

RADICAL TEACHER

A SOCIALIST, FEMINIST, AND ANTI-RACIST JOURNAL ON THE THEORY AND PRACTICE OF TEACHING

Teaching Human Rights in Jail

By Martha Saxton



COURTESY OF THE INSIDE/OUT PROGRAM

I have taught human rights in three settings, as an elective in an elite liberal arts college, in a master's program at an (elite) university for students going on to work in the field, and in a jail in rural Massachusetts with half incarcerated men and half college students. I found the first two experiences similar to most of the teaching I have done: the same pleasure when students found the material exciting, the same frustrations and disappointments when they zoned out, let others carry the discussion, or did the bare minimum to get a respectable grade. In these contexts, teaching human rights, despite the frightening or horrifying content of some of the material and the profound questions it poses, was not very different from teaching my regular history courses: sometimes exciting and satisfying, more often an uphill struggle to make the issues feel real and relevant.

On the other hand, teaching in jail, in a depressing visiting room, where everyone sits on scratched plastic chairs, and half the students wear regulation navy blue sweats, while a surveillance camera hangs in the middle of the room and open phone booths with plexiglass windows line one wall, showed me the transformative potential of teaching human rights. The classes I taught in jail were through the Inside/Out Program, developed by Lori Pompa at Temple University and the Graterford Prison Think Tank, and were composed of half "outside" or Amherst College students and half "inside" or incarcerated students. For a variety of reasons, which I will discuss below, both groups of students brought their best to the class: their interest in one another, their interest in the subject and, more strikingly, they brought themselves fully to the classroom. Most inside students had lost many of their human rights by being incarcerated. Most outside students had little direct experience of rightlessness. The resulting mixture of intensely alert students in a grim location produced some uniquely pointed and powerful discussions of human rights, civil and social.

Although many outside students bring idealism with them into the jail visiting room, they also bring considerable fear of incarcerated people, haunted by dangers accumulated from years of media images. Mostly they find poor people who are afraid of *them*. Inside students fear they won't be able to compete with people who have been in school all their lives, or they think that the college kids will see them as failures or stupid. Most inside students remember school as a series of humiliations, punishments, and missed opportunities. College students (with some notable exceptions like those who are the first members of their family to go on to higher education) are likely to bring to their own education a mix of aspirations that include acquiring a credential, engaging in a rite of passage, satisfying their family, learning about and discussing important issues, and partying hard before entering adulthood—not necessarily in that order. Inside students (with the few exceptions of those who have been to college, or those whose education is in hiatus) bring a different set of notions that include engaging in an activity that was not part of their family's plan or their school's expectation for them. They regard their struggles with reading comprehension as evidence of their ongoing "stupidity," not lack of practice or the failing

schools they attended. Students on the inside, unlike college students, do not assume that teachers and fellow students will respect their ideas and opinions or that professors want them to succeed.

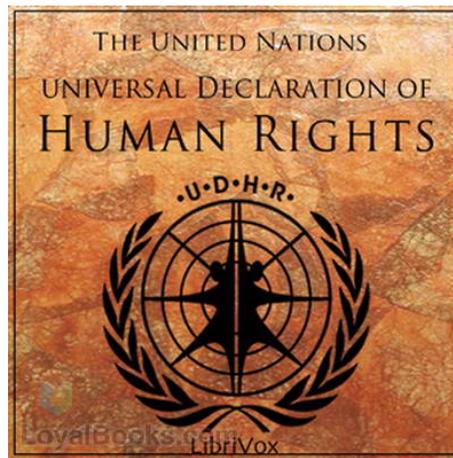
It did not escape anyone in the class that the vast majority of the students who had managed to go to school rather than jail had parents who had good jobs and who guided them to higher education, and who lived in neighborhoods with safe, academically demanding schools. Almost to a man, inside students had come from dangerous neighborhoods, had attended schools that offered little and had no ambitions for them, and did not have the money to go on to higher education. Many of them had found in belonging to a street gang the trust and confidence their families had not provided. Poverty and discrimination had distorted nearly all of their lives.

