, though, is only of the transitional variety, where the native language is a temporary prop for the learning of academics until the student has learned English. As such, the debate has been over the efficacy of the program in attaining English proficiency, and over how long it takes kids to learn English. Only recently has the debate begun to shift to the fact that regardless of whether the native language is used or not, students who attend inadequately resourced schools are doomed to failure, a point that has become the source of legal action in school adequacy cases such as *Williams*. The advantage of shifting the debate away from English-only versus bilingual education is that this provides a common policy agenda for advocates for a better *Brown* and for a better *Lau*.

The shape of the debate for affirmative action in higher education is in even greater need for a new focus. The argument made in the Michigan cases was about the benefits of diversity for all students, and was not about social justice per se. This legal strategy was borne out of necessity because of the ever-narrowing court definitions of justice and remedies (Witt & Shin, 2003 provide an accessible summary of the history). After the Michigan decisions, we are down to Justice Sandra Day O'Connor's comments ("We expect that 25 years from now, the use of racial preferences will no longer be necessary to further the interest approved today") in order to make a diverse learning place possible for majority students. As important as the decision was in enabling affirmative action programs to continue, this is hardly what was envisioned after *Brown*. In order to bring the social and racial justice issues back into the public policy debate, the public will need to be reawakened to the realities of race, poverty, and justice in ways that lead to sustainable change.

Pragmatism and Cumulative Scholarship

What role can theory and scholarship play in advancing *Brown* and the civil rights agenda? The chapters in this volume are good examples of contributions that activist and thoughtful scholars can make to the enterprise. It is important to understand comparative perspectives through a better understanding of events in South Africa and the influences of *Brown* in educational reform (Jonathan Jansen, Neville Alexander). It is also important to think of transforming the roles of scholars in the area of social justice, as articulated elegantly by Gloria Ladson-Billings and Joyce King in their chapters. These perspectives lend important light to the changing roles and expectations of academics to issues of huge gravity.

How can we be sure that scholarship is being helpful in transforming our educational and social systems to address the issues of *Brown*? I would like to draw an analogy from what I have been advocating in the area of the education of language minority students, based on a federal court decision (*Castaneda v. Pickard*, 1981) which was helpful in providing a definition of “appropriate action” for school districts in addressing equal educational opportunity for language minority students. In this ruling, the judge outlined three “standards” against which the actions of a system can be judged:

1. Whether the school system is pursuing a program informed by *an educational theory recognized as sound* by some experts in the field, or, at least, deemed a legitimate experimental strategy.
2. Whether the programs and practices actually used by the school system are reasonably calculated to *implement effectively* the educational theory adopted by the school.
3. Whether the school’s program succeeds, after a legitimate trial, to *produce results* indicating that the language barriers confronting students are actually being overcome.

A fourth piece not identified by the court, but important in its implementation across school districts, is that the implementation or the theory must be revised if desirable outcomes are not attained.

Applied to the current situation, I would like to suggest that, where we believe scholarship can be helpful in addressing different areas of struggle, this scholarship be charged with the task of developing their own “theory of the case,” strategies for implementation to make change, and an explicit effort to monitor and evaluate the outcome after a period of time. In the half decade since *Brown*, a number of approaches have

been attempted, and progress has been made in some areas, yet as the chapters in this volume make amply clear there is much to be done. Through a systematic effort to make the theories of change explicit, and holding the theories and implementation accountable, my hope is that there will be more cause for celebration at the *Brown* centennial, and even more reason to celebrate the rich legacy of the continuing struggle for racial justice and equality that had its punctuating moment in 1954.

REFERENCES

- Atkinson, R.C., & Pelfrey, P.A. (2005, May 18). *Opportunity in a democratic society: A national agenda*. Third annual Nancy Cantor Distinguished Lecture, University of Michigan. Retrieved April 27, 2006 from <http://www.diversity.umich.edu/futuring/cantor.pdf>
- Castaneda v. Pickard 648 U.S. (1981). F.2d 989.
- Crawford, J. (2004). *Educating English learners: Language diversity in the classroom*. Los Angeles: Bilingual Educational Services, Inc.
- Gratz v. Bollinger 539 U.S. 244 (2003).
- Grutter v. Bollinger 539 U.S. 306 (2003).
- Lau v. Nichols 414 U.S. 563 (1974).
- Ogletree, C. (2004). *All deliberate speed: Reflections on the first half century of Brown v. Board of Education*. New York: Norton.
- Witt, D., & Shin, C. (2003). Historical summary of affirmative action. In M.J. Chang, D. Witt, J. Jones, & K. Hakuta (Eds.), *Compelling interest: Examining the evidence on racial dynamics in colleges and universities* (pp. 185–201). Stanford, CA: Stanford University Press.