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From the Editors

I know no safe depository of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education.

—Thomas Jefferson to William C. Jarvis, 1820

I thought my graduating into freedom from high school the year of the United States' bicentennial must surely be significant. Seeing 1776–1976 plastered everywhere seemed to confirm the importance of this accident of birth. Freedom held particular significance for me for a variety of reasons even then, so my nostalgia and sense of romance nine and ten years later during the Statue of Liberty's 100th birthday restoration and following celebration is not surprising—1776–1976, 1886–1986. Liberty was everywhere, for the nation was gathering funds to spruce up the United States' most sought-after woman. I saw her pictured behind scaffolding bars standing strong, resolutely holding the torch high even through her imprisonment. Beautiful. Even behind bars. She is mine. She is standing there for my liberty, I mused in my romantic haze. I watched the 1985 PBS Ken Burns' film, *The Statue of Liberty*,¹ back then, and it is my revisiting it this summer that has recalled these past events to mind. I have always loved Liberty. I have always wanted to see her standing strong in the harbor. Almost 30 years after her 1985 restoration, I at last see her in person but only from the distant Empire State Building one dark, cold, windy night. How small she looks. How insignificant.

Liberty calls to me as she looms, in my mind, overhead with immense power and resolve holding the torch to cast light broadly around her to prevent us from losing our way, tightly above her as if to reassure she will not drop the torch, she will not disappoint us in our path to freedom but stand firm, arm high to light the way no matter what. Lady Liberty recalls admirals with sword arm raised high, last to go down as the ship sinks, the soldier elevating the flag above the fray even as his comrades fall. Like Minerva, goddess of wisdom but also of war, Liberty has a sternness about her, for, as Rousseau emphasizes, Freedom is a heavy taskmaster. Her guarding over and protecting freedom welcoming to her lands those entering the harbor must be an even more

onerous—perhaps foreboding—task. Immigrants included in Burns’ film, those who came by boat into the harbor, remarked on their feelings still welling inside them when they think of that day when they saw Liberty—the thrill, the relief, the sheer joy at having arrived in the US, land of freedom, their guiding light and protectress welcoming them to their new home. These immigrants—those who came to become US citizens, who came to make this place home—claim there is no place like the United States of America, no place so free, no place so great, no place so wonderful. Freedom rings here, this greatest, freest country “Enlightening the World.”

Then, cutting through the adulation, one hears author James Baldwin’s bitterness as he recites the US Constitution’s opening lines—freedom in this United States is not his; still it is withheld in 1985. Against Lady Liberty, liberty in Burns’ film, immigrants now citizens defining freedom and extoling the virtues of and living in the US, one HBO-produced program² shows how backward freedom lovers must seem in 2013, for the program’s newsman makes devastatingly poignant the United States’ decline as a democracy, as a free country, as a protector of civil liberties. Yet many, if not most, US citizens talk about the US as exceptional and live their lives demanding entitlement due them as exceptional Americans in an exceptional country.

Let us look at the facts.³ The United States is not doing well ranking no. 17 in democracy out of 117 countries, below Norway, Iceland, Denmark, Sweden, New Zealand, Australia, Finland, Switzerland, Canada, and the Netherlands; ranking no. 46 in civil liberties; ranking no. 57 in the fairness of elections, free choice of candidates, and campaigns’ transparency; ranking no. 17 in political participation; but ranking high—no. 2—in the number of children under 17 living in households of poverty. While I caution one needs to know how researchers define democracy, civil liberties, political participation, and poverty and while different agencies have done the research often using different numbers of participants and criteria and with different intent, it is nevertheless quite clear the US no longer distinguishes itself as the “freest,” “most democratic” country in the world. Notably, such countries as Norway, Sweden, Finland, Denmark, the Netherlands, Iceland, New Zealand, Australia, Canada, Switzerland, and the UK consistently produce higher rankings related to freedom and democracy and care for citizens including fair wages and feeding, sheltering, and educating children. Even such countries as Uruguay and Chile, which many assign to the “Third World,” often score higher than the United States when it comes to letting freedom ring.

Although one may at first blame the neoliberal economy on US citizens' apparent privileging and valuing of capitalism over democracy—and it is indeed at least partially to blame for US democracy's current identity crisis—if one takes the rankings even moderately seriously, one sees the US ranks only no. 5 of 25 countries surveyed (tying with South Korea at 76% of its citizenry) whose citizens claim to be better off living in a free market economy than within some other economic structure. The US scores below Kenya, no. 1 (84%), Palestine, no. 2 (82%), India, no. 3 (81%), and China, no. 4 (79%). Do we not still say communist China and capitalist USA?

And so, I at last come to the *Journal of Philosophy and History of Education* 63 and why we open this issue questioning “we the people’s” understanding of democracy and freedom, understanding our place in our nation and world. During each of the last three years Stacy and I have co-edited this journal, we have noticed what seemed to be an inordinate number of submissions focused on democracy. While philosophy and history of education are within the social foundations of education and most certainly focused upon what one generally considers democratic values of equity and justice, we nevertheless have noted submissions with democracy and its liberties at their center to so outnumber other submissions we have had difficulty finding expert reviewers for all these articles. Although the first year we thought this occurrence perhaps a one-shot deal or simply a reflection of authors’ choice of their lives’ work, the second year we asked if authors’ speaking to the particulars of democracy reflects the current historical moment or if, perhaps, this attention supports democracy’s recurrence as “a perennial and inexhaustible theme [in] western history and philosophy of education” (*JoPHE* 62, 2012, xvii). In this, our third year co-editing, we note, as we did last year: “the US citizenry in general seems to have lost its understanding of the term democracy and all-but lost its taste for democracy’s collectivist intent” (xvii). We consider the contemporary economic and political context and the state of contemporary public schooling hypothesizing this concentration of articles in some way focused on and questioning democracy and liberty in the United States may reflect national malaise or at least malaise among educators in the Society of Philosophy and History of Education concerning the health of Democracy and Liberty in the United States of America. We consider how the nation’s poor health influences public educators, education, and schooling.

This notion of malaise leads me back to Liberty and Burns’ film. When US Americans knew the French were gifting them Lady Liberty, they made jokes, published scathing cartoons, drew caricatures of her, her creator, the French, and the ridiculous politicians who accepted her

into our waters, for we were, it seems, offended the French would thrust this tub of metal on us sticking us for the bill for the pedestal. “We the people” did not want her. Burns shows in his 1985 film citizens’ irreverence, lack of diplomacy, loud indignation, and then the contradiction of the dedication celebration: the wealthy invited, circling the island in their yachts leaving no room for the “tired, poor, and huddled masses”—though Emma Lazarus’ poem, *The New Colossus*,⁴ commissioned for the dedication would not appear on Liberty’s pedestal until 1903. Although I watched this portion of Burns’ film with chagrin, those early events made me think about how those in the US seem always to have been quick to question and critique—even if in naïve ways—quick to rise up against things they deem wrong, unconstitutional, undemocratic, or a burden on we the people, especially a financial burden. Sometimes these uprisings have been mere pockets of citizens; these pockets often have grown into recognized national concerns. Looking at this concern for our democracy in demise, one can only turn to education, democracy’s foundation, cornerstone, and touchstone, to try and identify reasons Democracy and Liberty are finding themselves uncomfortable in our midst.

Democracy requires an educated “we the people.” Democracy requires thinkers, analysts, problem solvers, for, again, Freedom is a heavy taskmaster. Those in the US historically have been suspicious of the well-educated, of intelligence, perhaps because in this nation’s beginnings the well-educated were aristocrats and we the people wanted none of that. The general attitude is that a student with average grades, average intelligence, and average work ethic (whatever that would mean) is well rounded, socially adept, and able to identify well with others’ struggles and therefore able better to teach than someone smarter would be. The best and brightest are anti-social eggheads, heads in the clouds, too smart to communicate well with those less-intelligent, lacking in empathy for and patience with those less intellectually well-endowed or less willing to work to become thinking people who analyze, critique, and problem-solve. We the people, we the nation of this United States of America now suffer the consequences of this historical bias, this distrust of education and intelligence, this embracing of less than the best when it comes to educating our children *in, about, and for* democratic life and living in a free nation. What will it take to turn ourselves around? What will it take for we the people to learn the meaning and value of democracy, freedom, and education *in, about, and for* democracy and freedom?

The many submissions to JoPHE 63 focusing on democracy and liberty certainly alert us of rumblings in the ranks of the best and brightest—educators accepting responsibility for being the conscience of

we the people critiquing, prodding, questioning, holding up the mirror to we the people, working to awaken this people's rabble-rousing genes to spur us to action before the nation's organs begin shutting down. We begin volume 63 with Lee S. Duemer and Fred Hartmeister's "Academic Freedom in the Post-*Garcetti* Era: An Historical Analysis of Court Cases" leading this issue's first section, "US Supreme Court Decisions and Educational Legislation." Each section that follows begins with a lead article: the research team of Matthew Davis, Melanie Adams, Carlos Diaz-Granados, Wendy Freebersyser, Miranda Ming, and Leon Sharpe launch the section, "Critical Race Analysis"; William M. Gummerson opens "Educational Analysis"; Linda C. Morice leads "Biography, Philosophy, and Teaching"; and Sam F. Stack, Jr. and Robert Waterson begin the section, "Problems of Democracy."

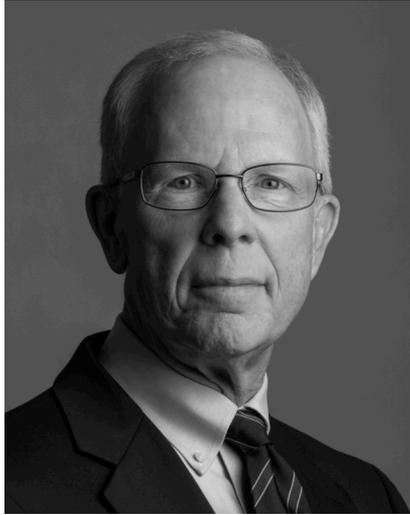
As always, we thank the authors and reviewers for their thoughtful contributions and for being gracious and timely in their work and communications with us.

Virginia Worley
Oklahoma State University

Endnotes

- ¹ *The Statue of Liberty*, DVD, directed by Ken Burns (Boston, MA: Florentine Films, WNET, 1985).
- ¹ "We Just Decided To," *The Newsroom*, Home Box Office (New York: Time Warner, 2012).
- ³ rankingamerica.wordpress.com; The author of this blog, Mark Rice, Professor and Founding Chair, Department of American Studies, St. John Fisher College, Rochester, New York, also writes for *The Huffington Post* and *Forbes*. He continually collects and posts research reporting all sorts of US ranking facts plotted against other countries' rankings. See his blog posts for details on and graphic representations of the numbers quoted herein; he includes all original sources.
- ⁴ Emma Lazarus, "The New Colossus," *Selected Poems and Other Writings*, Gregory Eiselein, ed. (Peterborough, ONT: Broadview, 2002), 20.

Dedication



Dalton B “Rusty” Curtis

Dr. Dalton B. “Rusty” Curtis has always been an inspiration to all whose lives he has touched with his depth of knowledge, scholarly publications, and presentations.

Rusty earned his Bachelor of Science and Doctor of Philosophy degrees from the University of Oklahoma and Master of Arts from the University of Rhode Island. He has served as an instructor at the US Naval Submarine School in Groton, Connecticut, as a high-school, social-studies instructor in Moore, Oklahoma, and as a faculty member at Southeast Missouri State University teaching courses in history and philosophy of education. For the past decade, Dr. Curtis has taught courses in early and modern European history and historiography. In addition to his teaching, Rusty has served in several administrative positions including Director of Honors, Associate to the Provost, Director of the General Education Interdisciplinary program, and Department Chair.

In 2001 Dr. Curtis became Professor of History at Southeast Missouri State University. He has published extensively in such scholarly

publications as the *Journal of Philosophy and History of Education*, *Educational Studies*, *Vitae Scholasticae*, *Fides et Historia*, *Journal of Thought*, *Focus on Learning*, *Encyclopedia of Educational Reform and Dissent*, and *Proceedings of the Southwestern Philosophy of Education Society*, also serving as a contributing author to *Lives in Education: A Narrative of People and Ideas* and *Thirteen Questions: Reframing Education's Conversation*. He has presented papers at the History of Education Society, International Society for Educational Biography, American Educational Studies Association, the American Educational Research Association, the Southern History of Education Society, the Association of General and Liberal Studies, and the Society of Philosophy and History of Education. Currently, Dr. Curtis is researching modern British history and the post-World War II writings on the politics and education of the late philosopher Michael Oakshott. To help fund his research, in 2008, he was awarded a \$6,000 grant to research the Oakshott collection at the London School of Economics and Political Science.

Rusty's professional honors include being the 2004 William Drake Lecturer for the Foundations of Education Society, the Southeast Missouri State 2010 Friends of History Lecturer, and a member of the inaugural "Seventy-Five Who Made a Difference" in the lives of others by upholding the educational ideals of the University of Oklahoma College of Education through their professional endeavors.

Dr. Curtis' service as a naval officer for 25 years gave him an opportunity to travel to Europe and Asia. As an historian for the Naval Historical Center, he led a group of naval historians and a naval artist to the island of Luzon in the Philippines to identify and collect documents and artifacts and to conduct interviews at the Subic Bay naval facility six months before the materials were returned to the government of the Philippines.

Although a highly productive educator who juggles his professional schedule with his wife's schedule as vice president of a local hospital, Dr. Curtis finds time to enjoy his life and relationships. Beyond his travel as a naval officer, Dr. Curtis has traveled for pleasure through Europe, enjoys all kinds of athletic activities, and spends many hours enjoying his daughter, grandsons, and attending or participating in their various sports activities.

Dr. Rusty Curtis is a scholar, gentleman, and model for those of us in the higher education profession. His positive, upbeat, collegial spirit is an inspiration to all who know him.

James J. Van Patten
University of Arkansas

In Memorium



Chipman Gray “Chip” Stuart

In teacher education, we spend much time trying to codify what good teachers do and figure out how to get new teachers to do those things. In this sense, it seems we have never strayed far from the ideals of our ancestors in the “normal” schools.

Great teachers, it seems to me, rarely follow those norms. Dr. Chip Stuart was not like the good ones we try to make, but like the great ones we celebrate from the past—as eccentric as Socrates or Jesus or Abelard. He often did the unconventional, sometimes perhaps even the illegal, but he challenged his students to learn and provoked them until they could not do otherwise.

The topic of my first class as one of Dr. Stuart’s students was “issues in education.” When I saw that he had arranged the desks in a semi-circle around the outside of the room, I thought this might be one of those touchy feely classes where we all could see each other and share our feelings. Not so. Dr. Stuart distributed to each of us a blank 5 x 9

card on which he had us answer a number of personal questions—questions about our families, our childhoods, and our religious convictions as well as basic demographic information. We learned the next class meeting that he had spent much time studying those cards trying to find a way to offend each and every one of us.

At the second class meeting, he stood at the front, pounded the podium, and declared angrily, “I have three Bible thumpers in here, and I don’t know what I’m going to do about it.” I saw sweet little blue-haired teachers leave his classroom cursing like sailors. A Church of Christ minister was among us, and Dr. Stuart grabbed the sides of the minister’s desk, leaned over into his face, and dared him to explain why he believed all that religious non-sense. Easy access to grabbing each student’s desk turned out to be the reason he wanted us sitting in a semi-circle—not so we could engage in some group therapeutic exercise—so Dr. Stuart could get right in your face when he challenged your thinking. In this case, the minister, unintimidated, rose to the occasion, made his case effectively. Dr. Stuart smiled with satisfaction. He was vigorously opposed to mindless religion, but he could be appreciative of any view thoughtfully articulated.

While I was amazed at Dr. Stuart’s unconventional approach to teaching, what I came to think of as “teaching through intimidation,” I soon learned that many of his students came to appreciate it quickly. That very year, he won an award as the outstanding college teacher for the state of Oklahoma. It was an award based upon student nominations.

I confess I was slow in learning to appreciate Dr. Stuart’s style. I thought of myself as a serious young scholar and wanted to analyze issues in great detail. Dr. Stuart would throw out an issue, get us all riled up about it, and then move on to the next issue. I had the nerve to confront him about it after class one night. His response was that most teachers were too bogged down in the daily grind of their schools to ever have a new idea, and his goal was to shake them into questioning their convictions. If he could shake them up in this way, that was enough for now.

I did not think it was enough, then, but after a few years of teaching teachers, I began to see what he meant. In fact, I began to borrow more and more of his techniques. Eventually, he became not only an inspiration to me, but also a personal friend. About 20 years after I graduated, I called him and told him that I was getting to be a better and better teacher and that the better I got, the more like him I became. His response, predictably, was to attack me, to question everything I said, just as he always had.

Chip's teaching seemed to be based on the Chinese proverb, "Man must be sharpened on man, like knife on stone." It is the abrasion that makes us better, and he could be abrasive. He believed that we must learn through conflict, and we must never stop learning. He knew how to get under my skin. I was one of those religious types, and he provoked my anger more than any other adult I have ever known. I do not recall having ever raised my voice in anger to another adult in my life, but near the end of my dissertation writing, Chip and I stood in the door of his office yelling at each other. He later told me that on that very day I had, as far as he was concerned, already successfully defended my dissertation.

I do not believe in ghosts, but I confess that Chip haunts me to this day. I feel him as I stand in front of my class teaching. I sense him standing behind me, looking over my shoulder, accusing me of mediocrity. "Is that the best you can do?" he prods. "She deserves a better response than that!" "You need to go back and do your homework." "Don't be such a pretentious intellectual snob!"

Sometimes the ghost of Chip annoys me as much as he did in life, but I love the way he makes me better, even though he is gone. That puts him in the company of the great ones, indeed.

Wayne Willis
Morehead State University

Dr. Chip Stuart was born in Kernersville, NC in 1932. He left school at 15, joined the Air Force at 18, and later earned his college degree at San Marcos College. He worked as an industrial arts teacher in Texas before completing his Ph.D. at the University of Texas. He taught in the College of Education at the University of Oklahoma for more than 20 years where he became a major influence in the lives and careers of many in our discipline and in this society.

2012 SOPHE Presidential Address

Let Our Songbirds Sing

Virginia Worley, Oklahoma State University

As I was struggling with what to talk about tonight—struggling with what is timely, important, necessary but not cliché, not the same thing we hear over and over again—it occurred to me that in all the discussions, all the school closings, all the philanthropist- and business-overtaken schools, all the government regulations, we do not talk about the child. We certainly do not talk about our children’s happiness or the child’s learning to live life well. “What is happiness?” “Who even knows what that is?” “Happiness is over-rated.” “School isn’t about being happy. School is about learning, and learning is hard work.” Many agree that school is also about socialization (Martin, 1996). Socialization too can be hard, so why would and why should school, learning, socialization make someone happy?

It concerns me a great deal that even as scholars have been using theory (Foucault, 1977) to critique the prison-like structures of US public schools, few talk about creating an environment where children learn to live their lives joyfully, learn to create the person they like and want to be, the life they like and want to have. Educators know many children come to school without having eaten breakfast; educators know many children go to school after a horrible morning at home; educators know, for many children, school is the only fairly stable thing in their lives; educators know, for many children, the school place is the only place where children have a chance to form positive relationships, to see men, women, and children interacting in healthful ways. Yet, when we talk about normalization (Foucault, 1977) and about how the delinquency and criminality (Foucault, 1977; Winnicott, 1990) we foster in public schools crush creativity, human reason, and choice, we are still not talking about making children happy, keeping alive their creativity, encouraging their curiosities, and teaching to their interests.

This idea of teaching to children’s interests is certainly not new. Philosophers and historians of educational thought refer often to John Dewey’s (1902) work and his insistence that teachers must cater to a child’s concerns—the things the child encounters in his or her life—and

then we see through the laboratory school (Mayhew & Edwards, 1936), teachers building curriculum around children's needs, concerns, and interests: food, clothing, shelter, the basic elements children need and about which they care. Dewey was neither the only nor the first to introduce teaching to a child's interests, interests which often concern the child's immediate needs. His contemporary, Marie Montessori (1912/2012), and even Jane Addams (1899/1985), shared his views though they actualized them in different ways. Before Dewey (1916), Montessori (1912/2012), and Addams (1899/1985), John Amos Comenius (1631/1967), Jean-Jacques Rousseau (1762/1979), and Johann Heinrich Pestalozzi (1781/2007) advocated teaching the child based upon the child's needs and interests, teaching the child *in* and *for* the world in which he or she lives.

It is to these philosophers' theories, especially their writings about freedom, democracy, and educating for freedom and democracy, that many scholars turn to critique contemporary US public education, to problem-solve, and to propose new or at least different ways of educating children within contemporary US public schools. In fact, we seem to have had a surge of scholars writing about democracy in education, educating for democracy, educating for democratic citizenship, and even about democratic education as well as writings about the teaching counterparts to these: teaching for democracy, teaching for democratic citizenship, and teaching democratically.

Currently, we have everyone under the sun using the rhetoric of democracy for their own and all sorts of contradictory means and ends—but rarely about educating for freedom and what that might mean—and I do not think I have ever heard anyone talk about educating children to live a happy life—or a full life, or a creative life. In the 16th century, Michel Montaigne (1575/1958), statesman and creator of the essay, wrote about teaching to live life well, teaching to ever-create the self. Twentieth-century psychiatrist D. W. Winnicott (1986) wrote about establishing a facilitating environment through which children learn to live creatively. Social theorist Edith Cobb (1959; 1977/1993) wrote about people of genius returning to their childhood landscapes—because these were places of freedom, creativity, and happiness—returning to find the spirit of who they are so they can move forward to the selves they want to create and become. They often return to revitalize themselves, to rediscover the energy to create as part of their living in the world.

What would it mean to make children happy in school, to allow and incite their curiosities *to run wild*, to let children do things *in their own time* (Winnicott, 1986) instead of our adult-educator time, to do *nonsense* (Winnicott, 1986)? What would it mean excitedly to teach to children's

interests, to facilitate their thriving not merely their surviving? What would be the value of such teaching and such schooling? If we are not educating for happy, fulfilling, well-lived lives, are we at least on a path that prevents normalization, on the road to educating for a thoughtful, democratic citizenry, educating democratically, and educating for freedom?

What is the purpose of US public education if not to teach children to live their lives well, to embrace life and live it joyfully? What is the purpose of education in the US—where the rhetoric of democracy is everywhere used for every possible mean and end—what purpose if not to educate for a democratic society by educating for freedom?

Although US education has always been tied to the market at least to some degree, in 2012 and 2013 the national purpose of public education most certainly ties to the market and the US' economic and political status in the world. The United States' economic low for the last 10–12 years has driven presidents and congressmen and women to identify the US' economic and political well-being as the primary purpose of education. The result is schooling—not educating—children for a particular function. Most problematic about this purpose is its implementation and politicians' lack of understanding about what makes children tick, what makes teachers tick, which kind of teacher we need teaching our children, and, interestingly enough, the failure correctly to identify what kinds of workers the US does not currently have but needs for economic solvency and stability. The President, national, state, and local politicians, in the name of neoliberalism, say they are making sure children are ready for the working world by putting in place national standards for school-aged children, by testing children frequently—not really to see how children are doing but to see if teachers are teaching them the right things and making sure students know those things—and then punishing teachers whose students did not rise to minimum standards by putting those teachers on plans of improvement, assigning teaching coaches to them, and sometimes firing them.

In the name of neoliberalism, government is getting down to business when it comes to educating this nation's children; government encourages big business—who of course know about business—to buy up schools, run them in the ways they know how to run businesses, and ensure US children are indoctrinated and conditioned in particular functions that will serve this country well in the future. That is, contemporary political and economic purposes of public education in the US translate into schooling children in warehouses of cattle chutes. Children are herded into their respective chutes, chutes from which children have little chance of escape, and led to intellectual, emotional,

psychic, and, sometimes, physical slaughter. Teachers too are in cattle chutes from which they cannot escape—these positioned to survey the students in particular chutes assigned them—systematically freed from making critical judgments. Fear keeps them from making those judgments.

In other words, teachers and students are indoctrinated, conditioned, normalized; parents are scammed into believing “the school” is taking care of their children; their children will learn and never be left behind academically; “the school”—which really means the government—knows best. Community members in general are thinking, “We as a nation are getting down to the business of educating our children, creating not only a literate but educated population.” Little do they know. We are creating the opposite.

Neoliberalism has so much traction that thinking about education within a neoliberal, economic frame has become normalized—normalized to the point that the neoliberal, political economy and its schools are the national order. We talk about democracy but do not seem to understand the danger, the magnitude, and the momentum the neoliberal, political economy has on education—it all but obliterates those things we identify as important. Deeply insidious, unbelievably complicated and far-reaching, the neoliberal, political economy is a runaway train; high-stakes accountability is a car on that train. I am asking that we as a society, we as educators, and we as the Society of Philosophy and History of Education look at children’s happiness, their intellectual, emotional, and psychic well-being, and the nation’s well-being against the effects of the neoliberal, political economy.

Let us look first at the claim that neoliberals—who include President Obama—are creating schools where children will learn what they need to function in a technologically sophisticated, global society. In contrast to this neoliberal claim, a tension exists in this political economy between the grunt work, the non-living wage, service jobs high-school and, often, college graduates fill, and the consistent brain drain we hear about that compromises the US economy—brain drain meaning we have plenty of people coming out of schools to become car washers, mowers, janitors, and servers in restaurants and an absence of creative, visionary people needed to propel the US into solvency, economic stability, and being a viable participant in global political and economic markets.

*And still, no one has mentioned our children’s
happiness and learning to live life well.*

In contrast to the claim children are being “prepared”—a purpose of education Dewey (1916) certainly undercuts—for the global workplace, business pours millions into training workers to work collaboratively as part of a team, millions into leadership training. Employers complain this generation of workers does not show up for work; when their workers show up, they come late; when finished with a task, they cannot figure out what to do next but must be told each little thing to do. Employees wait to be told so they can then obey or complain about being told what to do. Employers complain this generation of workers thinks everyone owes them something and are basically “stupid.” We know “entitlement” is now a new treatment category in psychology, yet I am not thinking many people are going to see psychologists or psychiatrists about their feelings of entitlement. So, the claim of readying, schooling, or training our children for the global world of work is both unfounded and invalid as is the claim we will leave no child left behind.

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Within *No Child Left Behind* is the claim every child will have the opportunity for an equitable education. In most states, with this claim has not come a redistribution of property taxes to ensure every school building is safe, clean, and well maintained, to ensure every child has updated resources, to ensure every child has a qualified teacher, to ensure every child has equal access to the teacher and to instruction, to ensure every child has a ride to school.

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happiness and learning to live life well.*

The claim each child will be ready to work successfully in a technologically sophisticated global economy is also dashed when we see to what this claim refers: the information age. We are in the age of information and that information comes through technology. People latch onto the idea of being within the information age, are pleased with their children's computer skills, ability to surf the web, produce assignments through word processing, make beautiful charts using Excel. “Wow—the technology my kid knows—is really giving my kid a leg up!” Has no one told parents information and knowledge are two very different things? Has no one made clear to parents technology is a tool not an end in itself? Has no one made clear to society at large all the information and technology skills in the world are useless if one cannot reason, connect, and synthesize information to make knowledge, if one does not have the imagination to think beyond information on a screen to know what to do with that information?

*And still, no one has mentioned our children's
happiness and learning to live life well.*

Rather than addressing another claim neoliberalists make, I want next to mention that we know and have known for many years what to do to live happy and psychologically healthy lives. We also know from such theorists as psychiatrist D. W. Winnicott (1984/1990) and postmodern theorist Michel Foucault (1977) the consequence of not having a psychologically happy and healthy life is delinquency and often criminality. Even with this knowledge, the neoliberal approach to schooling is to crush all signs of creativity, curiosity, critical thinking, and interest—and all in the name of democracy, freedom, and national well-being.

*And still, no one has mentioned our children's
happiness and learning to live life well.*

In the neoliberal, political economy, everyone becomes consumers, consumers of anything and everything, and consumers of nothing. No longer is learning itself a means of transformation. Now education is merely what allows one to make the money it takes to transform one's life by buying things: money is transformative. There is no place for learning; there is no place for creativity; there is no place for nonsense. There is only a place for consuming. The Bravo network's celebrated, brawling Atlanta, New York, and New Jersey Housewives are products of the US education system. Consumption and evils connected with a need incessantly to consume seems to be all these rich women have learned. They know how to consume, and their sense of happiness and well-being connects intimately to having and consuming, to having not being (Fromm, 2005), to living extravagantly—not to living life well.

What is the purpose of US public education? Do we as a society care about children, their happiness, their curiosities, their interests? Do we care about their learning to live their lives well, their learning to think and live creatively? Encouraging creative thinking means encouraging the brain. Encouraging creativity and the brain means children come to feel in control of themselves and their lives; they come to see the things they can do. Neoliberal political, economic schooling means children are repeatedly told what they should not do. Each "shouldn't" is a wall or boundary that prevents the child from trying, from taking risks. One teacher confides she is afraid when her students' creativity comes out—afraid of the students getting wild. Yet, when they go to the art museum and create together with an artist from the museum, her student with the most behavior problems is the best student and the best-behaved student in the class.

We must stop being afraid; we must stop fearing children's imaginations, creative production, boundless energy, and joy for living.

Where is our outrage? Where is the rebel in us? Where is the activist self when it comes to facilitating, fostering, protecting, and advocating for children's happiness, creativities, curiosities, and interests? We must help each child find that place where he or she is magnificent, for if that child does not find that place, the child will not find the visionary, the creator, the leader inside. Let us use strategies for creative exploration, provide environments that lift the spirits, help children keep their brains healthy and fit but also engage their emotions in powerful ways, create rich, creative environments, help children identify things they value and need to enjoy life. Telling songbirds not to sing is pointless—one must cut out their voices or kill them altogether. So many beautiful shapes, colors, ages, and songs of birds enter classrooms everyday in the US only to leave voiceless, broken, lifeless. As philosophers and historians of education, we can get out ahead of the slaughter with our voices and our pens—tell our president, congressmen and congresswomen; tell our state legislators and school principals to let our songbirds sing and find the place where they are magnificent, for their magnificence then too becomes ours.

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2012

The Drake Lecture

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I struggled while preparing for the Drake Lecture. Indeed there were a few passionate topics vying for my heart and attention. As I ran the gamut of what would be an appropriate choice when addressing a group of fellow educationists more intelligent, more seasoned, and more eloquent than I, I settled upon that topic which troubles me most. On such an important occasion, it is perhaps incumbent upon one to prioritize the urgent rather than the fascinating, interesting, or cutting-edge. I chose that which keeps me awake at night, tossing and turning and wondering. And I decided to take Socrates with us on this journey.

Socrates: A difficult act to follow. The most interesting fact is he never wrote a word, yet he endures. I have always imagined him as a short, “ugly” man—as a feminist, I suppose I purposefully reverse the patriarchal urban legend that his wife was an ugly, controlling woman and why he wandered the streets of Athens with no desire to go home! He loved to talk; he loved to teach. He challenged anyone he found before him in the marketplace, needling people with questions. The most important result of this gadfly’s life, I believe, is he made philosophy accessible to us all—just as it should be.

What are some of the questions that might haunt Socrates were he alive today? I think he might wonder, how, after more than two millennia, we human beings continue to kill each other with evermore sophisticated weapons and in evermore vicious ways; how we have yet to succeed in eradicating famine and hunger from the earth; how we shamelessly create new forms of slavery—economic, sexual, and other—through child and female trafficking; how we compromise our global environment to the point where we are but a few summers away from ice breaking off and then disappearing completely from the Arctic, melting due to global warming; how drug trafficking continues to increase and how attempts to fight drug addiction are constantly stifled by growing, powerful gangs and cartels; and, last but not least, how media outlets engage in sophistry the vast majority of the time and in intelligent discourse only 10% of the time. Indeed, Socrates likely would wonder how our young have ceased to look both into *our* faces and into

the face of the sun, and how their eyes instead are glued to small screens—slaves to iPods, iPhones and the vagaries of Facebook—rendering them nearly completely without will, agency, sensitivity or consciousness.

The thing Socrates likely would most lament is the complete demise of democracy: how those who purport to cherish and adhere to it have instead rendered democracy lame and ineffective despite all the intellectual and organizational means at their disposal. He would think we have completely failed in reshaping the concept of democracy from its elementary forms, this after he gave his life for democracy to become entrenched as a viable concept in political philosophy; he would wonder how our political system has watered and whittled democracy down to intrigues, machinations, and hackneyed debates advanced by media outlets during campaigns paid for by lobbyists, rather than advancing meaningful processes to create serious societal change.

Here we stand in the first decades of the 21st century, yet what greets us from the most powerful nation and the alleged leading democracy on the globe is the threat of yet another Middle-Eastern war being launched against yet another so-called renegade state, Iran. As if the war on Iraq has not taught us a lesson! Socrates would weep, indeed, cry out to our politicians, “You cannot impose democracy on others, you ignoramuses!” Instead of growing democracy, Iraq has been rendered into fragmented sectarian enclaves waging the most insidious wars between those enclaves while the spoils—the country’s oil—pour into Halliburton’s coffers!

In *Representations of the Intellectual* (1994), the late, eminent Professor Edward Said speaks of the “pressures of professionalism” that “challenge the intellectual’s ingenuity and will” (p. 76). Said discusses pressures, yet none of these are unique to any of the world’s societies. He names specialization as the first pressure, arguing “the higher one goes in the education system today, the more one is limited to a narrow area of knowledge” (p. 76). In other words, such pressure leads one to lose sight of anything outside one’s immediate field or discipline; this pressure leads intellectuals to swim in the sea of “technical formalism.” For “specialization also kills [one’s] sense of excitement and discovery, both of which are irreducibly present in the intellectual’s makeup” (p. 77).

The second pressure Said names is expertise or “the cult of the certified expert” (p. 77). Said explains:

To be an expert you have to be certified by the proper authorities; they instruct you in speaking the right language, citing the right authorities, holding down the right territory.

This is especially true when sensitive and/or profitable areas of knowledge are at stake. (p. 77)

None of us remains unaware of the industry and special-interest lobbies created and maintained by gun manufacturers, the oil industry, and tobacco corporations, among others. The 1999 film *The Insider*, starring Russell Crowe, continues authentically to reflect the moral dilemmas an intellectual faces given the lobbyist's position.

According to Said, the third pressure of professionalism is "the inevitable drift toward power and authority...towards the requirements and prerogatives of power, and towards being directly employed by it" (p. 80). Said recounts "the extent to which the agenda of the national security determined priorities and the mentality of academic research during the period when the US was competing with the Soviet Union for world hegemony" (p. 80)—and surely one can recall similar agendas of the Soviet Union, China, and many other superpowers at the apogee of their historical domination in the past and today! US Departments of State and Defence provide money not only for science and technology research (for example to Stanford and MIT), but to humanities departments in universities conducting anti-guerrilla warfare research in support of Third-World policy which leads to the creation of "international terrorist networks of mercenary states" (Mitchell & Schoeffel, 2003, p. 4), which Noam Chomsky describes (from Oliver North's trial) as leading to the publication of a 42-page document spelling out these states' names and ends by focusing on Nicaraguan operations. I am sure Chomsky's life and work are not foreign to many of us here today and I believe his future legacy, whether or not one shares his ideas, attests to how far a true intellectual is willing to go to "walk the talk" or adhere to the tenets of one's moral values in such a way as to exemplify the true independence of one's spirit of analysis and judgment. When he decided to leave MIT in order to pursue intellectual independence, Chomsky chose what Said terms "the risks and uncertain results of the public sphere" (p. 87) rather than a very well-paid job at MIT as a linguist (which Chomsky had already acquired and which would have given him lifetime security, status and wealth). In Said's words Chomsky represents an amateur "*speaking truth to power*" (p. 97) in broad realms that go beyond his narrow professional career—and which "ought to be the intellectual's contribution" (p. 86).

Although one cannot blame academics for the application of their research by the US or any other government, "in covert activities, sabotage, and even outright war" (pp. 80–81), one can perhaps ascertain it is incumbent upon academics clearly to delineate when someone encroaches on their intellectual space, the intellectual space of "uncompromising freedom of opinion and expression [which] is the

secular intellectual's main bastion: to abandon its defence or to tolerate tampering with any of its foundations is in effect to betray the intellectual's calling" (p. 89). A good example of guarding that space jealously is continually to challenge society and government to define "think tank." Is not a "think tank" an organization that funnels government or corporate money to generate research that helps in creating a country's foreign policy? Does not a "think tank," in many instances, cater to lobbyists who support certain governments' ideologies, strategies, and foreign policies?

Said's basic questions for intellectuals are "[H]ow does one speak the truth? What truth? For whom and where?" (p. 88). If we agree with Said that one of the main intellectual activities of the 20th century "has been the questioning, not to say undermining, of authority" (p. 91), if we concur in that domain and with influential schools of philosophers in which Michel Foucault ranks very highly, and if we see any merit in Foucault's critique of objectivity and authority and agree he performs a positive service in highlighting how humans construct truths in a secular world, we might then pose several questions: Why have we moved to the other extreme? Are we adrift in "self-indulgent subjectivity?" Why is there "a total disappearance of what seems to have been objective moral norms and sensible authority?" And, why is it that—at the beginning of the twenty-first century—the other scandalous development surfacing is our institutions of higher education moving completely away from being *republics of scholars* to stakeholder organizations? (Bleiklie & Kogan, 2007). Let us perhaps hope, along with Said (1994), we can be "fastidious in considering the threats to the individual intellectual of a system that rewards intellectual conformity, as well as willing participation in goals that have been set not by science but by the government" (pp. 81–82). Let us acknowledge with Said "research and accreditation are controlled in order to get and keep a larger share of the market" (pp. 81–82).

"One of the shabbiest of all intellectual gambits is to pontificate about abuse in someone else's society and to excuse exactly the same practices in one's own." (p. 92). Said offers examples of Alexis de Tocqueville speaking on Algeria and John Stuart Mill on India. How often have we as educators and intellectuals found ourselves in situations where the temptation is "to turn off one's moral sense, or to think entirely from within the specialty, or to curtail scepticism in favour of conformity" (pp. 86–87)? Said answers, "Many intellectuals succumb completely to these temptations and to some degree all of us do. No one is totally self-supporting not even the greatest of free spirits" (p. 87).

If anyone among us wonders, along with Socrates, why a Palestinian Canadian academic is pontificating in this forum about what US and other Western academics ought or ought not be doing rather than

discussing the challenges Arab world academics face on many levels, I say it is because in our societies we are direct recipients of the full-blown consequences of US foreign policy which affect our societies and educational systems gravely; we suffered under the British and French Empires, and now we suffer under the hegemony of US foreign policy. That is the truth of the matter. So, in a sense and in the words of bell hooks (1999), I am *talking back*.

You can imagine how infuriating it is for disinherited Palestinians to see Israelis continue to occupy their homes in East Jerusalem on land that constitutes less than 3% of the original 13% of the 40% of land owed them by their negotiation with Israel. Where the occupation of Palestine is concerned, the US supports Israel unequivocally and Israel acts with impunity. Today the disillusionment Palestinian and other Arab intellectuals feel (especially those who studied in the West, like myself) in regard to US intellectuals springs from the idealist dream—a dream we wholeheartedly believe—in the ability of Western universities to generate intellectuals who refuse blindly to support their country's crimes and who will *not* become in Said's (1994) words “denatured by their fawning service to an extremely flawed power” (p. 97). Where are “the intellectuals with an alternative and a more principled stand that enables them in effect to speak truth to power” (p. 97)?

But let me go back now because I hear Socrates calling to accuse me of going on a long tangent. So I revert to our original question: “How can each one of us contribute to providing some solutions to the urgent problems I sketched at the outset of my lecture?” I hear Socrates' retort: “Are you saying the onus is on educators and intellectuals to provide solutions?,” adding “Why should this be so? Are educators and intellectuals the ones who will find solutions to famine and hunger, to drug trafficking and addiction, to global warming, and to sexual slavery and human trafficking? Their plates are full already! How will they find solutions to all seeing they themselves are disempowered politically? The philosopher is not yet *king*, as my disillusioned student, Plato, would say!” (I have summarized the dialectical engagement that went on between me and Socrates to save time!)

Perhaps now I am ready to spell out **my pedagogic creed** in the true tradition of Dewey (1897).

1. I believe educators generally are well-versed in the values that concern the whole human race; educators are capable of generating a consensus on what is universally considered objective moral norms and sensible authority. Of course, by objective I do not mean absolute or unchanging but objectivity garnered through reason that is embodied. Mark Johnson (1993) critiques the absolutist objectivist world view in *The Moral Imagination*: “Basically, the decisive line is drawn between

the mental, conceptual, rational, cognitive, a priori, and theoretical, on the one side, and the physical, perceptual, imaginative, emotional, a postreori, and practical, on the other side” (pp. xxxv–xxxvi).

Educators understand through their experiences in the classroom and outside of it what Johnson draws out theoretically about the static, non-developmental, and non-evolutionary, absolutist view of our identity as moral agents:

We are beings whose identities emerge and develop in an ongoing process of interactions within our physical, interpersonal, and cultural environments. To function successfully within these changing environments our reason must be expansive, exploratory, and flexible. The locus of our moral understanding is thus our imaginative rationality (a *human*, rather than Universal, Reason) that allows us to envision and to test out in imagination various possible solutions to morally problematic situations. By giving us alternative perspectives, it also thereby gives us a means of criticizing and evaluating those projected courses of action and the values they presuppose. (p. 219)

I believe Johnson’s work should become mandatory reading for multiple academic disciplines. His work bridges the rifts between mind and body, between reason and emotion, between beliefs and moral tenets, between personal perspectives on morality and universal ones, between aesthetic valuing as an instrument for individual growth and development, and the study of art as canon. Although the names are too many for me to enumerate here, for decades feminist writers have discussed this same disembodiment.

What educators intuitively know and practice and come to understand through academe’s paradigmatic shifts, the “world of business” is barely scrabbling with today. Let me make clear I am not comfortable labelling business as a social science; I believe it has yet to earn this title. Lately business has begun to adopt from the discipline of psychology, for example, select notions on emotion, motivation, and leadership; businesses use these—and I realize I am a cynic in this regard—purposefully to *soften* business practices’ brutalities committed upon our world, to deflect harsh and oppressive practices, whether in construction or in the garment industry or elsewhere, inherent in employing thousands of workers from developing countries for minimal pay (and in certain cases almost no pay by international standards). Business *uses* the social sciences to engage in condescending attempts to add life to the sterile and cold, sanitized offices and practices of big, calculating, voracious, rapacious corporations.

As a result I naturally am extremely sceptical of the business world and its scandalous non-adherence to a moral order or moral codes of behaviour, least of which is that business has been disadvantaging teachers for centuries by refusing to place an equitable monetary value on educators' work in terms of effort invested and service rendered. Of course, when confronted with the accusation, business adduces the nature of the teaching profession—historically described as noble, sublime, and altruistic—calling educator's work difficult to evaluate materially! What trickery! Let us begin by pointing to the millions upon millions of dollars in illegal profit the world of business and its CEOs have stolen and continue to steal from ordinary people's pensions in the recent unravelling and multiple crises of the banking industry's sub-prime investments.

Let us admit it: business and politics have failed today's young generations completely. Members of society have created monsters out of politics, religion, and technological advancements; the younger generations are now faced with the complete dehumanization of political systems, religion, and human sexuality. Greed is the god of infidels who rake in the fruits of decent people's labour.

To add insult to injury, the practices of business render people unable to do more than survive at a minimal level, for now there is no time to do anything besides earning one's daily bread—if one is lucky enough to have a job, that is. Business practices also succeed in alienating us from our brothers and sisters in other cultures. In the polemical tug-of-war between philosophical notions of the universal and the particular—between mine and yours, ours and theirs—we have yet to succeed in choreographing the dance that will allow us to keep our “individuality as different civilizations.” In the words of the Lebanese-French, eminent writer Amin Maalouf (1996) in his book *In the Name of Identity: Violence and the Need to Belong*:

At the same time as we fight for the universality of values it is imperative that we fight against the impoverishment of standardization; against hegemony, whether ideological, political, economic or operating in the media; against foolish conformism; against everything that stifles the full variety of linguistic, artistic and intellectual expression. Against everything that makes for a monotonous and puerile world. A battle in defence of certain practices and cultural traditions, but one that is clear-sighted, rigorous, discriminating, not oversensitive, not unduly timorous, always open to the future. (p. 107)

Karen Armstrong—who spent seven years as a Roman Catholic nun before leaving her order in 1969—offers an example of the kind of educator who can bring peoples and nations together in her books *A*

History of God (1993), *The Battle for God* (2001), *Islam: A Short History* (2002), and *Buddha* (2004), and, last but not least, *Holy War: The Crusades and Their Impact on Today's World* (1988).

2. I believe teachers need to be vocal, need to make their voices heard—loudly—and uniquely are endowed to lead society when it articulates the injustices hurled upon its members, not least of whom are children, women, the poor, the disenfranchised, and the disempowered—in spite of all the invidious declarations and new laws created in the West to curb dissenting people's voices in demonstrations in New York and in London. Alas! The last bastion of democracy in the world has been demolished! It does not surprise us when other nations do it, but for such a thing to happen in England and in the United States of America? If they put their minds to it, together teachers can intelligently and in subtle ways usurp power from those who abuse it. I can hear the curmudgeons say along with the gadfly, "Come on, you are an idealist. What is this? The next thing we will hear you say is, 'Educators of the world unite!'"

Make no mistake, I am not an idealist; I am an existentialist at heart. And who among us can dispute the only truths we know for sure?: We are born and we die. However, the existentialist's tragic awareness of life's absurdity does not necessarily lead to nihilism. It takes real courage to create the path of one's life and to live it to the fullest, while being aware of and sensitive to Sartre's (1964/1981) dictum that one's freedom ceases to exist when one trespasses on the freedom of others. Hence, the difference between *a teacher* and *a cynic*; the cynic mocks serious human effort to confront the absurdity of the world we live in, whereas, from my own perspective, the teacher is represented by Joseph Campbell's (1973) hero with a thousand faces who sees beyond the blind spot of humanity and obtains the boon, the hero who leads society to a better place. If, as Albert Camus (1955) says in *The Myth of Sisyphus*, "The absurd is born out of this confrontation between the human need and the unreasonable silence of the world" (p. 28), then *educators*, of whom we are but a microcosmic example, heroically attempt to redress that silence by helping students and learners shape their lives and by facilitating the enrichment of experience against "the rebirth of the world in its prolixity," hence continually dealing with paradox: an arduous undertaking.

Thus, it would benefit society to employ educators as consultants in every single sector of government; educators must even partake in the creation of new laws that defend further the interests of the disenfranchised, the weak, the poor, and the oppressed—who now constitute the majority of humanity!

3. I believe educators can restore faith in humanity as a whole because they are individuals immersed in acts of love every single day and the most well-equipped to act as the conscience of society. Without love, one cannot teach. Let me quote the Bible here, since I am an Arab Christian. I offer my favourite verses from the First Epistle of St. Paul to the Corinthians:

13.1 Though I speak with the tongues of men and of angels, but have not love, I have become sounding brass or a clanging cymbal.

13.2 And though I have the *gift* of prophecy and understand all mysteries and all knowledge, and though I have all faith, so that I could remove mountains, but have not love, I have nothing.

13.3 And though I bestow all my goods to feed the poor, and though I give my body to be burned, but have not love, it profits me nothing.

13.4 Love suffers long *and* is kind; love does not envy; love does not parade itself, is not puffed up.

13.5 Does not behave rudely, does not seek its own, is not provoked, thinks no evil.

13.6 Does not rejoice in iniquity, but rejoices in truth.

13.7 Bears all things, believes all things, hopes all things, endures all things.

13.8 Love never fails. But whether *there are* prophecies, they will fail; whether *there are* tongues, they will cease; whether there is knowledge, it will vanish away. (emphasis added)

Besides Mark Johnson, Carol Gilligan, Maxine Greene, and Fritjof Capra, important educators whose work deeply touches me along my educational journey are Joseph Campbell, Leo Buscaglia, and Sam Keen. The late Buscaglia, Professor at Large at the University of Southern California, wrote a book on love published in 1972. I am sure many of you are aware of his work: his non-credit course Love A1, and his lectures on PBS as well as his best-selling books. His work may have been mocked by critics, but he was hailed by students as a hero. He contends love is not an ethereal emotion sketched from the imaginations of romantics; love is real, is hard work, requires getting one's hands dirty, is sweat and blood on a daily basis, is powerful and enduring.

Some of my friends say I am figuratively manic when it comes to swaying from one extreme to the other, the pits of depression during times when one feels despondent because one is working against all odds, against systems that are rapacious and voracious, to the heights of euphoria when a student finally does well after failing, or when a student

who never talks begins to speak in class. Or, perhaps, when a student who started out as a religious fanatic begins to see the value and importance of the scientific method and garners insights about what the late Stephen Jay Gould (1999) calls the non-overlapping magisteria of science and religion in his wonderful book *Rocks of Ages: Science and Religion in the Fullness of Life*.

As teachers we have all come to appreciate the importance of spontaneity in our lives, in our classrooms. Sometimes our students teach us its importance. Sometimes we remind them of its value. Buscaglia (1972) says, “I cry all the time. I cry when I’m happy, I cry when I’m sad. I cry when a student says something beautiful, I cry when I read poetry” (p. 37). Buscaglia (1978) talks about death as our ally, our hope in self-creation, our strength in connectiveness, our uniqueness in purpose, our rapture in intimacy and love, and also in love our source for overcoming our doubts, frustrations, and pain. Love is hard work; for teachers love is about daily toil, about going many extra miles and about infinite patience.

In today’s living universe, even scientists are not impartial observers. The scientist is a participant whose “observation or attempt to determine initial conditions, has an irreducible effect on the rest of the universe” (Peat, 1987, p. 37). A pluralistic approach is suggested in science as it is in multicultural education. One can liken the tension between the particular and the general to the “close hold” of a waltz in its particularity and intimacy as opposed to being flung in the air by one’s imagination and experiencing the flow of creativity; one constantly asserts his or her independence as well as one’s commonality within such multifarious diversity. Amin Maalouf (1996) eloquently spells out the fundamental rights of all human beings constituted by their commonality:

Everything that has to do with fundamental rights—the right to live as a full citizen on the soil of one’s father, free of persecution or discrimination; the right to live with dignity anywhere; the right to choose one’s life and love and beliefs freely, while respecting the freedom of others; the right of free access to knowledge, health and a decent and honourable life—none of this may be denied to our fellow human beings on the pretext of preserving a belief, an ancestral practice or a tradition. In this area we should tend towards universality, and even, if necessary, towards uniformity, because humanity, while it is also multiple, is primarily one. (pp. 106–107)

Let us abandon academe for a moment and go to the streets of Syria. There thousands of people are giving their lives in order to achieve freedom, in order to create a democratic society in their country, to have

the right to speak, the right to change their government, the right to choose a government that will protect their human, civil, and legal rights in order to live life with dignity and integrity. In this world, the most important questions are, “Who is going to be the guardian of that heritage of sacrifice and selflessness, the interpreter of those noble actions? Who is going to translate those lost and sacrificed lives into won freedoms and entrenched values, transformed governments and new programs, schools, universities, research centres, books, town hall debates, commentaries in newspapers, publications, and a new reading of history that will officially be adopted in the country’s elementary and high schools?” These are the challenges in all Arab Spring countries.

In these politically sensitive and difficult times when human lives are overwhelmed by and riddled with natural, spiritual, emotional, political, social, and environmental disasters, allow me to say the only light I see at the end of this tunnel is the light emanating from teachers. And although, as Said (1994) reminds us, we have moved so far away from what would be considered today utopia a hundred years ago, “...when Stephen Dedalus could say that as an intellectual his duty was not to serve any power or authority at all” (p. 82), perhaps we should agree with Said that instead of denying the impingements of professionalism and their influence on academics, we need to search for “a different set of values and prerogatives” (p. 82) fuelled by care and affection rather than by profit and selfish, narrow specialization. I agree with Said who asks, “How does the intellectual address authority: as a professional supplicant or as its unrewarded, amateurish conscience?” (p. 83).

4. I believe educators’ experience informs them “self fulfilment does not exclude unconditional relationships and moral demands; on the contrary, it requires them” (Taylor, 1991, pp. 71–74). Experience is what enables teachers to create in their work a culture of authenticity that helps society deal with modernity’s malaise, unaddressed but rather complicated by post-modernity! Taylor theorizes three malaises as individualism, the loss of the heroic dimension of life, and the primacy of instrumental reason. I believe Taylor’s work explains those changes that have led to the present century’s confusion and chaos at its outset. In *Sources of the Self: The Making of Modern Identity* (1989) Taylor traces the development of individual identity that, until modernity, was submerged in societal frameworks and interpretations. As crucial and dramatic changes ensued over a span of a hundred years (namely during the mid-19th to mid-20th centuries), uncertainty, confusion, conflict, and fear prevailed:

[People] lack a frame of reference or horizon within which things can take on a stable significance, within which some life

possibilities can be seen as good or meaningful, others as bad or trivial. The meaning of all these possibilities is unfixed, labile, or undetermined. This is a painful and frightening experience. (pp. 27–28)

We should not expect our young to understand their world if we continue teaching history, or any other subject for that matter, in the same ways taught previously. Commentary and interpretation are key to unravelling hidden meanings underpinning mysteries; teachers are facilitators who equip students with critical thinking skills that allow them to unravel hidden meanings. In Taylor's words, "only through adding a depth perspective of history can one bring out what is implicit but still at work in contemporary life" (p. 498). Good teachers do that; many good teachers do that already.

5. I believe teachers can facilitate a more-authentic understanding of life as lived within communities by connecting the academic disciplines and making them relevant to children's and families' everyday lives. To this end, multidisciplinary and interdisciplinary research and teaching are of paramount importance in reducing students' conflicting as well as reductionist views of the world.

Many of today's world problems stem from a lack of understanding of "the other," from the inability to comprehend the other's worldview, from being incapable of putting oneself in the shoes of the other. In 1978 the great educational philosopher and educator Maxine Greene published *Landscapes of Learning*. Greene's philosophical orientation is existential and phenomenological; I find her books to be highly insightful and inspiring—as I am sure do many generations of students and teachers. In one essay she adduces the character Meursault in Camus' *The Stranger* (1946) to demonstrate the terrible alienation US citizens experienced given the "new freedoms" of those decades following Watergate, the Vietnam War, and the birth of the Hippie movement.

