



After *Castañeda*: a glotopolítica perspective and educational dignity paradigm to educate racialized bilinguals

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Abstract

In the U.S., programming for students classified as English Learners must adhere to the framework outlined in *Castañeda v. Pickard* (1981), which demands a basis in “legitimate educational theory,” implementation with “adequate techniques,” and regular evaluation (p. 1010), while remaining explicitly agnostic about *which* theoretical orientations should guide “language remediation” (p. 1009). Unsurprisingly, such minimal thresholds and deficit orientations still countenance assimilationist ideologies and practices that devalue students’ bi/multilingualism (García and Sung in *Bilingu Res J* 41(4):318–333, 2018). Even in bilingual programming, colonialist approaches reinforce norms of language standardization that perpetuate linguistic racialization and marginalization (Grinberg and Saavedra in *Rev Educ Res* 70(4):419–441, 2000). Thus, *Castañeda* exemplifies the limitations of political victories subject to multitudinous interpretations and enactments. In this theoretical article, we harken to the calls for justice for minoritized communities that included demands for bilingual education during the civil rights movement (Flores and García in *Ann Rev Appl Linguist* 37:14–29, 2017) to imagine criteria beyond adequacy and remediation. With a *glotopolítica* lens rooted in the work of Latin American sociolinguists (Arnoux in *Lengua y política en América Latina: perspectivas actuales*, Univerzita Palackého v Olomouci, Olomouc, Czech Republic, pp 19–43, 2014; Blanco in *Cuad Sur Letr* 35–36(11):26, 2005), we conduct a genealogical analysis of language education policy for racialized bilinguals in the U.S. Linked to other decolonial projects, we propose a framework of educational dignity (Espinoza et al. in *Mind Cult Act*, 2020) that engages scholars, advocates, and educators in the U.S. and internationally in constructing language education policies according to racialized bilingual students’ own dignified logic rather than that of the nation-state, enabling racialized bilinguals to develop into historical actors (Gutiérrez et al. in *Mind Cult Act* 26(4):291–308, 2019) emancipated from the logic of regulations that offer inclusion in colonialist paradigms rather than true liberation (de Sousa Santos, in *Epistemologies of the South: justice against epistemicide*, Paradigm Publishers, London, 2014).

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En el mundo del poderoso no caben más que los grandes y sus servidores. En el mundo que queremos nosotros caben todos. El mundo que queremos es uno donde quepan muchos mundos. La patria que construimos es una donde quepan todos los pueblos y sus lenguas, que todos los pasos la caminen, que todos la ríen, que la amanescan todos.
 -Ejército Zapatista de Liberación Nacional, “Cuarta Declaración de la Selva Lacandona,” Jan. 1, 1996

As other works in this special issue have chronicled, *Castañeda v Pickard* capped a span of legislation and judicial cases in which bilingual students, notably Mexican American students, received specific and particular attention within the broader civil rights agenda in the United States. The ruling demanded that school districts stop discriminatory segregation practices and provide students with quality, well-resourced, and effective schools based on “sound educational theory.” Although lauded, the ruling suffers from theoretical and practical limitations grounded in colonialist thinking around language, and unsurprisingly has had mixed results. Today, institutionally sanctioned neglect and discrimination are rhetorically disavowed and students bureaucratically classified as English Learners (EL) occupy a focal position in any discussion of educational quality or reform. On the other hand, glaring inequities persist. Racialized bilingual students remain segregated across and within schools (Gándara, 2010; USDOE, 2018) with qualitatively worse schooling experiences given inequitable resource allocation (Jiménez-Castellanos, 2010; Jiménez-Castellanos & Topper, 2012), raciolinguistic prejudice that racializes and stigmatizes their multilingualism (Flores & Rosa, 2015; Rosa & Flores, 2017), as well as socioemotional hardships associated with anti-immigrant discourses and policies (DeNicolo et al., 2017; Ee & Gándara, 2020). To some, these tenacious injustices evidence a need for further reforms to educate bilingual minoritized children: increasing access to bilingual education programs, increasing resources and accountability within programs serving EL-classified students, and better preparing teachers to serve within such contexts.

We do not disagree with these positions per se. However, we also contend that programming, policy, and teacher education to serve racialized multilingual students, like the field of language policy informing these fields, suffer from a colonialist myopia that constrains the possibilities. We draw heavily here from a perspective of glotopolítica (Arnoux, 2000, 2014; Blanco, 2005; del Valle, 2007) to examine language education policies for racialized bilinguals through a genealogical analysis. We describe how the different approaches to language education policy throughout U.S. history have all followed a White supremacist monolingual logic that has constructed the bilingualism of people who have been racialized as harmful, thus enregistering them as deficient such that language policies have been and continue to be integral to the foundations and perpetuation of these very racialization processes. As we note, even when a ruling and subsequent educational policy have seemed favorable, they function as nothing more than what Boaventura de Sousa-Santos has called

“regulating emancipation” in contrast to “emancipating regulation” (2014, p. 7). The former applies existing logics (e.g.: sources of authority, social categories, policy mechanisms) to new conditions, resulting in another form of control over efforts to break out of the existing regulation. The latter, however, refers to applying the logic of the people who are creating the new conditions, and in that way, actually freeing them from the control and oppression they have endured. Applied to language policy, this means that true liberation allows racialized bilinguals themselves as subjects to make their own meanings through their own language practices. In this work, we investigate how a glottopolitical lens can advance such ends, recognizing that language policy can indeed be liberating (e.g.: re-assertions of Indigenous languages in the 1996 Constitution of South Africa and demands for the promotion and respect for languages commonly used in the nation even if not granted official status). It is insufficient, however, to simply elevate certain languages if this is still done through a colonialist lens of monolingual paradigms for language proficiency, and if multilingual approaches are simply a tool for capitalization and exploitation in existing relations of power. By applying a glottopolitical lens to the various approaches U.S. language policy has taken toward languages other than English, we note that even expansive allowances for bilingualism have been undergirded by top-down criteria for what constitutes bilingual proficiency and what the purposes of bilingualism are, rather than centering the values, humanity, and sociolinguistic practices of marginalized communities.

