

THE CHRISTIAN DUE DILIGENCE IN LIBERATING EDUCATION

INTRODUCTION

The art of storytelling is one that every Christian should learn. Jesus spoke almost exclusively in stories so, ¹ for us who seek to be like him, it should teach us that stories are useful, if not instrumental, in being like him. The desired fruit of these stories is another disciple of Jesus Christ who, in turn, finds God's greatest gift and, something an unbeliever likely does not think of when he thinks of Christianity, liberation.² Let us not mistake God's instruction that we live with wisdom and righteousness for a form of bondage or control. His request is not a restriction but, in His view, it adds to our liberation. For God, there is no worse slavery than to live without Him. By contrast, those who enter in Christ become free from such bondage and live life. True liberation, in the Christian sense, is to be a slave to God, or as political agapist Timothy P. Jackson puts it, an instrument for divine grace.³

There is a patriotic familiarity apparent in this idea. America, being founded on Christian beliefs, has grounded its establishment on liberty. Freedom from religious control is one of America's goals as a nation,⁴ and for that and other reasons, our system is designed to contribute

¹ See, i.e., Matthew 13:3-9 The Parable of the Sower; Matthew 13:31-32 Parable of the Mustard Seed; Luke 13:6-9 The Barren Fig Tree; Luke 10:25-37 The Parable of the Good Samaritan; Matt 13:31-32, Mark 4:31-32, Luke 13:19 The Grain of the Mustard Seed; Luke 7:40-50 The Two Debtors; Matt 22:2-9; Luke 14:16-23 The Great Banquet; Luke 15:11-32 The Prodigal Son; Luke 16:19-31 The Rich Man and Lazarus; Matt 20:1-16 Labors in the Vineyard; Matt 25:14-30, Luke 19:11-27 The Talents; Matt 24:32, Mark 13:28, Luke 21:29-30 The Fig Tree.

² Galatians 5:1 The apostle Paul, a dramatic convert who went from murdering Christians to Jesus' most persuasive advocate, said that it is for freedom that Christ has set us free.; Acts 13:39 Through him everyone who believes is set free from every sin, a justification you were not able to obtain under the law of Moses.; John 8:36 Jesus said that if the Son sets you free, you are free indeed.; See the book of Romans especially 8:20-21.

³ TIMOTHY P. JACKSON, *POLITICAL AGAPE: CHRISTIAN LOVE AND LIBERAL DEMOCRACY* X (William B. Eerdmans Publishing Company, 2015).

⁴ See U.S. CONST. amend. I.

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to the liberation of its citizens and keep them liberated. The point is that each citizen chose his own path and god for himself and not be forced into a specific future or belief by government. There is synthesis between early America's values regarding freedom from religious control and God's preferences as they both give us the ability to choose.

God has given each of us the ability to choose what we want for own lives. Presumably, still assuming that one believes in God, He undoubtedly could make you do what He wants. However, He seems uninterested in forcing you to follow Him. God's refusal to do this implies that His idea of loving you includes giving you the gift to make your own choice. Regardless of what we say about where it came from, America holds a parallel belief that each of its citizens is entitled to make their own choices about religion and also about what kind of life they want to live. True liberation begins with our ability to think and reason and make informed choices and, if you are further inclined, to be used by God to fulfill His purposes for your life. One of the primary ways in which a society accomplishes equipping its citizens with the ability to make informed choices and live a life of freedom is through the gift of education.

My own education is a tale that includes my most cherished memories, housed in sunlit libraries with bean bag chairs and short book stacks for children. Most of my time as an elementary student was spent with my face too close to the pages of Shel Silverstein, E.B. White, and Lucy Maud Montgomery. I spent much time engrossed in stories of a nanny who never did anything right except make a redemptive lemon meringue pie and bears that lived in middle-class suburbia. When I realized there were other kids around I was in middle school learning Algebra and unafraid of math. In between defining cool with thick glasses and fresh braces and making Honor Roll, I made time to retreat to the dark preteen mysteries of R.L. Stine and Christopher Pike. By the time I was in contact lenses, I was a student in a magnet high school where one of

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the teachers was rumored to be a descendant of Albert Einstein. He did not have Einstein hair, so I was not interested. The smartest kid in my class was in the newspaper for his perfect SAT score and the only achievement gaps involving black boys in my memories are when the star football player got hurt in college and settled for medical school as his second choice. For me, school was a place of possibilities and intellectual freedom. I believed, and had patriotic pride in believing, that almost everyone received a similar education.

After college, in 2011, I was a Teach For America corps member challenged to become a transformational teacher of students in urban cities. Teach For America was created by a social justice visionary, Wendy Kopp.⁵ This organization enlists leaders from great colleges all over the country to teach in underserved schools for two years. The goal is for those leaders to become transformational teachers. A transformational teacher changes the trajectory of her students' lives, not in the arrogant sense of a human savior, but by becoming a vessel that delivers opportunity to students who were deprived of it, thereby launching them on a path of more choices. The other goal is that those leaders who leave the classroom and pursue other careers will take their memories of the classroom with them and become a persistent advocate for educational inequity in their respective sectors.

Despite my education and training, I was not prepared for the mediocre education that the kids I met had received. It is quite a shock as a book nerd to discover that America is creating children who are in the fifth grade, and regularly attend school, but cannot read. I had read the stories and knew the statistics but it is quite a different experience meeting the children. This is perhaps why many of the people who argue for education reform are former teachers. My

⁵ Wendy Kopp, Creator of Teach For America, Address at the Global Education & Skills Forum in Dubai, U.A.E (March 12-13, 2016) (“Whenever we've seen the kids in the most disadvantaged context truly excel, always it's been in classrooms and in whole schools where there is a clear vision of where the kids have the potential to be.”).

experience with my students changed my perception of education forever. I have not thought of education or American values the same since this experience.

This comment addresses the failure of our American education system to live up to its rightful duty to create liberated citizens. It intersects Christian views with American liberal democracy to reflect on the deficits in our system. It proposes that sanctity, the source of our need to receive love and our potential to give it,⁶ should be the foundation of our public education system. This idea is found in Timothy P. Jackson's, *Political Agape*. Education reform is an issue of social justice, and as Jackson states social justice is only recognizable and realizable when agapic love is given its due.⁷ He argues that agape is a political virtue, not simply a private excellence.⁸ Theological virtues should not be shielded from application in political judgements.⁹ Both the church and the state shape human souls and both are in need of God's redemption to do so.¹⁰ Political agapists believe that our ultimate allegiance is not to America or Christianity but to God.¹¹

Paulo Freire, the author of *Pedagogy of the Oppressed*,¹² adds to this argument because his work is a depiction of our education system. He discusses how oppression is created and maintained and describes what is needed to create liberation instead.¹³ This comment uses his reflections as guidance into how to free our education system from one of oppression to one of liberation.

⁶ JACKSON, *supra*, note 3, at 104.

⁷ *Id.* at 8.

⁸ *Id.*

⁹ *Id.* at 9.

¹⁰ *Id.* at 19.

¹¹ *Id.* at 22.

¹² PAULO FREIRE, *PEDAGOGY OF THE OPPRESSED* (Herder and Herder, 1970).

¹³ *Id.*

In order to accept the basis of the argument, the audience must believe that every individual has inherent worth, or sanctity, and that because of that worth we are entitled to treat one another a certain way. Although Jackson's foundation for sanctity is rooted in Christianity, it is not necessary for the reader to subscribe to that view in order to agree. As an example, I parallel this belief with America's public declaration that it is the land of the free and its promise in its founding documents that it will establish a union based on liberty. I argue that in order to create liberated citizens, sanctity must be the foundation for our public education system. I acknowledge that the reasons for our educational failures vary and, although I believe many of the fundamental failures in the structure of our education system can be addressed through honoring sanctity, practice is more complex than the comment can explore. True pedagogy, or teaching citizens to lead liberated lives, requires education on several levels of society outside of education including our economic practices and our criminal justice system.