...the new freedom we are witnessing is linked to a terrible alienation, what used to be called anomie. I think that many, many people are moving through their lives as strangers, in the sense that Meursault was a stranger. They are not reflecting; they are not choosing; they are not judging; in some sense, they have nothing to say. (Greene, 1978, p. 151)

While not attempting to moralize or to pass judgement, Greene sketches an apt diagnosis of what is going on. She describes startling divorce rates, changes in gender roles, alterations in family life, the proliferation of violent movies, and their need by people seeking immediate thrills and the satisfaction of immediate needs—the need, for

example, to feel alive, rather than numb. She says, “few [undertakings] rest upon actual face-to-face communication among distinctive individuals trying to interpret their intersubjective lives. Frequently, they are responses to discouragement with the social world as it exists” (p. 151). Even in individuals’ attempts at self-mastery through exercise, long-distance running, or the practice of Zen, Greene names—again without attempting to condemn or moralize—self-mastery as a choice of “private passions as alternatives to membership, to existence in community” (p. 152). She then describes the moral life:

The moral life is not necessarily the self-denying life nor the virtuous life, doing what others expect of one, or doing what others insist one ought to do. It can best be characterized as a life of reflectiveness and care, a life of the kind of wide-awakeness associated with full attention to life and its requirements. I have an *active* attention in mind to life in its multiple phases, not the kind of passive attention in which one sits and stares.... In active attention, there is always an effort to carry out a plan in a space where there are others, where responsibility means something other than transcending one’s own speed, or one’s own everyday. A person is not simply located in space somewhere; he or she is gearing into a shared world that places tasks before each one who plays a deliberate part. It is only in a domain of human expectations and responses that individuals find themselves moved to make a recognizable mark, to make a difference that others see. And so they trace out certain dimensions of the common space that are relevant in their concerns.... (p. 152)

Hers is a very elegant and graceful description of what teachers do, what everyone in this hall is doing in their lives. Greene speaks of the “drifter,” who she describes as someone to whom nothing matters outside her or his own self, as someone who cannot be free. She speaks of the possibility of freedom as something that has always to be acted upon and grounded in our being; we cannot be imitators of one another, hence freedom cannot happen in a vacuum. We must place ourselves in situations which allow for the release of individual capacities. Greene believes individuals need to self-identify, to understand one’s preferences and reflect on them, and to reflect on them in the framework of some norm, set of values, or standard:

The individual who does not choose, who simply drifts, cannot—from this additional vantage point—be considered free. The one who basks in the sun, with little sense of sharing the world with others, is only barely aware of what he or she prefers. (p. 153)

Who is Greene describing but teachers? Do you not recognize yourselves in this description? This is what teachers do day in, day out. Teachers are the ones permitting individual capacities to be released, permitting individuals to identify themselves. These practices are all at the heart of what educators do. In the words of Parker Palmer (1998), “We teach who we are” (p. 1).

In an essay that began in 1994 as a public lecture at the Doris Sloan Memorial Education Symposium at the University of Michigan’s Museum of Fine Art, Michael Brenson (1995) borrows a statement from the back cover of a book of Chekhov stories: “. . .in his stories Chekhov held life, like a fluttering bird, in the cup of his hand” (n.p.). Brenson suggests we substitute *art* for life and language, that the bird in hand gives one a sense of how precious the relationship between art and language can be. I suggest we substitute life for the lives of students and the hospitable space of the classroom for the hand. If the hand does not make the bird feel welcome, it will fly away; if the hand squeezes the bird too tightly, it will smother.

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Academic Freedom in the Post-Garcetti Era: An Historical Analysis of Court Cases

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Introduction

While employers may not retaliate against faculty for speech protected under the First Amendment, there is no mention in the First Amendment of any Constitutional protection for academic freedom. Any recognition of academic freedom is the result of interpretation of the First Amendment, rather than any specific mention.¹ Therefore, any understanding of a contemporaneous meaning of academic freedom requires one to explore court decisions as to what speech is protected.² More specifically, one needs to understand the relationship between academic freedom and freedom of speech protected under the First Amendment. The complexities of this relationship are essential because the US Supreme Court historically has not given academic freedom Constitutional protection.³

Academic freedom is the freedom to research and publish findings, freedom in teaching subject matter within the curriculum, and freedom to decide whom to admit to study (student admissions).⁴ Academic freedom serves the common good, allows universities to contribute to society, and is essential to the mission of universities so scholars have the freedom to teach and disseminate knowledge without fear of repression. There admittedly is considerable variation in how academic freedom is defined, and it is exactly this tension that calls for an historical examination of relevant cases. The 2006 Supreme Court decision in *Garcetti v. Ceballos* characterizes academic freedom very differently from how it is defined by the American Association of University Professors' (AAUP) 1940 statement. The AAUP statement is grounded in the idea universities exist for the common good, particularly public universities. It is only logical that public universities address societal problems since they are supported by taxpayers' respective states.⁵

Any scholarship grounded in the study of recent history must ensure data analyzed are the most timely and accurate if the purpose is

to examine the state of recent events based in a longer historical trend with the intent of illuminating implications.⁶ We focus the scope of our historical examination on court cases pertaining to four-year, public colleges and universities in order better to understand the implications of change, because the *Garcetti* decision pertains only to government employees. Additionally, the Sixth Circuit Court of Appeals' decision in *Evans-Marshall* (2010) concludes the concept of academic freedom is only applicable to post-secondary education.⁷ A timely historical examination of recent cases is essential to provide meaningful conclusions of how academic freedom has been understood by courts and the implications of the courts' decisions for faculty. We acknowledge the study of recent history admittedly risks the possibility of exaggerating the significance of relatively recent events and is limited by lack of hindsight and perspective, and acknowledge the criticism of those who deem such scholarship insufficiently historical.⁸

Stephen Aby and Dave Witt examine the outcome of the *Garcetti* ruling in terms of increasingly hostile academic environments for faculty.⁹ Robert Roberts examines some lower-court cases regarding academic freedom since 2006, yet does not draw conclusions regarding speech in the classroom.¹⁰ Another recent examination of *Garcetti* looks at its implications for faculty governance at public institutions.¹¹ Our contribution to the literature is to examine the recent history of court rulings regarding academic freedom better to understand how courts have defined the scope and protection it affords, and the implications for faculty. We focus our examination on that period since the 2006 US Supreme Court *Garcetti v. Ceballos* ruling. We chose this demarcation because the *Garcetti* decision has since been used as guidance by lower courts in evaluating individual challenges alleging academic-freedom violations.

Historical Background of Academic Freedom and *Garcetti v. Ceballos*

The concept of academic freedom was inherited from German universities in the nineteenth century.¹² Academic freedom exists in two forms, *lehrfreiheit* and *lernfreiheit*. *Lehrfreiheit* refers to freedom to conduct research, and *lernfreiheit* is the freedom to teach without undue constraint. These concepts allow the scholar to uncover knowledge in their disciplines as they see fit, and transmit that knowledge to peers and students. Academic freedom is not absolute, in fact some degree of institutional authority is necessary so faculty can research and teach,¹³ but the intertwined nature of individual and institutional academic freedoms has been understood by some as essential in that institutional freedom cannot exist without the existence of individual freedom.¹⁴ Ream and Glanzer argue shifts in the nature and definition of academic freedom are the result of interpreting it within different views of both

humanity and relationships with institutions.¹⁵ The most recent shift represents how academic freedom is defined with respect to the tension between individual and institutional freedoms in increasingly complex organizations.

During the early-20th century, some American faculty began formally to organize and assert their rights to academic freedom. In 1913 Arthur Lovejoy, a philosophy professor at Johns Hopkins University, formed a national association of faculty at nine leading universities. Those 600 faculty formed the basis for what would become known as the American Association of University Professors (AAUP). The AAUP's 1940 *Statement of Principles on Academic Freedom and Tenure* (since revised several times) emphasizes the value of affording and protecting individual rights of faculty and students in conjunction with their institutions to fend off external or political intrusion.

The US Supreme Court decided *Garcetti v. Ceballos* in 2006 and it is considered a landmark case in defining the limits of free speech among public employees.¹⁶ The suit originated in 1989 when Richard Ceballos, a deputy district attorney in the Los Angeles County District Attorney's office, questioned the accuracy of an affidavit issued by his office. Ceballos claimed he was later subjected to retaliation in the form of reassignment and denial of promotion.¹⁷

Ceballos initially filed an internal grievance that was denied; he then filed suit in US District Court alleging his First and Fourteenth Amendment rights had been violated. At the time, Gil Garcetti was Los Angeles' District Attorney; therefore he was named as the defendant in the case. The District Court granted summary judgment for the defendant on the grounds that Ceballos' speech took place in the context of his employment and therefore was not protected under the First Amendment. The case was appealed to the Ninth Circuit Court which reversed the District Court's decision and concluded Ceballos' speech was protected because it dealt with a matter of public concern pertaining to possible corruption or wrongdoing by law enforcement officers.¹⁸

The case was appealed to the US Supreme Court which ruled against Ceballos in a 5–4 decision. Justice Kennedy wrote the majority decision, resting his opinion on whether or not the plaintiff spoke as a private citizen or public employee to determine if Ceballos' speech was protected. The majority concluded that, since Ceballos spoke in the capacity of a public employee, his speech was not protected under the First Amendment. The result was public employees could have no expectation of First Amendment protection within the context of their job duties with respect to speech that could affect the organization's operations. Furthermore, the majority decision concluded there could be

no distinction where such speech by a public employee took place. For example, such an employee still could not expect First Amendment protection when speaking about matters related to job responsibilities, even if the speech took place outside the workplace.¹⁹ Therefore, when a citizen accepts government employment, “the citizen must by necessity accept certain limitations on his or her freedom.”²⁰ Under the *Garvetti* decision the factors that determine protection are only whether the individual spoke as a citizen, and if the speech pertains to a “matter of public concern.”²¹

The *Garvetti* decision does not pertain directly to higher education but has been used by lower courts as the basis to judge protected and non-protected speech. In fact, Justice Souter’s dissenting opinion in *Garvetti* specifically cautions how *Garvetti* might affect higher education in that the ruling was not intended to “imperil the First Amendment protection of academic freedom in public colleges and universities.”²² Justice Kennedy also addresses this point in his majority opinion.

Justice Souter suggests today’s decision may have important ramifications for academic freedom, at least as a constitutional value. There is some argument that expression related to academic scholarship or classroom instruction implicates additional constitutional interests that are not fully accounted for by this Court’s customary employee-speech jurisprudence. We need not, and for that reason do not, decide whether the analysis we conduct today would apply in the same manner to a case involving speech related to scholarship or teaching.²³

This limitation in Justice Kennedy’s majority opinion often is referred to as the *Garvetti* reservation.²⁴ The *Garvetti* reservation is critically important in understanding the limitations of academic freedom because it leaves unclear what, if any, protections are afforded faculty speech. As government employees, public university faculty have contractual obligations to their respective states. The *Garvetti* case does not specifically address scholarship and teaching, and leaves to lower courts and subsequent cases to decide the boundaries between academic freedom and one’s responsibilities as a public employee. In our analysis of post-*Garvetti* cases we examine how courts have defined that boundary and the implications for faculty speech.

Analysis of Selected Post-*Garvetti* Cases

Dr. Kevin Renken, while a tenured professor at the University of Wisconsin-Milwaukee, applied for a National Science Foundation (NSF) grant. He was required to seek matching funds from the university, which were granted, but with restrictions that Dr. Renken concluded were in violation of NSF regulations. He brought his concerns to his dean and others, finally rejecting a compromise by the university.

Consequently the university returned the funds to NSF and reduced Renken's pay. He then brought suit against the university claiming he was retaliated against because of voicing his concerns. The case was heard in the US Seventh Circuit Court of Appeals in 2008 and the court concluded that, under *Garcetti*, Dr. Renken's speech was as an employee rather than a citizen so not protected under the First Amendment. The court interpreted his grant work as part of his teaching duties because he would have received a reduced teaching load had he served as principal investigator of the project.²⁵ The *Renken* ruling represents a departure from previous decisions in that a faculty member's research was tied to teaching rather than standing as an independent category. The court's rationale is economic in that research takes the place of teaching for which the professor is compensated in the form of reduced teaching at the same salary.

The case of *Gorum v. Sessoms* may at first appear to pertain to academic freedom in the context of grading; however, the substance of the case is based on freedom of speech. It represents a clear illustration of how courts interpret faculty's limitations to speak within their job roles. Dr. Wendell Gorum was a tenured professor and chairman of the Mass Communications Department at Delaware State University. In January 2004 the university registrar began an audit of grade changes Gorum submitted following a discrepancy in the transcript of a student athlete. The audit revealed Gorum had changed withdrawals, incompletes, and failing grades into passing grades for 48 students (mostly athletes). He also assigned grades to students for courses they never actually attended. This was done without informing or obtaining consent from those faculty members who originally assigned grades. A faculty committee concluded Gorum had indeed made changes in violation of university policy and recommended a two-year, unpaid suspension, the loss of his chair position, and a probationary period upon his return on the grounds that a lack of university oversight fostered a climate where grade manipulations occurred.²⁶

The president of the university, however, concluded Gorum's actions rose to the level of dismissible misconduct and initiated termination proceedings, which the university's board of trustees eventually approved. Two years after his dismissal Gorum filed suit in Delaware federal court. Gorum claimed his dismissal was not prompted by unauthorized grade changes but by at least two other preceding events associated with free speech: he had opposed the hiring of the university president and rescinded an invitation to the president to speak at a fraternity prayer breakfast. The court ruled Gorum's speech occurred in the context of his role as an employee and furthermore did not pertain to a matter of public interest. On appeal to the Third Circuit Court of Appeals, the appellate court also concluded Gorum's dismissal

was made irrespective of speech not protected in any event.²⁷ The *Gorum* ruling separated First Amendment protection from *Gorum*'s administrative functions, and, as a result, administrators could not expect to be protected from actions carried out through their administrative roles.

The case of *Hong v. Grant* is based upon workplace speech and academic freedom, but without as many ancillary issues as in *Gorum*. Dr. Juan Hong was a tenured professor of chemical engineering and material science at the University of California, Irvine. Hong claimed in 2004 he was denied a merit-based salary increase because of criticisms made about both departmental policies including hiring and promotion, and the department's reliance on part-time faculty to teach lower-level courses. In 2004 Hong applied for a merit-based pay increase following a one-year deferral due to "unsatisfactory research performance."²⁸ In his application Hong described his own performance in securing peer-reviewed publications as "average" to "minimal," and his success at attracting (or procuring) research grants as "zero."²⁹ His application was denied because university administrators concluded his performance was inconsistent with expectations of one at the rank of full professor. Hong filed suit in 2005 and the case was heard in US District Court for the Central District of California. In 2007 the court granted summary judgment for the defendants on the basis that Hong's speech was not protected. The court specifically states:

The *First Amendment* does not constitutionalize every criticism made by a public employee concerning the workplace. If a public employee's speech is made in the course of the employee's job duties and responsibilities, the speech is not protected under the *First Amendment*. Because all of Mr. Hong's criticisms were made in the course of doing his job as a UCI professor, the speech is not protected from discipline by University administrators. Moreover, Mr. Hong's criticisms pertained to the internal hiring, promotion and staffing practices of UCI and are of very little concern to the public.³⁰

The Ninth Circuit Court of Appeals upheld the lower-court decision on the basis administrators who evaluated Hong's merit-based salary increase were immune from suit since they functioned within their professional discretion; however the court still commented on Hong's First Amendment claim. The court's ruling states, "it is far from clearly established today, much less in 2004 when the university officers voted on Hong's merit increase, that university professors have a First Amendment right to comment on faculty administrative matters without retaliation."³¹ The *Hong* ruling went further than either of the two proceeding cases in clarifying how academic freedom has no

constitutional protection. This case additionally suggests any speech that might occur in the workplace could be subject to administrative sanctions.

The 2010 *Kerr v. Hurd* ruling has helped more sharply to define the boundaries of First Amendment protection for faculty. Dr. Elton Kerr was a medical doctor specializing in obstetrics and gynecology who filed suit against his former department chair and physicians' group at Wright State (University) School of Medicine. Kerr alleged he had been retaliated against by having his salary lowered and subjected to other disciplinary actions based on his advocacy of forceps deliveries versus caesarian procedures. The defendants asked for summary judgment and the court ruled in their favor on eight of ten complaints Kerr brought. However, the court did allow Kerr's complaint of violation of free expression to proceed for a jury trial.³²

The *Kerr* case is a departure from previous cases in that his advocacy of forceps delivery directly pertains to his specific subject matter expertise discussed in classroom and clinical settings. The court draws a connection between academic freedom and First Amendment protection where "the expressed views are well within the range of accepted medical opinion."³³ The court further details academic freedom is primarily the domain of university-level instruction. Unfortunately, there is not a definitive outcome with respect to a jury trial, and since the case was not appealed we do not have the benefit of appellate court review. A 13 April 2010 filing in the court of US Magistrate Judge Michael Merz vacating the trial date suggests the parties agreed to a settlement, though the specifics are not a matter of public record.³⁴ Therefore, the *Kerr* case does not demonstrate any specific First Amendment protection for academic freedom, but merely shows one may legally be entitled to a jury trial when considering freedom of speech in some instructional settings.

In 2009 the Southern District of Mississippi Federal District Court ruled in the case of *Nichols v. University of Southern Mississippi*. Dr. Clint Nichols was an untenured professor in the University of Southern Mississippi's School of Music when in November 2007 he and a student spoke about homosexuality and New York City's entertainment industry following a class session. Nichols made several comments about homosexuality that offended the student and, when the student disclosed he was homosexual, Nichols stated he would pray for him. A short time later Nichols was informed his contract with the university would not be renewed at the semester's end because his comments to the student were in violation of the university's nondiscrimination policy.³⁵

Nichols filed suit against the university charging violation of First Amendment protection among several other claims; however, for the

purpose of our analysis his freedom of speech complaint principally is relevant. The defendants requested and were granted summary dismissal in addition to the court concluding the defendants were immune from any further suit in the matter since they operated within the capacity of their professional discretion, and since it was within the university's right not to renew Nichols' contract. With respect to Nichols' claim he was retaliated against based on abridging his First Amendment rights, the court concluded Nichols had not shown his comments outweighed the university's interests in promoting efficiency. The court considered whether his speech had the potential to affect "regular and successful operation of the enterprise, affects morale and discipline, fosters disharmony, impedes the performance of the employee's duties, or detrimentally [affects] working relationships that depend on loyalty and confidence."³⁶ Nichols was found to have interfered with normal operations by violating the university's nondiscrimination policy in a manner that undermined his relations with students and potentially with other faculty.³⁷ The *Nichols* ruling is consistent with the previous *Hong* ruling. Faculty speech, including informal conversations outside the classroom, cannot enjoy constitutional protection.

The case of *Savage v. Gee* involves a university librarian rather than a faculty member, but still pertains directly to academic freedom.³⁸ Scott Savage was a librarian at The Ohio State University's Bromfield Library who served on an incoming-freshmen-book-selection committee. His suggestion of a book developed into a highly contentious email discussion with other committee members with two members complaining Savage demonstrated anti-gay bias. Over a little more than a year this discussion escalated to claims of political bias, sexual-orientation harassment, and free-speech infringement. Ultimately, Savage resigned his position and filed a series of lawsuits in both state and federal court.

In 2008, Savage filed suit in US District Court for the Southern District of Ohio on the grounds he was constructively discharged for exercising his First Amendment rights.³⁹ Concluding "*Garvetti* does not apply," the district court judge reasoned Savage's voluntary role in recommending books for a book list "cannot be classified as 'scholarship or teaching' in the *Garvetti* sense."⁴⁰ In affirming, the Sixth Circuit Court of Appeals rejected the librarian's claim his speech was protected because, in the opinion of the court, curricular issues are not a matter of public concern.⁴¹ Therefore, his role in the book selection committee "only loosely, if at all, related to academic scholarship."⁴² At first glance, the *Savage* case appears inconsistent with the *Kerr* decision (regarding forcepts delivery), which protects speech pertaining to accepted curricular content. However, a careful reading distinguishes service activities, such as membership on a book selection committee, from scholarship. While

this case does not directly address scholarship, it makes clear university community members' service activities are not protected.

In October 2011, the US District Court for Louisiana ruled on the case of *van Heerden v. Louisiana State University* (LSU). Ivor van Heerden was an associate professor of research who also served on the state Department of Transportation's "Team Louisiana," a group of scientists charged with researching the cause behind flooding in New Orleans following Hurricane Katrina. As a research associate professor, van Heerden was not tenured but employed on the basis of a renewable, one-year contract.⁴³

van Heerden made a number of public statements and published a book about post-Katrina flooding suggesting the US Army Corps of Engineers failed properly to design or maintain the levees, and consequently were to blame for the massive flooding. On a number of occasions LSU administrators ordered van Heerden to refrain from making public statements or testifying about his conclusions. In April 2009 he was informed his contract with LSU would not be renewed. In February 2010 van Heerden filed suit against LSU and several administrators alleging his contract was not renewed as retaliation for protected speech, as well as charges of conspiracy and infliction of emotional distress.⁴⁴

The court summarily dismissed nearly all claims van Heerden brought with the prominent exception of his claim he was retaliated against because of protected speech. Judge James Brady allowed van Heerden's claim he was unfairly dismissed to continue. Brady concluded, though admitting it was a close question, van Heerden's speech was not in his official job capacity as an LSU employee because at the time he communicated within his role as member and spokesperson for "Team Louisiana." In his decision Brady also shared "Justice Souter's concern that wholesale application of the *Garçetti* analysis to the type of facts presented here could lead to a whittling-away of academics' ability to delve into issues or expressions that are unpopular, uncomfortable or unorthodox."⁴⁵ From a scholarly perspective, Judge Brady's ruling allows van Heerden to proceed toward trial regarding his claim of protected speech.

Another pending case is *Adams v. The University North Carolina at Wilmington*. Michael Adams is a tenured associate professor in the Department of Sociology and Criminal Justice. In 2004, Adams applied for promotion to full professor. After some deliberation his department's senior faculty voted 7–2 against his application. The faculty's recommendation centered on the fact most of Adams' writings were not published in peer-reviewed journals and were unrelated to his academic discipline. The department chair, Dr. Kimberly Cook,

concurred with the faculty's recommendation, declining to recommend Adams for promotion at which point the promotion process ended as the department chair's support was a prerequisite for Adams' application's advancement.

In April 2007, Adams filed suit in the US District Court for the Eastern District of North Carolina alleging his First Amendment rights were violated because university administrators retaliated against him due to his religion. Adams refers to himself as a "born-again Christian" and many of his writings were critical of university administrators. The district court granted the defendants summary judgment in March 2010.⁴⁶ Adams filed an appeal heard by the US Court of Appeals. In their April 2011 ruling the appellate court upheld some parts of the lower court's ruling, but reversed others. Most significantly, the appellate court found the trial court had misanalysed *Garvetti* within the context of a public university's academic setting. The appellate court remanded Adams' First Amendment viewpoint discrimination and retaliation claims back to the US District Court where the case is pending.⁴⁷

Possibly the highest-profile free speech case is that of Dr. Ward Churchill, a tenured professor of ethnic studies, at the University of Colorado in Boulder. The day after the 11 September 2001 attacks Churchill wrote an essay entitled, *Some People Push Back: On the Justice of Roosting Chickens*, in which he states the attacks on the US were a natural consequence of US foreign policy, referring to many victims of the World Trade Center attacks as "little Eichmanns," analogous to Nazi war criminals. The essay received little notice until 2005, when a student newspaper article attracted widespread public attention to Churchill's essay.⁴⁸

In February 2005, university Chancellor Phillip DiStefano announced his office would conduct a "thorough examination of Professor Churchill's writings, speeches, tape recordings and other works"⁴⁹ to determine if his conduct provided sufficient grounds for dismissal. The investigation took a very different course when the faculty review committee uncovered evidence of research misconduct including four instances of falsifying evidence or misrepresenting facts, and three instances of plagiarism. The Chancellor then requested a standing committee on research misconduct carefully to investigate allegations identified by the faculty review committee. Their final report to the president found Churchill had demonstrated "conduct which falls below minimum standards of professional integrity."⁵⁰ The committee's recommendation was mixed: two recommended dismissal and three recommended suspension without pay and reduction in rank to associate professor. The president accepted the recommendation Churchill be

dismissed, and following another hearing the Regents dismissed the professor by a vote of 8–1.⁵¹

Churchill filed suit claiming he was retaliated against because he exercised free speech. A jury trial verdict found his termination was substantially motivated by First Amendment protected speech; however, the jury also concluded he was legitimately terminated due to research misconduct.⁵² In 2010 the case was reviewed by the Colorado Court of Appeals which affirmed the lower court ruling *in toto*.⁵³ In subsequent review the Colorado Supreme Court affirmed the lower court holding on 10 September 2012.⁵⁴ The state’s highest court reasoned that although the university’s “bad faith” investigation into the professor’s academic record indeed could chill the exercise of free speech, defendants are nevertheless entitled to qualified immunity since “the federal case law in this area is too unsettled to defeat the Regents’ claim of qualified immunity.”⁵⁵ On that basis the court held the trial court did not err in granting the Regents’ motion for a directed verdict on Churchill’s bad-faith investigation claim.⁵⁶ After failing to prevail in the Colorado state courts, Churchill petitioned the US Supreme Court for further review. However, on 1 April 2013 his petition for *certiorari* was denied.⁵⁷

Implications

Viewed through its judicial progeny, one unfortunate implication of the *Garcetti* ruling is courts have begun limiting constitutionally derived freedom of expression protections for public employees in post-secondary, academic settings. This assertion appears particularly to be accurate when one parses the two prongs of Justice Kennedy’s “reservation” in the *Garcetti* majority opinion—i.e., “speech related to scholarship or teaching.”

Our analysis of post-*Garcetti* cases supports the notion courts are beginning to give greater credence to the scholarship or research side of the equation, and less to the teaching or instructional side. This move is premised most noticeably by the court’s research-supportive rationale expressed in *van Heerden*. Though *Adams*, like *van Heerden*, awaits final disposition, the appellate court’s recognition of the plaintiff’s viewpoint discrimination and retaliation claims solidly is grounded in the professor’s scholarly productivity: this despite the court having construed the case as falling beyond the strictures of *Garcetti*’s “reservation.” Finally, although the *Kerr* result appears at first glance to center on instruction, it nevertheless is reasonable to “bridge” the plaintiff’s informed medical opinion (i.e., favoring forceps delivery over caesarian birth) to his scholarly endeavors.

In contrast, the remaining post-*Garcetti* cases reviewed herein center to a much greater extent on the teaching or instructional prong of the “*Garcetti* reservation.” From this perspective, the likelihood of a

favorable outcome premised on a plaintiff's claims of academic freedom becomes decidedly more remote. For example, despite Professor Renken's procurement of external research funding, in his case the appellate court characterized grant work as part of teaching duties without affording any significant research-based, academic freedom protection. Despite Professor Nichols' reliance on the First Amendment as a basis for protecting the after-class comments made to a student in which he conveyed his views on homosexuality, the court sided with the institutional defendant. The courts in *Hong*, *Gorum* and *Savage* largely failed to recognize any viable connection to either teaching or scholarship; however, given the circumstances in all three cases, the closest link to the "*Garvetti* reservation," if any, qualifies more as instructional than scholarly. Finally, although the *Churchill* case remains unresolved as of this writing, it is worth noting that, in its present configuration, the case is now represented far more strongly in terms of Churchill's research misconduct than as a reflection of his academic freedom deprivation.

In addition to speaking openly on matters of public interest, rulings following the *Garvetti* decision may limit the ability of government employees to draw attention to wrongdoing, waste, or corruption. Unless otherwise protected with statutory "whistleblower" status, an employee who communicates information about wrongdoing to his or her superior has less constitutional protection than if the assertion publically is disseminated. Justice Stevens foresaw this phenomenon in his *Garvetti* dissent when stating he found it "perverse" that the majority ruling encouraged employees to take their concerns to a public forum rather than expressing them directly to their supervisors.⁵⁸

Taken as a whole, the cases examined here do not offer clear judicial guidance on the boundaries of academic freedom. The one case that most clearly illustrates the boundaries of academic freedom is *Nichols v. University of Southern Mississippi*. Even this case, however, offers a limited understanding of how far an institution can go to limit academic freedom in that Nichols was a non-tenure-track instructor whose university employment status was absent the procedural protections tenure affords. The *Kerr* case likely would provide the clearest example of academic freedom protection limits; however, the case appears to have been settled and its final disposition remains not a matter of public record.

At this time a definitive case with a definitive outcome is still lacking. Because academic freedom is oftentimes tied to tenure, what is needed is a case in which a tenured professor challenges dismissal on the basis of instructional or scholarly speech. Several possible scenarios have been suggested and several examples bring this question forward. Arthur

Butz is an associate professor of electrical engineering at Northwestern University, becoming prominent for his denial of the Holocaust. While he has published on the topic, he has never mentioned his opinions in the classroom and neither does his field of study have direct relevance. The case of Kaubak Siddique, associate professor of English and journalism at Lincoln University, is another example. Siddique is also a Holocaust denier and has spoken publicly on the topic. In the case of Siddique, his areas of expertise, English and journalism, both relate directly to large bodies of literature and scholarship that provide evidence of the Holocaust and as a result raise the question that if he claims to be an expert in these areas his denials of such literature implicate his professional competence.⁵⁹

An additional misfortune is that available cases (even potential cases such as Butz' and Siddique's) cannot effectively be used by professional organizations to illustrate the importance of academic freedom. Churchill, for example, is a far-from-sympathetic "poster child" who can hardly be used to convince legislators and the general public academic freedom is in higher education's and society's best interests. Regardless of the eventual outcome of *Churchill*, it will be difficult to persuade listeners a professor who commits academic misconduct, or makes offensive remarks about homosexuals, or performs below accepted levels for their rank is deserving of protection. Conversely, both *van Heerden* and *Adams* hold promise as a basis for reinforcing the "public good" associated with scholarship and research.

An important commonality across all these speech cases is they do not originate out of external threats to institutions, as in the case of loyalty oaths during the Cold-War period, but rather out of internal disputes between faculty and administrators. Courts historically have been hesitant to overrule internal university decisions based on the assumption administrators are presumed to be competent individuals in a specialized setting exercising professional judgment, unless otherwise demonstrated.⁶⁰ The selected cases examined herein reveal disputes between faculty and administrators heavily weighted in favor of institutions and their respective administrators. As a whole these speech cases show academic freedom increasingly is perceived by courts as attached to institutions rather than individuals. While each of these cases are highly contextual, sometimes complicated and often emotionally charged, it seems courts are generally unsympathetic to faculty claims based on First Amendment protection. There are additional implications as faculty ranks incorporate larger numbers of non-tenure-track and part-time faculty. Such individuals generally have short-term appointments or contracts that span a single year, semester, or even a single course.

Not surprisingly, our review of these cases reveals further ambiguity on the boundaries of faculty expression. Several cases directly address expression in the classroom; however, the boundaries remain unclear with regard to protection for faculty speech related and necessary to one's duties, but occurring in other contexts. For example, is faculty advisement of students protected? Likewise are faculty protected for mentoring advice, comments made in university committees, faculty search committees, promotion and tenure recommendations, or expressing disagreement about an administrative decision? The court's rationale in *Hong v. Grant* suggests limitations may exist. Put another way, an institution which chooses to define protected speech in the narrowest terms possesses a "blunt weapon" with which to "challenge the content of a professor's expression."⁶¹

More broadly, there are further post-*Garrett* implications for university faculty. At risk of sounding cynical, those who are not government employees and may be less informed on a subject appear to have greater freedom to comment on issues of public concern than highly respected, highly educated researchers and faculty members. An unintended consequence becomes the nature of public discourse on matters of common interest gets "dumbed-down" because those perhaps most qualified to offer insights on such matters cannot do so without fear of retaliation. If a public employee's specific job relates to addressing issues of public concern, such as university faculty's, they have less speech protection than non-governmental employees.

In all fairness to the principles of academic freedom, one must concede some degree of oversight is necessary to protect the institution, the profession, and society in general. A professor should not use classroom time to advocate on subjects that have no pertinence to the curriculum. Furthermore, academic freedom does not serve anyone's interest when used as a shield to protect incompetence and unethical or harmful behavior. If institutions want to foster an environment where faculty will be able freely to express their concerns on academic matters and internal policies, they will need to establish clear protections including defining undesirable speech, the context in which it might occur, and what the consequences will be. For example, it is common practice for religious institutions to specify the boundaries of academic freedom with respect to matters of faith, and the AAUP statement on academic freedom suggests any such limitations should be "stated in writing at the time of the appointment."⁶² Faculty at public universities serve the dual role of professors and government employees. Public institutions would be wise to consider delineating the boundaries of academic freedom with respect to their faculty's roles as government employees. Such policies need explicitly to state that even discourse such

as internal criticism remains protected so long as one's speech does not represent a threat to public safety, interfere with the legitimate operations of the institution, or violate confidentiality laws.⁶³

Endnotes

- 1 *Keyishian v. Board of Regents*, 385 US 589, 603 (1967).
- 2 James Swezey and Christopher Ross, "Faculty Perceptions of Academic Freedom at a Private Religious University," *ICCTE Journal* 6, no. 1 (2011): 1–6.
- 3 Swezey and Ross.
- 4 In *Swezey v. New Hampshire*, 354 US 234 (1957), Justice Felix Frankfurter defined academic freedom as an institution's right to decide who will attend, who will teach, and the subjects to be taught and how they will be taught. The *Swezey* ruling is noteworthy in that it attached academic freedom to the institution rather than individual faculty. The AAUP guidelines found in the *1940 Statement of Principles on Academic Freedom and Tenure with 1970 Interpretive Comments* attached academic freedom to faculty, going beyond the definition found in *Swezey* and additionally stating when faculty "speak or write as citizens, they should be free from institutional censorship or discipline," 3.
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- ¹⁶ Martha McCarthy and Suzanne Eckes, “Silence in the Hallways: The Impact of *Garvetti v. Ceballos* on Public School Educators,” *Public Interest Law Journal* 17, no. 2 (2008): 209–235.
- ¹⁷ *Garvetti v. Ceballos*, 547 US 410 (2006).
- ¹⁸ *Ceballos v. Garvetti*, 361 F. 3d 1168, 1171–72 (9th Cir. 2004), reversed, 547 US 410 (2006), 1174.
- ¹⁹ *Garvetti v. Ceballos*.
- ²⁰ *Ibid.*, 418.
- ²¹ *Ibid.*
- ²² *Ibid.*, 438.
- ²³ *Ibid.*, 425.
- ²⁴ Robert J. Tepper and Craig G. White, “Speak No Evil: Academic Freedom and the Application of *Garvetti v. Ceballos* to University Faculty,” *Catholic University Law Review* 36 (2009): 125–180.
- ²⁵ *Renken v. Gregory*, 541 F. 3d 769 (7th Cir. 2008).
- ²⁶ *Gorum v. Sessoms*, 561 F. 3d 179 (3rd Cir. 2009), 5.
- ²⁷ *Ibid.*
- ²⁸ *Hong v. Grant*, 516 F. Supp.2d 1158 (C.D. Cal 2007), 4.
- ²⁹ *Ibid.*, 4.
- ³⁰ *Ibid.*, 1–2.
- ³¹ *Hong v. Grant*, 403 Fed. Appx. (9th Cir. 2010), 237–238.
- ³² *Kerr v. Herd*, 694 F. Supp. 2nd 817 (S.D. Ohio).
- ³³ *Ibid.*, 844.
- ³⁴ *Kerr v. Hurd*, US District Court for the Southern District of Ohio, Western Division at Dayton, Case No. 3:07-cv-297 (13 April 2010).
- ³⁵ *Nichols v. University of Southern Mississippi*, 669 F. Supp. 2d 684 (S.D. Mississippi, 2009).

- ³⁶ Ibid., 699.
- ³⁷ Ibid.
- ³⁸ 716 F. Supp. 2d 709 (S.D. Ohio 2010), *affirmed* 665 F. 3d 732 (6th Cir. 2012).
- ³⁹ The term “constructive discharge” refers to when an employee resigns because the employer or work environment has become intolerable. To prove such a condition an employee must demonstrate the employer intentionally created the conditions, or their lack of actions resulted in the conditions as defined in *Turner v. Anheuser-Busch, Inc.*, 876 P. 2d 1022 (Cal: Supreme Court, 1994).
- ⁴⁰ 716 F. Supp. 2d at 718.
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- ⁴² Ibid.
- ⁴³ *van Heerden v. Louisiana State University*, US District Court for the Middle District of Louisiana (2011).
- ⁴⁴ Ibid.
- ⁴⁵ Ibid., 6.
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- ⁴⁹ Ibid., 2.
- ⁵⁰ Ibid., 3.
- ⁵¹ Ibid.
- ⁵² Ibid.
- ⁵³ Ibid.
- ⁵⁴ *Churchill v. University of Colorado at Boulder*, 285 P. 3d 986 (Colo. 2012).
- ⁵⁵ Ibid., 77.
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- ⁵⁸ *Garcetti v. Ceballos*, 547 US 410, 427 (2006) (J. Stevens dissenting).

- ⁵⁹ Dan Berrett, "Academic Freedom and Holocaust Denial," *Inside Higher Education*, 26 October 2010 [online content]. Retrieved from <http://www.insidehighered.com/news/2010/10/26/siddique>
- ⁶⁰ Lawrence White, "Fifty Years of Academic Jurisprudence," *Journal of College and University Law* 36, no. 3 (2008): 791–842.
- ⁶¹ Larry Spurgeon, "A Transcendent Value: The Quest to Safeguard Academic Freedom," *Journal of College and University Law* 34, no. 1 (2007): 111–149.
- ⁶² Association of American University Professors, *1940 Statement on Principles on Academic Freedom and Tenure*, paragraph 7 [online content]. Retrieved from <http://www.aaup.org/report/1940-statement-principles-academic-freedom-and-tenure>
- ⁶³ Interfering with legitimate operations of the institution is admittedly a definition open to debate and disagreement. Preventing students from entering or leaving a building would, at the very least, interfere with operations, not to mention pose a safety risk. However, would faculty be protected in the case of passing a vote of "no confidence" on an administrator for violations of due process and academic freedom? Based on judicial trends since 2006 we suspect courts would not extend First Amendment protection to such faculty.

The One-to-One Moment: Digital-Age Tools and the Challenge of Democratic Education in a Post-No Child Left Behind Era

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Introduction

Cloud computing in which online applications and services are remotely shared from the Internet with users has reshaped global communications (Weinman, 2012; Winner, 1997). Cloud services such as microblogging (Twitter), social networking (Facebook, Google+), blogging (WordPress), video blogging and broadcasting (YouTube) have caused massive sociopolitical disruptions. With these tools citizens have toppled governments in the Middle East (Khondker, 2011; Skinner, 2011; Stepanova, 2011) and facilitated global protest movements such as the Occupy movements in Europe and the US (Costanza-Chock, 2012; Skinner, 2011). All over the world cloud-based tools provide a platform for voicing disaffection with unpopular economic policy (Costanza-Chock, 2012; Skinner, 2011; Weinman, 2012). This democratic groundswell of the *vox populi* has implications for learning and education as well, for cloud-based applications and storage that support the democratic use of social media for protests also can fuel changes in how learning is delivered and to whom.

The “cloud” is a communications and information system in which individuals access managed online services such as document sharing, electronic mail, microblogging, social networking, video blogging, and video conferencing as well as many other services (NIST, 2010; Weinman, 2012). It allows users to access, run, share, and store massive amounts of information using internet resources. In brief, the cloud consists of “shared, on-demand, pay-per-use resources, accessible over a wide-area network, available to a broad range of customers” (p. 26).

The Problem

Classroom cloud computing necessarily challenges assumptions about who will or should provide student access to learning

opportunities and knowledge stores in the 21st century; the notion of learners sharing or trading their privacy in return for control over or access to their creative products; and how schools and educational institutions interface with the corporate world in order to give learners access to powerful, creative learning tools. Despite these questions, the cloud represents unparalleled access to a worldwide network in some ways akin to a public utility (Reimer, 1971; Weinman, 2012). This network is democratic in the sense Reimer (1971) describes, because, like democratic public institutions, the cloud “[O]ffer[s] a service, [satisfies] a need, without conferring advantage over others or conveying [a] sense of dependence” (p. 108). The cloud has potential for delivering learning to learners often underserved by the traditional education system. Many distance-based or online programs are now designed for high-school-credit recovery, high school remediation or completion, advanced placement access, and other forms of schooling traditionally reserved for the brick-and-mortar school (Patrick & Powell, 2009; Sturgis, Rath, Weisstein, & Patrick, 2010; Watson, Winograd, & Kalmon, 2004; Watson, Gemin, & Ryan, 2008).

Why then do we see such limited use of the cloud in democratic ways? Since there now exist tools and platforms for envisioning a far more democratic approach to education, what has prevented its wider diffusion? Despite the fact the cloud opens spaces of learning both in and outside schools, radical changes in how academic materials are disseminated remain elusive. A more democratic approach that recognizes an individual’s ability to learn using more open resources coupled with their own devices remains a realization of only the few. The National Educational Technology Plan (NETP) describes how convergence in telecommunication that gave us the cloud has dual applications in education. The authors recognize “Cloud computing...can support both the academic and administrative services required for learning and education” (US DOE, 2010).

Theoretical Framework

In 1971 Ivan Illich theorized about a learning revolution defined by democratic “learning networks” or educational “opportunity webs” (Illich, 1971; Reimer, 1971). Illich sees this “deschooling” concept as the single most appropriate framework for delivering mass public education. He argues that in a more democratic world there needs to be “new networks, readily available to the public and designed to spread equal opportunity for learning and teaching” (p. 55). Illich advocates an educational revolution would come from a “twofold inversion, a new orientation for research and a new understanding of the educational style of an emerging counterculture” (p. 50). In Illich’s mind this educational revolution would be predicated on four goals or “liberties”:

1. Liberation of access to things by abolishing the control which persons and institutions now exercise over mass or public educational values.
2. Liberation of the sharing of skills by guaranteeing freedom to teach or exercise them on request.
3. Liberation of the critical and creative resources of people by returning to individual persons the ability to call and hold meetings—an ability now increasingly monopolized by institutions which claim to speak for the people.
4. Liberation from the obligation to shape individual expectations to the services offered by any established profession—by providing an individual with the opportunity to draw on the experience of his peers and to entrust himself to the teacher, guide, adviser, or healer of his choice. (p. 73)

Illich argues further that, in the 1970s, this revolution was made possible by the technologies of the time. He suggests individuals co-create and contribute to a repository or database of audio and/or text recordings. This repository would be comprised of lessons or resources on any subject that could be communally stored. Average citizens could access and co-create these repositories in the form of lending spaces. They would check out materials about which they wanted to learn, and return materials once finished. These repositories would be located across a town or city—in effect throughout a country. Thus, these would be an informal, co-created network of information repositories individuals would use to access and share learning resources. These tools would form the basis of learning webs for the distribution of knowledge and skills throughout a society. At the root of this model is the fact that “an educational network or web for the autonomous assembly of resources under the personal control of each learner” (p. 50) would be widely available.

In the current, digital age Illich’s vision is largely actualized. Theoretically the learning web Illich posited now exists in the form of social networks and web 2.0 digital-age technologies that define the cloud. Learners now have the added ability to co-create, store, and share different types of multimedia learning objects. In this regard, the modern web provides a direct platform for envisioning the liberating principles Illich deems necessary to the democratic educational revolution.

This connection of the learner directly to her learning resource represents truly a “one-to-one” moment. Beyond offering access to computers or computing devices to learners, the one-to-one moment links learners to the highly-democratic, non-hierarchical cloud. With the access a learner has, she can create, publish, and share information either

alone or with peers. Her connection to the cloud makes her both a learner and a teacher concomitantly. In effect, she has the access, ability to share, collaborative resources, and freedom to be guided by mentors and teachers of her own choosing.

This one-to-one moment means an individual student can be paired with an individual teacher—a kind of intellectual “sweet spot” that offers possibility for individuals to learn in adaptive, flexible, and meaningful ways. In Illich’s frame there are “four different approaches which enable the student to gain access to any educational resource which may help him to define and achieve his own goals” (p. 56). Despite its length, Illich’s prescience makes relevant I quote in detail.

1. Reference Services to Educational Objects which facilitate access to things or processes used for formal learning. Some of these things can be reserved for this purpose, stored in libraries, rental agencies, laboratories, and showrooms like museums and theaters; others can be in daily use in factories, airports, or on farms, but made available to students as apprentices or on off hours.
2. Skill Exchanges which permit persons to list their skills, the conditions under which they are willing to serve as models for others who want to learn these skills, and the addresses at which they can be reached.
3. Peer-Matching, a communications network which permits persons to describe the learning activity in which they wish to engage, in the hope of finding a partner for the inquiry.
4. Reference Services to Educators-at-Large, listed in a directory giving addresses and self-descriptions of professionals, paraprofessionals and freelancers, along with conditions of access to their services. Such educators, as one will see, could be chosen by polling or consulting former clients. (p. 56)

Discussion

At the root of the problem of limited democratic learning in the cloud are multiple societal developments: one an ongoing undercurrent which seeks to sustain the industrial age conception of the school as the sole or primary provider of academic learning opportunities (Dede, 2010, 2011). A corollary to this is a prevailing paradigm that maintains the centrality of the teacher as the main or essential fund of academic knowledge in the classroom (Mitra, 2005; NETP, 2010; Prensky, 2007). Yet technology has reshaped both these constructs (Mitra, 2005; Prensky, 2007). Technology today cannot be seen just as tools, technology is a societal shift in the ways in which we live, work, and

interact in society (Winner, 1997). In this sense learning is also being reshaped. Families now have an ability, for example, to choose academic educational experiences outside school.

Educational or learning services can now take the shape of formal experiences in distance based, online, or virtual schools, or Massive Open Online Courses (MOOCs). Some 1.5 million American, school-age children are homeschooled through either exclusively virtual means, blended programs, or completely unstructured experiences (Bielick, 2008; ed.gov, 2010b). Indeed the number of exclusively homeschooled children in the US is growing. This group has grown from 1.1 million in 2003, representing 2% of school-age children, to 2.9% in the year 2007 (ed.gov, 2010b). In the emerging century, learners are able to access learning and design their own learning programs via online knowledge bases such as Khan Academy along with a plethora of other online applications. Learners are therefore increasingly accessing academic learning experiences outside the school, leading to recent calls for a flipping of the traditional school classroom in which learners access some academic learning at home and other, more robust services in school (Bergmann & Sams, 2012, 2012b; Prensky 2007; Tucker, 2012).

A second challenge is schools tend to deploy cloud services in order to support accountability- and market-driven paradigms (Warschauer, 2005/2006; Weinman, 2012). Since the cloud is both a concept and a technical infrastructure (NIST, 2010; Weinman, 2012), there exists a propensity to view its value in line with cost savings (Weinman, 2012) and with the need for learners to be prepared for jobs in the neoliberal market economy (NETP, 2010). In their comprehensive definition, the National Institute of Standards and Technology (NIST), posit primarily about the technical infrastructure and consumer orientation of the cloud. There is little mention of the value of the cloud to a democratic society. The institute defines the cloud thus:

Cloud computing is a model for enabling ubiquitous, convenient, on-demand network access to a shared pool of configurable computing resources (e.g., networks, servers, storage, applications, and services) that can be rapidly provisioned and released with minimal management effort or service provider interaction. (NIST, 2010)

This definition accentuates the fact that the cloud allows users to access online services using various devices and regardless of location. A service provider can thus offer more connections, more services, and more utility to a user based on that individual user's individual demands. This definition, however, does not uphold the value of the cloud as an infrastructure for a learning web.

In the National Educational Technology Plan (NETP) there is a more social and educational view of the cloud. The plan recognizes the cloud has importance in learning both inside and outside the school. The NETP definition recognizes the cloud as a structure that:

[C]an enable students and educators to access the same learning resources using different Internet devices, so that they can learn anytime and anywhere. Thus, it supports our assertion that it is now time for our education system to become part of a learning environment that includes in-school and out-of-school resources. (US DOE, 2010, p. 58)

Weinman (2012) describes the defining characteristics of the cloud in an acronym: **C**ommon infrastructure, **L**ocation independence, **O**nline accessibility, **U**tility pricing, on **D**emand resources. In this configuration, learners can access cloud services using applications on mobile phones, desktop computers, laptop computers, and tablet computers. Cloud services can be accessed in vehicles and even on home appliances (NIST, 2010; Weinman, 2012). With these publicly available services, some of which are free or pay-on-demand, learners can connect with classes, teachers, and diverse multimedia resources.

The National Educational Technology Plan and US Education Policy Post-NCLB

The US educational establishment as read through policy documents and actions is in a state of flux regarding the cloud and its learning potential. The 2010 NETP positions the cloud and its mass-diffusion of knowledge potential as the main aspiration for US education. Entitled “Transforming American Education: Learning Powered by Technology,” the plan envisions “a process that would create an engaging state-of-the-art, cradle-to-college school system nationwide” (ed.gov, 2010b).

The NETP represents a key policy document the US Department of Education has developed since the failure of Congress to reauthorize The Elementary and Secondary Education Act (2001) often called *No Child Left Behind*. In fact, this is one of the most far-reaching documents that offers insight into the post-NCLB era of US education (Dede, 2010; NETP 2010). The plan focuses on five areas—Learning, Assessment, Teaching, Infrastructure, and Productivity—and, along with the funding competitions Race to the Top and the Investing in Innovation Fund (i3), represents the current direction and the future of US education. With more than half of US states (28) awarded waivers, and with 11 waivers pending, NCLB is essentially fading into the past (Khadaroo, 2012; Toulson, 2012). Compounded by the continuous failure of Congress to reauthorize NCLB, the Obama administration’s program subsumed within the NETP represents standing educational policy. In fact

Secretary Duncan outlined at the unveiling of the Act that all other funding streams and grants will hinge upon infusion of technology. In video remarks he explains, “we want to see technology integrated in everything we are doing” (ed.gov, 2010a). The plan’s goal is twofold:

- Raise the proportion of college graduates from around 41% to 60% by 2020
- Close the achievement gap so all students graduate from high school ready to succeed in college and careers

Yet, embedded in the NETP and in other policy documents is the continued commitment to “career readiness” (NETP, 2010). The standardization of curriculum evident in the adoption of Common Core standards represents a source of tension in a democratic approach to technological or cloud-driven education (Dede, 2011). Some authors even suggest the NETP is just a menu from which states and districts may select different approaches to cloud-driven technology infusion in schools (Dede, 2010, 2011). In the sense the NETP envisions a learning future with technology, it is in fact coalescing largely around existing approaches and applications of the cloud, but the NETP needs to go farther toward deepening democratic processes and forcing fundamental questions about transforming education using technology.

The context of one-to-one computing in which a student is linked to the cloud via their own computing device (Argueta, Huff, Tingen, & Corn, 2011) is in fact precursory to the full actualization of a vision to de-school society or democratize education (Dede, 2010, 2011; Wheeler, 2009, 2010). This environment of ubiquitous computing in which learners are connected to networked learning repositories both inside and outside schools speaks to emergent possibilities for placing the delivery of knowledge and its acquisition squarely in the hands of the learner (Dede, 2010, 2011; Illich, 1971; NETP, 2010; Reimer, 1971).

Despite the fact these questions are fundamental to the adoption of any new technology, a prevailing sense of determinism that follows such technologies summarily renders key questions unimportant (Winner, 1997). Yet cloud computing is being deployed in many k–12 schools (Warschauer, 2005/2006). By spawning 1:1 and Bring Your Own Device (BYOD) programs (Miller, Voaz, & Hurlburt, 2012; Rath, 2013) schools are acknowledging the power of the cloud to support at least supplemental delivery of educational services.

The continued deployment of one-to-one computing programs in schools foreshadows the utility of the cloud’s learning potential. National educational technology policy documents allude to this in 2010 when policy authors argue students can “learn anytime and anywhere” (US DOE, 2010, p. 58), further positing it “is now time for our

education system to become part of a learning environment that includes in-school and out-of-school resources” (US DOE, 2010).

In order to facilitate “anywhere” and “anytime” learning, school districts have initiated one-to-one laptop programs as well as Bring-Your-Own-Device (BYOD) programs. In 2002 the State of Maine initiated a statewide 1:1 computing program for its middle schools (Johnstone, 2003; Maine, n.d.; Warschauer, 2005/2006). This program has since been expanded to include 55% of high-school students for a total of more than 50,000 students (maine.gov, n.d.). Across the US the ratio of computers to learners in classrooms steadily has improved. The ratio of students to instructional computers with internet access in all US public schools has trended down from 6.6:1 in the year 2000, 3.8:1 in 2005, and 3.1:1 in 2008 (US DOE, 2010).

The piecemeal adoption of mobile device and 1:1 initiatives are apt to continue. Early research into one-to-one computing projects suggests student success is enhanced more by a student-centered or democratic approach than through a curriculum or accountability focus (Argueta, 2012; Johnstone, 2003). Johnstone describes research on k–12 students with computers and cloud access, saying, “Kids with their own portable computers...do more and better writing, more and better projects, more and better presentations, more collaborative work (at school), and more independent learning [at home]” (Johnstone, 2003, p. 2).

Making Public Education More Democratic through Technology

Today’s cloud makes prescient the ideas of Reimer and Illich a generation ago. The cloud has facilitated a more-widely distributed and conveniently accessible learning web. In the current educational revolution, one sees as widely available the emergence of “an educational network or web for the autonomous assembly of resources under the personal control of each learner” (Illich, 1971, p. 50).

In order for learning webs to be effective, however, both Illich and Reimer argue liberation of access, skills, resources, and the abilities to meet (collaborate) and self-select teachers are critical (Illich, 1971; Reimer, 1971). Accessing the cloud gives individual learners all such liberties or affordances. This means that providing learners with devices that allow for production, storage, and access to these repositories is essential to the democratization of learning. One-to-one programs link students with devices that allow them to use computers, smartphones, laptops, tablets, or other computing devices to connect with learning repositories.

The democratizing element or affordance of the cloud for academic learning in higher education was captured in the EduPunk movement of the mid-1990s. A group of university professors became disappointed

with the commercialization of learning and the institutionalized values of teaching as well as online credentialing (Kamenetz, 2011). They argued for a reaction against commercialization, the elevation of a do-it-yourself attitude to learning and the substantiation of a think-for-yourself culture (DeSantis, 2012). Jim Groom, the EduPunk construct's main author, who publishes a blog of the same name, articulates course management and other tools restrict the web's real learning potential (DeSantis, 2012). For EduPunk thinkers, modern, technology-based, learning tools are of most value in the hands of individual learners rather than institutions.

Many learning repositories concomitant with Illich's theory already exist via the cloud. He points out deschooling's four goals or liberties are exercised every day on video broadcasting sites such as YouTube, a popular video-sharing site on which individuals publish activities, knowledges, skills, and capabilities to the entire world. In fact, YouTube reports 72 hours of video are uploaded to the site each minute (YouTube, 2012). YouTube press statistics reveal a highly diffused viewer constituency and publishers of its content on the site, reporting over 800 million unique users visit the site each month, with 60 languages represented and localized in 43 countries. There is no doubt this cloud-based resource has high utility for learning. Khan Academy is one well-known example of an internationally accessible learning repository that delivers learning content to any learner. Khan Academy is a video repository of over 3,800 video lessons accessible to anyone with internet access (Khan, 2012).

Novel Visions and Possibilities for Democratizing Learning with the Cloud

Credentialing and Learner Validation

This vision of a more democratic education system spawned by cloud-based technologies has been thwarted by a number of non-technical developments (Dede, 2010, 2011; NETP 2010). One could pose the question, "why should schools and districts continue to maintain control of who may access learning webs?" In order for the cloud more directly to foster opportunities for academic learning, credentialing, or validation must become more democratic (Dede, 2011; Kolowich, 2013), yet currently the assumption is academic learning, academic credentialing, and verification of academic capacity are government or state enterprises (NETP, 2010). For a fundamental k–20 shift that facilitates life-wide learning to emerge, credentialing and control of the infrastructure and credential process must change (Dede, 2010, 2011).

Schooling for Accountability and Economy

Ongoing dialogue targeted towards infusing 21st-century skills in the curriculum coupled with the rise of one-to-one programs is suggestive

of a watershed moment in US education. With the reauthorization of the *No Child Left Behind Act of 2001* stalled in Congress, state initiatives such as adoption of Common Core standards gain momentum. Moreover, the granting of *NCLB* waivers as funding for certain key career and work initiatives remains a central plank of the US' prevailing educational program (ed.gov, 2010b). While raising a labor force for the global market economy may not make the most highly compelling case for educational reform (Dede, 2010; NETP, 2010), former supporters of *NCLB*'s goals and strategies, such as Dianne Ravitch (2010), echo the sentiments of many *NCLB* critics that empirical evidence "shows clearly that choice, competition, and accountability as education reform levers are not working" (n.p.). The adoption of Common Core standards calls for a greater focus on those skills that rely upon cloud use. Skills such as communication, collaboration, and critical thinking are embedded in the Common Core where there is greater focus on inquiry, problem solving, and project development (Bender, 2012).