Outside students get over their initial fears of the individual men they meet inside, and typically make some friends. Replacing the fear of their classmates is a growing knowledge of the jail with its particular gloom, humiliating rituals, and infinite number of randomly enforced rules that succeed in both deadening and injecting anxiety into life inside.

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Outside students are usually taken aback when they are stopped at the gate for breaking the dress code by wearing the wrong earrings or pants the color of which might make them look like guards or a t-shirt with too deep a neckline or even open-toed sandals. They are also surprised when a different guard waves them through the next week, even though they know they *have* transgressed the dress code. They resent not being able to give a classmate a highlighter to mark their assignments. They are distressed when a guard suddenly, inexplicably, removes ("lugs") a fellow student, and they never see him again although his research and leadership have been central to their final project, and they never receive any reliable information about him or his offense. Incrementally, they develop a set of feelings about this place and what institutional assault on autonomy and self-esteem looks like.

When college and graduate students decide to study human rights, particularly in a penal institution, the idea has usually fired their imaginations because of the potential of assisting others less fortunate. Lynn Hunt and other scholars have linked early humanitarian movements, like prison reform and abolitionism, to the Enlightenment's



enthusiasm for empathy, or sensibility, as Enlightenment writers would have said. Writers like Hume linked sociability and the capacity for fellow feeling to virtue. Rousseau's readers felt ennobled by the sadness his fictional evocations of the suffering of others induced. And, indeed, human rights teachers assume in students a feeling for the suffering of others and try to educate it and give it direction. I am neither criticizing nor condescending to excited empathy—it is where a student's journey toward understanding, and perhaps activism, starts.

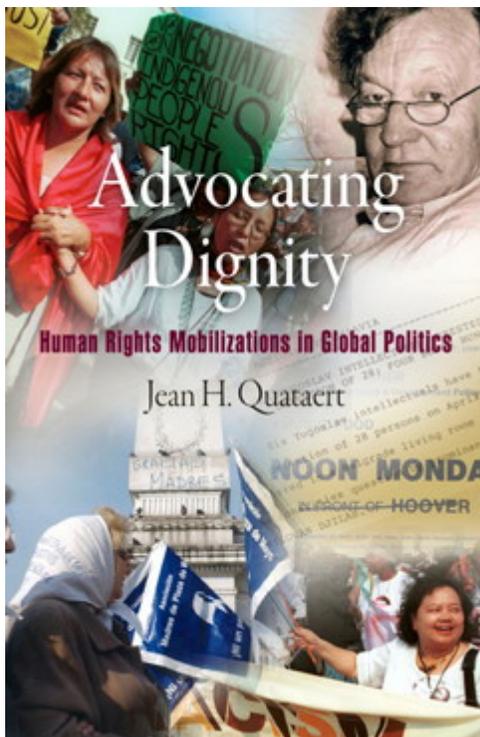
However, classroom empathy, while necessary for understanding the plight of others, does not inevitably, or even usually, produce radical transformation. It usually remains an exercise of the imagination, not a break in the student's understanding of himself and his situation. In my experience, prison is where this kind of change *can* happen.

The learning that takes place in the Inside/Out Program happens intellectually, of course, but also emotionally and socially as these disparate groups teach each other about themselves through their reactions to the course material and to each other. Inside and outside students discuss the reading materials in small groups, and later the whole class goes over the material together. Each week everyone writes a one- to two-page paper on an aspect of the readings. Toward the end of the semester, small groups, again mixed inside and outside students, work together on a final project of their own devising, researched with the help of the outside students who have access to the college library, which they present on the last day of class.