The comment begins with the story of our country's education. Then, it shares the results of our efforts in education. It engages Timothy Jackson's views on sanctity and combines them with Pablo Freire on oppression along with several authors who have written on the subject of education reform in America. I accept and use Jackson's offer that agape is the first political virtue and that love should be the foundational norm to structure political policies such as the death penalty,¹⁴ and I add, education.

The comment also discusses why equality is the way in which we practically express sanctity in a democratic society. It touches central issues that are or have been frequently debated in education to demonstrate the practical application of sanctity such as, integration, funding, and

¹⁴ JACKSON, *supra*, note 3, at 2.

the school-to-prison pipeline. Finally, it encourages federal involvement in the implementation. It concludes with a reflection on the comment.

BACKGROUND

The Testimony of American Education

It is appropriate at this phase in our journey to tell the story of public education in America. The preface to America's notions in education dates back to 360 B.C. in ancient Greece and ancient Rome when Plato's writing, *Republic*, first described the link between the state and its support of an education system.¹⁵ The Renaissance in Europe had significant impact on U.S. educational thought and practice. There were also influences by the Dominican monk and scholar Thomas Aquinas¹⁶ (1224-1536), and Desiderius Erasmus (ca. 1466-1536), who advanced public education as a means of equity.¹⁷ Other important Western educational thought contributors include Martin Luther (1483-1546), John Calvin (1509-64), Jean-Jacques Rousseau (1712-78), and John Locke (1632-1704).¹⁸ Locke's views, which also influenced the American criminal justice system, established a strong link between learning and participatory democracy,¹⁹ implicitly linking education and individual liberty.

The first chapter of America's public schools begins in 1635 in Boston where the first public school was established in the British Colonies.²⁰ In the years leading up to the American

¹⁵ IAN C. FRIEDMAN, *LIBRARY IN A BOOK: EDUCATION REFORM 4* (Rev. ed., Library of Congress 2011).

¹⁶ *Id.* at 4. (He advanced reason and faith as sources of truth which helped provide the basis for Roman Catholic education).

¹⁷ *Id.* at 5.

¹⁸ *Id.*

¹⁹ *Id.* at 6.

²⁰ *Id.* at 7.

Revolution, education for the young was growing in the thirteen colonies.²¹ The Revolution helped inspire the newly formed United States to construct its own vision for public education independent of British influence with Noah Webster and Thomas Jefferson as the primary architects.²² Webster vigorously supported legislative action leading to free schools where children learned the virtues of liberty, hard work, and morality.²³ Jefferson, with results of efforts unrelated to his presidency, created the 1778 proposal known as the Bill for the More General Diffusion of Knowledge which called for a state system of free elementary schools to help pave the way for poor boys.²⁴ These provisions of the bill were not passed but his advocacy of the bill helped reduce the stigma of poverty and helped establish an American perception of educational equity.²⁵ Thomas Jefferson was also an author of the Declaration of Independence and its compelling statement that, “we hold these truths to be self-evident that all men are created equal.”²⁶ Jefferson, as the original author of this statement originally wrote “sacred and undeniable” truth²⁷ rather than self-evident.²⁸ This, as Jackson points out, is an indication of the tension between traditional Christianity and emergent American democracy,²⁹ although the link in sentiment is still clear.

Ratified in 1789, the U.S. Constitution did not explicitly mention education but the federal government supported the promulgation of schooling through acts like the Northwest

²¹ *Id.* at 8.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.* at 9.

²⁶ Declaration of Independence (US 1776).

²⁷ Jackson, *supra*, note 3, at 85. Also see Martin Luther King’s 1964 speech, *The American Dream*, where King reminded the audience that the Declaration of Independence “says that each individual has certain basic rights that are neither derived from nor conferred by the state. They are gifts from the hands of the Almighty God. Very seldom if ever in the history of the world has a sociopolitical document expressed in such profound, eloquent and unequivocal language the dignity and the worth of human personality.”

²⁸ JACKSON, *supra*, note 3, at 85.

²⁹ *Id.*

Ordinance of 1785, which among other things, reserved a section in each township for schools.³⁰ States emulated support for these provisions in their constitutions and by the 19th century most states had set up a system of schools.³¹ The states' responsibility for administering education operates through the Tenth Amendment with a mandate that if it is to be provided it must be equal based on the Equal Protection Clause of the Fourteenth Amendment.³² However, using this interpretation to argue the application of equal education has proven challenging.³³ Some have suggested that our country should make a Constitutional amendment to add equal education as a fundamental right because,³⁴ as Justice Brennan states, "there is a close relationship between education and some of our most basic Constitutional values."³⁵

Turning the page to the Civil War, the idea that American liberty is a right based on something inherent in all of us makes another cameo in our story. This time it is by Abraham Lincoln in his Gettysburg Address in which he spoke with a moral voice and enunciated a defense of natural rights and natural law.³⁶ This is further highlighted by his Second Inaugural in 1865 in which he concluded, "With malice towards none; with charity for all."³⁷ As Jackson

³⁰ FRIEDMAN, *supra*, note 15, at 9.

³¹ *Id.*

³² *Brown I*, *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954).

³³ Stephen Lure, *Why Doesn't the Constitution Guarantee the Right to an Education?*, THE ATLANTIC, October 16, 2013 at <http://www.theatlantic.com/education/archive/2013/10/why-doesnt-the-constitution-guarantee-the-right-to-education/280583/>. See *San Antonio Independent School District v. Rodriguez* (1973) denying appellant claims that unequal education funding violated a fundamental right and the Equal Protection Clause.; Kelly Thompson Cochran, *Beyond School Financing: Defining the Constitutional Right to an Adequate Education*, 78 N.C. L. Rev. 399, 400 (2000); *Brown II*, *Brown v Board of Education*, 349 U.S. 294 (1955). But see, *Swann v. Charlotte-Mecklenberg Board of Ed* (1971); *Regents of University of California v. Bakke* 438 U.S. 265 (1978). See generally, *Sweatt v. Painter*, 339 U.S. 629 (1950), *McLaurin v. Oklahoma State Regents*, 339 U.S. 637 (1950) (both establishing the Constitutional violation).

³⁴ Lure, *supra*, note 33, at <http://www.theatlantic.com/education/archive/2013/10/why-doesnt-the-constitution-guarantee-the-right-to-education/280583/>; The Southern Education Foundation, *No Time to Lose: Why America needs an education amendment to the US Constitution to improve public education* (2009) <http://www.southerneducation.org/getattachment/43e3f5bb-714f-47c3-85ad-ece27529f99f/No-Time-Lose-Why-America-Needs-an-Education-Amendm.aspx>.

³⁵ *Plyer v. Doe*, 457 U.S. 202 (1982).

³⁶ JACKSON, *supra*, note 3, at 59-60.

³⁷ *Id.* at 61.

claims this may have been because of Lincoln's evolving political faith that embraced ideas of charity for all found in Hebrew-Christian scripture.³⁸ This elevation from positive and natural law was because neither was enough to balance the Constitution's political tenants and the Declarations' ethical ideals.³⁹

By 1870, Massachusetts congressman George Hoar introduced a bill to establish a federal school system in the southern states.⁴⁰ This was in response to the pervasive disruption inflicted on education in the south after the Civil War.⁴¹ The reconstruction-era attempts to build the southern education system and instruct the newly freed four million slaves were insufficiently supported or actively resisted by the southern states.⁴² Hoar's measure was defeated and is an early indication of the states' hesitance to grant all authority in education to the federal government.⁴³ Despite the unrest in the south, high school populations accelerated in the rest of the country.⁴⁴ This rapid pace of change in the 19th century accelerated in the 20th century.⁴⁵

The early 1900s sparked many debates about industrialized education, IQ testing, and segregation.⁴⁶ In 1932, A survey of 150 school districts revealed that three quarters of them were using intelligence testing to place students on different academic tracks.⁴⁷ In 1948, the Educational Testing Service was formed with huge grants from the Rockefeller and Carnegie

³⁸ *Id.* at 59-60.