Conceptual framework

Rather than fine tune foundations set by *Castañeda* and preceding civil rights victories that nonetheless operated from White supremacist, monolingual-normative perspectives (Grinberg & Saavedra, 2000; Sung, 2017), we propose a framework of bilingual educational dignity (Espinoza & Vossoughi, 2014; Espinoza et al., 2020) that affords a world in which many worlds fit equally (EZLN, 1996). A framework of critical educational dignity demands that racialized bilingual students learn with their own logic, their realities of languaging *entre mundos* (Anzaldúa, 1987) in fluid, generative, and evolving ways. This, in turn, provides a basis for anti-racist, humanizing pedagogies in the U.S. and in any context where schooling uses instruction of—and in—societally dominant languaging practices and conceptualizations of language that perpetuate colonialist power relations in the broader society. We preview our argument with Figure 1, showing how our framework shifts from the regulating emancipation lens that has been used to enact language education policy for minoritized bilinguals (that is, making an oppressive system more inclusive, without fundamentally altering its oppressive mechanisms) to a truly emancipatory one within a framework of educational dignity that prioritizes self-determination for minoritized language users over the terms of their educational journeys. We do so by engaging in a glottopolitical genealogical analysis of policies and practices

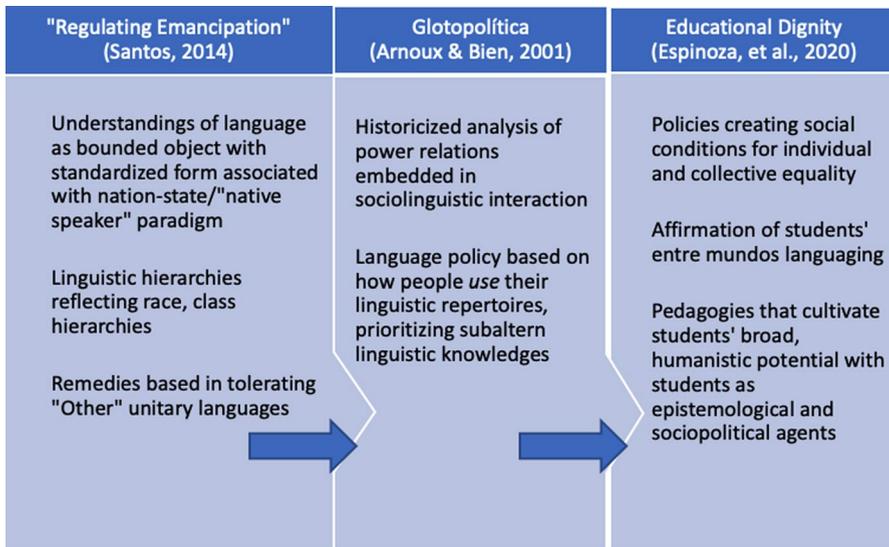


Figure 1 Glotopolítica perspectives for dignity-affirming educational spaces

that demonstrates the importance of dignity-affirming educational spaces for these students.

Glottopolítica and a genealogical analysis

Developed in Latin America by Elvira de Arnoux (2000) and other sociolinguists, the study of *glotopolítica* goes beyond traditional treatment of language policy. Reorienting a concept first coined in France (Guespin & Marcellesi, 1986) that called for language policy to attend to sociolinguistic realities within a society, the Latin American glottopolitical perspective centers the sociolinguistic analysis on the ways that languaging practices in a society reflect, reify, or defy hegemonic discourses and power relations (Arnoux & Bein, 2001). We highlight this Latin American incarnation of the approach because unlike its French precursor that was more concerned simply with policy attending to sociolinguistic dynamics in a descriptive sense, *glotopolítica* pays notable attention to “silenced knowledges”—erased or marginalized practices and understandings of minoritized populations that continue to exist in tension with official policies (Blanco, 2005, p. 24), and thus has clear critical and transformative ends.

We acknowledge that the field of language policy and planning (LPP) has grappled with some of these same issues (see, for example, Hornberger & Johnson, 2007; Ricento & Hornberger, 1996; Tollefson, 2013). However, the glottopolítica perspective of Latin American sociolinguists takes up a *historical perspective* that attempts to elucidate how social differences are established and justified through language. Intertwined with Latin American decolonial theory, one of the goals of glottopolítica

is to uncover the ways in which language has been shaped and manipulated to exert control over populations and in this way decolonize knowledge. Sociolinguists working within a glotopolítica framework think from, and with, the experiences and understandings of subaltern racialized bodies, showing how subject, culture, and the political economy are always intertwined (Grosfoguel, 2007). This is the perspective that we adopt in our genealogical analysis.

To show the need for new perspectives on language education and language policy, and indeed on language itself, we open with a genealogical analysis of schooling and policy for racialized bilinguals in the U.S. We rely on genealogy, a combined historical-philosophical method, because it serves to identify problems “lodged deep inside of us all as the historical conditions of possibility of our present ways of doing, being, and thinking” (Koopman, 2013, p. 1) and “to show *how* that which is so easily taken as natural was composed into the natural-seeming that it is” (p. 129, emphasis in original). We draw on Foucault’s framework of genealogy specifically, referring to “the union of erudite knowledge and local memories which allows us to establish a historical knowledge of struggles and to make use of this knowledge tactically” (1980, p. 83). Moreover, because Foucauldian genealogy concerns itself with “tactics and strategies of power” (p. 77) in the formation and perpetuation of discourses, the exploration breaks from chronological narrative to examine history thematically (Grinberg & Saavedra, 2000). We further adopt considerations urged by Flores (2021) in his advancement of raciolinguistic genealogy as a method for inquiry in the sociology of language. Flores proposes three central criteria for this method: (1) a genealogical stance that examines history with a lens toward the discourses that frame fields of possibilities and inscribe relations of power, (2) a materialist stance that acknowledges the ways that White supremacy and settler colonialism have operated and been sustained to extract wealth and inhibit its accumulation among racialized peoples, and (3) a raciolinguistic perspective that attends to how language and race are mutually inscribed upon one another within interactions and through the discourses of governmentality and colonialism. Adhering to these principles, and with the luxury of secondary sources that have already carried out meticulous discourse analysis of relevant primary sources, we bring attention to the way that White supremacist monolingual paradigms, rooted in imperialist conceptions of language and race, have constrained both the educational experiences of racialized bilinguals and the policies seeking to remedy these constraints. Through this analysis, we emphasize three thematic strands in educational practice and policy: suppression and erasure, capturing colonialist and neo-colonialist patterns of restrictions upon institutionalized multilingualism; contingent tolerance, referring to patterns of allowance for institutionalized multilingualism albeit through paternalistic deficit perspectives that reify colonialist stances; and commodifying programmatic expansion that nonetheless excludes racialized bilinguals, referring to neoliberal patterns of promoting multilingualism only insofar as it conforms to White, Eurocentric paradigms. We highlight that across all three strands, which do not neatly fit into chronological sequence and at times coexist, language teaching and policy emphasize monoglossic understandings of language framing language as an autonomous single entity, constraining the heteroglossic practices of racialized bilingual children. We expand on Ruiz’s (1984) analysis of policies treating language as a