Corporate Control, Information Sharing, and Privacy

In order for cloud-based learning's democratic potential to be realized, corporate control over access to cloud-based storage and applications needs to be "fleshed out." Now the norm, in order to gain access to cloud applications and storage services, corporate gatekeepers require limited access to personal and typically private user data (Beresford, Rice, Skehin, & Sohan, 2011). These include but are not limited to contents of email being read, usernames, online search results, as well as browsing habits and personal travel data, all coupled with a corporation's ability to promote customized, targeted advertising toward individual users (Beresford et al., 2011). To be sure, when cloud services are packaged for schools through special corporate programs advertising ostensibly is removed, yet all other capabilities for corporations to track user data and learn from user habits technically are retained. Furthermore, the arrangement of trading personal information and submission to solicitations for access to cloud services via online advertising places learners at risk. Companies such as Box, Drive, DropBox, and Google provide unpaid access to cloud platforms. In exchange users must accept agreements to post to a user's social network profile or either place or track certain information on the user's computer.

Reimer (1971) makes a clear distinction between libraries and other, corporation-controlled, for-profit repositories. While libraries are restricted by intellectual-property-rights law, learning repositories freely would be available to the public, a problem that could be offset with open-educational resources. The Open Educational Resources (OERs)

movement is a further attempt to provide open-cloud access and create flexible, universally available learning systems. Cloud computing plays a central role in this process. The creation of OERs as a construct for democratizing learning using technology originated in the 2012 Paris OER Declaration adopted at the World Open Educational Resources Congress, an offshoot of a 2012 UNESCO (UNESCO, 2012) educational conference, positing an initial OER definition: a “technology-enabled, open provision of educational resources for consultation, use, and adaptation by a community of users for non-commercial purposes.”

A second, emergent solution to high levels of corporate control is the rise of Massive Open Online Courses (MOOCs), novel types of distance-based courses that are either fully open, offered to paying students for credit, or offered at no cost to the general, world-wide-web community without course credit. Since the first MOOC was taught in Canada in 2008 to a little over 2,300 students, beginning in 2011 courses offered at Stanford University have had enrollments of over 100,000 (Pérez-Peña, 2012). MOOCs attract tens of thousands of students, most of whom are neither admitted to nor enrolled at the MOOC-offering college or university. Students’ benefit by learning course content, participating in the open-learning forum, as well as having access to the expertise of the instructor or the institution’s reputation (Pérez-Peña, 2012). Many MOOCs originate in highly prestigious, traditional universities such as MIT and Stanford (Kolowich, 2013; Parr, 2013). However open-access learning repositories such as Coursera, P2PU, Udacity, and UdeMy now offer open-access, online courses (Rahmat, 2012; Yeung, 2013).

A Student Rights Bill

A significant aspect of open-access, democratic learning environments is the privacy of the learner and the privacy and intellectual property rights of learning products the learner creates (Kolowich, 2013; Parr, 2013). In January 2013, MOOC pioneer Sebastian Thrun and a group of educational technologists chartered the “Bill of Rights and Principles for Learning in the Digital Age” (Kolowich, 2013; Parr, 2013; Veneble, 2013). Its purpose is to codify students’ “inalienable rights which transfer to new and emerging digital environments” (Kolowich, 2013; Parr, 2013; Veneble, 2013). The bill identifies guiding principles “to which the best online learning should aspire” (Kolowich, 2013; Parr, 2013; Veneble, 2013). Among the nine rights included are: pedagogical transparency (a learner must be aware of the object or goal of the course offering), quality and care (authentic and humane online learning should not have a commercial approach—

students “are not being sold a product nor are they the product being sold” [Kolowich, 2013, n.p.], and financial transparency (online offerings clearly should declare the cost of offerings, including “free” courses) (Kolowich, 2013; Venable, 2013). The existence and development of this bill is indeed critical to the realization of the democratic educational ideal.

Conclusions

The emergence of cloud-based learning has altered the ways in which k–12 schools and colleges deliver instruction. Cloud-linked computing devices provide a similar creative capability for all learners to engage in critical thinking, problem solving, and experiential learning. Using these tools, learners are able to access a democratic educational space: a space in which each student embodies the democratic potential for production, sharing, collaboration, adaptability, and imagination. This type of “opportunity” network is what early supporters of a liberal or self-designed education had in mind. As the recent National Educational Technology Plan (2010) suggests, educators are situated within an era where:

The challenge for our education system is to leverage the learning sciences and modern technology to create engaging, relevant, and personalized learning experiences for all learners that mirror students’ daily lives and the reality of their futures. In contrast to traditional classroom instruction, this requires that we put students at the center and empower them to take control of their own learning by providing flexibility on several dimensions. (p. xiii)

What once was a radical vision to “deschool” society now offers real possibility for providing mass education on a global scale. Cloud-based technology, which has facilitated this moment, provides an invitation for educators to grapple with tough questions about the role of technology (Winner, 1997) and those attendant, learner-focused shifts it likely brings.

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The Thread of Influence from Mendez v. Westminster to Delgado to Hernandez v. Texas to Brown

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Introduction

The path to legal equity for Mexican-American schoolchildren has been a long one. Court cases in several US border states addressed the issue of separate and unequal schooling for Mexican-American children, but it took many cases and growth of awareness of the successes and failures of other civil rights cases on the part of those fighting for equity to bring about equal treatment in the law. Four cases show a thread of influence connecting the attainment of equal rights for Mexican Americans under the law. In this paper, I review these four cases, follow the influence of these cases on later cases, and show leaders' interest in these cases, from their awareness to their sometimes-collaboration. I limit my argument here to civil rights of Mexican Americans rather than Hispanics because, in the US, persons of other Hispanic heritages were few in number at this time, for Cuba's people would only come to the US following the rise of Castro.

The leaders I cite are attorney A. L. Wirin (*Mendez*), attorney Gustavo "Gus" García, and Professor George I. Sánchez (*Delgado* and *Hernandez*), and NAACP attorney Thurgood Marshall (*Brown*). A. L. Wirin later would serve 40 years as chief legal counsel for the ACLE in California; Gustavo García would become one of the lead attorneys in *Hernandez v. Texas*; and George I. Sánchez would be honored posthumously when the University of California at Berkeley School of Law cited him as the single most influential individual in securing equal rights through law for Mexican Americans, and in 1995 when the Regents of the University of Texas at Austin named the College of Education for him. Thurgood Marshall was appointed to the US Supreme Court by President Lyndon Johnson in 1967.

While the fight for equity began to be organized for Blacks early in the 20th century, Mexican Americans' equity fight began in earnest after three percent of Mexico's entire population moved to the US between 1921 and 1930, following these people's resulting "repatriation." In 1947, a California case was decided, *Mendez v. Westminster*, that ended segregation in California schools for children with Spanish surnames and

of Hispanic descent. Then, in 1948, *Delgado v. Bastrop*, a case which ended in an agreed-upon judgment, resulted in a Texas State Board of Education Policy against the segregation of Spanish-surnamed children. In August 1951, a field hand murdered a cotton farmer. The resulting case, *Hernandez v. Texas*, eventually was appealed to the US Supreme Court in 1954. This case would produce the first decision to appear before the US Supreme Court concerning Mexican-American rights, and the justices' opinion was unanimous: Mexican Americans could not be treated as a "class apart." Shortly before *Hernandez v. Texas* was argued before the court, *Brown v. Board of Topeka* had been argued and shortly after *Hernandez* was decided, *Brown* was decided; the court unanimously struck down discrimination against African Americans.

As large numbers of people crossed the border from Mexico into the US, these new immigrants found a society where brown skin and lack of skills were unwelcome. Public swimming pools were closed to them, education was separate and not equal, punishment was common for speaking Spanish in school or on the playground, and Mexican culture was denigrated. Fortunately, access to equal educational opportunities for Mexican-American children soon would become the subject of many legal arguments.

Historical Background

By the period 1921–1930, the economic strains of the Depression in rural areas where immigrants sought work began to influence the attitudes of largely white communities already deeply financially burdened. As in John Steinbeck's novel, *The Grapes of Wrath*, Mexicans came to the US—as did Okies heading to California—looking for a better life, yet they found just the opposite.

Education for Mexican-American children stressed "Americanization," cleanliness, vocational skills, and learning English, although there were some bilingual classes, but the number of Spanish-surnamed children in graduating classes would prove significantly lower than the number among that same cohort in the first grade. Until the latter three decades of the 20th century, separate Mexican-American schools existed. Separate classrooms were also common. Abuses of IQ-test interpretation led to segregating Mexican-American children in special education classes. Those few who reached high school were not encouraged to go to college. Even today the dropout rate of Mexican Americans graduating from high school remains disproportionately high.

Mendez v. Westminster School District of Orange County

After World War II, litigation began to force equity of educational opportunity for Mexican-American children. In 1943, Sylvia Mendez was denied admission to a "white" school because she was Mexican American, since, by law at that time, schooling for Mexican Americans

was separate. And that separate schooling was not equal. The Westminster school district's superintendent stated during the court hearing that Mexican Americans were segregated because of their lack of English skills and lack of personal hygiene. The ruling in California's *Mendez v. Westminster* (1946) stated public schools could not segregate Mexican Americans. In the final decision the judge ruled children had been denied due process and equal protection under the Fourteenth Amendment. After this ruling, legislation was passed repealing all Texas segregation laws affecting Mexican Americans. The legislation was signed into law by Governor Earl Warren. The judge in the case stated:

The equal protection of the laws pertaining to the public school system in California is not provided by furnishing in separate schools the same technical facilities, text books and courses of instruction to children of Mexican ancestry that are available to the other public school children regardless of their ancestry. A paramount requisite in the American system of public education is social equality. It must be open to all children by unified school association regardless of lineage.¹

The thread of influence in this case leads to a case in Texas, *Delgado v. Bastrop*, then to *Hernandez v. Texas*, and finally to *Brown v. Board of Education*. *Delgado v. Bastrop* caught the attention of Gustavo García, George I. Sánchez, and Thurgood Marshall. Fred Okrand, an associate of A. L. Wirin's, states George I. Sánchez "worked with us quite assiduously" on cases where Mexican Americans were segregated.² García and Sánchez corresponded with Wirin, and Wirin became involved in their next case, *Delgado*. Marshall filed an *amicus curiae* brief in *Westminster v. Mendez*³ and the case was decided in federal, not state, court. The strategy of arguing "separate as not equal" and the decision to avoid local courts, as they were too prejudiced, were carried forward to later cases.

Delgado et al., v. Bastrop ISD

The *Westminster* case influenced attorney Gus García and Dr. George I. Sánchez, who had written on the use of IQ tests to segregate Mexican-American children. Prior to the *Delgado* case, two other court cases had failed to provide equity in US public education for Mexican Americans. Then, in 1947, the school board of Cuero asked the State Attorney General if they could build a separate Latin American school. After reviewing *Westminster School District v. Mendez*, the Texas Attorney General ruled the town could not build a separate school if segregation was based solely on ethnicity. On George I. Sánchez's recommendation, and with the *Westminster* ruling established, Gus García filed suit against Bastrop ISD, Elgin ISD, Martindale ISD, Colorado Common School District, their trustees and superintendents, the Texas State Superintendent of Public Instruction, and the State Board of Education on behalf of 20 Mexican-American students. Sánchez and García wrote

the brief which charged segregation and asked for a permanent injunction against the defendants enjoining them from segregating Mexican-American children. Sánchez walked the districts and compared white and Mexican schools, and in the schools of the Colorado Common School District in Texas he found such inequities as busing for whites, but not for Mexican Americans, separate and inferior schools or classrooms for Mexican Americans, and band classes only within white schools.⁴ According to Carlos Cadena, George I. Sánchez “did all the spadework on the case.”⁵

An agreed-upon judgment was reached whereby the Texas State Board of Education passed a formal policy, giving credit to García and Sánchez, stating children could not be segregated on the basis of Spanish surnames. This policy would become of critical importance, because previously there existed no legal precedent, so this ruling would be cited in those court cases that followed. In writing about the case years later to a MADEP attorney, Sánchez discussed his strategy: “Ask for \$1.00 damage against each defendant. Good trading point. Scares hell out of them. If you can get \$1.00 you can amend, if they appeal, and ask for \$100,000 or any figure. This worked in the *Delgado* case. Sue individually and collectively.”⁶

The thread of influence in this case was knowledge of *Mendez*, which led to García involving A. L. Wirin and Robert C. Eckhardt of Austin when García filed a similar suit in Texas (*Delgado*). As in *Mendez*, the case was argued in federal court using the argument “separate was not equal”—in other words, in the US a people could not be treated as a class apart. As a past-President of the League of Latin American Citizens, Sánchez along with García and three others, negotiated the judgment’s outcome with the Texas Attorney General and thus were credited with the Texas State Board of Education’s policy against the segregation of Spanish-surnamed children.

Hernandez v. Texas

As I mentioned previously, on August 4, 1951 Pete Hernandez, a migrant field worker,⁷ became involved in an altercation which resulted in the death of Joe Espinoza, a cotton farmer. Cotton pickers knew Espinoza frequented a particular bar in Edna, Texas as a gathering place for the selection of field hands. For reasons which remain unclear, on that day tempers flared and Hernandez, one Henry Cruz, and Espinoza argued. Hernandez shot and killed Espinoza with a gun, thus setting in motion events which would bring together an interesting assortment of men, each of whom would contribute in his own way to gaining civil rights for all future generations of Mexican Americans. Hernandez’s case would result in the “first Civil Rights case to come before the [US] Supreme Court.”⁸

The planning of this case began when Carlos Cadena, San Antonio attorney and former law partner of Gus García, decided to take advantage of the GI Bill and return to the University of Texas Law School to earn a Master of Law degree. Because very few Mexican Americans held faculty positions at the University of Texas, it was almost inevitable these two men would meet. According to Cadena, he and Sánchez spent several long hours several nights a week discussing Sánchez's "class apart" theory. Sánchez reasoned that, if one could establish persons are discriminated against by being treated as a class apart because of national origin, then any discrimination against Mexican Americans as a class apart could be considered illegal. Therefore, if his class apart theory were accepted, discrimination in Texas schools could be proven. So, when Cadena returned to San Antonio, the search began for a viable court case and the identification of necessary ingredients.

Cadena and García determined a jury-selection case would be the simplest type upon which to base a court battle for Mexican-Americans' civil rights, since jury selection could be proven by court records. Since 1935 "Negro" males had had the right to serve on Texas juries, but the 1935 law's usual interpretation was that only whites and Blacks had that right. Since Mexican Americans were considered white with regard to jury selection, the result was they could "legally" be omitted from jury lists. Prior to *Hernandez v. Texas*, there were between 50⁹ and 70 Texas counties where no Mexican American had ever served on a jury.¹⁰ When García became defense counsel for Hernandez, he researched county records and found for the past 25 years no Mexican American had served on a jury of any kind—neither the jury commission which selected the names from which the grand juries and petit (or regular trial) juries were selected, nor the grand or petit juries themselves—a finding with which the state of Texas never found disagreement.¹¹ García sought a hearing to establish that Hernandez could not receive a fair trial in Jackson County, not because no Mexican Americans were on his particular jury, but because no Mexican Americans had ever been considered for jury selection in the county.¹² During the "Question and Answer Statement of Facts in Connection with the Hearing on Defense Motion to Quash Jury Panel and Defendant's Motion to Quash the Indictment," García established the long-standing, pervasive discrimination against persons of Mexican-American descent through testament:

- 1). The sheriff stated that up until two or three weeks before the trial a restaurant in town had displayed a "No Mexicans Served" sign.¹³
- 2). The superintendent of schools testified that, until three or four years previous, Mexican-American children went to a

school separate from white children for the first four grades.¹⁴ The Mexican-American school was a frame building, whereas the two white schools were stone buildings.¹⁵

3). John J. Herrera, an attorney assisting García on the case, testified that when he went behind the Jackson County courthouse in Edna, Texas to find the public privy, he found two for men. One was unmarked, and the other “had the lettering ‘Colored Men’” and right under “Colored Men” it had the words “Hombres Aquí” [Men Here].¹⁶

4). The County Tax Assessor and Collector estimated the population of Jackson County consisted of around 15% Mexican Americans and that six or seven percent of the population were Mexican-American males eligible to be considered for jury selection.¹⁷ [The US Supreme Court brief for the defendant later estimated 14% of the population as Mexican American.]

Through this testimony García hoped to convince the court that discrimination existed in the community, including the systematic exclusion of persons of Mexican descent from jury service. He neither asked that Mexican Americans be on the jury trying Hernandez, nor did he seek proportional representation of persons of Mexican-American descent on juries; he did not characterize the procedure for jury selection in Texas as unfair. He did seek equal treatment of Mexican Americans with regard to due process rights guaranteed under the Fourteenth Amendment, however, the court remained unconvinced. Perhaps this is not too surprising considering the sign on the courthouse privy and the fact that García and assisting attorneys Herrera and James De Anda “commuted 200 miles *each day* to and from Houston rather than stay in Edna.”¹⁸ Pete Hernandez was tried, found guilty of murder, and sentenced to a minimum of two years and a maximum of life imprisonment, however, his sentence was suspended until an appeal could be decided.¹⁹

Since Mexican Americans were regarded by the court system as whites, then they “legally” were entitled to representation on juries. Carlos Cadena and Gus García had joined forces in arguing Hernandez’s appeal. They argued support for their position could be found in a statement from the US Supreme Court itself in *Strauder v. West Virginia*: “Nor if a law be passed excluding all naturalized Celtic Irishmen, would there be any doubt of its inconsistency with the spirit of the [Fourteenth] Amendment.” Additionally, the Texas Court of Criminal Appeals in *Juarez v. State* ruled “systematic exclusion of Roman Catholics from juries is proscribed by the Fourteenth Amendment.”²⁰

In 1952, the Appeals Court responded by saying: 1) No US Supreme Court case had ever addressed nationality as a “class apart”; 2)

no discrimination was present; 3) only two classes are guaranteed representation on juries: Negro and white; and 4) to allow such representation would treat Mexican Americans as a special class, would destroy the jury system, and require equal proportional representation on all individual juries.²¹

When their appeal was denied, Cadena and García appealed to the US Supreme Court. When the case was accepted, preparation was already complete, for Cadena had polished all the major points during his evenings with George Sánchez. The legal reasoning that had fallen upon deaf ears in Texas found a forum in the US Supreme Court. A few weeks after *Brown v. Board* was argued, the class apart theory was argued before the Court, and two weeks before their decision in *Brown* was handed down, the class apart theory proved its strength and inherent justness. In eloquent language, the court reversed the Texas courts' findings in a unanimous decision. Chief Justice Earl Warren, who authored the opinion, remarked:

Circumstances or chance may well dictate that no persons in a certain class will serve on a particular jury or during some particular period. But it taxes our credulity to say that mere chance resulted in their being no members of this class among the over six thousand jurors called in the past 25 years. The result bespeaks discrimination, whether or not it was a conscious decision on the part of any individual jury commissioner. ...

To say that this decision revives the rejected contention that the Fourteenth Amendment requires proportional representation of all the component groups of the community on every jury ignores the facts. The petitioner did not seek representational representation, nor did he claim a right to have persons of Mexican descent on the particular juries which he faced. His only claim is the right to be indicted and tried by juries from which all members of his class are not systematically excluded—juries selected from among all qualified persons regardless of national origin or descent. To this much he is entitled by the Constitution.²²

The thread of influence here is by the time the *Hernandez* case was decided the influence of the *Mendez* and *Delgado* strategies had been proven. The attorneys and Sánchez had made certain the cases were heard in federal and not local courts, interested organizations were involved, and the “class apart” theory was an integral part of each case. Each case built on the next, and while some cases were more important than others, all served to boost the morale of those who wanted better lives, education, and access for their children.

Brown v. Board

Brown v. Board universally is recognized as the most significant case affecting US African-Americans' civil rights. Although it concerns education, the broader concern of treating persons as a class apart was applied to treatment in all phases of US life: from restaurants, to hotels, hospitals, and libraries. *Brown* was tried, as were *Mendez*, *Delgado*, and *Westminster* in federal courts.

The thread of influence in this case is that 1950s court cases continued to be fought on local levels to provide equity. During the latter part of the 20th and early part of the 21st centuries, equitable treatment for Mexican-American children actively has been sought by the American GI Forum, The League of United Latin American Citizens, the Civil Rights Act of 1964, the Bilingual Education Act of 1968, *Lau v. Nichols* (1974), the United Farm Workers, the Mexican American Legal Defense and Education Fund, and an increasing number of Mexican Americans holding public office and sitting on school boards. The voting power that Mexican Americans now wield as the US' largest minority group greatly has strengthened their position in matters of equity and given them a voice in government. So, even though the *Brown* decision reinforced the decision in *Hernandez*, equity did not come overnight or even the following year. However, a body of law systematically would be built over the years to come which continued to provide state and federal precedent in the fight for equal educational opportunity.

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Applying Critical Race Theory in Analyzing Two Films by Charles Guggenheim

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Introduction

In the mid-20th century, award-winning filmmaker Charles Guggenheim released two documentaries: *A City Decides* (Guggenheim, 1956) and *Nine from Little Rock* (Guggenheim, 1964). Each film presents an account of the desegregation of a large, public high school previously reserved only for white students: schools located in mid-sized cities in former slave states. The stories Guggenheim attempts to tell, the manner in which the stories are told, and the reasons for their telling reflect the fierce racial crosscurrents prevalent throughout the United States in the aftermath of the US Supreme Court ruling (*Brown v. Topeka Board of Education*, 1954) to abolish segregation within public schools.

A City Decides (1956) focuses on St. Louis public schools and is centered on the integration of Beaumont High, a school situated near what was, at the time, the border between Black and white working-class neighborhoods. Through dramatized reenactments, the 27-minute documentary depicts deliberations among parents, school leaders, and local civic groups in their efforts peacefully to bring about racial integration within St. Louis public schools. The film also references two events relevant to those efforts: a years-earlier outbreak of white racial violence over attempts to integrate a city-owned, public swimming pool located directly across the street from Beaumont High (St. Louis has a race riot, 1949) and a fight between groups of Black and white students at Beaumont High in March 1955, not long after it was desegregated (St. Louis students act to end racial flare-ups, 1955). The film paints a picture of St. Louis as a northern city fully integrated with the exception of its public schools. The integration of Beaumont High is presented as the final piece in the city's plan to eliminate racial tension among its citizens. *Nine from Little Rock* (1964) presents the story of nine, Black youths who brave angry crowds of white citizens in 1957 to become the first students to desegregate Little Rock Central High School (Anderson, 2004). Told partially in flashback, the 20-minute film uses scripted,

voice-over narration and carefully crafted camera techniques to portray experiences of the young, Black students who volunteered to enroll in Central High and found themselves at the epicenter of a local confrontation with global ramifications. *Nine From Little Rock* describes some of those nine students' experiences while attending school as well as challenges faced after graduating. From a 21st-century, critical perspective, both Guggenheim documentaries prove problematic in that they omit key points of information and depict actual events in a manner distorted to the point of historical inaccuracy. Taken together, the two films convey thematic messages on the challenges of public education that extend into the present, revealing significant implications for contemporary discourse. Using critical race theory (CRT) as a primary theoretical frame, in the remainder of this paper we analyze the two films, the sociopolitical climate in which they were produced, and some implications for public education in the present day.

Theoretical Frame

Emerging as a corrective to the critical legal studies movement of the 1970s (Solórzano & Yosso, 2002), *Critical Race Theory* (CRT) is an analytical framework whose theorists seek clearly to reveal and make explicit the inequitable distribution of institutional and systemic power along racial lines. This exercise of power influences all areas of society, dividing people along the boundaries of education, housing, and employment, for example, and serving to maintain the white supremacist, racial status quo (Taylor, Gillborn, & Ladson-Billings, 2009). Critical race theory is used to uncover the ongoing role race has played in history and continues to play today. Several CRT tenets we discuss in detail directly apply to our analysis of the Guggenheim films and will allow us to illuminate the manner in which both films were utilized to promote a majoritarian message on US race relations.

Master-Narratives, Counter-Narratives, and the Centrality of Personal Experience

Through the use of counter-narratives, those who theorize Critical Race Theory illuminate those patterns of long-term, racial hegemony reinforced by a master-narrative of white supremacy, while also documenting how people of color are able to challenge the dominant group's worldview (Brewer, 2013). "Because 'majoritarian' stories generate from a legacy of racial privilege, they are stories in which racial privilege seems natural" (Solórzano & Yosso, 2002, p. 28). Although CRT theorist's goal is not necessarily to challenge the more traditional methods of legal, educational, and social science scholarship which have tended to celebrate academic detachment and objectivity, the counter-story or counter-narrative is an essential component of Critical Race Theory's methodology because it honors the centrality of personal

experience. Counter-storytelling does, however, present an intentional challenge to dominant groups' claims of primary authority in the framing of history.

In *Nine From Little Rock*, for instance, this privileging of the white racial frame (Feagin, 2009) is reflected not only in the content of the story but also in the method of telling the story. The essential message of the film is one of cultural assimilation rather than intercultural exchange; a group of Black students accrue academic and career benefits simply by virtue of having attended a predominately white high school. No balancing message indicates how white students benefitted from the presence of Black students. Yet the method of telling the story is even more pernicious. The film depicts images of several members of the Little Rock Nine as they work or engage in activities with college classmates. The viewer is led to believe the film's voices belong to the students themselves—speaking their own thoughts in their own words. In reality, professional actors, reading from a script, were later employed to dub voices. In fact, members of the Little Rock Nine tell an entirely different story. We call upon some of their contradictory observations or counter-stories later in our argument.

The Guggenheim film *A City Decides* leaves the viewer with the impression that, once its public schools were desegregated by the mid-1950s, St. Louis had resolved the last of its race problems and entered a new era of racial harmony and understanding. The following excerpts from an unpublished account of a student participating in the desegregation program of the 1990s suggests the Black student experience, even decades after events depicted in *A City Decides*, is more layered and complex than the film portrays it to be:

When I was transferred from my inner-city elementary school, I was so excited by the possibilities, but so nervous to be leaving the kinship, comfort, and support of my own community. As an African American kindergarten child entering this mostly white elementary school, I could feel the stares, the fear, and the curiosity about this new child who lived in another world....

Later, after having participated in the desegregation program for several years, she learns how to fit in but also describes her nagging sense of alienation:

My speech was refined, that is, of course, until I let go. The dialect of the family would shine through and I was free to be the true me when it was safe. I was often cautioned when my 6th grade teacher overheard. She reminded me there was no room for such speech; others might hear me and then I would be like them...you know, them, who lived across the train tracks and those blocked in by the interstate. Or those visitors

who travelled two-hour bus rides to escape their poor, crime-ridden lives...you know, them. Confusion sank in as I yelled and screamed that I *was* THEM. THEM was really me. But her stares and persistence was much louder than any of my outcries.

Counter-stories are a means of sharing micro-histories that allow the voices of those pushed to the edges of historical events to move to the center (Brewer, 2013).

The Permanence of Racism

According to Critical Race Theorists, racism is so deeply embedded in the US' institutional systems and structures it becomes an entrenched, normalized feature of life. Racism operates effectively at multiple levels. At the systemic level, there continue to be race-based disparities in education, health care, law enforcement, economic access, policy formation, media messages, housing patterns, government policy, and virtually every sector of our society. At the interpersonal level, stereotyping, exclusion, jokes, slights, and slurs continue to be a barrier to authentic friendships and relationships across racial lines. At the intrapersonal level, individuals continue to be plagued by internalized racism, internalized white supremacy, overt prejudice, and implicit racial bias. The current trend toward re-segregation of US public schools (Reardon, Grewal, Kalogrides, & Greenberg, 2011) and the persistent gap in academic outcomes between Black and white students are indicative of the permanence of racism in US society. After all, many school districts only desegregated under federal-court order in response to lawsuits. Once court orders were lifted, the tendency became to revert to school enrollment demographics reflecting racially segregated housing patterns, which, in many cases, had never really changed.

Interest Convergence

The theoretical concept of interest convergence suggests policies upholding the interests of African Americans and other people of color will only be accommodated when those interests also converge with whites' general interests (Bell, 1980). The *Brown* decision to desegregate US public schools converged with three specific interests of the federal government and the time's mainstream white elite: (1) legitimizing the struggle against Soviet Communism, (2) quelling the resentment of Black WWII veterans who fought on behalf of US democracy and demanded equal rights as citizens and (3) accelerating the advancement of industrialization and economic development in the south (Bell, 1980; Guinier, 2004).

Critique of Liberalism

Critical Race Theorists take issue with the limitations of liberalism. From a CRT perspective, liberal commitment to concepts such as

colorblindness, neutrality of the law, and incremental social change all appear to ignore US racial history and uphold the continued privileging of white citizens at the expense of citizens of color (DeCuir & Dixson, 2004). Each of these three concepts is flawed in a way that impedes rather than advances racial justice, educational equity, and genuine systemic change. For example, the US is such a highly racialized society that for an individual or institution to profess colorblindness is to engage in dishonesty or self-delusion.

In the view of the neoconservatives, race is merely a skin color and is thus meaningless and ignorable. In the view of the civil rights advocates, race is a skin color plus a legacy of slavery and Jim Crow that is now realized through stigma, discrimination, or prejudice. (Guinier & Torres, 2002)

Some well-meaning individuals may uphold colorblindness as a desirable ideal, but acting out such an ideal in the face of everyday racial realities is counterproductive because it denies the challenges racial injustices present, it negates the racial/ethnic/cultural identities of persons of color or it subsumes those identities within a social context defined by the dominant racial group's language and logic.

Beyond colorblindness, the liberal claim of neutrality of the law in its formation, enforcement, or adjudication ignores clear and obvious racial and class-based disparities in how US laws, both criminal and civil, are formulated and carried out. Moreover, the liberal notion of incremental change versus sweeping, transformative change speaks to the relevance of the CRT critique of liberalism in addressing the very situations Guggenheim's films sought to depict—the challenges involved in implementing court-ordered, school desegregation at the local level in the aftermath of *Brown*. According to civil-rights attorney Charles Ogletree (2004), who spent many years litigating school-desegregation suits, the incremental approach built into the 1954 US Supreme Court ruling was a major problem in bringing about its swift and effective execution: “Given the *Brown* Court's lack of firm resolve, as evidenced in its express refusal to order an immediate injunction against segregation and in its ‘all deliberate speed’ modifications, public resistance was inevitable” (p. 124).

***Nine From Little Rock* through the Lens of Critical Race Theory**

In the aftermath of World War II, as the US government engaged in a protracted competition for global economic and political hegemony with its archrival superpower, the Soviet Union, the US was subjected to tremendous pressure from other nations that vigorously questioned its domestic system of racial injustice. During this same period African and Asian nations were fighting for and winning political independence from European colonialism. Between 1954, when the *Brown* decision was handed down, and 1964, when the film *Nine from Little Rock* was

produced, 33 former, European colonies became independent African nations. Having witnessed news reports and vivid photographs of hostility and violence directed at Blacks seeking to integrate US schools and other public facilities, many African leaders were understandably skeptical of the US' condemnation of Soviet Marxist ideology (MacCann, 1969). As a result, the US State Department, particularly the United States Information Agency (USIA), faced a challenge in its efforts to forge trusting relationships with newly emerging African nations (Dudziak, 1997).

The question remained for the USIA: How should the government present the country's race problems without conceding major points to the communists and their use of vivid and violent images of racism as an argument against democracy?" (Schwenk, 1999)

These events lend further credence to Derek Bell's (1980) concept of interest convergence, since they evidence a key factor in influencing fundamental shifts in US policy regarding African Americans' legal and citizenship rights. Given such points of convergence, the Guggenheim films demonstrate early efforts on the part of the US State Department to use carefully targeted media materials as a means of reframing the narrative on US race relations and present American racial dynamics in a much more benign and progressive light than the historical record actually reflects (Schwenk, 1999). *Nine from Little Rock* paints a positive picture of the mid-20th-century, school integration movement in the US more along the lines of a public relations campaign than an historically accurate representation of the horrors experienced by the participants of that history.

As told by Little Rock students Melba Pattillo Beals (1994) and Elizabeth Eckford (Margolick, 2011), their counter-stories of constant harassment, intimidation, and fear operate in direct contrast to Guggenheim's superficial, misleading film portrayal. Counter-stories probe and question the validity of that conventionally accepted as the norm, and the stories of actual participants serve to challenge Guggenheim's construct, clearly revealing the reality that removing US school segregation's legal barrier was not the idyllic process proclaimed by the Guggenheim films and ultimately did not lead to equal resources for African American students, even though Guggenheim's films present as the norm how US school integration came about.

As students across the US prepared to return to school in September 1957, nine African American students in Little Rock, Arkansas were preparing for battle. Forced to fight a national war using child soldiers, the African-American community held their collective breath as they watched events unfold.

In May 1957, school administrators set out to find the [B]lack trailblazers; children who were simultaneously old enough to attend Central, close enough to get there easily, smart enough to cut it academically, strong enough to survive the ordeal, mild enough to make no waves, and stoic enough not to fight back. And, collectively, scarce enough to minimize white objections....” (Margolick, 2011)

The most important characteristic these Black students needed was the strength to survive in an environment set up for them to fail. Contrary to the portrayal of school integration presented by Guggenheim in *Nine from Little Rock*, each student who pioneered desegregation at Central High experienced violence, isolation, and intimidation that took a personal toll on their families, friends, and community.

Elizabeth Eckford had walked into the wolf's lair, and now that they felt that she was fair game, the drooling wolves took off after their prey. The hate mongers, who look exactly like other, normal white men and women, took off down the street after the girl. (Margolick, 2011)

These words, written by St. Louis *Argus* reporter, Buddy Lonesome describe the famous photograph seen around the world of Elizabeth Eckford walking to school on the first day. Unable to get the message that all nine students would meet up and walk to school together, Elizabeth set off for school alone. As she got closer to school, the crowd swelled and the National Guard prevented her from entering. Not sure what to do or where to go, she continued to walk to a nearby bus stop, all the while a mob of white students and adults followed her yelling “push her” and “Go home, Nigger,” (Margolick, 2011; Patillo Beals, 1994.)

The nigger is down, one shouted. She's bleeding. What do you know. Niggers bleed red blood. Let's kick the nigger. I saw the foot coming my way and grabbed it before it got to my face....” (Patillo Beals, 1994, p. 77)

An iconic photograph taken by Will Counts of *The Democrat* became a symbol that forever would be etched in the minds of the nation and the world depicting US race relations. Even W. E. B. DuBois said as much, remarking in 1959, “Everywhere Americans have gone in recent years they have gotten Little Rock thrown in their faces” (Margolick, 2011, p. 101).

By the time the Little Rock Nine were allowed to enter school, classes had already been in session for over a month. Unlike the first day as depicted in *Nine from Little Rock*, students were not driven to school with National Guard troops protecting them from harm. Instead, students met at the home of Mrs. Daisy Bates, local NAACP

chairwoman, and divided themselves between two cars driven by NAACP members. By the time they arrived at Central High School, there was a crowd ready to continue the harassment the students narrowly escaped during their first attempt to enter the school (Pattillo Beals, 1994). While teachers did not physically try to harm the Black students, they nevertheless were complicit in white students' behavior because they did nothing to stop it. Pattillo Beals describes an incident in which a male student asked a teacher outright, "Are you gonna let that nigger coon sit in our class?" (p. 75) and the teacher responded by saying nothing, ignoring the student's question. These types of experiences let African-American students know they would have to depend upon each other if they were to survive this hostile environment. With only nine African-American students in a school of over 1,000, school administrators did not think to try to keep Black students together for personal and psychological safety. Already scattered, only rarely were two of the nine in class together, rather Black students became almost entirely isolated (Margolick, 2011). When specifically asked by Pattillo Beals (1994) why they could not stay together, at least in homeroom, a school administrator rudely replied, "You wanted integration...you got integration" (p. 110). Black students' isolation allowed for an increase in violence against them and enabled their tormentors to remain unpunished both by administrators and National Guard troops brought in for "protection." Both Pattillo Beals' (1994) personal account and Elizabeth Eckford's account to Margolick (2011), reflect days filled with self-doubt over the decision to attend Central, fear of retribution aimed at their families, and an almost depression-like fog the nine students thought would never lift.

Their counter-stories stand in direct contrast to those integration scenes Guggenheim crafts. In Guggenheim's Central High School, white students may have been mean to African-American students, but they quickly warmed up to them and accepted them as part of the school. In the "documentary," the African-American students are shown interacting with white peers in positive, constructive ways that show no sign of the daily violence that made up the nine's reality. In twenty minutes, Guggenheim tells a story that managed magically to transform the racist national narrative of unimaginable hatred unblinkingly documented by Will Counts' photograph into a Norman Rockwell painting peddled to the world as truth. Pattillo Beals' (1994) memoir does not include mention of Guggenheim's film as it ends in 1958 with fellow Black student Ernest Green's graduation and the end of the school year. Even though she makes no direct mention of the film's inaccuracies, plentiful evidence nevertheless can be found throughout her story as she describes one harrowing experience after another.

I got up every morning, polished my saddle shoes, and went off to war. ... It was like being a soldier on a battlefield. It was a

teenager's worst nightmare. ... What's worse than to be rejected by all your classmates and teachers[?] (p. 225)

Whether having her family home sprayed with gunfire during a drive-by, her father constantly in fear of losing his job or the constant violence she endured at school, Pattillo Beals' counter-story stands in direct contradiction to the fiction Guggenheim created to prove to the world school integration "worked" (Pattillo Beals, 1994).

The experiences of the Little Rock Nine show the mere removal of segregation's legal barrier does not automatically make students of color equal in the eyes of the white community. The attitudes of the people of Little Rock reflect the same deep-seated racism that first led the country to create segregation laws. Through segregation, the US maintained the racial status quo that kept whites in power and gave Blacks only limited citizenship rights. When Blacks began demanding rights, some liberals felt the best way to grant equal access to resources was through the legal system. What 1957's events in Little Rock and many other American communities in subsequent decades reveal is that, while the courts can re-interpret laws better to align them with constitutional intent and can even compel communities to enforce those laws, no court can force a change in racial attitudes.

***A City Decides* through the Lens of Critical Race Theory**

A critical review of most historical accounts of the US' desegregation process reveals a perspective clearly representative of the dominant voice, to the detriment of oppressed voices. Although it is rather hard to accept Guggenheim's work as a documentary, as no actual historical footage is included and all accounts emerge from secondary sources in the Academy-Award-nominated film *A City Decides*, Guggenheim utilizes three, powerful techniques to manufacture a credible, scripted version of history. Those news-media sources that accurately covered events are discredited, orchestrated visuals are presented to replace the viewer's pre-existing visuals and create new images, and, in order further to establish a sense of believability, the narrator is portrayed as a firsthand, trustworthy witness to history.

Produced under the supervision and support of the public-relations firm Fleischman-Hillard, *A City Decides* uses a self-described documentary format to depict the dawn of *de jure* desegregation in Saint Louis. *A City Decides* offers a liberal re-telling of actual events as a means of downplaying the tone and extent of racial hostility in St. Louis during the late 1940s through the mid 1950s. A review of this documentary-style project's original script reveals much of the initial, historically accurate construction was edited out of the final script so as to frame St. Louis as a far-more-progressive city than its actual history could support. The film begins with voiceover narration from a middle-aged, white,

male actor portraying a teacher stepping off a school bus, standing amidst a procession of Black and white students joyfully making their way up Beaumont High School's steps. As the camera rests on the pleasant interactions of students getting along famously across racial lines, the actor-narrator scoffs at the thought some individuals may worry about how "our kids" will handle school desegregation. Naming public transportation, the parks, and the library as stellar examples of successful points of desegregation in St. Louis, he declares his utter confidence in public school desegregation's prospects even as it unfolds beneath his optimistic eyes. The narrator's prideful tone and solid endorsement of public school desegregation gives way to caution as he recalls "seeing kids just like this in trouble...real trouble...quite a few years ago...."

Guggenheim juxtaposes the film's wholesome opening, circa 1954, to Fairgrounds Park, just across the street from Beaumont High School, on 21 June 1949, the day Fairgrounds' pool was integrated. The narrator walks his viewer across the street, through time, and back again without betraying the city's contrived innocence, or compromising its fate as a civic model of excellence. The transition from the school steps' wholesome scene to a mischievous episode in the Park depicting what the narrator describes as "kid stuff" greatly minimizes the scope and magnitude of the event misrepresented here.

Guggenheim uses minimalist imagery to execute his depiction of incidents taking place at Fairgrounds' pool: three young white males poised on bicycles as the film's unsettling score foreshadow looming disaster. Two young Black males exit the pool facility, hopping on bicycles, as the score revs on and white antagonists give "the signal" to attack. A relatively short bicycle chase climaxes with one young Black male retrieving his bicycle from a thicket of shrubs. For good measure, Guggenheim includes another such scene. A third, young, white cyclist notices a younger, Black park-goer flying a kite. The ominous music kicks into high gear and a staring contest ensues between the white cyclist and Black kite-flyer. Ultimately, the white male pushes the kite flyer to the ground and the camera pans to capture the unhinged kite streaming toward oblivion.

Though Guggenheim's climax to his re-working of history certainly is disturbing, it provides a less-than-faint representation of actual events. In the absence of a counter-narrative, the film's viewer may come away thinking racial attitudes in St. Louis were, at their very worst, light years ahead of most cities. According to eyewitness accounts reported in a 4 July 1949 *Life* magazine article entitled "St. Louis Has a Race Riot," that day's events involved the gathering of two hundred, "sullen" whites outside the pool area. The article goes on to describe throngs of police called to escort Black swimmers through a wall of angry whites. A

photograph included with the article depicts a Black youngster lying prostrate at the feet of roughly a dozen, white youth, covering his head with one hand. The photograph is credited to Buel White of the *St. Louis Post-Dispatch* and accompanied by the caption “Negro is kicked by white rioters as he lies on the ground.” The caption describes how “Even 400 police were unable to keep up with the riot; every time they succeeded in quelling one disturbance, a hoodlum would yell ‘there’s a nigger’ and it would start all over again” (p. 30). Another photograph shows a young, white male lying on the ground with a stab wound to his chest. The article goes on to report, “White teenagers would periodically strike the [B]lack children without police reprisal” (p. 30). Interestingly, the original script for *A City Decides* calls for a more graphic, populated scene in Fairgrounds Park—a much more authentic depiction of actual events than the film ultimately conveys.

In 1956, shortly after *A City Decides* first was screened, St. Louis was recognized with an All-American City Award. *A City Decides* propelled St. Louis City into rarified air in terms of its perceived successes in dealing with the challenges of race relations and public-school desegregation. The film’s depiction of St. Louis as a quiet city enjoying a smooth transition into public-school desegregation shortly after the landmark case *Brown v. the Topeka Board of Education* is a sterling example of a mono-vocal presentation from a majoritarian perspective. A less-than-favorable light is cast upon the news-media’s role as the film works to overshadow reality with a more idealistic image. Throughout the film, the news media purposefully is relegated into the realm of irrelevance as the rewritten mono-vocal is slowly, indelibly established. The film’s documentary format creates the impression of a factually accurate account of events. Photographic accounts of those incidents that occurred at Fairgrounds Park and throughout the advent of desegregation in the city of St. Louis’ public schools exist in abundance but, although *A City Decides* portrays well-evidenced, historical events, no archival footage is utilized. Though depicted as representative of the history it portrays, the narrator’s perspective relays judgments and expresses opinions that go completely unchallenged in the absence of a counter-story.

Conclusion

Our analysis of the Guggenheim films suggests at least three thematic messages with contemporary significance: (1) School desegregation at the local level had some difficult moments but reports of white violence and hostility were exaggerated by the press, (2) African-American students may have had some challenging experiences in seeking to integrate schools, but they emerged unscathed and were better off as a result of being schooled in a racially integrated environment, and (3) despite whatever petty frictions may have occurred

between Black and white students, schools eventually became fully integrated and there was reason to be optimistic that racism and race-based inequities in public education would soon be a thing of the past.

The promulgation of the above three themes through the US news media, as evidenced by both Guggenheim films, has had profound ramifications on public perceptions of the causes of and solutions to problems in education today. To begin with, graphically minimizing virulent white resistance to school integration in its early years occludes the potential for more widespread public understanding of the adverse impact of various flawed strategies, such as containment, capitulation, and appeasement (e.g. self-contained busing, tracking, and magnet schools) utilized to address resistance. Also, to ignore or make light of the physical, psychological, and emotional effects school desegregation had and continues to have on students of color is to diminish the significance of a critical factor in achieving equitable educational outcomes for all students. Additionally, to foreground racial hostilities between Black and white students represents a failure to address the historical antagonisms and the prevailing, systematic climate of racial animosity within which those students had been socialized and lived amidst. Moreover, emphasizing racial conflict at the student level deflects attention from the entrenched resistance among parents and citizens to school integration in Little Rock as well as the sheer ill-preparedness of school and civic officials effectively to implement school integration in St. Louis.

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Microaggression as Foucaultian Subjectivism: A Critical Race Analysis of the Classroom Dynamic

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[A] critical pedagogy of white racial supremacy revolves less around the issue of unearned advantages, . . . and more around direct processes that secure domination and the privileges associated with it.

—Zeus Leonardo (2005, p. xii)

Leonardo's words elucidate precisely what I, in this paper, attempt to do: reveal and analyze some methods of ensuring white hegemony used by individuals in US schools. The aforementioned white privilege has been a focus of whiteness studies for more than twenty-five years (McIntosh, 1995). In McIntosh's seminal essay she posits the idea white racial privilege is a set of tools accessed by whites to help navigate societal and cultural power dynamics, naming dozens of such privileges. Her analysis does not, however, explain *how* white privilege is constructed and reinforced on a daily basis. McWhorter (2005) calls for the study of white privilege through the lens of Michel Foucault's theories on biopower and the social construction of individuals. In this essay I attempt to do just that.

In *Power/Knowledge*, Foucault (1980) theorizes subjugated and privileged knowledge within the social power dynamic. In his estimation, subjugated knowledge consists of the perspective and experience of those on the periphery of society, while privileged knowledge belongs to their counterparts: those in power whose position is sanctioned by society or the system. In other words, in the conflict between common, popular understanding and that deemed "official" or "scientific," common knowledge is seen as less valuable, less important, and less *worthy*. Foucault considers official knowledge—knowledge sanctioned in some way by governmental or scientific authority—"privileged" knowledge.

Importantly, for Foucault power does not come just from centralized authority. His exploration of power does not reveal a grand conspiracy in which a small group of powerful men decide to repress one group of people or another. Rather, Foucault recognizes true power comes from the periphery and is enacted through innumerable decisions

made at society's molecular level. He argues the ruling class' interests will *somehow* be served, offering a granular analysis of how that power *functions*. Even though the way power is employed *feels* directed from above, Foucault insists it is not. He writes,

...basically I do not believe that what has taken place can be said to be ideological. It is both much more and much less than ideology. It is the production of effective instruments for the formation and accumulation of knowledge—methods of observation, techniques of registration, procedures for investigation and research, apparatuses of control. (p. 102)

What is interesting to me about this power dynamic, as Foucault describes it, is how closely it mirrors the primary educational tools used in today's US public school classrooms. Surveillance, documentation, cataloguing, collecting data, and controlling a classroom are what teachers are expected to do each and every day, representing a number of ways in which knowledge regularly is subjugated in the school setting. Foucault (1995) contends the prison's development creates an institutional culture that actively disciplines individuals through constant surveillance and correction. And the prison's surveillance culture has spread to other social institutions. It would be difficult to argue such a comparison does not apply to US schooling, for even Foucault's language—assessment, hierarchies, differentiation—aligns with 21st-century, educational jargon. His characterization of education is more apt today than ever, as educators constantly develop and perfect methods used to standardize instructional practices and, ultimately, students. Along with these methods come expectations for student performance and behavior. A part of the professional class, teacher value is tied to expertise in shaping student behavior and improving performance. Apple (2006) refers to this as the “managerial state”: a cadre of middle-class officials who run public schools and embody an efficient group of professionals who shape and implement policy. To such a group effective practices and well-tested routines have “proven” successful in shaping young people. Apple claims, “The organization of the state [centers] on the application of specific rules or coordination. Routinization and predictability are among the hallmarks of such a state” (p. 191).

Foucault (1995) discusses ritual's role in the exercise of public power, and, even though he speaks of public execution, the dynamic on display proves comparable. The “offender” deviates from the expected pattern of behavior. In order to rectify the offender's situation and that of the state, as well as the *public*, certain rituals must take place. I argue Foucault's recognition of power's role as well as the ritualistic nature of discipline applies to critiques of US schooling. I also maintain Foucault's description of institutional power and ritual can inform a discussion of

those same features of US schooling, particularly with regard to discipline.

Ultimately, the myriad routines, procedures, and expectations of US schooling serve to form a vast, complicated liturgy themselves, with rites and sub-rituals every bit as choreographed as those of the carceral system. Expectations for addressing a teacher properly, registering for school, taking notes, and a virtually infinite combination of other expectations all make up US schoolings' rites and rituals.

The experiences of people who make up any organization are critically important in shaping its values. Growing up every teacher attended school, and that teacher's teacher had expectations and proclivities that drew from the experiences of the teacher he or she had as a teacher, and so on. When looked at in the aggregate, then, the liturgy of education cannot help but be dominated by the personal experiences of every member, but more by some than others. A growing body of research recognizes classrooms as "white space" (Moore, 2008; Boyd-Fenger, 2012) within which the educational system's values are dominated and governed by white, middle-class belief systems and moralities. Their values then are centered as those that shaped and continue to shape the public school's rites, procedures, processes, and expectations (Hyland, 2006; Gillborn, 2008), and, like all processes, are designed to create outcomes that conform to the system's values. When students are perceived as non-conforming, the system takes action to correct so-called deviant behaviors. As instruments of this vast system, teachers are the ones who most often take steps to correct behavior, using what may seem to be a variety of methods, but in reality are disciplining mechanisms closely linked in important ways.

Critical race theorists have long discussed the existence of microaggressions and their role in the oppression of people of color (Dixon & Rousseau, 2005). Chester Pierce writes microaggressions are "(c)onfrontations with racism that are daily and pervasive, and that consequently assault African-Americans' core identity, self-esteem, and sense of self-worth" (quoted in Gordon, 2003, p. 416). Microaggressions are also described as "(b)rief and commonplace daily verbal, behavioral, or environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative racial slights and insults toward people of color" (Sue et al., 2007, p. 271). These authors describe various social encounters frequently experienced by African Americans that typify microaggressions. These might include, but are not limited to, a white person refusing to make way on the street for a person of color, a white person telling a person of color he or she seems "articulate," or a white person making assumptions about another's personal interests based on racial stereotypes (Sue et al., 2007). When taken as a whole, these daily reminders of inferiority solidify the message to a minority

group's members they are in fact the minority and their experiences and values are either inconsequential, subordinate to those of the majority, or both.

I maintain the educational establishment has adopted microaggression as a tool for responding to student behaviors deemed counter to the white, middle-class value system that forms all school processes' and procedures' backbone. Importantly, a key to understanding microaggressive actions lies within recognizing what is often a lack of intentionality on the part of the aggressor. In fact, often liberal, outspokenly *antiracist* people commit such acts (Gordon, 2003; Marx, 2001). Because these unintentional aggressors do not conceive of themselves as racist, their brand of microaggression often appears more subtle and thus far more pervasive than anything one would attribute to "real," intentional racism. Oftentimes those committing unintentional microaggressions are teachers. Comparatively liberal, teachers work in a field ascribed a lofty moral status by society, and despite recent overt attacks on public schools and unions, individual teachers ostensibly are characterized as and remain pillars of integrity.

When the educational apparatus needs a response to deviant behavior—behavior that contradicts the middle-class value system—microaggression becomes a natural response, for unwritten rituals of classroom instruction must be observed by all students. Microaggression emerges as a system of responses that very quietly, quickly, and effectively communicate to the offending student he or she has violated and exists outside the dominant protocol. One frequent source of tension between white teachers and students of color is when a student uses non-standard English.

The term "Ebonics" entered the cultural consciousness of whites and racialized language discourse roughly ten years ago when Oakland Public Schools, in an attempt to improve student performance, attempted to recognize Black vernacular English. A firestorm erupted as media figures and politicians seized on the use of Black vernacular English as an example of the "dumbing down" of the US and began to decry the state of public schools. Assaults abounded from all sides, even questioning whether the vernacular was a valid form of expression (Gayles, 2007). The attacks were so extreme that the word Ebonics, used simply as a means to label African-American vernacular English, has come to be seen purely as a pejorative term.

Despite the Ebonics debate, many African Americans still use vernacular speech patterns, and often this speech occurs in the classroom setting. Speaking in vernacular, or being otherwise non-fluent in "standard" English represents a violation of an important norm

(Phillips & Nava, 2011) of white, middle-class speech codes constructed to place all individuals in society along a continuum of “native-ness” or “American-ness,” mark white speakers of “standard” English as the norm, and hold others at a particular distance away from that ideal (Shuck, 2006). When non-standard English is spoken in the classroom, it is branded deviant, oftentimes eliciting an immediate, verbal correction such as, “*we* say mine, not mines” or, simply cutting the student off and stating the “correct” version of the word(s) in question. The implication, of course, is that in speaking this way a student indicates he or she does not understand the “right” way to speak. He or she is demonstrating behavior that leaves him or her outside the fold, and he or she is being informed how the civilized, collective “we” is supposed to talk. The messages of his or her inferiority and deviance are clear, yet by definition the teacher’s corrective is microaggressive; it is immediate, stunning and derogatory, conveying that “you,” and anyone who speaks this way, are not “us.”

Paradoxically, there is no “right” way to speak, especially in a situation as informal as a classroom. Students (and teachers) of all backgrounds have linguistic idiosyncrasies that distinguish them from other speakers and that they employ in everyday, casual speech. No student would ever think of immediately correcting an adult who says, “I could care less” when the adult really means, “I couldn’t care less.” It would be terribly rude. In an educational system dominated and dictated by a white, middle-class norm it is not surprising codes such as this are firmly entrenched in US schools’ cultural DNA, and teachers often respond negatively when students of color fail properly to navigate them (Vang, 2006).

Another way the knowledge of students of color is subjugated is the overrepresentation of minority students in special education and discipline referrals. Statistics reveal a distinct difference in the proportion of students of color with special education referrals to their white counterparts (Klingner et al., 2005). Plentiful evidence of these two phenomena shows how the biopower works to identify and isolate students of color at the classroom level. In fact, these practices can be looked at as forms of microaggression.