³⁹ *Id.* at 61.

⁴⁰ FRIEDMAN, *supra*, note 15, at 11.

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.* at 13.

⁴⁶ *Id.* at 22.

⁴⁷ Race Forward: The Center for Racial Justice Innovation, April 13, 2006, at <https://www.raceforward.org/research/reports/historical-timeline-public-education-us>.

foundations. These testing services continued the work of eugenicists like Carl Brigham, the originator of the SAT, who claimed his research proved that immigrants were feeble-minded.⁴⁸

In 1957, the Soviet Union led a successful launch of the space satellite Sputnik which served as a symbol of the inferior quality of U.S. schools.⁴⁹ It sparked the 1958 National Defense Education Act which included unprecedented federal aid for school construction and curriculum support.⁵⁰ Still, dissatisfaction with education in America loomed with blacks and others who were frustrated by substandard conditions of the largely segregated school system.⁵¹

Although most are familiar with the 1954 unanimous, integration-forcing decision in *Brown v. Board of Education*,⁵² less discussed is the second *Brown* case a year later that attempted to force the actively resistant states to integrate their schools “with all deliberate speed.”⁵³ This case illustrates the states’ firmly-planted resistance to heeding the federal government’s prohibition of discriminatory practices in education. This time period is one of dramatic social unrest that highlights our resistance to equality and, therefore, our resistance to honoring the sanctity in each of us.

Brown v. Board, the rise of the middle class, and an increase in awareness about poverty and inequality were the impetus to the passage of Lyndon Johnson’s 1965 Elementary and Secondary School Act which created Title I federal funds for poor school districts,⁵⁴ a giant step forward for the role of the federal government in education reform,⁵⁵ and a progression towards honoring equality in education. This act will be the template for several others in our story.

⁴⁸ *Id.*

⁴⁹ FRIEDMAN, *supra*, note 15, at 24.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Brown I*, 347 U.S. at 483; FRIEDMAN, *supra*, note 15, at 24.

⁵³ *Brown II*, 349 U.S. at 301.

⁵⁴ Barry Friedman, *The Federal Right to an Education*, 81 *GEORGIE WASHINGTON LAW REVIEW* 92, 138 (2013).

⁵⁵ FRIEDMAN, *supra*, note 15, at 25.

Although resistance to providing a liberated education system affected all universally, the racial unrest made it certain that minorities would be disproportionately affected. One of the ways in which this is apparent is through education funding. The *Rodriguez*⁵⁶ case decided in 1973 is a decisive chapter in our book of education history. In this case, the Supreme Court overruled a judgement by a district court in Texas and instead held that funding inequalities in Texas were constitutional.⁵⁷ The schools were funded according to a property tax-based system which allowed for one district to fund its schools well over double the rate of another.⁵⁸ It was in this decision that Justice Powell infamously stated that education was not a fundamental interest or a right afforded explicit protection in the Constitution.⁵⁹ The plaintiffs and opponents of this case, contend that education is a fundamental personal right because it is essential to the exercise of all other Constitutional liberties.⁶⁰ Thurgood Marshall's lengthy dissent disagreed that fundamental interests had to be explicitly guaranteed in the Constitution. He provided as examples the right to procreate, the right to vote, and the right to criminal appeal.⁶¹ This Court missed the opportunity to jump the hurdle that states had put up either only minimally enforcing or flat out refusing to integrate their schools in order to resist equal education.⁶² The Court could have made it clear that it was going to ensure that state's provided equal education either with integration or by using funding. Consequently, some still contend that Congress should define discrimination in education in a way that would render property-tax-based systems, like the one

⁵⁶ San Antonio, 411 U.S. 1.

⁵⁷ JONATHAN KOZOL, *THE SHAME OF THE NATION* 241 (Three Rivers Press 2005).

⁵⁸ San Antonio, 411 U.S. 1.; KOZOL, *supra*, note 55, at 241-42 (After state assistance, the plaintiff in Rodriguez could only raise \$231 per pupil, while the defendant, another school district within the state, was spending \$543 on each student).

⁵⁹ KOZOL, *supra*, note 57, at 242.

⁶⁰ *Id.*

⁶¹ San Antonio, 411 U.S. 1.

(Marshall, J., dissenting); KOZOL, *supra*, note 55, at 243.

⁶² KOZOL, *supra*, note 57, at 243.

in *Rodriguez*, unlawful because they claim that such systems reproduce racial disparities in educational resources.⁶³ Further damage was done the next year, in *Milliken v. Bradley* with a Supreme Court, made up of Richard Nixon's appointees, ruled that schools may not be desegregated across school districts.⁶⁴ This effectively legally segregated students of color in inner-city districts from white students in wealthier white suburban districts.⁶⁵

Despite this setback, there was progress in education in the thirty years after *Brown*.⁶⁶ During the desegregation era, there was a sharp increase in minority high school graduation rates and racial test score gaps narrowed substantially.⁶⁷ This progress towards equality, as well as a gradual progression of federal involvement, stalled and reversed during Ronald Regan's presidency in the 1980s who argued that it was the role of the states to be responsible for designing curriculum, imposing standards, and allocating educational funds.⁶⁸ This administration also repealed the last significant effort towards the goal of integrating schools: a 1972 act by Congress that would have provided financial aid to districts that were actively desegregating their schools.⁶⁹

The next president, George H.W. Bush, had a different tactic, perhaps as a reaction to the public outcry about the overall quality of education in America at the time. Although Bush did not want the federal government to control education completely, he set the tone for the establishment of federal learning standards and laid the groundwork for arguably the most

⁶³ Kimberly Jenkins Robinson, *The Past, Present, and Future of Equal Educational Opportunity: A Call for A New Theory of Education Federalism*, 79 UNIV. CHICAGO LAW REVIEW 427, 453 (2012).

⁶⁴ Race Forward: The Center for Racial Justice Innovation, April 13, 2006, at <https://www.raceforward.org/research/reports/historical-timeline-public-education-us>.

⁶⁵ *Id.*

⁶⁶ KOZOL, *supra*, note 57, at 280.

⁶⁷ *Id.* at 22.

⁶⁸ B. Friedman, *supra*, note 54, at 92, 139.

⁶⁹ KOZOL, *supra*, note 57, at 19.

famous education act established under his own familial legacy called No Child Left Behind (NCLB).⁷⁰

In 2001, his oldest son, George W. Bush, signed NCLB which became the federal government's deepest involvement in education to date. Like some acts before it, it impressively conditioned the receipt of a state's Title I funding on the development of challenging academic content, achievement standards, and its implementation of consistent assessments.⁷¹

Nevertheless, some criticized him for times when he allocated only half the funds that Congress authorized to enable schools to meet the terms of the act.⁷² There were also many repercussions to NCLB because, even though it accurately found a way to highlight the scope of educational inequity by requiring states to report scores for students by sub-groups, it put schools that were already at an academic and economic disadvantage in a position to meet expectations on par with schools that did not have those setbacks.⁷³

Recently, in December of 2015, President Barak Obama signed a shiny new education act. The Every Student Succeeds Act removes the rigorous testing requirements of NCLB, that were criticized as being an unreasonable burden, but aims to keep high expectations for all students.⁷⁴ History has shown us that this may be another act that has little effect on education because we have resulted to standards-based reform and school choice, all but ignoring the issues of segregation and its devastating consequences.⁷⁵ This is not a critique of the act because it is an intuitive reaction to the landscape of education in our nation. It captures the sentiment of high expectations for every child from NCLB while relieving the teachers and principals involved of

⁷⁰ B. Friedman, *supra*, note 54, at 92, 141.

⁷¹ *Id.* at 92, 143.