My human rights class began with the Universal Declaration of Human Rights and then took a historical perspective, starting with Woodrow Wilson's Fourteen Points and the founding of the League of Nations. Simply reading the

Universal Declaration and a few accompanying conventions inside a jail can unsettle an Inside/Out class in different ways. The Declaration's prohibitions of racial, gender, and religious discrimination, its insistence on the right to political participation, to an education, to housing, food, and security of person crackle with immediate significance and the skepticism born of personal experience to the incarcerated students. American incarceration has had very little to do with rehabilitation since the 1960s and almost everything to do with punishment. That priority gives the transmission of knowledge, but most particularly the transmission of knowledge of rights, an excitement and intensity that it rarely achieves in more common educational settings. Discussing these readings starts to wake up the outside students to the plight of their classmates.

In an effort to introduce students to the social activism behind important movements for human rights, we read a few sections from Jean Quataert's *Advocating Dignity*, including a narrative of the activities of the Madres of the Plaza de Mayo.¹ Students uniformly admired their courage and the ways they employed the junta's violation of the family to indict it. Although there were feminist outside students, none was critical of the deployment of maternal stereotypes as potentially limiting for women, whereas in graduate school that is often a sticking point for politicized women.



In fact, gender equality as a measure of human rights seemed to hold little importance in our discussions. The jail I teach in just houses men, so the only women were outside students, and they seemed not to wish to highlight women's rights. This may have been because, in the presence of men without rights, they were reluctant to bring up their own struggles, or simply as a numerical minority in the class, they were uncomfortable expressing concerns about

themselves. Or it could have had to do with their youth and relative protection from gender discrimination thus far in their lives. Many women students shy away from what they see as the negative connotations of “feminist” even as they understand that it simply means equality between men and women. Outside men and women students enjoyed without comment pictures of inside students’ girlfriends as well as “baby mammas.”

In general, the inside students are more politically conservative than their outside classmates and consider the latter’s more liberal views, particularly on punishment, an outgrowth of their general naiveté. For example, in discussing Argentina and the era of the disappearances, some of the inside students found Reagan’s ruthless *realpolitik* in supporting them sensible, while outside students by and large were dismayed. More immediately, I have never met an inside student who believes in the abolition of prisons. No inside men whom I have taught doubt the need for jail. Among outside students an abolitionist occasionally shows up. Recently an inside student, discussing sex between an intoxicated man and woman, commented with typical commitment to incarceration that it was rape and that the man belonged in jail. Sometimes inside students feel their sentences are too long—several cited the disparity between crack and cocaine sentences before it was changed—but none has argued that he shouldn’t be in jail or that jail is itself a violation of fundamental human rights.

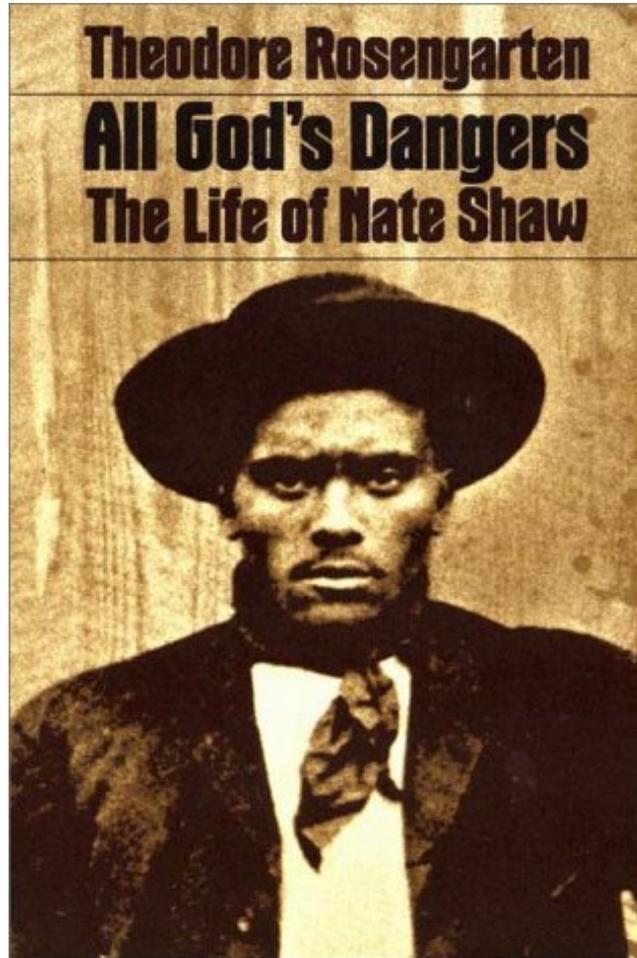
Inside students have generally been raised more punitively than most college students. In a class I taught on the history of incarceration, we read a selection from *All God’s Dangers: The Life of Nate Shaw*, in which a sharecropper recalls his father’s brutal whippings and his long days as a little boy plowing while his father went hunting. The men, particularly but by no means exclusively the African Americans, were very moved by the reading and all found that Shaw’s father was acting for the boy’s own good. And yet, in a course I am teaching now on gender equality and violence, several inside students see holding their sadness and hurt feelings inside as a cause of violent behavior. One man speaks movingly about his 9-year-old son and letting him cry, not telling him to buck up and be a man as his own grandmother told him. Another talks about avoiding violence through communicating.