The artificial boundaries that separate “normal” students from their disabled peers are in effect gerrymandered boundaries that effectively favor White students and serve as yet another means through which schools promote the interests of the most privileged students while undermining the interests of culturally and linguistically diverse students. (Aram, Fergus, & Noguera, 2011, p. 2236)

According to this particular study, African-American students are more than twice as likely as whites to be identified as intellectually disabled, and nearly three times as likely as whites to be identified as emotionally disturbed. What is most telling about this data is the role that subjective experience on the part of teachers and examiners plays in this process. Many people consider high-stakes accountability measures (exams) as totally objective, scientific measures free of bias. However, too often the exam-based decision to put a student into special education services is far more idiosyncratic than most teachers freely admit. For,

...ethnographic research carried out in schools has shown that the placement of students in special education is based on the assumptions and beliefs of several individuals who, in their formal and informal evaluation of students, construct notions of student ability. The ways in which these individuals conceptualize disability maintains an inherently divisive conception of normality—equating it with ability. (p. 2238)

When white, middle-class teachers make educational placement decisions the experiences, speech, and behavioral patterns of African-American and other minority students end up being classified relative to that of their teachers, with the end result being the student is labeled “disabled” and placed into the special-education system. (Aram, Fergus, & Noguera, 2011)

I can speak to this process’ capriciousness from personal experience. As a 10+-year, veteran teacher in schools populated predominantly by African-American students, I have witnessed many (more than I care to count) IEP meetings for an 8th-grade student who had an educational diagnosis that was simply incorrect. As recently as last spring, a student of mine who—by every measure including diagnostic tests, my personal observations, and his own interest in books—read and comprehended far beyond an 8th-grade level was listed as having a primary, reading-comprehension disability. Frequently, IEPs are derived from test results when the test has been administered as many as five or six years before, yet no one bothers to reevaluate or change the student’s diagnosis. The student’s initial misplacement is compounded by the fact that parents often simply do not have the capacity to fight such a diagnosis even if so inclined. More likely than not parents simply trust a teacher’s decision to be correct—often not the case; the result of which is knowledge subjugation as identified by Foucault. The experiences, behavioral tendencies, and linguistic patterns of children of color, clearly different than that of their predominantly white teachers, are in effect used against students to classify and in some circumstances isolate them from their peers at a far greater rate than their white counterparts. And essentially, what special education for

many students ends up becoming is isolation. The services students receive reinforce the initial isolation of the diagnosis.

Another way teachers subjugate the knowledge of students at the classroom level is through personal interactions that evolve into discipline incidents and behavioral referrals. Often, seemingly innocuous interactions can spiral out of control quickly due to cultural differences between student and teacher (Townsend, 2000). Foucault (1995) reveals the importance of *ceremony* in the employment of justice and refers to ceremonies, rituals, and liturgies in his history of the workings of law enforcement. In a school setting, disciplinary procedures often are much more subtle and less encoded than in law enforcement and result in a more common, subliminal form of discipline teachers use when students violate classroom norms.

Picture this: you are a young teacher, perhaps not very experienced, in a classroom full of students with whom you do not necessarily have a good relationship. Furthermore, you have received feedback from your principal that you need to do a better job of managing classroom behavior. So one day you are in class, working with the students, and you hear someone make an inappropriate comment. You are fairly sure you know who said it and decide to engage that student to address what was said. Having decided not to ignore the comment, there are now a number of ways this situation can play out. You could pull the student aside and address him or her privately, ask if he or she made the comment, and handle the situation discreetly. However, if the student denies having made the comment and you drop the incident, then you now are stuck in a position where you may appear weak and ineffective and the student or students may continue to act inappropriately. Alternatively, perhaps, since you have been asked to take greater charge of your classroom, you decide publicly to address the comment to assert your authority in the classroom. In front of the class, you call the student out, tell him or her you heard what was said, and confront him or her. Again, the student denies he or she said what you think he or she said. Having now entered a power struggle with a student, many teachers simply will follow through by initiating an office referral and asking the student to leave the classroom, starting whatever mechanisms of discipline the school has in place. Now, while possible the student really did make the comment, at this point that fact becomes irrelevant, for what has just happened is a power play in which the teacher asserted her authority. However, the flip-side of this power dynamic is the subjugation of the student-in-question's experience. Let us say he or she continues to insist he or she did not make the comment, and despite an investigation the teacher insists he or she indeed made the comment. Most likely, he or she will receive a disciplinary consequence for the

incident, often made worse by the student's resistance to admit guilt and accept consequences. I argue this is an example of a classroom dynamic that can be found in virtually every school in the US.

Again, this is not some top-down conspiracy designed behind closed doors to ruin the lives of students of color; it is, however, an example of the way power is exerted at the classroom level that ultimately and cumulatively has the same effect. Teacher-student interactions are themselves highly ritualized, and designed to create automatic compliance on the part of the student (Marshall, 2005). By definition, such interactions become imbued with the teacher's sense of superiority. A fine line—one easily crossed—is drawn between the necessity for a student to follow teacher instructions and expectations, and the desire for a student to obey. In my experience, teachers tend to be far less interested in explanations than compliance.

Conclusion

While I argue this to be an area ripe for further study, my analysis shows McWhorter's call for Foucaultian analysis of white racial hegemony proves apt, adequately capturing the mechanism by which white privilege is established and reinforced. As a white teacher of students of color, it pains me to know I actively participate in this system. Going forward, I continuously try to remember and communicate to colleagues that by interacting with students in a series of constant, racially tinged corrections and power struggles, we create a damaging classroom climate that can have profound effects, leading both to a kind of "school refusal" (Wimmer, 2008) and to the significant "achievement gap" the media (and school officials) never fail to remind us exists.

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The Postmodern Secular University and Voluntary Student Religious Groups: What Would Mr. Jefferson Do?

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This institution will be based upon the illimitable freedom of the human mind. For here we are not afraid to follow truth where ever it may lead, nor to tolerate any error so long as reason is left free to combat it.

—Thomas Jefferson to William Roscoe, 1820¹

...we suggest the expedient of encouraging the different religious sects to establish each for itself, a professorship of their own tenants, on the confines of the University, so near as that their students may attend the lectures of there, and have the free use of our library, and every other accommodation we can give them; preserving however their independence of us & each other. This fills the chasm objected to ours, as a defect in an institution professing to give instruction in all useful sciences.

—Thomas Jefferson to Thomas Cooper, 1822²

Introduction

Since 1981, the US Supreme Court has sanctioned use of public university facilities by a religious group when a limited open forum exists.³ In *Christian Legal Society v. Martinez* (2011), however, the Supreme Court permitted a law school to limit a student club's access to facilities because the club refused admission, membership, and positions of leadership to students with antithetical beliefs.⁴ The law school's All-Comers Policy (ACP) precluded such actions if a club was to receive full access and use of its facilities.⁵ The Christian Legal Society (CLS) refused to admit students to formal membership or leadership positions if the group perceived a student held beliefs contrary to the fundamental teachings of the bible on pre-marital sex and marriage. Under the CLS' charter and past practices, however, students who held antithetical beliefs were indeed allowed to attend and participate in club meetings.

Previous to the *Christian Legal Society* decision, the judicial standard most frequently employed in forum cases allowed religious groups to utilize a university's facilities regardless of the religious content of their speech.⁶ If a limited open forum existed, precluding the use of a university's facilities on the basis of student speech was considered to be viewpoint discrimination. A university could disallow a student group access only if it could demonstrate a compelling state interest narrowly

tailored and the decision was deemed “viewpoint neutral.”⁷ Use of a university facility by a student religious group was considered incidental support of religion and not a violation of the legal standard for separating church and state, provided the club did not receive the *imprimatur* of the university and “a broad class of nonreligious as well as religious speakers” were in existence.⁸

The *Christian Legal Society* decision, however, represents a radical departure from previous decisions, moving away from a strict scrutiny standard which had so consistently protected student rights of free speech, association, and religion. In the Court’s decision, the exalted status of free speech and association evaporated, in part due to a prior stipulation to the Court by the two parties that Hastings Law School had in place an All-Comers Policy. Based on that stipulation, a majority of Justices refused to examine Hastings’ anti-discrimination policy or any aspect of its selective application.⁹ Consequently, student rights to free speech, association, and freedom of religion inevitably took a back seat to the university’s property rights.¹⁰ One legal commentator warns,

Whereas many issues of religious freedom, religious establishment, and free speech depend on delicate balancing and context-specific judgments, the existence of a property right suggests that no such balancing is required. Once the property right is allocated, the property owner is assumed to have an absolute or near absolute right to exclude others, for almost any reason at all.¹¹

Writing for the majority, Justice Ginsberg employed a reasonable-purpose standard grounded in property analysis that elevated the university’s rights as owner of the limited public forum. Under the reasonable-purpose standard, the law school could require students comply with its All-Comers Policy (ACP) or face the possibility of being removed from the university’s forum, or, at the very least, be limited in their access.¹² Despite the Court’s insistence, the actions of Hastings Law School were viewpoint neutral and therefore constitutional; CLS’ status as a recognized club and its rights to free speech, association, and religious belief were in fact marginalised. The Court ignored a line of previous cases that consistently elevated and protected free speech and association in a wide variety of forums and venues.¹³ Although prior cases involving a limited open forum have given property owners greater latitude for regulation than those operating open forums, control primarily has been limited to time, place, and manner restrictions.¹⁴ The importance of students’ and citizens’ abilities to associate for the purpose of crafting or disseminating a message unencumbered by government or its agents has been not only recognized, but revered.

Unbeknownst to many jurists and scholars the infamous Thomas Jefferson was forced to wrestle with how best to regulate student groups and religious instruction when founding the University of Virginia. Surprisingly, the author of the constitutional touchstone “a wall of separation between church and state” adopted a decidedly different approach from that of the Justices in *Christian Legal Society*; he chose not to exclude religious groups or instruction from the confines of his university.¹⁵ Instead, Jefferson decided to open university facilities to student religious groups and religious seminaries for study and worship in a manner that insured the independence of each.¹⁶ He did this in spite of having an ardent disdain for religious sects—“religion builders”—he believed distorted the teachings of Jesus. His decision was in part a byproduct of both political necessity and personal hubris. Ultimately, it was driven by a personal recognition that isolating the study of religion from a university would undermine one of Jefferson’s most cherished ideals: the discernment of truth from error through the exercise of reason.

Mr. Jefferson and His Beloved University

As early as 1778, Jefferson proposed a plan to establish Virginia’s public educational system consisting of primary schools, grammar schools, and a secular university.¹⁷ An act establishing primary schools passed in 1796 but failed to provide universal access because implementation was left to the discretion of each county’s alderman, borough, or corporation.¹⁸ Jefferson wanted his “Bill for a More General Diffusion of Knowledge” in conjunction with a series of other statutes to lay “the axe to the foot of pseudo-aristocracy.”¹⁹ In his words, the Statute for Religious Freedom (1786) had “put down the aristocracy of the clergy, and restored to the citizen the freedom of the mind.”²⁰ Reflecting on the bill years later, he lamented that if passed *in toto*, it would have “raised the mass of the people to the high ground of moral respectability necessary to their own safety, and to orderly government; and would have completed the great object of qualifying them to select the veritable *aristoi*, for the trusts of government, to the exclusion of the pseudalists.”²¹ Throughout his life, Jefferson was deeply concerned an American republic rooted in the Declaration of Independence and the federal Constitution could not survive unless educational institutions were created both to promote the development of reason and found a class of leaders based on meritocracy. At the center of his life’s work was the establishment of a federal-state relationship and educational institutions designed to prevent either a political aristocracy or a federally sponsored religion from consolidating power at the expense of its citizens. To that end, the University of Virginia was to be the

capstone of an educational system that would develop an educated meritocracy capable of preserving the republic.

During the preliminary planning for his secular university, Jefferson realized persuading the Virginia Legislature to provide statutory and monetary support would be difficult. Writing in 1818 to his friend James Madison, he mocked Virginia legislators, saying,

I have been preparing such a report as I can, to be offered there to our colleagues. It is not such as one as I should propose to them to make to an assembly of philosophers, who would require nothing but the table of professorships, but I have endeavored to adapt it to our H. of representatives.²²

He characterized the House of Representatives as “a floating body of doubtful & wavering men” not having “judgment enough for decisive opinion,” yet unfortunately quite capable of “making the majority as they please.”²³ Despite such political sensibilities, he had little idea that omission from university plans of a Professor of Theology paired alongside his personal religious views would set off a political firestorm that would threaten to undo his plans to found a secular public university.

Political Firestorm

Initially Jefferson and the Commissioners purposefully included “no professor divinity” within the university’s subjects to be taught.²⁴ Hoping to place “all sects on an equal footing,” prevent jealousies, and promote “religious freedom,” religious instruction was placed “within the province of a professor of ethics who would teach Hebrew, Greek and Latin—foundational languages necessary for studying the origins of the major religions.”²⁵ Religious sects were to provide “as they think fittest, the means of further instruction in their own peculiar tenets” to students separately and away from the university.²⁶

However, the absence of the study of theology and rumors of Jefferson’s philosophical underpinnings for the university’s curriculum ignited Christian religious sects in Virginia and threatened state funding. Dr. John Rice, an influential Presbyterian clergyman and magazine editor, wrote in 1820 to Board Member John Harwell Cocke demanding reconsideration of the hiring of Thomas Cooper as one of the first university professors. He accused Cooper of teaching values heretical to biblical teaching. Rice said he had read a book written “principally” by Cooper who

...spoke in terms of biting and bitter contempt of those who hold the separate existence of the human soul, and of those who believe in the divinity an atonement of our Saviour. These things he placed on a footing with transubstantiation and other things exploded in absurdities of prophesy.²⁷

Rice asked Cocke how anyone in good conscience could recommend “the pious to send their children to a place where they could be taught that an Atheist could be as good a man as a Christian.”²⁸

A year later, board member and legislative liaison Joseph Cabell identified the greatest threat to the university as the Presbyterian and Episcopalian sects. Both sects feared the introduction of Socinians as professors because of Socinians’ denial of Jesus’ divinity, sin, and salvation. Hiring Socinians, they contended, would contribute to the overthrow of the “prevailing religious opinions of the country.”²⁹ These two sects attempted to rally religious synods and bible societies to support their own educational institutions. If successful, state funds could be siphoned away from the university which then might never open. Two years earlier, James Madison, also a member of the Board of Visitors, warned Jefferson that although Cabell’s fears may “exaggerate the hostility to the university; tho’ if there should be dearth in the Treasury, there may be danger from the predilection in favor of popular Schools.”³⁰

Jefferson on Religion, Reason, and Religious Sects

The concerns of Jefferson’s religious critics were not without merit. Jefferson shared his views on religion only with his closest friends and always with the understanding they were to be kept private.³¹ Confiding with John Adams, he warned,

...you will be sensible how much interest I take in keeping myself clear of religious disputes before the public, and especially of seeing my Syllabus disemboweled by the Auspices of the modern Paganism. Yet I enclose it *to you* with entire confidence, free to be perused by yourself and Mrs. Adams, but by no one else; and to be returned to me.³²

Despite such lifelong cautions, over time the public had become very knowledgeable of Jefferson’s “private” religious views: views contrary to those of Christian religious sects.

By his own words, Jefferson was a “materialist:” what would today be considered an empiricist. Despite his materialist views, he was also an admirer of Jesus of Nazareth, the “sublime moralist” whose “pure” views he believed had been perverted by the “high priests” of religious sects for “pence and power.”³³ While summarizing the moral doctrines of Jesus in his “Syllabus of an Estimate of the Doctrines of Jesus Compared with Those of Others,” he reveals his admiration:

His moral doctrines, relating to kindred and friends, were more pure and perfect than those of the most correct philosophers, and greatly more than those of the Jews; and they went far beyond both in inculcating universal philanthropy not only to

kindred and friends, to neighbors and countryman, but to all mankind, gathering all into one family, under the bonds of love, charity, peace, common wants and common aids.³⁴

Believing being and the processes of life could only be explained as they relate to matter, Jefferson decided to correct false teachings related to supernaturalism in the King James Bible, by writing his own version: *The Life and Morals of Jesus of Nazareth*. Jefferson's "material" version removed the supernatural and the miraculous.³⁵ He rejected "artificial systems invented by the Ultra-Christian sects" including "the immaculate conception of Jesus, his deification, the creation of the world by him, his miraculous powers, his resurrection and visible ascension, his corporal presence in the Eucharist, the Trinity, original sin, atonement, regeneration, election, order of hierarchy, etc."³⁶ In his quest to "separate the diamond from the dunghill," Jefferson purposefully gutted the foundational teachings of religious sects in hopes of returning the teachings of Jesus back to their true meaning.³⁷ He was optimistic the "progress of reason" would continue

...in its advances toward rational Christianity. When we shall have done away with the incomprehensible jargon of the Trinitarian arithmetic, that three are one, and one is three; when we shall have knocked down the artificial scaffolding reared to mask from view, the simple structure of Jesus.³⁸

To this end Jefferson was an ardent supporter of Unitarianism which similarly rejected Christian doctrine of the trinity, the deity of Jesus, and his resurrection.

Jefferson was unafraid to demonstrate his personal biases about who should be the first professor of law and the specific texts that should be taught to preserve the republic.³⁹ In stark contrast, Jefferson went out of his way to avoid religious controversy by excluding a professor of theology, instead encouraging students to receive religious instruction away from the university under the purview of their parents and respective religious sects. Privately, he believed academic study at the university would shed light on the false teachings of religious sects, obstruct ambitions to establish their beliefs as the religion of all, "soften their asperities, liberalize and neutralize their prejudices, and make the general religion a religion of peace, reason, and morality."⁴⁰ The university experience would accomplish this by "enlightening the minds of the people and encouraging them to appeal to their own common sense" dispelling "the fanaticism on which their power is built."⁴¹ Jefferson predicted Unitarianism would one day emerge as the religion of the people.

Unitarianism has not yet reached us; but our citizens are ready to receive reason from any quarter. The Unity of a supreme

being is so much more intelligible than the triune arithmetic of the counterfeit Christians that it will kindle here like wildfire.⁴²

Jefferson's choice of Thomas Cooper as one of the university's first professors stemmed from an appreciation of his scholarship and Cooper's professed similar doubts about evidences supporting the teachings of the Old and New Testaments, especially the belief that man is not composed of body and soul. When Jefferson received a copy of Cooper's anonymous pamphlet on materialism years after the religious controversy had passed, he told him "there is but one person in the US capable of writing it and therefore am not at a loss to whom to address my thanks for it."⁴³ Coincidentally, Jefferson's fervent desire to supplant religious sects' biblical teachings based on revelation with a kind of materialist Unitarianism was no less monopolistic than that which he accused sects of desiring. His double standard was not lost on the sects themselves, hence their failure to support funding for a secular university that excluded their religious beliefs. To secure the necessary funds, Jefferson and the Visitors decided to reassure religious sects and the Virginia legislature that materialism and Unitarianism would not be given free reign to the exclusion of other religious views. To that end, Jefferson and the Visitors proposed a plan to address the absence of a professor of theology and religious instruction, as well as the exclusion of student worship at the university.

The Rector's and Board of Visitors' Solution to the Firestorm

Acutely aware financial and moral support for a public university was evaporating, Jefferson and the Visitors reconsidered the deficiency created by having no professor of theology or religious instruction. By successfully characterizing the university as "an institution, not merely of no religion, but against all religion," religious sects had placed Jefferson in a philosophical box.⁴⁴ Despite Jefferson's fury against their "cloud of fanaticism" and his intense desire to instill a rational Christianity grounded in Unitarian views, he was forced to admit the label of "irreligion" had in fact legitimately "weighed on the minds of some honest friends."⁴⁵

In the October 7th, 1822 minutes of the University of Virginia's Board of Visitors, written and signed by Jefferson, the Board reports to the President and Directors of the Literary Fund a proposed solution to the absence of a professor of theology and religious instruction.⁴⁶ The Visitors note the absence of a professor of theology from the original Report of the Commissioners in 1818 as a conscious decision intended to place all religious sects on equal footing. Concerned over jealousies that might arise depending on the professor's sectarian views, they hoped instruction in Hebrew, Greek, Latin, and ethical lectures would suffice and intended to leave religious instruction to religious sects and

parents away from campus. Their decision was made not out of indifference to the importance of religious study for students. The Visitors admit, “the relations which exist between man and his maker, and the duties resulting from those relations, are the most interesting and important to every human being, and the most incumbent on his study and investigation.”⁴⁷

The Visitors’ solution to issues raised by the absence of both religious instruction and a professor of theology was to invite religious sects to establish schools of divinity on or near university confines. Sectarian schools of religion would be granted “full benefit of the public provisions made for public instruction in the other branches of science.”⁴⁸ Such an arrangement allowed students convenient access to religious instruction and placed “those destined for religious profession on as high a standing of science, and of personal weight and respectability, as be obtained by others from the benefits of the university.”⁴⁹ Students would be able to attend religious services and instruction with the professor of their religious sect in buildings still to be erected or in a professor’s lecture room. The Visitors’ report notes

...such an arrangement would complete the circle of the useful sciences embraced by this institution, and would fill the chasm now existing, on principles which would leave inviolate the constitutional freedom of religion, the most inalienable and sacred of all human rights.⁵⁰

Almost two years to the day after the Board of Visitors’ report to the President and Directors of the Literary Fund “regulations necessary for constituting, governing and conducting the Institution” were established.⁵¹ If any religious sect accepted the invitation to locate schools of divinity within the confines of the university or nearby, students “would be free and expected to attend religious worship at the establishment of their respective sects, in the morning, and at a time to meet their school in the university at its stated hour.”⁵² Divinity students were to be considered students of the university subject to its regulations and to have the same rights and privileges as other students. In addition, the Rotunda’s middle floor was designated a location on campus for religious worship subject to university regulations.

Jefferson’s willingness to allow religious instruction, association, and interaction at his secular university was based on his understanding of the study of religious ideas as an important part of the academic study of useful sciences. But, it was equally driven by excessive pride grounded in the belief religious sects’ ideas, once exposed to the rational scrutiny of university debate, would result in an awareness of their “artificial scaffolding reared to mask from view the simple structure of Jesus.”⁵³

Speaking about the proposal to address accusations of being “an institution of irreligion,” Jefferson gloated to Thomas Cooper, “This institution by enlightening the minds of the people and encouraging them to appeal to common sense is to dispel the fanaticism on which [the sects’] power is built.”⁵⁴ After all was said and done, religious sects never chose to establish their seminaries on or near the confines of the university.⁵⁵ The Board of Visitors’ creation of impartial regulations to govern religious instruction and the subsequent death of the Old Sage on July 4, 1826, whose Unitarian views had been the lightning rod for the Christian religious sects, dissipated the sects’ furor.

Lessons Learned

In the historical studies of jurisprudence and the founding of the early American republic, the religious controversy at the University of Virginia has been grossly overshadowed by Jefferson’s metaphor from his 1802 letter to the Danbury Baptist Association, in which he characterized the First Amendment as having “erected a wall of separation between Church and State.”⁵⁶ Few Justices have ever questioned the inconsistency of Jefferson supporting use of a public university for religious instruction and exercises despite having advocated a rigid wall of separation between church and state at the federal level of government. In *McCullum vs. the Board of Education* (1948), Justice Reed warned, “The difference between the generality of [Jefferson’s] statements on the separation of church and state and the specificity of his conclusions on education are considerable. A rule of law should not be drawn from a figure of speech.”⁵⁷ Similarly, Justice Thomas in *Rosenberger vs. the University of Virginia* (1995) considered Jefferson’s University of Virginia solution to be in direct contrast to the rigid separation standard advocated by a long line of Justices.⁵⁸ In recent years an increasing number of primary historical sources containing the views of Jefferson and others more intimately involved with the development of the First Amendment, have validated the Religious Clauses were never meant to be applied to state governments or their subdivisions, nor was Jefferson’s misleading metaphor capable of protecting the very essence of the Free Exercise Clause—freedom of religious conscience.⁵⁹

The US Supreme Court’s selective incorporation of the First Amendment via the Fourteenth Amendment and subsequent application of the Religious Clauses to state-sponsored educational institutions today would seem an anathema to Jefferson. The author of the Declaration of Independence feared development of an ever-expanding tyranny brought about by the federal government’s consolidation of power at the expense of individual state governments. Jefferson possessed a deep,

abiding faith the best way to prevent such tyranny was to establish strong state governments responsive to the people, relying upon the physical proximity of voters and their ability to act as political counterweights to a federal government possessing limited powers. Such ideas fit neatly into Jefferson's compartmentalized views on the federal-state relationship, especially with regard to limiting the jurisdiction of federal appellate courts. Jefferson proposed two legal canons be used to determine whether or not federal appellate courts possessed proper jurisdiction over domestic cases tried in state courts. For Jefferson, "the capital and leading object of the Constitution was to leave with the States all authorities which respected their citizens only, and to transfer to the United States those which respected citizens of foreign or other States: to make us several as to ourselves, but one to all others."⁶⁰ Jefferson would not have been in favor of allowing application of a federal Bill of Rights to state institutions and citizens which, in his view, were better protected by individual states and their constitutions.

The University of Virginia's religious controversy underscores the untenability of separating religious instruction and exercises from public universities, both in Jefferson's time and ours. The cornerstone of Jefferson's university, by his own admission, was to be the unbridled search for truth in order to prevent sacred precincts. The 1818 original plan which omitted both a professor of theology and religious instruction violated the very essence of Jefferson's new secular university, an institution that was to value "the illimitable freedom of the human mind...not afraid to follow truth where ever it may lead, nor to tolerate any error so long as reason is left free to combat it."⁶¹

Posterity should not be surprised about Jefferson's initial attempts to exclude religious instruction from academic subjects studied at the University of Virginia. Part of the brilliance of Jefferson's mind was his ability to compartmentalize information, a process that allowed him to master large, diverse amounts of knowledge.⁶² Jefferson possessed a fragile personality and thought processes shaped by exposure to the untimely deaths of several of his most beloved family members. Throughout his life he exhibited a personal need to draw boundaries and exhibit control. When a crisis occurred his response frequently was to retreat to his beloved study at Monticello where he could contemplate a self-constructed world distant the realities of everyday life he could never control.⁶³ For Jefferson, freedom of religion was best protected by confining its practice to a private sphere of life, a sphere artificially created. His artificial mental construct, the wall of separation between church and state, did not account for the necessary day-to-day interactions of citizens that occur based on religious beliefs. The idea

that actions based on religious thought can or should be separated from actions based on secular thought, and removed from public institutions or the public square, is simply unrealistic and unworkable, particularly in a postmodern world where public and private often intersect. Such an idea is also patently undemocratic.

Jefferson also originally possessed less altruistic motives for separating instruction from his university. Precluding religious study and exercises on a university campus would have removed the influence of religious sects and left them to their own designs far away from his university campus, whereas, if he had his way, students would be reeducated to the “true” teachings of Jesus—Unitarianism. Not surprisingly, when proposing a professor of law, Jefferson showed no less of a proclivity to preclude the recruiting of any candidate who did not adhere to his republican view of the Constitution, one that clearly demarcated the powers of federal and state governments.⁶⁴ Fortunately, religious sects were able to expose Jefferson’s religious biases and the hypocrisy of excluding religious studies and pursuits from a university founded upon principles of tolerance and the search for truth. In the end, the sects gave him an Hobson’s choice: allow religious instruction other than Unitarianism or risk not receiving their funds or their sons, both of which Jefferson needed desperately if ever he was to launch his grand experiment. His revised plan for religious instruction preserved the independence of religious sects and the university, but it arrogantly was based on the assumption that, eventually, religious sects’ teachings would vanish in a rising sea of rational Unitarianism.

Part of Jefferson’s motivation to exclude religious activities and exercises at the federal level was to prevent an alliance between church and state that would foster a national or state church intolerant of nonbelievers or dissenters. Ironically, had he been allowed to hire only Unitarians and exclude religious instruction at the University of Virginia, he would have been guilty of purposefully inculcating a sacred religious precinct, no less of a monopoly than he accused religious sects of pursuing.

If the *Christian Legal Society* decision ever becomes the preferred standard for legally regulating university clubs and forums, students’ First Amendment rights will be marginalized. This decision allows universities as property owners the authority to exclude student religious groups for illegal discrimination whenever a club conditions formal membership and leadership roles upon affirmation of their belief systems. Such an interpretation trivializes not only a student’s right to freedom of conscience, but also his rights of association and free speech. It also hinders the clash of competing and often contradictory ideas in a university forum, so essential for discerning truth from error.

Today, US secular universities as envisioned by Jefferson are an integral part of public education. Like Jefferson's university, the postmodern, secular university struggles with finding the proper place for religious education. While many secular universities include departments of religion or theology, discussion about religion within most academic classrooms conspicuously is absent, the result of hyper-vigilance and misguided concerns religion must be confined to the private sphere to protect personal religious views and prevent controversy. Like the "materialist" Jefferson, these secular institutions, which revere the pursuit of reason and empiricism, all too often show little tolerance for religious beliefs based on revelation, the supernatural, and the mysterious.⁶⁵ Consequently, the principles of secularity dominate the university square, their limitations often left unchallenged by competing religious principles.

In place of theism, Jefferson and fellow Enlightenment followers transferred their faith to the goodness of women and men grounded in innate moral instinct and reason.⁶⁶ Jefferson assumed the use of reason to develop civic virtue inevitably would cause citizens to place the common good above personal ambition, thereby preventing the decay of society and political dissolution of the republic.⁶⁷ Two hundred years of subsequent political and social history continue to call these assumptions into question. Certainly, the biblical view of mankind and the views of religions challenging many assumptions of the Enlightenment and postmodernism deserve to be debated in university classrooms and student forums.⁶⁸

The scarcity of religious debate in academic classrooms today makes it more important than ever that students' religious, political, and social clubs be able to associate based on self-established values, beliefs, and charters, even when such views are contrary to one another, the university, or society. A limited open forum in a secular university should provide a venue for the clash of disparate ideas with such impartial regulations as necessary to preserve civility, while promoting student examination of personal values and the values of others. By issuing a disclaimer and describing the boundaries of the forum's operation, universities can educate students on the forum's purpose, as well as make students and others aware the ideas of student clubs do not enjoy the endorsement or *imprimatur* of the university. Such a forum also would help stem the increasing tide of the "interiorization" and privatization of religious thought promoted in part by its legal isolation and separation from the academic classroom, society, and the public square.⁶⁹

In recent years the failure of reason and science to provide adequate explanations of the nature of reality or solutions to many problems

stemming from the human condition have resulted in abandonment of many Enlightenment ideals by those in academia in favor of a philosophy of postmodernism. Conspicuously absent from the philosophical debate promoting this shift has been a comparison and examination of philosophical truths from the major religions, many of which are grounded in history, experience, and even science.⁷⁰ In light of this absence, whether postmodernism—a philosophy untethered to concrete ideals or a single reality—can provide more satisfactory answers while generating an infinite array of disparate ideals and realities remains to be seen.⁷¹ When determining the boundaries of operation for voluntary student religious groups, federal and state courts and universities would be wise to consider the lessons learned by Mr. Jefferson during the founding of his beloved university: lessons still applicable to today's postmodern secular university.

Endnotes

- ¹ Thomas Jefferson to William Roscoe, 27 December 1820, *The Papers of Thomas Jefferson at the University of Virginia on Microfilm*, Reel 8 (hereinafter *TJPUVA*).
- ² Thomas Jefferson to Thomas Cooper, 2 November 1822, *The Thomas Jefferson Papers at the Library of Congress on Microfilm*, Reel 53 (hereinafter *TJPLC*), emphasis in original.
- ³ *Widmar v. Vincent*, 454 US 263 (1981) (having established a limited public forum, a voluntary student religious group may not be denied access to a university's facilities on the basis of the content of their speech).
- ⁴ *Christian Legal Society v. Martinez*, 130 S. Ct. 2971 (2010) (denying a voluntary student group access to a law school's limited public forum does not violate First Amendment free speech rights because the university's policy is rationally related and content-neutral).
- ⁵ Among the benefits that full recognition would provide were: "(1) financial assistance from the university through the mandatory student activity fee; (2) channels of communication—such as the opportunity to publish school-wide announcements, use of designated bulletin boards for advertising, and access to the school email system; (3) participation in the annual Student Organizations Fair; (4) use of school facilities for meetings; and (5) use of Hastings' logo and name." David Brown, "Hey! Universities! Leave Them Kids Alone!: *Christian Legal Society v. Martinez* and Conditioning Equal Access to a

- University's Student-Organization Forum," *Penn State Law Review* 116 (2011): 173–174.
- ⁶ See *Sweezy v. New Hampshire*, 354 US 234 (1957) (students must always remain free to inquire, to study, and to evaluate in order to gain new maturity and understanding); *Healy v. James*, 408 US 169 (1972) (First Amendment rights to free speech and association apply with the same force on a state university campus as in the larger community); *Rosenberger v. Board of Visitors of the University of Virginia*, 515 US 818 (1995) (denying funding resources to a Christian magazine while allowing the same resources to secular, student-run magazines imposes a financial burden on speech and amounts to viewpoint discrimination).
- ⁷ *Badger Catholic v. Walsh*, 620 F. 3d 775 (2010), cert. denied, (*Walsh v. Badger Catholic*, 2011 US LEXIS 2058) (US Mar. 7, 2011) (having created a public forum where students, not the university, decide what is to be said, a university denying funding from a student activity fee on the basis of religious speech commits viewpoint discrimination); *Amidon v. Student Association of the State University of New York at Albany*, 508 F. 3d 94 (2007) (student association referenda for funding of recognized student groups are not viewpoint neutral because they place minority views at the mercy of the majority); *Husain v. Springer*, 494 F. 3d 108 (2007) (when a state college implements a mandatory student activity fee its procedure for allocating the funds that fee generates must be viewpoint neutral); *Kincaid v. Gibson*, 263 F. 3d 342 (2001) (confiscation and failure to distribute yearbooks, which are a nonpublic university forum based on policy and practice, are not reasonable actions and violate viewpoint neutrality); *Board of Regents of Wisconsin vs. Southworth et al.*, 529 US 217 (2000) (student fee program does not violate First Amendment rights since university's viewpoint neutrality requirement in the allocation of funding support was sufficient to protect the rights of objecting students); *Rosenberger v. University of Virginia*, 818; *Gay and Lesbian Students Association v. Gohn*, 850 F. 2d 361 (1988) (a gay and lesbian student group has no right to receive university funding, but when funds are made available they must be distributed in a viewpoint-neutral manner, absent other considerations); and *Widmar v. Vincent*, 270.
- ⁸ *Widmar v. Vincent*, 273–276.
- ⁹ *Christian Legal Society v. Martinez*, 2973. "We reject CLS's unseemly attempt to escape from the stipulation and shift its target to Hastings' policy as written. This opinion, therefore, considers only whether conditioning access to a student-organization forum on compliance with an all-comers policy violates the Constitution."

- ¹⁰ Jessie B. Hill, "Property and the Public Forum: An Essay on *Christian Legal Society v. Martinez*," *Duke Journal of Constitutional Law & Public Policy* 6 (2010): 49–57.
- ¹¹ *Ibid.*, 53–54.
- ¹² *Christian Legal Society v. Martinez*, 2976. "The justifications Hastings asserts in support of its all-comers policy are reasonable in light of the RSO forum's purposes. First, the policy ensures that the leadership, educational, and social opportunities afforded by RSOs are available to all students. RSOs are eligible for financial assistance drawn from mandatory student-activity fees; the policy ensures that no Hastings student is forced to fund a group that would reject her as a member. Second, the policy helps Hastings police the written terms of its Nondiscrimination Policy without inquiring into an RSO's motivation for membership restrictions. CLS' proposal that Hastings permit exclusion because of belief but forbid discrimination due to status would impose on Hastings the daunting task of trying to determine whether a student organization cloaked prohibited status exclusion in belief-based garb. Third, Hastings reasonably adheres to the view that its policy, to the extent it brings together individuals with diverse backgrounds and beliefs, encourages tolerance, cooperation, and learning among students. Fourth, the policy incorporates state-law discrimination proscriptions, thereby conveying Hastings' decision to decline to subsidize conduct disapproved by the State. So long as a public school does not contravene constitutional limits, its choice to advance state-law goals stands on firm footing." Despite the noble purposes of promoting non-discrimination and not subsidizing conduct disapproved by the state, the Court's ruling trivialized the religious group's belief system by requiring the Christian Legal Society to make an "Hobson's Choice"—abandon their belief system by formally admitting non-believers or submit to much-more-limited access to the law school's resources and facilities.
- ¹³ *Hague v. CIO*, 307 US 496 (1939) (public meeting and assembly ordinance violates the Fourteenth Amendment because, on its face, the city street meeting and public assembly ordinance arbitrarily allows the suppression of speech); *Sweezy v. New Hampshire*, 354 US 234 (1957) (students must always remain free to inquire, to study, and to evaluate in order to gain new maturity and understanding); *NAACP v. Alabama ex. rel Patterson*, 357 US 449 (1958) (state scrutiny of membership lists violates freedom of association protected by the Fourteenth Amendment because disclosure of the lists, if made public, would deter the freedom to associate); *Healy v. James*, 169; *Papish v. Board of Curators of the University of Missouri*, 410 US 667 (1973) (the

mere dissemination of ideas—no matter how offensive to good taste—must not be shut off on a university campus in the name of conventions of decency alone); *Westside Community Board of Education v. Mergens*, 496 US 226 (1990) (Equal Access Act does not violate the separation of church and state because it has an overriding secular purpose to protect the right of secondary students to speak and associate in voluntary non-curriculum-related, student clubs on school grounds); *Lamb’s Chapel v. Center Moriches Union Free School District*, 508 US 384 (1983) (disallowing an outside religious group to use school premises afterhours to show a religious film violates free speech rights because the restriction is unreasonable and not viewpoint-neutral); *Rosenberger*, 818; *Hurley v. Irish American Gay, Lesbian, and Bisexual Group of Boston*, 515 US 557 (1995) (private citizens organizing a public demonstration may not be compelled by the state to include groups who impart a message the organizers do not want to be included); *Boy Scouts of America et al. v. Dale*, 530 US 640 (2000) (freedom of association plainly presupposes the freedom not to associate); *Good News Club v. Milford Central School*, 533 US 98 (2001) (denial of club access to a limited public forum on the grounds the club is religious in nature is discriminatory and violates free speech guaranteed by the First Amendment because it is not viewpoint-neutral). Admittedly, the scope and breadth of constitutional guarantees for speech, assembly, and religion have been expanded or contracted by the US Supreme Court and other federal courts depending on whether the type of forum is designated as open, public, or limited. But rulings based upon the strict scrutiny standard have given deference to freedom of speech and association because of their importance in promoting the dissemination of ideas in a democratic society.

¹⁴ Aaron H. Caplan, “Symposium Issue: Invasion of the Public Forum Doctrine,” *Willamette Law Review* 46 (Summer 2010): 647–676. Caplan argues government should “regulate speech in such locations chiefly by means of reasonable time, place, and manner restrictions. Such restrictions are valid only to the extent that they conform to a relatively speech-protective four part test which requires content-neutrality, significant government interests; narrow tailoring, and ample alternative channels for communication.”

¹⁵ See Thomas Jefferson to Rev. Mr. Samuel Miller, 23 January 1808, *TJPLC*, Reel 40. For an in-depth examination of the US Supreme Court’s development and misapplication of the Jeffersonian metaphor to interpret Establishment and Free Exercise Clauses as applied to public schools and universities, see William M. Gummerson, “Severing the Gordian Knot: The Search for a Workable

Interpretation of the Establishment and Free Exercise Clauses” (PhD diss., University of South Carolina, 1993). Among the eclectic tests created by the US Supreme Court are: The Lemon test, strict scrutiny, historical past practices, compelling interest narrowly drawn, compelling interest neutrally applicable to all religions, and symbolic endorsement.

¹⁶ *Christian Legal Society v. Martinez*, 2971.

¹⁷ Thomas Jefferson, Bill 79: A Bill for the More General Diffusion of Knowledge, 1778, Julian P. Boyd, L. H. Butterfield, Charles T. Cullen, and John Catanzariti, eds., *The Papers of Thomas Jefferson* (Princeton: Princeton University Press, 1950–2011), II: 526–535 (hereinafter PTJ). For a general discussion of Thomas Jefferson’s views on education see Robert M. Healy, *Jefferson on Religion in Public Education* (New Haven, CT: Yale University Press, 1962), and Jennings L. Wagoner Jr., *Jefferson and Education* (Chapel Hill: The University of North Carolina Press, 2004).

¹⁸ Thomas Jefferson to Joseph Priestly, 27 January 1800, *The Papers of Thomas Jefferson at the Library of Congress Online*, Images, 48–49, <http://hdl.loc.gov/loc.mss/mjtj.mtjbib009272> (accessed 15 July 2012) (hereinafter *TJPLC Online*). “About 20 years ago, I drew a bill for our legislature, which proposed to lay off every county into hundreds or townships of 5. or 6. miles square, in the centre of each of which was to be a free English school; the whole state was further laid off into 10 districts, in each of which was to be a college for teaching the languages, geography, surveying, and other useful things of that grade; and then a single University for the sciences. It was received with enthusiasm; but as I had proposed that Wm. & Mary, under an improved form, should be the University, & that was at that time pretty highly Episcopal, the dissenters after a while began to apprehend some secret design of a preference to that sect and nothing could then be done. About 3. years ago they enacted that part of my bill which related to English schools, except that instead of obliging, they left it optional in the court of every county to carry it into execution or not.”

¹⁹ Thomas Jefferson to John Adams, 28 October 1813, in Andrew Lipscomb, ed., *The Writings of Thomas Jefferson* (Washington, DC: Thomas Jefferson Memorial Association of the United States, 1903–05), XIII: 398–401 (hereinafter *WTJ*).

²⁰ *Ibid.*

²¹ *Ibid.*

²² Thomas Jefferson to James Madison, 28 June 1818, *The James Madison Papers at the Library of Congress*, Reel 18 (hereinafter *JMPLC*).

²³ Ibid.

²⁴ Rockfish Gap Commission Report, 4 August 1818, N. F. Cabell, ed., *Early History of the University of Virginia as Contained in the Letters to Thomas Jefferson and Joseph C. Cabell*, (Richmond, VA: John Randolph, 1856), 441–442 (hereinafter *Letters*). “In conformity with the principles of our Constitution, which places all sects of religion on an equal footing, with the jealousies of the different sects in guarding that equality from encroachment and surprise, and with the sentiments of the Legislature in favor of freedom of religion, manifested on former occasions, we have proposed no professor of divinity; and rather as proofs of the being of a God, the creator, preserver, and the supreme ruler of the universe, the author of all relations of morality, and of the laws and obligations these infer, will be within the province of the professor of ethics; to which adding the developments of these moral obligations, of those in which all sects agree, with a knowledge of the languages, Hebrew, Greek, and Latin, a basis will be formed common to all sects. Proceeding thus far without offense to the Constitution, we have thought it proper at this point to leave every sect to provide, as they think fittest, the means of further instruction in their own particular tenets.”

²⁵ Ibid.

²⁶ Ibid.

²⁷ Dr. John Rice to John H. Cocke, 6 January 1820, *The Papers of the Cocke Family at the University of Virginia*, Acc. No. 640, Box 30 (hereinafter *CFPUVA*).

²⁸ Ibid.

²⁹ Joseph C. Cabell to Thomas Jefferson, 5 August 1821, *TJPUVA*, Reel 9. Socinians were followers of the 16th- and 17th-century theology of Faustus Sozzini. They denied the divinity of Jesus of Nazareth, the existence of sin, and the need for salvation through spiritual regeneration. As a young man Jefferson wrote, “Socinians, Xn. Heretics. That the Father is the one and only god; that the Word is no more than an expression of ye. Godhead and had not existed from all eternity, that Jes. Christ was god not otherwise than by his superiority above all creatures who were put into subjection to him by the father. That he was not a Mediator but sent to be a pattern of conduct to men. That the punishments of hell are nt. Eternal (capitalization, punctuation, and spelling not changed from the original manuscript);” Notes on Locke, n.d., *PTJ*, I: 554.

³⁰ James Madison to Thomas Jefferson, 6 March 1819, David B. Mattern, ed., *The Papers of James Madison: Retirement Series*

- (Charlottesville, VA: University of Virginia Press, 2009), I: 433 (hereinafter *PJMR.S*).
- ³¹ See Thomas Jefferson to Mrs. Samuel Harrison Smith, 6 August 1816, Saul K. Padover, *The Complete Jefferson* (Freeport, NY: Books for Libraries Press, 1943), 955 (hereinafter *Complete Jefferson*); William Short to Thomas Jefferson, 1 December 1818 and 2 May 1820, *TJPLC*, Reel 51.
- ³² Thomas Jefferson to John Adams, 22 August 1813, Lester J. Cappon, ed., *The Adams-Jefferson Letters* (Chapel Hill, NC: The University of North Carolina Press, 1959), II: 369.
- ³³ Thomas Jefferson to William Short, 31 October 1819, *TLPLC*, Reel 51; T. Jefferson to Smith, 6 August 1816, *Complete Jefferson*, 955.
- ³⁴ Thomas Jefferson, "Syllabus of an Estimate of the Doctrines of Jesus Compared with Those of Others, n.d.," *The Papers of Thomas Jefferson at the College of William and Mary*, Folder 4 (hereinafter *JPCWM*), emphasis in original.
- ³⁵ Thomas Jefferson, "The Life and Morals of Jesus of Nazareth," *TJPUVA*, Reel 2.
- ³⁶ See T. Jefferson to Short, 31 October 1819, *TLPLC*, Reel 51.
- ³⁷ *Ibid.*
- ³⁸ Thomas Jefferson to Timothy Pickering, 27 February 1821, *WTJ*, 15: 323–324, *TJPLC*, Reel 52.
- ³⁹ The primary texts to be used for the study of the nation and law were: Sydney's *Discourses*, Locke's *Essay on Civil Government*, The Declaration of Independence, *The Federalist*, Resolutions of the General Assembly of Virginia in 1799, The Inaugural Speech and Farewell Speech of George Washington. See Andrew Burstein, Andrew and Nancy Isenberg, *Madison & Jefferson* (New York: Random House, 2010), 586; and Leonard Levy, *Jefferson & Civil Liberties: The Darker Side* (Cambridge, MA: Harvard University Press, 1963), 155–156.
- ⁴⁰ Thomas Jefferson to Thomas Cooper, 2 November 1822, *TJPLC*, Reel 53.
- ⁴¹ Thomas Jefferson to Thomas Cooper, 12 April 1823, *TJPLC*, Reel 53.
- ⁴² Thomas Jefferson to William Short, 19 October 1822, *JPCWM*, Folder 2.
- ⁴³ Thomas Jefferson to Thomas Cooper, 29 March 1824, *Thomas Cooper Papers at the University of South Carolina*, Doc. 1388 (hereinafter *TCPUSC*). See also, Anonymous, *The Scripture Doctrine of Materialism, By a Layman* (Philadelphia, 1823), *TCPUSC*, Folder 222, Doc. 3042.

Cooper wrote about his doubts “to external and internal evidence of the old and new testaments” and his aversion “to the opinion that man is not a creature compounded of body and soul: all of the intellectual phenomena being clearly reducible to the functions and properties of the nervous apparatus in cerebral and vertebral animals.”

- ⁴⁴ Thomas Jefferson to Thomas Cooper, 2 November 1822, *TJPLC*.
- ⁴⁵ *Ibid.*
- ⁴⁶ Minutes of the Board of Visitors, 7 October 1822, 41–43, *TJPUVA*, Reel 2.
- ⁴⁷ *Ibid.*
- ⁴⁸ *Ibid.*
- ⁴⁹ *Ibid.*
- ⁵⁰ *Ibid.*
- ⁵¹ Minutes of the Board of Visitors, 4 October 1824, 69–70, *TJPUVA*, Reel 2.
- ⁵² *Ibid.*
- ⁵³ Thomas Jefferson to Timothy Pickering, 27 February 1821, *WTJ*.
- ⁵⁴ Thomas Jefferson to Thomas Cooper, 12 April 1823, *TJPLC*, Reel 53.
- ⁵⁵ Paul Brandon Barringer, James Mercer Garnett, and Roswell Page, eds., *University of Virginia: Its History, Influence, Equipment and Characteristics* (New York: Lewis Publishing Company, 1904), I: 78.
- ⁵⁶ Thomas Jefferson to Nehemiah Dodge, Ephraim Robbins, and Stephen S. Nelson, January 1, 1802, *TJPLC Online*, Image 558, <http://hdl.loc.gov/loc.mss/mtj.mtjbib010955> (accessed 22 January 2012). “Believing with you that religion is a matter which lies solely between Man & his God, that he owes account to none other for his faith or his worship, that the legitimate powers of government reach actions only, & not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should ‘make no law respecting an establishment of religion, or prohibiting the free exercise thereof,’ thus building a wall of separation between Church & State.”
- ⁵⁷ *McCollum vs. Board of Education*, 333 US 203, 247 (1943) (release time for instruction violates the First Amendment’s separation of church and state because the school system was involved in the administration, organization, and support of religious instruction in public school classrooms).
- ⁵⁸ *Rosenberger*, 819, 859 (1995) (denial of funding for a student religious publication from the student activity fund constitutes viewpoint discrimination and allowing such funding would not violate the

Establishment Clause since secular student publications were already receiving student activity funds).

⁵⁹ See a comparison of the initial draft of Jefferson's letter to the Danbury Baptist Association to the completed letter based on advice from US Postmaster General Gideon Granger and US Attorney General Levi Lincoln: Thomas Jefferson to Nehemiah Dodge, Ephraim Robbins, and Stephen S. Nelson, 1 January 1802, [Draft], *TJPLC Online*, Image 557, <http://hdl.loc.gov/loc.mss/mjtj.mtjbib010955> (accessed 17 March 2013); T.J. to Dodge, Robbins, Nelson, January 1, 1802, *TJPLC Online*, Image 558, <http://hdl.loc.gov/loc.mss/mjtj.mtjbib010955> (accessed 17 March 2013); Gideon Granger to Thomas Jefferson, 31 December 1801, *TJPLC Online*, Image 417, <http://hdl.loc.gov/loc.mss/mjtj.mtjbib010893> (accessed 17 March 2013); Levi Lincoln to Thomas Jefferson, 1 January 1802, *PTJ*, 36: 257. See also, Thomas Jefferson, "Second Inaugural Address," 4 March 1805, *Complete Jefferson*, 413. "In matters of Religion, I have considered that its free exercise is placed in the constitution independent of the powers of the general government. I have therefore undertaken no occasion, to prescribe the religious exercises suited to it. But have left them as the constitution found them, under the direction and discipline of the state or church authorities by the several religious societies;" Thomas Jefferson, Bill for Establishing Religious Freedom, 1779, *Complete Jefferson*, 947. "...but that all men shall be free to profess, and by argument, to maintain their opinions in matters of religion..." For the founding fathers' emphasis on freedom of religious conscience, see James Madison, Memorial and Remonstrance Against Religious Assessments, 20 June 1785, VIII: 299, Robert A. Rutland, William M. E. Rachal, Barbara D. Ripel, and Fredrika J. Teute, eds., *The Papers of James Madison* (Chicago: University of Chicago Press, 1950–2012); Helen E. Veit, Kenneth R. Bowling, and Charlene Bangs Bickford, eds., *Creating the Bill of Rights: The Documentary Record from the First Federal Congress* (Baltimore, MD: John Hopkins University Press, 1991); Bernard Schwartz, *The Bill of Rights: A Documentary History*, 2 vols. (New York: Chelsea House, 1971); John P. Kaminski, Gaspare J. Saladino, Richard Leffler, Charles H. Schoenleber, and Margaret A. Hogan, eds., *The Documentary History of the Ratification of the Constitution*, 24 vols. (Madison, WI: State Historical Society of Wisconsin, 1976–2012); Herbert J. Storing, ed., *The Complete Anti-Federalist*, 7 vols. (Chicago: University of Chicago Press, 1981).

⁶⁰ Thomas Jefferson to Justice William Johnson, 12 June 1823, *TJPLC*, Reel 53.

- ⁶¹ T. Jefferson to Roscoe, 27 December 1820, *TJPUVA*.
- ⁶² Kevin J. Hayes, *The Road to Monticello: The Life and Mind of Thomas Jefferson* (New York: Oxford University Press, 2008), 176, 237.
- ⁶³ Andrew Burstein, *Jefferson's Secrets: Death and Desire at Monticello* (New York: Basic Books, 2005), 9.
- ⁶⁴ Levy, *Jefferson & Civil Liberties*.
- ⁶⁵ Alan Bloom, *The Closing of the American Mind* (New York: Simon and Schuster, 1987), 374–375. “The contents of classic books have become particularly difficult to defend in modern times, and the professors who now teach them do not care to defend them, are not interested in their truth. One can most clearly see the latter in the case of the Bible. To include it in the humanities is already a blasphemy, a denial of its own claims. There it is almost inevitably treated in one of two ways: It is subjected to modern ‘scientific’ analysis, called the Higher Criticism, where it is dismantled, to show how ‘sacred’ books are put together, and that they are not what they claim to be. It is useful as a mosaic in which one finds the footprints of many dead civilizations. Or else the Bible is used in courses of comparative religion as one expression of the need for the ‘sacred’ and a contribution to the very modern, very scientific study of the structure of myths.... A teacher who treated the Bible naively, taking it as its word, or Word, would be accused of scientific incompetence and lack of sophistication. Moreover, he might rock the boat and start the religious wars all over again, as well as a quarrel between reason and revelation, which would upset comfortable arrangements and wind up by being humiliating to the humanities. Here one sees the traces of the Enlightenment’s political project, which wanted precisely to render the Bible, and other old books, undangerous.”
- ⁶⁶ Thomas Jefferson to Thomas Law, 13 June 1814, *TJPLC Online*, Images 511–513, <http://hdl.loc.gov/loc.mss/mtj.mtjbib021743> (accessed 25 June 2012). See also Edwin S. Gaustad, *Sworn on the Alter of God: A Religious Biography of Thomas Jefferson* (Grand Rapids, MI: Wm. B. Eerdmans, 1996).
- ⁶⁷ Andrew Burstein, *The Inner Jefferson: Portrait of a Grieving Optimist* (Charlottesville, VA: University of Virginia, 1995), 203. See also, Charles Colson, *Against the Night* (Ann Arbor, MI: Servant, 1989), 10–11. Colson writes, “the crisis that threatens us, the force that could topple our monuments and destroy our very foundations, is within ourselves. The crisis is in the character of our culture, where the values that restrain inner vices and develop inner virtues are eroding. Unprincipled men and women, disdainful of their moral heritage and

skeptical of Truth itself, are destroying our civilization by weakening the very pillars upon which it rests.”

⁶⁸ Ronald H. Nash, *The Closing of the American Heart: What's Really Wrong with America's Schools?* (n.p.: Probe, 1990).

⁶⁹ Charles Taylor, *Sources of the Self: The Making of Modern Identity* (Cambridge, MA: Harvard University Press, 1989), 508. See also, Arthur W. Chickering, Jon C. Dalton, and Liesa Stamm, *Encouraging Authenticity and Spirituality in Higher Education* (San Francisco: Jossey-Bass, 2006), 170. “But the reality is that for most students, intellectual and spiritual concerns rarely overlap in academe. The two domains are usually intentionally separated and isolated. Spiritual concerns and questions are very often treated as inappropriate content for intellectual examination and relegated to the private realm of individual concerns that have no place in the academy. This separation of learning from the process of spiritual search for meaning and purpose depersonalizes education and greatly reduces its transforming power.”

⁷⁰ See Josh McDowell, *The New Evidence that Demands a Verdict*, Rev. ed. (Nashville, TN: Thomas Nelson, 1999); Stephen C. Meyer, *Signature in the Cell: DNA and the Evidence for Intelligent Design* (New York: Harper Collins, 2009); Bradley Monton, *Seeking God in Science: An Atheist Defends Intelligent Design* (Buffalo: NY, Broadview, 2009).

⁷¹ Alan Sokal and Jean Bricmont, *Fashionable Nonsense: Postmodern Intellectual Abuse of Science* (New York: Picador, 1998), 1. “Vast sectors of the humanities and the social sciences seem to have adopted a philosophy that we shall call, for want of a better term, ‘postmodernism’: an intellectual current characterized by the more-or-less explicit rejection of the rationalist tradition of the Enlightenment, by theoretical discourses disconnected from any empirical test, and by a cognitive and cultural relativism that regards science as nothing more than a ‘narration,’ a ‘myth’ or a social construction among many others.” See also Pauline Marie Rosenau, *Post-Modernism and the Social Sciences: Insights, Inroads, and Intrusions* (Princeton, NJ: Princeton University Press, 1992).