⁷² KOZOL, *supra*, note 57, at 204.

⁷³ *Id.*

⁷⁴ President Barak Obama, White House Report: The Every Student Succeeds Act, The White House, <https://www.whitehouse.gov/the-press-office/2015/12/10/white-house-report-every-student-succeeds-act>.

⁷⁵ KOZOL, *supra*, note 57, at 20.

the pressure of its unrealistic expectations. However, much like NCLB, it fails to give the federal government the power to correct inequities in funding or infrastructure between wealthier and impoverished districts nor does it even acknowledge racial isolation.⁷⁶ It also fails to acknowledge the overwhelming evidence that children are being educated without regard for their worth or potential. America's story depicts a hypocritical government which preaches freedom and liberty but cannot seem to break from its inclination to control at least some classes of people. This is likely the reason the results of America's efforts have resulted in bondage rather than freedom and puts American students in an oppressed position. School is the first impression children get of society.⁷⁷ Consider what the following statistics indicate about what we are telling our children about their worth in society.

America's Report Card

According to education statistics,⁷⁸ American students rank 25th in math, 17th in science and 14th in reading compared to students in 27 industrialized countries.⁷⁹ After World War II, the United States had the top high school graduation rate in the world. As of 2012, we have dropped to 22nd among 27 industrialized nations.⁸⁰ Approximately half of Americans read so poorly that they are unable to perform simple tasks such as reading prescription drug labels.⁸¹

As alarming as the overall American student's stories with the education system are, the stories from the minority and low-income students are even more disheartening. Eighty percent

⁷⁶ *Id.* at 240.

⁷⁷ John Taylor Gatto, *A Short Angry History of American Forced Schooling* at http://4brevard.com/choice/public_education.htm (discusses the origins of massed forced schooling).

⁷⁸ The Eli and Edith Broad Foundation, http://broadeducation.org/about/crisis_stats.html; National Center for Educational Statistics, <https://nces.ed.gov/>.

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ The Literacy Project, <http://literacyprojectfoundation.org/community/statistics/>.

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of lower-income fourth-graders do not read at their grade level compared to forty-nine percent of their wealthier peers.⁸² Blacks and Latinos are also twice as likely as whites to not graduate from high school.⁸³ These disparities also exist in school discipline practices and further lead to America's failure to produce liberated citizens. Studies show that African-American students are far more likely than their white peers to be suspended, expelled, or arrested for the same kind of conduct at school.⁸⁴ Forty percent of students expelled from school are black and seventy percent of students involved in in-school arrests or referred to law enforcement are black or Latino.⁸⁵ Often times when kids are removed from school, they end up in inferior settings such as suspension centers, alternative schools, and juvenile prisons.⁸⁶ Any child who cannot read proficiently by the end of the fourth grade have approximately a seventy-eight percent chance of never catching up and two-thirds of them will end up in jail or on welfare.⁸⁷

We can see that these gross disparities have greater impact on the country when we consider that, as of 2015, poor or low income students make up the majority of the student population in the United States.⁸⁸ By 2022, the number of Hispanic students in public elementary and secondary schools is projected to grow 33 percent and the number of multi-racial students is

⁸² Alessandra Malito, *Reading gap between wealthy and poor students widens, study says*, NBC NEWS, January 28, 2014 at http://usnews.nbcnews.com/_news/2014/01/28/22471408-reading-gap-between-wealthy-and-poor-students-widens-study-says?lite.

⁸³ Carla Amurao, *Fact Sheet: How Bad is the School-to-Prison Pipeline*, TAVIS SMILEY REPORTS at <http://www.pbs.org/wnet/tavissmiley/tsr/education-under-arrest/school-to-prison-pipeline-fact-sheet/>.

⁸⁴ The Editorial Board, *Schoolkids in Handcuffs*, The New York Times, November 4, 2015, at http://www.nytimes.com/2015/11/04/opinion/schoolkids-in-handcuffs.html?_r=0, NAACP Legal Defense Fund, *Dismantling the School to Prison Pipeline*, (no date) http://www.naacpldf.org/files/case_issue/Dismantling_the_School_to_Prison_Pipeline.pdf.

⁸⁵ Carla Amurao, *Fact Sheet: How Bad is the School-to-Prison Pipeline*, TAVIS SMILEY REPORTS at <http://www.pbs.org/wnet/tavissmiley/tsr/education-under-arrest/school-to-prison-pipeline-fact-sheet/>.

⁸⁶ NAACP Legal Defense Fund, *Dismantling the School to Prison Pipeline*, (no date), http://www.naacpldf.org/files/case_issue/Dismantling_the_School_to_Prison_Pipeline.pdf; Laura Moser, *Georgia Sends Kids with Disabilities and Behavior Problems to Special Schools. That's Segregation*, July 31, 2015. Slate's *Schooled*.

⁸⁷ *Begin to Read*, <http://www.begin Toread.com/research/literacystatistics.html>.

⁸⁸ Allie Bidwell, *Most US Students Live in or Near Poverty*, US NEWS AND WORLD REPORT, January 16, 2015, at <http://www.usnews.com/news/blogs/data-mine/2015/01/16/most-us-students-come-from-low-income-families>.

expected to grow 44 percent.⁸⁹ As the percentage of white students in our country shrinks and the percentage of students of color grows, the U.S. will be left with an education system that fails to serve the majority of its children properly, aggravating the education gaps and making them especially problematic.⁹⁰

Perhaps as a manifestation of the oppressive nature of our education system it is almost undisputed at this point that our schools lead many of our children to prison. The school-to-prison pipeline is one of America's greatest shames. It is not a coincidence that our education system is leading to mass incarceration since prison is a manifestation of the bondage that a lack of education will create. Eight-five percent of juvenile offenders have problems reading and three out of five people in America's prisons cannot read at all,⁹¹ and, of all males in state prison, sixty-eight percent do not have a high school diploma.⁹² This is a pressing issue because by 2020, the United States is expected to face a shortage of 1.5 million workers with college degrees and a surplus of 6 million unemployed people without a high school diploma.⁹³ America's education crisis is a major policy concern for our country that affects all other areas of public welfare. A recent Council on Foreign Relations Task Force on Education Reform and National Security concluded that the country's "educational failure puts the United States' future economic prosperity, global position, and physical safety at risk."⁹⁴

⁸⁹ Lindsey Cook, *U.S. Education: Still Separate and Unequal*, U.S. NEWS AND WORLD REPORT, January 28, 2015, at <http://www.usnews.com/news/blogs/data-mine/2015/01/28/us-education-still-separate-and-unequal> (from 2011 numbers).

⁹⁰ *Id.*

⁹¹ The Literacy Project, <http://literacyprojectfoundation.org/community/statistics/>.

⁹² Carla Amurao, *Fact Sheet: How Bad is the School-to-Prison Pipeline*, TAVIS SMILEY REPORTS at <http://www.pbs.org/wnet/tavissmiley/tsr/education-under-arrest/school-to-prison-pipeline-fact-sheet/>.

⁹³ Alessandra Malito, Reading Gap Between Wealthy and Poor Students Widens, Study Says, NBC News, January 28, 2014, http://usnews.nbcnews.com/_news/2014/01/28/22471408-reading-gap-between-wealthy-and-poor-students-widens-study-says?lite.

⁹⁴ Charles Kenny, *The Real Reason America's Schools Stink*, BLOOMBERG BUSINESS, <http://www.bloomberg.com/bw/articles/2012-08-19/the-real-reason-americas-schools-stink>.