problem, right, or resource, emphasizing the fact that language, and the ways in which bilingualism has been understood in U.S. history, has always served the interests of the powerful, even when it has been considered a resource, or given the illusion of having been recognized as a right. In so doing, our glottopolitical approach reveals the deep misunderstandings with which we have approached U.S. language policy and charts new theoretical, political, and practical courses. We further note that we approach this task as an intergenerational team of bilingual, Latinx scholars of the Cuban diaspora (Authors 1 and 2) and Mexican–American heritage (Author 3) with research focuses on language ideologies (Authors 1 and 2) and the structural conditions, notably financing and policy impacts (Author 3) shaping the schooling experiences of Latinx students in U.S. schools.

Suppression and erasure

The occupied territory now known as the United States always has been a multilingual expanse, with myriad Indigenous languages suppressed by settler colonialism (Iyengar, 2014); the many languages of enslaved Africans; the global languages of settlers, merchants, and elective laborers during pre-colonial years and early nationhood; and the transnational flows of the present (Wiley, 2014). We focus our analysis specifically on language and education, highlighting the colonialist logics that undergirded policy approaches and subsequent practice.

Education in the U.S. colonial period and ongoing education with colonialist lenses embraces and advances an *ethnoculturalist* orientation of U.S. national identity characterized by an imagined norm of White, English-monolingual, Protestant character (Schildkraut, 2003). The case of schooling for Native American children is particularly instructive in that it was part and parcel of a larger endeavor to displace Indigenous communities from their lands and fundamentally restructure their ways of social organization (Iyengar, 2014). The surveillance and subtraction of language as part of an assimilationist educational agenda was integral to the undermining of Indigenous humanity and sovereignty (Lomawaima & McCarty, 2002), whereby “No vestige of Native language, clothing, hairstyle, art, religion, or personal expression was allowed to students” (p. 286). Indeed, the entire settler colonialist vision into the twentieth century relied heavily on schooling. Of course, Indigenous students were (and are) not the only targets of this agenda, but their experience provides clear insights into how a glottopolitical approach that would have affirmed their linguistic wealth and enshrined policy to nurture Indigenous linguistic diversity would have constituted a severe departure from the racializing project that used English as a means of “civilizing.”

Likewise, as imperialist policies promoted U.S. expansion in the nineteenth century, education in languages other than English faced curtailment. In California, for instance, assurances in the Treaty of Guadalupe Hidalgo that Californios (inhabitants of the territory when it shifted from Mexican to U.S. control) could continue to use Spanish after California’s statehood in 1850 were undermined by the state’s education laws set forth in 1855, which demanded English-only

education and omitted Spanish from the list of allowable “foreign” languages until 1913 (Del Valle, 2003). Similarly, the period after the Civil War ushered in English-only mandates across Louisiana, where French and English had previously coexisted in schools. While allowances for French in schools briefly returned at the turn of the century, French ceased being a language of official use (i.e.: publication of state laws) after 1881 and was erased altogether from official reference by 1921 (Del Valle, 2003).

Another illustrative example of this period’s repressive approaches can be seen in the case of Puerto Rico. Upon the island’s incorporation as a U.S. territory in 1898 following war with Spain, U.S. military leadership declared the island bilingual even though Spanish was functionally the only language in use. Military leadership and the subsequent civil regimes that took over after 1900 focused on schools as a central plank in their platform to Americanize Puerto Ricans, imposing measures such as English proficiency requirements for teachers, an English proficiency exam as a requisite for high school graduation, and importing teachers from the mainland to the island to meet the linguistic requirements of an English-only curriculum (Del Valle, 2003). In all these cases, the monolingual logics undergirding these policies stemmed from colonialist impulses preoccupied with bringing a linguistically diverse society under their thumb rather than a glotopolitical approach that could foster more speaker-centered, humanizing perspectives.

Throughout the nineteenth century and early twentieth century, increased imperialist designs, movements for mass public education, more state-level centralization, and rising anti-immigrant sentiment fueled by economic depression and World War I resulted in policies that upheld English-only education. Between 1903 and 1917 the number of states with English-only schooling requirements increased from 14 to 34 (Kibbee, 2016). Taken together, the settler colonialist extermination of Indigenous and African languages, coupled with the imperialist proscriptions against even other European languages in newly annexed or unified territories illustrate the way that language policy was deployed to position particular communities as racialized and/or colonized Others within a White supremacist, English-monolingual society.

Similar discursive regimes of intelligibility (Foucault, 1978) that constrained possibilities for racialized bilinguals emerged in the anti-bilingual education movements in the late twentieth century. Following the burgeoning of bilingual education programs and research concomitant with the civil rights movements of the 1950s–1970s, opponents of such pluralistic approaches regained prominence. Journalist Noel Epstein (1977, cited in Flores & García, 2017) cast bilingual education as a divisive practice in “affirmative ethnicity,” and Tom Bethell, one of the editors of *Harper’s*, penned an influential column in 1979 decrying bilingual education as “more or less the Hispanic equivalent of affirmative action, creating jobs for thousands of Spanish teachers; by which I mean teachers who speak Spanish, although not necessarily English” (p. 30). Such revanchist discourses reasserted a colonialist lens advancing language as a tool of governable unification at the expense of bilingual students’ linguistic wealth and their self-determination that a glotopolítica approach would foster.

Policy shifted accordingly. Reauthorizations of the 1968 Bilingual Education Act starting in 1974 insisted on the transitional nature of bilingual education and

eventually included programs that did not include home language instruction at all (García, 2009; Kibbee, 2016). These shifts were supported by reports that cast doubt on the effectiveness of bilingual education by pointing to no significant difference in student performance on standardized tests of English and math (San Miguel, 2004).

Such opinions reverberated in Congress as well, especially after the election of Ronald Reagan in 1980. Regarding proposed immigration reform legislation in 1982, Republican Senator Samuel Hayakawa of California touted that a common language was essential to national unity and progress. In 1983, Senator Hayakawa founded U.S. English, which advocates for national official-English policy and was involved in the numerous state-level official-English pronouncements during this period (García, 2009).