Genealogy, Nietzsche, and the Historical Analysis of Concepts

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Introduction

Within the philosophy and history of education, the term *genealogy* is applied in at least two different ways. The philosophical use of genealogy is generally associated with state-of-nature stories made familiar by Hobbes, Rousseau, and Locke, while the historical use of genealogy usually takes the more-familiar form of an historical narrative. Both historical and philosophical uses of genealogy can be traced back to (though certainly beyond) Friedrich Nietzsche's *On the Genealogy of Morality* (1887/2010). In this essay I explore differences between the historical and philosophical uses of genealogy, examining an important difference in the way this methodology is used within the history of education. I suggest that genealogical analyses informed by Nietzsche's critiques of metaphysics and morality can help both historians and philosophers of education engage concepts normally resistant to analysis.

Recent Use of Genealogy in the History of Education

Within the history of education, genealogies generally are associated with Michel Foucault's (1984) historical work and in education within two essays by Kathleen Weiler (2006) and Jonas Qvorsebo (2012) who perform genealogical analyses. Both essay authors explain historically how a belief or way of thinking comes to be accepted as a precursor for challenging that belief. For Weiler, such study illuminates the historical role of women in the US history of progressive education. For Qvorsebo, such study addresses a period of Sweden's progressive educational reform and that country's belief in the advancement of democratic principles. It is no mere coincidence that both authors' genealogies apply to histories of progressive education, since progressive histories notoriously are rife with teleological renderings of history, thus providing fertile ground for genealogical work.

Weiler (2006) shows prudence in pointing out Foucault's historical overgeneralizations before explaining differences between modernist (progressive and Marxist) and postmodernist (Foucauldian) frameworks.

She explains that whereas modernist historians generally seek to discover what “actually” happened, historians employing a genealogical method and adopting postmodern epistemological commitments are more likely to think of historical research as a “process of interpreting the past practices of interpretation” (p. 165). Studying the ways in which truth historically has been produced shifts the object of inquiry from the world itself to how we have come to understand and conceptualize the world. For example, rather than studying what women historically have done, the genealogist studies how femininity has been conceived and how it came to be conceived during various eras.

Understanding how particular periods’ people and their peoples’ truths come to be imagined also motivates Qvarsebo’s genealogical study of Swedish progressive school politics (2012). Like Weiler, Qvarsebo employs Foucault’s (1984) seminal essay “Nietzsche, Genealogy, History” to explain how genealogies do not presume essences underlay those social concepts studied, and how what gets counted as “true” (what one believes to be true) is not solely the result of one finding out what the world is “really like” through the use of good methods and sources, but rather that what is taken *as truth* is determined by historical (social) processes. Because those conducting genealogical analyses approach the world from a constructivist rather a realist epistemology, this methodology is well-suited for developing alternative interpretations to traditional historical narratives such as the progress of democratic educational reforms.

In Weiler’s (2006) feminist historiography of progressive education she attempts to understand how historians’ conceptions of gender have influenced the writing of the history of progressive education. She uses genealogy to analyze historians’ constructions of gender before moving on to examine the “privilege” traditionally afforded “white male Western perspectives” (p. 163). Thus, Weiler follows her postmodern genealogy with a modernist gender analysis in which she makes use of language associated with the structural oppression of one group of people by another. This move causes some epistemological tension to develop within her analysis. The postmodern (poststructural) conception of truth as discursively produced leads her to conclude that ascribing the condition of privilege is itself an imposition, and that any such historiography is itself a narrative, which she acknowledges to be “produced in response to the social imaginary and what is defined as a problem” (p. 165) of a particular time and place. Weiler’s own poststructural position thus seems to require she acknowledge the ascriptions of privilege and marginalization are merely conceptual productions of her own community’s social imagination and therefore only meaningful or true in reference to certain discourses. Moreover,

ethical beliefs or claims associated with structural oppression, marginalization, or privilege cannot be seen as having universal warrant, but rather as evaluations developed in reference to some particular vantage.

While Weiler's epistemological coupling creates tension, this comingling is not entirely without historical warrant. Her emancipatory use of genealogy can be traced directly back to Foucault (2003) himself, who at one point defines genealogy as "the tactic which, once it has described these local discursivities, brings into play the desubjugated knowledges that have been released from them" (pp. 10–11), and who recommends genealogy as "a way of playing local, discontinuous, disqualified, or nonlegitimized knowledges" (p. 8) against a canon accepted and enforced as truth. Although Foucault's deployment of disqualified knowledge against the official and taken-for-granted is especially effective in providing an approach from which to critique commonly accepted interpretations or concepts, he in no way suggests the marginalized perspective exists outside of discourse and is thus more objective or true. His idea offers a point at which critical theory and postmodern theory part ways, for whereas the critical theorist claims marginalization and oppression are (universally) bad, the postmodernist argues all value statements function merely as historic, discursive productions.

Due to genealogical analysis' deconstructive processes, it seems better suited as a methodology used for challenging established doctrines than for making evaluations. Therefore, a study such as Qvorsebo's (2012), which challenges an historical interpretation's accepted truth but does not fall into oppression discourse, lacks this same internal tension. Because of this, his study strays less from Nietzsche's (1968) model, which, in addition to stressing the "repudiation of essences"¹ (p. 309), and the historicizing of concepts, also calls into question the moral foundation of oppression discourse.²

As evidenced within Weiler's and Qvorsebo's essays, genealogical analysis is *somewhat* compatible with a long line of social and critical history. However, because of its postmodern underpinnings, genealogical analysis yields a considerably different product than that normally produced by critical theorists and social historians. Such differences are of particular interest to educational historians and theorists whose studies of intellectual history align neither with progressive models proposing historical teloi, nor the rational and developmental movement of society toward states of greater enlightenment, nor the moral progress of humanity through the application of reason.³ By methodological design, the genealogical

historian is therefore inclined to interpret events simplified in ways that cause events to appear more complex, challenging the taken-for-granted: this in stark contrast to the progressive historian who by virtue of his or her theory finds progress, and the Marxist historian who is methodologically bound to look for and thus find oppression.

Nietzsche and the Philosophy of Education

While Nietzsche's influence within the history of education primarily occurs indirectly through Foucault's theory, his work has had a more direct influence within the philosophy of education. Scholars' arguments making use of Nietzsche's work cover a range of topics including (anti)democratic education (Jonas, 2009, 2012; Sassone, 1996); epistemology, truth, and perspectivism (Jonas, 2008); pedagogy and teaching (Bingham, 2001; Johnston, 1998); genealogy (McEwan, 2011); and morality (Fitzsimons, 2007). Perhaps his notion that makes the best starting point for my discussion, authors often cite Nietzsche's notion of perspective as initiating traditional philosophy's deconstruction and giving rise to postmodern theories of truth and subjectivity (Ramaekers, 2001). For the genealogist, the importance of emphasizing perspective is clear; one is the product of history, and what gets counted as truth is the product of collective histories. Collective histories are the result of prior truth constructions *ad infinitum*. One might thus conclude Nietzschean perspectivism proposes truth is *mediated* by history—and one must dig through his or her history in order to get to the truth of the matter; however, Nietzsche's approach is somewhat more complicated since he claims no real world exists beyond perspective, so digging into history cannot allow one to uncover sedimented truths. All that can be uncovered are sedimented "truths" which may then be reinterpreted in reference to one's particular (and also shared) perspective.⁴

Nietzsche's (1968) perspectivism results from his critique of metaphysics in which he claims there are no things-in-themselves and no essences. There is no "more real" world in which Plato and his interlocutors might have found the thing-in-itself of beauty, courage, justice, etc. There is no truth behind or beyond concepts. Humans construct the thing-in-itself and, in turn, the world of meaning has been and continues to be constructed.

A "thing-in-itself" just as perverse as a "sense-in-itself," a "meaning-in-itself." There are no "facts-in-themselves," for a sense must always be projected into them before they can be "facts." The question "what is that?" is an imposition of meaning from some other viewpoint. "Essence," the "essential nature," is something perspective and already presupposes a

multiplicity. At the bottom of it, there always lies “what is that for me?” (p. 301)

Moreover, concepts themselves do not possess a stable unity, for there is nothing underlying concepts that holds them together; concepts are “loose,” as Wittgenstein (1994) explains half a century after Nietzsche. A prejudice toward essences, absolutes, and universals has had the effect of leading past and present thinkers to deny concepts (truths) have developed over time and in reference to contextual influences. Nietzsche (1889) claims because of its history, philosophy has developed a lack of historical sense, leading humans to believe what *really* exists is that which does not change; the essential endures through time and is real while all else is merely accidental. In order to rectify a misguided privileging of *being* over *becoming*, Nietzsche sought to infuse philosophy with the corrective of history. The significance of his historicizing of philosophy is that it leads to the development of genealogical analysis which helps one comprehend (i.e., master) “timeless” concepts such as good and evil by moving them into one’s perceptual horizon, and enabling a genealogist to engage them.

Two Models of Genealogy

Hunter McEwan (2011) characterizes genealogies as hypothetical constructions that offer plausible accounts of how things originate. He credits Rousseau with the argument genealogies are “not to be taken for historical truths, but merely as hypothetical and conditional reasonings, fitter to illustrate the nature of things, than to show their true origins” (p. 126). The concept of genealogy as a state-of-nature story is also developed by Miranda Fricker⁵ (2011), who attempts to distinguish the historian’s question of “how X has come about?” from the philosopher’s question of “how it is possible that X has come about?” (p. 58). She suggests answers to the historian’s questions are (possibly) true explanations of X, while answers to the philosopher’s questions (possibly) provide an understanding of X. Thus, conceived as being related to meaning and understanding, genealogies neither ask empirical questions nor are judged by empirical criteria. The standard they must meet is that of plausibility.

Genealogies can be helpful when placed alongside empirical studies because they help to illuminate what conditions must (or might) have been in order for it to be possible for X to have occurred. Thus a genealogy allows one to tell a narrative, explanatory story about some concept even when the situation is so complex and dispersed that there could never be a single, “true” narrative. Accordingly, a good philosophical genealogy is a narrative that makes sense of a complex, historied event even though that narrative is not (and cannot be)

empirically true, and even though the narrative does not provide the only possible interpretation or meaning. Nietzsche's genealogy of morality can therefore be understood in this way: it tells a story that cannot possibly be "true" given the complexity of the history of moral sentiments, but by exposing the concept of *good* to genealogical analysis and then constructing a story of competing moral systems, Nietzsche helps one reconsider his or her current moral prejudices.

The narrative concept of genealogy utilized by Weiler, Qvarsebo, and Foucault has a different emphasis than the state-of-nature model. Whereas Fricker makes a distinction between empirically true history and genealogy, Foucault's post-epistemological notion of truth does not advance such a distinction. If truths are constructed through discourses, genealogical narratives, like empirical histories, are then justified and counted as true only in reference to particular, socially constructed, belief systems. Neither empirical history nor genealogy captures truth, but imposes it in reference to the belief system to which a scholar allies and subordinates him or herself. Thus, rather than genealogy serving as handmaiden or squire to empirical history, Foucault (1984) offers genealogy as a stand-alone alternative presented not "as the lofty and profound gaze of the philosopher might compare to the mole-like perspective of the scholar" (p. 77), but as meticulous, textual analysis significant because it refers to the complex relation between "empirical work" and "truth."

Correspondence theory is abandoned by Foucault in part because genealogy's object of inquiry is different than in certain models of empirical history. To the extent empirical history captures "the exact essence of things, their purest possibilities, and their carefully protected identities" genealogists are resistant, "because this search presumes the existence of immobile forms that precede the external world of accident and succession" (p. 78). For Foucault, the genealogy is empirical work as well, yet genealogists do not ascribe to a causal theory of truth. Although facts are social constructions, they nevertheless are used as data. As a result traditional, empirical history proves no truer than genealogy, and thus the need to entertain Fricker's distinction between empirical history and genealogy is eliminated.

State-of-nature and Foucauldian versions of genealogy are different, yet ultimately they converge since both call for construction of a narrative whose purpose is to make meaning. A quick thought-experiment that helps to clarify this difference involves a genealogical analysis using both styles in order to see how the two produce genealogies genealogically. Starting with the historical model, Foucault's method insists one begin at the concept "genealogy," tracing it back,

paying attention to changes in the concept, and seeking the interests served by each differential reproduction of the concept. The product of Foucauldian analysis is a history of how the uses and understandings of genealogy have changed over time along with an analysis of social factors that led to that change. A traditional historian might claim that, except for its overt dismissal of accepted disciplinary practices, this sort of study is no different than traditional history, and he or she would be partially correct. On the surface, Foucauldian genealogy looks very similar to intellectual (conceptual) history. The difference resides mostly under the surface, so to speak, reflected within the genealogist's post-epistemological beliefs.

On the other hand, if one were to employ Fricker's (2011) state-of-nature genealogy to *genealogy*, one would trace the concept back from the present, analyzing and then discussing changes in use and conception, returning all the way to "the origin" to ask how genealogy becomes possible. An example might be seeking to understand those conditions under which genealogical inquiry could be conceived as being either in opposition to empirical history or related to empirical history. A different state-of-nature genealogist might uncover conditions required for distinguishing between narratives deemed historical and narratives deemed philosophical. Both state-of-nature examples can be interpreted as removing genealogical analysis from the purview of history and placing it instead within that of philosophy. If so, the extent to which an historian pursues knowledge of *what happened* rather than considering the *conditions which must have held* in order for one to be able to think in a particular way renders state-of-nature genealogy less relevant for historians. Therefore, it seems Foucauldian narrative genealogy, which collapses the philosophy/history distinction, could be used more by historians of education.

So, although Foucauldian genealogies are more prevalent within the history of education, one might ask whether or not Foucault's model of genealogy rings true to Nietzsche's conception—whose ideas Foucault claims to develop. Such a question is out of place, however, given that neither Foucault nor Nietzsche believes truth exists beyond interpretation. Even though Foucault draws from Nietzsche's work, he creates his own purposes for genealogy: purposes not the same as Nietzsche's. In fact, some of Foucault's claims regarding the purpose of genealogy are at odds with the uses to which Nietzsche puts genealogy. Take, for example, Foucault's (2003) seemingly emancipatory comments I mentioned previously. While Foucault appears to be interested in demarginalizing the subjugated, Nietzsche (1895/1990) is not interested in the power of genealogy to liberate the oppressed. His focus instead is

upon promoting the (great) individual's self-overcoming (Nietzsche, 1968, 1969). Consider, too, the thinkers' remarks regarding the *origins* of concepts. Foucault (1984), on the one hand, goes to great lengths to suggest genealogy does not search for origins, whereas Nietzsche (1887/2010) does not appear troubled by references to the origins of ideas.⁶

In accordance with the spirit of genealogical work, I make neither attempt to state what genealogy "is" nor to censure thinkers for misrepresenting an original or true conception of genealogy. However, by analyzing genealogists' theoretical presuppositions and the ways in which various conceptions of genealogy have been utilized, the strengths and weaknesses of different models are made more clear to those interested in genealogical analyses.

The Genealogy of Morality

In the *Genealogy of Morality* Nietzsche (1887/2010) develops his critiques of moral prejudices already published in *Human, All Too Human* (1878/1998) and *Beyond Good and Evil* (1886/2012). His prior analyses of morality are not genealogical; they are written in Nietzsche's peculiar, aphoristic style of philosophizing. What moves Nietzsche to transcribe the general thesis of *Beyond Good and Evil* into a genealogical analysis seems to be a study of morality written by his friend, Paul Ree.⁷ Although Ree describes his work on ethics as genealogical, Nietzsche takes issue with Ree's use of the term.

Indeed, in Ree's work Nietzsche (1887/2010) identifies a problem he sees as endemic to both the history and the philosophy of his day: both lack *historical spirit*. According to Nietzsche, the error of moral philosophers/historians resides in their mistaken presumption that current, other-centered morality has been present in some form *from the beginning*. The moralists therefore err in constructing a history that presupposes that which they analyze; they then reify something that does not exist before tracing its history. Prior moral genealogists hold the current conception of morality evolved over time, being honed, freed from contradictions, and perfected until reaching its current, developed state. Nietzsche (1968), however, rejects the guiding hand a universal rationality requires to drive such a process, instead offering a multiplicity of forces with no teloi beyond growth. Rather than presuming an essence for goodness is real and can be located, Nietzsche proposes our conception of goodness is—and has always been—both contested and in flux.

In *Genealogy*, Nietzsche examines taken-for-granted moral beliefs. In three essays, focusing on (1) good, bad, and evil, (2) guilt and bad conscience, and (3) ascetic ideals, Nietzsche argues the common conception of goodness has an unexpected origin; it is born of

ignobility. Contemporary European morality, he argues, is based upon development of a “slave morality” founded in opposition to an already-existing “noble morality” which held sway among ancient Greece’s and much of pre-Christian Europe’s ruling classes. The noble conception of morality has roots, claims Nietzsche, in the positive awareness aristocratic people had of themselves. Ancient nobility saw themselves as exemplars of humanity; “good” qualities included bravery, courage, beauty, wealth, honesty, power, and the ability to help one’s friends and injure one’s enemies. By contrast, the undistinguished and unrenowned mass of people—the uncourageous, the dishonest, the incapable, and the physically unexceptional—all lacked those qualities held by ancient nobility and therefore branded “not good.”

Methodologically, Nietzsche (1887/2010) supports his interpretation through etymological analysis of those terms used for “good” across languages. He argues that, in earlier times, “noble” and “aristocratic” were cognates of “good.” On the other hand, “common,” “plebian” and “low” were all cognates of “bad.” This relation is expressed in the German, for example, through the word *schlecht*, meaning bad, and its cognate, *schlicht*, meaning plain or simple (p. 13). A second example uses the Greek word “ἔσθλος” (*esthlos*), which originally meant “genuine” or “real,” but which came to denote *aristocratic*, so was used in association with “good.” Nietzsche notes that, with the decline of Greece’s aristocracy, the word “ripens” and comes to connote a *spiritual* noblesse in opposition to the naturalistic connotation associated with the aristocratic use of the term (p. 14). The differential, historical reproduction of concepts that provides evidence for Nietzsche’s genealogy suggests the contemporary conception of “good” neither unfolds nor develops along linear lines, but within two competing systems, each with different origins and different worldviews. By Nietzsche’s time one such system, slave morality, comes to gain the advantage.

According to Nietzsche, the ancients saw unhappy, pitiable, and contemptible commoners not as evil, but as unfortunate, and their naturalistic morality reflects the ancients’ pagan worldview. For the ancients goodness did not refer to some spiritual realm that lay beyond, but to the way things were experienced in the real—and only—world. However, with the development of a new value system—one with roots in resentment (*ressentiment*)—goodness then morphed from a worldly to a spiritual quality. Only after such a new and different way of seeing the world is ushered in does a concept such as “evil” develop.

Tracing the word “good” back from its present to past uses reveals to Nietzsche how the noble system relied upon a rather simple

calculation. The aristocratic warrior classes exhibited and strove to exhibit qualities that earned them power and maintained their power; those qualities which allowed people to live well were understood to be “good.” Nobles were unconcerned with those who were not good and did not trouble their moral system to account for the “not good.” Nietzsche suggests slave morality, however, is far more complex. It begins with and requires maintenance of a feeling of resentment against those with power. The weak and powerless through whom this ethical system develops would have loved to take revenge on those who dismissed them, but they could not or dared not act on their desire. All they could do was think bad thoughts about those in power and express their confusing feelings of envy and dislike for their superiors. This expression of *thinking-bad-thoughts* is eventually codified in moral terms, and the “good” (the excellent nobility) become “evil” (the oppressive aristocracy). Thus, Nietzsche contends, this moral system is based not upon a sense of positive self-worth, but upon a negative, resentful evaluation of those who live well and who have agency. The result is that qualities associated with the powerless come to be seen as good qualities: humility, meekness, patience, forgiveness, tolerance, etc. Despite the fact “good” qualities had been forced upon those who lacked agency to do or be otherwise, the masses, through priests, reinterpret the world so as to create virtue from weakness. Blessed then are the meek, the poor, the patient, and the humble. Nietzsche’s genealogy suggests our present desire for equality and the positive regard we have for the oppressed and the marginalized have their roots in this extended act of transvaluation.

Nietzsche used genealogy to trace a concept back through history to reveal a point where the concept changes. What today is considered “good” was, at other time and place, valued wholly differently. Moreover, what was thought to be one was found to be two: despite presumed unity, difference was discovered. Even though neither notion of goodness is offered as truer than the other, Nietzsche’s work suggests goodness can be seen differently and can be engaged in a markedly different way than previously thought.

Conclusion

Genealogical analyses take different forms and have been put to different ends within the philosophy and history of education. In the philosophy of education, and within philosophy more broadly, a genealogy can be presented as a state-of-nature story allowing a scholar to pose questions and suggest answers to what conditions held or might have held in the past in order for changes to concepts to have occurred. In the study of the history of education genealogy is being used to challenge accepted historical narratives, particularly those that

presuppose the progressive development of morality, reason, and well-being. Among historians of education are those who link genealogy to critical approaches in order to uncover or combat marginalization or oppression. While genealogy might supplement this critical approach, a tension within the underlying theoretical paradigms makes alliance uneasy. Although much work in the history of education squarely focuses on seeking out any and all forms of oppression and marginalization, Nietzsche's *Genealogy of Morality* calls one to reconsider the moral foundations of his theoretical framework.

Genealogy offers scholars working in Educational Foundations departments and elsewhere an interdisciplinary methodology that incorporates postmodern critiques of the subject, truth, and morality, and acknowledges the productive, rather than merely reflective, nature of language. Adopting postmodern sensibilities into a methodology decreases the likelihood a scholar will revert to such onerous practices as positing essences, things-in-themselves, universal truths, or universal reason. The genealogical historian/philosopher then becomes less prone to believe he or she has uncovered or discovered hidden truth, and will be more likely to acknowledge he or she has imposed an interpretation upon a collection of data. Finally, the genealogist possesses tools to challenge those concepts which, due to their centrality within a conceptual system, are protected and therefore practically unchallengeable from within. Many avenues of research are open to the genealogist; those rendered largely unquestionable from within Marxist paradigms include equality, oppression, marginalization, and privilege. Within liberal paradigms universal rationality, progress, and markets resist analysis. Other concepts ripe for historical, genealogical deconstruction include democracy, method, validity, coding, and accountability. Tracing these concepts' histories, the genealogist, in asking not *what is x?*, but rather providing an interpretation for *how x became so*, helps keep philosophy and history of education from becoming too burdened by one or two overly sedimented theories whose core concepts seemingly have become unchallengeable.

Endnotes

- ¹ Oddly, however, Qvarsebo (2012) states "the analytical strategy is geared towards trying to *capture some essential patterns* of discourse..." (p. 6, emphasis added) which seems to weaken his earlier claim that genealogy "never assumes an underlying essence" (p. 4) and suggests

- Qvarsebo might believe essences do “exist,”—but that the genealogical historian does not presuppose their existence.
- 2 Qvarsebo’s (2012) position is not closer in the positive sense of making Nietzschean ethical claims. Rather, by not participating in the oppression discourse, Qvarsebo does not work in contradiction to Nietzsche’s remarks on morality.
 - 3 The work of Thomas Popkewitz comes to mind, including Popkewitz (2011).
 - 4 For an extended discussion see Jonas (2008).
 - 5 Fricker is not a philosopher of education, but an epistemologist. However, her explanation of genealogy as a state-of-nature story (2011) provides more to work with than does McEwan’s (2011), since she directly addresses epistemological concerns regarding genealogies as state-of-nature stories in comparison to narrative history. However, Fricker’s and McEwan’s conceptions of genealogy appear very similar.
 - 6 Keith Ansell-Pearson (2010) seems correct in claiming “Nietzsche opposes himself to the search for origins only when this involves what we might call a genealogical narcissism. Where it involves the discovery of difference at the origin, of the kind that surprises and disturbs us, Nietzsche is in favor of such a search” (p. xx).
 - 7 *The Origin of Moral Sensations* (1877).

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The Relation Among Philosophy, Psychology, and Social Theory in St. Louis Public Schools' Educational Foundations and Subsequent Curricula

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Introduction

Frank Louis Soldan, Superintendent of St. Louis Public Schools between 1895 and 1908, acknowledges: “It is a just demand that the school should move along with the progressive movement of society at large.”¹ However, while this Progressive Era educator recognizes the need for education to be guided by changes in the social, political, and economic environments, he equally understands “the features of society change more quickly than the waves of a river.”² And adjusting to change does not prove uncomplicated. That said, historical research on St. Louis public education reveals city schools did not follow lines typifying education’s Progressive Era. From economic change and industrialization to immigration and issues related to race and gender, numerous themes prove relevant given their influence on public schooling throughout the Progressive Era. In St. Louis, the progressive education movement’s impact is revealed by Board decisions on immigrant instruction as well as through curricular elements focused upon the value of exploring one’s natural environment through excursions into nature. Since definitive changes in many US schools involve the replacement of a classical, liberal-arts course of study with a manual-training and industrial-arts curriculum, in this paper I investigate the motivating rationales for this revolution in thinking as it relates to the philosophical underpinnings of ideas espoused by influential St. Louis-area leaders. Following parallels with psychology, change in the St. Louis public schools transfigures a community-oriented learning philosophy that promotes intellectual and moral development into curricula that orchestrates control of the individual through a behaviorist disregard for the mind.

Textbook knowledge of the Progressive Era recounts a time when educators implemented Froebelian principles following reformers such as Francis Wayland Parker and her emphasis on experiential learning

while disdaining harsh disciplinary approaches.³ Of course, the opposite proves true “depending on what books or journals one reads or classrooms one visited”; and it is no coincidence “the most famous American theorists of the new education were not teachers or if so left the classroom quickly.”⁴ In the same way historians continue to rethink the Progressive Era in general,⁵ my research herein illustrates St. Louis schools of the period did not exactly embrace and follow the watershed of liberal-oriented ideas one commonly associates with “progressivism.” This being the case, it is important to examine the ways in which psychology theorists and educational practitioners witness the onset of American functionalism and related social theories mutually interdependent with economic change and industrialization. In so doing, educational leaders pursue ends proving rather at odds with a textbook reading of Progressive-Era thinking. Historical trends in St. Louis’ education system illustrate this.

In this paper I begin by focusing upon the Philosophical Society of St. Louis and the city’s educational philosophy foundations, then move to make connections with psychology as it emerged in the late-19th and early-20th centuries. I illustrate how developments in early-American psychology and social theory underscore a rationale for the implementation of a manual-training or industrial-arts curriculum. I then describe how curricular change dominates the direction of St. Louis public education into the height of the Progressive Era. I argue the justifications of such transformations closely mirror shifts within psychology and social psychology during the same period. While I do not purposefully proceed with bias against the industrial arts, the social and political implications of these curricular changes cannot be ignored as functionalism sets the stage for the ascendancy of behavioral psychology. Where available, resources fail unequivocally to support St. Louis educators’ explicit justification of decisions through a particular intellectual fashion; furthermore, archival research into the overall influence and impact of psychology must be undertaken to arrive at decisive conclusions. Nevertheless, St. Louis educators’ decisions’ correlation with prevailing trends in psychology are well evidenced as they abandon a classical, liberal-arts curriculum and contradict a conventional understanding of progressivism in education and US history.

Philosophy in St. Louis and Early Psychology

The debate over a traditional liberal arts curriculum and the manual arts as a more “practical” course of study begins in the latter part of the 19th century. William Torrey Harris, an influential educator in St. Louis and the nation, supported the classical curriculum. Described as an

“outstanding intellectual leader in American education in the years between the death of Horace Mann in 1859 and the emergence of John Dewey as a spokesperson for the new education at the turn of the century,”⁶ Harris worked as a teacher, principal, assistant superintendent, and superintendent of the St. Louis Public Schools. Harris also led the Philosophical Society of St. Louis, a group of philosophers dedicated to intellectual principles espoused by German idealist thinkers. Particularly devoted to Hegelian thought, Harris and the St. Louis philosophers focused on the educative significance of classical Western philosophy in guiding public education. Many participants in the philosophical movement served in city schools; the Society thus largely sought to apply their work to teaching and learning.⁷ In many ways, despite the fact psychologists would adopt a dissimilar set of values and assumptions, their work can be seen as a precursor to the discipline of educational psychology and its development throughout the Progressive Era.

Psychologists began establishing their area of study by focusing on solving questions philosophers customarily sought to answer. Wilhelm Wundt, the *de facto* inventor of psychology as an academic discipline,⁸ aimed specifically to make the study of the mind an experimental science based on structuralism in the tradition of German idealism. Such philosophers as Kant and Hegel influenced many early psychologists under Wundt’s tutelage. Although John Dewey did not train under Wundt, Dewey’s early writings in the *Journal of Speculative Philosophy*, the journal of the Philosophical Society of St. Louis within which he published at the beginning of his career, remain key examples of Wundt’s philosophical influence. Dewey notes the value of Kantian epistemology while characterizing it as a predicament (drawing from Hegel’s analysis of the subject), concluding, “it is a crisis only as a turning point; and a turning point is the old passing into the new, and can be only understood as the old and the new are understood.”⁹ The crisis to which he refers ultimately concerns the need for a formal science of the mind as psychologists aimed to usher philosophy into a new era. Throughout the early-20th century, psychology nonetheless came to advance an entirely different approach to understanding human behavior in the same way that St. Louis educators forged a different direction from such thinkers as Harris and the St. Louis philosophers.

Part of the Progressive Era, at the beginning of the 20th century, US psychologists—with great enthusiasm—base psychology on the optimistic progress of scientific achievement, claiming uniqueness if not a sense of superiority.¹⁰ However, as many US psychologists “carried back only the experimental skeleton (and institutional academic program) of Wundt’s psychology,”¹¹ they eventually reject psychology’s

epistemological foundations in philosophy when aspiring to advance an empirical science. In particular, William James, Dewey's pragmatist peer, separates the discipline from its philosophical roots by emphasizing the biological and physiological aspects of psychology. Although James attended meetings of the Philosophical Society, his relationships with such leaders as Harris were less than genial.¹² In turn, while German psychology maintains a philosophical basis, US psychology follows a different path which eventually finds a unifying frame of reference in a functionalism at odds with Wundt's structuralism.¹³ US psychology's conversions mirror those within St. Louis' schools as well as the underlying rationale for an industrial arts curriculum. Harris mostly rejects this curricular change believing it will evolve into a class-based, vocational system,¹⁴ but his support for a curriculum based on intellectual development through the liberal arts clashes with another leading voice: Board of Education President Calvin Woodward.

Social Theory and Functionalism in Education

The broad influence of psychology is revealed in Woodward's 1906 address to the American Association for the Advancement of Science entitled "The Science of Education." Woodward notes contributions from "physiological psychology,"¹⁵ which, through James' and British psychologist Edward B. Titchener's works, underscore psychologists' increasingly biological and somewhat pseudo-physiological interests as they endeavored to fashion the discipline into a formal science. Woodward therefore speaks to these trends when articulating a rationale for advancing a manual-arts curriculum: "a healthy brain and timely growth and development of the brain is to be promoted by an education involving a great variety of activities, skillfully adjusted as to quality and quantity to the mental and physical status of the child."¹⁶ Acknowledging the relationship between a healthy body and a healthy brain actually becomes common in the time's educational thinking and philosophy: the "golden age" of physical education. Intramural sports arise and educators begin to emphasize the value of extracurricular activities. Following the ideas of such idealist philosophers as Hegel (though the same cannot be said for Woodward's functional views), progressive thinkers' motivation for so doing stems from a desire to develop coöperation and teamwork.

Hegelian philosophy itself promotes a social view that human individuality develops through social relations, another philosophical influence on the development of psychology.¹⁷ Such psychologists as Dewey approach social relations in the same way and such often-neglected thinkers as George Herbert Mead take an interest in coöperative processes and interpersonal relations by way of a

“biological” science within a social context.¹⁸ However, the concepts espoused by each of these theorists do not always translate accurately into the Progressive Era’s educational context. Based on Dewey’s recognition of the school as a community, educators begin to promote extracurricular activities because they “create social loyalty and a sense of interdependence,” but history also suggests educators interpret Dewey’s theory to imply individualism must be eradicated and the social life of the student regulated as the social theories of the Progressive Era “underwent some strange transformations.”¹⁹ Such dichotomous interpretations of social theory bring one to consider disparate trepidations over unanswered questions concerning Darwinism within functionalist thought, since both Darwinism and functionalism undermine the form of structuralism being used to define early psychology (a problem I further note and discuss as behaviorism takes the main stage). Misconceptions about earlier thinkers’ social psychology later leads to differing constructions and interpretations of psychology’s meaning in educational thinking. In St. Louis City Schools, Woodward’s defense of the manual arts typifies how psychology pursued divergent ends that controverted other leaders’ philosophical underpinnings.

As psychologists likewise mixed Titchener’s mental concepts “with a multitude of other concerns that characterized American [functionalist] thinking,”²⁰ Woodward does the same in justifying the manual arts. Nonetheless, ultimately he proves less concerned with the structure of the brain than its functional action. Between 1890 and 1910, psychologists G. Stanley Hall and James M. Baldwin capture psychology’s theoretical scene in much the same way. Titchener maintains a philosophical grounding by importing Wundt’s notion of the mind into his work and by moving toward a synthesis of structuralism and functionalism. However, functionalists James, Hall, and Baldwin nevertheless dominated, emphasizing only the functional operations of the brain.²¹ During the same time period, Mead advances a social psychology dependent upon experience and its ontogenetic origins, iterating knowledge develops socially.²² Woodward represents, or rather misrepresents, social psychology in order to justify the utilitarianism that runs contrary to such social theorists as Dewey’s and Mead’s Hegelian foundations. Woodward’s defense of the manual arts does advance the rationale: “class conflict, industrial alienation, and urban violence could be avoided if people learned to work with their hands.”²³ Woodward also refrains from discounting the economic value of the industrial arts,²⁴ while alleging the benefit of physical activity for academics. Notwithstanding his functionalist beliefs, Woodward’s educational premises thus mime his peers’ beliefs that a healthy body leads to a healthy brain, yet his professed benefits of manual training would become lost in the quick evolution of his ideas.

The Psychology of Social Progress in St. Louis

Despite Woodward's efforts, throughout the nineteenth century the industrial arts curriculum does not receive significant support from the Board of Education,²⁵ but by the turn of the century his vision does indeed prevail. St. Louis competes with other burgeoning American cities, particularly Chicago; its population and industry grows throughout the late-nineteenth century and prior to the economic depression of 1893–1897.²⁶ Many school districts throughout the nation struggle to adapt to the early Progressive Era's changing environment. The new curriculum produces considerable difference of opinion among St. Louis' Board of Education members, but produces unanimous agreement over "its educational desirability and value,"²⁷ so St. Louis Public Schools choose to expand Progressive Era-influenced curricular changes. A member of the St. Louis Philosophical Society, Soldan becomes the first superintendent openly to accommodate curricular change, yet his support might best be described as permissive, but reluctant. During his early tenure, the 45th *Annual Report to the Board* describes the curriculum's institutionalization and those provisions used to maintain existing programs and develop additional programming within the segregated school system for both white and Black students. Without losing the argument for its value to students' academic development, the influence of Woodward's philosophy in the Board decision proves evident:

Whatever may be the utilitarian value of the new feature of district school work—and it is admitted that it has such value—manual training in the form in which it has been introduced, derives its chief importance, not from utilitarian, but from educational reasons; in other words, it is self-evident that the principle of manual training cannot be to educate professional carpenters or cooks, but to contribute to the training of the hand, to the general education of the child, and to develop faculties and powers which can less readily be reached by work of more literary character.²⁸

Believing history demonstrates "the intelligence of man has developed and grown apace with the practical demands which his physical environment made on him as a worker,"²⁹ Board members maintain "hand-training" strengthens one's tenacity for the cultivation and growth of a healthy, academic mind. By the end of Soldan's superintendency, the rationale for curricular change based on harmony of mind and body can no longer be sustained. Rather, reflecting changing trends in psychology, curriculum developers further stress a functional relationship with the social environment. The 54th *Annual*

Report in 1908, the year Blewett becomes superintendent after Soldan's untimely death, undermines the mind-body rationale. Its authors instead craft a curriculum that unremittingly expands the industrial arts. Preparations for the workforce and adaptation to an industrializing society form the primary basis of the Board's rationale. Having established technical programs following the turn of the century, Board members finalize plans to equip Central High School for transformation. Anticipating putting "all [St. Louis] high schools in accord with the principle that [Board members] had recognized as the correct one,"³⁰ report writers justify manual training based on the public's need to train students for citizenship through trade skills:

To attain social efficiency, the individual must develop proficiency in some for that will be useful to himself and others. To attain to high social efficiency, he must be able to adapt his powers to the demands of changing conditions. Above all, his ideals of social relations and obligations must be right if he is to make proper use of his natural powers and acquired skill.³¹

Given developments in psychology and progressive education's emphasis on the "social," Board members do not blatantly contradict their earlier justification for manual training. After all, they maintain "the manual training or commercial boy sees in the boy digging in classic literature something that he admires and respects" and "the domestic science girl by her school associations learns [better] to appreciate the civilizing graces of art and literature."³² Even so, notwithstanding class and gender divisions that result from the curriculum's alteration, both functionalist encroachments and the superintendent's thinking lack the essential purpose Woodward professes and 1899 report writers highlight. While previously quoting a maxim from Greek philosophy—"Man has reason, because he has a hand"³³—the 45th *Annual Report's* poetic answer to Cartesian dualism no longer supports a philosophy espousing supposed benefits for academic development. Instead, conformity and a Darwinian adaptation to learning's industrial context come to dominate. It is no coincidence James R. Agnell publishes the influential paper, "The Province of Functional Psychology," one year before the 1908 report to the Board of Education.

Agnell's work intensifies the contrast between the structure and function of mental operations, whereby the mind mediates between the environment and individual needs—a Jamesian and Darwinian view of mental life directly opposing structuralism.³⁴ While continuing to steer disciplinary interests away from themes related to the mind and body, turning instead to the relationship between the individual organism and

the environment, Agnell's work profoundly influences psychology by focusing the discipline on natural selection.³⁵ His emphasis on individual adaptation further differentiates psychology from philosophy, for he redefines US psychology as science of functional adaptation to align with Darwinian evolution and separate from psychology of the mind as a theoretical problem.³⁶ Only Titchener rejects this strict functionalist turn in psychology. Needless to say, justifying manual training as relevant for academics becomes no longer necessary. Rather, the evolving functionalist frame of reference further separates an educational philosophy founded on intellectual and moral development from any real or perceived benefits the manual arts might have for academics. Moreover, rather than coöperative social relations, an impetus for social conformity motivates the report-writers' reasoning. In the same way psychologists dismiss psychology's epistemological foundations, St. Louis Public School leaders undermine late-19th-century intellectual and philosophical underpinnings. Thus, by the second decade of the 20th century, behaviorists exploit functionalist ideas to a radical extreme as do such St. Louis educational leaders as Blewett.

Similar to how the 54th *Annual Report* writers promote specialized skills and adaptation for the individual "to be of most value to himself and to the state,"³⁷ Blewett's commentary less than a decade later illustrates the quick evolution from functionalism to behaviorist, social control and skills-based learning with an explicit disregard for the mind. By the 60th *Annual Report* in 1914, Blewett maintains the primary purpose of education "is the determination or control of behavior[;] knowledge and other organizational forms of mental life are only of secondary importance, and even of no importance at all unless they actually or conceivably influence behavior in some desirable way."³⁸ Only a year before this report, popularizing Ivan Pavlov's concepts of behavioral conditioning in the West,³⁹ John B. Watson publishes seminal work on behaviorism in which he completely rejects the study of mental life. Seeking to cleanse psychology of such notions as the mind, consciousness, and the self to make psychology fully a "science" of behavior,⁴⁰ in the US he thus postpones the study of cognition until the middle of the century. Only through German, gestalt psychologists, who come to the US after fleeing Germany before WWII, does the potential for a renewed cognitive science emerge in the US. By and large, persuaded either covertly or overtly by trends, earlier reports do not exclude the behavioral thinking that would become an obstacle both to cognitive theory and the St. Louis Philosophical Society's vision.

In his 1908 report, Superintendent Blewett maintains training under vocational conditions produces machine-like, efficient behavior. He

suggests that, as an individual's work reaches a fine-tuned specialization, the person's faculties respond "unconsciously to the accustomed stimulus in much the same way as the parts of a machine respond promptly and regularly and thoughtlessly to the impulse of motive power."⁴¹ As these ideas find their way into Blewett's beliefs about learning and the purpose of education, the distinctive relationship between those ideas and Pavlov's theories of stimulus and response through unconscious and impulsive behavior become obvious. As Watson popularizes concepts of Pavlovian stimulus and response in psychology, both structuralism and questions concerned with the mind and the biological brain completely fail to sustain any relevance or scientific significance within the psychology or education communities. Although functionalism does not suffer entirely the same fate, behaviorism supersedes any functional interest in the mind as the new psychology claims the stage. The study of human behavior and the belief that learning involves nothing more than changing behaviors crushes the curricular thought of earlier, St. Louis philosophers who promoted intellectual development through a liberal arts curriculum.

Behaviorism as the impetuous, radical offshoot of functionalism permanently modifies the functionalist school of thought and, therefore, the methods and theoretical assumptions of US psychology then and today.⁴² As I evidence, psychology comes to intersect with shifting advances in social psychology and divergent social theories. During the initial stages of psychology as a science, psychologists and the new discipline of sociology likewise disagree over the nature of their subjects. US psychologists all too often fail to distinguish between the social and the individual; in deference to Mead (and Hegel), psychologists come to concern themselves with individually engaged rather than socially engaged psychological states.⁴³ Consequently, US social psychology emerges as more individualistic than communal as its practitioners adopt behaviorism. The coalescence of functionalism and behaviorism with social psychology and a Darwinist ideology is represented within the work of Edward A. Ross, whose theory differs from Mead in that he focuses on the control of individual actions instead of coöperation between actions. Advancing the notion of "social engineering,"⁴⁴ social psychologists come to advocate theories of social control in the same way behaviorists transformed functionalism. Emphasizing individual conformity to a changing social environment, Blewett likewise continues to mirror this evolution of ideas as his administration develops a perspective akin to Ross' interests in manipulating behavior to consummate ascendancy over the individual in the interest of social change.

Superintendent Blewett writes of the need for "individual action for the larger social unit," noting "the work of the school must change with

the changing needs of the state.”⁴⁵ As evinced through references to his remarks in my introduction, such parallels to social theorists’ thinking are present in Soldan’s writings and actions as Superintendent. Nonetheless, Blewett consistently follows extreme trends throughout the height of the Progressive Era while setting the tone for St. Louis’ education system well into the period of the World Wars. Rather than serve US democratic ideals, the individual instead serves society through a mechanistic acceptance of the social order based upon the economic worth of one’s labor to the state. The predominance of industrial arts over the classical curriculum solidifies by 1917; in the *1918 Annual Report* Blewett again focuses upon demands for citizenship, habits of industry, and thrift, underscoring “public control of children in regard to their labor and training” as crucial in securing such ends.⁴⁶ Rather than Dewey’s emphasis on coöperative interactions and the importance of community and Hegel’s philosophy on psychology and social theory, Blewett’s vision for St. Louis schools embodies Ross’ macro-oriented psychology and notions of behaviorist control. In the context of industrialization and World War I, that brand’s overlaying of social theorizing upon educational thinking and early behaviorism demonstrates the means to curricular change throughout the Era.

In just a few decades, psychologists no longer attempt to comprehend psychology’s separation from philosophy,⁴⁷ but conclude knowing the structure of the mind remains outside scientific knowledge; as Dewey notes, the “old” failed to be understood in making way for the “new.” Psychology’s practice becomes limited to observable behavior: “a limitation that clinches the argument that the mind is unavailable to science,”⁴⁸ thus resulting in the behaviorist creed’s widespread acceptance. Those who remember Harris’ influence in St. Louis education and philosophy assert US education moved in a backwards direction with shallow substitutes for the “genuine philosophic insight and interpretation which Dr. Harris, for example, represented and taught.”⁴⁹ Remorse over the pseudo-philosophizing of behaviorism bemoans the elevation of the “knee-jerk to the plane of an important mental phenomenon,” suggesting these transformations cause an overall devaluation of education and the destruction of any chance “which the child might have of learning how to think.”⁵⁰ Behaviorism comes to subjugate all other philosophies of learning throughout the Progressive Era.

As psychology undergoes a complete paradigm shift between 1915 and 1930—from questions concerning the brain’s workings and the mind’s structure to behaviorism and social psychologists’ social engineering ideas—St. Louis educators undercut the classical curriculum’s remaining core;⁵¹ the industrial-education movement thus

explodes.⁵² In a book published after his death, Soldan laments these developments, writing the new century loses 19th-century education's intellectual features when urban growth creates problems for public education.⁵³ Soldan calls philosophers and educators to recognize the social and political implications of a system in which each individual "must labor as one of the grand army of workers, and obey the commands of his calling," moving "in the strictly circumscribed course, and with the regularity and precision of a wheel in a never-resting, huge machine."⁵⁴ With typical, reluctant support for industrial training buried in a single chapter of his book, Soldan still maintains the industrial arts' value for a student's personal and academic development. Despite Soldan's and others' efforts to balance curricula, St. Louis school leaders abandon the early philosophy and classical, liberal arts curriculum for a behaviorist curriculum based upon a functional relationship with the industrializing, political economy.

Conclusion

While available sources fail unequivocally to evidence St. Louis Public School leaders directly justifying curricular change based on any individual psychologist's writings or psychological school of thought, evidence nevertheless points to their following the ebb and flow of Progressive Era trends and fashions. First, closely related to St. Louis leaders' philosophical interests, US psychology eventually separates from its epistemological grounding in philosophy originating in the work of such thinkers as Wundt. An ideological focus on the individual's functional development and adaptation's primacy gives rise to behaviorism. By the end of the first decades of the 20th century, psychologists' focus on the study of behavior spurs St. Louis' educational leaders to emphasize psychology's conformity and behavioral control and view the mind as inaccessible to science. The Progressive Era's dramatic social and industrial changes serve as rationale for curricular change from the classical to industrial and manual-arts curricula that dominated schooling in the same way industrial arts curricula dictated national trends. In St. Louis, intellectual and moral development through the liberal arts and a tradition that iterates community and social cooperation between the individual and society loses its guiding philosophy of education. I posit further research will reveal St. Louis schools illustrate Progressive Era education's telling quite a different story than that with which educators are familiar; the Progressive-Era history of psychology's shedding light on US social movements contributes to this story and this counter-story's continual influence on contemporary educational thinking, curriculum, and school structures.

Endnotes

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- ¹⁵ In *A History of Ideas*, Keen notes Titchener, following Wundt and borrowing terms from biology, establishes the differentiation between structuralism and functionalism in psychology by identifying the difference between structure (what *is*, i.e. how the mind works) and function (what *it is for*, i.e. the essential purpose of its usage).
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- ²⁷ *Forty-Fifth Annual Report of the Board of Education of the City of St. Louis for the Year Ending June 30, 1899* (St. Louis, MO: Nixon-Jones Printing Co., 1899), 130.
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- ⁴⁸ Ibid., 60.
- ⁴⁹ Butler, "W. T. Harris," 53.
- ⁵⁰ Ibid., 53–54.
- ⁵¹ Keen, *A History of Ideas*, 77; Greenwood, *The Disappearance*, 93; Graves, *Girls' Schooling*, 120.
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- ⁵³ Soldan, *The Century and the School*, 19–20.
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Recent Evolution of Public Education in the US and Finland: Can the Finnish Model Work in the US?

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Background

Much has been written in recent years regarding the alleged failure of the US public school system. At the same time, the Finnish public education system has been touted as one of the most successful in the world. Indeed, Finnish students consistently score at the top, or near the top, on international tests of student achievement.¹ Much major criticism of the US system dates to 1983 when *A Nation at Risk*² was published. Since then, educators in the US have faced an escalating demand for accountability,³ most recently evidenced by measures such as the *No Child Left Behind Act of 2001*⁴ and the *Race to the Top* program.⁵ Virtually all US calls for educational reform and increased accountability are linked to improved student performance on standardized tests.

Contrast US education's state of affairs with Finnish education system reforms, begun in 1970,⁶ with the implementation of what Finns call *peruskoulu*: a universal system of public education in which all students are treated equitably regardless of residency, ethnicity, or innate ability. Finnish teachers are expected to be creative and truly to be leaders. Entrance into teacher education programs is highly competitive and admission is coveted by students. Standardized tests are rarely given and Finland does not have a movement or belief in a *common core* curriculum as in the US. In spite of their lack of US-like accountability measures, Finnish students routinely rank at the very top or near the top of international comparisons. Could the Finnish model or major elements of this approach work in the US, or are conditions in the two countries so different that such an idea is out of the realm of possibility? Before attempting to answer this question, it will be instructive briefly first to review those paths taken by the US and Finnish educational systems.

US Historical Context

Since the 1980s, US schools have had three distinct reform movements imposed.⁷ The excellence movement was the first of these,

its purpose being, "...to increase standards for students, as well as classroom teachers, by tinkering with the conditions of teaching."⁸ Among the excellence movement's visible manifestations were longer school days or years, increased graduation requirements, and enhanced teacher certification requirements. Much of the impetus for this movement came from state departments of education and state legislatures. In the two-year span between 1983 and 1985, 24 states, many in the US' southern tier, passed reform packages based upon the excellence thrust.⁹

The restructuring movement began to emerge in the late 1980s, and was more a grassroots effort in which many suggestions for reform emerged from the district level. The ideals of this movement were promoted and backed by educators and professional organizations, restructuring became the "golden age of site-based management and the flattening of organizations,"¹⁰ and restructuring ushered in an educational era in which educators, particularly principals, were encouraged to be creative. There was a willingness to give teachers and building-level administrators more autonomy and teachers were expected to implement new ideas in their classrooms which required building-level administrators become more than managers. However, the restructuring movement came with demands for increased accountability. At a time when constituents and legislators expected improved results in the form of public reporting of student achievement, often area school districts' student-achievement levels were published by news media outlets. Naturally, this increased the anxiety levels of administrators at both building and district levels.

The standards movement had its beginnings in the publication of *A Nation at Risk* in 1983, and gained strength again with the passage of the *No Child Left Behind Act of 2001 (NCLB)*.¹¹ The movement shifted public attention from the activities of teachers to the achievement of students. No longer were schools primarily to be judged by course offerings, hours of instruction, or teacher qualifications, but instead success had to come from how well students performed academically on high-stakes accountability measures. This movement led to the development of learning standards in both subject area content and more general standards and led administrators to become much more involved in school improvement planning. The current version of the standards movement stresses building level administrators working with teachers and other staff members to address individual students' academic performance. Currently test data should be disaggregated so individual student process can be ascertained, monitored, and improved.

These three educational reform movements have changed the nature of both building- and district-level leadership. In both cases,

leaders have shifted from being primarily managers to acting as educational leaders. Calls for increased accountability have directed the spotlight of public attention toward the activities of public-school administrators. In order to survive politically, administrators have narrowed their focus to concentrate primarily upon student achievement in areas tested for Adequate Yearly Progress (AYP) purposes under *NCLB*.¹² This also has led to a narrowing of the curriculum in many US schools over the past decade.¹³

There have been positive elements to the US' three major reform movements. Perhaps one of the most important has been to call educators' attention to disaggregated data produced by various standardized exams. Essentially, such data have shown a consistent achievement gap between white students and minority students; particularly African-American and Hispanic students. Prior to requirements to disaggregate data, school administrators typically would review test data, and so long as the school or district performed at or above state or national averages, everything was deemed copasetic. The fact that middle- or upper-income white students were doing well, and lower income Black and Hispanic students were doing poorly did not surface as an issue with most administrators. Many schools and school districts now work hard to implement strategies to address the educational needs of poorly performing, underserved, minority students.

In fact, many US schools are doing quite well by international standards. The top US students score as well on tests such as the PISA as their international counterparts, including those from Finland. However, this success has been masked by popular media reports of the manufactured crisis in US schools. During the past three decades' reform movements, US educators lost their status as educational spokespersons and experts. This loss of stature primarily is due to the influence of private individuals, groups, and corporate interests who invest millions of dollars attempting to influence US educational policy. In other words, the migration of public opinion away from educators' expertise has not occurred by accident. Many of those peddling influence espouse a neoliberal ideology. Neoliberalism is a political philosophy and economic system of domination which ostensibly supports the open market, economic liberalization, privatization, and free trade but which enacts deregulation and recasts all US citizens as product and service consumers. Neoliberals enact the private sector's expansion along with a concurrent decrease in the size of the public sector, an idea that applies as much to schooling as to other economic areas of society. Neoliberals work for the privatization of schools by supporting vouchers, charter schools, standardized testing, and curricular products, along with the takeover of low-performing schools by private corporations.

Among those neoliberals and conservatives who work to promote alternative approaches to public schooling are Eli and Edythe Broad, Arne Duncan, Chester Finn, Louis Gerstner and Frederick Hess. Of course, Arne Duncan is the current US Secretary of Education. Among conservative foundations and groups presently working to influence US educational policy are the American Legislative Exchange Council (ALEC), the American Enterprise Institute, the Business Roundtable, the CATO Institute, The Douglas and Maria DeVos Foundation, The Heritage Foundation and the Thomas B. Fordham Institute. The Walton Family Foundation (Wal-Mart) is one of the nation's largest supporters of "school choice." The Edison Project manages charter schools in approximately 20 states.

Perhaps the most successful groups in terms of influencing US school administration policy are The Wallace Foundation and the Southern Regional Education Board (SREB). Around 2000, The Wallace Foundation began funding grants via the State Action for Education Leadership Project (SAELP). While some ideas promoted by various SAELP projects may have been positive, others have been negative; for instance lobbying efforts by SAELP in Illinois helped overturn several positive, state-level advisory committee recommendations on the redesign of principal-preparation programs, and this was accomplished through direct lobbying of Illinois State Board of Education members by SAELP employees. Similarly, this same advisory committee rejected the acceptance of SREB-developed materials as part of the Illinois principal redesign efforts, yet after the advisory committee was disbanded, the Illinois State Board of Education mandated many SREB materials for principal preparation programs. SREB receives substantial funding from The Wallace Foundation.

I want to stress I do not argue whether some ideas promoted by such groups are positive, rather I point out millions of dollars from private individuals and groups are being used to influence educational policy and to promote a neoliberal agenda in US public education. These power moves have often been done without the general public's and most US educators' knowledge. These same influential, well-funded, and highly visible groups have spread the myth of the failure, crisis, and impending collapse of the US school system largely through their willing partners: the US popular media.

Recent major initiatives in the US include Response to Intervention (RtI) and implementation of the Common Core standards. Many US schools and districts have made excellent student progress using RtI initiatives. Most educators characterize the RtI three-tier approach as educationally sound and continuing of good work previously

implemented with youngsters with disabilities and other struggling students. Common Core, a more recent phenomenon, is a move toward standardizing educational goals and, subsequently, curriculum. In a sense, Common Core may seem to run counter to the concept of state control of education in the US, as well as the delegated local control of education. Indeed, some states seem to be reconsidering their Common Core commitments, among these Alabama and Utah. Opponents of the Common Core recently have intensified their efforts in Colorado, Idaho, and Indiana. Opponents are concerned that implementation of Common Core may lead to increased testing and a nationalized curriculum, yet while the US does not have a national curriculum, public schools and their curricula prove more similar than different on a state-by-state basis.