ANALYSIS

Depending upon how it is used, education has a paradoxical nature in that it serves to either liberate or oppress.⁹⁵ We must realize that our growth as a society depends on our education system doing the opposite of what it is doing now. We want to create citizens that can contribute to our intellectual elevation and our social development. Many of the capacities that we take for granted like rational judgement and critical thinking are historically emergent, and remain reliant upon the continuation of complex processes of cultural transmission and education.⁹⁶

In his book, *Political Agape: Christian Love and Liberal Democracy*, Timothy P. Jackson, presents agape, or love of God and neighbor, as the first political virtue.⁹⁷ He argues that love is the foundational norm that ought to structure political principles and policies.⁹⁸ He explains that although he is a Christian, his aim is to bring both religious faith and liberal politics under the sovereignty of charity or love.⁹⁹ He goes on to argue that the personal dignity that stems from freely pursuing rational interests depends upon our basic needs and potentials having been addressed by others.¹⁰⁰ This latter condition for proper personal dignity is what Jackson

⁹⁵ Dr. Zachary Stein, *Education as Liberation: Education as Oppression: Education as First Philosophy*, 2014 (This is an excerpt from a paper currently in process, “On realizing the possibilities of emancipatory metatheory: beyond the cognitive maturity fallacy, toward an education revolution.” It will be published in Bhaskar, Esbjorn-Hargens, Hedlund-de Witt & Hartwig (Eds.) *Metatheory for the Anthropocene: Emancipatory Praxis for Planetary Flourishing*. I am not ready to share the whole paper yet, but wanted to share this, because it feels urgent.) <http://www.zakstein.org/education-as-liberation-education-as-oppression-education-as-first-philosophy/>

⁹⁶ <http://www.zakstein.org/education-as-liberation-education-as-oppression-education-as-first-philosophy/>

⁹⁷ JACKSON, *supra*, note 3, at 2.

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.* at 3.

calls sanctity.¹⁰¹ Sanctity is the main concern of love while dignity is the main concern of justice.¹⁰² With this in mind, it is intuitive how Jackson's principles would apply to an institution like education. Our job in education is to produce citizens capable of exercising dignity allowing them to pursue their goals and add to our country's fulfillment. However, if we do not establish an education system based on the inherent worth of the child, we will fail to develop our children's ability to exercise their dignity.

Jackson provides a deeper explanation of sanctity as the sacredness that is inherent to every individual.¹⁰³ The idea stems from the Imago Dei and the core belief in Christianity that we are all created in the image of God.¹⁰⁴ When we consider sanctity in someone else it should induce awe in us.¹⁰⁵ This interpretation is distinct from arguments that claim that the Imago Dei is the source of dignity.¹⁰⁶ What those scholars call human dignity is closely related to Jackson's sanctity. It means that as creations of God we have an inherent characteristic that we all possess.¹⁰⁷ While oppression stems from dehumanizing or devaluing another, honoring another's sanctity is a pure act of love.¹⁰⁸ Sanctity also sparks a commitment to the cause of the oppressed and a commitment to liberation because it develops a need to receive love and the ability to give it to others.¹⁰⁹ It recognizes that every individual has an inherent worth that should be honored and protected.¹¹⁰ It is closely associated with agapic love, meaning to will the good for someone

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ *Id.* at 89.

¹⁰⁴ *Id.* at 90.

¹⁰⁵ *Id.*

¹⁰⁶ See e.g., Thomas Albert Howard, *Imago Dei: Human Dignity in Ecumenical Perspective*, (Catholic University of America Press 2013); John Roskoski, *A Biblical Model for Human Dignity: Based on the Image of God and the Incarnation*, ASSOCIATES FOR BIBLICAL RESEARCH (2013) at <http://www.biblearchaeology.org/post/2013/10/23/A-Biblical-Model-of-Human-Dignity-Based-on-the-Image-of-God-and-the-Incarnation.aspx#Article>.

¹⁰⁷ JACKSON, *supra*, note 3, at 90.

¹⁰⁸ FREIRE, *supra*, note 12, at 89.

¹⁰⁹ JACKSON, *supra*, note 3, at 104.

¹¹⁰ *Id.* at 90.

independent of his or her dignity.¹¹¹ Dignity, how it is used in this paper, is defined by Jackson as achieved merit based on personal performance.¹¹² When agapic love reigns, human needs and potentials rather than personal status or performance are the temporal foci.¹¹³ For this reason agapic love should be the ruling doctrine in education because of its important function. It is as fragile as the children it is entrusted to develop, and we must shield it from our corrupting tendency to control rather than liberate one other.

There are duties associated with both sanctity and dignity.¹¹⁴ Duties of justice are founded on personal dignity, while duties of love are based on sanctity.¹¹⁵ The terms are interrelated¹¹⁶ and it bears repeating in this context¹¹⁶ that neglect of human sanctity will result in a loss of dignity. The rights associated with sanctity are generated through impersonal needs and potentials and should include education rights, as well as health care.¹¹⁷ Jackson says that personal intellect generates dignity rights which include the right to vote and exercise free speech.¹¹⁸ For this reason, dignity is closely aligned with social justice, construed as giving others what they merit.¹¹⁹ These insights demonstrate that we should practice agapic love and honor the inherent worth of each child we educate with the purpose of leading them to earn, exercise, and enforce his or her dignity rights. Our current education system honors dignity, or at least our perception of one's dignity, and fails to be grounded in honoring sanctity. Dignity without sanctity results in egotism¹²⁰ which results in oppression.

¹¹¹ *Id.* at 89-90.

¹¹² *Id.* at 89.

¹¹³ *Id.* at 4.

¹¹⁴ *Id.* at 89.

¹¹⁵ *Id.* at 90.

¹¹⁶ *Id.* at 92, x.

¹¹⁷ *Id.* at 111-12.

¹¹⁸ *Id.* at 111.

¹¹⁹ *Id.* at 90.

¹²⁰ FREIRE, *supra*, note 12, at 94.

As it stands, the statistics indicate that our public education system needs more than just a focus on creating liberated citizens, it must also work to correct the damage it has done by not focusing on sanctity since its inception. Paulo Freire assists with his 1970 work, *Pedagogy of the Oppressed*. In it, he defines oppression as preventing someone from being more fully human.¹²¹ Freire defines the pedagogy of the oppressed as teaching oppressed people to attain their own liberation.¹²²

Pedagogy, as this paper defines it, is the art of creating liberated citizens which is the true command of a democratic education system. Our culture must embrace this truth in order to be supportive of the structure true pedagogy needs to operate. Cultural assumptions and values that surround an education system do more to support or undermine it than the system can do on its own.¹²³ Our culture must become one that is dedicated to our continued improvement as a citizenry to produce highly educated liberated individuals that can correct and perfect our world. We can only do this effectively if we believe, or at least behave as if we believe, that all individuals have an inherent worth and an ability to contribute to our society. If it is true, as Freire suggests, that the oppressed need to be a part of their own liberation,¹²⁴ then they must be taught in a way that will achieve that end. And if it is also true that the oppressed must develop their own pedagogy,¹²⁵ or path to liberation, that suggests we have a duty to provide every student with a high quality education, especially those students who come from a lineage of oppression, in order for them to lead the charge in their own freedom.

¹²¹ *Id.* at 57.

¹²² *Id.* at 54.

¹²³ Lure, *supra*, note 33, at <http://www.theatlantic.com/education/archive/2013/10/why-doesnt-the-constitution-guarantee-the-right-to-education/280583/> (citing a 2013 report by Pearson Education).

¹²⁴ FREIRE, *supra*, note 12, at 89.

¹²⁵ *Id.* at 54.

Despite efforts spanning decades,¹²⁶ we have been unable to fix our failing education system. These problems are far too deeply rooted for us to use constantly changing learning standards and teacher performance evaluations to mend it. We must address the fundamental issue which is that our system educates children based on the merit of their circumstances, where they live and what their parents earn, and not on their worth and potential as human beings.