The opposition to U.S. bilingualism, especially in education, culminated with various state initiatives at the turn of the twenty first century that severely restricted bilingual education, as voters in California (Prop 227 in 1998), Arizona (Proposition 203 in 2000), and Massachusetts (Question 2 in 2002) all approved legislation championed mainly by the billionaire opponent to bilingual education, Ron Unz (García, 2009; San Miguel, 2004). Examining the use of discursive metaphor regarding Prop 227 in California, Santa Ana (2002) notes the prevalence of references to languages other than English and bilingual education as barriers to educational pathways, as foreign interference in the formation of national unity, and as an inefficient divergence from educational attainment. Other work has similarly explored the discursive metaphorical and ideological constructions within these specific debates, highlighting the consistent positioning of Spanish (especially but not uniquely) as foreign (Galindo, 1997) or conversely, of English as a birthright of Americanness (Sekhon, 1999), and of emergent bilinguals as victims of their own language practices and of inefficient programming (Johnson, 2005). Such discourses exemplify the paternalistic Othering patterns of colonialist thinking that presents linguistic diversity as a hindrance to progress and the inculcation of standardized English as a foremost priority of schooling (de los Ríos et al., 2019).

The efficiency logics within anti-bilingual education campaigns also undergirded another major effort at erasure of linguistic pluralism in education, this time at the federal level. The reauthorization of the Elementary and Secondary Education Act in 2001, known as the No Child Left Behind Act, universalized the burgeoning movement for test-based accountability by requiring each state to develop or adopt content-area and English language development standards and concomitant tests. Since these tests were almost exclusively in English and had implications for school ratings, school funding, and in some cases teacher evaluation, bilingual programs often shifted to English-only or accelerated their transition to mainly English instruction (Crawford, 2007; Menken & Solorza, 2014). In addition, the very word “bilingual” was scrubbed from federal policy as the Office of Bilingual Education and Minority Language Affairs was renamed the Office of English Language Acquisition, and the National Clearinghouse for Bilingual Education was renamed the National Clearinghouse for English Language Acquisition and Language Instruction Educational Programs (García, 2009).

Within this portion of our genealogical analysis, we have noted the suppression and erasure of linguistic diversity across centuries and in various incarnations as

parts of a colonialist project of territorial expansion *and* as reification of colonialist mindsets in the perpetuation of racializing linguistic classifications and subtractive schooling experiences (de los Ríos et al., 2019). The savage logics of settler colonialism and slavery that positioned racialized bilinguals as subhuman and in need of civilization gave way to legalistic logics around national identity and cohesion, fueling prohibitions after World War I. These, in turn, evolved into technocratic language policy mechanisms (Shohamy, 2006) such as standardized testing in the current century with logics entrenched in deficit perspectives and subtractive, remediation approaches. Regardless of the form, the underlying discourses and logics informing policy and practice underscored ethnoculturalist notions of U.S. identity tied to White supremacy and English monolingualism intertwined with notions of efficiency and accountability. Nevertheless, linguistic diversity has persevered in the U.S., and the shifting logics evidenced by the patterns of contingent tolerance and commodifying expansion explain this juxtaposition of colonialist paradigms without colonialist suppression. As we shift our analysis to instances of tolerance on the one hand, followed by those of what we call commodification, we argue that shifts in policy did not necessarily undo these foundational ways of understanding bilingualism and education, in many ways exemplifying the kind of “regulating emancipation” (de Sousa-Santos, 2014, p. 7) that pursues social transformation without changing underlying concepts of authority and power.

Contingent tolerance

Not all policies throughout U.S. history have favored suppression and erasure of linguistic pluralism. Here we describe what we call contingent tolerance, that is, when the users of languages other than English are provided opportunity to include named languages associated with their ethnolinguistic categorization (Flores, 2021) as a medium of instruction in schools. In this framing, we draw on the work of Kloss (1977), who distinguished between tolerance-oriented and promotion-oriented approaches to language policy. The former provide opportunities for linguistic minority groups to use their languaging practices in private and civil spheres, while the latter would feature promulgation of the language(s) in official public capacities. We stress the contingency of this tolerance insofar as it extended only to the extent that allowances for other languages could further national and local agendas aligned to the interests of Whites in power, such as unification around the new Constitution, settlement of sparse territories, movements toward mass education, pacification of civil rights activism, and upholding of colonialist raciolinguistic norms. We identify how contingent tolerance has operated in three different periods—the early nation through the nineteenth century (juxtaposed with imperialist suppression, when some territories adopted tolerance as a means of more peacefully incorporating denizens of European descent in unification against Indigenous populations), the early twentieth century (the interbellum period in which individual rights discourses within constitutional interpretation flourished), and the mid twentieth century (wherein broader collective identities drove civil rights advocacy and shaped constitutional interpretation and legislation).

The *first period of contingent tolerance* covers portions of early nationhood, wherein languages other than English (LOTE) “were *tolerated* as tools in the economic and territorial expansion of the United States” (García, 2009, p. 160, emphasis in original). As noted, while Indigenous and enslaved African peoples were brutalized, including suppression of their linguistic practices, languaging associated with European nations was much more accepted. German, for instance, enjoyed a special place even in certain governmental spaces. The Continental Congress published legislative documents and official proclamations in German (García, 2009) and certain states openly promulgated German-language schooling. The Pennsylvania School Law of 1837 approved of German-medium schools and legislative debate around the matter specifically disavowed monolingual education (Kibbee, 2016). Ohio, meanwhile, repealed its English-only legislation in 1839, merely one year after its passage, and between 1840 and 1900 saw enrollments in German schools in Cincinnati alone balloon from 327 to 17,000 (Kibbee, 2016). German was also allowed and widely popular in schools in New York, Kansas, Missouri, Illinois, Colorado, and California, among other states, in this time period.

Allowances for education in European languages in the mid-and-late nineteenth century spoke both to greater permissiveness of bilingualism and to the primacy of local control in education. It bears noting that these allowances were informed by White supremacist logics in terms of which languages were tolerated, and also speak to the conflicting discourses coexisting given the simultaneous aforementioned suppression elsewhere in the nation. For instance, Ohio’s regulations regarding multilingual education provided that it could only occur in languages of freedpeople, thereby still prohibiting African languages, and while San Francisco’s cosmopolitan schools used French and German as mediums of instruction, Chinese students—let alone their language—were prohibited in the city’s public schools despite being the largest immigrant group for almost all of the nineteenth century (Kibbee, 2016).

