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Justice, Truth, and Community Organizing in Boston, MA

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I am submitting herewith a thesis written by Melanie Ann Barron entitled "Justice, Truth, and Community Organizing in Boston, MA." I have examined the final electronic copy of this thesis for form and content and recommend that it be accepted in partial fulfillment of the requirements for the degree of Master of Science, with a major in Geography.

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Justice, Truth, and Community Organizing in Boston, MA

**A Thesis Presented for
The Master of Science
Degree
The University of Tennessee, Knoxville**

**Melanie Ann Barron
August 2012**

Dedication

For Slade, my first and best friend.

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I would first like to thank my advisor, Dr. Josh Inwood for his guidance, support, and patience over the past two years. Under his tutelage, this work has defined what I want to do for the rest of my life. Thank you. I also would like to acknowledge my committee members, Dr. Micheline van Riemsdijk and Dr. Nicholas Nagle, for their critiques and support throughout this process. Also, thank you to the UTK Geography community for your continuous encouragement, enthusiasm, and willingness to lend a hand.

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Abstract

In 2010, community organizers in Boston, MA began to lay the groundwork for a truth and reconciliation process about the long-term impacts of the violence and racism surrounding the desegregation/busing crisis in the 1970s. Organizers believe that the busing crisis still presents impediments to the ability of communities of color in Boston to live well and participate in public life. I contextualize their efforts first as a response to the failures of the liberal democratic reforms that marked the civil rights movement. Rather than truly reforming the structures that permit the existence of racialized inequalities, I argue that the liberal democratic state instead systematically preserves and enhances white privileged access to resources. The state does this by resolving crises in such a way that places racism and inequality outside the purview of state responsibility by constructing a “post-racist” sensibility. I demonstrate this by examining two seminal court cases in Boston: *Morgan v. Hennigan* and *Wessman v. Boston School Committee*. Second, in order to achieve equality, I argue that the notions of justice and rights must be expanded in order to achieve a positive conception of rights—one in which it is possible to advocate for the rights of groups rather than liberal individuals. Thus, I conceptualize the organizers’ efforts as a way to use a restorative conception of justice to assert a Right to the City, in terms of asserting a right to live well and participate in public life.

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Introduction

Overview

In 2010, the Union of Minority Neighborhoods (UMN), a group of community organizers in Boston, began organizing a truth and reconciliation project called the Boston Busing/Desegregation Truth Project (BBDP). It was created in the course of organizing communities of color to work toward improving educational outcomes for children in the city's minority neighborhoods, and it is charged with unpacking the long-term impacts of the city's desegregation/busing crisis of the 1970s. The organizers said in their everyday work they encountered "no small amount of pain and anger around Boston school desegregation in general and 'busing' in particular" (UMN 2011, 3). Busing was a highly contentious issue in the 1970s; it was the court's method of desegregating public schools in the city, and resulted in a violent backlash from many of the city's white residents. Black students who attended newly desegregated schools faced riots on the way to school, neglect in classrooms, and general trauma as a large proportion of the city's residents publicly opposed their presence. The organizers believe that this crisis lies at the heart of many persistent problematic issues in Boston's minority neighborhoods, and they saw the potential to have a discussion around Boston's 1970s desegregation/busing crisis to illuminate the core of some of Boston's most complex issues surrounding racism and inequality. They write in their findings report:

“It is our belief that in order for real civic engagement and participation to occur, for the rebuilding of community, getting people into good paying jobs and careers, for families to become whole, loving and supportive, for fear to be gone, the issue of busing must be confronted, talked about, placed in its proper context, and with proper support and encouragement, used to help people and communities move forward” (UMN 2011, 3).

This charter is quite extensive and optimistic; there is a lot that could be interrogated about the ability of one project to accomplish these goals. However, my goal here is not to analyze its scope or viability. Rather, I analyze this work in two stages. First, I analyze the underlying factors that have created the need for such a project to be undertaken in the first place. I then frame the organizers’ work as an attempt to create an alternative route to justice that ties restorative judicial values to democratically asserting a right to the city. This research is guided by the following broad questions:

1. Is liberal ideology, as interpreted by the United States legal system, an effective way to erase racialized inequality, particularly regarding the inequalities in the public school system?
2. Are there alternative ways to address racial injustice that transform social space?

I argue that the legal decisions that have defined Boston’s public education system for decades failed to comprehensively address the issues that racism and violence impose on communities. As such, I interrogate how the liberal legal system organizes social space in such a way that makes racism and white privilege particularly difficult to attack. I argue that actors in the legal system are able to avoid thoroughly addressing racial tensions and barriers because of their focus on

the preservation of individual equality. This illuminates one way in which racial formation is not merely an ideological construct but also a structural form of oppression that is embedded in the US governing system. White privileged access to resources has been much easier to preserve than progressive measures to ensure equal opportunities for people of color, and this is due in part to a limited conception of rights. I ground this work in the right to the city literature because it expands the notion of rights beyond liberalism's "negative" rights, and the right to the city literature offers a "positive" notion of rights that broadens the field for what and how we should be fighting for social justice. Due to the limitations inherent in the legal system, there is a need to create alternative ways to combat racial injustices and forge solutions that embrace the complex, systematic nature of contemporary racism and transform the way people experience, interact, and shape social space. I argue that the BBDP is one example of such an alternative. The organizers are giving people the opportunity to speak about their personal experiences, past and present, with busing, desegregation, and its impacts on the city and on their lives. By engaging people in this dialogue, they hope to re-define how busing/desegregation is perceived in the city—not just as a series of events in the past, but, rather, as an issue that continues to be relevant. The crises that minority communities face are real—high dropout rates, high crime rates, and high unemployment rates are all major problems that my interviewees cited. However, they also cited micro-aggressive (Yosso et al. 2009) everyday racisms as problems that continue to enforce racialized boundaries and parochial attitudes throughout the city. By using a restorative justice process, the UMN is giving people the

opportunity to reclaim the dialogue about racism and inequality in the city while focusing on building a community of dedicated citizens to improve educational opportunity for all.

The UMN, through the BBDDP, is exploring a new way to ensure the very survival of people in minority communities in Boston. While in the United States we consistently insist that education is a key component to a successful life, particularly in our capitalist meritocratic economy, the fact is that not everyone in the United States has access to a quality education. In fact, the unevenness of educational equality continues to increase because of educational reforms such as the introduction of charter schools (Hankins 2005). Boston faces the same issues; in spite of the promise of the highly contested desegregation plans to ensure equality, inequity in funding and disparities in achievement remain for minority communities, in spite of many “reforms” that promised otherwise. The organizers contend that for minority students to have a fighting chance in life, people in the city need to come to terms with Boston’s history of violence, racism, and institutionalized inequality in order to stop the reproduction of those problems in the present. By taking their efforts seriously, I seek to shed light on a project that has the potential to redefine people’s relationship with the city they live in and the spaces they populate; rather than succumbing to the oppressive power of systemic racism and white privilege, this is an effort that picks citizens up with the power of their voices to proclaim a right to live, and live *well*, to proclaim a right to *participate* in public life rather than merely exist in it.

The Road to Busing: A Brief Background

During the 1950s and 1960s, newspapers across the country were filled with headlines about racism as Jim Crow laws were abolished across the southern United States and African Americans took to the streets to demand equality. The south takes most of the blame for racial discrimination in the United States because of its legacies of slavery, and its overtly racist legal restrictions against people of color. However, while the South was certainly at least the discursive epicenter of public, explicitly racist practices of American apartheid, racial discrimination and violence did not stop at the Mason-Dixon line. People and state institutions in northern states were also guilty of racial discrimination and violence. Using Ruth Gilmore's definition of racism as "the state-sanctioned or extralegal production and exploitation of group-differentiated vulnerability to premature death" (Gilmore 2007, 28), it is clear that racism was (and is) a very real problem throughout the United States, even in the places that are so revered for so-called "progress." One of those places is Boston, MA, a city known simultaneously as the birthplace of American liberal democracy and as one of the most racist cities, if not *the most* racist city in the United States.

Boston's most famous tourist attractions are along its "Freedom Trail," a loop around the city that takes visitors to sites that define early revolutionary folklore in the United States: Boston Common, Paul Revere's house, the U.S.S. Constitution, the site of the Boston Massacre, among others. Along the trail is the original site of Boston Latin School, the first public school in the United States; its' original site is marked by a large seal on the ground. Nearby stands a statue of Benjamin Franklin,

one of the U.S.'s first public intellectuals, arguably its most famous early statesman, and a former student of Boston Latin. While markers note the historical significance of the site, there is, however, another side to the story of Boston's education system that is not plainly displayed. Since its inception, Boston Public Schools (BPS) was a discriminatory institution, resulting in the first formal suit regarding racial discrimination in public education in the United States in 1850. Arguing for the abolition of separate schools for free blacks residing in Boston, Benjamin F. Roberts filed suit on behalf of his daughter Sarah. The court ruled against him, stating that the regulation keeping black and white bodies separated from did not violate any of their rights—paving judicial precedent for the “separate but equal” decision in *Plessy v. Ferguson* (Browne-Marshall 2007). So, not only was the first school system in the United States in the north *and* segregated, it also paved the way for the rest of the country, including the infamous south, to remain legally segregated for decades to come.

Racial discrimination in BPS continued for over a century after that particular ruling. Although eventually BPS eventually removed statutes mandating racially separate schools, schools remained segregated due to the actions of the Boston School Committee. This state-sanctioned neglect did not go unnoticed by black activists as they built toward *Morgan v. Hennigan*, the 1974 decision that would change the city forever. In the 1930s and 1940s, activists in Boston attempted to join the country in wartime efforts to increase “tolerance” education in schools (Burkholder 2010). This was a nationwide effort to combat any perception that the United States' racism could compare with its enemies in the Axis powers, and to

demonize overt racism as something that only uneducated people practice (Burkholder 2010). However, BPS did not participate in any tolerance education initiatives, in spite of Boston's growing black activist community's numerous petitions to do so. Rather than come to terms with the realities of discrimination in housing that led to segregation, or the segregation in schools that was allowed to continue under a system dominated by white Irish Catholic leaders, racism was denied as a problem. "By refusing to acknowledge that racial discrimination existed in Boston, local white politicians evaded responsibility for addressing, much less altering, profound racial inequalities in housing, employment, and education" (Burkholder 2010, 300-301). This is, in fact, a persistent theme throughout this research; again and again, state actors in Boston have found ways to evade racially charged issues and maintain the status quo.

In 1944, the Strayer Report, a state-funded outside study conducted to analyze BPS' funding, found that schools in black neighborhoods were very old and in need of the most repair compared to schools in white neighborhoods (Burkholder 2010, 310). Ruth Batson, a black activist who eventually ran for the Boston School Committee and chaired the public school committee for the NAACP, carefully documented the unequal distribution of resources in the Boston Public Schools (Burkholder 2010). Under hers and others' leadership, the movement continued to grow as blacks continued to move into the city; in 1960, they increased to 9.1 percent of the general population (Travis 1986). As the movement grew, so did the scale of their efforts. Many activists in Boston worked outside of the stalwart organizations that sought to integrate blacks into liberal democracy, such as the

NAACP and the Urban League (Travis 1986). Rather, they organized around particular issues—education, labor, and voter registration, for example—and built up the black community from the grassroots level (Travis 1986). When the court finally ordered desegregation in 1974, the black community had mobilized to an unprecedented extent both in the political scene (however small their representation) and in their communities. However, in spite of increased formal and informal political participation, the black community persistently faced strong resistance to their participation in public policy making from the Irish Catholic-dominated political scene (Travis 1986). The deep Irish influence throughout the city resulted in political clout that blocked people of color from meaningful participation in politics.

Thus, it is not surprising that by the time black activists finally won a decisive victory with *Morgan v. Hennigan*, when federal Judge Arthur Garrity ruled in favor of the black community to formally desegregate Boston's schools by busing, the order was met with incredible violent resistance by white Irish residents in the streets of the city. The order stated that students would be bused from majority black schools to majority white schools and vice-versa to achieve racial balance standards. Busing was a widespread practice after *Brown v. Board of Education*. It was used as a method to achieve racial balance in public school systems, but it was not universally applied nor accepted. Bolner and Shamley (1974) argue that there were two broad points of view about busing in the US legal system in the years leading up to 1974: "De Facto Segregation Doctrine" (Bolner and Shamley 1974, 3) and "The "Integrationist" Interpretation of *Brown* (Bolner and Shamley 1974, 6). The De Facto

Segregation Doctrine interprets *Brown* as forbidding discrimination, but not requiring integration. Thus in places like Gary, Indiana, and Cincinnati, Ohio, there were no major desegregation efforts because the court ruled that any segregation present was a result of factors outside of the school's control. Conversely, the "Integrationist" Interpretation of *Brown*" (Bolner and Shamley 1974, 6) asserts that the responsibility for segregation lies with the community as a whole, and that school superintendents should be required to take action. Although segregation in schools may be representative of segregated neighborhoods, the logic of these courts is that segregation itself is unconstitutional, and so any school that reflects a segregated society is unconstitutional (Bolner and Shamley 1974, 8). In the case of Boston, the BPS were attempting to argue that schools were segregated because of the *de facto* segregation throughout the city, but Judge Garrity took an integrationist viewpoint and ruled that the actions of the school board resulted in *de jure*, or intentional, segregation, even if it reflected neighborhood racial compositions.

It was a great success, but in spite of the decades of organizing in the black community, when South Bostonians took to the streets in 1974 to resist desegregation, they defined the conversation about the crisis for decades to come. Instead of referring to the policy as "desegregation," protestors referred to it as "forced busing" that was stripping "parental choice" about where to live and send their children to school. However, the violence and hate language used in the protests against busing revealed that there was a deeper, more sinister message than that discourse readily allows.

Boston's neighborhoods were defined by race and defended with violence in 1974. Buell and Brisbin (1982) argue that in the face of those who say that neighborhoods are prime places for social change through policies like busing, "residents of a defended neighborhood seemingly threatened by their plans are unlikely to agree. Appeals to the rule of law, social equality, or other norms probably will not offset what residents fear they will lose in exchange." What did residents fear they would lose? Irish communities in the United States have faced their own share of struggles; at one time, they were considered an oppressed category unto themselves. However, by 1974, Boston's Irish community had become quite powerful. Any change to social relationships, including desegregation, was a potential threat to that power. There was little the law could do to convince South Boston residents that social change was a worthwhile effort because they could only envision what might be lost if their normal neighborhood dynamic changed (Buell and Brisbin 1982). Thus, their actions could be interpreted merely as acts of defense. In this way, violence was used as a tactic for the maintenance of social order, legitimizing its use (Correia 2008). Indeed, violence is a visible and terrifying way of demarcating territorial boundaries (Lunstrum 2009), but by legitimizing violence as an act of defense, "Property itself is imagined as the relation between an owner and an inert space, rather than a politicized and perhaps violent set of relations between owner and others ...". The neighborhood boundaries they were "defending" were constructed on highly racialized terms. Merely describing this neighborhood as a "defended neighborhood" ignores the unsavory reality of racialization. Thus, a complete understanding of the violence in Boston can only be

gained by understanding it in the context of a complex history of racialization. The BBDP, by focusing on context and including underrepresented voices, holds the potential of creating a counternarrative to the “defended neighborhoods” argument that more completely explains the use of violence by anti-busing protestors.

The organizers of the BBDP argue that the violence associated with busing continues to negatively impact minority communities in the city. Aside from the psychological damage caused by the immediate stress that violence causes, these events fostered a deep distrust of the state and have deepened interracial distrust. The City of Boston has never dealt with the impacts of the overt racism and violence in 1974 in a public way, and these events have been ignored and effectively forgotten—a bitter irony considering that Boston is full of memorials to revolutionary struggles for democracy and citizenship. What of the African American struggle to achieve those same ends? By revisiting the events of 1974, the BBDP has the potential to bring recognition to that struggle for civil rights while also highlighting that the movement’s mission is incomplete.