As Freire states, oppressors are successful in their pursuits to control the oppressed through prescription.¹²⁷ Prescription is a basic element of the relationship between oppressors and the oppressed.¹²⁸ It represents the imposition of one's individual's choices upon another and causes the oppressed to think the way the oppressors want them to think.¹²⁹ One of the most effective ways this prescription is currently accomplished is through our education system.¹³⁰ We are prescribing upon our children archaic views which affect what our children think of themselves and what they become. As Freire explains, self-depreciation is a characteristic of the oppressed.¹³¹ They become convinced that they are the things the oppressors say that they are.¹³²

We need to educate students equally so that they can each lead the charge for their own liberation.¹³³ In order to release our children from the prescriptions that our history and educational neglect have created for them, we need to provide education that gives our children the freedom to make choices.¹³⁴ The oppressed yearn for freedom and justice,¹³⁵ and once the oppressed discover that they and we as their oppressors, are both manifestations of

¹²⁶ See e.g., Samuel Bowles and Herbert Gintis, *Schooling in Capitalist America: Educational Reform and the Contradictions* (Basic Books, 1976).

¹²⁷ FREIRE, *supra*, note 12, at 47.

¹²⁸ *Id.* at 46.

¹²⁹ *Id.* at 47.

¹³⁰ Gatto, *supra*, note 77.

¹³¹ FREIRE, *supra*, note 12, at 63.

¹³² *Id.* at 63.

¹³³ *Id.* at 49, 54, 67-68.

¹³⁴ See FREIRE, *supra*, note 12, at 63 implying that following prescription is the opposite of having choices.

¹³⁵ *Id.* at 44.

dehumanization, they become agents of change.¹³⁶ One of the results of such an education is a person who understands and better values his or her own sanctity, and therefore, the sanctity of others.¹³⁷ We need to accept that unless and until we commit to providing a quality education to every student, we are wasting our resources on mediocre results and threatening our country's welfare in the process. An education revolution is necessary for our survival, security, liberation, sanity, and democracy.¹³⁸

Sanctity through Equality

Sanctity is concerned with the divine worth that is common to all humans.¹³⁹ Thus, equity becomes the ultimate way in which we honor sanctity in one another. Education is the great equalizer¹⁴⁰ and equality is the central component of democracy. One way to express sanctity through equality in education is to take into account the variety of experiences that children are bringing into the classroom when we educate them.¹⁴¹ We must focus on fairness since the essential mission of a public education is to provide every child, regardless of background, with a chance to reach his or her full potential,¹⁴² which he or she can only do with proper pedagogy. Academic environments should aid students in acquiring skills necessary to work successfully with peers of all races. We should not only teach the students the facts of our history of oppression, but also address the deceptions that still exist. It is through this process that we show

¹³⁶ *Id.* at 49.

¹³⁷ *Id.*

¹³⁸ <http://www.zakstein.org/education-as-liberation-education-as-oppression-education-as-first-philosophy/>

¹³⁹ JACKSON, *supra*, note 3, at 104.

¹⁴⁰ Joshua E. Weishart, *Reconstituting the Right to an Education*, 67 ALABAMA LAW REVIEW 52 (forthcoming 2016).

¹⁴¹ FREIRE, *supra*, note 12, at 88. See Greg Toppo, *In farewell, Duncan chides, 'collective failure' to protect kids*, USA TODAY, December 31, 2015.

¹⁴² STEVEN FARR, TEACHING AS LEADERSHIP 57 (Teach For America 2010); Georgia Appleseed, *The Same Starting Line*, 2011 <https://gaappleseed.org/media/docs/the-same-starting-line.pdf>.

our students examples of our vulnerability and error so that a contrary conviction can begin to grow within them.¹⁴³

Sanctity in education can be practiced in a variety of ways which would have little to do with standards-based reform.¹⁴⁴ Educational interventions that focus exclusively on school-based remedies, while politically popular, are not necessarily adequate to protect the rights of children from impoverished communities to have an equal opportunity to receive a sound basic education.¹⁴⁵ There are many ways this can be accomplished, although the topics I mention below are those I believe cannot be ignored. This is not an attempt to solve the problem since the implementation of these would require years of commitment and strict enforcement. These examples do serve as a way to illustrate how America's education system can begin to infuse sanctity in practical terms.

Integration and Funding

Before delving into such contested topics, it is important to emphasize that equality in education is necessary for all of us. It is necessary in order for us to develop socially and begin to evolve past many of our long-standing conflicts. Even with the gross disparities, everyone still suffers and, therefore, everyone will benefit from addressing the gaping holes in the structure of our education system.

Freire leads our discussion on integration beginning with his claim that oppression is domesticating.¹⁴⁶ This is especially important because the gravest obstacle to the achievement of

¹⁴³ FREIRE, *supra*, note 12, at 88.

¹⁴⁴ Michael Hilton, *Literacy, Poverty, and Brain Development: Toward a New, Place-based Educational Intervention*, 17 RICHMOND JOURNAL OF LAW & PUBLIC INTEREST 623, 640 (2014).

¹⁴⁵ *Id.* at 623, 646.

¹⁴⁶ FREIRE, *supra*, note 12, at 33.

liberation is that the oppressive reality absorbs those within it and thereby acts to submerge human beings' consciousness.¹⁴⁷ As Patrick Sharkey discussed in *Stuck in Place*, "various forms of inequality are clustered in social settings like neighborhoods, schools, and political districts, and these social settings represent crucial sites at which American inequality is generated, maintained, and reinforced."¹⁴⁸ It is the cumulative effect that is most severe and creates the high poverty trap.¹⁴⁹ For many the notion of equal educational opportunity still signifies equality in one important sense: racial and socioeconomic integration.¹⁵⁰ Scholars like James Ryan continue to argue persuasively that the social equality achieved through integration is just as important, if not more important, than resource equity to student achievement.¹⁵¹ As Ryan stated in *Five Miles Away*, "[t]he continued separation of urban and suburban students has been the most dominant and important theme in education law and policy for the last fifty years."¹⁵² Ryan contends that separating the poor and politically powerless in their own schools and districts is antithetical to the idea of equal educational opportunity.¹⁵³ Over one hundred years ago, Horace Mann advocated for common schools to educate rich and poor students together because if wealthy families did not send their children to common schools, then they would not make sure that common schools were of high quality.¹⁵⁴ His declaration has proven prophetic. In this way, integration serves as accountability for us since it is much easier to spot unequal treatment or educational opportunities when the occurrences happen within the same school buildings rather

¹⁴⁷ *Id.*

¹⁴⁸ Hilton, *supra*, note 142, at 640.

¹⁴⁹ *Id.*

¹⁵⁰ Weishart, *supra*, note 140, at 53.

¹⁵¹ *Id.*

¹⁵² Robinson, *supra*, note 63, at 453.

¹⁵³ *Id.* at 427-28.

¹⁵⁴ *Id.* at 446.

than when they are confined to certain homogenous schools, although unequal treatment will happen even in integrated schools if we do not purpose to practice sanctity.

Despite the erroneous perception that segregation in our country has improved, schools that were deeply segregated 25 or 30 years ago are no less segregated now.¹⁵⁵ The leaders of the movement for integration, like Thurgood Marshall and Dr. Martin Luther King Jr., would be astonished at the lack of it in the schools currently bearing their names.¹⁵⁶ The Civil Rights Project at Harvard University indicated that nearly three fourths of black and Latino students attend schools that are predominately minority.¹⁵⁷ It also pointedly stated that giving up on integration requires us to consciously and deliberately accept segregation which is incompatible with the healthy functioning of a multiracial generation.¹⁵⁸ Extensive research documents the harms of racial isolation and the benefits of integration¹⁵⁹ and indicates that successful school systems develop high expectations for all students¹⁶⁰ and have diverse learning environments.¹⁶¹

Integration is something we have already been commanded to do but have failed to enforce. We claim the proud accomplishments of *Brown* while upholding the shameful bigotry of *Plessy v. Ferguson* which upheld the “separate but equal” doctrine and accepted segregation for the perpetuation of a dual system in American society.¹⁶² We have been warned, encouraged, and pleaded with by many great minds throughout history about integration, but have continued to avoid conceding. Jonathan Kozol expresses in *The Shame of the Nation*, that we are obliged to

¹⁵⁵ KOZOL, *supra*, note 57, at 18.