In Louisiana and the southwest territories, French and Spanish were tolerated as means of controlling the Native American population. In Louisiana, the state constitution drafted in 1812 required that laws be published in both French and English, and schools using French as a medium of instruction were prevalent. In places like California, Colorado, and New Mexico, the connections between Spanish and Spain were accentuated specifically to disavow connections to Indigenous and Mexican populations (Lozano, 2018). Historian John Nieto-Phillips has examined the formation of Spanish-American identity in New Mexico, pointing to the discourse of people like attorney Eusebio Chacón who claimed that New Mexico had conserved “the physiognomic traits of the *raza conquistadora*” (cited in Nieto-Phillips, 2004, p. 14, italics in original). Thus, Spanish received allowances insofar as it aligned with colonialist notions of the European ideal. Furthermore, in the territory of New Mexico, nuevomexicanos were able to create a political system in Spanish in order to control Native American peoples (Del Valle, 2003; Lozano, 2018). In short, this initial period of linguistic tolerance conditioned permissiveness on particular Eurocentric and colonialist criteria in efforts to populate and educate the expanding territory within the growing nation.

Following waves of restriction in the late nineteenth and early twentieth centuries as anti-immigrant sentiment heightened and World War I unfolded, several landmark

court opinions ushered in a *second period of contingent tolerance*. In *Meyer v. Nebraska* (1923) and *Bartels v. Iowa* (1923), the U.S. Supreme Court struck down two state laws prohibiting instruction in German on the basis that such prohibitions violated the equal protections under the law guaranteed in the 14th Amendment, referring specifically to the rights of parents to chart a course for their children's education and of language teachers to pursue their profession. These victories nevertheless reinforced the contingency of these conditions. In *Meyer*, the Court opinion set forth,

The desire of the legislature to foster a homogeneous people with American ideals prepared readily to understand current discussions of civic matters is easy to appreciate. . . . No emergency has arisen which renders knowledge by a child of some language other than English so clearly harmful as to justify its inhibition with the consequent infringement of rights long freely enjoyed. (pp. 402–403)

Thus, allowances secured in *Meyer*, rightly heralded as a major language rights victory, remained contingent on the absence of threat posed by bilingualism. Moreover, by centering the rights protected on individuals and the relationship between parents and children, the Court avoided creating new rights for language minoritized groups that glotopolítica perspectives would prioritize.

This reasoning carried forward in two subsequent cases dealing with education in Japanese and Chinese, respectively, in Hawai'i: *Farrington v. Tokushige* (1927) and *Mo Hock Ke Lok Po v. Stainback* (1947). In *Farrington*, the Supreme Court upheld a lower court opinion striking down the proscription against Japanese-medium schooling, proclaiming that "The Japanese parent has the right to direct the education of his own child without unreasonable restrictions; the Constitution protects him as well as those who speak another tongue" (p. 298). In *Mo Hock Ke Lok Po*, the District Court of Hawai'i struck down yet another legislative prohibition, but one that had shifted its focus from protecting national unity to protecting children from harm. The opinion goes on to note the "right to secure a foreign language" in a post-war global order. We shall consider this in our look at commodification in our genealogical analysis, but for now turn to the *third and most recent movement of contingent tolerance*, the bilingual education movement in mid twentieth century.

As a result of the broader movements for civil rights of the 1950–1970s, oppressed peoples across the country demanded greater political recognition and representation, as well as true equality of treatment and opportunity. In both Texas and New Mexico, Mexican Americans established bilingual education programs to teach their children who were failing in schools (García, 2009). At the same time, a two-way immersion bilingual program (enrolling equal portions of English-dominant and Spanish-dominant students) was established in Miami in 1963 with support from the Ford Foundation in light of the influx of Cuban refugees fleeing communism (Coady, 2020).

Legislatively, Title VI of the Civil Rights Act of 1964 had prohibited discrimination on the basis of national origin among other protected categories. The 1968 reauthorization of the Elementary and Secondary Education Act included the newly added Title VII: The Bilingual Education Act, which specifically highlighted lack

of English proficiency as a central educational challenge and provided funding for implementation and research of programs of instruction in languages other than English (mainly Spanish and Native American languages) and for the preparation and recruitment of bilingual teachers (Franquiz & Jimenez-Castellanos, 2018). The Nixon administration advanced both a 1970 memorandum from the Department of Health, Education and Welfare requiring districts to proactively address students' language needs, and the Equal Educational Opportunities Act of 1974 prohibiting, among other things, discriminatory practices against bilingual students.

The gains for bilingual students sprung from the judiciary as well. Forced desegregation under *Brown v. Board* (1954) called attention to the intangible factors that made separate education inherently unequal, opening the door for further litigation to secure sound educational opportunity for other groups. In 1974, the Supreme Court opinion in *Lau v. Nichols* required that school districts take affirmative steps to make curriculum accessible to students labeled as Limited English Proficient. In the same year, the New York City Board of Education entered a consent decree agreeing to provide quality bilingual and bicultural education to Puerto Rican students as a result of the *ASPIRA v. Board of Education of New York City* lawsuit brought two years prior. Finally, in 1981, the 5th Circuit Court in Texas ruled in the case of *Castañeda v. Pickard* that districts and schools serving bilingual students were obliged to adopt programs based on sound theory to meet the students' specific needs, provide adequate resources and personnel to soundly implement the program, and regularly and validly evaluate the program for effectiveness. Thus, this period was marked by dramatic increases in attention and resources to the educational needs of bilingual students, including significant investment in bilingual education.

Nevertheless, we argue that these gains demonstrate contingent tolerance for several reasons. First, one must attend to the simultaneous forces providing impetus for these changes. In line with Cold War preoccupations, legal scholar Derrick Bell (1980) posited the theory of Interest Convergence—that legal victories for racialized minorities come when they also serve the interests of Whites—that the *Brown* opinion desegregating schools served to advance U.S. national interests by mitigating criticisms of the nation as racist and undemocratic just as much as it helped Black students. Sung (2017) extends this analysis with respect to the Bilingual Education Act of 1968 and the general movement for educational rights for emergent bilinguals noting the timing of the movement and the compromises made. Besides geopolitical concerns, Kibee (2016) and Sung (2017) both call attention to Nixon's domestic electoral strategy of courting Latinx votes in the Southwest by using bilingual education as an issue to distract from racial and class solidarity with other oppressed groups rather than any actual interest in their linguistic and cultural affirmation as well as material equity that glotopolítica-minded policies would advance.