Finnish Historical Context

In the 1960s, most Finnish had only a very basic education.¹⁴ However, in the early 1970s, Finland launched an initiative called *peruskoulu*¹⁵ beginning a 40-year process that vastly expanded educational opportunities. “Investment and the valuing of education including the growth of a powerful high quality teaching force also began in this period.”¹⁶ Today, according to Sahlberg, “School life expectancy, which predicts the duration of formal education of a citizen at age of 5, is one of the highest in the world at over 20 years of age in 2010.”¹⁷ He continues, “This is mainly because education is publicly financed and hence available to all.”¹⁸ The full-scale implementation of *peruskoulu* began in 1972 in the northern, more rural parts of Finland, and by 1978 moved into southern, more urban parts of the country.¹⁹ This was done in response to the sense that students in rural areas were behind their urban counterparts. The primary theme driving *peruskoulu* is all students, regardless of their place of residence, socioeconomic background, or interests will be enrolled in the same, nine-year, basic school. This approach did not come without debate, but was made easier because the ideas of equality and social justice had been accepted and incorporated into Finland’s welfare society.²⁰

The idea of the Finnish welfare society briefly was challenged in the early 1990s with the collapse of trade with the Soviet Union.²¹ According to Renne, “It was only the downswing of the 1990s, the rapid increase in unemployment, joining the European Union and the increasingly right-wing bias of government policy that forced the welfare state to trim its sails.”²² However, unlike in the US, this move to the political right did not lead to privatization of schools. Renne continues,

What is perhaps most visible is that the position of the publicly owned and steered school is at all school levels almost

untouchable. There are very few private school enterprises, and even in the beginning of the new millennium educational services are free of charge for all Finnish children and youngsters to use.²³

In Finland, all schooling is free, including pre-school. Mothers may stay home and continue to receive pay for the first year after giving birth. Their specific job is protected for three years, but they do not receive pay for the second and third years of childcare leave. Once parents enroll their child in daycare the costs are very reasonable and based on a sliding scale.²⁴

Finnish students begin public school at age seven, and there is not an organized attempt to teach reading to students before that age. Students do not receive written grades before the fifth grade²⁵ and no external high-stakes tests are employed before the end of grade 12.²⁶ Indeed, the word *accountability* cannot be found in Finnish educational policy discourse.²⁷ While there is a ten-page, national curriculum, Ministry of Education officials have little interest regarding what schools are doing at the local level. There is no inspection of teachers.²⁸ In spite of this, Finnish students routinely score at the top, or very near the top, in international comparisons.

The Keys to Finnish Success

It is instructive to delve more deeply into the reasons for Finnish schools' current success. One aspect of this is schools' small size. Most elementary- and middle-level schools do not enroll more than 300 students while the largest high school in Finland enrolls only 1,400 students,²⁹ certainly enhancing the possibility that teachers and principals will know their students and decreasing the possibility that any student will "fall through the cracks." Although Finland is racially a homogeneous society, student placement in schools and classrooms is organized as heterogeneously as possible. In recent years, Finland has accepted increasing numbers of Somali and Eastern European immigrants. When non-Finnish speaking immigrants enter the system, they may be assigned to separate integration classes, but usually enter the mainstream after a year.

In essence, children in Finnish schools and classrooms are not "tracked," at least not to the extent of US schools. Due to the small size of schools, when a student is perceived to be struggling, he or she is assigned to a school welfare or care team. Each school has at least one trained intervention specialist who assists classroom teachers in remediating struggling students' encountered difficulties. Since the 1990s, grade retention in Finland has become very rare.

The common school approach continues through students' first two years of high school, at which time students enter either a vocational or college bound program. There is no stigma attached to vocational programs, with 43% of students choosing that option.³⁰ Another 52% of students enter the college option and the remaining 5% of students drop out. One key to the low high-school-dropout rate is that general and vocational upper-secondary schools use modular curricular units rather than semester- or year-long courses. Rather than repeating an entire year, secondary students are required only to repeat modules not successfully completed.³¹ Although most US school systems would be pleased with a 5% dropout rate, Finnish authorities calculate each dropout costs the Finnish economy approximately one million Euros over a lifetime.³²

Elementary-school curricula are individualized and teachers typically do not divide students by grade level. Often teachers say, "What do you want to read?"³³ Written grades are not assigned prior to fifth grade, rather verbal feedback is offered. Finns believe in high achievement for all students, but their definition is not an *NCLB*-type of accountability. Rather, they believe it necessary to offer a broad, culturally rich education to all students: there is no "dumbing down" of the curriculum for vocational students, for example.

High teacher quality and respect for educators is another reason for Finnish schools' success. According to Sahlberg, there is an 80% confidence level in Finland's schools.³⁴ According to one source, "Finnish teachers are drawn from the top quartile of upper-secondary graduates. Teachers are highly professional knowledge workers and are treated as such."³⁵ Among that top tier of college graduates applying for teacher education, only 15% are accepted to complete a three-year, graduate-level teacher preparation program which includes a living stipend. During their preparation program, teacher candidates not only receive extensive instruction on how to teach with a strong focus on research incorporating best practices, but also spend at least a year in a university-model, laboratory school. This enables teacher education students to "advance from basic teaching practice, to advanced practice, and then to final practice."³⁶ Such practicum experiences constitute between 15% and 25% of the overall teacher preparation program. One skill developed during teacher candidates' time spent in model schools is the ability to work in problem-solving groups. Finnish schools operate collaboratively and problem-solving groups are a key element in any school. Before moving on in my argument I want to note the importance of Finnish teacher education programs' research component. In a 2009 qualitative study involving 18 professors in a

variety of teacher education programs, researchers found, “A very typical feature of Finnish teacher educators was that they generally strove to model different theories and pedagogical aspects in their own teaching.”³⁷ The study’s author explains:

The present results showed that Finnish teacher educators strive to give tools for use in practical work, such as how to handle sensitive moral and ethical issues, also including complex pedagogical issues, through discussion, drama and role play. On the other hand, teacher educators promote student teachers’ critical and reflective thinking so that they can make and justify their own pedagogical decisions.³⁸

Because curricula are not driven by the Ministry of Education, Finnish teachers exert a great deal of authority in this area. Not heavily prescriptive, teachers have a great deal of authority to interpret directions, select their own materials and textbooks and design lessons. In essence, the local council acts as a type of school board. In any community teachers, working with the local council, determine the mission and goals of any particular school. However, since teachers are so well trained, and perceived to be educational experts, this process typically is quite collaborative. Most teachers in Finland have master’s degrees in both content area and in education, and are given sufficient planning time for both individual and joint planning.³⁹ Expanding upon the joint planning time element, “Teachers in Finnish schools meet at least one afternoon each week jointly [to] plan and develop curriculum, and schools in the same municipality are encouraged to work together to share materials.”⁴⁰ However, from an international perspective, Finnish teachers devote less time to formal classroom teaching than do teachers in many other countries.⁴¹ Comparing the annual teaching hours of typical Finnish and US middle-school teachers, Finnish teachers spend just over half the hours in the classroom as do their US counterparts.⁴² Teachers are also given ample time for professional development during the school year.⁴³ Perhaps this contributes to the official estimate suggesting only 10% to 15% of Finnish teachers leave the profession.⁴⁴

The approach to student assessment in Finland differs greatly from the approach taken in the US, for Finland uses no external tests either to rank students or schools, and most teacher feedback to students is in narrative form.⁴⁵ Finland does employ a centrally developed assessment given to samples of students at the end of the second and ninth grades, somewhat analogous to the National Assessment of Educational Progress (NAEP) administered in the US.⁴⁶ The results are used to help inform curriculum and distribution of resources rather than to administer sanctions. The other common examination administered in

Finland is a matriculation examination administered prior to students' entrance into universities. While not a high-school-graduation requirement, most college-bound students choose to take this examination.⁴⁷ Remarkably, this examination is given in the student's mother tongue (Finnish, Swedish, or Sámi).

While Finland does not strongly regulate schools through assessments, some researchers fear Finland's success on the international scale may move the country's schools in a more homogenized direction. According to Vitikka, Krokors, and Hurmerinta,

No curriculum can be developed in a void. In recent years, it seems that curricula have not only been shaped by national culture, but more and more by global discussion and comparisons. The interest in global evaluation of schooling, such as PISA, has been based on a notion that there is best practice that can be copied and transferred to different cultural contexts.⁴⁸

Rinne cites similar concerns, stating, "If national governments lose their grip on controlling education, they will be substituted on the one hand by supranational more global norms and, on the other, by more parochial local norms."⁴⁹ This is a situation leading Finnish educators continue to monitor.⁵⁰

Most assessment in Finland occurs at the classroom level, since "In the Finnish model of evaluation, the main idea is to develop and support, not to control, schools."⁵¹ As previously stated, Finnish schools are structured in a fashion which helps ensure student needs, including those of struggling students, are addressed. Students having difficulties are provided interventions in a timely fashion. Timely individual intervention likely is due to the small size of buildings and intervention teams located within each building. Traditionally, the evaluation of student achievement has been the domain of each teacher and school. In the words of Välijärvi, "Under the new educational legislation, educational institutions are obligated to evaluate their own operations and effects."⁵²

Can the Finnish Model Work in the US?

It is highly unlikely the Finnish approach to education could be imported, wholesale, into the US, nor would such an approach be advisable. However, it is possible that certain elements of the Finnish system could successfully be implemented in US public schools. When considering model importation, critics often note Finland's homogeneous population and its small size as a country. Sahlberg counters this criticism to some degree, stating the student population in

Finland is becoming more diverse and, with approximately 5.5 million inhabitants, is comparable in size to some US states. Since education is still theoretically a function of US states, he maintains it is possible for at least some US states to adopt elements of the Finnish model.⁵³ With the advent of *NCLB*, states have lost a great deal of their curricular autonomy. Legislators rather than educators have the upper hand in many states regarding educational matters. However, it is not impossible for states to regain some of their curricular autonomy, after which time some Finnish approaches could be implemented.

It seems the largest barriers to the US' implementation of the Finnish model are societal and economic. Many in the US population vehemently would oppose the adoption of a socialist welfare state similar to Finland's, particularly since such an ideology flies in the face of the current US educational power brokers: neoliberals. Closely related to this (and opposed by the same US contingent), the redistribution of wealth to poorer schools and districts in order to level the playing field for children would be virtually impossible in the current US system. In a society that relies heavily upon the property tax base to support public schools, equitably redistributing wealth to less-well-resourced districts presently will be an obstacle virtually impossible to overcome. However, the residents of many affluent US school districts are willing to tax themselves heavily in order to provide excellent schools for their children. In Illinois, for example, in fiscal year 2008 the most poorly funded K–12 unit school district spent \$6,009 per student while the most highly funded district spent \$31,226 per student: over five times the expenditure of the poorest.⁵⁴ In many states there have been numerous legal challenges over the years of inherent inequities in state school finance formulas. While the results have been mixed, virtually none of these cases has resulted in equitable redistribution of wealth across school districts.

Setting aside for a moment the funding equity issue, are there other elements of the Finnish approach that might be integrated into the US system? One possible consideration would be that of school size. Finnish and US class sizes are somewhat similar, typically hovering in the 25-students-per-class range.⁵⁵ However, as previously stated, school sizes in Finland are generally much smaller than in the US. While school sizes could be reduced, it clearly will have financial implications, both in terms of space for instruction and increased staffing levels. In the US the issue of teacher quality also could be addressed. Historically, teacher education candidates have not been drawn from the upper quartile of college students in the US, but from the lowest ten percent. Most states still require only a bachelor's degree for teacher certification, depending upon the content area and grade level. However, some states such as

Illinois are stiffening requirements for entrance into teacher education programs; before the cut score required for entrance into teacher education programs was increased in September of 2010, the vast majority of teacher education students passed the test on the first attempt. During September 2008 through August 2010, 85.5% of candidates passed the Basic Skills Examination on their first attempt, however, after the cut score was increased, the percent of candidates passing the examination on their initial attempt between September 2010 and August 2011 dropped to 28.3%.⁵⁶ One unintended consequence of the increased cut score in Illinois has been the percentage of minority candidates meeting the new requirements, particularly African-Americans and Hispanics, has plummeted.⁵⁷ While the number of pre-clinical experiences for US teachers have increased over the past three decades, it would be hard to argue against an expanded internship, or student-teaching experience. Many US, teacher-education institutions formerly hosted university-laboratory schools, similar to the current Finnish model schools. However, most US, university-laboratory schools have been eliminated over the past 40 years.

Another Finnish element to be considered by US schools is autonomy given to and creativity expected of teachers. In past decades US teachers and public schools were known for their creativity. However, in the US today many current teachers know nothing other than what Hargreaves and his colleagues call the Global Education Reform Movement (GERM).⁵⁸ The most obvious example of GERM is *NCLB*, as evidenced by the push to teach to pre-determined learning objectives with test-based accountability. Add this to possible sanctions imposed on teachers and administrators in schools failing to make Adequate Yearly Progress (AYP) under *NCLB*, and it is understandable how many US educators feel constrained in terms of expanding curricula. While US teachers may have the desire to implement new ideas and techniques, they feel constant pressure for their students to score well in AYP-tested areas. All these edicts tend to limit the focus of instruction and narrow curricula. In the words of Sahlberg, such mandated narrowing “minimizes experimentation, reduces the use of alternative pedagogical approaches, and limits risk-taking in schools and classrooms.”⁵⁹

Conclusions

More than fifty years ago, Harvard economist John Kenneth Galbraith coined the phrase “conventional wisdom” to describe esteemed ideas.⁶⁰ Resseger says, “Test-based accountability is today’s conventional wisdom.”⁶¹ An element of risk-taking is needed in order to restore creativity and innovative practices in US schools, for restoring

the status of teachers as educational experts and beginning to rebuild US public perceptions of education should become paramount.

This can only happen if all elements of US public education begin working together, including not only teachers, administrators, and parents, but also professional organizations. Such change requires groups such as the National Education Association (NEA), the American Federation of Teachers (AFT), the American Association of School Administrators (AASA), the National Association of Secondary Principals (NASSP), the National Association of Elementary Principals (NAESP), and those organizations representing parents to work together, not only at the national level, but also with their affiliates at the local, regional, and state levels to begin positively to influence the public perception of public education. Only by regaining the moral and professional high-ground as a unified community can professional educators and their constituents establish the groundwork to enable implementation of select Finnish-style reforms in the US system. These groups must understand internal fighting and bickering as well as allowing the neoliberal agenda to dictate public education will only harm the cause. They must also realize they can no longer remain naïve about those wealthy private individuals and foundations working against the cause of public education in the US. While it may be out of the norm for some of these groups, they must become politically active at all levels of government to promote the values and positive achievements of the US educational system.

Clearly, improvements are needed in some portions of the US public education system. Some schools have become dropout factories and some educators say educational leaders are complicit in this state of affairs. One author describing the Chicago Public Schools states,

I argue that the thrust of centralized control and accountability in these schools is to regulate students and teachers and to redefine education around the skills, information, procedures, and results of standardized tests. This kind of schooling prepares people for low-skilled jobs.⁶²

It is difficult to identify how *NCLB* has brought about the types of advances in student achievement envisioned by its authors, for it has largely had a narrowing effect on curricula and staff development efforts.

It is also unfair to claim that all US schools are failing and US education is in crisis. As previously shown, many US students and many US schools perform as well as the best in the world. Public school educators need to push back and inform the public, the media, and their legislators that US schools are productive, successful, and educationally sound. Educators need to inform and remind all constituents that public

schools have been and need to remain a backbone element of our society. They best can begin this process by working in concert with the parents of the students they serve.

In conclusion, we need a reasoned and thorough discussion of public education in the US, a discussion in which educators and parents have an equal place at the table with private individuals, foundation representatives, and politicians. It is only within that atmosphere a true consideration of Finnish-type reforms can have any reasonable chance of successful implementation. However, we must remember this is not an either/or decision. There are positive elements to both the US and Finnish educational systems. In a sense, the Finns are currently replicating what were once very successful US educational approaches. Perhaps we simply need to return to our roots.

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Using Dewey's Curriculum Theory to Analyze, Evaluate, and Reconstruct Educational Entities

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Introduction

When we¹ began this study, we were—as Dewey might say—both teachers and learners in a graduate course designed to examine research on and practice regarding educational reform in P–12 schools and in educator-preparation programs. Our inquiry included the objective of cultivating an understanding and use of a holistic curriculum paradigm labeled “A Fourfold Curriculum Framework.” This framework initially and primarily was designed to stimulate study of a range of learning factors or lessons that formally and informally constitute a curriculum for students in P–12 schools. An ancillary interest was to encourage the examination of non-school-based educational entities, including educator-preparation programs, developmental programs, and adult-education agencies. Eventually, the focus of the framework—in keeping with Dewey's thinking—broadened to include whatever entity or unit an individual or group desired to analyze, evaluate, or change (Simpson, 2006, 2012a; Simpson, Almager, Beerwinkle, Celebi, Ferkel, Holubik, & Reed, 2011).

The Fourfold Curriculum Framework (FCF) is a set of lenses and a flexible classification system of four intersecting dimensions of curriculum—or curricula—identifiable within Dewey's writings (e.g., 1895/1964, 1916/1966, 1938/1963) and, partially, within other theoreticians' works (e.g., Goodlad, 1987; Schubert, 1986). The FCF also is designed to clarify the curriculum's scope and broaden and deepen curriculum planning, e.g., provide vistas on nearly any curricular

concern. An implication of this type of study includes educators' collaborating with others to improve or recreate learning conditions and environments.

In order to facilitate the FCF's utilization, we employed an analytic model: A Model for Curriculum Analysis, Evaluation, and Reconstruction (AMCAER).² The AMCAER is a reflection-to-action scaffolding used by those who employ the FCF to participate in curriculum analysis and development. To contextualize our particular research, we first provide brief explanations of Dewey's general curriculum theory, the FCF, and the AMCAER before explicating our specific AMCAER endeavors.

Dewey's General Curriculum Theory

As we begin, it is helpful to note Dewey's general curriculum theory is an integral part of his overall educational theory and entwined with his naturalistic learning theory. His curricular interests, therefore, include whatever students are learning wherever they are. In a school context, Dewey pinpoints a curriculum when he mentions school subject matter, e.g., a formal study of language, mathematics, history, the sciences, and the arts (Dewey, 1938). An ideal school curriculum, however, is more than that, necessitating a planned and guided learning process as students interact with content (Dewey, 1902/1959). Even so, a school curriculum involves much more than simply the planned, for unplanned "collateral learning" may be every bit as important as planned learning (Dewey, 1938/1963, p. 48).

In a societal context, Dewey frequently alludes to curricula learned in unexpected locations—cafés, parks, clubs, banks, malls, social media sites, theatres, streets, stadiums, neighborhoods—to be as educative or miseducative as schools (Dewey, 1913/2010). Interestingly, Dewey argues students' learning experiences in formal educational institutions should be similar in particular ways to those in informal learning contexts, i.e., students actively should be involved in communities of inquiry more like everyday ways of interacting and learning than those stereotypical, formal academic endeavors of his time (Dewey, 1911/2010, 1938/1963). Curricula and interactive methods also should be characterized by students' naturally acquiring facts and ideas gradually organized into bodies of information and spheres of meaning (Dewey, 1913/2010, 1938/1963). Students should learn to distinguish between opinion, speculation, dogma, and warranted assertions (Dewey, 1910/2010) to discover and solve developmentally appropriate personal and social problems (Dewey, 1903/2010) and to construct and apply knowledge to an assortment of developed interests and challenges (Dewey, 1910/2010).

A Fourfold Curriculum Framework³

Since we are interested in using lenses that contain instructive markers and practical parameters for understanding and doing curriculum development and research, we identified and utilized the Fourfold Curriculum Framework. The FCF is a theoretical construction that provides a holistic approach to curriculum study. It involves four dimensions which influence teaching and learning: (a) epistemological and aesthetic curriculum, (b) pedagogical curriculum, (c) anthropological curriculum, and (d) ecological curriculum (Simpson, 2006). These four dimensions of curriculum are overlapping, not discrete, although it is possible to differentiate them (See Appendix A: The Fourfold Curriculum Framework in External Socio-Economic-Political Environments). Appendix A illustrates how the four curricula are nested within the framework while communicating the idea that boundaries are permeable, porous, malleable, and dynamic. Likewise, it conveys the notion these four curricula are embedded in, bleed into, and interact with local and global, external, socio-economic-political environments that contain and convey their own lessons.

Succinctly, the *epistemological and aesthetic curriculum* (or conventional curriculum⁴) refers to programs of study officially taught within schools in many communities, provinces, and states. This curriculum regularly includes study of such subjects as art, literature, religion, history, music, biology, drama, technology, philosophy, chemistry, mathematics, vocational education, physics, music, and government. Certain elements—but not all—are usually focal points of assessment and change efforts. An overemphasis on this curriculum or some subparts, however, can lead to an under-emphasis on other curricula, thereby weakening and unbalancing the systemic, organic health of classrooms and schools (Au, 2007; Dewey, 1937/2010).

Although the epistemological and aesthetic curriculum is commonly the foremost emphasis of school change agendas, the *pedagogical curriculum*—e.g., instructional practice—is usually recognized as important, too. To be sure, debates abound regarding the most effective and economical means of teaching specific populations particular knowledge, understandings, skills, and dispositions (Eisner, 2005; Stiggins, 2005). Indeed, highlighting this curriculum may lead to slighting other areas, including many ethical interests (Infantino & Wilke, 2009) such as those hidden in the question: How do we foster justifiable kinds of dispositions, attitudes, values, citizens, communities, and nations? Regardless of how we answer this query, Dewey (1916/1966) notes the curriculum conveyed by those general methods and specific processes teachers employ may deposit both positive and negative ideas and

attitudes. How a teacher theoretically and instructionally approaches the study of history, for example, constitutes part of what students learn about content and its interpretation but also whether they learn effectively, enjoyably, and reflectively. The pedagogical curriculum also may convey desirable and undesirable lessons about open-mindedness, fair-mindedness, and problem-solving abilities. Analyzing the pedagogical curriculum involves, therefore, an examination of teacher-student, student-student, and student-content interactions and an analysis of the selection and utilization of materials and technology. Ready companions of the pedagogical curriculum are the hidden curriculum (Kentli, 2009) and unplanned lessons (Dewey, 1938/1963), which need to be identified and problematized (Freire, 2003).

The *anthropological curriculum*—the lessons we educators, students, and partners communicate subconsciously and consciously to one another because of who we are and how we think—is a humanly inclusive concept; we can focus the notion tightly or loosely (Bernstein, 1990; Magrini, 2009). Dewey (1916/1966) thinks educators should remember the knowledge and values educators and students bring to school influence the scope, attractiveness, and richness of the curriculum. Welcomed or not, we, as educators as well as our students, are curricula. Certainly we need to remember that without reflective, caring, well-prepared teachers in schools, compulsory attendance laws may actually foster a disguised form of child abuse (Simpson, 2012a). Everything considered, evaluating the professional human curriculum is both a crucial and sensitive responsibility. It is crucial we appraise the pre-service and in-service preparation teachers receive, the ways their expertise is utilized in schools, the value placed on germane staff development, and the assistance districts provide teachers. It is a sensitive responsibility since we, as professionals, are who we are to a substantial degree because of legal, policy, institutional, and community prescriptions and traditions. Hence governmental, institutional, and social structures frequently need evaluation and reconstruction if educators are to be a uniformly talented and high-performing profession.

The *ecological curriculum* includes, among other factors, staff- and district-created conditions and environments as well as the organic wholeness Dewey identifies in his writings (Dewey, 1895/1964; 1916/1966): (a) the material realities—physical and technological—that constitute many of the conditions that create and facilitate learning and teaching environments, (b) the cultural realities—climate, values and community—that shape teaching and learning environments, and (c) the systemic realities—the gestalts and configurations of entities—that comprise the organic nature, development, and function of the

curriculum's pedagogical, human, social, and cultural dimensions (Dewey, 1895/1964). This organic, systemic way of viewing curriculum identifies potent, but sometimes imprecise, influences that shape schools and classrooms and, thereby, student learning, thinking, valuing, and acting. Variables that play a role in classroom and school ecosystems—*educosystems*⁵—are numerous, involving policies and laws, traditions and norms, and cultures and affiliations.

When the epistemological, aesthetic, pedagogical, anthropological, and ecological curricular dimensions are interpreted in light of Dewey's general curriculum theory, it becomes clear he desires educative experiences for students which enhance their epistemological and aesthetic judgments and appreciations, awaken⁶ their minds to ideas and values taught indirectly and directly in democratically engaged classrooms, utilize their culturally inherited and personally acquired understandings, and encourage their construction of aesthetic experiences and holistic interpretations of their lives and worlds.

A Model for Curriculum Analysis, Evaluation, & Reconstruction⁷

Earlier we noted AMCAER is a reflection-to-action model that works as scaffolding for curriculum workers. In part, this scaffolding enables analysis and evaluation by employing the fourfold curricular lens to examine entities. This scaffolding also assists us as we move to a reflective reimagining and reconstruction of any curricular dimension (Eisner, 2005). Implanted in this kind of curriculum study is a group of decisions. Among those decisions are those that fall into five spheres: (a) educational entity, (b) model serviceability, (c) research methodology, (d) interpretative schemata, and (e) timeframe focus.

The first decision is the choice to explore the employment of the AMCAER model for planned analysis of an educational entity. The provisional conclusion to use AMCAER is clarified and affirmed/disaffirmed by raising a cluster of questions to ensure our final decision is defensible. While we considered many questions, we delineate only three: Is the entity sufficiently complex to warrant an holistic and systemic analysis?; Will the analysis and reconstruction be defective if a comprehensive study is not completed?; and these two questions assume a third, prior question, Which subparts of the entity will be analyzed and changed?

A second but partly overlapping decision is to ensure the model is serviceable with a specific entity. Among the questions considered are: Does the model help us learn what we most need to know?; and Will a less-complex model be a better choice?

A third series of questions that merits deliberation involves the

kinds of research undertaken. Illustrative questions are: Can the study rely on existing historical and traditional assessment data?; Will the study employ mixed methods so the data collected has sufficient specificity, richness, and power when answering questions?; Will ethical issues be examined?; and Do our research questions fit freely into the framework?

A fourth sphere of decision-making is concerned with identifying which interpretative schemata offer the most insight on data and the entity. How do Confucian, Ghandian, Marxian, and Vygotskian interpretative paradigms as well as others assist us in understanding and reconstructing educational means and ends?; and Do their images of leaders, teachers, and students foster a rethinking of theory and practice?

The final sphere of decision-making, which may be less of an option for many, can be labeled a timeframe focus. In this realm, our assignments include using the AMCAER to do (a) an historical or retroactive study, (b) a contemporary or present-day study or (c) an imaginary or hypothetical study. Our studies vary as do our experiences. Many of us either did historical or hypothetical studies. Several of us completed contemporary studies that were a part of our current employment or volunteer responsibilities. To complete our studies, we relied on archives, public records, websites, media outlets, and other site-specific data. We were also encouraged to draw from our recollections of experiences for historical studies and use our imagination regarding how we might carry out a study in a hypothetical situation.

The Nature of the AMCAER Projects

We used the AMCAER to examine several kinds of entities, e.g., classrooms, schools, professional standards, and educational programs, to determine how well they were designed to achieve or were actually achieving their stated objectives. Our decision to pursue specific studies was informed by our past experiences, present work, current studies, and future goals, also aided by previously constructed and newly created questions (Simpson, 2012b). Appendix B: Potential Questions for AMCAER Projects encourages both discussion about and creation of additional questions. As shown in Appendix B, we were counseled to identify entities and relevant project purposes, facts, standards, information, and curricula for the report we would develop. Since AMCAER is designed to facilitate open-ended inquiry, we thought outside of the Appendix B cubicle to explore a variety of queries, including: What are the questions administrators, staff, guardians, and students wish to have answered?; Have we listened to the ideas of people from all pertinent groups, such as the poor, LGBTQ, middle-class, immigrants and wealthy?; and How do we ensure our conclusions are as open- and fair-minded as possible?

The entities we examine are related to two types of institutions: (a) P–12 schools and (b) universities. We were uniformly interested in determining whether entities were characterized by one or more of the following: curricular adequacy, pedagogical effectiveness, and ethical integrity. The P–12-related entities were: (a) science standards; (b) teaching-English-as-another-language standards; (c) teacher-constructed, direct-instruction, literacy activities; (d) first-grade aesthetic, anthropological, pedagogical, and ecological curricula; (e) K–4 mathematics intervention strategies; (f) the means and ends of a communication arts program; and (g) a curriculum management system. The university-related entities were (a) developmental education plans; (b) faculty credentials in an English-as-another-language program; (c) student affective outcomes in a master's program; and (d) aspects of an institutionally operated literacy program. Studies within both types of institutions usually involved more than one of the four curricular dimensions because of the fluidity of curriculum and the all-encompassing nature of the ecological curriculum.

Among the many inquiries assumed or articulated in the study of these diverse entities is the following sample: Does the selected literacy program provide the full support children need to learn to read well?; Which aesthetic, anthropological, pedagogical and ecological factors contribute the most to the success of students in a first-grade classroom?; and How well prepared are the professors of an English-as-another-language program in a private university?

The Specific AMCAER Projects

As a group, our professional backgrounds are diverse, including many from P–12 school settings and one each from developmental education, health sciences, and pre-school, literacy programs. Two of us, international students, chose to focus on educational settings in our countries of origin. Each of us found and demonstrated how the AMCAER model and process was a useful means of analyzing educational sites or entities. An overview of our findings follows. While we organize our findings in terms of the Fourfold Curriculum Framework, we discuss epistemological and aesthetic findings with other curricular dimensions in the final framework section.

Using a Pedagogical Lens to Surface Student Perspectives and Attitudes

Curriculum analysis typically focuses exclusively on the conventional curriculum. We expand that focus by examining situations using other elements of the FCF. A health sciences master's program was the setting for a project exploring dispositions engendered through

its pedagogical curriculum. Hendrix (2012) analyzes the program's coursework and the increasing role of ethics in the field. She notes, "educating future participants in the healthcare field...is an exciting and ethics-laden job" (p. 1). In her analysis, she combines the epistemological moral curriculum with Stiggins' (2005) taxonomy. Stiggins regards the development of inclinations to act on what has been learned as the highest level of student learning. Hendrix states that by viewing the curriculum through a pedagogical lens, she identifies instruction (e.g., sharing and discussing issues) that leads to addressing desired dispositions.

Jerbi (2012) analyzes the pedagogy of an English-language curriculum. She notes two trends in the teaching of English have strong positive effects on the pedagogy of the study's teachers. One trend, the use of Information and Communication Technologies, is used extensively by a teacher Jerbi observes engaging students in their language-learning through multimedia activities. Another trend is the communicative approach in which teachers shift from merely providing knowledge to facilitating the use of knowledge. In the shift in expectations from accuracy to fluency, teachers attempt to create supportive environments in which students collaborate in real-world situations. In her study of a faculty in a private university's second-language-acquisition program, Celebi (2012) finds a need for professors to understand more fully what their pupils are experiencing as they struggle in a second-language environment.

Bowman (2012) finds inquiring into the pedagogical curriculum informs implementation of the conventional curriculum. She describes the C-SCOPE curriculum and employs the pedagogical curriculum as a lens to look at teaching in a C-SCOPE school. She examines pedagogy that enhances the conventional curriculum through promoting flexible, group learning, enrichment activities, individual inquiry, and technology integration.

Using an Anthropological Lens to Explore the Human Element

Building on Darling-Hammond (1999) and other researchers who present evidence the teacher is the most important factor in a classroom, some of us explore environments or entities via the anthropological curriculum. The need to build the capacity of math and science teachers is addressed by Smith (2012), Bryan (2012), and Plowman (2012). Smith and Plowman note elementary school teachers' lack of math and science content-knowledge can prove a key obstacle to student learning. Smith finds many teachers are not getting adequate professional development to enable them to build a deep knowledge base. Plowman argues that teachers who understand their grade level's math do not always possess

the pedagogical content-knowledge to teach it well. Smith also finds teachers who are able to present a class lesson adequately sometimes have difficulty creating intervention lessons for students who do not master taught tasks. Bryan adds intervention requires being able to diagnose and decide on remediation needs, a process that requires a deep understanding of pertinent math knowledge and children's mathematical thinking (Ireland, Watters, Brownlee & Lupton, 2011). Plowman observes highly prescribed, pedagogical environments inhibit even highly talented math teachers.

Using an Ecological Lens to Transcend Conventional Analyses

Our studies indicate the AMCAER provides a lens that helps us go beyond the analysis we would have or had done otherwise; it provides extra lenses that allow us to view our research settings in fresh ways. Warner (2012) describes a curriculum review of a high-school English department. The review focus had been strictly on the epistemological and aesthetic or conventional curriculum, comparing state standards with actual content and assignments in English courses. Using the AMCAER to look back on the revision process, Warner finds that the curriculum committee did not consider the ecological curriculum because it was not deemed part of their charge. He concludes the curriculum work undertaken earlier would have been much richer in insight and impact if a broader view of curriculum had been used. Hammer (2012) explains her analysis of a developmental-education program. She describes the ecological curriculum and uses it as a lens to explore how a state's political environment has an effect on institutions. She observes legislation shaping the content and clientele of developmental education and notes the importance of navigating the political landscape in order better to serve students. The ecological lens enables her to examine ways developmental education can further democratic values by extending opportunities to a broader, more-diverse population.

Examining the ecological curriculum also provoked inquiry among us as we created our research projects, e.g., we shared questions about the areas we studied. The AMCAER proved useful in supporting our inquisitive stance. Issues of equity and access surfaced as we examined the outcomes of our programs using an ecological lens. Isidro (2012) draws attention to the nested quality of curricula, with the conventional curriculum situated within pedagogical and human aspects, and the ecological curriculum serving as an enveloping framework. In examining the curriculum of a pre-school organization, Isidro seeks answers to many questions related to the ecological curriculum: Does the curriculum provide a positive learning environment for children?; and

Does the curriculum promote equitable opportunities? In examining a high-school, English curriculum, Warner inquires: What types of literature are available?; and How diverse are the producers of that literature? Hammer questions the access and opportunity afforded students in developmental classes: Does the developmental-education curriculum promote the democratic values of equal opportunity?; and Are all developmental-education students exposed to the same quality of teaching and curriculum?

Using the Framework to Broaden and Integrate Interventions

As we learned to use the AMCAER, the connections across different aspects of curricula became increasing clear. Jerbi describes the excellent pedagogical practices she observed in English-language classrooms, noting that pedagogy was partly a result of developing teachers' human capacities. Even so, she recommends the professional development of teachers include technology as a means of enhancing superior pedagogy already employed. Celebi similarly recommends building professor capacity through knowledge of the language-learning process so instructors have a better understanding of their students' challenges. Citing the importance of the ecological curriculum, she recommends the physical environment of classrooms be made more attractive and conducive to learning. Hendrix examines the conventional curriculum including standards for health-profession education and finds a need to address students' affective learning. She finds attention to pedagogy that builds affective capacities is needed to enable students to develop dispositions expected by the current, medical world.

Many of us conclude we need additional experience using AMCAER to make more suitable recommendations. Our assigned experiences constitute an important step in this direction. Plowman, after offering high praise for the teacher she observed, concludes the teacher needs more pedagogical freedom so classroom activities can become more diverse, engaging, and exciting. Isidro says there was little attention paid to the ecological curriculum in the pre-school settings she analyzes and recommends further inquiry in that area. Hammer, moving outside of an institutional setting, recommends specific inquiry into developmental education's political climate be undertaken in order to facilitate making changes designed to improve student services. Smith lists a variety of data sources that need to be examined in order to inform recommendations for science teaching. Scott (2012) recommends educators use multiple teaching strategies, create more casual environments, and act on their knowledge of diversity to serve all students well.

We find AMCAER amplifies our ability to analyze particular educational entities in substantial ways. Warner (2012) captures our thoughts when he argues the typical object of curricular review is the conventional or “official” curriculum and the typical analysis and revision is “fairly cursory” (p. 3), resulting in minimal improvement. AMCAER, however, allows intellectual access to new ways of examining educational worlds. By broadening our analyses to include other elements and by focusing on those curricular aspects that seem most pertinent, we are able to suggest ways an analysis can lead to a deeper level of intervention and improvement. By extending the analysis and, indeed, extending the purview of those conducting the analysis, the complexity of curricula is recognized: a complexity we recognize then becomes a complexity we can address.

Conclusion

At this juncture, we want to synthesize several ideas and add a few fresh ones. First, we wish to note our projects proved informative in those ways noted heretofore; they provided new windows of seeing classrooms, schools, standards, and programs more inclusively and systemically. We are better prepared to examine and suggest changes for educational entities than before undertaking our studies. Second, our introduction to Deweyan theorizing, the FCF, and AMCAER was more time-intensive than expected. In part, this stems from our having to rebuild some of our curricular views and requiring an introduction to Dewey's thinking. Learning to identify the conceptual and theoretical distinctions of the four overlapping curricula also was challenging, because we have been socialized to ignore many features of human and environmental curricula. Grappling with the fluidity of curricula and recognizing curricular dimensions simultaneously can involve multiple connections and judgments proved sometimes as puzzling as it was enlightening. Likewise, appreciating the dynamic proportionality of the four curricula and the movement of curricular dimensions from the foreground to the background and vice-versa tested previously formed assumptions.

Third, given our studies, we conclude that many, perhaps most, professional educators could profit significantly from being acquainted with a broad philosophy of curriculum such as Dewey's, which helps capture the complexities and comprehensiveness of curricular analysis, development, and evaluation. When we as educators begin studying and guiding the full range of educative forces that permeate and influence the people, activities, and contexts of our entities, we stand a better chance of educating all students well. In fact, we probably will not reach our full potential as educators in fostering an understanding of the

conventional curriculum if we ignore one of Dewey's pivotal emphases: the organic and systemic nature of curriculum. In part, what we suggest is educators and students can profit considerably if we understand, evaluate, re-envision, and recreate the life and work of our specific educational entities as a whole. This Deweyan idea, of course, should neither be seen as an educational panacea nor as dogma. Nor can it stand in isolation from other hypotheses worthy of attention, experimentation, and refinement. Instead, we merely suggest an idea that ought to be situated in scholarly and professional communities of inquiry that promotes imaginative, reconstructed, and holistic ways of teaching and learning.

Endnotes

- 1 When the pronoun *we* is employed, it may include either instructors or students or both instructors and students. The context clarifies how inclusive the conception is. We started this study in Spring 2012 when we were both teachers and learners in EDCI 6306 Advanced Seminar. Instructors Simpson and Johnson and eleven of the fourteen students in the course contributed to this paper.
- 2 The model that evolved into the current AMCAER has been variously labeled as it has been reconstructed, e.g., "Toward a Neo-Deweyan Theory of Curriculum Analysis and Development" (Simpson et al., 2011) and "Analytical Model for Curricular Analysis and Reporting" (Simpson, 2012a).
- 3 Although the inspiration for this framework is Dewey's theory and, to a degree, the theory of others, the entire set of terms is not used by him or others as far as we know. While the initial construction of the FCF was based on Dewey's writings, we do not imply that those who use the FCF or AMCAER should be Deweyan theorists. We think the framework is employable by educators who have very diverse philosophical commitments so long as they have a holistic interest in curriculum.
- 4 Dewey, as noted earlier, is non-conventional in many of the ways he views curriculum. As a result, the term is employed here to accommodate the ways it is used to describe curriculum by many others.
- 5 *Educosystems* is a neologism intended to draw attention to the idea that classrooms, schools, districts, and other entities are organic curricular systems, separately and collectively, and that they function well to the degree that their parts are understood, constructed, operationalized,

and evaluated in healthy, reflective, and ethical ways. Like an ecosystem, curriculum is an organic or living system whose health is dependent upon the well-being of all its constituent parts.

- ⁶ Paulo Freire's conception of critical consciousness comes to mind as a powerful way to deepen Dewey's thought.
- ⁷ This portion of our inquiry draws considerably from Simpson's (2012a) unpublished paper "Analytical Model for Curricular Analysis and Reporting."

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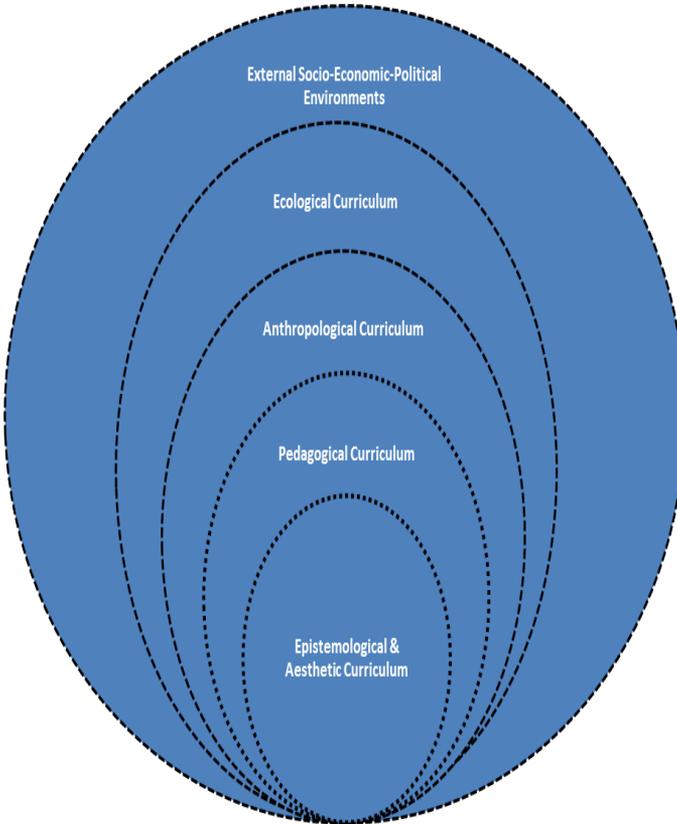
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Appendix A

The Fourfold Curriculum Framework in External, Socio-Economic-Political Environments



Appendix B

Potential Questions for AMCAER Projects Retroactive, Contemporary, and/or Hypothetical Studies (Seeing through prior, present, and prospective lenses)	
Questions (The use of these questions is neither required nor necessarily in sequential order. Imagination is encouraged.)	
Entity	What entity or unit am I analyzing and evaluating? (e.g., a site's culture, a library, a laboratory, an academic program, a specific curriculum, a student services office, a set of standards, a college major, a staff or faculty, a student population)
Purpose	What have I decided or been asked to do? (e.g., to determine the alterable factors which contribute to low student/client success rates, high employee attrition rates, and low staff morale and to make recommendations that can lead significantly to enhancing desired outcomes of an entity)
Facts	What do I want to know about the program, services, laboratory, curriculum, cultures, staff, students, clients? (e.g., strengths, weaknesses, attainments, recognitions, awards)
Standards	What professional standards are relevant to my analysis and evaluation? (e.g., American Association for Health Education, American Library Association, Association for Educational Communications and Technology, National Accrediting Agency for Clinical Laboratory Sciences, National Association for Developmental Education, National Council for the Social Studies, Teachers of English to Speakers of Other Languages)
Inquiry	What information is relevant to and what data are needed for analyzing and evaluating the particular entity or unit? (e.g., test data, consultant's report, ethical code, staff preparation, professional-development records, accreditation-team report, annual reports, personal research, observations)
Curriculum	Which elements of my analysis and evaluation fall into one or more of the fourfold curriculum framework? (i.e., epistemological and aesthetic, pedagogical, anthropological, or/and ecological)

Report	What should I include in my report that will be informative and useful for the entity leaders? (e.g., relevant history, data, findings, and recommendations)
Judgments	Which of the normative or value judgments embedded in the aforementioned questions are in greatest need of excavation, clarification, and interrogation? (e.g., assumptions regarding success and failure, selection of data for analysis, inclusion and exclusion of ideas in report)

Confronting the Unexpected in the Friendship of Flora White (1860–1948) and Robert Strong Woodward (1885–1957)

Linda C. Morice, Southern Illinois University Edwardsville

Introduction

Biographer Nigel Hamilton offers this advice to authors who write the lives of historical subjects:

It is vital to keep curiosity and skepticism running in tandem.... What will you do...if your biographical research turns up material that runs counter to your initial thesis, or predisposition? How will you stop yourself from seeking only evidence that supports a conviction, rather than evidence that might not?¹

I confronted this situation while researching the life of Massachusetts progressive educator Flora White, who spent her career developing the health and physical fitness of young women during the late-nineteenth and early-twentieth centuries. White's speeches, published articles, newspaper accounts, school catalogs, and biographical references suggest she pursued her career path with certainty, in opposition to widely accepted gender assumptions of the time. On the invitation of the Secretary of the Massachusetts Board of Education, she taught physical culture (physical education) at her alma mater, the primarily female Westfield Normal School. She also studied under kinesiology pioneer Baron Nils Posse at the Posse Gymnasium in Boston, and became his Associate Principal in 1895. The following year White presented a paper on active learning at the annual meeting of the National Education Association (NEA); it was a time when, according to Rousmaniere, NEA speakers were "all male and almost all administrators."² In 1897 she founded Miss White's Home School in Concord, Massachusetts, which she "organized for girls."³ In addition to its strong academic program, the school focused on "the development of physique."⁴ White modeled what she taught. Contemporaries recalled she did a daily handstand until she was nearly seventy.⁵ One local

newspaper reported that until White was eighty years of age, “she was considered the most athletic woman in the country.”⁶

Utilizing this information, I published articles describing White’s confident pursuit of female fitness in a linear fashion.⁷ Later, new primary sources suggested a need for a more nuanced interpretation. Those sources include a group of letters (1940–1942) White received from New England landscape and still-life painter Robert Strong Woodward, whose close friendship with White is unexpected in itself. While White was known for encouraging athleticism among women, Woodward was a man who suffered the complete paralysis of his lower limbs at age 21. His letters repeatedly voice concerns about health—White’s as well as his own—thereby causing me to wonder if White’s pursuit of physical fitness involved more complexity than her public persona suggested.

Letters to Flora White from Robert Strong Woodward underscore the importance of continually keeping an open mind when writing about a biographical subject. My effort to contextualize Woodward’s letters led me to Verbrugge,⁸ who finds a climate of pervasive worry about health existed in nineteenth-century Massachusetts when White formed her personal and professional beliefs. White and Woodward’s writings reveal they were conscious of the fragile nature of health, an awareness heightened by personal and family circumstances and by the limiting factors of advancing age. Although their friendship was strengthened by a distant family relation and their mutual identification as New Englanders, White and Woodward also shared the experience of being outliers with respect to prevailing gender norms. Their friendship illustrates the complexity of factors influencing White as she sought to develop what Verbrugge called “able-bodied womanhood.”⁹ Through their unexpected friendship I have discovered Flora White was a far more interesting and complex person than that character who would have emerged from a narrow consideration of her professional accomplishments. The implications for my findings go well beyond White’s singular life story. As Finkelstein writes, biography can serve as a powerful lens for educational historians. Indeed, “Biography is to history what a telescope is to the stars.”¹⁰

Review of Literature

Flora White’s emphasis on exercise and physique countered a widespread, nineteenth-century belief in female frailty in the United States, the historical antecedents of which are analyzed by Smith-Rosenberg and Rosenberg.¹¹ They cite physicians’ warnings that too much activity unnerved females, creating a host of maladies from hysteria to dyspepsia, and the widespread belief the uterus was connected to the nervous system, so overexertion might lead to weak

and degenerate offspring. By 1850 a cult of ill health had developed in the US that encouraged women to demonstrate their femininity by being invalids. Twin¹² writes this standard was applied to all women, although many agricultural, slave, and working class women performed back-breaking labor on farms and in mills, factories, and private homes. Moreover, until the late 1800s even the mildest female exercise regimens had little public support in the US.

Todd¹³ characterizes nineteenth-century America's discourse on female frailty as an outgrowth of a century-earlier debate between the philosophies of Jean-Jacques Rousseau and Mary Wollstonecraft. This discourse continues into the early twentieth century at which time psychologist G. Stanley Hall advocated limitations for women in his two-volume work *Adolescence*,¹⁴ the "brilliance and nonsense"¹⁵ of which remains the subject of scholarly discourse.

Vertinsky's study of women, doctors and exercise in the late-nineteenth century finds the notion of male as *the standard* so pervasive in medical ideologies that it affected women's view of themselves.¹⁶ Even normal biological functions such as menstruation and menopause were regarded as signs of illness that required rest and medical observation. Verbrugge researches middle-class women in nineteenth-century Boston and finds they worried about their health because it seemed precarious, especially when compared to the male norm. Amid a climate of uncertainty prompted by sweeping social change from immigration, industrialization, and urbanization, women sought to improve their physical well-being through health education, gymnastics, and—eventually in some quarters—sports. However, like many Boston residents, they were worried about "infectious diseases, chronic conditions," and the vulnerability of their own bodies in a city they perceived as menacing and dangerous.¹⁷

Narrowly defined notions of femininity could not exist without equally narrow conceptions of masculinity. According to Twin, at the turn of the twentieth century a proliferation of articles in the US popular press voiced concern about boys' loss of male role models as men left family farms to work in factories.¹⁸ These worries increased when large numbers of women began to populate the nation's classrooms due to the feminization of teaching, a process analyzed by Perlmann and Margo.¹⁹ Organizations such as the Boy Scouts were intended to compensate for lost male role models, as was participation in sports.²⁰ Twin cites Theodore Roosevelt, who in 1893—eight years before becoming President of the United States—articulated beliefs in his address, "The Value of Athletic Training," in which he repeatedly uses the word "manly" to describe the national character of the United States and the lifestyle athletics creates.²¹

Sources and Methodology

Primary sources utilized in my research are ten letters Flora White received from Robert Strong Woodward, as well as letters she wrote and received from family, friends, and professional associates. White's correspondence, which spans the period from 1885 until her death in 1948, is held in a private collection. Despite the large number of letters, her responses to Woodward are not extant. Fortunately, White's private views are also presented in poetry, which she wrote and dedicated to individuals who were close to her, including Woodward. Another valuable primary source is "Life Facts of Flora White and Family Recorded Mar. 18, 1939," penned by White and only recently cataloged at the Heath (Massachusetts) Historical Society. Additional sources include White's unpublished manuscripts, published speeches and articles, school bulletins, local histories and newspaper articles, as well as those secondary sources previously cited. Sources on Woodward's life include the Robert Strong Woodward Letters and Papers (1890–1985) in the Smithsonian Archives of American Art, Maitland's essay, "Robert Strong Woodward in Heath,"²² and materials compiled by Dr. Mark Purinton, a physician who, as a young man, served as Woodward's driver.

My methodology was, first, to analyze Woodward's letters to White to identify passages dealing with health and gender; and second, to contextualize them by drawing comparisons to other primary and secondary sources, including White's poetry. A final step was to conclude whether my earlier depiction of Flora White should be adjusted. I first focus my discussion on White's and Woodward's life stories, then on the letters' content and finally on my conclusions.

Focus on the Lives of Flora White and Robert Strong Woodward

Seminal events in the lives of Flora White and Robert Strong Woodward contributed to a shared perception that health was fragile. White was born in 1860 on a family farm in the town of Heath in Franklin County, Massachusetts. She was the youngest of six children, one of whom died at age two. When Flora was 20 months old, her father died after a lengthy illness resulting from an inflammation of the stomach and bowels.²³ Flora's mother sold the farm and the family moved to nearby Shelburne Falls, where Mrs. White was "practically an invalid."²⁴ Although Flora White would have had little memory of her father, she possessed, at the time of her death, a copy of his funeral address. The presiding minister acknowledged Mr. White's "unusual sufferings" and said his disease could not be reversed by "sympathizing neighbors," "skillful and experienced physicians," or the "devotion of a wife who loved him." The minister also observed, "Severe trials this side

of death will in all probability be ours and to the great trial death itself we must all submit.”²⁵

Flora White’s father’s death dealt a serious financial blow to the family, causing them eventually to return to Heath. The family fragmented further in 1864 when Flora’s only surviving brother, eight-year-old Joseph, was “bound out” to another farm family.²⁶ The practice of binding children was widespread in the US during the nineteenth century and usually involved those children who were illegitimate or orphaned, or whose families could not care for them. Under this arrangement, the master gives the child food, clothing, schooling, and preparation for a trade; the child’s family, in return, receives payment for his or her labor. Although he kept in contact with his mother and sisters, young Joseph White remained in the binding arrangement until he was 21 years of age.

Flora White’s immediate family members’ lives also were affected by health issues. Emma White Hillman—Flora’s eldest sister and the only one who married—had ten children, two of whom (including Flora’s namesake) died of tuberculosis at early ages. The Hillmans left Massachusetts early in their marriage, moved to Nebraska, and continued west, eventually settling in Washington state in the hope of finding a healthy climate.²⁷ Another sister, Harriet (“Hattie”), evoked the cult of female frailty by suffering a “breakdown” while teaching at the Huguenot Seminary in the Cape Colony, now part of South Africa.²⁸ In 1885, Flora went to the Cape Colony to assist her “dyspeptic” sister,²⁹ teaching there for two years; Hattie eventually lost her job and went to recover in a sanatorium for believers in divine healing in Switzerland. After Hattie died at 52, a Franklin County newspaper gave the following explanation of her death, likely provided by Flora: “She was a woman of brilliant attainments and because she was so capable, overestimated her strength and her health failed.”³⁰ In 1939, Flora was more direct in explaining the circumstances of Hattie’s demise, noting she “died in hospital at Northampton of a cancer that for religion reasons she refused to have removed.”³¹ Flora lived most of her adult years with her sister Mary (“May”), who taught at Miss White’s Home School in Concord. Even the school’s founding was influenced by failing health.

While working at the Posse Gymnasium, Flora White suffered acute appendicitis, resulting in hospitalization, surgery, and an extended rest period. That—plus the death of 33-year-old Posse—led White to seek another opportunity at Concord. Miss White’s Home School closed in 1914 at Mary White’s request because of concerns about *her* health (she died in 1938 after a long illness). In retirement, Flora and Mary White took up residence in Heath, the town of their birth. They had spent summers there and had persuaded Dr. Grace Wolcott, a Boston

physician specializing in women's health, to establish "an occupational camp for nervous patients."³² Dr. Wolcott died unexpectedly in 1915. Some of her patients bought property in Heath, including Ethel Paine Moors, who became a benefactor of Robert Strong Woodward.

Woodward's life story suggests why he, too, had reasons to be concerned about health. He was born in 1885 in Northampton, Massachusetts; however, his realtor father moved the family around the country, causing young Robert to attend eighteen different grammar schools. After completing engineering studies at Bradley Polytechnic Institute (now Bradley University) in Illinois, Woodward moved to California to join his family and enter Stanford University. At age 21 Woodward suffered a revolver accident resulting in paralysis of his lower limbs, extended hospitalizations, confinement to a wheelchair, and "a lifetime necessity for a small retinue of nurses and attendants."³³ The accident also precipitated a shift in professional focus for Woodward, who developed his hobby of painting into his life's work. Woodward expressed no affinity for a particular place, save his grandfather's farm in the hill town of Buckland, in Franklin County, Massachusetts. Woodward moved to the Buckland family farm in 1912 and began to make a modest living as an illustrator. Beginning in 1915, he set out to become a landscape artist. Because of his well-developed upper body strength, he was able to hitch his horse to his buggy and travel dirt roads to paint local scenery.

Woodward's formal education in painting was limited to part of a year at Boston's School of the Museum of Fine Arts. In 1919, he won the Hallgarten Prize for landscape at the National Academy of Design. His rural scenes of western Massachusetts and southern Vermont were exhibited regularly at the Vose Gallery of Boston and in regional museums. Many of Woodward's paintings were placed in the homes of wealthy clients of Los Angeles designer Harold Walter Grieve, who knew Woodward during his youth. Among the owners of Robert Strong Woodward's paintings were Hollywood screen actress Beulah Bondi; entertainers Jack Benny, George Burns, and Gracie Allen; poet Robert Frost; and US Supreme Court justice Oliver Wendell Holmes, Jr.