Thinking about international human rights leads us to talk about systematic, institutional violence. Talking of the human rights of children throws us all to paddling around in our harbors of contradictory memories and feelings. Many inside men have a welter of confused feelings about their childhoods. They have trouble telling a story that not only honors the poverty and discrimination their parents faced but also includes with some degree of understanding the violent fallout from drugs and alcohol that surrounded them as children. Many have had their own bouts of addiction, which helps them empathize with their parents but not necessarily help themselves. Inside men in my classes want to change, but they do not want to condemn the people that raised them, however painful their early years were.

The stark differences between most inside and outside students haunted the discussions of the human rights perspective on child welfare. Many college and graduate students had grown up free from discrimination, from abuse, having adequate shelter, food, health care, and a free education so that they could develop in a wholesome environment and look forward to a life of dignity. One inside student mentioned being born to an imprisoned mother, marveling at her strength and ability to survive. Another had been in and out of detention homes and other penal institutions since he was six. Numerous inside students have had experience of the foster care system but rarely talk about it. In my human rights class, an outside student related a painful incident about her foster parent, drunk and unable to show up at a court date. She managed to explode the inside students’ stereotypes

about the privileged kids that studied with them every week, while giving an opening to others to talk about their own childhoods. These had little to do with the international conventions and ideals of dignity and freedom from abuse.

One concept some students took from these conversations was that there was no point in separating political, civil, and economic and social rights. This was true for both inside and outside students, but this did not mean that everyone was in favor of our welfare state such as it is. Many inside students have contempt for welfare and despise the idea of paying taxes so, as they see it, other people don’t have to work. Some inside students, who know the welfare system intimately, think it should be



much more generous and much less punitive. But many inside students don't really make the link between the abstract idea of economic rights, which they think is a good thing, and the United States welfare system. Their experiences and information about welfare have poisoned it so thoroughly that it does not even seem to qualify as an attempt at economic rights. When inside and outside students study together, most understand that efforts to reduce inequality, and provide the needy with improved housing, nutrition, health care, and education are indispensable to being able to participate as citizens. They see that fiscal austerity makes it even less likely that the poor will ever exercise the full panoply of their human rights. Outside students see welfare as a feeble attempt in that direction, but the propaganda and racialization campaigns against welfare have largely destroyed its credibility as a program for potentially addressing inequality and restoring human rights in the eyes of inside students, especially white ones.

Incarcerated African Americans and Hispanics in my classes were likely to point to race, as well as class, as the source of their own problems and the ones we discussed. Although white inside students were generally from poor neighborhoods, they were not eager to discuss class or race. White privilege had little meaning for them. Unlike in urban and state prisons in Southern New England, the population of this rural jail was predominantly white, although many men had come from state institutions before winding up in this jail, known for its rehabilitation programs. An African American student, describing his experience in a violent state prison, spoke facetiously about the "chess club" he joined and how, after that, he never felt unsafe any more. A white student, who had been at a similar institution, remembered inadvertently sitting down at a cafeteria table where blacks were eating and learning later that he almost lost his life for his mistake.