Literature Review

Race in Critical Geography

Geographers’ discussions of race are built upon the foundational concept that race is socially constructed (Bonnett 1997; Delaney 1993; Harris 2002; Kobayashi and Peake 2000; O. Mitchell and Smith 1990; J. A. Tyner 2002). Further, race is an inextricable part of understanding the construction of place: “no geography is complete, no understanding of place or landscape comprehensive, without recognizing that American geography, both as discipline and as the spatial

expression of American life, is racialized” (Kobayashi and Peake 2000, 392).

Racialization of space is a *process* that creates spaces that reflect and reinforce societal understandings of racial categories, and these spaces also represent structures that continue to inhibit equality. Chinatowns are a popular example of this process. Kay Anderson (1991) explored the role of the state in the creation of Vancouver’s Chinatown through “sanitary reform” policies that reflected and reinforced societal notions of Chinese “otherness” and lack of cleanliness. Marking some places as both unclean and Chinese associated those adjectives together, marking the Chinese as an unclean “other.” Mitchell (1996) also discusses the construction of “Chineseness” in California through unfair housing practices that relegated Chinese immigrants to cramped, low-quality, housing. Society, however, did not read the Chinese situation as unfair, but instead these residential spaces constructed a conception that the Chinese inherently preferred to live in such places. This at once constructed a specific conception of the Chinese but also legitimized their mistreatment. Similarly, in northern cities, segregation of African Americans was a result of discriminatory housing practices. “Redlining” was a practice used by lenders and the Federal Housing Administration to evaluate investment risk based upon the racial and ethnic composition of neighborhoods. So, if a neighborhood was not white enough, it was deemed too risky for investment and capital was denied to minority neighborhoods, resulting in uneven development in inner cities . Discriminatory practices even extended to private transactions: “restrictive covenants made it illegal for white owners to sell property to blacks if a majority of the neighborhoods residents opposed such a transaction .” Thus

minorities in Boston's inner city neighborhoods were at a distinct structural, economic, and social disadvantage . This process of de facto segregation constructed conceptions of "blackness" that became associated with spaces of poverty and crime.

Geographers have recently shown interest in understanding the politics, history, and spatial impacts of race-based social movements, particularly in the United States. (Heynen 2009a; Heynen 2009b; James A. Tyner and Kruse 2004; J. F. Inwood 2009; J. F. J. Inwood 2009). This work has integrated conversations about black radical thought into geography, diversifying the white leftist/Marxist positions that have defined the discipline with the strong influence of David Harvey's work. Nik Heynen aligns his thinking in terms of a geography of *survival*, emphasizing the material consequences of racial discrimination and organizing. The radicalism of the Black Panther Party (BPP), for example, was, in part, supported by the fact the party provided basic needs for black communities that the state did not through a school breakfast program. The very existence of publically provided school breakfasts in the United States, then, represents the state's attempt to snuff out radical organizing in black communities (Heynen 2009a). When radical organizing is conceptualized in this way, it becomes clear that the relatively silent American left in the past several decades is not simply a result of the success of capitalism and conservatism, but rather that the capitalist, conservative state worked to undermine the left at every turn, guided in part by racialized motives.

There are other particularly influential pieces that focus on the materiality of discrimination and the role of the state. David Theo Goldberg's seminal work, *The*

Racial State details the development of the modern nation state and its explicit dependency on racial discrimination to organize social and economic life. The book emphasizes that there were distinct, material outcomes of the state's use of race to divide society—namely, the preservation of white privileged access to economic, political, and social capital. Tyner and Houston's work on multiracialized sexual relations (J. Tyner and Houston 2000) contends that the restriction of miscegenation throughout the course of US history was, in fact, a tool for social control and maintaining a white male capitalist patriarchy. These works tease out the complex role of the state in the both the production of racial categories and restrictions, and the perpetuation of racial inequality. My work contributes to this line of thought by examining the role of the liberal legal system in perpetuating racialized inequality by ordering social space according to liberal ideology. This created post-racist consciousness that has pervaded in the past several decades, affecting the ability of people of color to fairly access state services (such as education).

Theorizing Space, Justice, and the Right to the City

The struggle to define community between the largely white South Boston residents, the African American community, and the judicial system was public and violent. In order to conceptualize this struggle, Lefebvre's conceptions of "representations of space," "representational spaces," "spatial practices," and "abstract spaces" are useful because they can help illustrate how daily life and various representations of space are dialectically intertwined. "Representations of space" are the work of planners: those with abstract visions for space and society .

The plan for schools in Boston was envisioned by the judicial system to be liberal, colorblind, and tolerant, and this belief was enacted and represented through the decision to desegregate schools by busing. In the context of this study, the narratives created by the legal system are *representations of space* that are created and enforced on a large scale, but do not necessarily represent the lived reality of space .

The law's historicist, liberal, colorblind ideology fails to recognize the barriers inflicted by centuries of state-sponsored racism , thus rendering a policy utilizing *only* desegregation as insufficient for true equality . Thus, that vision for society came into conflict with the lived realities of social space in Boston, or the "spatial practices" that Lefebvre describes. These are the spaces of everyday experience, which, in Boston, are reflected through racialized landscapes, and, of particular interest to the UMN, unequal educational opportunities. Such inconsistencies are common, and often result in conflict. For example, McCann's discussion of protests following the police shooting of a black teenager in Lexington, Kentucky, illustrated what happened when the city's raceless, tolerant community image came in direct conflict with the lived reality of racialized public space through violent protest .

McCann specifically analyzed the "representational spaces," or spaces of the imagination that represent lived experiences , that were displayed through editorial cartoons after the violent outbreak. However, according to Lefebvre's conceptualization, "A social transformation, to be truly revolutionary in character, must manifest a creative capacity in its effects on daily life, on language and on space ..." The enforcement of the desegregation decision in Boston failed to be a

revolutionary re-ordering of space because it merely re-organized space according to the same liberal objectives.

There is potential for radical spatial transformation in Boston as a result of the expansion of the notion of rights and justice to include a “right to the city.” In Boston, organizers of the truth project seek to provide a space in which people can express their personal narratives in order to re-define the narrative about busing in the city. They particularly seek to include voices that have been underrepresented—people for whom busing was beneficial, for whom racial hatred made integration a painful experience, etc. However, rather than seeking a specific reconciliatory goal, they are instead creating a space in which a critical mass of citizens can be created and mobilized to advocate on behalf of Boston’s most disadvantaged students. It is an organizing strategy that is rooted in notions of restorative justice that reach beyond more traditional notions of retributive or rehabilitative justice. In order to broaden the scope of the application of the term justice, the use of The Right to the City literature is particularly useful. As Purcell (2008) writes, “Claiming a right to the city is claiming a right to inhabit *well*, to have reasonable access to the things one needs to live a dignified life” (94). Anything that inhibits one’s ability to enjoy that reasonable access is a violation of one’s right to the city, an injustice worthy of being addressed. People deserve such a right because what would the city be without people actively inhabiting it? “The daily routines of inhabitants shape urban space as on *oeuvre*, as a collective work of art...They are actively *inhabiting the city*. For them to inhabit well—to realize a full and dignified life—the city must provide them with what they need: employment, shelter, clothing, access to healthy food,

and all manner of services, like child care, transportation, water, sewage, education, open space, and the like” (Purcell 2008, 94). The Right to the City also asserts a right to *participate*, both in a civic and political sense. Also, “it implies a sense of inclusion in decision-making, a meaningful say in all the processes that produce urban space” (Purcell 2008, 95). Thus, I see an important similarity between the goals of restorative justice initiatives and asserting a right to the city. Indeed, I argue that restorative justice is one avenue toward ensuring a right to the city in places where the right to inhabit and the right to participation are limited or violated by the long-term impacts of racism, violence, and (un)prosecuted crime. Thus, the organizers are creating a space in which people can assert and operationalize a right to the city through a restorative justice process that values their input and experiences.

Boston Today: A Brief Social Geography

There are no explicitly defined boundaries to Boston’s neighborhoods; their borders are contested among its residents, and their definitions are variable even within the city’s government. However, for statistical purposes, the city’s Department of Neighborhood Development, the city’s planning agency, divided the city into 16 neighborhoods. Using reports this department published based on 2000 census data, I will give a brief overview of Boston’s social geography, with particular emphasis on the neighborhoods of Roxbury and South Boston, which are the most relevant to this work. (For reference, please view figure 1 on page 24.)

Boston is a small, densely populated, diverse city. According to the US Census bureau, the city proper covers only 48.43 square miles (by comparison, Knoxville

proper includes 92.7 square miles of land). Boston likes to tout itself as a “city of neighborhoods” because of the distinct characteristics of many areas throughout the city. Boston’s central district is its downtown area, comprised of the city’s main business and tourist areas; it also includes Chinatown, and area called the North End, which is known for its touristy Italian flair.

Moving south, there is Roxbury and South Boston, the areas most relevant to my thesis work. (All of the statistics in the remaining sections come from two reports: The Roxbury Data Profile (Anon. 2006) and the South Boston Data Profile (Anon. 2006).) South Boston covers an area of 3.1 miles, holds 5.1 percent of the city’s population, and is 85% white. 85% of its residents speak English at home. 33.8% of the neighborhood’s housing units are owner-occupied, and the median housing price as of 2005 was \$377,750. The median household income as of 2009 was \$40,312. This area is along the ocean, so there are beaches to visit and a growing number of restaurants and tourist attractions.

Roxbury is adjacent to South Boston to the west, and its 3.9 square miles house 9.6% of the city’s population. It is 63% black, 24% Hispanic, and only 5% white. 66% of the residents speak English at home, while 22% speak Spanish. 27.1% of people in Roxbury live in poverty, compared to 17.3% in South Boston. The median household income in Roxbury is \$27,133—a stark difference from South Boston’s \$40,312. These neighborhoods, while both have a working-class feel on the whole, do have discernable differences when you visit. The passage from one neighborhood to another goes unannounced, but it is often obvious. There are noticeable demographic differences—it is almost shocking to see a person of color

in South Boston. Also, because of South Boston's strong Irish presence, there are a number of Irish pubs, restaurants, and catholic churches and schools. Both neighborhoods have a reputation for toughness; Roxbury has notoriously high crime rates in certain areas, and my interview participants complained of a lack of police presence and investment in the area. South Boston has been home to some of Boston's most notorious organized crime gangs, and it was the center of the violent rage surrounding the desegregation of schools in the 1970s.

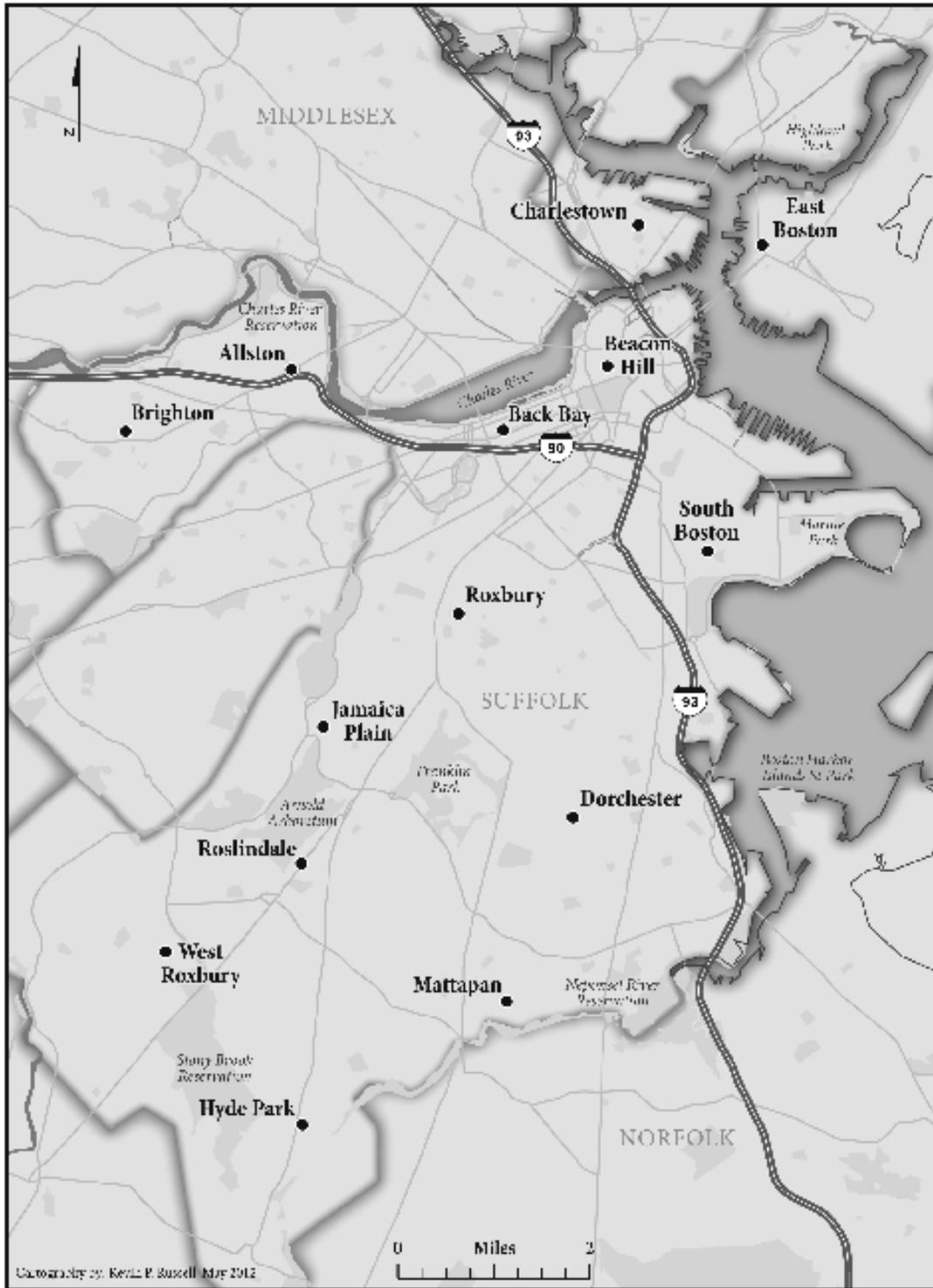


Figure 1: Boston's Neighborhoods

Chapter Two: Methodology

Theoretical Foundations

I approached my research questions from a broadly critical theoretical perspective. Therefore, as a researcher, my goal is not to claim to take an objective standpoint, or claim that I am a “neutral” observer (Kincheloe and McLaren 1998). Rather, I position my work as one small part of an emancipatory project to shed light on the injustices that characterize the white-male capitalist patriarchy that defines our modern world. Critical research, as defined by Kincheloe and McLaren (1998, 264) “must be connected to an attempt to confront the injustice of a particular society or sphere within that society.” By taking this stance, I also actively search for alternatives to the exploitative present by whom/what I choose to research and how I choose to write about it. I do this because, as one of the greatest critical theorists wrote, “The philosophers have only *interpreted* the world in various ways; the point is to *change* it” (Marx, Engels, and Arthur 1970, 122). I do not merely seek to explain social phenomena, but rather amplify the voices of those who seek to change society, and offer a theoretical perspective that pushes forward radical/anti-racist thought and action.

Qualitative methods were appropriate for this particular research because while oppression is the result of broad social forces (capitalism, patriarchy, privilege), one cannot boil down the manifestations of oppression with broad-sweeping generalizations. Feminist and race theorists have “taught critical theorists

that whereas larger social forces clearly exert a profound impact on society at large, their impact on individuals and localities is ambiguous and idiosyncratic” (Kincheloe and McLaren 1998, 276). As my research was situated at a local scale, focusing on issues within the city of Boston, I was *necessarily* interested in the local ambiguities and idiosyncracies that shaped oppression and inequality in the city in order to understand the work of the UMN on its own ground.

Interviews

I conducted fieldwork in Boston for approximately four weeks from June 2011-July 2011. I chose to collect the bulk of my data from semi-structured interviews. While for practical reasons they were appropriate as they allowed me to gather a large amount of data in a relatively short time frame (Valentine 2001), there are deeper reasons for this choice as well. I was less interested in directing consistent, specific questions because I found it more important to understand the complexity of my participants’ experiences rather than boiling them down to what I presupposed would happen. While a structured interview “aims at capturing precise data of a codable nature in order to explain behavior within preestablished categories” (Fontana and Frey 1998, 56), unstructured interviews are “used in an attempt to understand the complex behavior of members of society without imposing any a priori categorization that may limit the field of inquiry” (Fontana and Frey 1998, 56).