During the course of his life, Woodward had a total of five studios, three of which were lost to fire. Between 1937 and 1950 he had a studio in Heath, where the White sisters arranged showings of his paintings at their home. When Woodward acquired a 1936 Packard Phaeton and customized the back seat so he could ride and paint outdoor scenery, Flora White often accompanied him along with chauffeur Mark Purinton. Contemporaries reported Woodward regarded Purinton as the son he never had.

The Letters

Robert Strong Woodward wrote letters to “Cousin Flora” to update her on local happenings when she was away from Heath—sometimes to visit friends in Springfield, Massachusetts, but more often when she journeyed by train to Oklahoma City to spend the winter with her brother, Joseph. Long-distance travel was not an option for Woodward. “I live in an isolated way,” he stated, “And I’m not able to get at things. With me it’s been local country, the local scenery I’ve cared for.”³⁴

Occasionally Woodward’s letters offer a glimpse of the athletic woman who built a professional reputation developing female physique. For example, in 1941 he writes the 81-year-old White, “So you are taking tango & rumba lessons! Look out for your knees!”³⁵ A constant theme in Woodward’s letters, however, is his concern about White’s health and well-being. For example, he writes, “Your card came to-day. I do thank you for writing it telling of your safe arrival there. I was quite worried about your traveling on such a fearful day.... Be very careful to keep well.”³⁶ Nine days later he writes, “I do pray you are keeping well in all your travels and that you will write to tell me so.”³⁷ The following year he observes, “You were thoughtful to send word back, so promptly, of your arrival in Chicago and the final termination of the journey at Oklahoma City. I was anxious lest you be ill on the trip so it relieved me greatly to know all was well.”³⁸ Later he writes, “I pray ardently you continue well.”³⁹ With the approach of spring, Woodward writes, “I am glad you kept so well this winter, pray it lasts ’til you get back.”⁴⁰

Woodward’s letters also offer White a candid appraisal of his own health issues. He makes continual reference to the “unbearable” pain he is experiencing, and confides, “My moves of mere existence take so much planning!”⁴¹ He expresses fear that an exhibition of his paintings in New York City will not be financially successful, since nothing had sold to date. Woodward also relates how the precarious nature of health threatens his livelihood. He reports being “quite crushed” that a wealthy benefactor who “enthusiastically anticipated the exhibition & planned to go several times with guests” became ill and was confined to bed a day before the opening.⁴² Woodward subsequently writes, “My exhibition in New York was not a complete financial failure,” but adds, “These are dreadful, incongruous days for artists—with worse ahead, I fear. What is to become of me I do not know.”⁴³ In the same letter Woodward expresses uncertainty about whether he can attend an upcoming exhibition of his work in Boston, adding “It will depend upon health, finances—and rubber tires!”⁴⁴

For his entire adulthood Woodward was prohibited from modeling the active, masculine life Theodore Roosevelt described, although in 1910 he wrote on a photograph of himself in his buggy, “[Y]ou can see I

am strong and husky this Spring and far from an invalid.”⁴⁵ Occasionally his letters to White make humorous references to gender roles, as when he bought “Cousin Flora” a scarf for Christmas:

Now in texture & weight & size I believe it is what you want—
but it is very gay. Anything plainer didn’t have the three above
mentioned attributes.... I do think it is very beautiful—if only
you do not think it too bizarre.... If you don’t care for it just
return it to me. And I’ll give it to one other of my lady loves!
Probably Beulah Bondi would wear it!⁴⁶

White’s Response to Woodward

The life narratives of Flora White and Robert Strong Woodward illustrate why a shared concern about health’s fragility might have been an important element in their friendship. Woodward’s attitudes are clearly articulated in his letters. Since White’s responses to him are not available, a biographer must consult other sources to understand how she viewed Woodward’s paralysis, pain and accommodation to everyday life’s demands. White made a practice of revealing her private thoughts through poetry while maintaining her public persona. She typically identified the person for whom her poem was intended (using the full name or initials, a first name in the title, or a postscript). In 1939—two years after Woodward established his studio at Heath—White dedicated the poem, “That Which Abides,” to Robert Strong Woodward and published it in *Poems by Mary A. White and Flora White*. The poem describes Woodward as a youth who confronts Life and Death, with Death claiming half of his body. The youth responds, “I am still I,” proclaiming with “creative fire” that “You shall both [Life and Death] serve me!” In a “miracle of miracles” Woodward produces art depicting the “never-ending strife” between the two forces. His canvases include symbols of Life and Death (for example, “Light that creeps through every hue to all-absorbing white” and “Houses fallen to decay seeking a brighter day through [r]oots of windblown, maple trees”). White’s poem gives testimony to her own hope and realism in describing Woodward:

These—all these
He has portrayed—And knowing Life, and trusting Death
He is their Master, nothing hides, but with a master’s
Hand reveals that which is not either Life nor Death—
That which abides, transcends
And never ends.⁴⁷

Beyond communicating her admiration for Woodward’s handling of his paralysis, White’s 1939 book of poems suggests she spent considerable time reflecting on her own vulnerability in the ongoing Life

and Death struggle. Of Flora White's 44 poems in the volume, ten deal directly with death. In "Unus Est Artifex Deus," White asks, "What is life and what is death? Which is which? Or are they one?"⁴⁸ Another poem, "The Darkness Deepens," describes the death one year earlier of Mary White, Flora's sister and lifelong companion:

Unconscious of the world she stood,
Unconscious of us all, and read
"Abide with me, fast falls the eventide,"
Her very posture was a wordless prayer—
Incertitude of motion, drooping shoulders,
Weight of years, aureole of white hair,
Tremulous voice, orchestrated there
An inner need of that on which
Her struggling soul could lean.
Her eyelids lifted, and her winged gaze
Swept past us, seeking wider space.
Softly the words fell as far-off vesper bell—
"The darkness deepens—Lord with me abide."
Still reaching as she stood, reaching elsewhere,
Gravely she smiled and laid the book aside...
She had received an answer to her prayer.⁴⁹

Several other poems in the same book offer images of old age and death. For example, "The Old Beech Tree" describes a tree "Mottled of trunk and battered of limb," asking, "What will he do when death draws nigh?"⁵⁰ In another poem, "On the Home Stretch," White writes, "It is not death to die."⁵¹ In "The Osprey," White describes a bird that "strives for the love of striving" and "grapples with Death in the dark."⁵² Since the volume was published a year before White began receiving Woodward's letters, the poems are useful in discerning White's private thoughts during a period when her correspondence to Woodward is not extant.

While White's poetry answers one question, it raises another: Do her expressions of vulnerability surface only in the final years of her life, or are they apparent earlier? One way of answering the question is to recall Verbrugge, who offers insight on the way vulnerability was expressed in changing historical contexts. Verbrugge notes that between the 1820s and 1860s, American fatalism concerning health was replaced by the possibility of physical well-being. However, with the triumph of industrialism and urbanization, Americans of the late 1800s "regarded

health as more tenuous” than in the antebellum period. As the US moved into the twentieth century, physical well-being was regarded as a “buffer against the forces of modern society,” and health became a “pragmatic adjustment to the demands of urban, industrial life.”⁵³ After reading Verbrugge, I wondered if White’s statements in the late-nineteenth and early-twentieth centuries reflected a belief physical activity could mitigate the negative effects of industrialization and urbanization. The answer is found in her 1896 speech to the NEA as well as her 1899 article in the *Sloyd Bulletin*.⁵⁴ White writes of the importance of schools cultivating “the ruddy cheek, the full chest” and “quicken[ed] blood currents”⁵⁵ of students through physical space and movement, as well as good air circulation, lower temperature, cleanliness, and proper nutrition. White presents these conditions as being in marked contrast to the situation of many public schools in the industrial era. She discusses a societal vulnerability by observing:

We build dreary brick buildings on small plots of ground, and drive the children into rooms by fifties and sixties, with the hobgoblin of the law and the truant office behind them; and there we compel them to sit for five long hours each day over verbal tasks, permitting them for motor activities only wiggings of the fingers with pen and pencil, wiggings of the tongue in using words, and a few rigid movements of the arms taken under peremptory commends.⁵⁶

As if to underscore the importance of the issue, White writes, “The crowding of our schoolrooms is our greatest sin against childhood.”⁵⁷

Analysis and Conclusion

Robert Strong Woodward’s letters to White, and her published poems, speeches, and articles, show her awareness of health’s fragility. Her attitude was likely influenced by her own life narrative as well as by the climate in Massachusetts in the late-nineteenth and early-twentieth centuries as described by Verbrugge. Especially as they aged, White and Woodward wanted to access contemporary life by making accommodations for their physical challenges—as, for example, through planning and taking chauffeured rides in a retrofitted Packard. Mark Purinton recalled of White:

I had driven the big car up to her front door and she came out to enter the rear seat. I opened up the rear door and she grasped for the strap to help her enter, but was unable to get up onto the running board except with one foot. She turned, looked down at me and said: “Young man, put your hands on my rump and push.” This I did, and she made it into the back seat. We went for another ride.⁵⁸

Flora White's and Robert Strong Woodward's lives serve as reminders of the importance of keeping "curiosity and skepticism running in tandem" in biographical research, and remind historians of the value of revising dispositions and theses when evidence warrants. Their unexpected friendship resulted in a more complex interpretation of Flora White as I dug deeper into primary and secondary sources—including White's poetry—and adjusted my depiction of White's attitudes toward health that prompted her to spend a career developing physique in others.

Endnotes

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- ⁵ Grace Moyer Share, "Notes on the Lives of Mary Abby and Flora White," 1986, 4. Unpublished manuscript, private collection.
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- ²⁶ Golden Moyer, "White, Joseph David," in *Our Ellis County Heritage, 1885–1974*, vol. 1. (Gage, OK: Ellis County Historical Society, 1974), 493; "J. D. White Life History."
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Teaching to Transcend: A Personal Educational Philosophy

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Introduction: A Creative Tension

One who finds an academic home in a university's School of Education must continually fine-tune the tensions that arise when alternative views of "best" educational practices and philosophies collide. In today's educational world the establishment preaches an empirically defined, instrumentalist, technique-driven, assessment-dominated, high-stakes-oriented, follow-the-recipe orthodoxy. The collision occurs and the tension is generated when more humanistic ways of thinking, questioning, and imagining—even *being*—penetrate the educational atmosphere.

This tension created by a confluence of paradoxical ideas may, of course, generate negative vibrations. But such tension also can be recycled into a creative process that moderates absolutist, black-and-white thinking and allows both sides of the educational dialectic to reimagine possibilities in a more open-minded way. I pause to remind my readers of a piece of practical wisdom expressed in metaphorical terms by a mid-twentieth-century social philosopher and activist labor leader, Eric Hoffer (1969): "Vigor and creative flow have their source in internal strains and tension. It is the pull of opposite poles that stretches souls, and only stretched souls make music" (p. 56). Without contrasting educational philosophies competing in the educational arena there is an absence of creative tension that metaphorically stretches souls, and inspires thoughtful innovation in the world of teaching.

The tension I speak of may be described in Nietzsche's famous metaphor, as a tightrope over an abyss, which man must walk across.... If the rope is too slack he will fail; if it is too tight ...he will also fail. So the rope must be continually adjusted and supported at its weakest point, whatever that may happen to be. (quoted in Harris, p. 43)

What follows in this writing is a personal expression of an educational philosophy: one that expresses a somewhat heretical counterpoint to the philosophy that dominates much of today's

educational discourse and decision making. Herein resides a paradoxical imbalance in need of adjustment: a tension that generates dialectical opportunities to reimagine the educational landscape. There are, of course, many positives flowing from the powerful educational orthodoxy that permeates the educational atmosphere. But, there are also positives in the philosophy I explore. I proceed with an understanding that “Contradiction [is] the beginning of all intellectual awakening.... Polarities are the only way you can save man from a formula situation” (Buchanan, 1970, p. 91). Reflecting upon educational polarities is a way for one American educator to stretch his or her soul and prepare to walk the tightrope stretched across the educational divide.

Getting Personal

The social foundations classes I teach are not formulaic; they do not fit into pre-determined molds or “measurement-by-objectives” expectations. Students are not measured by an orthodox grading process that fits into a traditional assessment model. Numerical/standardized rubrics are not used to determine student “outcomes.” The academic structure that undergirds my classes is not constructed from prefabricated lesson plans, but rather from educational reality and whatever scraps of thought, imagination, and “philosophical wonder” I can conjure up to engage students in creative learning experiences. Dwight Eisenhower’s World War II words sum up my thinking: “Plans get thrown out on the first day of battle. Plans are not so important, but planning is everything.” Plans are specific recipes; planning is preparation for the unplanned. I do not teach from a sacrosanct syllabus, rather I frequently encourage a class to engage in a little Taoist *wu wei*—“go with the flow”—and move in uncharted directions.

I cheer for today’s educational prophets who have the courage to translate inner conviction into active intellectual confrontation: such idiosyncratic thinkers—to name but a few—as Alfie Kohn, Susan Ohanian, William Ayers, Jonathan Kozol, Cornell West, Howard Zinn, Linda Christensen, and Bill Bigelow. These are “transformative intellectuals” (Giroux, 1988, p. 151) not shy about challenging the educational status quo. These are the men and women whose words motivate and inspire educators, whose

[l]anguage is luminous and explosive, firm and contingent, harsh and compassionate.... The prophet is intent on intensifying responsibility, is impatient of excuse, contemptuous of pretense.... The prophet is an iconoclast, challenging the apparently holy, revered, and awesome.

Beliefs cherished as certainties, institutions endowed with supreme sanctity, he exposes as scandalous pretensions. (Heschel, 2000, pp. 7 & 10)

We need to open our minds—and hearts—to those prophetic thinkers whose iconoclastic messages challenge the pretensions of “experts,” often without educational credentials, who are all-too-certain of their certainties, and who seek to impose their certainties on the less certain. I maintain educators have reason to respond to today’s prophetic educators who heed the call of conscience. In the words of Rev. Dr. Martin Luther King, Jr.:

Cowardice asks the question, Is it safe? Expediency asks the question, Is it politic? Vanity asks the question, Is it popular? But conscience asks the question, Is it right? And there comes a time when one must take a position that is neither safe, nor politic, nor popular, but he must take it because his conscience tells him that it is right. (quoted in Lent & Pipkin, 2003, p. 141)

I challenge my students, future teachers, to become acquainted with the ideas and “heresies” of educational iconoclasts who take risks, who prick the conscience of their readers, who encourage teachers to challenge the educational status quo, and who issue provocative calls that threaten behaviorist educational models. This, even though I realize my students are preparing to enter a world of highly structured, “enforceable, efficient, monitorable, and controllable” (Jardine, 2005, p. 47) pedagogical practices. I realize they will be held accountable for their students’ objectively measurable exam scores that will be assessed and measured against standardized criteria, for we are faced with the reality that

...once a phenomenon has been converted into quantifiable units it can be added, multiplied, divided, or subtracted, even though these operations have little meaning in reality. Numbers provide the comforting illusion that incommensurables can be weighed against each other, because arithmetic always “works”: arithmetic yields answers. (Stone, 1997, p. 176)

Quantifiable “answers” represent a steady stream of “reductionist materialism” (Smith, 2003, p. 30) that seeps into the educational arena future teachers will enter. I encourage teacher education students to challenge the seepage, to ask hard questions of an educational system that tends to reduce the “art” of teaching “to a technically competent but metaphysically impoverished method” (p. 199). I expect my students to think paradoxically, to become metaphysically sophisticated as well as technically competent. In metaphysical terms, they are expected to be seriously concerned about the philosophically tinged *why* questions that

should penetrate any meaningful discussion of educational reality. My students are encouraged to *continue* questioning as they enter the world of pedagogical methods; even as they must become skilled in the *bons* that define a technically qualified professional.

I suggest to my students they struggle toward becoming teachers who are “artists and poets...the ones who threaten the status quo” (May, 1980, p. 22). I remind students a teacher with an aesthetic disposition is often “a menace to conformity” (p. 80), and conformity is built into a system that standardizes both teacher and student. A teacher as pedagogical artist and poet is one who finds ways to be a nonconformist, to respond creatively to the standardizing culture of education. And, so, my students are encouraged to *transcend*, and to become teachers who will—as educational professionals—*teach to transcend*.

The Teacher as Transcender

For a teacher “to transcend” is to move beyond the *what is* and to rise above the parameters of an educationally socialized conformity. Transcending is to surpass the limitations of a standardized model of teaching efficiency; it is to pull from within the self “the transcendent qualities that can give life energy and meaning[.] ...qualities like courage, compassion, energy, ingenuity, and tenacity” (Egan, 1997, p. 255). To transcend is to define and then *live into* a personal educational philosophy that allows one to think in terms of ever-emerging possibility rather than becoming limited by handed-down rules that insist upon educational conformity. The transcending teacher is an enabler of possibilities, both in self and student.

To educate means no less than to let someone exist, to stand out or transcend into existential space as the unique person that he is. ...the teacher is visualized as the enabler of the process of self-transcendence. (Macquarrie, 1972, pp. 260–261)

To transcend is to “surmount the boundaries in which customary views are confined, and to reach a more open territory” (Heidegger, 1968, p. 13). Finding open territory is “a matter of transcending the given, of entering fields of possibilities” (Greene, 2000, p. 111).

A teacher “enters fields of possibilities” when she or he begins a philosophical quest—a search for that which defines the true, the good, and the beautiful in teaching, those educational qualities that transcend the confines of quantification and empirical verification.

Many persons have been provoked to engage in philosophical quests because they were so outraged by the thought of confinement, by the trampling down of energies, by living beings trapped and immobile in the dark. (Greene, 2000, p. 63)

To transcend is to be provoked into an adventurous, questing search for *what might be*, rather than remaining in the confining darkness of a metaphorical cave of bureaucratically imposed shadows of rules, regulations, and systems. To transcend is to ascend into the light of imagined possibilities: to move beyond handed-down, measurable expectations and toward an education that “begins and ends in exploration, in the perpetual uncovering and unfolding of self and others—in the world” (O’Brien, 2006, p. 5).

Those teachers-of-teachers have a special responsibility to be models: to be intellectual explorers, to unfold the self, to be transcendents. And this

...means to renew oneself, to grow, to flow out, to love, to transcend the prison of one’s isolated ego, to be interested, to strive, to give. Yet none of these experiences can be expressed in words. (Fromm, 1976, p. 88)

To transcend one’s self—one’s isolated ego—is perhaps an indescribable possibility. It is, however, possible to consider the “essence of man is not a fixed reality but a potentiality to be realized...[within] the human capacity for self-transcendence” (Hutchison, 1956, pp. 65 & 69). Self-transcendence is a teacher “quality” that always remains outside the realm of the measurable, and, therefore, transcends an outcome to be exhibited for an NCATE-accreditation visit. Self-transcendence requires the “*courage to be*” (Tillich, 1952, p. 2): to be authentic to possibilities that define a unique, unrepeatable human personality. I ask my reader reflect upon the possibility that

...the openness of existence is reflected by its self-transcendence. ... When the self-transcendence of existence is denied, existence itself is distorted. ... If self-transcendence and the door to meanings and values is closed, reasons and motives are replaced by conditioning processes. ... Man is—by virtue of the self-transcending quality of the human reality—basically concerned with reaching out beyond himself. ... Self-actualization is possible only as a byproduct of self-transcendence. (Frankl, 1978, pp. 52–53, 66 & 94)

Self-actualization is—or should be—a goal of education, whether at the K–12 or the graduate level: a goal for both student and teacher. “The highest purpose of education is...to draw forth the transcendent creative powers that are inherent in human nature” (Miller, 1992, p. 72). Therefore, transcendence as an educational goal, both for teacher and student, is a legitimate topic for discussion in schools of education’s social foundations classrooms. It is within these classrooms “we teachers must make an intensified effort to break through the frames of custom and, to touch the consciousness of those we teach” (Greene, 2000, p. 53).

“Transcendence refers to the very highest and most inclusive or holistic levels of human consciousness” (Maslow, 1971, p. 279). If this is so, then the teacher-of-teachers, as model, mentor, and motivator, has a responsibility to strive toward self-transcendence to seek a level of higher consciousness that expands the boundaries of thought: a transcendence that leads to an emancipation from a pre-formed, handed-out, educational reality. Such transcendence opens the door to an “enlarging consciousness” and an “imaginative flexibility” (Egan, 1997, pp. 124 & 279). It leads to an open-minded awareness that stimulates a teacher’s willingness to challenge today’s educational orthodoxy,

...an educational orthodoxy about how we know and what we cannot know. ... This orthodoxy has adopted a narrowly quantitative, materialistic, and functionalist view of knowledge with such zeal that it tends to exclude feeling, the imagination, the will, and intuitive insight from the domain of rationality. ... This orthodoxy maintains that we can know only that which we can count, measure, and weigh. (Sloan, 1983, pp. x–xi)

There is, of course, another epistemological reality, one that allows a teacher to transcend the “narrow, disembodied rationality” (Egan, 1997, p. 135) that dominates the thinking of those who formulate today’s top-down educational policies. A quote often attributed to Albert Einstein offers a motto for the teacher who would transcend the narrow confines of a scripted, assessment-motivated, measurement-driven, test-dominated, educational culture: “Not everything that counts can be counted, and not everything that can be counted counts.” The teacher who transcends is one who rises above narrow rationality and imaginatively broadens the definition of “what counts” in terms of educational purpose. This is the teacher who experiences “a deeper restlessness...always roaming with a hungry heart” (Thurman, 1951, p. 5). The teacher who transcends is the one who experiences a restlessness with the educational status quo; who hungers for self-expressive ways to *do* and to *be*. He or she is an intellectual roamer, a discontented wanderer always searching with an open mind for something to feed the educational spirit. And “God bless the wanderer—they that seek and seldom find, yet all ceaselessly do seek some truer, better things...for the way of the wanderer is wide and winding, his soul hungers” (DuBois, 1980, p. 38). It is the teacher with the seeking, hungry soul who is able to feed the student’s hungry longing for personal becoming.

Teaching to Transcend

I believe as an educator of educators I am called to be an educational wanderer—a transcending seeker who is willing to cross educational boundaries. Here I draw upon and make metaphorical

comparisons to the Emersonian model of a thinker who engages in “the radical strategy of transcendentalism” and practices “transcendental heresy” (Turner, 1985, pp. 801 & 163). I reinterpret transcendence, that which has been essentially a religious term, and transpose it to an educational setting. I am responsible to “teach to transcend.” In many ways the education of future teachers has become an exercise in technical efficiency, a pedagogical limitation that must be transcended. I want my students to shake themselves out of an authoritatively induced conformity to this mechanistic “given” to think organically. I want them to become intellectually and imaginatively thoughtful, to think from “a transcendental vantage point” (Wexler, 1996, p. 4). I want to provoke challenges to a culture that maximizes educational conformity and the taken-for-granted recipes of pedagogical success. I want to create an active classroom engagement with political/social/cultural/economic educational realities rather than hide from diverse realities that affect the individual classroom “to encourage a habit of intellectual controversy...[and to] teach thinking not orthodoxy” (Russell, 1926, p. 175).

I have a responsibility to encourage my students to transcend boundaries, to think outside the box of scripted recipes, to challenge the orthodoxies of educational power. I want them passionately to reflect upon that which is “transcendentally important” (Whitehead as quoted in Niebuhr, 1968, p. 245), for the transcendently important lies outside the box of “economic competitiveness, technology and power...hollow formulas, [and] media-fabricated sentiments” (Greene, 1988, pp. 1 & 3) so heavily reflected in today’s educational realities. Reflecting upon the transcendently important widens and intensifies one’s intellectual and emotional field of vision.

Neil Postman (1988) reminds us that, in this time when ideological power defines educational purpose, “we are fortunate to have available an alternate tradition that gives us the authority to educate our students to *disbelieve*, or at least be skeptical, of the prejudices” (p. 22) of those in power. In teaching students to “transcend” we should encourage them to be warily skeptical of those prejudices so often embedded within transmitted information, facts, and knowledges and which are to be found in textbooks, assigned readings, handouts, instructor’s speech, or other representations of authority.

There is, however, a caveat to be noted. It *is* important teacher and student reflect upon the positive aspects of skepticism regarding representations of truth. But we must remind students to think in such a way that thoughtful skepticism does not degenerate into “lazy skepticism” (Russell, 1926, p. 176) or, even worse, cynicism. The skeptical thinker is a questioner. He or she does *not* automatically assume that authority—in whatever form—is to remain unquestioned or

unchallenged. To be intellectually skeptical is to be open-minded: to look carefully, reflectively, and critically at statements of “truth,” no matter what the source. Skepticism involves questioning certitudes, challenging absolutes, doubting the dogmatic, and confronting cultural norms. It involves transcending the constricting bonds of behaviorist constructs which surround America’s educational system.

Cynicism, however, descends to a level of dark, brooding distrust that eliminates all opportunity for open-minded, dialectical engagement with diverse possibilities. Cynicism is a negation of opportunities; skepticism is a way to expand boundaries of thought. The skeptical thinker escapes the trap of cynical thinking, and instead engages in an open-minded awareness of those possibilities exposed by critical thinking.

Critical thinking...conjoins imagination and criticism in a single form of thinking. ... The free flow of the imagination is controlled by criticism, and criticisms are transformed into new ways of looking at things. ...the educator is interested in encouraging critical discussion as distinct from the mere raising of objections. (Passmore, 1975, p. 33)

The use of imaginative, free-flowing, critical discussions—a dialectical exposure to divergent patterns of thought, worldviews, and ways of *being*—represent a way educators may help students transcend the politically inspired ideologies of a facts-based, technicist, behaviorist, educational philosophy. Open-ended, dialectical, critical thinking provides a way to encourage students to—in the words of Iris Murdoch—“face the world as it is, questioning, skeptical but not cynical...seeking ways to disbelieve the official line, without being trapped into endless disbelief of all ideals and ideas” (quoted in Myerson, 2000, p. 28).

A transcendent educational philosophy allows teacher and student to explore possibility rather than be restricted to standardized educational expectations. It opens up intellectual avenues that allow open-minded learners “to move beyond the world as we find it with its conventional patterns and its received wisdom in pursuit of a world and a reality that could be, but is not yet” (Ayers, 2001, p. 23). It makes possible a “joyful uncertainty” (de Chardin, 1960, p. 121) regarding the canonical claims of an educational orthodoxy. It allows uncertainty to fan the flame of imagination in search of alternative ways of knowing, understanding, and being. In a university school of education, a “teach to transcend” educational philosophy would most easily find a home in the social foundations classroom. This is a place where questions are more numerous than answers, and where the adventure of risky intellectual exploration trumps the security of textbook knowledge and

pedagogical expertise. Social foundations classrooms are where uncertainty is welcomed, and doubt is a feeling “not to be feared, but welcomed and discussed” (Dershowitz, 2004, p. 113). Here is where it is okay to be an educational iconoclast, and an intellectual heretic—one who makes choices based on intellectual reflection, not on authoritative decree. Here is where the “what is” of ordained educational theory and practice is challenged by the “what might be” of educational possibility.

In the social foundations classroom there is a metaphorically implicit understanding—first noted by Friedrich Nietzsche—that a little creative chaos can give birth to a dancing star. Here is where it is acceptable, even encouraged, to be a transcendental rebel. Here is where there is a “liberation of the individual from the absolutist, authoritarian spirit” (Niel, 1973, p. 146). Here is where future K–12 teachers may be vaccinated against too much conformity to the system and against too much reliance upon prefabricated recipes and standardized expectations. Will such a vaccination take? Who knows? Only the inner-self of a given individual, the flow of time, and exposure to educational reality will tell.

A Few Final Thoughts

This discussion has been my reflection upon a possibility. For many, teaching is considered to be a skilled profession designed for those who have been trained to testable levels of measurable knowledge and technical efficiency. It is, however, important for teachers of teachers to think of teaching as a way to express and to facilitate transcendence and seriously to reflect upon those questions and issues which are transcendently important. There is a certain wisdom to be mined in a thought from the Hollywood film *The Color Purple* (Spielberg, Guber, & Peters, 1985), based on an Alice Walker novel: “I think us here to wonder, myself. To wonder, to ask. And that by wondering about the big things, and asking about the big things, you learn about the little things almost by accident.”

There is the possibility for a teacher to facilitate a process, both in self and student, that leads to “transcendence...renewing the vitality of life” (Palmer, 1999, p. 18). A teacher does not renew or stimulate the vitality of life by imposing a limited focus on providing knowledge, or enhancing test-taking skills, or preparing students to fill places in a production-based, consumer society and neoliberal, global economy. The teacher has a more meaningful, life-vitalizing, transcendent responsibility; even as he or she responds to more politically defined and socially acceptable instrumentalist goals of education. The responsibility is to teach students “to transcend:” to transcend self-imposed intellectual rigidities, politically imposed ideologies, and even certain narrow boundaries of socially imposed values.

Educational transcendence is a process in which we “reflect on reality and on our received values, words, and interpretations in ways that illuminate meanings we hadn’t perceived before” (Shor, 1992, p. 22). The teacher who “teaches to transcend” helps students understand that “conflicts too, if only they are decided in a healthy atmosphere, have an educational value” (Buber, 1965, p. 107). Such a teacher escapes the restrictive boundaries of institutionalized demands and helps students search for revised meanings to values, words, and interpretations. He or she implements a transcending move from following recipes to building relationships, from being a conformist to finding ways to become a creator. The teacher “is driven to transcend the [given] role...by becoming a creator, and in the act of creation transcends himself” (Fromm, 1958, pp. 36–37). It is by way of this self-transcendence that a teacher achieves “the emancipation of sensibility, reason, and imagination” (Marcuse, 1978, p. 9). In the process of emancipation a teacher turns a technical task into a labor of love and transcends the boundaries of bureaucratic expectations. Such a teacher enters the realm of creative possibility.

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Naming Her World: A Freirean Analysis of a Young Woman with Asperger Syndrome's Post-High-School Experience

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Background

Paulo Freire (1970) contends “one of the gravest obstacles to the achievement of liberation is that oppressive reality absorbs those within it and thereby acts to submerge human beings’ consciousness” (p. 51). As we sought to appreciate the major life transition beyond high school of Francine, a young woman diagnosed with Asperger Syndrome (AS), we discovered Freire’s contention all-too-often resonates through her story. In this study we sought better to understand to what extent the Individual Education Plan (IEP), a written document developed for students with disabilities eligible for special education services, adequately prepared one girl for major life transitions following high-school graduation.

We gleaned vital information from Francine’s words in several in-depth interviews concerning the heart of our project, but her recommendation to others with disabilities was particularly telling. When asked, “What advice would you give to an incoming freshman who had disabilities?” she responds, “Use your teachers. Use the resources provided for you and get help when you need it.” Paradoxically, she admits she did not ask for help in high school, even though her mother is a teacher for special needs students. She eloquently summarizes her high-school experiences by explaining, “You are kind of scared because it’s your first year. The other freshman, they’re not going to help you because they are just as scared as you.”

During subsequent interviews with Francine about her experiences in college, she offers evidence her fears have not abated with maturity. Although enrolled in a local community college for two years, she still experiences an overwhelming sense of confusion and loneliness. It was as if she were waiting for life to begin as she failed to make the types of

decisions expected of a responsible adult. Keenly aware of difference, her self-perception seems anchored in being an outsider wrapped within a dread of independence. Even years after graduation, she still feels isolation from being categorized with a disability. How were we to explain why a process and plan meant to meet Francine's unique needs would ring hollow in her experience? A Freirean analysis of Francine's words and experiences helped us delve into why she struggled through much of her post-high-school transition. Perhaps this honest glimpse into her story will offer hope to other students with AS and the educators who work with them.

Recognizing the majority of special education research is composed of quantitative studies, we determined a qualitative investigation would allow us to delve deeply into a single participant's complexities (Paul, Kleinhammer-Tramill, & Fowler, 2009). Our purpose was to explore the post-high-school experiences of a young woman with AS, and we chose a qualitative, single-case-study design to uncover her unique supports and needs (Heck, 2011). Because individuals with AS are distinctive in their strengths and weaknesses, a focused study was essential to identify factors of concern and to offer insights concerning the in-depth complexities of lived experience. Our research initially was guided by the questions: How does an individual with AS negotiate the journey into post-high-school life and, how might Francine's experiences inform educators developing transition plans better to assist students with AS to be more successful while in high school?

Review of the Literature

Characteristics of the Disability

Asperger Syndrome was first identified by Hans Asperger in 1944, and is currently classified within a collection of disorders under the *Pervasive Developmental Disorders* (PDD) category of disability in the *Diagnostic and Statistical Manual of Mental Disorders-IV-TR* (*DSM-IV-TR*) (APA, 2000; Wolf, Brown, & Bork, 2010). Included in the same PDD category are other conditions such as autism, Rett's Syndrome, and childhood disintegrative disorder. AS is a genetic, neurodevelopmental condition with no known cause or cure. Understanding individuals with AS is a growing field of study, yet remains "shrouded in confusion and mystery" (Hesmondhalgh, 2010, p. 32). The Centers for Disease Control (CDC) (2012) recently released new data focusing on all areas of AS, estimating about one in 88 children are identified as having AS. However, CDC data sheds little insight on causes or effective treatments.

Individuals with AS are often considered highly functioning compared to others on the autism spectrum. While some argue the syndrome falls within the mild continuum of Autism Spectrum

Disorders (ASD), Raymond (2012) cautions, “mild does not mean ‘not serious’” (p. 7), further elaborating these terms represent decades of debate among researchers, parents, and educators. This controversy is expected to continue when changes to the classification of ASD and AS are released with the *DSM-5* in May 2013 (APA, 2011) since the newest diagnosis guidelines adhere to a more-stringent definition within ASD (Autism Research Institute, 2012).

While definitions of AS syndrome remain fluid and complex, typical characteristics include normal or above-normal cognitive functioning and limited interpersonal skills, including poor eye contact, diminished facial recognition, awkward body movements, challenges interpreting body language, impaired social interactions, and difficulty with organization.

Legislative Mandates

Preparing for and understanding the post-high-school needs of individuals with AS is a new and widely understudied area of research (MacLeod & Green, 2009). Effective secondary transition planning for students with disabilities plays a critical role in their post-school-life success (Kochhar-Bryant & Greene, 2008). Legislative mandates for effective transition planning were first enacted in the Individuals with Disabilities Education Act’s (IDEA) 1990 reauthorization, and again in 1997 (Wehmeyer et al., 2007). Then transition services were vaguely defined as a means to assist disabled students to achieve independent living skills and increase post-high-school employment opportunities (Kochhar-Bryant & Greene, 2008). The most current reauthorization of IDEA in 2004 tightened the mandate for transition services while ushering in a contemporary design for transition programs for students with an IEP. New emphasis was placed on the concept of transition as a synchronized action plan to prepare students for adult living. However, findings from several ground-breaking research studies on disabilities and post-school success, such as the Special Education Elementary Longitudinal Study (SEELS), determine those students labeled ASD have the poorest outcomes in employment, advocacy and social skills (Wagner et al., 2005).

Transition and Post-High-School Success

Transition services are known to be critical for ASD students’ successful post-high-school employment, independent living, and social skills. It is therefore wise for teachers to embed transition goals within the student’s IEP, thus actualizing these skills across the curriculum based on the student’s strengths and needs to provide a coordinated set of activities engaging a wide range of community resources. This overarching, forward-looking strategy is built on a backward preparation design to the post-high-school world. Although well established in the

literature, how this design strategy looks in actual practice is often a nebulous, ever-changing ideal. Despite an influx of legislative and curriculum-based approaches, post-school outcomes for individuals with disabilities lag far behind their non-disabled peers, resulting in devastating consequences (Barnard-Brak, Lechtenberger, & Lan, 2010; Higbee, Katz, & Schultz, 2010; US Department of Labor, 2011). Raymond (2011) finds special education may inadvertently promote a lifetime of learned helpless behavior if self-advocacy and social skills are not embedded within one's IEP. Her caution reverberates with Freire's (1970) suggestion that people can only become fully human when they are subjects who actively participate in transactional mediations with their world. In light of the many documented historical inequities in special education, it is imperative educators focus significant effort to assure IEP goals are well established and incorporate a wide continuum of services so students have every opportunity for success upon public-school graduation. However, as Freire (1970) generally argues, success is dependent not simply upon support in the objective sense, but also necessitates those with disabilities like Francine are humanized throughout schooling processes so they may have the confidence and knowledge to act upon their world.

Theoretical Frame

Through his literacy work with Brazilian peasants, Freire (1970) theorizes oppressive relationships fundamentally are dehumanizing and prevent individuals and groups from acting as equal participants in society. He defines oppression as those situations in which guidelines and choices of those in power are imposed upon, and consciously internalized by, the oppressed. Oppression is manifest in both subjective consciousness and objective conditions that prevent people from becoming fully human or constructing their own understanding of reality. Those oppressed are likely to doubt their abilities and defer to others as capable beings with the necessary knowledge and answers for shaping the world. Freire maintains the hierarchical organization of and lack of dialogue within traditional schools sustains the systematic oppression of larger society.

Freire contends traditional schools adhere to a "banking model" of education in which information is deposited from the knowing teacher into his or her passive students. Student-teacher relationships therefore consist of a one-way narration of a "motionless, static, compartmentalized, and predictable" reality (p. 71). The role of students in this paradigm becomes to accept information without questioning—or even understanding—meaning or purpose. Content is often foreign to students' lived experiences and, by consequence, students are unable to make worthwhile contributions and rendered dependent upon their teacher.

Liberation becomes possible only when oppressed peoples engage in reflection and action to replace the guidelines of oppressors with “autonomy and responsibility” (p. 47). Freire’s idea and implementation of *praxis* addresses both subjective consciousness and objective conditions with the aim of transforming and, ultimately, liberating the world. Freire (1970) argues reality is not static and set, but constantly remade, so those in search of liberation should understand their present place in history as a point of departure for becoming. Therefore, “to exist, humanly, is to *name* the world, to change it” (p. 88), and those oppressed must become able to see their world as a problem “in need of new *naming*” (p. 88) through assigning language to reality. The traditional dichotomy of oppressive interactions can then be replaced by dialectical relationships that engage participants as co-equal investigators. Dialogic relations among people, with consideration of objective conditions, allows for naming.

Freire proposes a problem-posing education encourages students to view the world and their position in it critically, but to do so the student-teacher relationship must be revised as authority gives way to coöperative and committed engagement. The current, dichotomous roles of teacher and student must be blurred so students are also free to act as teachers and teachers as students. The task of students therefore becomes not merely to take in knowledge about topics alien to lived experience, but to work as co-investigators with teachers to identify pertinent problems in need of investigation. The efforts of liberatory pedagogy “must coincide with those of the students to engage in critical thinking and the quest for mutual humanization” (p. 75). Through this process students can come to see reality re-presented as a problem they are fully capable of acting to affect.

Methodology and Methods

A qualitative, single-case-study design was utilized for this project to provide in-depth insights to the experiences of an individual with AS. Case-study research historically has been used to capture the unique, complex needs of individuals with AS (MacLeod & Green, 2009). While the strengths and weaknesses of people with AS differ significantly, social interaction difficulties and repetitive behavior are common characteristics that cause difficulties with independent living. As MacLeod and Green (2009) state, “Young people with Asperger Syndrome are trying to make sense of a complex condition which [affects] every interaction they have and it can be difficult for them to recognize what support they need” (pp. 638–639). Francine’s case provides an important example of those struggles typical, recent, high-school graduates with AS may encounter. We are interested in Francine’s case for its similarities to the experiences of others with AS, but also for

the deep insights we stand to gain from better understanding the singular ways she navigates the complexities of adult living (Stake, 1995).

Data consisted of transcripts from semi-structured, audio-recorded interviews conducted over a span of three, consecutive years. Data analysis was accomplished through the use of open coding, line-by-line analysis, identifying themes, and categorizing subcategories until themes emerged. We then identified indigenous themes through analytic processes of constant comparison, data coding, analytic statements, and descriptive analysis. Triangulation then strengthened and confirmed the identified themes through the convergence of multiple data sources, such as field journals, member checks, and peer debriefing.

Our Participant

Francine was diagnosed as having AS when she was in high school, but previous psychoeducational testing from her middle-school years determined she was eligible for special education services based on the category “Other Health Impaired” due to her severe anxiety, depression, and attention deficit hyperactivity disorder (ADHD). Francine’s last re-evaluation in 11th grade indicated AS with a comorbid diagnosis of anxiety disorder and ADHD. She graduated three years prior to our first interview. She identifies her ethnicity as Caucasian, and currently lives with her adopted mother and father in a small rural home in the Midwest. Francine was chosen through purposeful sampling (Patton, 2002), specifically recruited as a former student of one researcher while in high school.

Themes

Several compelling themes emerge as Francine describes her experiences. In all three interviews she seems unable to articulate disability. Her conscious powerlessness is coupled with an equally troubling revelation; she cannot perceive how her disability affects the objective conditions of almost every aspect of her life. A second theme centers on her ability to self-disclose and self-advocate. Other subthemes include issues of socialization, occupational success, and functional independence. At times, these threads seemed to dovetail, weaving in and through one another, creating a tightly woven weft representative of Francine’s challenging world.

Articulating Disability

When first asked to identify the disability category making her eligible for special education Francine says, “I think it was autism, but I’m not sure.” Subsequent interviews reveal persistent, contradictory understandings of her disability. For example, when asked the same question during the second interview, her response is, “I don’t know that I ever knew. I think my mom just told me I was going to be in

special education.” By the third year, however, she seems to have developed a growing perception of her disability: “I have, what is it my mom said? I have low-scale Asperger’s or something.” Her inability consciously to understand her disability results in a lack of competence necessary to advocate for her own needs while in college. Sadly, a review of her IEP reveals the ability to articulate her disability was never a part of her high-school-transition goals.

Because Francine is largely unable to identify her disorder, it is not surprising she also is unable to specify what accommodations and modifications are appropriate for her, evident in her attempt to ask for assistance in a college math course. She explains, “I said that I had a math disability to see if I could get different colored paper or something.” Although the use of colored paper is appropriate for some individuals, Francine has never utilized this particular accommodation. Calculator use is listed as an accommodation in her middle- and high-school IEPs, and yet, in college, she seems to equate its use to cheating when she recalls, “[The professor] said we could not use a calculator because we need to depend on our brains. But I cheated and used a calculator anyway!” Most surprisingly, her mother enforces the professor’s view, “If she sees me sitting at the kitchen table using a calculator, she says, ‘Does Mr. Smith let you use a calculator?’ ‘No, Mommy.’ ‘Then put it away.’ ‘Yes, mommy.’” A hired math tutor exhibits a stronger grasp of Francine’s needs by allowing her to use a calculator. Francine says the tutor’s reasoning was “because most of these problems I can’t do in my head.” Interestingly, she does not view an accommodation used in school for many years as necessary in college.

During her matriculation at the local community college, Francine communicates conflicting explanations concerning her need for modifications. At the time of her first interview, she was attending summer classes and claims she does not need to disclose her disability because it is unnecessary. However, by the end of her first full year of study she recognizes she needs help because classes are becoming more difficult. Francine indicates poor organization causes her to struggle in her classes when she discloses, “I am not motivated if it is not in front of me, then I don’t really think about it.”

She further expounds upon her feeling of isolation in college when she says, “I was on my own. I would go to class and [the instructor] would do the lecture and she would say, ‘Your homework is this and this and this.’ And then that would be it.” She cites her lack of organization as the reason for finally dropping out of college, “If I could write down, then I think I’ll be better.” Instead of articulating an understanding of her disability, she attributes her college failure to being “lazy.” She says, “I just wasn’t motivated to study. I have to get off my lazy butt and do

this.” By the third interview, however, she recognizes some of her needs, saying, “My math probably was the hardest, that was the worst...and I just didn’t want to do it.”

Whether due to maturity or intervention by vocational rehabilitation services, Francine is able clearly to articulate nascent self-understanding by the third year of data collection. She remarks, “I always knew I was different from other people because I could tell by the way I interact with them.” When asked if knowing about her disability helps her, she responds, “What it means to me, basically, it helps explain why I have trouble connecting to people. I think different than other people.” This statement represents a prodigious move forward for Francine. It signals she is able finally to recognize who she is, appreciates her unique strengths, and may be able to initiate processes of self-disclosure and advocacy. However, her understanding of how her disabilities fully affect her life is, even now, both incongruous and not fully realized.

Shortly after her diagnosis with vocational rehabilitation services, she begins to develop more confidence and an elevated sense of self-esteem. Between the second and third interviews, she begins work at a job she genuinely enjoys. Her work with a vocational-rehabilitation job coach seems to make a difference in her employment success compared with previous short-lived jobs. Her coach mentors her and her manager about various nuances of ASD. Francine articulates her transformation in her third interview when she reflects, “I think I’m *braver*. This job helped because I have to have more confidence in myself, and I’m not afraid to try new things now.” Her increased confidence at her place of employment translates to school, but that confidence is short-lived. She admits, “I was braver in my classes, but I wasn’t as brave to ask for help. I should have asked for more help, especially when I started having trouble. I thought, well, I think I’ll be okay...and I wasn’t.”

Growth

By her third interview, Francine articulates growth that seems to grow both from her formal diagnosis by Vocational Rehabilitation Services (VRS) and her new job. Although steps taken over the three-year time span are small, she begins to realize her dream of happiness and independence in adulthood. Some specific illustrations concisely demonstrate her growing strengths. Francine employs a self-accommodation when she begins taking a friend with her to talk to one of her community-college professors. This accommodation affords her the assurance to overcome some of her fears as she admits, “I still need my big security teddy bear.” Francine’s friend even convinces her to join several clubs and participate in various on-campus activities. Francine recognizes she is uncomfortable in social settings, explaining, “The more people there are the more scared and nervous I get. I don’t like big

groups of people. I'll just sit there and be quiet." However, she also acknowledges the need to become more involved in the college community and she looks for ways to overcome her fears.

Francine shows additional strength by disclosing her disability to her employer. She confesses her difficulty with money, and allows the VRS coach into her place of employment. "After she talked to them, I noticed they didn't treat me different, but they would step in and ask if I needed help." This collaborative approach supports her growing self-assurance by allowing the safety of making mistakes without fear of ridicule. "I started changing because I started asking for more help." Emergent confidence equate with Francine's deeper self-actualization: "I'm not ashamed of my disability, but I don't want to broadcast it because I am afraid that people will treat me different. I'm different, but I'm NOT! I'm the same kind of person as you."

Analysis, Findings, and Implications

Francine's dehumanization is evident in her initial, post-high-school experiences because she is unable successfully to address the subjective and objective conditions of her reality. Those who are oppressed can only achieve liberation when "they perceive the reality of oppression not as a closed world from which there is no exit, but as a limiting situation they can transform" (Freire, 1970, p. 49). Initially, there is little indication Francine saw her reality as something she could affect and, not surprisingly, she does little to liberate herself. Some growth is discernible by her final interview, but still she struggles to translate subjective growth into changing objective conditions. Subjective consciousness and objective conditions are often interconnected and cannot be separated in lived experience. However, for the purposes of our argument, we offer evidence from Francine's story pertinent to each aspect of praxis.

Subjective Consciousness

Even though Francine's disability was addressed extensively in her high school IEP, she struggled to articulate or name her disability and what it means for her life. The fashion in which she discusses her disability is typical of someone who has been "told" a diagnosis, not someone who has been engaged in a meaningful dialogue about the intricacies of her strengths and needs. For example, this lack is evident when Francine exhibits self-depreciation by deferring to her mother's knowledge of her disorder. She seems to distrust herself and often seeks out others for "knowledge and to whom [she] should listen" (Freire, 1970, p. 63). She also seems to have internalized negative connotations often associated with being labeled a person with a disability. Francine's experiences at the local community college reveal a hesitancy to be

considered “different,” even when she must articulate her needs to be successful.

For many individuals with AS, the ability to disclose or self-identify as having a difference may be hindered by many factors: fear, embarrassment, lack of support, communication difficulties, or self-esteem. Yet, if students with AS cannot name their world then they are likely to be at a loss as to how to change it. MacLeod and Green (2009) observe that, like Francine, many individuals’ AS is identified later in life. Indeed, Francine is not able correctly to identify her disability until she is 24 years old. Dependence upon others to name disability characteristics and then make accommodations for instead of with AS students in high school can be oppressive as it renders students passive spectators of their own lives. Students with AS face enormous challenges as they move from the highly structured, parent/teacher-supported environment of high school into the adult world where they face the daunting task of having to advocate for themselves, seek assistance from countless agencies, and navigate reality, often with limited communication and social skills. While numbers of students with all disabilities are growing in post-secondary education, they remain at highest risk for dropping out (Barnard-Brak, 2010).

Freire (1970) argues those who are oppressed cannot be explained to, but must be dialogued with, as they develop their own understanding of and plan for their lives. Wehmeyer et al. (2007) argue for the importance of teaching students with disabilities self-determination skills in order to equip them with a better understanding of how their differences affect their place in the world. School personnel can work collaboratively with students to cultivate self-determination skills that might affect more positive outcomes in a student’s adult life compared to those that do not. Ideally this process begins as early in the educational process as possible. Waiting for the IDEA-mandated age of 16 for students to become a part of the IEP process proves far too late. Components of self-determined behavior include: choice-making skills, problem solving, goal setting, and self-advocacy. All these characteristics must be understood by students in meaningful and relevant ways and then generalized to be effective. A dialectical approach to cultivating self-determination skills encourages students’ subjective understanding through active participation so objective conditions might be addressed.

Unfortunately, if both sides of praxis are not addressed then liberation will fall short. Freire (1970) contends dialogue without action results in mere verbalism and action without dialogue results only in activism. For example, throughout three years of interviews Francine talks of a need to be organized in order to be successful in college.

However, she is never able to equate the use of her assignment planner in middle and high school with her college planner. Her ability to transfer that skill once she leaves the structured environment of high school sadly is lacking, so her objective conditions remain unaffected.

Francine's inability to translate plans into action also leads to her eventual dropping out of community college. Although she attempts to locate the Office of Disability Services (ODS) to self-identify, she is never successful in accomplishing this quest: "I must not be going into the right thing because they said they would not be able to take on my case. I asked, 'Is this not the place you go when you have disabilities?' So I was really confused." Francine's experience is consistent with recent research uncovering how students with disabilities in higher education face segregation "and experience both overt and more subtle forms of discrimination" (Higbee, Katz, & Schultz, 2010, p. 8) due to their inability to navigate the maze of paperwork, identify appropriate personnel, or perform self-disclosure.

Objective Conditions

Francine's inability to name her reality, much less communicate a nuanced understanding of that reality, results in her powerlessness to "change it" (Freire, 1970, p. 88), evident in numerous circumstances where she remains unable to obtain appropriate, needed assistance. Fortunately, Francine seems liberated when she is able to advocate for herself and once vocational rehabilitation services helps her better to name and disclose her disability.

Francine is able to produce the most favorable changes in her post-high-school life when she works in association with others. Taylor and Seltzer (2011) report individuals with AS and a comorbid psychiatric disorder such as Francine have limited independence and diminished social functioning in adulthood compared to those with an AS identification alone. For such students, additional post-high-school supports are critically needed to assist in their transition from high school to adult life; recall Francine only realizes occupational success with the help of her VRS job coach. Because many people who need VRS are not eligible or are placed on lengthy waiting lists for services, it becomes all-the-more critical transition skills are explicitly addressed in students' IEPs.

Implications for Objective Conditions

Students with disabilities should also be taught to understand the unique accommodations necessary to address individual strengths and needs. Role-playing scenarios with directed teacher feedback can assist in this regard. VanBergeijk, Klin, and Volkmar (2008) suggest the use of

a personal digital assistant (PDAs) for a visual representation of an organizer. Other accommodations include: audible alarms, hard copies of class notes or lecture slides, breaking down large assignments into more manageable chunks, and assistance with abstract terms. These evidence-based accommodations easily can be called upon in myriad situations in which a student might find him or herself.

In the high-stress world of higher education, it can be especially critical institutions construct a structured environment for AS students in order to counterbalance the social difficulties they encounter. Although an IEP is not valid in higher education, ADA mandates are in place to assure individuals with disabilities have equal, accessible instruction. Accessible curricula and academic programs must also be implemented if higher education is to become a reality for all people, regardless of ability. Lechtenberger and Lan (2010) attribute the lack of accessible university curricula and programs to universities' failure adequately to provide for this population's diverse needs.

Although never explicitly stated, Francine could tell some of her professors considered her as different, as defective: "Some teachers, they don't mean to, but they are just so used to what they are teaching and it's so obvious to them, so their answers just kind of come out like they think you are stupid." Francine's experience is referred to by Higbee, Katz, and Schultz, (2010) as "marginalization of language" (p. 10), a situation in which oppressive ways and demeaning language can work to segregate those with learning differences. Many students' classroom difficulties may be the result of professors' misinterpretation of AS characteristics, a key reason why mutual coöperation is imperative to successful adaptation. For example, individuals with AS exhibit limited response to facial cues, which may be misinterpreted by faculty, other students, or administrators as rudeness or disinterest (Wolf, Brown, & Bork, 2009). Most universities do not provide training to faculty and staff on working with students with learning differences, but some ways to assist faculty and staff may be through the dissemination of fact sheets or through small workshops that focus on marginalizing language, perceptions of labels, and help for parents.

Concluding Thoughts

Results from our case study may be significant at several levels for students with AS. We argue Francine would have benefitted if both thoughts about her situation and her ability to translate these ideas into action were addressed more fruitfully throughout her education. Ultimately, we maintain liberation is only made possible through the "profound love" (Freire, 1970, p. 89) of educators and other individuals willing fully to engage in coöperative dialogue with students like

Francine. A transformation must begin with the student's inclusion in dialogue during, and even before, the creation of his or her high-school-IEP transition plans. Additionally, Francine could have benefitted from immediate support as she transitioned from high school to higher education, for she required a learning design welcoming and supportive of students of all abilities. While, ultimately, Francine does not achieve her goal of college graduation, we hope others with AS and those who support them can work to create a more robust, accommodating environment for students with AS so others, like Francine, may liberate their fullest potential.

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Democracy and Citizenship Education: Fostering Clarity of Meaning through John Dewey¹

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Introduction

Walt Whitman writes,

We have frequently printed the word Democracy, yet I cannot too often repeat that it is a word the real gift of which still sleeps, quite unawakened, notwithstanding the resonance and the many angry tempests out of which its syllables have come, from pen or tongue.²

John Dewey, who refers to Whitman as the “seer” of democracy, spent much of his professional life as a philosopher trying to conceptualize the role of education in a democratic society. Like Whitman and Dewey, educators are also concerned with the need to engage in serious discourse better to understand democracy and citizenship. We argue Dewey can provide some clarity to these broad, confusing terms. For Dewey, the purpose of education is to help us all, through experience, better to comprehend and act on our understanding of democratic citizenship. Discussing conceptions of democratic education, Dewey poses two standards in the form of questions by which to gauge a democratic society: 1) “How numerous and varied are the interests that are consciously shared? and 2) How full and free is the interplay with other modes of association?”³

The genesis of this paper derives from dialogue between Dr. Robert A. Waterson, a social studies colleague and Director of the Center of Democracy and Citizenship Education at West Virginia University, and Dr. Sam F. Stack, Jr. as we worked to prepare a book proposal on the topic of democracy and citizenship. Our discussions led us to reexamine the Center’s guiding themes which include citizenship, professionalism and ethics, civic education, values and the common good, community engagement, theory and practice, communication, and technology. In

this paper we use Dewey's ideas on democracy and citizenship to guide our discussion of these themes.