Conversations about the Rwandan genocide broke down along racial lines in that inside African American students believed that the United States failed to respond to the genocide because the victims were black Africans. A female outside African American student was more skeptical. There were no outside male African American or Hispanic American students and, with one exception, have never been any in my years of teaching in prison. The exception was the child of immigrant parents who may have felt less implicated by the huge black prison population, that may soon include one third of his cohort of young African American males, than would an African-American male student from a family that lived through the consolidation of the prison industrial complex. In any case, in my experience, some young black and Hispanic women, some with friends or with relatives inside, wish to learn more about incarceration. Young black and Hispanic men stay away.

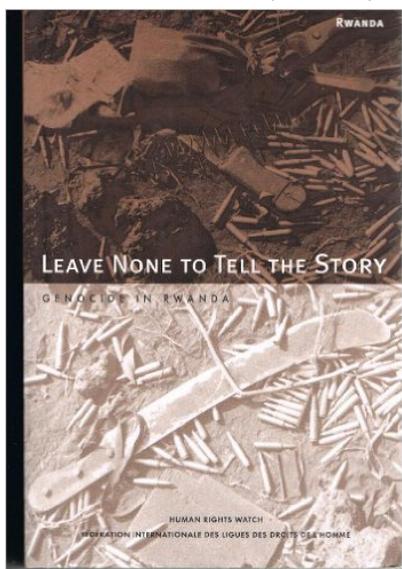
The discussion of Rwanda, based on Alison des Forges's *Leave None Alive to Tell the Story* (Human Rights Watch), surprised students who had heard something about the catastrophe, but had no idea that it was a politically generated and precisely planned event with some of its origins in European colonial rivalries. This reading, along with selections from Samantha Power's *A Problem from Hell*, and *Machete Season* (Jean Hatzfeld), a series of interviews with perpetrators, provoked wide-ranging discussions of responsibility, motivation, and understanding of this atrocity.

Several inside students saw ignorance of the growing crisis in Rwanda as an excuse for inaction. Knowing and not acting disgusted some, while others took the view that rescuing people from their own country's oppression was not our responsibility. A couple of women (outside) students took the position that we were all responsible for not doing enough to stop the killing. They felt passionately about their position, and it motivated their political activities. Most did not embrace this broad view of responsibility, but all the outside students and some inside students did feel discomfort about our country's failure to intervene.

In discussing *Machete Season*, inside students, led by an Iraq veteran, were more willing to speculate about what circumstances might persuade them to kill. Outside students, in general, resisted the notion that need, coercion, political manipulation, the activities of their friends and neighbors, and underlying suspicion of another group might combine to turn them into killers. Generally less touched by need and violence, they tended to bring more idealism to discussions, and rejected the idea that they might become killers given a certain set of conditions.

In general, the most potentially transformative revelations in Inside/Out classes are close to home, like the ways students understand and enact the human right of acquiring an education. An incarcerated person's growing understanding of his or her right to an education as well as what an education can mean in his life can change him. One of my students had been inside for several years. He did well in two Inside/Out classes, and was released not too long after completing his second college course. He is currently finishing college, one of a number of Inside/Out students to go on for further education. His life has opened up.

That education is a human right made some students reflect critically on their secondary schools. A group of students, inside and out, whose birth languages included Spanish, Vietnamese, and Polish, researched bilingualism and bilingual education for their final class project. Learning more about the developmental and intellectual values of bilingualism, struggles of minorities to retain their native languages, and their own positive memories of the rare bilingual offerings in their schools made this group



consider how the right to education also means the provision of meaningful education.