As part of my pilot research in December 2011, I identified several potential interview participants through contacts with the Union of Minority Neighborhoods. Additional participants were (ideally) recruited through a “snowball” sampling

method in which I requested two or three additional contacts from each participant at the conclusion of each interview. My use of snowball sampling was met with mixed success. Sometimes, it worked well and I was able to find another participant quickly and easily. This method was appropriate because I was interested in speaking with a network of people who were involved and interested in the truth and reconciliation process, and also those that were particularly affected by busing or involved in its implementation (Faugier and Sargeant 1997). However, the best way to tap into that network was by attending community meetings, planning meetings for the truth and reconciliation project, and dropping by the Union of Minority Neighborhoods whenever possible. Although I did not have the opportunity to interview everyone I met, I had many great conversations with people that helped me contextualize and understand what this process meant to the wide variety of people involved.

Once I landed an interview, there was an intentional process to how the interview location was chosen, how I chose questions, and how I interpreted the data. Before the beginning of each interview, the participant signed an informed consent document that informed them of the basics of the project and that participation was entirely optional. Each interview lasted approximately 1 to 1.5 hours and was recorded. The interview was semi-structured, modeled after Grant McCracken's method described in *The Long Interview* (1988), which emphasizes a combination of planned, "grand tour" questions which are designed to spur a long discussion, and subsequent "prompts" that may arise spontaneously based upon the participant's response. In this interview style, the researcher suggests overall

themes to be discussed, but the respondent is given the freedom to discuss those themes with little obstruction. No two interviews were exactly alike; while the themes of my questions were consistent, I did not dogmatically insist on a particular flow to the conversation. I allowed the interviews to take “serendipitous turns,” as doing so enhanced the quality and variety of the data I collected, and allowed insights into my questions that I may not have anticipated at all (Knapp 1997). I lightly steered the interview into three phases: background, details, and reflection (Fox 2009). Background questions, such as “You graduated from South Boston High School, correct?” led into questions that yielded more details. For example, my next question may have been, “Can you tell me specifically about your experiences in 1973?” By learning more details about the individual’s experience, I then asked them to reflect on larger questions related to their experiences that focused on themes concerning community, racism, violence, governance, and education. The interviews were designed to allow the participant to reveal as much as he or she wished to reveal, which resulted in an interesting and varied set of responses.

I made several additional considerations regarding interviews. My first concern was with trust. A successful interview requires a certain level of trust, which is difficult to establish when dealing with strangers, especially considering my “outsider” status (Mullings 1999). I addressed this challenge in the following ways: first, I was careful not to privilege my relatively powerful position as a researcher by dictating the interview location or time (Elwood and Martin 2000). I made a few suggestions for interview locations, such as in a public library or other neutral public place, but the decision was ultimately up to the participant. Allowing

the participant to choose the location gave him or her more power, and may have allowed them to be more comfortable and reveal more information about themselves without necessarily realizing it (Sin 2003). Another way to establish trust was simply to take a personal interest in the participant with the questions that opened the interview. I sought to establish a personal connection with each participant's background or interests (Skelton 2001). Taking small steps to "level" with the participant and become comfortable with him or her not only made the interview experience more pleasant but also enhanced the quality of the data I collected. More often than not, however, a lack of trust was not a significant barrier. Participants were willing to talk to me without much prodding, especially those who were directly involved in planning the truth process.

I interviewed 11 people throughout the city. Most of the interviews were in the Jamaica Plain area, near or in the UMN office. Many of the people who participated in the project lived in this area and had direct ties with the UMN, so it was a convenient location.

Reflexivity, Positionality, and Privilege in the Field

As I was told to expect, in the field there were some experiences where no amount of planning could have helped me handle the situation better. Memorably, before interviewing one of the participants in his office, he joked that we probably weren't supposed to interview in his office because of unequal power relationships—but then he closed the door, sat behind his desk, and we began the interview. As mundane as that sounds, while much of the interview was very useful, some of it centered on questions about my personal life—did I have a boyfriend?

And what did my mother think of me going around hanging out with black people in Boston anyway? It seemed that, although he was joking at the beginning of the interview, the power relationship was definitely tipped in his favor and I was not sure how to handle such inappropriate—albeit humorous—questioning. While much of the interview was extremely helpful, it was a challenge to know how to handle these kinds of questions simply because they were completely unexpected.

This is just one of several circumstances in which I was confronted with the reality of my positionality. As a white woman working in minority neighborhoods, I often felt the reality of my privilege. By understanding and reflecting upon this, I sought to understand my position in relation to my environment, to other people, and the development of my interpretive perspective regarding my research (Marcus 1998). While this kind of reflexivity is often critiqued as narcissistic navel-gazing (Marcus 1998), I rather contend that it was an absolutely necessary part of my work. If combating white privilege is part of the broad theoretical framework that guides my research objectives, then it is imperative that I recognize and combat the effects of my privilege in how I relate to the world around me and how that world is reflected in my research. Further, it is important for researchers to write about how they experience and confront privilege in the field because it is important to recognize that academic credentials do not erase the ways socially embedded ideologies affect our lives and our work. Just as I reject notions of objectivity and neutrality, I reject the notion that I can completely remove myself from the constrictions of my intersectionality/positionality in relation to other people and places.

Oftentimes, the way I recognized my privilege was in a mundane way. I caught myself being unnecessarily nervous in some situations—being the only white person on a subway car, for example. Why would I be nervous? Because my privilege has generally allowed me to choose to be in situations where I am surrounded by people who look, sound, and think as I do in most circumstances throughout my life (McIntosh 1989). When confronted with differences, as one usually is on public transportation in a major city, I was forced to think through some prejudices that I previously would not have liked to admit. While one can cognitively recognize that there is nothing inherently dangerous about being in a black neighborhood alone, years of learning otherwise from relatives, media, and even public schooling can turn even the most earnestly sensitive academic into a nervous racist. I improvised a way to reflect upon my situation. When I caught myself feeling this way, I would check my privilege by asking myself questions: Why are you nervous? Are you in any real danger? Do you see any weapons being wielded? Is anyone even talking to you or looking at you? Does anyone care about you being here alone as much as you do? I wrote about this inner dialogue in my field notes, and this was a useful research practice for a few reasons. Mainly, I became much more comfortable in unfamiliar surroundings. By coming to terms with the prejudices that made traveling in certain areas initially uncomfortable, I was able to meet people more easily, be more comfortable moving around freely, and try new things that helped me get to know Boston better. Checking my privilege in this way helped me come to a deeper understanding of what white privilege is and how it manifests in my life, and it helped me be more comfortable and open to

doing what I needed to do and go where I needed to go in the city to get my work done.

Sometimes, my privileged naïveté helped with the interview process and helped me elicit very detailed responses to questions. For example, I usually would ask interview participants about contemporary racism in Boston—particularly about how they experience it. If I received a really vague answer to that kind of question—particularly if the participant assumed I knew what they meant by certain things, I would sometimes ask for more detail and point out my positionality. I might say, “As a white middle-class person, I literally do not experience racism or really any kind of oppression on a regular basis. I would be really interested to know of a particular circumstance in which you felt like you were experiencing racism so I can understand what you mean.” While that may sound as if I was simply capitalizing on my whiteness to get better answers out of people, that is how I genuinely felt—and still feel—about researching racism. I cannot take statements like “you know what I mean?” for granted because I literally do not know what it is like to experience racism in the US. I can only know from what I read and from what people tell me—and when I made that clear, my participants opened up quite a lot.

Archives

There is an enormous amount of information about the busing crisis archived throughout the city. I narrowed down my search of this information mainly to correspondence between community members and officials because I was interested in understanding the perspectives of different communities at that time.

I did not, and could not, simply accept that what is housed in Boston's many archives is entirely representative of the story of busing in Boston. Archives create order from mass amounts of information; archival librarians have to make decisions about which documents are valuable to keep and which are not, which is also a decision about which bits of information are valuable to society and which are not (Brothman 1991). This contributes to archives' role in painting a particular picture of society in which certain ideas and events are valued and others are not. The same is done in museums, memorials, and other types of public exhibitions (Alderman 2000a; Alderman 2000b; Foote 1990; Brown and Davis-Brown 1998; Dwyer 2000; Hoelscher 2003; Lambert 2007; J. F. J. Inwood and Martin 2008; J. F. Inwood 2009). While I analyzed the information I found in archives in the same way as I did the interviews, I also asked whose voices were being heard, whose are not, and then tried to fill in the gaps with other types of data.

I spent most of my time at the UMass Boston campus, where there is a large collection of personal letters written to Judge Garrity beginning in 1973 and going through to the late 1970s. I sampled letters primarily from 1974-1976, because the bulk of the UMN's work focuses on that time period. Combing through this collection was one of the most difficult parts of my fieldwork; while there were letters written that praised the desegregation efforts, most of the letters were written by people living in South Boston who were campaigning against busing. While some expressed concern over their children's safety, and others complained that the policy was restricting personal choices regarding their children's education, many were simply violent, racist threats to both black people in the city and to Judge Garrity's own

personal safety. I think it is important to note that because many of these letters were written in the context of letter-writing campaigns, and in the context of an especially incensed racialized atmosphere, they are certainly not a complete sample of all perspectives in the city—rather, they over-represent South Boston’s angriest residents.

To overcome this problem, I went to other archive locations to vary the data I collected. I visited Northeastern University’s archives, and focused mainly on its large collection from the Citywide Educational Coalition, a grassroots organizing effort that disseminated information about the activities of the Boston School Committee and anti-busing efforts throughout the city. This was valuable information because pro-desegregation voices were represented in the data I collected, as well as some of the more nefarious aspects of the anti-busing movement and the Boston School Committee’s implicit support of it.

One collection I visited was particularly cumbersome to navigate. The Boston School Committee’s and the Boston Public Schools’ activities, including meetings, plans, and policies, are kept in the City of Boston’s archives, but the collection was massive, poorly annotated, and poorly organized. After spending two days searching through box after box, I was overwhelmed by the collection and had to stop. Unlike the archives at the academic institutions I visited, it seemed as though no one had made any serious decisions about what to keep and what to throw out, how to order things (instead of just by date), and how to document what was actually in the box. While there were some valuable pieces in there, there were also endless memos

written by secretaries about inconsequential office duties. In the interest of time, I did not even attempt to thoroughly explore this collection.

One of the best collections I visited was at Suffolk University. They house a very well-organized and carefully annotated collection of files from Congressman Joe Moakley, who represented the Ninth district of Massachusetts from 1973-2001. The archivists assembled a research guide specifically about Moakley's work during the desegregation crisis, including policy documents, speeches, professional correspondence, and newspaper clippings and interviews his office kept. This was a good source to learn about the political climate during this time. This archive also digitized many of the most important documents in this collection, so I was able to dig deep at the archives, focusing less on the major documents and searching for more detailed, nuanced information. At this location I was able to find one of the only available interviews of Louise Day Hicks, the most notable leader of the anti-busing movement, whose presence in the archives is particularly difficult to find. Many of the meetings she attended about anti-busing campaigns were secret, so there is very little available about her views in the public record aside from when she gave formal interviews. In this collection, I found a long interview of her on a local radio program, and it was by far the most information I found about her during the entirety of my research process. Finally, another fantastic thing about Suffolk's archive collection was a large amount of oral history interview transcripts with politicians and activists who experienced busing first hand, many of whom have passed away or are exceedingly difficult to find. These oral history transcripts have supplemented my own interview data immensely—and perhaps are even more

helpful because, as they are publicly available, there are no privacy constraints and I can attribute quotes directly.

Analysis

The recorded interviews were transcribed, and the first review of the transcript data was an evaluation of the text as it stood; that is, I avoided making any connections to other interviews, literature, or observational data. This “bracketing” attempts to analyze the data in its purest form to search for clues to the phenomena in question (Patton 2004). I identified key words and phrases interpreted within the context of the interview, and then interpreted them myself (Michael Quinn Patton 2004). As more interviews were analyzed in this process, significant patterns emerged that provided meaning (Yin 2002). Also, my analysis of archives provided a historic background that helped me properly situate the themes pulled from my interviews in the context of Boston’s long struggle with these issues.

I coded the data according to both emic and etic themes that emerged. Etic themes are those assigned by the researcher, and emic themes are those that emerge from the participants and archival data (Patton 2004). Etic themes in this project relate directly to my research objectives. As these themes emerged, they were coded and organized into separate Word documents. Participants were classified according to how they self-identified (i.e., commission organizer/participant, politician, victim of 1974, etcetera). This system helped me identify different perspectives and how they could be contextualized and triangulated into the larger story about busing and educational equality.

Triangulation provides a rich analysis that utilizes multiple sources, methods, and theoretical perspectives into a single study (Jick 1979; Hemming 2008). By relying on multiple sources, one also enhances the validity of the study and strengthens arguments (Darbyshire, MacDougall, and Schiller 2005). This method primarily searches for consistent themes, but it may also illuminate inconsistencies between the different types of data that may “offer opportunities for deeper insight into the relationship between inquiry approach and the phenomenon under study” (Patton 1999). Emergent patterns from interviews, primary documents, and my observations from community meetings and interviews were similarly analyzed and considered in the context of my proposed and emerging research questions and theoretical framework.

Finally, viewing this process through the lens of Lefebvre’s conception that space is produced lends the potential for transferability to other contexts. While some mega-theories flatten and simplify phenomena, Lefebvre’s conception of space emphasizes the conceived, the perceived, and the lived experiences of space—a complex theoretical framework that yields layered analysis without sacrificing specificity. What is transferable are the ways in which the BBDP can potentially revolutionize space to create alternatives to liberal governance, a potentiality that could be of value to other communities that have been crippled by racism and violence.

My analysis caused my thesis to take a different turn than I originally expected. My original research questions asked a lot about racialization in the city—how neighborhoods became racialized, and how desegregation disrupted racialized

norms in the city—and while I certainly touch on that theme in my writing, as it definitely did emerge, it turns out that was a much bigger problem than could be covered in the scope of this master’s thesis, and than could most of my interview participants really address. Racialization in Boston is an interesting topic for a much bigger project.

The strongest theme that emerged overall was a general frustration with the perceived failures and/or successes of desegregation. Was it a failure? Why? Why is inequality still an issue? Why did some things work and why did others not? I think that my analytical process was successful because it allowed my project to have a good deal of flexibility—I was able to change directions pretty easily because this method of analysis was not stringently dependent on one set of questions. As a result, this thesis reflects the strongest themes that emerged from my interviews, particularly the failures of desegregation and “official” Boston’s methods toward equality and the hope for extra-governmental alternatives.

Chapter Three: The Colorblind Courtroom and the Fight for Educational Equality

Introduction

Although busing was intended to help students achieve equality in the Boston Public School system, throughout my fieldwork in Boston, interview participants expressed a view that busing was a “band-aid” solution to segregation and inequality in Boston Public Schools. Most memorably, one participant complained that nothing good came out of busing, that it only resulted in “dropouts, prostitution, and crazies.” It was not a solution that brought equality, but instead seemed to exacerbate and highlight the city’s racialized parochialism, particularly in the white Irish South Boston neighborhood. What emerged from busing in Boston was an uncomfortable paradox; while black activists had petitioned the city for well over a century for equal educational opportunities for people of color, the strongest legal measure taken to date resulted in a citywide crisis focused on the decision’s imposition upon and supposed unfairness toward white communities.

This led me to ask some very fundamental questions about the role and strength of the law in efforts to mend inequality. Does the legal system, rooted in US liberal ideology, pave the road to equality? In short, I found that liberal ideology can only espouse an individualistic version of equality, one in which group mobility, as Liberal ideology in the US is especially good at ensuring equality within the bounds what is comfortable to those who would like to maintain white privileged access to resources. When that privilege is threatened, it can thus be conversely used to roll

back progressive reforms in the name of “individual freedom.” Thus, we have to start asking serious questions about how to achieve equality in the United States in our contemporary times.