These gains were further contingent on the continued racialization and deficit framings of bilingual students (García & Sung, 2018; Poza & Viesca, 2020; Sung, 2017). These marginalizing discourses operated in two forms. The most overt was the perpetuation of narratives positioning bilingual students as hindered by their lack of English proficiency. That is, even as greater access and resources were provided, this was done so because Congress “finds that one of the most acute educational problems of the United States is that which involves millions of children of limited

English-speaking ability because they come from environments where the dominant language is other than English” (Bilingual Education Act, 1968, S. 701, p. 816). As such, “the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students” (Lau, 1974, p. 568). Positioning students’ linguistic backgrounds as an acute problem and deficiency to be remedied cast students and their communities as victims at best, if not outright pathologizing them for their lack of English proficiency and all concomitant academic and moral faults thereby accorded. In addition to this narrative about limited English competencies, racialized bilinguals in this period of expansion of bilingual education were further marginalized by deficit discourses about their home language proficiency, most commonly Spanish. Mirroring the deprecatory characterizations of Spanish use in Puerto Rico at the time of annexation, scholars in the 1970s advanced arguments that bilingual students were hindered as well by their underdeveloped “home language,” a condition referred to as semilingualism (Cummins, 1976, 1979a) or limited bilingualism (Cummins, 1979b). This condition was characterized as having “less than native-like skills in both languages, with its detrimental cognitive and academic consequences” (Cummins, 1979a, p. 228). This perpetuated prescriptivist understandings of language as a unitary, bounded object linked to nation-states rather than as a dynamic, situated social practice among speech communities. While seeking to support bilingual education by touting benefits of cross-linguistic interaction (Cummins, 1979a), these theorizations nonetheless deprecated the languaging practices of bilingual communities in the United States and highly influenced the design of bilingual programs and curriculum. These ideas were rightly criticized in their own time (Edelsky et al., 1983) and as they pervaded educational practice and research (MacSwan, 2000; Valdés, 2005), but endured, nonetheless.

The landmark rulings initially sanctioning bilingual education couched their reasoning in a universal claim that the barriers were not structural but linguistic. The educational failure of racialized bilinguals was presented as having to do with their inability to language “appropriately,” and not on their lack of economic and educational opportunities nor on the societal hierarchies that the political and economic structures had created. These factors served to decouple the political economy from education, as well as language from language-users. Language education programs (the majority of Title VII programs were in fact not bilingual) were presented as a panacea despite numerous other economic, political, and cultural demands put forth by communities of color (Flores, 2016; Flores & García, 2017; Sung, 2017). Rather than a means to decolonial ends, bilingual education became an end in itself (Flores, 2016, p. 20; Flores & García, 2017).

In short, across various historical moments, contingent tolerance for emergent bilinguals in education opened greater space for a language other than English in education but perpetuated the racialization and pathologizing of minoritized language users. It appeased demands for linguistic recognition but neglected the broader political and economic rights that true pluralistic democracy would entail. Moreover, a colonial gaze encompassed their linguistic recognition, whereby the languaging practices of U.S. bilinguals were devalued because they were emitted by people who had been colonized and racialized and considered foreigners, even though many had been in the U.S. for generations. Thus, while practical allowances

open greater space than the suppression and erasure patterns in other moments, both are undergirded by logics of racial hierarchy and raciolinguistic embodiment. Moreover, the allowances still operate in top-down fashion rather than creating affordances for highly localized policymaking and curriculum development that cultivate community languaging rather than disembodied named languages, as one might expect in a more *glotopolítica*-informed approach.

The final strand within our genealogical analysis, commodification and restriction, notes how even though the nature of educational programming for racialized bilinguals changed yet again, the underlying discourses endure to this day, emphasizing a White supremacist monolingual logic that the bilingualism of racialized bilinguals (although not of others) is harmful and un-American.

Commodification

Following the nativist resurgence and retrenchment of bilingual education of the 1980s and early 2000s, interest in bilingual education resurged. Increasing economic globalization and international collaboration in the “War on Terror” waged after the attacks of September 11, 2001 revitalized previous arguments about the importance of societal bilingualism for economic development and national defense (Flores, 2013a, b; Petrovic, 2005; Ricento, 2005; Varghese & Park, 2010). In turn, advocates for bilingual education leveraged this renewed popular interest to turn back the tide of anti-bilingual education initiatives (Escamilla et al., 2003; Poza & Viesca, 2020). This fueled an administrative push for two-way immersion (TWI, also called dual-language immersion) bilingual programs as mechanisms to attract affluent, English-dominant students into public schools (Morales & Maravilla, 2019; Turner, 2015, 2018). This commodification of bilingualism and bilingual education as human capital enhancement was opportune because it shifted popular opinion and expanded bilingual programming. However, this did not challenge underlying discourses about racialized bilinguals nor disrupt the material and political inequities that civil rights proponents sought alongside bilingual instruction. In this sense, although the growth of interest in bilingualism seems to represent an expansion of programs, in reality it signifies a restriction of opportunities for those who are of interest to us—racialized bilingual students. We focus this portion of our analysis then on two particular trends of bilingualism in U.S. education today which represent this commodification, and yet limit access for minoritized bilinguals: the growing popularity of two-way immersion bilingual programs and the Seal of Bilingualism movement.

Two-way immersion programs are increasingly popular in response to the commodified framings of bilingual education (Flores, 2013a, b; Petrovic, 2005). In this framing, language is once again decoupled from language users through universalist statements about the benefits of bilingualism. For instance, the Global California 2030 initiative that aspires for at least half of the state’s K-12 students to be enrolled in some form of bilingual education by 2030 summarizes its intents as such,

As the world becomes more interconnected, fluency in another language opens up opportunities for people to succeed economically and allows them to take

part in diverse cultural activities. . . [It] helps to enrich communities economically, culturally, and socially. (California Department of Education, 2018, p. 4)

While recognizing the ethnolinguistic diversity of the state, the report avoids making rights-based and restorative arguments for the expansion of bilingual education to undo structural inequities (Flores, 2016). These commodifying orientations have also been highlighted in bilingual education policy in Utah. Analyses of the state's policy and promotional materials related to its dual language initiative have identified that affluent, English-dominant families were being especially targeted in the marketing of these programs through messaging of world-language approaches to bilingual education as opposed to maintenance or heritage-language approaches. Furthermore, the location of new bilingual programs between 2005 and 2014 actually decreased access to bilingual education for linguistically minoritized students (Delavan et al., 2017). Similar patterns have been noted in Wisconsin, where Turner (2015, 2018) observed that bilingual programs were integral to recruiting affluent White families into the districts by positioning diversity, including bilingualism, as a commodifiable benefit.