Some inside students had received their GEDs inside. Others had been in juvenile facilities where they learned nothing. The hunger of some of these students to understand the materials, the amount of time they spent on their weekly reading and writing assignments, and the ways in which they treated the course, as the jail staff did too, as a privilege not a right, had a powerful effect on many of the outside students. They did not, overnight, lose their own ambivalence about school work, but the curiosity, ambition, and pride of learning that infused the inside students offered many outside students a missing and tonic perspective on their own educations. At least during class time, an enthusiasm for learning, for discussion, and for exchanging ideas liberated the class from the constraints of boredom, fear, and the default disengagement that can pervade a classroom.

A group of Inside/Out students worked on a final project focusing on felony disenfranchisement and discovered that it not only personally deprives men and women, sometimes for life, of their right to have a say in the political process, something that is not the rule in other countries, but also that it can affect the outcome of elections.

Perhaps the very literal and grounded quality of the discussions of education, felony disenfranchisement, the rights of children, and the right not to be tortured, for example, explains why the conversations in Inside/Out and my college and graduate classes are quite different. For example, the question of whether human rights are simply another version of western colonialism stirs passions among college and graduate students. In essays by Sally Merry Engle we read examples of successes and failures in translating rights concepts into local idioms as well as struggling over the more intractable issues of women's rights in cultures where there are no easy translations. Inside/Out classes are more likely to return to the prisoners' experiences as a baseline for oppression. Students do not make the assumption, common in other classes, that many will go on to try to ameliorate the rights of others elsewhere. This grounds these classes and gives them a particular immediacy.

In the same vein, conversations critical of the rights discourse tend to have little appeal in a place where the legal system is an obvious tool for improving conditions. Arguments that point out the individualistic nature of pursuing legal solutions and the possibly enervating effect on local communities of using rights rather than other strategies and symbols for resisting oppression do not make much headway among groups of incarcerated Americans. To rightless Americans the human rights discourse seems like the articulation of just principles that

should underlie the system that stripped them of their rights. The discourse seems radical, not foreign or coercive or conducive of passivity.

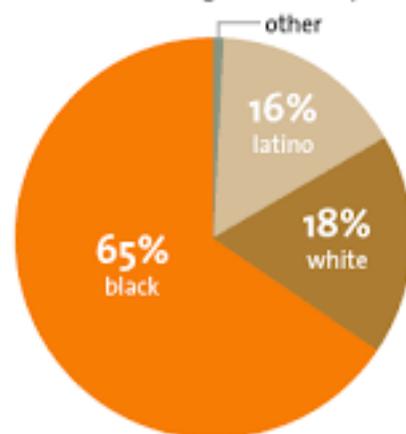
Among the most obvious rights that incarcerated students lack is the vote. Fall 2008 was an election year of great significance for students, inside and out. Unlike the outside students who were excited to exercise the franchise for the first time in a national election, the inside students followed political events as closely as they could given the sparse reading and news they could access, but they were not going to vote.

Before 2000, Massachusetts had been one of the few states, along with Maine and Vermont, that did not disenfranchise felons. But in 2000, a referendum took that right away, although the state restores the franchise after an incarcerated person finishes his or her sentence. (Massachusetts, oddly, has gone against the trend to liberalize these restrictions, a trend that began in about 1997. At the moment we have about 5.8 million felons and former felons who can't vote. This includes the 2.2 million in jail but also those under some form of state or federal surveillance, either on probation or parole or people who haven't been able to pay off all the fines and fees associated with their cases.) Because of the disproportionate number of African Americans in prison, disenfranchisement affects African American men at a rate seven times that of other American men. Given current rates of incarceration, three in ten of the next generation of black men can expect to be disenfranchised at some point in their lifetime. In New York, 80% of the people disenfranchised are Black.