¹⁵⁶ *Id.* at 22, 280.

¹⁵⁷ *Id.* at 19.

¹⁵⁸ *Id.* at 20.

¹⁵⁹ Robinson, *supra*, note 63, at 447.

¹⁶⁰ STEVEN FARR, TEACHING AS LEADERSHIP 57 (Teach For America 2010).

¹⁶¹ Kittie Butcher, *Diverse learning environments benefit students*, MICHIGAN STATE UNIVERSITY EXTENSION, April 24, 2015 at http://msue.anr.msu.edu/news/diverse_learning_environments_benefit_students. Philip Tegler, *Diverse learning environments also benefit white students*, HUFFINGTON POST: THE BLOG (January 13, 2013), http://www.huffingtonpost.com/philip-tegeler/diverse-classrooms-also-b_b_2403328.html.

¹⁶² KOZOL, *supra*, note 57, at 34, 216.

live with the ideals and names of heroes and with words of court decisions that official culture honors but official actions fiercely disavow.¹⁶³ Consequently, integration should be one of our first and fiercest pushes in education. Our commitment needs to be to unravel these cyclical and tangling effects of oppression through integrated schools and classrooms. Truly embracing sanctity in our education system requires a commitment to demonstrate through our classrooms that everyone is entitled to an education provided on equal terms together with children who are members of diverse groups representative of our multicultural society. Integration does not imply that any one race needs another to function but it acknowledges that we all need each other in order to develop socially. It further allows us to uphold the American ideals of liberty that we proclaim. In order to heal our conflict with one another, we must begin to give everyone the best opportunity to contribute to our world.

If we commit to integration, then equitable funding likely becomes a lighter problem. However, if tackled, Freire proves helpful once again with his insights about what money becomes to an oppressive society. He says that the oppressors develop the conviction that it is possible for them to transform everything into objects of their purchasing power; hence their strictly materialistic concept of existence.¹⁶⁴ Money is the measure of all things, and profit is the primary goal.¹⁶⁵ For the oppressors, what is worthwhile is to have more, even at the cost of the oppressed having less or having nothing.¹⁶⁶ Seemingly in concurrence, Jackson says that justice distributes a range of goods, including money, according to merit whereas charity produces value in part according to no appraise criterion at all.¹⁶⁷ It is obvious that what we purchase has some

¹⁶³ *Id.* at 30.

¹⁶⁴ FREIRE, *supra*, note 12, at 58.

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ TIMOTHY JACKSON, *PRIORITY OF LOVE*, 20 (Princeton University Press, 2003).

connection to the worth of what we get.¹⁶⁸ It is no irony that those that so vehemently state that money does not matter in education make large investments in the education of their own children.¹⁶⁹ Kozol states that what we spend on our students surely tells us something about what we think they are worth to us in human terms and in their future contributions.¹⁷⁰

Some argue that the remedy for unequal spending is either horizontal equity among school districts, such that per-pupil revenues are roughly equalized by the state, or fiscal neutrality, such that the revenues available to a school district would not depend solely on the property wealth of the school district.¹⁷¹ Another option, vertical equity, or weighted student funding, is a remedial school finance scheme that aims to mitigate natural and social disadvantages by allocating greater resources to the neediest students.¹⁷² It is an option worth considering since it signifies a sense of fairness about the proper determinants for success in life and, even more fundamentally, about how to treat people with equal concern and respect.¹⁷³

The School-to-Prison Pipeline

It would be remiss to discuss the status of our education system because of its unwillingness to honor sanctity without mentioning the most oppressive of all consequences. The school-to-prison-pipeline is America's greatest shame. As an appropriate background, in *The New Jim Crow*, Michelle Alexander narrates the history, evolution, and adjustments of our system of oppression in America. She discusses that racism is highly adaptable and states that the racial caste system that we worked to abolish during the civil rights movement has taken a different

¹⁶⁸ KOZOL, *supra*, note 57, at 44.

¹⁶⁹ *Id.* at 56.

¹⁷⁰ *Id.* at 44.

¹⁷¹ Weishart, *supra*, note 140, at 51.

¹⁷² *Id.*

¹⁷³ *Id.*

form.¹⁷⁴ This racial caste system, she argues, now functions through the criminal justice process,¹⁷⁵ and works to enslave minorities and the poor through mass incarceration.¹⁷⁶ Public schools have become the classroom of indoctrination into this new racial caste system that Michelle Alexander describes creating this link called the school-to-prison pipeline.

Oppressed individuals are likely to become individuals that are not capable of contributing,¹⁷⁷ and in many cases, no longer think they can¹⁷⁸ become supportive members our nation. Accordingly, citizens must not only know the letter of the law, but also understand why it is reasonable.¹⁷⁹ If the goal is to value each child enough to educate them equally, then we must commit to finding alternatives to behavior management that do not diminish the student's worth by destroying his or her education. We need to consider the unique needs of students in order to find ways to instruct them effectively. Instead, we are creating a generation of minds warped by inadequate and oppressive schooling who are unable to reflectively participate in democratic discourse.¹⁸⁰

We must also examine existing school discipline policies, the actual practices of schools, and the impact of those policies and practices on our children. Discipline choices that include punishment that removes students from the learning environment, or puts them in an inferior one, should be heavily scrutinized and rarely used. This type of punishment is counterproductive to pedagogy since the purpose is to produce a liberated citizen that will be able to contribute to the

¹⁷⁴ MICHELLE ALEXANDER, *THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS* 21 (The New Press, 2010).

¹⁷⁵ MICHELLE ALEXANDER, *THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS* (The New Press, 2010).

¹⁷⁶ *Id.*

¹⁷⁷ Mary Harter Mitchell, *Secularism in Public Education: The Constitutional Issues*, 67 BOSTON UNIVERSITY LAW REVIEW 603 (1987).

¹⁷⁸ Greg Toppo, *In farewell, Duncan chides, 'collective failure' to protect kids*, USA TODAY, December 31, 2015.

¹⁷⁹ Zachary Stein, *Education as Liberation: Education as Oppression: Education as First Philosophy*, at <http://www.zakstein.org/education-as-liberation-education-as-oppression-education-as-first-philosophy/>.

¹⁸⁰ *Id.*

economic and social growth of our society and removing students from a proper learning environment will never achieve that end. In general, the fact that our schools are becoming a channel for prison is a sounding alarm that we have discounted and discarded students instead of committing to liberating pedagogy. Fredrick Douglas provides a sobering reminder for us in his declaration that it is easier to build strong children than to repair broken men.¹⁸¹

Passing the Test

The scope of the problem is large but not impossible to correct. Our greatest challenge is not an inability to solve the problem, it will be acting despite our reluctance to do so. As Jackson reminds us, concentrated power tends to corrupt, no matter what form it takes.¹⁸² As John Taylor Gatto says, in order to reform our education system, we would have to accept that each individual has a private destiny.¹⁸³ We would need to transfer our faith to such principles and behave as if it were true.¹⁸⁴ We would have to come to our senses and admit that knowledge is not a substitute for wisdom.¹⁸⁵ We would have to believe each American has the right to live as he or she deems wise providing only they do no harm to others.¹⁸⁶

However, as Freire argues, the oppressors have an interest in not freeing the oppressed and leaving them unaware of the oppressive reality.¹⁸⁷ Once a situation of oppression has been established, it generates an entire way of life and behavior for those caught up in it—oppressors and oppressed alike.¹⁸⁸ We possess a strong possessive consciousness which seeks to hold tightly

¹⁸¹ Frederick Douglass wrote that in 1855 in reference to a series of dialogs he had with white slave-owners who simply did not see in any way that slavery was a moral and absolute wrong.