Morgan v. Hennigan and *Wessman v. Boston School Committee*, two cases that impacted Boston’s public education system, represent the work of antiracist liberalism in the legal system. The use of liberalism for the liberation of people of color was a hopeful advance in the civil rights movement; liberalism promises racial equality from the legally colorblind state. However, the same antiracist language and ideals have been used to declare affirmative action unconstitutional, thus decreasing minorities’ and the poor’s access to state resources. In the following chapter, I analyze how liberalism creates an epistemology of race that de-problematizes race as a factor that shapes American society, and fails to recognize race as ontological reality. As a result, I argue liberalized antiracism becomes a guise to maintain systems that preserve and enhance white privilege. First, I examine the roots of liberal thought in US political and legal systems. Working from Lefebvre’s assumption that “the viability of all transformative political strategies depends crucially upon their ability to produce, appropriate, and organize social space” (Lefebvre 1991; Butler 2009), I contend that the legal system is unable to thoroughly address racial inequality in the United States. Instead of *transforming* social space, it instead creates abstract spaces, neutral spaces that homogenize differences and reflect liberal ideology to build a false “postracist” consciousness. Operating from the premise that every individual has the right to equal opportunities to succeed, occasionally the state will encounter a crisis in which it

finds itself restricting liberty in some way. In order to resolve the crisis, it ensures individual liberty by scaling back its role in the inhibition of liberty, working to create a solution that neither inhibits any individual's liberty nor sacrifices anyone's liberty at the expense of others. The state seeks measurable solutions to the issue, and creates an environment in which individual differences are nullified in order to ensure individual liberty. Once the state is able to measure that this environment is created, it considers the crisis resolved and equal opportunity is once again in order. In the course of this process, the state ignores many symptoms that point instead to the opposite conclusion: that barriers to inequality remain. According to Lefebvre, "A social transformation, to be truly revolutionary in character, must manifest a creative capacity in its effects on daily life, on language and on space" (Lefebvre 1991, 54) I argue that the law, while it does play some role in changing the structures of society that inhibit inequality, it is ultimately insufficient because of its inability to address the historical and societal components of the production of space. In order to combat racial inequality in the United States, *space itself*, and its multiple components must be revolutionized before substantial change can be supported.

To demonstrate my argument, I analyze these two cases in which the creation of abstract, homogenizing spaces is clear. When compared in simple terms, the cases seem to be antithetical to one another. *Morgan v. Hennigan*, after all, forced schools to *desegregate*, while *Wessman v. Boston* eliminated any vestiges of a racially conscious admissions policy, and arguably resulted in the resegregation of many schools in the city. However, because they both emerged from a legal system that

relies on the liberal notion of individual equal opportunity, they both achieved much the same end: schools in which there were no legal barriers to entrance, and where racism was no longer an issue of the state's concern, nor an issue the state saw as its responsibility to correct. This analysis reveals that liberal ideology works to place the responsibility for social problems outside of the purview of state responsibility, and, following Lefebvre's conception of space, demonstrates the need to produce a new kind of space, an alternative to liberal abstract space, to deal with longstanding issues of inequality and racism that continue to plague society.

Liberalism and the Colorblind Space of the State

“Brown is a decision that makes us proud of ourselves. It represents an idea that is fundamental to our democratic values. It recaptured or re-imagined the vision of common schools, embraced and advanced by a broad coalition of late-eighteenth-century reformers, including Thomas Jefferson: the idea that there should be at least one institution in American society that provides a common experience of citizenship and equal opportunity, regardless of the lottery of birth” (Cashin 2004, 208).

The enslavement, restriction, and subordination of African Americans have been legally endorsed by the state at different points in history. Such legal endorsements were justified by *naturalist* conceptions of race—those that contend that certain races are unable to survive because they are inherently inferior biological beings (Goldberg 2002). However, as no biological justification was found to support naturalist claims, and as immigrants were finding success in the United States in spite of being racial “others,” race was then conceived as a personal social

barrier that could be overcome with time (Goldberg 2002). This *historicist* conception of race depends on liberal ideology: if given equal opportunities, anyone of any race can become successful (Goldberg 2002). However, this epistemological shift effectively erases the relevance of race in civic discourse without truly addressing the historic and present reality of racial discrimination. It imposes “racelessness” upon a society that has been deeply affected by race. Race becomes a *personal* issue rather than a *systemic* issue, and racism becomes much more difficult to pinpoint and attack (Lopez 2003).

“Racism, combined with equal opportunity mythology, provides a rationalization for racial oppression, making it difficult for whites to see the Black situation as illegitimate or unnecessary. If whites believe that Blacks, because they are unambitious or inferior, get what they deserve, it becomes that much harder to convince whites that something is wrong with the entire system” (Crenshaw 1988, 1380–1381).

As a result, landmark decisions such as *Brown v. Board of Education*, the first decision to rule that segregated schools were inherently unequal, and subsequent desegregation decisions like *Morgan v. Hennigan*, work to erase institutional barriers, but are not engaged with actually addressing the complex history of racism in American society. “Although few dispute the importance of *Brown’s* historic role in ending *de jure* racial segregation, some argue that too much emphasis was placed on the *separate* and not enough on the *equal*” (Horsford 2010, 291). In Horsford’s study, African American school superintendents were interviewed about the desegregation of schools, and these interviews exposed their mixed feelings about desegregation. Some argue that there was nothing inherently wrong with all-black schools, which directly opposes the language used in the *Brown* ruling. Further, they

say that while classrooms were “mixed,” they were never truly integrated, and segregation and inequality still exist in classrooms. These are powerful claims that directly contradict what liberalism claims to offer.

Broadly, liberalism is the idea that human potential is maximized when *individuals* are given the freedom to make their own decisions and forge their own destinies (R. M. Smith 1988). Thus, in the US, a state’s laws should not inhibit one’s opportunity to live a free life, but rather, they should preserve equal liberties for all individual persons (R. M. Smith 1988). These sentiments are rooted in the philosophy of John Locke, a thinker whose ideas mobilized the lower classes of Europe, particularly in the United Kingdom, “against restrictive medieval economic and political prerogatives and against repressive religious and intellectual orthodoxies” (R. M. Smith 1988, 229). The English who settled in the Americas were directly influenced by these ideas, evident in the Declaration of Independence, which famously states that “all men are created equal and that governments are created to secure inalienable rights to life, liberty, and the pursuit of happiness” (R. M. Smith 1988, 229). However, Melamed (2006) states that the antiracist liberalism promoted in midcentury politics was endorsed more for geopolitical reasons than for the creation of an egalitarian society. In order for the United States capitalist system to survive the threat of socialism during the Cold War, the vestiges of blatant American racism had to be removed so the U.S. could remain on a stable moral high ground. Thus, the very intentions of the state’s complicity with the Civil Rights Movement are called into question.

Smith (1988) argues that Liberalism perhaps placed too much faith in man's ability to discern that all groups have natural rights that governments should protect; he says that "Liberalism's language of rights can suggest that the calls to duty made by many associations [such as abolitionists and Civil Rights activists] are potential threats to [white] personal liberty" (Smith 1988, 230). Further, Purcell argues that liberal democracy is reliant on the protection of "negative liberties," which "have to do with freedom from interference that prevents individuals from doing what they want" (Purcell 2008, 41). This results in a very limited conception of what is permissible in the public sphere. The state should only be concerned with reducing its interference in people's personal lives, not necessarily with promoting a "positive" conception of rights. This would entail "ensure[ing] the provision of people's basic needs so that they are free to flourish to the best of their abilities" (Purcell 2008, 41).

Rather, when an individual's liberty is perceived to be in crisis, the state is willing and able to scale back significantly in order to ensure an individual's liberty, even at the expense of more expansive group interests. "It is thus a central assumption of the liberal-democratic imagination that a democratic society can achieve real political equality even as it maintains material and cultural inequality" (Purcell 2008, 64). Interestingly, this distinction between negative and positive liberty in the US resembles a distinction between black liberalism and white liberalism as described by ML King, quoted in Dawson's *Black Visions*:

"There is not even a common language when the term 'equality' is used. Negro and white have a fundamentally different definition. Negroes have proceeded from a premise that equality means what it says, and have taken

white Americans at their word when they talked of it as an objective. But most whites...proceed from a premise that equality is a loose expression for improvement” (Dawson 2003, 267).

This perspective is also reflected in the legal system’s remedies for inequality. It relies on an incrementalist, historicist assumption that all individuals within all racial groups, if given equal opportunities, can succeed in a liberal democratic society. To achieve equal opportunity, the legal system operates from a “colorblind” epistemology, in which the state provides “equal protection” for all individual citizens under the law as provided by the 14th amendment, and creates a space in which the state no longer has to recognize color as a barrier because it has dismantled all the barriers it legally can.

Ultimately this lack of emphasis on the ontological significance of race in US liberal democracy plays a strong role in the right’s ability to downplay the significance of race in the decades after the peak of the Civil Rights Movement.

“The passage of civil rights legislation nurtured the impression that the United States had moved decisively to end the oppression of Blacks. The fanfare surrounding the passage of these Acts, however, created an expectation that the legislation would not and could not fulfill. The law accommodated and obscured contradictions that led to conflict, countervision, and the current vacuousness of antidiscrimination law” (Crenshaw 1988, 1346).

During and after the 1970s, public, obvious, and displays of racism such as lynchings, and hate groups such as the KKK, became unacceptable in the US public sphere. This was due in part to the progressive policies enacted during the Civil Rights Movement. However, during the 1970s economic crisis and during the 1980s under the Reagan administration, policy became radically more conservative and

pro-white than in previous decades, as Reagan and Bush took a strong anti-affirmative action stance (Browne-Marshall 2007).

“Reagan harnessed the discontent which has been simmering among the large numbers of whites who have felt threatened by the racial politics of the past two decades. He opposed racial equality and civil rights for minorities in a manner that seemed on the surface ‘color-blind.’ ... Reagan ‘civilized’ the race issue by being quite adept at rearticulating the issues of race and racial inequality” (Omi and Winant 1994, 135).

Part of what made this possible lies in the ambiguity of anti-discrimination law, which makes it difficult to “defend its genuine interests against those whose interests are supported by opposing visions that also lie within the same discourse” (Crenshaw 1988, 1349). For opponents of many civil rights advances, equal opportunity was being stripped from white Americans with policies like affirmative action and busing, even going so far as to call these policies “reverse discrimination” or “reverse racism” (Omi and Winant 1994). The archival evidence I collected in Boston reflects this trend. In one letter written to Judge Garrity in 1974, a citizen complains:

“The students at Boston Technical High School are admitted on the basis of a competitive examination. Presumably, the students are somewhat more capable than the average student. In America, every student deserves the opportunity to be educated to the highest level of his ability. Should the better students be deprived of that right? Is the purpose of Democracy to serve as a great leveler so that mediocrity will be our educational goal?”

Another citizen expresses concern more explicitly in 1975:

“How do you expect the kids to look at each other as **individuals** if your court order doesn’t look at them as **individuals** [emphasis added]. When the

school system looks at kids in terms of race it is hard for kids not to look at each other in terms of race. Questions must be ask. [sic] Did I get this class because of my color? Did he get into this school and not me because I have a darker skin coloration than he has? Is this teacher here because he's good or is he here just because he happens to have the right skin color? Is this the kind of race relations your court order would like to stimulate. [sic]"

The epistemological stance of the "colorblind" or "raceless society" was being applied to preserve privilege instead of progress the disadvantaged, and this was legally possible because of the state's imperative to prioritize individual liberty above group interests.

Just as legal decisions do not exist in a social and historical vacuum, neither do they exist in a spatial vacuum. In order to combat the discrimination and inequality caused by segregation, both the law and society need to be confronted because law and space actively create meaning in society, while society in turn reproduces and produces the meaning of law and space (Blandy and Sibley 2010). However, the law is the only one of those two that can be formally confronted with concrete results in a liberal democratic system. While the power that minorities and oppressed groups gained in society through law was certainly significant, I argue that because the legal system relies on the liberal "equal opportunity" rhetoric that has defined the US system of governance since its inception, it is unable to enact sustainable radical social change. Rather, liberalism's focus on individual freedoms and protecting liberty *negatively* creates a space in which self-interest, rather than collective interest, is valued, and the scope of social change via legal routes is inherently limited. The state organizes what Lefebvre terms an "abstract space," a space in which the state neutralizes and homogenizes differences, in this case to

reflect liberal ideology. There is a clear pattern to the way the liberal democratic state does this (See Figure 2):

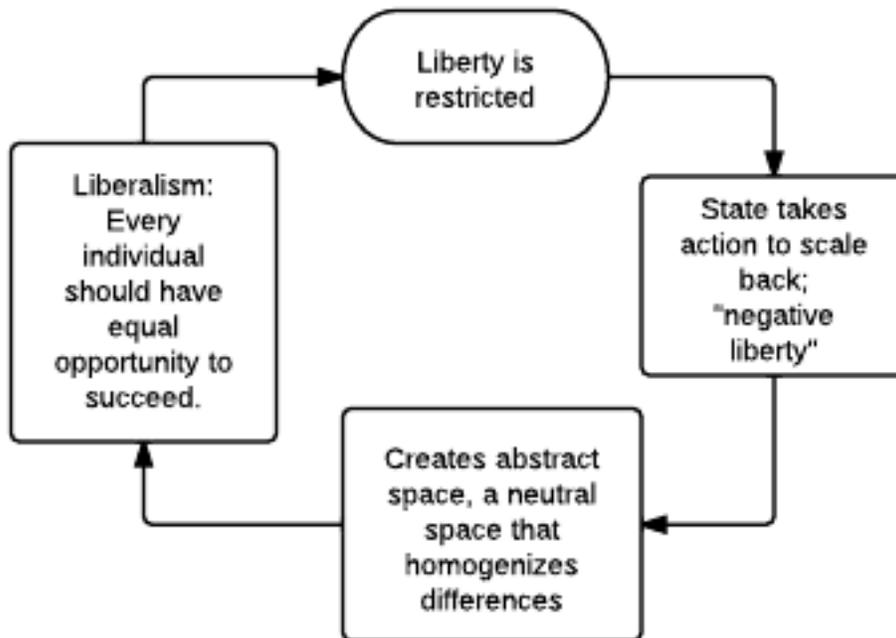


Figure 2: Pattern of the Liberal State

State actors use liberal ideology to identify a problem (individual liberty is restricted, i.e., through segregation), they craft a solution (find a way in which it remedies the way in which it was responsible for restricting individual liberty, i.e., it creates a desegregation policy), and their solution, is an abstract space, that “objectively” ensures equal access to state resources, thus restoring the perception that every individual has the equal access to state resources, and thus equal opportunities to succeed. This is demonstrable in both of the upcoming case studies.

Operating from the premise that every individual has the right to equal opportunities to succeed, occasionally the state will encounter a crisis in which it finds itself restricting liberty in some way. In order to resolve the crisis, it ensures individual liberty by scaling back its role in the inhibition of liberty, working to

create a solution that neither inhibits any individual's liberty nor sacrifices anyone's liberty at the expense of others. I found this to be the case in Boston over the course of several decades; progressive reforms such as *Morgan v. Hennigan* have been chipped away over time because they conflicted with individual interests.

The following sections examine two legal decisions in Boston in which the legal system followed this pattern. I argue that because of their common liberal foundations, they produced much the same results: they created abstract spaces that homogenized differences and attempted to create a colorblind system. This is problematic because of the real social inequalities that remain in Boston, and I argue that the legal system did not a new space because of its liberal democratic foundations. In order to tackle long-term inequality, white privilege, systemic racism, and legacies of violence, we must also re-envision how the public sphere can be reformed to recognize and defeat longstanding racism, privilege, and legacies of violence that continue to plague life in the United States.

Case Studies

Morgan v. Hennigan

“After fully 1 and ½ years of extensive busing to achieve racial balance...85% of our public schools fail to meet court-established racial guidelines. 85%! How is this possible? Simply stated: the white students aren't there. 17,000 of them are gone—out of the city, into parochial schools and private academies...or roaming into the streets....We have to ask ourselves a hard question: Is desegregating an urban school system worth that price? But what about the black child who...more often than not...gets lost in this discussion? The 14th amendment—passed in 1868—remains a commitment in words...not in deeds. Can anyone ask the black children of this country to

wait till a better solution is found? An easier way to erase school discrimination? Of course not. And in this climate of national indifference—it is more important than ever to persist, by whatever means, in the attack on racial injustice.”