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Prison Colors

Nonviolent offenders serving life without parole



Source: American Civil Liberties Union

Mother Jones

Students reported on studies that showed that the nation's level of disenfranchisement has probably been decisive in 7 senatorial elections, and, of course, in the

2000 presidential election in Florida. Students also researched the fact that in apportioning representation, incarcerated men and women are counted in the states in which they are serving their sentences, rather than where they come from, although they usually don't come from the districts in which they are imprisoned, and often don't even come from the states in which they serve their sentences. As students pointed out, this gives the rural areas where prisons are often located extra electoral clout and further diminishes the impoverished urban areas where many of the imprisoned lived and would have voted. This kind of cooperative student report on a human right denied half the class, a right that most countries do not deny felons, had a significant impact on both inside and outside students. Both felt the injustice of the denial and thought that only a few felonies, like treason, might justify taking away a convicted person's right to vote on the grounds of breaking the social contract. Possession of a drug did not, in the eyes of most students, qualify. And the apportioning of representation made students feel that something uncomfortably like the three-fifths clause was in operation: a confined population counted for the purposes of increasing the numbers in places where the counted would not benefit, while the counted population was left voiceless. Felony disenfranchisement and the apportioning of representation had the effect of showing students how the denial of a human right to one group usually had repercussions for others.

Teaching human rights inside presents a particularly down-to-earth and bitter "teaching opportunity." U.S. jails impose a wide range of restrictions on inmates' human rights, from regulating their choice of companionship and sexual expression to coercing their labor: a particularly egregious example has been occurring in a GEO (a private corporation) prison, where six inmates were threatened with solitary confinement if they would not accept payment of \$1 an hour to clean bathrooms.² Incarceration drastically interferes with the right to education; in most states it interrupts, sometimes permanently, the rights of citizenship including the right to vote, the right to public housing, and access to other governmentally funded programs; and in the case of private and sometimes public prisons, it interferes substantially with the right to adequate health care. None of these denials of rights is necessary to segregating a person convicted of a crime from society. None of these has anything to do with rehabilitating someone who has committed a crime.

At its best, an Inside/Out human rights class can be a semester long process of radicalizing students. At a minimum, it humanizes incarcerated students and their college classmates. Diminished fear permits learning of many kinds. Some outside students get their first deep

lungful of the fetid air of inequality. For a few, this will mean activism. Realistically, it is probably also for a few a form of tourism. In between those poles, many positive changes can happen.

In considering poverty and deprivation, a mix of inside and outside students come to the radical realization that want can affect their moral views. These students achieve a consciousness that is crucial to a human rights perspective: that deprivation, capped in many cases with racial discrimination, would make them likely to have little belief that the law's fierce attention to protecting inequality was legitimate. They grasp a radical notion of humanity that we are very much the same and capable of the same kinds of actions.

All inside students get "good time" or time off their sentences, so self-interest can color their attitude to the material. For some, human rights remain so many pies in the sky, like so much else in their lives. They are drawn to stories of violations, not successes, and see the international movement as naive. But many will engage with tangible rights like education, voting, and physical and mental health for the incarcerated. One petitioned successfully against solitary confinement as a punishment for an infraction. Selective activism is a powerful, achievable outcome.

Teaching human rights inside has made me more committed to teaching the Inside/Out model because of the potential power of the exchanges. It has also made me somewhat impatient, like my inside students, with the debates that occupy much time in graduate teaching. Debates about cultural colonialism and the legacies of imperialism have value, but they also create academic careers and publishing opportunities in a field where theory seems to me to be outstripping grounded work. I do not support cultural insensitivity or continuing imperial domination, but I do feel that working on our own stateside inequality, discrimination, and increasing reliance on criminalization is what I am best suited for.

Notes

¹ The Mothers of the Plaza de Mayo is a group of Argentine mothers whose children were "disappeared" during the Dirty War of the military dictatorship between 1976 and 1983. Since 1977 every Thursday the mothers demonstrate at the Plaza de Mayo near the government palace in Buenos Aires.

² <http://www.browardpalmbeach.com/news/geo-group-sued-by-inmates-forced-to-do-janitorial-work-7116628>



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