As famously cautioned by Valdés (1997), two-way immersion programs often become sites of reification for the hierarchies of the broader society. Ethnographic observation in TWI programs has documented patterns of interaction whereby White, English-dominant parents marginalize their Latinx, Spanish-dominant counterparts (Shannon, 2011). Furthermore, studies have shown how the ways that curriculum and program design, sometimes responding to testing and accountability regimes, racialize Spanish and demote it beneath standardized English as a priority for learning (Fitts, 2006; Palmer, 2009, 2010; Poza, 2016a; and see Cervantes-Soon, 2014; Cervantes-Soon et al., 2017; Chávez-Moreno, 2020 for reviews of the literature on racial and linguistic inequities in TWI).

Alongside the growth in TWI programs, campaigns for a Seal of Biliteracy have also helped build the prestige and appeal of bilingualism for U.S. students, and as of this writing 40 states and Washington DC award the seal to qualified graduates. The seal was originally devised by the advocacy organization Californians Together, and California was the first state to ratify the recognition legislatively in 2011 with the intention of signaling the importance of bilingualism (sealofbiliteracy.org, n.d.). Although criteria and implementation vary across and within states (the seal can be awarded at the school, district, or state level), Subtirelu et al. (2019) noted that the promotion, policy, and implementation of the Seal in California presented many of the same limitations of TWI: downplaying affirmation of racialized bilinguals, criteria that favored participants from world-language approaches such as AP tests or years of coursework, and lower participation among schools with high concentrations of racialized bilinguals.

The current wave of growth of the Seal of Biliteracy also fails to subvert the pernicious raciolinguistic ideologies previously addressed. Mirroring earlier conceptualizations of semilingualism, current preoccupations about academic language continue to idealize static notions of language, positing that particular features and forms are inherent or appropriate to specific educational tasks or subjects. Zwiers (2005), for instance, defines academic language as “the set of words and phrases that

(1) describe content-area knowledge and procedures, (2) express complex thinking processes and abstract concepts, and (3) create cohesion and clarity in written and oral discourse” (p. 60). Of course, such notions ignore the variation evident even within standardized and prestige language forms (Flores, 2020). As a result of such dichotomous framings between language as academic or conversational, racialized bilinguals continue to be positioned as “languageless” (Rosa, 2016) and precluded from educational opportunities (Poza, 2016b) because of their supposed lack of this form. Indeed, it is precisely because of prioritization of prestige and academic forms of languaging that the Seal of Biliteracy initiative has been critiqued. Advocates characterize it as insufficiently attentive to the status differences among racial and linguistic groups and inadequately cognizant of how language can be curricularized in truly pluralistic ways (Subtirelu, 2020; Valdés, 2020). In summary, the commodified expansion of education for bilingual learners demonstrates how increased status for bilingual education without mindfulness of the ways that race, language, and class stratify groups in society merely perpetuates inequities.

All in all, our glottopolitical genealogical analysis reveals that across alternating movements of permissiveness or repression, language education policies for racialized bilinguals persistently rely on narratives devaluing the language practices of minoritized groups, stressing assimilation to a colonialist paradigm of language proficiency, and decoupling rights to language use from the broader democratic infrastructure necessary for meaningful participation in a pluralistic society.

Counterhegemonic possibilities of educational dignity

As our glottopolitical genealogical analysis demonstrated, even benevolent legal moments like *Castañeda* and other language education policies have only served to reify the Otherness of minoritized language users and uphold a system of racial capitalism in which students’ linguistic repertoires are paradoxically both a hindrance to academic advancement for themselves but a valuable commodity in a global labor market for others. In so doing, *Castañeda* represents Santos’ (2014) concept of regulating emancipation, rather than emancipating regulation. How, then, does one craft language education policies and practices that eliminate the sources of victimization and oppression from racialized bilingual students’ lives? As Figure 1 portrayed, through a genealogical analysis of language education policy following the logic of glotopolítica, we have shifted the focus of language education policy from one that simply regulates emancipation by opening pathways to existing possibilities to one that may be truly emancipatory for racialized bilinguals by opening entirely new fields of possibility of their own definition. To do so, we take up the concept of *educational dignity* with its counterhegemonic possibilities.

To transform language education policy so that it emancipates racialized bilinguals would require not simply opening space for particular language features or forms by uncritically expanding bilingual education. The broader enterprise of unequal and segregated schools surveilled by regimes of testing that highlight deficit from a colonialist gaze (McNamara, 2011; Poza & Shannon, 2020) must also be subverted. Nor can educational dignity be affirmed through language immersion

and accent reduction exercises. These may whiten the tongue but nothing else in a society that still accords school discipline, police surveillance, and access to credit or property in racist ways. Rather, transformation of language education policy for racialized bilinguals would involve a different type of logic, one that does not emerge from White supremacist monolingual and monoglossic subjectivities, but from those who have been dominated through this logic. To go beyond regulating emancipation, language education policies would require what the decolonial theorist Walter D. Mignolo (2003) has called thinking “otherwise” and a language “otherwise.” It also requires a shift from the locus of enunciation of policy-makers and powerful elites who regulate policies and practices to those who have been marginalized and racialized in order to exert domination. Ruiz’s seminal language policy framework, as well as the *Castañeda* decision, were important steps to deepen understandings of the importance of the language practices of minoritized communities. However, Ruiz’s framework, based on sociolinguistic principles at the time, focused on language itself, and not on speakers, and was framed with the logic of the state, that is, from the top-down. Revisiting Ruiz’s (1984) seminal framework, as well as *Castañeda*, would mean not only recognizing the linguistic rights or commodifiable linguistic assets of minoritized communities, but also acknowledging the different logics of other knowledge systems, and providing racialized bilingual communities with the material resources and political power to exercise self-determination in how their languaging practices are protected, cultivated, and/or propagated in the broader society. We propose that the concept of *educational dignity* would be a place to start to listen differently, with a different logic, by a listening subject that does not represent White monolingual supremacy. Such a perspective centers the values and practices of racialized bilingual communities and uses them as foundations for affirming policy, curriculum, and pedagogy. This validation of and building from historically marginalized language users positions them as subjects with self-determination rather than objects to be regulated, either with monolingualism or colonialist paradigms of bilingualism that still reifies Eurocentric language norms.