The preceding quotation is from Boston Mayor Kevin White’s 1976 address to the Cleveland Urban League. He spoke after two years of racialized protest, violence, and tension rocked the city of Boston after Judge Arthur Garrity ordered that Boston desegregate its schools by busing in 1974. For the entirety of the existence of Boston’s public education system, children of color have struggled to succeed because of the racialized unequal distribution of resources. Johnathan Kozol’s (1967) influential book, *Death at an Early Age*, details his experiences teaching in Boston’s low-income mostly-black public schools in the early 1960s. He documents the isolation and oppression of black students; they were openly demeaned and mistreated by their peers and teachers, they received substandard accommodations, and they were disadvantaged from their earliest years by the ill treatment they received. While his account of the interpersonal daily injustices is stunning, what is even more stunning is the outright refusal of the Boston School Committee to address the problem. Although activists in communities of color petitioned for centuries for educational equality, passed state-level Racial Imbalance Act of 1965, and resorted to the creation of “freedom schools,” the Boston School Committee denied that segregation was an issue in the city. Rather, they contended segregation reflected individual choices and personal freedom. Unlike the U.S. South, inequality was not explicitly mandated by Jim Crow-type legislation. Therefore, the powerful Boston school committee maintained that segregation was a *de facto* part of life in

the city, reflecting individual residential choices. However, as Mayor White stated, busing was in fact a direct result of the Boston School Committee's neglect: "There is no disputing it. For years...deliberate policies isolated and restricted minority students." The school committee encouraged and mandated segregation in public schools by drawing districts according to race, and engaged in practices that resemble political gerrymandering. They also deliberately disobeyed state orders, as Mary Ellen Smith states in an interview (M. E. Smith 2005):

"It was very clear—you could see it if you were in the schools....the state had built, at Boston's request, had built two brand new schools, the Hennigan [Elementary School], and the Lee [Elementary School], the previous year. The only agreement the state insisted on is, we will put up a certain percentage—a significant percent of the money to build those schools, but you have to balance them racially. And of course Boston took the money, built the schools, then sat down and voted to not balance them afterwards...so it was pretty obvious to me at least that they had to be found guilty. They were violating the rights of black kids and they were consciously districting in such a way as to separate black and white kids."

As a result of this neglect, the case *Morgan v. Hennigan* exposed *de jure* segregation in Boston, and thrust the city's educational equality debate onto the national stage. Federal Judge Arthur W. Garrity ruled that the Boston City Schools intentionally maintained a segregated school system and he implemented the highly controversial policy to integrate schools by busing. Rooted in an antiracist liberal political ideology, this was a commonly used method for desegregation throughout the United States in the 1960s and 1970s. Students from majority-white schools would be bused to majority-black schools (and vice-versa) in an effort to create racially balanced schools in cities. Bostonians, especially those in the largely

working-class, white, Irish South Boston neighborhood, resisted his order through protests that were often violent. In spite of the upheaval, Garrity personally took charge of ensuring the implementation of this order until the mid-1980s. Ultimately, however, schools in Boston remain highly segregated, and achievement is still predictably low for minority students in the city.

Garrity's primary responsibility in this case was to determine whether or not the Boston Public School System had knowingly maintained a system of segregation, a "dual system." He found that they did by examining a number of factors including districting, feeder patterns, enrollment, faculty and staff placements, and entrance into vocational and examination schools. Based on analysis of those factors, he ruled their actions unconstitutional. Some of his analysis is fascinatingly damning. For example, he took issue with the district's "open enrollment" and "limited transfer" policies, which were supposed to achieve racial balance state mandates. However, in the hands of the Boston School Committee, they were easily manipulated policies that allowed very little change at all. Judge Garrity writes:

"Viewed together, the open enrollment and controlled transfer policies were managed under the direction of the defendants with a singular intention to discriminate on the basis of race. For open enrollment and evasion of controlled transfer restrictions were antithetical to the defendants' foremost publicized policy to have each pupil attend the school serving his neighborhood community. The court has already found that the 'neighborhood school' policy was no impediment to segregative districting, redistricting, use of facilities and feeder patterns. So here, when a neighborhood started to change from predominantly white to black, the 'neighborhood school' policy was subordinated to the white students' presumed right to escape to safely white out-of-district schools. The result of

the defendants' maneuvering was to encourage and facilitate the abandonment by white students and parents of schools which appeared to be in the process of becoming predominantly non-white" (Garrity 1974).

As a result, he ordered that "the defendants must eliminate all vestiges of the dual system 'root and branch,'" and "no amount of public or parental opposition will excuse avoidance by school officials of constitutionally imposed obligations." This is a stiff ruling, as violation of constitutional principles is the most serious issue in civil cases in American law. However, he follows his analysis with a statement that is significantly more ambiguous:

"In Boston the public school population is approximately two-thirds white and one-third black; ideally every school in the system would have the same racial proportions, although as a practical matter there is no prospect of achieving this 2:1 ratio in every school. The Court has also pointed out that with desegregation plans which leave any schools all or predominantly one race, white or black, the defendants must carry the burden that such treatment is genuinely nondiscriminatory."

Genuinely nondiscriminatory: How would that be proven? Is the school system the only structure that is liable, that is capable of discrimination that affects where children go to school? What Judge Garrity fails to do is address the history of discrimination in Boston and other northern cities that led to all-white neighborhoods that could serve to justify the existence of all-white schools. For example, neighborhood segregation of African Americans was in part a result of discriminatory housing practices. "Redlining" was a practice used by lenders and the Federal Housing Administration to evaluate investment risk based upon the racial and ethnic composition of neighborhoods. So, if a neighborhood was not white enough, it was deemed too risky for investment. Capital was denied to minority

neighborhoods, resulting in uneven development in inner cities (Kaplan et al. 2004). Discriminatory practices even extended to private transactions: “restrictive covenants made it illegal for white owners to sell property to blacks if a majority of the neighborhoods residents opposed such a transaction” (Kaplan et al. 2004, 248). Thus minorities in Boston’s inner city neighborhoods were at a distinct structural, economic, and social disadvantage and likely could not reside in all-white neighborhoods such as South Boston if they wanted to.

This legal decision follows the pattern of liberal ideology in the legal system (see figure 3):

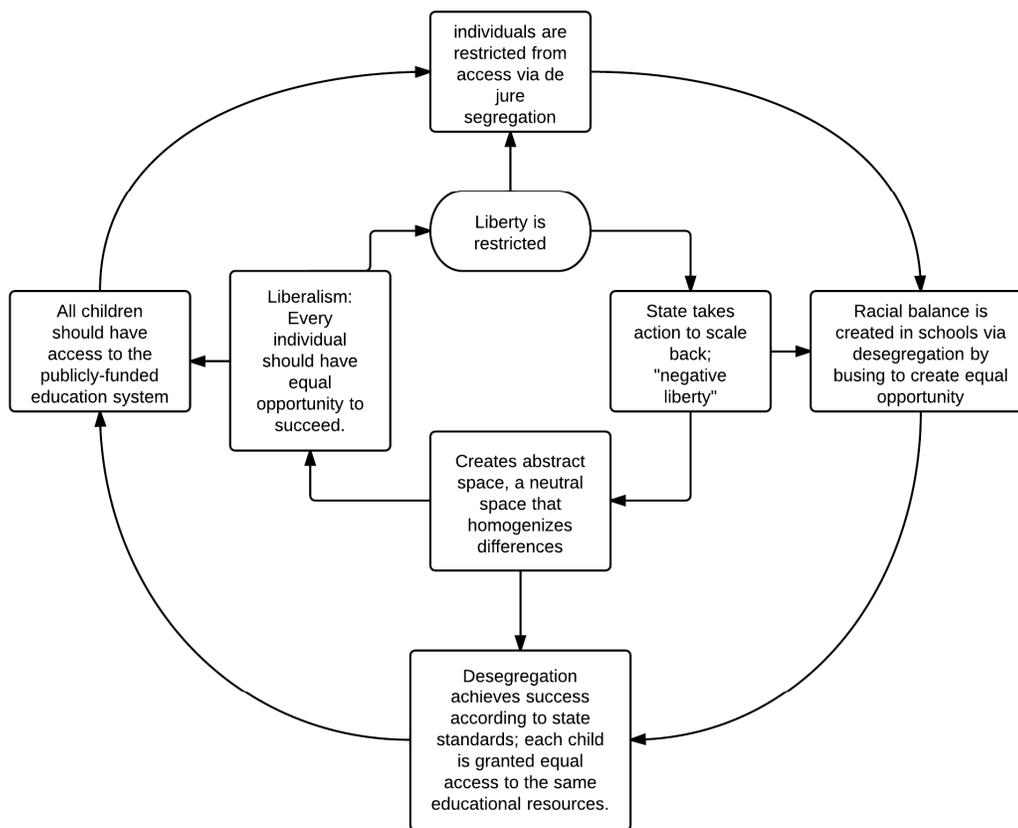


Figure 3: Morgan v. Hennigan and the Liberal State

This process creates an impression that the problem is solved, that educational opportunities are being provided with no inhibition, and that, ultimately, the state is no longer responsible for racism. However, the reaction of Boston's residents to the policy sharply demonstrates that racism continued to be an issue in the city, particularly with regard to education in this case. It is clear that racism in the city is much more complex problem than these legal measures addressed. While the judge discussed unfair gerrymandered districts and the school committee's commitment to segregation in spite of state orders otherwise, he was

only able to address one layer of state-sanctioned segregation and inequality in the city. “Genuine nondiscrimination” on the part of the school system is not enough to reverse a history of discrimination throughout the city. “The struggle, it seems, is to maintain a contextualized, specified world view that reflects the experience of Blacks. The question remains whether engaging in legal reform precludes this possibility” (Crenshaw 1988, 1349). Further, I argue that liberal “nondiscrimination” is far too ambiguous with regard to the significance of race. Thus, it was susceptible to re-articulation from the right in the coming decades.

Although Judge Garrity ruled that the deliberate nature of segregation was obvious when the evidence was examined, white politicians and communities interpreted the judge’s actions quite differently. An activist group called Restore Our Alienated Rights (ROAR) led the white community’s anti-desegregation response, which was guided by a discourse steeped in liberal “personal freedom” ideology. In ROAR’s eyes, desegregation was not about providing equality but was instead about stripping individual rights from citizens, reflected in a speech given during a ROAR meeting by Chris Iannella, a Boston City Council member:

“We’ve all come to America because of the freedom it offered. What freedom is left now? Let our politicians know, in the State, and in Washington....Write that he [Judge Garrity] is infringing on your rights as parents, to educate as you see fit. The problem of forced busing is going to be turned around. Anything forced on the American mind is alien and we won’t take it.”

(emphasis in original)

This statement reflects the pervasive attitudes of many white Boston residents, particularly those who were involved in the anti-busing movement. Instead of seeing desegregation as an avenue toward equality in the city, they stated

that busing was a threat to personal liberty and represented the growth of big government, and it also represented the growing power of the black community. There was a lot of tension around these points in many of the letters that were written to officials during this time period, and officials capitalized on these fears when engaging with the public. Louise Day Hicks, a middle-aged mother and seasoned politician whose perspective on busing inspired like-minded parents to take action, was the leader of ROAR. In a meeting in 1975 she blatantly capitalized on concerned parents' fears, as an attendee documents:

“She said ‘in phase 2 [of the desegregation plan] your little children will be bussed and your heart will be heavy, you’ll be wondering where they’re going and you won’t even know...’ She also told the group about the first day of school in South Boston last year. She said parents were peaceful and had tears in their eyes, media coverage was biased. To this day there are times when South Boston people are not allowed out of their homes [the P.I. has found no documentation of this claim]. She said she couldn't publically advocate a boycott but quoted ‘a very brilliant man who said last year that if all parents kept their kids at home forcible bussing would stop. There are people who have bused their children into black neighborhoods/schools regularly. They have a right to...but don't I have a right not to?’”

Her claim that the first day of school in 1974 in South Boston was peaceful was not true; multiple reports document violent white reaction. Students faced rocks being thrown at them, verbal and physical assaults, and neglect in the classroom. However untrue Hicks' statements were, however, they struck a chord with citizens in South Boston, and the sentiment extended beyond her to other city council members, senators, and even the president. Senator William Bulger, brother of the notorious Irish mobster “Whitey” Bulger, made a speech before the Boston City Council in

1975, in which he decried black-on-white violence in the city as the *real* face of racism, and accused the NAACP, who played a key role in ensuring the passage of civil rights legislation in Massachusetts and advocated on behalf of desegregation, of purposefully ignoring black-on-white violence for its own political gain. He states, “The NAACP’s greatest enemy is the truth and reality of life in Boston...black leaders who are claiming benefits and advantages—known as affirmative action—for the members of a particular group based solely on skin color, deserving or not, in this case blacks, also must be willing to defend that same group from criticism of those who see patterns of anti-social and criminal group behavior.” (Suffolk U, Folder 59)

There is one obvious irony in his statement that is irresistible to point out: although he decries violence in the black community, his own white brother was responsible for murdering dozens of Boston’s citizens over several decades in cold blood in gang activity. This irony is worth pointing out because the senator is decrying the violence in the black community as if the white community was *only* characterized by peace and order. This was a false dichotomy that was constructed discursively, but did not match the reality on the ground in the city. However, whatever the reality, the hostility toward affirmative action and the government-endorsed advancement of people of color gained traction throughout the coming decades, and resulted in the reversal of many progressive policies that were the result of hard-fought struggles during the civil rights movement.

Wessman v. Boston School Committee—US Court of Appeals

One example of such a reversal in Boston was a case in 1998. A white ninth grader named Sarah Wessman was denied admission to Boston's most prestigious public high school, Boston Latin Academy. Admission to this school is the culmination of a young Bostonian's life's work; it requires a demonstration of dedication to education and an excellent score on an admissions exam. Ms. Wessman ranked 91st in line for admission to the 90-student ninth grade class, in spite of the fact that she outscored 11 of the admitted students on the school's entrance exam. When Sarah and her parents sued the Boston School Committee on the grounds of racial discrimination, they engaged in a decades-long debate in Boston over how educational equality should be attained in Boston Public Schools (BPS) and the decision they fought for and won represented a conservative discursive shift that trended across the United States for decades that had material consequences for the prospective success rates for students of color. Part of the goal of this chapter is to illuminate legal roots of this shift and to analyze its consequences for the city of Boston.

The court's purpose was to determine whether Sarah's denial to Boston Latin violated her constitutional right to equal protection under the law as outlined in the 14th Amendment. The court ruled that the school had insufficient justification for including race as part of its admission criteria because its data was not quantitatively significant (Selya 1998). In reference to one witness who was once a researcher in Boston's classrooms, the court stated: "Because Ms. Jackson was unable to quantify her observations in any manner whatsoever, the district court could not validly conclude that the number of 'problem' teachers she observed was

statistically significant.” The school claimed that admissions quotas for Black and Hispanic students are intended to make up for the achievement gap that exists for minority students during their primary education years, to which the court rebutted: “there is no reason to assume that granting a remedy to one member of a particular race or ethnic group comprises a condign remedy for harm done to another, especially when those who have been harmed are easily identifiable and still within the institution that allegedly suffers from the vestiges of past discrimination.” Also, the court stated that the achievement gap statistics were too unfocused, and that they could not eliminate the possibility of “societal discrimination,” meaning that low performance can be a reflection of a poor socioeconomic background and not of discrimination. Finally, they conclude: “in structure and operation, the Policy indicates that it was not devised to assuage past harms, but that it was simply a way of assuring racial/ethnic balance, howsoever defined, in each examination school class,” which, according to the court, upholds Sarah’s claim that her constitutional right to equal protection was being violated.