¹⁸² JACKSON, *supra*, note 3, at 23.

¹⁸³ Gatto, *supra*, note 77.

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

¹⁸⁶ *Id.*

¹⁸⁷ FREIRE, *supra*, note 12, at 52.

¹⁸⁸ *Id.* at 58.

to our old ways of thinking.¹⁸⁹ We must recognize and preserve the necessary conditions for the emergence of our own highest good.¹⁹⁰ We have been bombarded with research and writings that demonstrate our problems in education and ways to solve them, but we have resisted implementation. Sanctity will focus our country on educating students despite their circumstances and upbringing. It will compel us to eliminate the disparities, give our students equal access to quality education, and allow our children to change the trajectory of our country.

It is a farce to say that we believe that people should be free but do nothing to make that affirmation a reality.¹⁹¹ No community can live without some moral and legal commitment to its own dependent and vulnerable humanity.¹⁹² When we alienate humans from their ability to be educated and make decisions, we reduce them to objects,¹⁹³ and when we dehumanize others, we ourselves also become dehumanized.¹⁹⁴ However, education can contribute decisively to the internalization of values and to the emergence of attitudes and conduct reflecting tolerance and non-discrimination.¹⁹⁵ We must work to repair our current education system into one that promotes peace and friendly relations between all racial and religious groups.¹⁹⁶

The Need for Federal Involvement

Our resistance at the individual level triggers resistance at the state and national level as well. Individuals comprise those that make decisions for both. However, it would seem that the federal government is in a better position than the states to lead the charge. The states have a

¹⁸⁹ *Id.*

¹⁹⁰ *Id.* at 95.

¹⁹¹ *Id.* at 50.

¹⁹² *Id.* at 114.

¹⁹³ *Id.* at 85.

¹⁹⁴ *Id.* at 56.

¹⁹⁵ CATHY BRYNE, RELIGION IN SECULAR EDUCATION, 32 (Library of Congress 2014).

¹⁹⁶ *Id.*

long history of resisting anti-discrimination mandates and it continues to happen now.¹⁹⁷ The overwhelming majority of states have steadfastly refused to take consistent and meaningful action to minimize disparities in educational opportunity.¹⁹⁸ This may be because of the local pressure from parents who are adamant about resisting segregation for many reasons including that they see no incentive for them to do so.¹⁹⁹ Also, some argue that the scope of the social problem surrounding education is beyond the ability of the states to correct. Critical race theorist and comparative law scholar, Daria Roithmayr, explains that inequalities reinforce each other and then become “locked in” and thus it becomes extremely difficult to remedy.²⁰⁰ States lack the capacity to remedy this on its own.²⁰¹ The failure is a national one and must be dealt with accordingly.

So as it stands, there is a strong need for continued federal intervention in education.²⁰² Some say that the federal government’s power to control education is clear in the Constitution through equal protection and due process.²⁰³ Inasmuch as equal protection and substantive due process furthers our understanding of the central precepts of liberty and equality entailed by the right to marry, they can do the same for the right to education.²⁰⁴ Regardless, making a decision to educate our children is a choice that must take place within each of us individually and then we can advocate collectively to make it happen.

CONCLUSION

¹⁹⁷ Robinson, *supra*, note 63, at 454.

¹⁹⁸ *Id.*

¹⁹⁹ *Id.* at 450.

²⁰⁰ *Id.* at 456.

²⁰¹ *Id.*

²⁰² *Id.* at 455.

²⁰³ FRIEDMAN, *supra*, note 15, at 62.

²⁰⁴ Weishart, *supra*, note 140, at 62. (quotes removed).

In Jackson's prophetic conclusion to *Political Agape*, he honors Dr. Martin Luther King Jr. for his ability to demonstrate political agape in action by refusing to divorce the secular and the sacred and for his profound impact on society.²⁰⁵ King was a personification of Christian conviction and democratic interpretation. He expresses political agape in education in his paper, *The Purpose of Education*:

We must remember that intelligence is not enough. Intelligence plus character--that is the goal of true education. The complete education gives one not only power of concentration, but worthy objectives upon which to concentrate. The broad education will, therefore, transmit to one not only the accumulated knowledge of the race but also the accumulated experience of social living.²⁰⁶

This description highlights the dual responsibility of education to both inform and contribute to the enhancement of America's social environment. He also boldly proclaimed, as I do here, that the goal of America is freedom. It is a sad thing to watch America behave in a way that you ultimately feel is beneath it. Yet, as it did with Dr. King, this agapic patriotism becomes a powerful force capable of uniting people and inducing change.

I have come to realize the power of the high expectations that were held for me and other children like me that grew up in middle-class or upper class diverse communities.²⁰⁷ I, like many principals and teachers in inner-city schools, now subscribe and advocate for equality.²⁰⁸ This is likely because when you look students in the eye every day the truth of what is happening to them cannot be ignored.²⁰⁹ I echo Kozol's sentiment, "You have to do what children do and

²⁰⁵ JACKSON, *supra*, note 3, at 383-383.

²⁰⁶ Martin Luther King, *The Purpose of Education*, MOREHOUSE COLLEGE THE MAROON TIGER, 1947, <http://schools.nyc.gov/NR/rdonlyres/33E95C33-A9D1-44D9-AB5C-30C932CCC2D6/0/MiddleSchoolText.pdf>.

²⁰⁷ KOZOL, *supra*, note 57, at 61.

²⁰⁸ *Id.* at 34.

²⁰⁹ *Id.* at 62.

breathe the air children breathe. I don't think there is any other way to find out what the lives that children lead in school are really like."²¹⁰ As a result, we share our testimony and those of the children we taught in order to give America an honest glimpse into its urban classrooms.

Education and the disparities that exist are so intimately intertwined with our history of oppression that it is impossible to discuss education and ignore them. However, as I mentioned, sanctity is necessary for all of us and therefore, all of our students need to be valued. When we are able to acknowledge what makes us all the same, we are in a better position to treat each other in a way that reflects that equality. This translates well into our education system because education is the vehicle we use to shape our children.

Since, as Freire mentions, we are unable to free ourselves from the oppressive society we have created, we must rely on our children to help us do so. If we are able to shape them into people who can think critically about the world they live in, they can emerge, released from our generational curses, and become agents of change against it. It is important that we give our children an equal opportunity to be liberated from the thinking that perpetuates the cycle of oppression. Our children will rise to the occasion. It is as Arne Duncan said in his last speech in December 2015 as United States Education Secretary, "In our nation, talent is much more evenly distributed than opportunity. And if we as adults commit to delivering opportunity fairly and honestly and openly, our kids will do very well."²¹¹

Yet, I acknowledge that many who have been close to this problem have recommended similar solutions. We have become conditioned into ignoring these pleas. My hope is expressed by Kozol that this ideal of simple justice will not be reduced to an annoying residue of tiresome

²¹⁰ *Id.* at 163.

²¹¹ Greg Toppo, *In farewell, Duncan chides, 'collective failure' to protect kids*, USA TODAY, December 31, 2015.

egalitarian ideas.²¹² My paper joins the movement to fight for the millions of young people who have succumbed to the massive desolation of their intellect and spirits and shout my languid disapproval for this national horror hidden in plain view.²¹³ We either commit ourselves to our own individual interests, or we acknowledge that our true duty is to walk in service to one another. I am inclined to think it is the latter. There can be no shame in wanting this for every child as this is the true essence of liberation. Whatever you believe about your obligations of will and emotions under such a belief is of no consequence. The fact remains that such an education gives each child an ability to choose for themselves whom they will serve.²¹⁴ Anything less is slavery in its most restrictive form. Granting an education, however, is the purest expression of love. There can be no greater gift.

²¹² KOZOL, *supra*, note 57, at 55.

²¹³ KOZOL, *supra*, note 57, at 238.

²¹⁴ Joshua 24:14-15.