Espinoza and Vossoughi (2014) have advanced the concept of educational dignity through an analysis of slave narratives and testimony in educational rights cases that reveals the inextricably humanizing, and therefore rights-generative, nature of learning (note, not necessarily *schooling*). Learning, in their analysis, unfits individuals for servitude and subjugation, thus driving the realization of human potential. In equal measure, resistance to proscriptions on one’s opportunities to learn also humanizes and confers dignity. Espinoza and colleagues (2020) elaborate on the concept of educational dignity by defining it as “the multifaceted sense of a person’s value generated via substantive intra- and inter-personal learning experiences that recognize and cultivate one’s mind, humanity, and potential” (p. 19). Sengupta-Irving and Vossoughi (2019) nuance the concept by insisting that dignity cannot be exclusively linked to individualistic concepts of freedom and comfort, but rather must consider “collective forms of survivance, self-determination, and well-being” (p. 482). Foregrounded across these ideas is the importance of subjects, whether as individuals or collectives, to participate meaningfully in the educational, civic, and social institutions with which they interact. The work on educational dignity

emphasizes students' inherent worth and infinite capacities, while being cognizant of the socially contingent nature of their affirmation.

Reimagining language education policy and practice beyond *Castañeda*, therefore, calls upon us to consider the ways in which the learning of racialized bilinguals can build upon their knowledge systems and translanguaging practices, and thus, recognize them as equals with the dignity to produce knowledge. In the case of racialized bilinguals, their bilingual performances as they learn cannot simply be framed with a monolingual logic, compared to those of middle-class White monolinguals who live their lives monolingually rather than in the *entre mundos* (Anzaldúa, 1987) in which racialized bilinguals live and do language.

Language education policies for racialized bilinguals have been framed with the monolingual monoglossic logic of additive bilingualism (Lambert, 1974) that was developed to study the bilingualism of middle-class monolinguals who were learning a “second language,” often sequentially. Because of this faulty logic about bilingualism, the language practices of racialized bilingual students have been studied for their “interferences,” and their acquisition rendered “incomplete” (Montrul, 2008). Educational dignity for racialized bilinguals can only be constructed through a different logic, an understanding of bilingualism that takes into account the translanguaging practices of bilingual students who live *entre mundos* and leverage a unitary linguistic/semiotic repertoire to learn (García & Li, 2014). Dignity affirming ways to educate racialized bilingual students would enable them to act with their whole beings and their entire linguistic/semiotic repertoire. Language education policies that support the middle-class monolingual logic of additive bilingualism will continue to attempt to regulate their lives and translanguaging, trying to fit them into a mold of acting which does not reflect them. Rather, what would be important is to emancipate the racialized bilingual students from this regulation, to support their dignity as people, so that they could be free to learn, to imagine, to read, to write, in their own voice, and to dismantle the structural racism and linguicism that has operated in their lives.

Of course, allowing students to function translingually in pedantic and uncritical lessons is not liberating. On the contrary, affordances for bilingualism that erase the particularities of local languaging serve to re-inscribe the Othering of racialized bilinguals while commodifying their language for exploitation (Mena & García, 2020) by neglecting the relationships between people, place, and identity; and the violent history of dehumanization and stigmatization embedded in languaging practices. Conceptualizations of humanizing pedagogies foreground the importance of student and community-centered education that disrupt conventional power relations (Bartolomé, 1994; del Carmen Salazar, 2013). Such an education “values the students’ background knowledge, culture, and life experiences, and creates learning contexts where power is shared equally by students and teachers” (Bartolomé, 1994, p. 248). By way of specifics, this would mean sweeping legislation going far beyond language, and even education. Policies that direct schools and students to succeed within a stratified and oppressive society will inevitably perpetuate current injustices, if only shifting the mechanisms or dimensions of oppression. True emancipatory policy attends not only to the material and instructional dimensions of schools, but to the conditions of communities in which schools are embedded, addressing

the myriad ways that systemic racism influences children's well-being (Trent et al., 2019), and repositions communities themselves as leaders of local language and education policy.

A good start would be legislatively overturning *San Antonio ISD v Rodriguez* (1973), in which the Supreme Court decided that education was not a fundamental right warranting more equitable funding formulas across rich and poor districts, to affirm education as a basic right with accompanying privileges and protections rooted in the inherent dignity of personhood that learning elucidates (Espinoza & Vossoughi, 2014). For translangual youth, this requires doing away with high-stakes testing based on monolingual and monoglossic frameworks as a central accountability mechanism, shifting instead to more authentic assessments of linguistic growth related to the roles of language in students' lives (Schissel et al., 2018). Moreover, policy would prohibit tracking and exclusion of translangual youth from meaningful curriculum experiences (for instance, honors courses and electives) purely on the basis of assessed language proficiency (Estrada, 2014). Likewise, policy would place requirements on schools and teacher preparation programs to teach and build teacher capacity in ways that specifically acknowledge the role of institutionalized racism in (language) education and subvert it pedagogically through practices that foster meaningful participation for students and their communities (e.g.: Flores, 2013a, b; García & Sylvan, 2011).

Humanistic, anti-racist learning relies on students being epistemological agents, drawing on their experiences, questions, and chosen forms of engaging with and conveying information to not only demonstrate historicized understanding of the world as it is, but as one aspires it to be. Gutiérrez and colleagues characterize this emergence of youth as historical actors (2019) as “developing a sense of their individual and collective agency and voice; leveraging their newly acquired social analytical tools...to critique, challenge, and re-mediate society's dominant narratives and unjust practices...In this way, everyday actions became imbued with a historical sense, and everyday spaces became zones for historical action” (p. 293). We posit that, regardless of nation-state borders and dominant language particularities, any truly emancipatory language policy and practice for racialized bilinguals must attend to all facets of this development. It must not only unshackle students' linguistic repertoires within schools, but also acknowledge and redress the material and ideological constraints that create and justify those shackles. A dignity framework, grounded in inherent rights to equality, respect, individual and collective sovereignty, and meaningful participation (Espinoza et al., 2020; de Sousa-Santos, 2014), articulates the inextricability of racism and political and economic inequality from any linguistic hierarchy or any efforts to objectify language resources as separate from the people who use them. Dignity-focused language policy and practice that center the experiences and aspirations of racialized bilinguals instead align with the principles of humanizing pedagogy by regarding bilinguals in their full personhood and positioning them as knowing agents within their learning and their communities.

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