This case again follows the pattern of the creation of abstract space by the liberal state (see Figure 4):

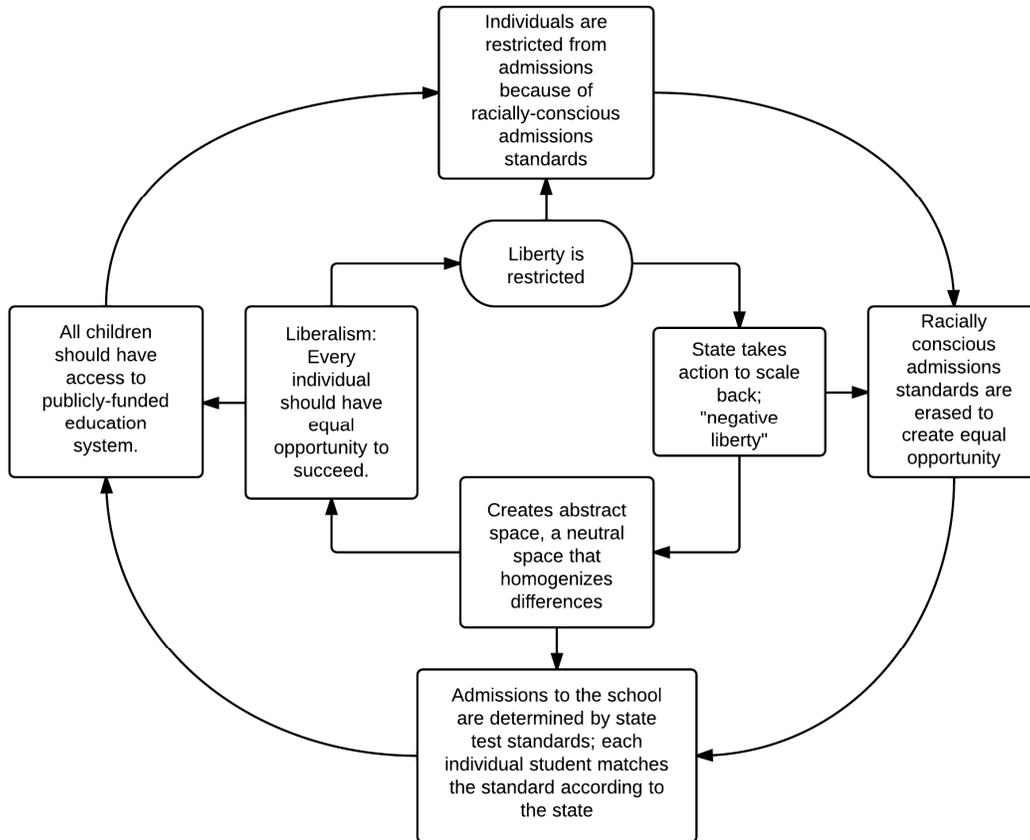


Figure 4: *Wessman v. Boston School Committee and the Liberal State*

In this case, the state erases any consideration of factors for admission other than those that are quantitatively meritocratic. Any other possible considerations that affirmative action policies give room to consider, including systemic racism, are eliminated as possibilities for inclusion. Just as in *Morgan v. Hennigan*, Sarah's case does not stand alone in the annals of history, nor does the legal system itself act within a vacuum; rather, this case is embedded in a sociohistorical context in which race is hardly seen as a barrier at all. Instead, "social discrimination" has taken its

place, in spite of the fact that little *substantial* changes have been made to affect racial inequality. The insidious nature of a “raceless” society is palpable here; if discrimination must be quantified, statistically significant, then how many times does one have to experience or inflict discrimination for it to “count”? Why does it only take one denial of a white girl to a top high school for discrimination against whites to count? Consider Melamed’s (2006) statement:

“As racial liberalism redefined race as culture, it also promoted an idea of a racially inclusive U.S. national culture as the key to achieving America’s manifest destiny and proof of American exceptionalism and universality. Under such conditions, any racial/cultural deviations from an ideal national culture connote negative deviations—in other words, grounds for ‘legitimate’ exclusion of some from the wealth and freedoms presumed to be commonly available to all Americans. Viewing it in this light, we can grasp racial liberalism’s cultural model of race as one that actually renewed race as a procedure for naturalizing privilege and inequality” (Melamed 2006, 7). Using this logic, the court actually delegitimized claims to programs like affirmative action because of its insistence that any consideration of race in school entrance decisions was unconstitutional. It was not the court’s imperative to consider “societal discrimination.” Without privileging the ontological significance of race in society, the court made a decision that further cushioned the seat of white privilege. It legitimized claims to “reverse discrimination,” and the language of liberalism leaves little to be done about it.

This trend did not stop with Ms. Wessman’s case. Rather, state actors continue to insist that we live in a post-racial society, especially in the wake of the election of President Obama. “Although the rhetoric of colorblindness presents a

facade of individualism, it ignores the social conditions that affect achievement gaps in education, graduation rates, underrepresentation in higher education (particularly prestigious institutions), and employment disparities remain” (Alema`n, Jr. et al. 2011, 485). If state actors continue to ignore the evidence that structural racism and white privilege exist, this has real impacts on the ability for people to survive in the neoliberal era. Without truly equal access to high quality public education, communities of color will continue to face a disproportionately large burden to survive without being given the tools necessary to do so. While my interview participants stressed that yes, parental involvement and student effort are both key factors in high achieving students, equity of funding resources, and true equity of opportunity across all of the city’s schools was another important factor. However, as I will discuss in the following chapter, what equality actually means seems to vary across the color line as well.

Conclusion

By understanding these decisions and their consequences in the context of the deeply racialized society from which they emerge, I have demonstrated that liberal ideals are ineffective for the radical transformation of society. The elimination of institutional barriers to success is not enough to rewind centuries of inequality practiced by the *people* within institutions. Further, the ambiguity of liberal ideals in legal decisions renders them vulnerable to unintended rearticulation and reversal. What if we begin to consider race as an ontological reality, as Saldanha (2006) urges us to do? “Race is not only a problem of how people think about skin colour. We need to know what race really is, that is, what it

can be. Deontologising race... seems a bad option if all the ontological questions are left to reductionist sociobiologists and far-right politicians to answer” . I would add that deontologising race is a bad idea if inequalities are to be left in the hands of a legal system steeped in white privilege. The state, if it is going to truly combat racial inequality, must recognize that race matters.

Instead of relying on a system that has proven to be ineffective and vulnerable to misinterpretation in its efforts to secure equality for minorities in the United States, scholars should instead focus on alternatives to the legal system that hold the promise of *actual* progress. One such alternative in Boston is a Truth and Reconciliation project that is currently being organized to combat the long-term legacies of racism and violence that have contributed to persistent inequality throughout the city. This effort intends to transform the Boston Public School system by starting at the grassroots level. Organizers are mobilizing Boston’s citizens to take part in a restorative justice effort to discuss the long-term effects of desegregation and busing on the city, tackling the persistence of racism and inequality that the liberal court has systematically placed outside of its realm of responsibility. By allowing communities to define themselves and come to a collective understanding of busing and its impacts, perhaps this could lend to the production of space that Lefebvre sees as key to the revolution of society. In the following chapter, I examine their efforts in more detail and contextualize them as an assertion of the right to the city by engaging in a community-driven restorative justice process.

Chapter Four: Uniting A Community With Truth: Boston Busing/Desegregation Project

Introduction

Community is at the heart of the debate surrounding desegregation by busing and its impacts in Boston. When Judge Garrity ordered in 1974 that students be bused from the all-white Irish South Boston neighborhood to the nearly all-minority Roxbury neighborhood in 1974 (and vice-versa), white protestors dominated the debate about the desegregation order in the city by demonstrating by the thousands in city streets. They demanded that their children should still be allowed to attend the neighborhood schools that they saw as integral parts of their communities. They argued that neighborhood schools represented parental freedom of choice in choosing a neighborhood to live in, having control over their children's education, and community control over schools. While the discourse was about how busing negatively impacted "community" on the surface, research reveals a much deeper, more sinister side to the discourse about busing in Boston. This is a discourse that community organizers in the city allege has never discussed on a large scale, and that continues to impact minority neighborhoods and minority student outcomes in the city.

That discourse is about the very real racialized nature of the debate about busing in Boston, and the impact that racism continues to have in the city as a constant undercurrent in the problems that plague it, particularly in the education

system. The arguments about community were also arguments against racial integration, using coded language that has defined racialized politics after the Civil Rights Movement (Omi and Winant 1994); communities wanted control of who lived, worked, and schooled there, and parents wanted control of with whom their children shared classrooms. Black students, teachers, and parents report experiencing traumatic racialized physical and psychological violence during the busing era, not unlike what the American South saw during its school integration battles. One interview participant expressed particular awe at that the instigators of violence were not just young students, but *parents* and *adults* inflicting violence on children. Students reported being pelted with rocks on the school bus by angry mobs of parents, and being called racial slurs as they walked into the building. Inside the school building, black teachers reported being treated poorly by their colleagues, black students reported being bullied and harassed by white students, and even white students who regarded themselves as desegregation sympathizers were harassed and alienated. Many of the letters, handbills and other promotional materials produced for anti-busing campaigns sent to Judge Garrity reveal that the integration of black children and white children conjured fears of increased violence in neighborhoods otherwise seen as safe. Parents also believed that integration decreased the quality of education, and presented an economic threat as black citizens were getting “special treatment” and were “taking over.” There were even fears of miscegenation (especially for little girls). The “invasion” of black students into white communities was painted as a racialized threat to social order, not merely as a relinquishment of parental choice or community control. The conflict

was not just about control over education, it was about control over who belonged where and what the presence of black bodies was believed to mean.

In the following chapter, I examine the Union of Minority Neighborhoods' efforts to organize a truth and reconciliation process to construct a more inclusive, all-encompassing discourse about the events during the busing crisis and its long-term impacts on the city. I argue that through their effort to engage with a restorative justice process, the group is asserting a right to the city by providing a means to bring stakeholders to the table whose voices have not yet been heard. Their efforts reflect what Purcell (2008) calls radical democratization, which “envisions a fundamentally more public, more collective, and more democratic world than either neoliberalization or the liberal-democratic state can provide....It demands instead a substantial equality whereby all people are materially, politically, and culturally *equivalent* in way that makes political equality truly possible” (Purcell 2008, 85). The way in which they are structuring this process asserts a Right to the City in terms of: a right to participate (Purcell 2008, 96), to link otherwise disparate stakeholders around a common cause (Boer and de Vries 2009), and the right for all voices to struggle in the conversation about what the city—and the services it provides—is *for* (Purcell 2008, 105). They are claiming a right to define the discourse of an event in an attempt to change the way the event shapes public policy. By reframing the way busing is discussed and whose voices are privileged in the discussion, they hope to shed light on the persistent relevance of the racism and violence that defined the years 1974-1978. Through this effort, they hope to have a broader engagement with questions of racism in Boston, a city whose

systems, and many of its citizens, consider themselves to be “post-racist” or “colorblind.” They are asserting the right to discuss racism and to directly challenge contemporary notions of post-racism in a city that is marked by persistent historical racialized inequality. In the following pages, I examine the theory of restorative justice/truth processes, and I frame them within a “right to the city” discourse. I then discuss the rationale of beginning a truth process in Boston, and finally I discuss and evaluate the progress of the organizers’ work thus far.

Restorative Justice, Truth and Reconciliation, and the Right to the City

To begin, it is important to draw a distinction between retributive justice—justice that defines the punishments that typify the US criminal justice system—and restorative justice, efforts where justice reaches beyond retribution. By examining the roots of retributive/restorative justices, I seek to make explicitly clear why community organizers are opting to pursue a restorative justice process. Further, I will illuminate how their community-driven restorative justice effort works to assert a right to the city both by providing an alternative form of justice for those harmed by racialized violence, and by providing a means to begin building an advocacy community for Boston’s public school system.

Upon first glance, retributive justice and restorative justice each stand theoretically opposed to one another. Retribution is specifically about doling punishment that is proportionate to the crime committed, whereas restorative justice attempts to achieve less straightforward objectives such as community building and reconciliation. However, I argue that instead of being opposed to one

another, restorative and retributive justices are, in fact, dialectically related to one another. Each is designed to reach a goal: justice. However, the way justice is conceived is not static; rather, justice is a process that is shaped by the actors who summon it as well as the systems that claim to uphold it. The dispensation of justice is sensitive to its historical material context, and the different forms of justice that have emerged are the result of justice's relationship with that context. . I will begin this section by illuminating the differences between retributive justice and restorative justice, and then I will discuss each of these conceptions of justice in the context of the formation of the BBDP.

Retributive Justice

“Retributivism is the view that someone who is guilty of transgressing the law ought to be punished and that this punishment should be proportional to the seriousness of the transgression” (Allen 1999, 327). Retributive justice is rooted in the enlightenment notion that man is an inherently moral actor, and that any transgressions on that morality naturally deserve punishment (Weiler 1978). Therefore, certain crimes can be defined as offenses that are *malum in se*, or intrinsically wrong. This definition is rooted in religious ideals that paint some offenses as being naturally wrong; whether or not the state exists to condemn the action, it remains wrong (Gray 1995). Some crimes that would be prohibited in this manner are murder, theft, and rape. In the criminal justice system, then, retribution for these crimes is not only socially desirable, but it is a natural consequence of violating moral codes. One could only expect to receive punishment for the crime.

However, retribution is not limited to crimes defined by natural law. In contrast, offenses that are *malum prohibitum* are wrong because the state says so; there is nothing that defines the action as absolutely inhuman (Gray 1995). Such crimes are defined by each society, and could include gambling and drug use, among other offenses. Whether these crimes are defined by a universal or societal moral code, however, matters little in today's retributive justice system. No matter what kind of crime one commits, there is a system of punishment in place in terms of either confinement or corporeal punishment.

Retribution has not always reigned in the US criminal justice system; strict retributive justice transitioned into rehabilitative justice. It was believed criminality was a condition that could be fixed in each individual (Weiler 1978), and that punishment of criminals was not enough to prevent and mend problems in society. Inmates would undergo intense counseling and/or psychological treatments behind bars to treat the root causes of the crime, which were believed to be rooted in the individual's behavioral psyche. This behavioral-based justice was dependent on an inmate's diagnosis by a professional, usually in the psych field, as "healed" in some way from the condition that caused his criminality. However, in practice, that led to indeterminate sentencing as the inmate awaited his or her diagnosis (Weiler 1978), which may not ever have been administered. This was eventually viewed as being ineffective and unfair, and assumed that every criminal was in need of some sort of medical or psychological rehabilitation.

Therefore, behavioral-based approaches elicited a turn back to simple retributive justice. Retributive justice re-emerged as an opportunity to define crime

and punishment more systematically according to standards of morality (Weiler 1978). The fairness of the dispensation of justice, however, is uneven. Although retribution is supposed to be guided by moral laws, many criminals managed to slip through the cracks. This has been a particularly troublesome reality for people of color throughout the United States. For instance, lynchings often went unprosecuted. Particularly famous cases, such as Emmitt Till's murder in 1955¹ or the Greensboro Massacre in 1979, did not result in criminal punishment, even though the murderers were well-known. The retributive justice system has a long history of failing to bring justice to communities of color, laying the foundation for later restorative judicial efforts.

Retribution has even begun to exacerbate inequality and injustice. According to Gilmore (2007), the government operationalized criminal behavior sentencing to an unprecedented extreme beginning in the 1970s and continuing until the present. The growth of punishable crimes and mandatory sentencing has been growing at an astounding rate since the 1970s, and the impacts of this trend have been most deeply felt by people of color and the economically underprivileged (Gilmore 2007). This trend aligns with the conservative trend I described in the previous chapter. As the country eased away from the turmoil of the civil rights movement, white anxiety about black upward mobility resulted in the rollback of many progressive measures, including affirmative action. Additionally, the growth of punishable crimes hit poor

¹ Emmitt Till was a 14-year-old African American boy who was brutally murdered by two white men in Mississippi in 1955. He was beaten so brutally that he was completely unrecognizable. The case rose to fame in part because his mother insisted on an open casket funeral to bring attention to the brutality of the case, in hopes of bringing the murderers to justice. They were never convicted, and later confessed to the crime.

communities of color the hardest, further inhibiting the ability of communities of color to continue to rise to prominence in American society. Retributive justice has been missing the mark—by punishing more and more people, communities are suffering, starving for a new kind of justice. Gilmore (2007) argues that the justice system as it stands today actually undermines the ability of communities to recover from violence, economic strife, and other causal factors for criminal behavior, as opposed to being supportive of holistic recovery from the ill effects of crime. The blame continues to be placed wholly on the *individual's* choices and personal responsibility, with no room whatsoever to address the larger injustices that are the root causes for crime in society. Where is the justice for structural racism?

Individual agency reigns supremely in the legal system, whether in civil or criminal court. However, the effects of racism, violence, and crime permeate society beyond the individual. Increasing numbers of punishable crimes, paired with increased prison terms, removes people (fathers, mothers, brothers, sisters, friends) from communities, causing deepening splinters in a society that has already been marked by incredible strife. Similarly, in Boston, the effects of busing extend beyond individual acts of racism and violence. Rather, the effects of these acts have permeated communities to create an atmosphere of distrust of different communities, of the government, and of the school system. The violence and racism surrounding the busing crisis caused rifts in society that have yet to be mended. By engaging in a restorative justice effort, the organizers at the UMN hope to come to a holistic understanding of the broader effects of individuals' violent and racist behavior during the busing era to bring a different kind of justice to the area. They

seek a justice that recognizes the complexity of contemporary racism, the long-term impacts of violence and racism on the city and on people's lives, and a justice that comes not from the top-down, but is defined and experienced from the ground up.

Restorative Justice

Retributive justice is meant to deter criminal activity, but what of “compensatory justice, rehabilitative justice, justice as an affirmation of human dignity, and justice as exoneration” (Clark 2008, 333)? While the fear of being locked in a jail cell may keep some from attempting crimes, “both punitive and therapeutic interventions place offenders in a passive role—as the object of treatment or services on the one hand, and punishment and surveillance on the other, and few opportunities are provided for law breakers to make amends” (Bazemore and Umbreit 1995, 301). Restorative justice is a potentially freeing alternative to this passivity; in Boston, instead of seeking justice through the legal system and punishing individuals, instead justice is sought by giving people the opportunity to tell their stories, make amends, and forge a community that is able to work together toward a better future.

Restorative justice measures “give victims, offenders, and the community decision-making power” (Roach 2000, 253). Both victims and offenders have the opportunity to share their perspectives, and are given the chance to make amends and come to mutual understandings. Rather than the victim or the state seeking revenge upon the offender, restorative justice is ideally about rebuilding community and coming to a common understanding of what justice should be in context (Bazemore and Umbreit 1995). Instead of allowing the government to maintain a

strict monopoly over punishment, restorative justice initiatives allow for those who are affected the most by crime—“the victim, the offender, and the community” (Kurki 2000, 236)—to take ownership of the justice process. It can be a highly formalized process—such as a formal, state-sponsored truth commission, or it can be a very small-scale inter-personal process. In the formal criminal justice system, restorative justice generally involves a very small group of people: the victim(s), the offender(s), and their associated family members and supporters (Roach 2000). In this setting, “victims play the most crucial role and this gives them some of the autonomy and power that was taken away by the crime” (Roach 2000, 256). This stands in contrast to offender-focused retributive measures; instead of focusing so much energy and resources on punishment, restorative measures redistribute the energy of justice among a variety of stakeholders. Restorative justice gives space to address the underlying causes and consequences of criminal activity, which retribution inherently cannot. While retribution places the burden of crime entirely on the individual criminal’s shoulders, restoration gives the criminal the opportunity to give their actions context, apologize for their actions to the people whom they most affected, and even offer some sort of reparation. In fact, “Advocates identify community development as an essential goal and believe that restorative justice practices can alter existing social structures that cause crime” (Kurki 2000, 239). That is a huge shift from the way retributive and rehabilitative justices treat criminal behavior—while the former methods cite only human agency as the cause of crime, restorative justice gives the opportunity to consider the structures that govern society that cause crime to exist in the first place. Personal accounts of

racism, economic strife, poor upbringings, and simple interpersonal understandings all have a place in the discussion. Justice, then, more closely resembles a plan to mend problems in society than just deter or punish an individual criminal. While I should make clear that the UMN has not call anyone's actions during that time "criminal," they do refer often to "victims" of the period, and seek to contextualize that victimhood in broader structures of institutional racism and violence, therefore a restorative justice initiative is well-suited for such an effort.

Restorative justice has also been important in large-scale contexts, such as post-conflict transitional governments. Because retributive justice measures focus on the punishment of individuals, trials can be lengthy and expensive. In post-conflict states where large portions of the population are often liable for human rights abuses, it can simply be impractical to expect individual trials for each and every offender (Bosire 2006). Further, "trials paint an incomplete picture of the past and offer equally incomplete justice" (Bosire 2006, 4), especially in post-conflict situations where the state itself, which normally administers justice, is apt to be culpable in crimes against humanity (Balía 2004, 296). One solution offered to this dilemma is the Truth and Reconciliation Commission model of restorative justice, which is frequently used in transitional states to provide a neutral alternative to traditional modes of justice that does not overburden a newly reforming state, and uses truth-telling, reparation, and amnesty as alternatives to retribution (Balía 2004, 296). "The recent proliferation of truth (and reconciliation) commissions in traumatized and conflict-ridden nations around the world testifies to the dearth of and ethical hunger for, truth about political wrongdoing in these societies" (Hatch

2008, 105). Restorative justice is perhaps the most postmodern of modes of justice. If it is possible to break down the history of an event or era of violence and abuse, and understand the full effects of that time, then perhaps it becomes possible for the truth to be the foundation to build a new reality. Llewellyn and Howse echo that notion:

“The idea of justice as restorative opens up the possibility of a rich contextual exploration of what, at a given juncture in the evolution of society, both victims and perpetrators need for equality to be established or reestablished in light of the offences that have occurred. The emphasis is on reintegrative measures that build or rebuild social bonds, as opposed to measures such as imprisonment and the death penalty that isolate and alienate the perpetrator from society” (Llewellyn and Howse 1999, 357)

Further, restorative justice in this context requires the implicit commitment and faith in the process from a large group of people. “When mass crimes are committed, whole societies are affected. Whole societies, therefore, must be involved as much as possible in the reconciliation process...” (Clark 2008, 334). This opens up one of many problems entailed in constructing a truth process: is it even possible for all of society to be involved? Clark (2008) argues that Truth and Reconciliation Commissions connect justice to the people more closely and convincingly than do other modes of transitional justice, such as trials through the International Criminal Court. “...it [is] more likely that the justice...[the ICC] administer[s] will be contested and, as such, more likely to divide than to reconcile fractured societies” (Clark 2008, 334). This is consistent with the views regarding

justice on smaller scales—retributive justice may further entrench problems rather than truly address them. “A great deal of the controversy, not to mention passion, that surrounds the workings and assessment of these commissions by different parties, has to do with the tension existing between the two poles of this continuum: the putatively primordial human impulses to wreak vengeance or to offer forgiveness, for terrible wrongs done” (Avruch and Vejarano 2002, 39). TRCs work under the assumption that truth telling and amnesty are acceptable replacements for retribution and punishment. However, in many post-conflict areas, amnesty actually deepens discomfort and even angers many in the population it is intended to mend. While going before a truth commission is seen as some sort of punishment, in terms of being forced to publicly confess one’s transgressions and being publicly reprimanded, one cannot assume that offenders will interpret their participation in the TRC as such (Allen 1999). Endorsements of reconciliation as a form of retribution “should be hedged by the recognition that some offenders will not perceive their experience in these terms; they will simply go through the motions and then attempt to wipe the affair from their memories...strict proportionality is lost, and the perception on the part of the offender of having undergone a serious punishment *may* be lost” (Allen 1999, 328).

As I previously argued briefly, it is too simplistic to think of restorative justice in strict binary terms—as opposition to retributive justice. Rather, these two modes of justice are dialectically related to one another through a broader quest for justice, a flowing process that changes according to the historical material circumstances. There are circumstances when restorative justice could perhaps be

better served by incorporating some form of retribution. Further, while within a truth process there is potential for collective truth regarding an event, it could also imply a sense of collective guilt regarding the event (Clark 2008), yielding complicated results with no clear winners or losers. The organizers in Boston embrace the complexity of the idea of “reconciliation,” and they do not explicitly point out any offenders, seek to leverage any particular punishment, nor have they defined what reconciliation would actually be. While in other contexts the need to do such things may be important, in this context the organizers are using the truth process as a community building exercise in which a common understanding of truth is collectively constructed and used as a basis for organizing. “Justice” then more closely resembles empowering those who have been disempowered by legacies of racism through the medium of a truth process.

The government plays a complex role in TRC processes depending on who is organizing the commission, who is deemed to be at fault for the abuses in question, and who ends up benefitting the most from the existence of the commission. While most truth commissions occur in a transitional context and receive government support, such as the South African commission, the Greensboro TRC, for example, was organized in the context of a political environment that was generally hostile to the commission’s efforts (Inwood 2011). In fact, the political actors in the city “had a stake in seeing that the truth commission’s work was as difficult as possible” (Inwood 2011, 13). The commission’s organizers repeatedly attempted to include the city in its efforts by attempting to gain an official endorsement. At one point the organizers gathered a petition of 5300 signatures in an attempt to gain the city

council's endorsement, but the city voted down the measure 6-3 on racial lines (the only ones in favor were the only black members of the council) (Williams 2009). While certainly it would have been advantageous to have the support of the city, "The GTRC nonetheless ultimately found that its legitimacy in the community was not significantly undermined by the vote. Although some residents may have seen the council's opposition as a red flag challenging the GTRC's legitimacy, others saw the council's opposition as a sign that the GTRC was truly independent of the institution that many blamed at least partially for the 1979 events. Indeed, many residents from all backgrounds who might have been on the fence about the relevance of the process saw the council's racially divided vote as a sign that Greensboro clearly did have racial divisions that needed to be addressed" (Williams 2009, 148).

Greensboro's efforts partially inspired the work that is currently underway in Boston in terms of its grassroots structure and its funding (they are both funded in part by the Andrus Family Fund). In Greensboro, in spite of its rocky relationship with the city, the commission was supported and funded from the grassroots level from a mixture of donations and grant awards, and participants ranged from victims of November 3 to former Klan members who wielded guns on that day (Androff 2010). This grassroots effort helped legitimize the process—it was able to attract actors from both sides of the altercation on November 3 outside of the influence of the historically suspicious government. One of the commissioners stated that "the power of the truth commission results from everyday people, the people who are usually ignored in official histories, who have finally had a chance to tell their story"

(Inwood 2011, 14). By telling their stories, they are publicly questioning the role of state institutions in the perpetuation of longstanding racialized divisions in the city (Inwood 2011). In spite of the commission's problems with the city, those who were involved with Greensboro's truth commission generally expressed satisfaction with the proceedings (Androff 2010). Overall, it appears that the GTRC resulted in some form of reconciliation between the offenders and the victims, as well as providing a safe space in which people found satisfaction in being able to voice their side of the story from that day's tragic events (Androff 2010). In Boston, organizers of the truth process also seek to provide such a space in which people can freely express their personal narratives; in Boston, however, the organizers have political goals that reach beyond reconciliation. They even question whether reconciliation is even a possibility, and wonder what it would even look like. Rather than seeking a distinct reconciliatory goal, they are instead creating a space in which a critical mass of citizens can be created and mobilized to advocate on behalf of Boston's most disadvantaged students. They are creating a space in which people can assert and operationalize a right to the city through a restorative justice process that values their input and experiences.

Restorative Justice and the Right to the City

As I previously stated, Gilmore (2007) argues that the justice system as it stands today undermines the ability of communities to recover from violence, economic strife, and other causal factors for criminal behavior, as opposed to being

supportive of holistic recovery from the ill effects of crime. The impacts of crime, violence, and racism reach beyond a singular event, perpetrator, or victim, and extend across space and time to shape communities for years, even decades to come. In communities that have experienced racialized violence, such as the cases in Boston, MA, or Greensboro, NC, the contemporary character of the city and quality of life within it cannot be abstracted from the historical material conditions that created it. However because the criminal justice system typically only recognizes certain types of crimes and only offers condolence to the victim(s) in the form of punishment of perpetrators, the deeper-reaching impacts of violence, criminal activity, and racism remain largely unaddressed within the system's narrow conception of justice. In order to broaden the scope of the application of the term justice, the use of The Right to the City literature is particularly useful. As Purcell (2008) writes, "Claiming a right to the city is claiming a right to inhabit *well*, to have reasonable access to the things one needs to live a dignified life" (94). Anything that inhibits one's ability to enjoy that reasonable access is in fact a violation of one's right to the city, an injustice worthy of being addressed. One deserves such a right because what would the city be without people actively inhabiting it? "The daily routines of inhabitants shape urban space as an oeuvre, as a collective work of art...They are actively *inhabiting the city*. For them to inhabit well—to realize a full and dignified life—the city must provide them with what they need: employment, shelter, clothing, access to healthy food, and all manner of services, like child care, transportation, water, sewage, education, open space, and the like" (Purcell 2008, 94).

The Right to the City also asserts a right to *participate*, both in a civic and political sense. Everyone should have equal access to the resources the state provides, thus ensuring the equal ability to participate in civic life through education programs, social services, and so on. Also, “it implies a sense of inclusion in decision-making, a meaningful say in all the processes that produce urban space” (Purcell 2008, 95). Thus, I see a striking similarity between the goals of restorative justice initiatives and asserting a right to the city. Indeed, I argue that restorative justice is one avenue toward ensuring a right to the city in places where the right to inhabit and the right to participation are limited or violated by the long-term impacts of racism, violence, and (un)prosecuted crime. While I stated earlier that restorative justice is the most postmodern of routes to justice, by framing within the right to the city literature, it becomes distinctly anti-capitalist by being a way to begin to radically re-envision the city as something other than a site for capital accumulation (Purcell 2008). Rather, the city becomes a place where citizens have the right to inhabit and participate; to play an integral part in the production of space and place. In Boston, the organizers are using the truth and reconciliation process to give people a stake in improving the quality of life in their communities—to live well. Through the BBDP, people can participate in shaping the discourse that defines their communities’ understanding of busing/desegregation, its impacts on the city, and how to use that understanding as a basis for community organizing. In this section I discuss the UMN’s ongoing effort to create a truth and reconciliation project that seeks to connect the busing crisis of the 1970s with many of the problems that continue to plague the city’s public education system. I frame this process as an

example of a restorative justice effort that asserts a Right to the City in the form of the right to inhabit and the right to participate in public life.

After Judge Garrity's ruling in 1974, residents of Southie and other similar neighborhoods wrote letters pleading for desegregation to end in order to "preserve" their communities. For example, In a letter to Judge Garrity, this mother cites a sense of pride in South Boston High School:

For fifteen years I've had my sons participate actively with a lot of hard work and their own time to bring South Boston to many Championship results. My girls were all enthusiastic spectators and supporters of all the athletic and extra curricular events. You and others like yourself are taking this feeling of pride and love for our high school away from us. I know you are calling the Roxbury building in Roxbury a part of South Boston, but in our book and in our hearts, it will never be a part of us in South Boston.

In a related letter to the judge, this student describes her high school experience in terms of a community she feels comfortable in, and identifies with a "school spirit":

I am going into my senior year. Last year I attended Roslindale High School, in September I am going to be forced to attend English High School. I already have purchased my class ring from Rossie, and also have had my pictures taken for my yearbook....I finally know almost all the teachers and have a lot of school spirit. If I were to attend English I would not have any school-spirit and I wouldn't consider it my school. This would ruin my senior year.

Extracurricular activities, friends, connections, and traditions associated with particular schools are the factors that were important to white parents' and students' conceptions of community. However, this does not comprehensively encompass the discourse that defined anti-busing protests. While some letters did indeed plead for neighborhood schools, others took a much stronger, more overtly

racist tone. The archives complicate the “neighborhood schools” argument and narrative; anti-busing sentiment was not just a struggle to retain a neutral community, but rather desegregation was thought by many to be an invasion. Black people were depicted as violent threats upon white communities, and thus the anti-busing struggle becomes a decidedly non-neutral race-based movement. However, it wasn’t as simple as a struggle between racists and integrationists. The archive also reveals a complex relationship between African Americans and busing. Clay Smothers was a black conservative avid anti-busing protestor hired by Restore Our Alienated Rights to bring a black voice to the anti-busing movement. Also, in a letter sent by a black female student, it becomes obvious that the violence that accompanied busing was too much for many to bear. She confessed that she and her siblings stopped going to South Boston high school where they had been redistricted because they faced such violent opposition. She pleaded with the judge to allow black students to attend schools in the suburbs. She states:

“I think all black kids will like to go to better schools since we can’t learn in the dump that we have to go to and be scared if we is gonna get home without being beaten up. If the integration is a state law then us blacks is not getting our rights again cause we can’t go to the good schools and be able to learn more cause them white people won’t let us to school in South Boston...I really want to go to good school where there is good kid and I will be able to get a good education. Will ya please let us go, so we don’t have to be called poor anymore.”

During this time, Boston changed dramatically. Over 17,000 white students no longer attended Boston Public Schools by 1976. However, this “white flight” did not necessarily yield positive results for those who transferred. While race is at the

forefront of my discussion in this chapter, class certainly complicates the story of busing even further. For example, this white student, whose parents sent her to parochial school after Garrity's decision, describes the experience of being poor in a middle class school:

So, I'm taken out of my neighborhood and sent to another school with a bunch of kids who don't want to go to school with me because Charlestown was considered low-income, poverty, you're from the projects, you were trash. Charlestown just had a bad reputation. And here I am with these middle class parents, they're working, nobody's living in the projects, everybody owns their own home, and here we come, there was like four of us, and they didn't want us there. So I, you know, I really got it, what these kids were going through coming from Roxbury...and then I hated school. Before then, I loved school. I loved it.

Busing became a thorn in the city's side, yielding intangible, qualitative, somewhat positive results while failing to improve students' quantitatively measured outcomes. Over time, overt racial tensions faded. With the next generation, the tension surrounding busing became less palpable. Ruth Batson, a long-time advocate for African Americans in the Boston area, stated it well in an oral history interview conducted by Northeastern University:

"... what's changed in thirty years? I've changed. I think you've got another generation of kids who are now parents of children in the school system. And some of these parents went through the busing years themselves. I think there's a healthier climate around racial issues and diversity here, certainly than there ever was thirty years ago."

However, what she goes on to say is key to what I would like to address, and intersects with the efforts of community organizers in the city:

“...you’ve got kids who are dealing with enormous problems in these schools and yet there really isn’t a whole lot of connection between the communities they live in and the schools, and so there’s no safety nets for families in crisis. I mean, kids don’t come to school just for education needs, they have a lot of needs and schools can’t meet all those needs, and therefore they need to have a community around them to support it, and that just doesn’t exist.”

In fact, Boston’s schools and communities are in a state of crisis, especially for minorities. In an informal interview, one of the organizers in the Union of Minority Neighborhoods (UMN) lamented that no one gained from busing: working class and poor people were bused. He stated that no great leaders, innovators, academics, or anything of particular merit came from this policy. While in recent years many of Boston’s schools have aggregately improved, the disparity between white and black dropout rates remains disproportionately high. The black male dropout rate in the city is 11.3% in 2003, compared to 7.3% of white males. 12% of Boston’s 16-24 year olds are high school dropouts: that equates to 8000 young people with very few real chances for success (Cite document). In response to this reality, the UMN began trying to organize African American parents to be more involved in their children’s educations. However, it became apparent that busing was a very divisive and relevant issue, in spite of the over 30 years since the end of Garrity’s reign over the school system. In a report released in April 2011, the UMN stated “[their interviewees] encountered cynicism towards and distrust of the school system. They found a lot of energy and no small amount of pain and anger around Boston school desegregation in general and ‘busing in particular (Key Findings report, 2011).” In fact, two of the organizers of the commission stated that busing is

Boston's "elephant in the room" in any discussion about race. One in particular described her version of busing's impacts:

"Well, you know, a lot of people have....had the idea of doing some kind of peace process around the deseg years in Boston. UMN was one of the first to actually do it....and to really lift it up as something that needs to get done in order to do some of the work that people have such a hard time doing in this city. UMN found that the parents were distrustful of the school system and didn't really believe the hype about what their involvement [in the school system] would mean or that people necessarily wanted them to be involved. But they found that they had a lot of energy around desegregation...some of these people didn't even live through it! But busing was described during one of the first sessions I went to as the 'elephant in the room'—and that was without prompting from UMN—before we committed to this project. I realized working on this project that any time people are talking about race in the city, that [busing] comes up. It comes up."

Thus busing emerges as a point of intervention for these activists to engage the community to confront and contest the mainstream discourses that define the history surrounding the busing crisis. While most of the previous conversations about busing revolve around the extraordinary violence and the white perspectives in South Boston, by engaging a multiplicity of perspectives in dialogues about busing and what it has meant in the city, they hope to come to a more holistic understanding of what busing meant and continues to mean for everyone. One large part of their effort is changing the narrative about the time period:

One problem that we have is that there is a master narrative about the period...it was about "busing." In fact, it was about something much larger than that, it was about the legal desegregation of schools and the fallout from that. So, we're seeing the project as about really getting to the root of

that....So, we're reaching out to the people that want to tell this story and want to understand it better.

The Union of Minority Neighborhoods believes that the narrative about “busing” and “community” distracts from the core source of the tension during that time period: racial desegregation. The most popular books and media about time period (including the Pulitzer Prize-winning, best-selling *Common Ground* by J. Anthony Lukas) focus mainly on white perspectives and on the time period *after* the decision, ignoring decades—even centuries—of black political organizing for educational equality in the city. One of the organizers went so far as to call *Common Ground* a racist book because of its presentation of the black characters in the book. Yet, she said this text defined the master narrative of the period. This white-centric master narrative contributes to the perception that busing was a legal decision thrust on otherwise satisfied communities, and ignores the long-term struggles of minorities. Further, currently Boston’s education system has been slowly returning to the “neighborhood schools” model that defined the city before 1974. Racially-conscious school placements and competitive admissions decisions have been eliminated, and busing is regarded by and large as a unequivocal failure. However, UMN’s concern lies with the fact that Boston is returning to its conservative, parochial roots without first coming to terms with the racialized nature of why busing failed and why minorities continue to struggle in the city that one the organizers confidently called “the most racist city in the U.S.” They feel that the legal system, the city government, and the educational system has failed minority communities, and will continue to fail unless someone reframes the discourse about the realities of racialized discrimination in the city’s past and present. They believe

that communities should be involved in reframing that discourse from a grassroots level, and that the community's involvement should continue to extend into the decision-making processes that guide BPS.

David Harvey writes: "The freedom to make and remake ourselves and our cities is...one of the most precious yet most neglected of our human rights. But since... we have hitherto lacked any clear sense of the nature of our task, we must first reflect on how we have been made and re-made throughout history by an urban process impelled onwards by powerful social forces...we have been re-made several times over without knowing why, how or wherefore." (Harvey 2008) The UMN believes answering those questions is key to moving forward in a productive and inclusive way. As one Northeastern University Student stated, "...knowing our history is the only way to stop history from repeating itself. Growing up in Massachusetts we don't learn half as much about this issue as we should. I, for one, was shocked by the video [Eyes on the Prize] and feel like I have been lied to because I'm only hearing about it now. We blame the South for avoiding the discussion of slavery and civil rights but we are just as guilty in the North" (UMN 2011).

I argue that the truth and reconciliation process, by valuing the information that the legal system does not (qualitative, experiential, subjective, localized, specific, relative), they are creating a new space in which the way people interact with their communities and with the school system. In order to do this, they are conducting the truth process in four phases they describe in a report released in April 2011 (UMN 2011):

- Phase One: Understanding Our Context: who Boston Was before the Crisis—and building a committed learning community to support this project.
- Phase Two: Each Cultural Community understanding its own story.
- Phase Three: Boston Reckons with the Busing/Desegregation Process, in which they plan to form some sort of community-based truth commission
- Phase Four: Toward a New Beginning—outline a set of long-term goals for an engaged community to accomplish.

In phase one, the group is focusing on building, in their words: “a ‘container’ called the Learning Network: a diverse group of people with diverse knowledge and skills who will learn together from the process and bring their collective skills and talent to holding the city through this process.” They envision members of this learning network to be “people who already have a commitment to public school, to quality education for all, to working to address race, class, and other divisions or inequities in education.” These people are envisioned to be engaged in a broad community analysis of the information flowing in about the busing crisis—roles include research, providing resources to deal with trauma and recovery, and engaging with and sharing knowledge systemic racism and classism. It is a broad community engagement with some of the toughest questions regarding busing as well as the broader impacts of racism and violence on communities.

To recruit for this learning network, they commissioned a film about the truth project to be shown throughout the Boston community. I attended the first

screening, which packed a theater at the main branch of the Boston Public Library, and they facilitated a lively discussion of the film afterwards. The organizers successfully created an environment in which people of many different backgrounds came together and discussed busing in an open and frank manner.

Phase Two of the project, scheduled to be currently underway, is one of the most interesting parts of the project. They write in the progress report: “Because some who were traumatized said they would first need to tell their stories in their own cultural (racial) group, we believe it is important to focus first on supporting each cultural community to better understand its own story. This part of the process recognizes the salience of racial divisions in the city of Boston, and, rather than ignoring them, respects the various viewpoints that result from that reality.

The process they are designing is all-inclusive, yet sensitive to realities of historic and contemporary racism. They are engaging the public to tackle tough questions about systemic racism, violence, privilege, and community, and by doing so, they’re complicating the production of social space. By complicating the dominant narratives that define life in the city, and by exposing the complex and often inequitable ways in which space is experienced in everyday life, they are intervening at a critical time of crisis on behalf of students in Boston Public Schools that could mean real change for the future.

Conclusion

The BBDP seeks justice for communities that have been impacted by the long-term impacts of racism and violence in the city of Boston. They assert that by

examining the unresolved tensions surrounding the busing/desegregation crisis of the 1970s, they will be able to build a community of dedicated citizens that will work to improve the educational opportunities for students of color throughout the city.

I contextualize this effort as an assertion of a right to the city. People of color in the city of Boston have faced injustice in that there are structural limits to their ability to participate in public life and live well in the city. A restorative justice initiative such as this holds the potential to repair splintered communities and create opportunities for people to tell their stories and participate in public life to a greater degree than they ever have before. This expansion of the notion of justice beyond retribution illustrates the dialectical relationship between retribution and restoration; restorative justice exists in part because of the inability of retributive justice to address the community impacts of violence and racism. Further, even the desegregation decision by Judge Garrity in 1974, which effectively punished the Boston School Committee for its actions, did not fully address the broader issues that caused racial segregation and inequality to exist in the first place. Further, in the contemporary “post-racist” legal climate, it has become increasingly difficult to address racism in the United States because of the legal system’s inability to operationalize concepts such as structural racism and inequality. Therefore, this restorative justice effort is an effort to reconceptualize justice in an era in which the way society conceptualizes injustice has changed significantly. If racism can no longer be easily addressed through formal means, as demonstrated in chapter three, then there must be alternatives to seek out justice for communities that still feel the

impacts of racialized inequality, whether the official structures of governance recognize it or not.

Conclusion

The BBDP continues to press onward in Boston. Since I left in July 2011, they have continued to screen their film and have started conversations about busing across the city. However, while I generally laud their efforts, they are not without their critics. People often ask, why look back? Why re-hash bad memories, more difficult times? After all, even the organizers will concede that certain things about Boston have changed since the 1970s. Neighborhoods are less segregated, racialized boundaries between neighborhoods have become less important, and people of color are participating more fully in the political scene. However, it is important to distinguish between signs of incremental progress and progress that represents actual radical change. Racism is still the source of a lot of tension in the city of Boston and throughout the country, but the current conservative, “post-racist” climate makes it difficult to combat.

Part of the real value of this process, perhaps in the most simplistic sense, is that the UMN and BBDP are not settling for incremental progress. This is a group of people who assert that *race matters* in a political climate where that kind of assertion is bound to be (and is) unpopular. Because, for many, racism has become more difficult to understand, pinpoint, and attack, there *must* be people willing to raise their voices and shed light on the oppression that privilege shields many people from seeing. Further, if Ruth Gilmore’s definition of racism, “group-differentiated vulnerability to premature death,” is to be taken seriously (as it should be), then it is a literal necessity for survival for people to raise their voices

against racialized oppression. In Boston, institutionalized racism and inequality severely impact the ability of minority groups to be successful in BPS and beyond. Also, while there have been philanthropic efforts to improve Boston's inner city neighborhoods, the UMN and BBDP take a decidedly different approach than a philanthropic organization might. Instead of throwing money at social problems—as institutions like the Boston Foundation or other big-money philanthropies might—the focus of the UMN is to empower people to take charge of their communities. They are not interested in paternalistic handouts from Boston's rich, white communities; rather, they are interested in political mobilization, community participation, and self-determination for people of color.

I have repeatedly emphasized that white privilege is a problem that needs to be combated, and a category of oppressive culpability that needs to be abolished. However, it is very difficult to fight that battle through the formal systems that are in place in the United States. The liberal ideals that govern the actions of state actors in the US are ineffective for the radical transformation of society. The individually focused, ambiguous character of liberal ideals as they are used in legal decisions renders them vulnerable to unintended rearticulation and reversal. I demonstrated this in chapter three, through my discussion of the colorblind courtroom in *Morgan v. Hennigan* and *Wessman v. Boston School Committee*. While *Morgan's* anti-discrimination goals were laudable, the liberal ideals they were based upon were ultimately not strong enough in the face of the conservative individualism that marks cases such as the *Wessman* case. In fact, the government's insurance of individual liberty above all other forms of liberty resulted in placing the problems of

racism and inequality outside of the state's purview. As long as individual equality was ensured, then any other problems that people face are outside the realm of state responsibility. This was a worrisome conclusion for me; is that the best that we can hope for in the so-called land of equal opportunity?

Even if we cannot hope for radicalism from within our own systems, one thing we can thank liberalism for is that through the assurance of individual liberty, people (in theory, at least) have the right to stand up for themselves. In Boston, the UMN and BBDP are giving people an opportunity to do just that. Instead of relying on a system that has proven to be ineffective and vulnerable to misinterpretation in its efforts to secure equality for minorities in the United States, they are forging a potentially viable alternative to the legal system that holds the promise of sustainable radical progress. The BBDP seeks justice for communities that have been impacted by the long-term impacts of racism and violence in the city of Boston. They assert that by confronting the tensions surrounding the busing/desegregation crisis of the 1970s, they will be able to build a community of citizens that will invest their time to improve educational opportunities for students of color throughout the city. I have contextualized this effort as an assertion of a right to the city. People of color in the city of Boston face structural limits to their ability to participate in public life and live well in the city, in part due to a limited, negative conception of rights as defined by the liberal democratic system. Restorative justice expands of the notion of justice beyond retribution; rather, restorative and retributive justices are dialectically related to one another. Although they both strive to achieve "justice" broadly defined, restorative justice only exists because of the inability of retributive

justice to address the broader community impacts of violence and racism. This distinction retains relevance outside of the criminal court realm as well. The desegregation decision by Judge Garrity in 1974 punished the Boston School Committee for its actions, but did not, and could not, fully address the broader issues that caused racial segregation and inequality to exist in the first place. Therefore, this restorative justice effort is an effort to reconceptualize notions of justice in an era in which the way society conceptualizes injustice has changed significantly. If racism can not be easily addressed through formal means, there must be alternatives to seek out justice for communities that still feel the impacts of racialized inequality, whether the official structures of governance recognize it or not. A restorative justice initiative such as this may be able to repair splintered communities and create opportunities for people to tell their stories and participate in public life to an unprecedented degree. It is an opportunity for citizens to expand notions of rights to include a *positive* conception of rights that privileges and protects the rights of groups rather than just individuals.

Geographies of survival, legal geographies, and geographies of privilege and racial inequality are important lines of inquiry in contemporary geography. In an era when discussions of racism are silenced as we are shuffled into the fictional “post-racist” era, it is important for critical inquiry to continue to expose, confront, and present alternatives to the current exploitative paradigm of the white male capitalist patriarchy. Through this work, I presented a way of conceptualizing the inherently conservative work of liberal theory in the US legal system, and presented a grassroots alternative for seeking justice for those who have experienced

racialized inequality in the city. The BBDP also presents an opportunity for communities to become empowered by sharing a common truth regarding the impacts of desegregation/busing in the city, and has the potential to mobilize people to assert their right to live well and participate in public life.

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Vita

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