Dewey envisions no more important role of the school than to prepare "the future citizenship of the country."⁴ In "Freedom and Culture" he writes,

I can think of no question that is more socially and practically important than just this question of how the schools today are to render the idea of democracy a living and effective reality in the minds of the youth who form the future of citizenship of the country.⁵

Freedom for Dewey means self-control, self-direction, and self-determination, but within a social context. He understands freedom not in absolute terms or individualistic terms, but undergirds it with inquiry, toleration of diverse opinions, communication, and responsibility. These characteristics can form the basis for citizenship, but what actually *is* citizenship?

What Is Citizenship?

Generally, the concept of citizenship implies some form of status or membership in a community or society. The concept may apply to an inhabitant of a town or state in a geographical sense, although in the modern era it might also refer to one's allegiance or political rights protected by a power such as that of a sovereign- or nation-state. To be a US citizen suggests an identity, but also the protection of certain rights and beliefs generally spelled out in the Bill of Rights. These include freedom of speech, freedom of religion and assembly, the right to bear arms, prohibitions against improper search and seizure, along with suffrage and civil rights. Furthermore, a US citizen's rights include freedom of thought, expression, conscience, religion, association, movement, etc. Ideally, citizenship is not merely defined as a "legal status; it also requires a sense of belonging."⁶ It implies a shared commitment to these basic principles and ideals. The problem with the modern conception of citizenship is its ambiguity, which leads to confusion among professional educators in their attempts to prepare students for participation in a democratic society, one of the primary purposes of US education.⁷

In a world showing at least some attention to a greater voice for oppressed peoples, within the context of social, political, and economic change, it is important and timely to engage the subject of what it means to be a citizen of a democracy. While the notion of freedom is associated with democracy, it is often misunderstood and conceptualized in an absolute sense, sometimes without responsibility for one's personal choices or how those choices can affect others. In reality, democracy

demands great individual responsibility. Being a citizen in a democratic society implies a respect for difference, though not necessarily support, of one's position. Democracy demands free and, at best, undistorted communication and willingness to engage in civil debate meant to serve the greater, common good.

While we have given the task of civic education to the public school, by its very nature education is a political process undergirded by philosophy and ideology. Teachers and teacher educators have a responsibility to prepare students for living in a democratic society which involves the constant reexamination of theory and practice: why we do what we do.⁸ Citizenship within a democracy is more than loyalty or duty to the nation-state, as found in the rhetoric of contemporary politicians (certainly in that from the Reagan era to the current Obama administration). Citizenship has not lost its political allegiance with nationalism or devotion to country, but this rhetorical shift must be understood in context. Howard Zinn concludes, as democratic citizens, it is critical we understand the difference between the interest of the people and that of government, being attentive when “expressions like national interest, national security, and national defense attempt to obscure that difference and entice citizens into subservience to power.”⁹ Schools tend to support rather than challenge this relation. Dewey states—in many ways—the primary purpose of education in a “democratic republic” is the “formation of habit of mind, which lasts through life, of which the attributes are freedom, equitableness, calmness, moderation, and wisdom.”¹⁰ Today the purpose of education implies more of a global role, since the world, in essence, has become “flatter” due to enhancements in communication and technology.¹¹ There is some concern our society's social fabric is being challenged and even weakened by this new global focus, thus presenting a challenge to democracy. We argue there is much confusion in understanding citizenship and democracy in US society; education can play an integral role in enhancing that understanding.

What Is Citizenship Education?

Some politicians, particularly those on the political right, implore the public to remain silent and patriotic, for example, not challenging political or military strategies, for to do so is to insult men and women in uniform. As longtime students of military history, we are continually disturbed at how the meaning of “hero” is degraded both by media and political rhetoric. Charles Eliot Norton (1827–1908) writes about his conception of a true citizen-patriot in 1898 in response to the Spanish American War:

The voice of protest, of warning, of appeal is never more needed when the clamor of fife and drum, echoed by the press

and too often by the pulpit, is bidding all men fall in and keep step and obey in silence the tyrannous word of command. Then, more than ever it is the duty of the good citizen not to be silent.¹²

It is critical better to conceptualize citizenship education beyond patriotism and blind obedience and identify citizenship education as vitally important to a democratic society. Of course, education plays a crucial role in the socialization of democratic values. Citizenship education in a plural society must nurture respect for the other, respect for the worth of all human beings and “the right and responsibilities of all; and a rejection of any form of exploitation, taking account of difference where that is appropriate, but not where it is not.”¹³

Civic Professionalism and Ethics

Professionalism embodies the characteristics of autonomy, a specialized body of knowledge, and ethical standards for conduct by placing an emphasis on decision-making and reflection. Part of civic professionalism is the “nurturing of the whole child in preparation for critical citizenship and participation in democratic society.”¹⁴ Dewey wrote “Freedom” in 1937, clearly aware of fascism’s growing threat to democracy.¹⁵ Attention to this theme directs us to consider the importance of an educator modeling professional behavior in the sense of helping students understand what constitutes the democratic ethic and why it is important for the teacher to model that ethic. As Dewey understands professionalism, he implies a degree of freedom to teaching and learning for development of citizenship. He claims freedom is necessary to “take part in the social reconstructions without which democracy will die.”¹⁶ An important role of the teacher is to nurture an environment open to dialogue on the day’s pertinent issues. Dewey writes, “Without freedom, light grows dark and darkness comes to reign.”¹⁷ Undergirding dialogue is freedom of inquiry and communication which must be protected by “‘eternal vigilance,’ the schools being the ceaseless guardians and creators of this vigilance.”¹⁸

Civic Education

We argue the central aim of civic education is to foster responsibility and participation. Unfortunately, too many students experience civics courses as learning the institutions of representative government rather than those principles guiding it. They learn obligations (such as voting and paying taxes) and not the personal and social responsibilities associated with being a democratic citizen. Psychologist and philosopher William James, in his “The Moral Equivalent of War,” writes “Democracy is still upon its trial. The civic genius of its people is its only bulwark.”¹⁹ Like Dewey, James

understands democracy not as a given, but as a notion to be nurtured through experience. Through civic education such nurturing takes place and so civic education must stress American citizenship, but also global citizenship. Historian R. Freeman Butts provides a list of civic virtues guiding civic education including both the obligations and rights of citizens. Under obligations of the citizen, Butts lists justice, equality, authority, participation, truth, and patriotism. Under the rights of the citizen he lists freedom, diversity, privacy, due process, property, and human rights.²⁰ It is the process of civic education by which we nurture students for participatory democracy. Strong civic education fosters civic character. Dewey advocates “better training in political citizenship” beyond that of knowledge of the “formal structures of voting and government.” Dewey senses this tradition of teaching civics as knowledge of the institutions of governance rather than the democratic thought and actions of citizens leaves the citizen “ignorant of the forces that operate in political life and of how such forces act,”²¹ the answer to which is political literacy. Political literacy implies a reflective and critical ability to read between the lines of policy in terms of who may or may not benefit and for what purpose.

Democratic Values and the Common Good

Robert Hutchins believes democracy to be the only form of government based upon the dignity of man. Hutchins expresses concern for democracy, arguing, “the death of democracy is not likely to be an assassination from ambush. It will be a slow extinction from apathy, indifference, and undernourishment.”²² While they often disagree, on this point Hutchins and Dewey at least play in a similar ballpark. A value is something held as a principle to guide one’s life and how it is lived, while a value generally is perceived both by the individual and society as a good. Dewey notes, “A democracy is more than a form of government, it is primarily a mode of associated living, of conjoint communicated experience.” He further articulates democracy as characterized by shared, common interests.²³

What are democratic values and why is there so much confusion and contradiction over them? We argue there exists a need to explore confusion and contradiction among those who see democracy as a form of absolute freedom, often using that conception of democracy as an excuse for refusing to accept responsibility and a license to undermine the common good. The National Council of Social Studies defines democratic beliefs and values as “individual rights, individual freedoms, individual responsibilities, and beliefs concerning societal conditions and governmental responsibilities.”²⁴ But the NCSS definition is, at face value, itself problematic in that it places emphasis on an individualism Dewey understood, but that now has become coöpted under the guise

of economic neoliberalism. Economic neoliberals' heroes are Frederick Hayek, John Locke, Herbert Spencer, Ayn Rand, Milton Friedman, and Adam Smith. Dewey implies liberty is a "social matter and not just a claim of the private individual." He clearly says the public school should not be an instrument of capital, preparing students for work over preparation for citizenship.²⁵

Civic Community Engagement

Robert Putnam suggests there is some support that "civic and especially political engagement in the US has generally fallen short of what one might hope in a democracy, especially over the past 30 years."²⁶ However, Cliff Zukin attempts to make sense of civic and political engagement trends, arguing young US citizens choose non-traditional forms of civic engagement over traditional political forms such as voting or participating in political parties, and this type of engagement often takes place in their local communities,²⁷ focusing on community-based organizations over government or political organizations. Zukin suggests young people are not more disengaged, but see their actions more as responsibility than obligation. Zukin thinks this may be due to their distrust of larger political and economic institutions as exhibited through such activities as the loose Occupy Wall Street movement. However, the question arises: Does less political engagement find itself outside the ability to challenge power when it lies within the economic, social, and political? Zukin seeks a balance between political and civic engagement, positing civic engagement can lead to political awareness.²⁸

In Dewey's writings, community is positioned as central to the very nature of democracy. More than a geographical entity, it is also a social and ethical sphere where individuals generally work together for the benefit of the common good rather than for individual gain. Dewey scholars recognize he posits the transition from rural, agrarian society undermined community life, and a primary role of the school is to help restore community life. In the "Public and Its Problems" Dewey writes, "Democracy must begin at home and its home is the neighborhood community."²⁹ Joe Burnett writes, "Dewey's own [educational] approach was through advocating techniques for restoring/developing a sense of community in an era during which individualization, science, technology, and urbanization were destroying community as known in a mainly agrarian, communal-neighborhood, extended-family America."³⁰ Community engagement is guided by democratic values such as respect for individual rights and dignity. Engagement, in this sense, implies deliberate action in what needs to be and should be done. The US public school was founded in the local community and designed to meet local

needs, yet the modern school too often is isolated from rather than engaged with its community. All of which leads us to ask, “what are the concerns of developing an active citizenship, including those that emphasize community service and character building?”³¹

Character Education in Democracy

Character distinguishes an individual. Often used in the context of reputation or moral excellence or mental and ethical traits, it marks a person or a group. Character is the regular display of virtuous behavior, assuming one knows what that entails. Echoing Dewey, political scientist Richard Dagger argues, “Virtues are valuable because they promote the good of the community or society, not because they directly promote the good of the individual.”³² In contemporary educational discourse, “character” often refers to one’s ability to meet certain conditions or adhere to rules, but in a democratic society character must be more than obedience. While individual character undergirds the foundations of democratic society, an individual must be cognizant of those social responsibilities associated with possessing the freedom to choose. What dispositions make up the democratic character and guide action? These might include civility, open-mindedness, compromise, judgment, and toleration of diversity. Dewey sees character as deriving from a sort of disposition; one’s character is defined by the more general term *ethos* [Greek] or *mores* [Latin]. These dispositions are culturally defined by what a social group perceives as right or wrong, good or bad.³³ A group’s traditional character traits might include wisdom, courage, temperance, and justice, which might be coupled with honesty, loyalty, and compassion.³⁴ Clearly, Dewey sought and envisioned a democratic character. To democratic character might be added “affection, respect, care, curiosity, and concern for the well-being of all living beings.”³⁵

Teaching Theory and Practice

Dewey advocates that to learn to be a democratic teacher, one must experience democracy, and his advocacy reflects upon how teachers are prepared. An integration of theory and practice with an understanding of why we do what we do, teacher education should be guided by the traits of critical dialogue, openness, reflection, and creativity. In the formation of a democratic character, it is important teachers model these traits and allow students experience in practicing them. But how can we teach teachers a democratic-theory-guiding practice which prepares students to embody and practice democratic dispositions?

Communications Development in Democracy

Communication is central both to the democratic process and the transmission of culture, though, of course, a culture need not be democratic. Dewey articulates, “men live in a community in virtue of the

things they have in common; and communication is the way in which they come to possess things in common.”³⁶ Within democracy, communication acts as the means to understand aims, beliefs, aspirations, and knowledge. Communication is like art, in that it offers a way we share and articulate experience beyond the confines of language,³⁷ and a process by which we share information to solve problems and work together for the common good. In an era of information explosion, how does one know what information is useful or practical in working together to advance the cause of democracy? One primary role of today’s educator is to teach a student how to sort through information, separating the wheat from the chaff, all the while remembering controlled knowledge or distorted knowledge poses a real threat to democratic society, for conveying beliefs, persuading others, and making arguments with reason and sense are the heart of democratic and community engagement. Dewey says communication is key to transformative political change, because through communication the “public must acquire knowledge of those conditions that have created it, and of how these conditions affect the value of associate life.”³⁸ So, how can we enhance knowledge sharing and how can communication be developed in order to nurture democratic principles in schools and society? Some suggest technology enhances such communication.

Technology and Citizenship Development for the 21st Century

Technology is a tool crafted and used to achieve some practical purpose or provide human sustenance or comfort. Larry Hickman suggests technology involves the “inventions, development, and cognitive development of tools and other artifacts, brought to bear on raw materials and [an] intermediate set of parts, with a view to the resolution of perceived problems.”³⁹ Hickman, who produced a documentary on Dewey, suggests the early technology of Dewey’s day was based on wind and water, tools even the ancients understood, yet within Dewey’s lifetime the atom would be split. Dewey proves a proponent of technology, arguing technology can help us “emancipate individuality, the most serious defect of our civilization,” the most dangerous threat being the control of technology for economic gain or private profit. In the end, Dewey argues technology be used for social over simply private ends.⁴⁰ Ultimately, experimental inquiry, as a tool, could become the basis for scientific inquiry and “social ends,” but should not be “utilized for ends which are not controlled by economic institutions where competition for pecuniary gain is supreme.”⁴¹

Within the context of democracy and citizenship, technology cannot merely be viewed as a tool that makes life easier, but as something that enhances our ability to communicate and provides access to knowledge so we might make informed decisions. Significantly,

decision-making is limited when information is unavailable to a citizen or a citizen is not capable of sorting through information without adequate intelligence. As Neil Postman states, technology is both friend and enemy and can provide greater access to knowledge but at the same time works against openness and access, “undermining certain mental processes and social relations that make human life worth living.”⁴² While technology can open the door to learning subject matter not possible in the traditional classroom setting and plays an integral role in education today, technology education must become more than learning the skill of tools’ practical use. Dewey’s best quotation on technology offers a strongly democratic flavor:

Technology signifies all the intelligent techniques by which the energies of nature and man are directed and used in satisfaction of human needs; it cannot be limited to a few outer and comparatively mechanical forms. In the face of its possibilities, the traditional conception of experience is obsolete.⁴³

Concluding Thoughts on Democracy and Citizenship Education

A democratic way of life is challenged by many forces: the political and economic ramifications of the global order and the misuse and distortion of freedom by those who adhere to economic freedom on their terms rather than political freedom in the public sphere, among others. Schools have made little progress in creating and nurturing democratic experiences for teachers and students. As an historian and a social studies educator, we often have wondered, how long might it take a Colonial-era child to adjust to the so-called modern classroom?; probably not as long as we think. To nurture the democratic citizen takes experience, practice, trial, and error. For students to be convinced of democracy’s value they must see it at work.⁴⁴ “The aim of civic education is therefore not just any kind of participation of any kind of citizen; it is the participation of informed and responsible citizens, skilled in the arts of deliberate effective education.”⁴⁵ Providing the experiences necessary to foster these citizenship traits requires a radical change from the current authoritarian atmosphere fostered by high-stakes testing and STEM initiatives, both driven more by economic than civic interests.⁴⁶ Concerned educators will need to create an environment in which students can engage in discussion, reflection, analysis, and coöperation leading to the growth of respect, creativity and imagination rather than the proliferation of passivity, submission, competition, dependency, and inequality—all dangers to democracy.⁴⁷ Educators must show our students the virtue of freedom within the context of personal autonomy coupled with public responsibility.⁴⁸

Endnotes

- 1 There are numerous works on citizenship, but few meet the purpose of addressing the themes we wish to address. James Arthur and Hilary Cremin, eds., *Debates in Citizenship Education* (New York: Routledge, 2011) overlaps ours to some extent, but is based more on experiences of educators sharing rather than philosophical clarification of the concepts. Arthur and Cremin's work also is based on the British experience and may not appeal to a US-public-education audience. Sigal R. Ben-Porath, *Citizenship Under Fire: Democratic Education* (Princeton, NJ: Princeton University Press, 2006) focuses on peace education, feminist contributions, and multicultural education. Ben-Porath looks at civic education in the context of the culture of war using policy examples from Israel and the US. Norman Nie, *Education and Democratic Citizenship in America* (Chicago: University of Chicago Press, 1996) discusses education as enlightenment, those educated being more tolerant although apparently growing less politically engaged. Nie addresses the importance and relation of education to a commitment to democratic values in the context of political engagement and creating social networks. His work seems, to us, to be directed toward political scientists and sociologists, not educators. Emery J. Hyslop-Margison and James Thayer, *Teaching Democracy: Citizenship Education as Critical Pedagogy* (Sense Publishers, 2009) does address some of our concerns, but within the framework of critical pedagogy.
- 2 Walt Whitman, *Walt Whitman: Complete Poetry and Collected Prose* (New York: Library of America, 1982), 960.
- 3 We use the following notation to cite Dewey's works, edited by Jo Ann Boydston, *The Early Works [EW], 1882–1898; The Middle Works [MW], 1899–1924; and The Later Works [LW], 1925–1953* (Carbondale, IL: Southern Illinois University Press). For Dewey's reference to Whitman see John Dewey, *LW* 2:351. This volume is *The Public and Its Problems*. See also John Dewey, *Democracy and Education* (New York: Macmillan, 1916), 96.
- 4 John Dewey, "Education, Democracy, and Socialized Economy," *LW* 13:308.
- 5 *Ibid.*
- 6 Audrey Osler, *Citizenship and Democracy in Schools* (Sterling, VA: Trentham Books, 2000), 4, 11.
- 7 For historical background on early discussions of this theme and for Jefferson's ideas on education see Gordon Lee, *Crusade Against*

- Ignorance: Thomas Jefferson on Education* (New York: Teachers College Press, 1961), and also Lawrence Cremin, ed. *The Republic and the School: Horace Mann on the Education of Free Men* (New York: Teachers College Press, 1957) for Mann's ideas on the common school which formed the basis of the modern, US public school.
- ⁸ Heidi Biseth, "Democracy and Education in a Multicultural Scandinavia: What Mandate is Designated to Educators?" *Intercultural Education* 20 (2009): 243–254.
- ⁹ Howard Zinn, "Foreword," in *Pledging Allegiance: The Politics of Patriotism in America's Schools*, Joel Westheimer, ed. (New York: Teachers College Press, 2007), xiv.
- ¹⁰ Joe Burnett, "Textual Commentary," *LW* 17:614. This is not a direct quote of Dewey, but is compatible with his thought. The quote is actually a theme from the 11th Winter Institute of Arts and Sciences at the University of Miami. The goal of the Institute was to discuss the integration of arts and sciences stressing the "Unity of Knowledge." Also see John Dewey, "Democracy and Education in the World Today," *LW* 13:303.
- ¹¹ See Thomas Friedman, *The World Is Flat: A Brief History of the Twenty-First Century* (New York: Farrar, Strauss, and Giroux, 2006). See also Nel Noddings, *Educating Citizens for Global Awareness* (New York: Teachers College Press, 2005).
- ¹² Quotation of Charles Eliot Norton's *True Patriotism* in John Bartlett's *Familiar Quotations*, 14th ed. (Boston: Little, Brown, and Company, 1968), 728.
- ¹³ See Peter Figueroa, "Citizenship Education for a Plural Society," in *Citizenship and Democracy in Schools: Diversity, Identity, Equality*, Audrey Osler, ed. (Sterling, VA: Trentham Books, 2000), 57.
- ¹⁴ Gary Wilkinson, "Civic Professionalism: Teacher Education and Professional Ideals and Values in a Commercialized Education World," *Journal of Education for Teaching* 33, no. 3 (2007): 392.
- ¹⁵ This essay is included in Douglas Simpson and Sam F. Stack, Jr., *Teachers, Leaders, and Schools: Essays by John Dewey*, (Carbondale, IL: Southern Illinois University Press, 2010), 229.
- ¹⁶ John Dewey, "The Social Significance of Academic Freedom," *LW* 11:378.
- ¹⁷ John Dewey, "Freedom," *LW* 11:254.
- ¹⁸ *Ibid.*, 255.
- ¹⁹ William James, "The Moral Equivalent of War," in *Memories and Studies* (New York: Longman and Green, 1911), 265–296. See also Louise

- Conn Fleming, "Civic Participation: A Curriculum for Democracy," *American Secondary Education* 40 (Fall 2011): 39–50.
- ²⁰ R. Freeman Butts, "The Moral Imperative for American Schools," *American Journal of Education* 96: 162–194. See also Pedro Noguera and Robby Cohen, "Education in the War on Terrorism," in *Pledging Allegiance: The Politics of Patriotism in America's Schools*, Joel Westheimer, ed. (New York: Teachers College Press, 2007), 29.
- ²¹ John Dewey, "Education, the Foundation for Social Organization," *LW* 11:234, and "Ethical Principles Underlying Education," *EW*: 59–60. He addresses the traditional "training for citizenship such as voting and obeying," plus the notion the child best experience citizenship rather than be "made" a citizen.
- ²² Robert Hutchins, *Great Books of the Western World: The Great Conversation*, vol. 1 (Chicago: Encyclopedia Britannica, 1952), 80.
- ²³ Dewey, *Democracy and Education*, 101.
- ²⁴ The National Council of Social Studies, *A Framework for Teaching, Learning, and Assessment* (Silver Spring, MD, 2010), 167.
- ²⁵ John Dewey, "The Social Significance of Academic Freedom," *LW* 11:378–379, and *Individualism Old and New*, *LW* 5:103.
- ²⁶ See Robert Putnam as quoted in Andrew Peterson, *Civic Republicanism and Civic Education* (New York: Palgrave Macmillan, 2011), 20.
- ²⁷ Cliff Zukin, Scott Keeter, Molly Andolina, Krista Jenkins, and Michael Delli Carpini, *A New Engagement: Political Participation, Civic Life, and the Changing American Citizen* (New York: Oxford University Press, 2006), 7.
- ²⁸ *Ibid.*, 187, 199–200.
- ²⁹ Dewey, *LW* 2:367–368.
- ³⁰ Joe Burnett, "Introduction," *MW* 1:xxi; and John Dewey, *School and Society*, *MW* 1:2–110.
- ³¹ Jane David, "Service Learning and Civic Participation," *Educational Leadership* 66 (2009): 83.
- ³² Richard Dagger, *Civic Virtues: Right, Citizenship, and Republican Liberalism* (New York: Oxford University Press, 1997), 14.
- ³³ Dewey, *Ethics*, *MW* 5:8. From the 1908 edition.
- ³⁴ Dagger, *Civic Virtues*, 14; Aristotle, *The Nicomachean Ethics of Aristotle*, David Ross, trans. (London: Oxford University Press, 1961), 48–78. Dewey mentions these more classical virtues in *Ethics*, *MW* 5:365–379.
- ³⁵ Peggy McIntosh, "Gender Perspective on Educating for Global Awareness," in *Educating Citizens for Global Awareness*, Nel Noddings, ed. (New York: Teachers College Press, 2005), 22–23.

- ³⁶ Dewey, *Democracy and Education*, 7.
- ³⁷ Dewey, *LW* 9:8; *LW* 9:13; and *LW* 10 (*Art as Experience*).
- ³⁸ Dewey, *LW* 2:xiii.
- ³⁹ Larry Hickman, *Philosophical Tools for Technological Culture* (Bloomington, IN: Indiana University Press, 2001), 12.
- ⁴⁰ Dewey, *LW* 5:xviii.
- ⁴¹ Dewey, “The Social-Economic Situation and Education,” *LW* 8:70.
- ⁴² Neil Postman, *Technopoly: The Surrender of Culture to Technology* (New York: Vintage, 1992), xii.
- ⁴³ Dewey, *LW* 5:270 (*What I Believe*).
- ⁴⁴ Gloria Ladson-Billings, “Differing Concepts of Citizenship: Schools and Communities as Sites of Civic Development,” in *Educating for Global Awareness*, Nel Noddings, ed. (New York: Teachers College Press, 2005), 79.
- ⁴⁵ Andrew Peterson, *Civic Republicanism and Civic Education* (New York: Palgrave Macmillan, 2011), 20. See also C. Quigley and J. H. Buchanan, *CIVITAS: A Framework for Civic Education* (Calabasas, CA: Center for Civic Education, 1991).
- ⁴⁶ Richard Battistoni, *Public Schooling and the Education of Democratic Citizens*. (Jackson, MS: University of Mississippi Press, 1985), 121.
- ⁴⁷ *Ibid.*
- ⁴⁸ Beth Rubin, *Making Citizens: Transforming Civic Learning for Diverse Social Studies Classrooms* (New York: Routledge, 2012), 9; and Arthur Pearl and Caroline Pryor, eds., *Democratic Practices in Education: Implications for Teacher Education* (Lanham, MD: Rowman & Littlefield, 2005), x.

John Dewey and Hannah Arendt on Totalitarianism, Education, and the Problems of Democracy

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John Dewey and Hannah Arendt are two of the most important US philosophers of the 20th century. Dewey's and Arendt's interests converge in several ways. After World War II much interest was ignited in those political and social systems that gave rise to totalitarian states. Dewey and Arendt both contribute to our understandings of the political, social, and philosophical issues that dominate the mid-20th-century's intellectual history. Their work remains important to us today for their insight into the place of the individual in society, the role and function of community, and the place of education. Dewey, near the end of his life, conceived his ideas in light of a lifetime of work on democracy, psychology, anthropology, and education. Arendt, at middle age, was a product of the German philosophical tradition and well known for *The Origins of Totalitarianism* and essays she contributed to various papers and journals. Their lives and their ideas overlap in the 1930s, 1940s, and early 1950s. Examining those overlaps allows one better to make sense of the contemporary situation, for in many ways Dewey's and Arendt's ideas are as important today as when they were written.

In this paper I compare the ideas and philosophy of Hannah Arendt with the ideas and philosophy of John Dewey, identifying several instances where they discuss similar topics, especially totalitarianism, Marxism, freedom, human life, and education. I draw from Arendt's *The Origins of Totalitarianism*, *The Human Condition*, and *Between Past and Future*, a volume which includes her essays "The Crisis in Education" and "Reflections on Little Rock." I rely upon Dewey's *Freedom and Culture*, *Human Nature and Conduct*, and *Experience and Education*, along with his essays "The Necessity for a Philosophy of Education" and "The Crisis in Human History."

Dewey and Arendt

Differences between John Dewey's and Hannah Arendt's philosophical perspectives and origins are many. Dewey, born a New England Protestant, was widely travelled, a student of Torrey, Peirce,

and James, and an experimentalist, pragmatist, and instrumentalist. Arendt was a German Jew, a European émigré forced to leave in order to escape the camps, nearly fifty years younger than Dewey, and a student of Heidegger and Jaspers with a first-hand knowledge of day-to-day life in Nazi Germany. Their various perspectives notwithstanding, they nevertheless reach similar conclusions—that culture and tradition as well as economic conditions have powerful effects on the political, social, and ideological conditions of government and thereby on the freedoms enjoyed by their nations' citizens. Arendt's concern for the masses is expressed in *Eichmann in Jerusalem*. Eichmann was unthinking, socialized into a society that rewarded one's ability to follow orders, interested only in his own advancement, unconcerned about the broader consequences of his actions, and thought only of ways to please his superior.¹ Dewey's faith in democracy and the common man is based upon a society that allowed for "the fullest possible realization of human potentialities."²

Much of Arendt's work results from her interest in the mass of indifferent and inarticulate citizens' political conditions, though between 1950, when *The Origins of Totalitarianism* was published, and 1958, with the publication of *The Human Condition*, "Arendt's idea of the masses changed from one without class distinction to one based on her concept of *animal laborans*:"³ the rise of the working class. To be sure, the masses so willing to follow strong political movements and leaders—fascist or communist—in the period following World War I were affected by their economic situation.⁴ After World War II, the prosperity and growth of consumerism, first in the United States and soon afterward in Western Europe, diverted the working masses' attention from the political arena to the cycle of consumption. The masses that had been so aware of the political climate in the period between the wars increasingly lost political interest in favor of interest in those goods and services provided by post-war prosperity. Workers became more and more convinced they were well-off because of their possessions.⁵

Democracy is the starting point for Dewey's thought, with the role of education in democracy as central. He has faith in the common man's intelligence and mistrust for dogmatism and authoritarianism in any guise. Dewey stresses the importance of experience and the continuous process of evaluation and synthesis: its reconstruction. Knowledge is derived from experience and represents the application of people's intelligence to their experiences; knowledge is tentative and dynamic, always changing in response to new experiences and new information, and continually reconstructed. Knowledge is also a means—one could say *the* means—of living. Experimental procedure, the scientific method to be applied to all forms of enquiry, plays an important role in Dewey's

thought. His political philosophy consists of liberal ideals; maintaining the government's primary responsibility is to ensure the greatest freedom to the greatest number and the economic security of an adequate standard of living. Political activism in the form of active engagement with political and economic conditions marks Dewey's work. He rejects dogmatism and the slavish acceptance of the status quo. He urges people actively to engage in society and participate in the development of a more perfect world.

Totalitarianism

Hannah Arendt is well known as a political philosopher and historian. Her book, *The Origins of Totalitarianism*, traces the differences between totalitarian societies and other systems, both democratic and non-democratic. Her subsequent writing on political philosophy examines political action and the roles of people in society. *The Origins*, in a way, sets a theme for Arendt's later writing in that she is able to reject totalitarianism as a system done *to* people with, at some point, their willing participation. She shows, then and later, that people are complicit in their own subjugation living their lives striving for personal success, and if that means running a concentration camp in Nazi Germany or managing a labor camp in what has come to be known as the Soviet Gulag or just ignoring the disappearance of friends and neighbors who were not Aryan or politically reliable, then that is just the way the state works. Arendt's study of totalitarianism is defined by her religious and ethnic background. Her first two sections on totalitarianism deal with various aspects of the European Jewish experience and the rise of anti-Semitism. The second section examines the Age of Imperialism, the rise of economic-class society, and impact of multinational states before World War I. She posits the necessary social conditions for the rise of totalitarian systems are established during the period of the rise of late-19th- and early-20th-century, socioeconomically classed societies. These conditions center upon the population's majority not being integrated into the political process through party membership or social organizations, resulting in the targeting of indifferent masses for exploitation through political rhetoric and propaganda.⁶ The 19th-century, class-system breakdown and the rise of the bourgeoisie, the proletariat, and the *lumpenproletariat* combined with anti-Semitism to blame Jews for current economic and social conditions. In this the Jewish population proved singularly vulnerable. In the 18th and 20th centuries it would have been inconceivable to attack the financially powerful, Jewish minority, but by the turn of the 20th century most of that financial power had dissipated so Jews become superfluous.⁷

A decade earlier John Dewey was also interested in the rise of the totalitarian state. In *Freedom and Culture*, published in his 80th year, Dewey

examines the relationship of various cultural elements as they relate to the level of social and political freedom in a nation. He writes,

...we now know that the relations which exist between persons, outside of political institutions, relations of industry, of communication, of science, art, and religion, affect daily associations, and thereby deeply affect the attitudes and habits expressed in government and rules of law.⁸

While Dewey believes the end of government, “the goal of political history...is the attainment of freedom,”⁹ he acknowledges competing ideologies do not represent the attainment of freedom as a goal. Tyranny, even the tyranny of the majority, can be found in many governmental systems. He finds Nazism to represent

...the appeal to fear; from desire to escape responsibilities imposed by free citizenship; from impulses to submission strengthened by habits of obedience bred in the past; from desire for compensation from past humiliations; ...love for novelty which...has taken the form of idealistic faith; ...and being engaged in creating a pattern for new institutions which the whole world will in time adopt.¹⁰

And all is reinforced by the propaganda machine’s operation relying upon the educational institution to support and defend the Reich above all else.

Obviously Dewey’s and Arendt’s views on totalitarianism are conditioned by their own life circumstances. Arendt’s views result from her personal experiences as a Jew in Nazi Germany and as an observer of the process of that regime’s development. Dewey’s views are, one could say, more abstract: the views of a well-informed outsider. Arendt focuses on the development the totalitarian ideology, “an atmosphere in which all traditional values and propositions had evaporated...”¹¹ Dewey, in his way, agrees. Focusing on culture, he says, “political institutions are an effect, not a cause.”¹²

Marxist Thought

Arendt argues the theories of Karl Marx mark the end of the Western tradition of political thought that began with Plato and Aristotle. The allegory of the cave in Plato’s *Republic* describes “human affairs...in terms of darkness, confusion, and deception”¹³ to be rejected by those in search of eternal ideas’ truth. Marx brought the era of thought to a close by declaring, says Arendt, that “philosophy and its truth are located not outside the affairs of men and their common world but precisely in them, and can be realized only in the sphere of living together...in society, through the emergence of ‘socialized men.’”¹⁴

Philosophy and political philosophers in particular were called upon to cease interpreting the world in order to begin to change it, challenging, says Arendt, “the traditional God, the traditional estimate of labor, and the traditional glorification of reason.”¹⁵ Marx’s movement from philosophy into politics puts dialectics into political action, emphasizes the ideological, and illuminates the rift between classical political thought, modern political conditions, and modern economic relations.¹⁶ Marx’s analysis of history focuses on labor as the production of goods, not labor as the production of artifacts. The shift from work to labor emphasizes the emerging conflict between labor power and the means of production.¹⁷

To Dewey, Marx’s genius lies in his ability to combine
...the romantic idealism of earlier social revolutionaries with what purports to be a thoroughly “objective” scientific analysis expressed in the formulation of a single all-embracing “law”...of the existence of classes which are economically determined, which are engaged in constant warfare with one another,...a law which moreover sets forth the proper method to be followed by the oppressed economic classes in achieving its final liberation.¹⁸

But such scientific analysis contains, for Dewey, a fallacy. He finds it to be anti-scientific, “derived from...a single causative force”¹⁹ and it “supposed a generalization that was made at a particular date and place...can obviate the need for continued resort to observation and to continual revision of generalizations in their office of working hypotheses.”²⁰ Marxist theory holds that “the state of forces of economic productivity...ultimately determines all forms of social activities and relations, political, legal, scientific, artistic, religious, and moral.”²¹ However, suggests Dewey, there exists a rather wide chasm separating the theory of class warfare and its realization. Only directed movements like Bolshevism, Maoism, etc. have succeeded in ascending to political control and those regimes proved anything but democratic, whereas Socialist or Social Democratic movements offer alternatives and influence government in an effort to provide more economic and social equality and more freedom through economic security. While not going to the extreme, Marxist position of economic determinism, Dewey accepts the idea of economic forces’ impact on society and social relations, for he has serious misgivings about Marxism-Leninism as a political system while recognizing the importance of economic relations and the existence of class antagonism, if not warfare. He supports the constructive goals attainable through democratic, socialist means but not the destructive goals of revolutionary Marxism.

In their analyses of Marxism, Dewey and Arendt focus on different aspects of Marxist thought. From Arendt's perspective, the individual is most important. She considers the Marxist analysis of work and labor flawed by its reliance on mass behavior and denial of the agency of personal action.²² Dewey concentrates more on the social and cultural aspects of Marxism, especially the Marxist assumptions about conflict and its place in social progress. Ultimately, Marxism has, for Dewey, no reconstructive element but becomes a dogmatic, monistic theory.²³

Freedom

In "Truth and Politics," Arendt views truth from two perspectives: philosophical and political. "Since philosophical truth," she writes, "concerns man in his singularity, it is unpolitical by nature."²⁴ Like truth, freedom, in the philosophical sense, concerns man "in his singularity" but also concerns man as a member of a collective: the political aspect of freedom. Thomas Jefferson's self-evident truths like equality and liberty "stand in need of agreement or consent,"²⁵ for meaningful freedom is only meaningful or politically viable among equals. Equality and freedom are social constructs "arrived at by discursive, representative thinking"²⁶ and guaranteed by the political establishment whose purpose it is to secure and arbitrate the exercise of individual freedom. Freedom is important to Arendt because it allows the opportunity for individual action "for action and politics, among all the capabilities and potentialities of human life are the only things of which we could not even conceive without at least assuming that freedom exists."²⁷ Action for Arendt is "guided by a future aim whose desirability the intellect has grasped"²⁸ and the ability to act, to exercise free will, is the indicator of personal and political freedom. Freedom exists only where the "I-will and the I-can coincide."²⁹

Dewey writes "attainment of freedom is the goal of political history, that self-government is the inherent right of free men...prized above all else."³⁰ Freedom's important factor is one's ability to choose. "Without genuine choice," writes Dewey, "choice that when expressed in action, makes things different from what they otherwise would be, men are but passive vehicles through which external forces operate."³¹ In tying freedom to action, Dewey finds three elements of importance: "efficiency in action, the ability to carry out plans, the absence of cramping and thwarting obstacles, ...the capacity to vary plans, to change the course of action, to experience novelties,...and the power of desire and choice to be factors in events."³² He finds the "power to act...depends upon positive and constructive changes in social arrangements."³³

Arendt and Dewey both place an emphasis on the role of freedom of action as both the ends and means of political organization and

government. This application of intelligence and forward-thinking Arendt calls “principles,” which, “do not operate within the self like motives do, ...are much too general to prescribe particular action,...[and] fully manifest only in the performing act itself.”³⁴ They inspire from without. For Dewey, these determining influences comprise “culture.”

The culture of a period and group is the determining influence in their arrangement; it is that which determines the patterns of behavior that mark out the activities of any group, family, clan, people, sect, faction, class. ... The function of culture in determining what elements of human nature are dominant and their pattern or arrangement in connection with one another goes beyond any special point to which attention is called.³⁵

So the opportunity and potential for meaningful action lie in direct proportion to the level of freedom in a society: least in totalitarian states, greatest in democracies. Arendt’s and Dewey’s perspectives differ in that Arendt focuses more on the individual and individual action guided by principles while Dewey focuses more on community and social action.

Human Life

In *The Human Condition*, published in 1958, Arendt presents three conceptions of human life: *animal laborans* (the person as worker), *homo faber* (the person as creator), and *zoon politikon* (the person of political and social action in the context of society). These three concepts—labor, work, and action—make up what Arendt calls *vita activa*.³⁶ Each facet of *vita activa* is important: labor because it supports society’s consumptive and productive needs, work because it provides outlet for the person’s creativity, and intelligence and action because they provide the opportunity for social and political impact.³⁷ For Arendt the basic conditions of action are plurality, which “has the twofold character of equality and distinction,”³⁸ and natality, the birth and life of new individuals into the world and also one’s ability to initiate new action, to think and communicate new ideas, and to create new artifacts. She writes, “This sense of initiative, an element of action, and therefore natality, is inherent in all human activities.”³⁹ Plurality requires a certain amount of freedom; “To be free [means] to be free from inequality.”⁴⁰ But equality in modern society is largely conformist in nature—behavior that is too far from the norm is not well tolerated in day-to-day society. The scope of a person’s labor, work, and action are determined by the conditions of one’s natality. The fact and the act of being born and those circumstances into which one is born affect the range and scope of the life one is to lead. Arendt warns that statistical descriptions of life have value for large numbers of people over long periods of time but offer little more than tendencies for specific individuals at specific times. The

new, says Arendt, “always happens against the overwhelming odds of statistical laws and their probabilities, which for all practical, everyday purposes amounts to certainty; the new therefore always appears in the guise of a miracle.”⁴¹ Indeed, action is the ability to do the extraordinary, to overcome the inertia of social behavior and act creatively based on experiences, knowledge, and relationships by communicating with others or by beginning something new.

Dewey’s investigation into the human condition is based upon
 ...the structure and workings of human nature, of psychology,...in its wider (social) sense (and a conception of) morals...as including all the subjects of distinctively human be import, all of the social disciplines as far as they are intimately connected with the life of man and as they bear upon the interests of humanity.⁴²

Dewey recognizes what now we call the nature/nurture debate. On one hand there are those who emphasize the role of a person’s innate attributes, and on the other, society’s overwhelming influence. He advocates for “a balance of the two sides of the scene.”⁴³ Dewey recognizes the difficulty of finding harmony between intrinsic human nature’s impact and social customs’ and social institutions’ socializing effects, yet believes such an equilibrium is possible and valuable. Both viewpoints must be accommodated in any study of human life. In Dewey’s view, “moral” study can be broken into major divisions: habit, impulse, and intelligence. Habit represents “an acquired predisposition to *ways* or modes of response...a way of behaving. Habit means special sensitiveness or accessibility to certain classes of stimuli, standing predilections, and aversions, rather than bare recurrence of specific acts. It means will.”⁴⁴ While habits are “secondary and acquired,” impulses “are highly flexible starting points for activities which are diversified according to the ways in which they are used...depending on...how they are interwoven with other impulses.”⁴⁵ The existence of a person as an individual and a member of a community or society and the ability of that person to choose from a variety of individual or social beliefs and attitudes reveals what Dewey calls one of the most serious problems of philosophy: pluralism. “The needs which pluralism endeavors chiefly to serve are: 1. The possibility of real change...; 2. The possibility of real variety, particularly in the differences of persons; and 3. The possibility of freedom as a self-initiating and moving power inherent in every real *qua* real.”⁴⁶ Only when society can accommodate truly pluralistic observations and concern itself with special and plural conditions will a person be able freely to act.

Action is the primary societal contribution of an individual. For both Arendt and Dewey, action focuses on pluralism and natality. They share similar perspectives on the problem of the individual and the individual's social action though Arendt focuses on the individual in society, while Dewey focuses more upon society or a community of individuals. Action, for Arendt depends upon plurality since it is "the only activity that goes on directly between men without the intermediary of things or matter."⁴⁷ Natality is also inherent in action "in the sense of initiative...action is the political activity par excellence...the central category of political, as distinguished from metaphysical thought."⁴⁸ Though the terms pluralism and natality are difficult to locate in Dewey's writings, the concepts nevertheless are present, for example, within Dewey's interests in individuality (how one person is distinct, is "himself not another"⁴⁹) and individualism, the "primary regard for individual rights."⁵⁰ The idea of natality is also in line with Dewey's instrumental and reconstruction thought; "life," for Dewey, "is perpetuated only by renewal."⁵¹

Education

Arendt's discussion of education's role begins on the point of natality. She writes, "The essence of education is natality, the fact that human beings are born into the world."⁵² The newborn requires constant care and nurture, socialization, and instruction in order to become a functioning adult. Natality is a more complex concept than the biological act of birth, rather it represents the uniqueness of the person and their potential for action; the capacity of the person to begin something new; the ability to conceive of an idea, create some artifact, or enter into some relationship; and a sort of social contract that grants the person the right to work, labor, and act as a unique person amidst a world of unique people. Education, for Arendt, prepares one for life, the life of the mind, and development of one's faculties of the mind. For Arendt these faculties include thinking, willing, and judging,⁵³ while the goal of these faculties' application is to understand one's world. She maintains the social institution of education must be examined with respect to the three areas of human life: "the political, the social, and the private."⁵⁴

Arendt is no fan of progressive education. She focuses on the value of tradition and the traditional roles of teachers and students. In commenting on a photograph of Elizabeth Eckford (one of the students who integrated Little Rock High School) being taunted by a group of white students, she notes "the picture looked to me like a fantastic caricature of progressive education which, by abolishing the authority of adults, implicitly denies their responsibility for the world into which they have borne their children and refuses the duty of guiding them into it."⁵⁵

She wonders about the state of a society which asks its children to change and improve it, asking whether the schoolyard is the proper place to fight political battles. She warns, in 1957, that denial of equality could prove more explosive in Northern, urban centers than in the tradition-bound South. If the heterogeneous realm of society, “between the political and the private,” is to support broad, democratic conformity without becoming absolute (a substitute for homogeneity), then education must, Arendt says, “prepare children to fulfill their future duties as citizens.”⁵⁶ The public world of the school is the place where the child comes into contact with wider society; this social contact contains the opportunity for association and social life outside the family structure.

Arendt terms the educational situation about which she writes a “crisis” because designating it as such justifies her discussing education as an outsider with a view to understanding the crisis’ roots without the “prejudices” of professionals involved in and too close to issues to be objective. For Arendt the role of education, the propagation of US tradition, and the assimilation of various subcultures into that tradition mean schools assume functions which, in other societies, are performed as a matter of course in the home. She writes, “the enormously difficult melting together of the most diverse ethnic groups—never fully successful but continuously succeeding beyond expectation—can only be accomplished through the schooling, education, and Americanization of the immigrants’ children.”⁵⁷ She views the role of “continuous immigration” as “key to the political consciousness and frame of mind.”⁵⁸ Arendt argues US education has been greatly influenced by educational theories originating in Middle Europe. One can only assume she refers to the influences of Rousseau, Pestalozzi, Froebel, Herbart, and others. At any rate, the result is “a most radical revolution in the whole system of education.”⁵⁹ She finds the shortcomings of progressive education to be indicated by three basic assumptions: an autonomous child’s world and society to be left alone, teachers trained in teaching without mastery of subject matter, and the substitution of doing for learning “obliterating as far as possible the distinction between work and play—in favor of the former.”⁶⁰ By unnecessarily prolonging childhood preparation the adult world is sacrificed, in Arendt’s view, to the world of childhood. For Arendt the end of education is the capacity for action—and by action she means social interactions—often of a social or political nature. She includes the process of education not in the world of action, but as part of mass society’s public realm or common world.⁶¹ “Education,” she says, “can play no part in politics, because in politics we always have to deal with those who are already educated.”⁶² Arendt focuses on the political role of education to create a new order

and to “Americanize” children of immigrants and thereby affect change upon their parents.⁶³ In 1958, when “The Crisis in Education” is written, there is a significant US conservative reaction to education in general and progressive education in particular. Arendt says,

...conservatism, in the sense of conservation, is of the essence of the educational activity. ...we are always educating for a world that is or is becoming out of joint...for the sake of what is new and revolutionary in every child, education must be conservative; it must preserve this newness and introduce it as a new thing into an old world.⁶⁴

Arendt’s essay “The Crisis in Education” is not an educational philosophy any more than is “Reflections on Little Rock,” yet these two essays give one but a glimpse into Arendt’s educational ideas. Elsewhere there is plentiful material in her writings to have supported her development of a complete educational philosophy. *The Human Condition* and *The Life of the Mind* certainly hold foundational ideas necessary for a complete philosophy of education, for the interaction of her concepts *animal faber*, *animal laborans*, *zoon politikon*, *vita activa*, *vita contemplativa*, plurality, and natality provide sufficient philosophical elements.

When the Soviet Union launched Sputnik, beginning the space race in 1957, there was a great deal of concern the US system of education was not adequately preparing students, spurring a corresponding interest in educational change. Various study groups and committees were established to investigate ways to improve school curricula. Math, science, foreign language, and other disciplines received curriculum materials designed to increase students’ public school achievement. Intelligence testing was encouraged to identify more-able students and this practice often led to grouping the ablest students in a tracked curriculum.⁶⁵ The National Defense Education Act provided more support to public schools, colleges, and universities administered not through the Department of Education, but through the National Science Foundation. Teacher training was also affected. To attract more students into teaching, loans administered by the NDEA were reduced by half for those teaching within public schools. One, however, simply cannot know from Arendt’s published writings what she makes of educational change occurring after 1958.

Dewey, whose ideas would form the basis for the progressive education movement, writes “the secret of education consists in having that blend of check and favor which influences thought and foresight, and that takes effect in outward action through this modification of disposition and outlook.”⁶⁶ Progressive education arises from a discontent with traditional educational practices aiming to provide an

education based on not only a new philosophy, but a new psychology of education: the view of education as “a process of development, of growth. And it is the process and not merely the result that is important,”⁶⁷ for there is also a wider connection to the community and the daily life experiences of students so that “there is an intimate and necessary relation between the processes of actual experience and education.”⁶⁸ Dewey theorizes progressive schools should reject old educational ideas, instead going to the opposite extreme. He says,

...many of the newer schools tend to make little or nothing of organized subject matter,...proceed as if any form of direction and guidance by adults were an invasion of individual freedom, and as if the idea that education should be concerned with the present and future meant that acquaintance with the past has little or no role to play in education.⁶⁹

And,

...schools have mostly been given to imparting information ready-made, along with teaching the tools of literacy. ...the methods used in acquiring such information are not those which develop skill in inquiry and in test of opinions. On the contrary they are positively hostile to it.⁷⁰

To this end, Dewey constantly recommends “a philosophy of education based upon a philosophy of experience.”⁷¹ For Dewey “life is interruption and recoveries.”⁷² Day-to-day life often is carried out in the mode of habitual behavior, but reconstruction is required and, when such interruptions and recoveries occur, it becomes necessary to apply intelligence to accommodate a new situation. But a philosophy of experience must also take into account that some experiences are miseducative so, “the central problem of an education based on experience is to select the kind of present experiences that live fruitfully and creatively in subsequent experiences.”⁷³ Dewey does not oppose “discipline” which, he says,

...is indeed necessary as a preliminary to any freedom that is more than unrestrained outward power. But our dominant conception of discipline is a travesty; there is only one genuine discipline, namely, that which takes effect in producing habits of observation and judgment that ensure intelligent desires.⁷⁴

Two Deweyan principles fundamental to the application of experience to education are interaction and continuity. “The principle that development of experience comes about through interaction means that education is essentially a social process.”⁷⁵ It remains the task of the teacher to provide continuity of experience through knowledge of the subject matter and knowledge of students: their character, their level of

development, and their attitudes toward learning. Dewey emphasizes the importance of thoughtful planning for the arrangement of “conditions that are conducive to community activity...based on the capacities and needs of the particular set of individuals...subject matter or content for experiences that satisfy these needs and develop these capacities.”⁷⁶

While Dewey’s and Arendt’s educational ideas read as parallel in many important ways, there nevertheless are some significant differences. Arendt sees US education as in a shambles, finding there a lack of common sense and sound, human reason. She is concerned for the well-being of young people in schools and in society unprepared for life, having been taught without being educated, not learning enough about the outside world because of being sheltered in schools, focused on their wants and needs as opposed to preparation for activity in society. Arendt’s belief Progressive education springs from 19th-century, radical, experimental, European educational practices undervalues the wholly US philosophical movement that was Pragmatism. US educators and educational thinkers were well aware of European thought, but the impact of US philosophers and educational thinkers would transcend European conceptions of education and take US education in a whole new direction. C. S. Peirce, William James, George Herbert Meade, G. Stanley Hall, Edward Lee Thorndike, and others all influenced US education and their ideas were transmitted to Europe through literature and other interactions. But it was John Dewey who synthesized all this US philosophy and created philosophy of education. Dewey trusted that science and the scientific method could reform education from investigation into basic conceptions of the nature and development of the learner, the role of the school as a social institution in a democratic society, nature of the task of teaching, and the place and structure of curriculum and method. In 1897 in “My Pedagogic Creed,” Dewey sets down those tenets of educational reform that influence educational thinkers to this day. The fact that Progressive educators, in some cases, took his ideas to the extreme certainly is no fault of Dewey’s.

I find it interesting the ideas of Dewey and Arendt converge as much as they do. Arendt’s *The Life of the Mind* and Dewey’s *Human Nature and Conduct* both explore the individual’s place in society. Dewey’s work begins with society and culture, then shifts to focus upon the individual. Arendt starts with the individual and expands to society and culture. Where in *Freedom and Culture* Dewey focuses more on the economic and social basis of totalitarianism, in *Origins of Totalitarianism* Arendt relies primarily on historical and cultural analysis. In her analysis of education, Arendt advocates an educational institution that focuses on students’ academic development while protecting them as much as possible from excessive external influences and distractions. Dewey views the school as an integral part of society with students as citizens

designed to serve as a microcosm of larger society, also including those issues and problems of the macro society.

My examination of the ideas of Arendt and Dewey proves of interest not only as intellectual history, but also because it reveals the importance of their ideas in contemporary social, political, and educational thought. The problems they examine are today the same. And their analyses and positions are still valid—still relevant.

Endnotes

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- ³ Margaret Canovan, "The Contradictions of Hannah Arendt's Political Thought," *Political Theory* 6, no. 1 (1978): 5–26..
- ⁴ Hannah Arendt, *The Origins of Totalitarianism*, 3rd ed. (New York: Harcourt Brace Jovanovich, 1951/1973), 309.
- ⁵ Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958), 100.
- ⁶ Arendt, *The Origins of Totalitarianism*, 341.
- ⁷ Young-Bruehl, *Hannah Arendt*, 219.
- ⁸ Dewey, *Freedom and Culture*, 6.
- ⁹ *Ibid.*, 4.
- ¹⁰ *Ibid.*, 36.
- ¹¹ Arendt, *The Origins of Totalitarianism*, 334.
- ¹² Dewey, *Freedom and Culture*, 6.
- ¹³ Hannah Arendt, "Tradition and the Modern Age," *Between Past and Future* (New York: Viking, 1961), 17.
- ¹⁴ *Ibid.*
- ¹⁵ *Ibid.*, 22.
- ¹⁶ *Ibid.*, 32.
- ¹⁷ Arendt, *The Human Condition*, 106.
- ¹⁸ Dewey, *Freedom and Culture*, 78–79.
- ¹⁹ *Ibid.*, 86.
- ²⁰ *Ibid.*, 87.
- ²¹ *Ibid.*, 77.

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- ²³ Dewey, *Freedom and Culture*, 89.
- ²⁴ Hannah Arendt, "Truth and Politics," *Between Past and Future: Eight Exercises in Political Thought* (New York: Viking, 1961), 247.
- ²⁵ *Ibid.*, 246.
- ²⁶ *Ibid.*, 247.
- ²⁷ Hannah Arendt, "What is Freedom?," *Between Past and Future: Eight Exercises in Political Thought* (New York: Viking, 1961) 146.
- ²⁸ *Ibid.*, 151.
- ²⁹ *Ibid.*, 160.
- ³⁰ Dewey, *Freedom and Culture*, 4.
- ³¹ John Dewey, "Philosophies of Freedom," in *The Collected Works of John Dewey, Later Works*, vol. 3, Jo Ann Boydston, ed. (Carbondale, IL: Southern Illinois University Press, 1983), 92–93.
- ³² John Dewey, *Human Nature and Conduct* (New York: Modern Library, 1957), 303–304.
- ³³ Dewey, "Philosophies of Freedom," 101.
- ³⁴ Arendt, "What is Freedom?," 152.
- ³⁵ Dewey, *Freedom and Culture*, 18–21.
- ³⁶ Arendt, *The Human Condition*, 7.
- ³⁷ *Ibid.*, 22–23.
- ³⁸ *Ibid.*, 175.
- ³⁹ *Ibid.*, 8–9.
- ⁴⁰ *Ibid.*, 33.
- ⁴¹ *Ibid.*, 178.
- ⁴² Dewey, *Human Nature and Conduct*, v.
- ⁴³ *Ibid.*, vii.
- ⁴⁴ *Ibid.*, 42.
- ⁴⁵ *Ibid.*, 95.
- ⁴⁶ John Dewey, "Pluralism," in *The Collected Works of John Dewey, Middle Works*, vol. 2, Jo Ann Boydston, ed. (Carbondale, IL: Southern Illinois University Press, 1983), 204.
- ⁴⁷ Arendt, *The Human Condition*, 7.
- ⁴⁸ *Ibid.*, 9.
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- ⁵¹ Dewey, *Human Nature and Conduct*, 167.
- ⁵² Hannah Arendt, "The Crisis in Education," *Between Past and Future* (New York: Viking, 1961), 174.
- ⁵³ Hannah Arendt, *The Life of the Mind* (New York: Houghton Mifflin Harcourt, 1981).
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- ⁵⁷ Arendt, "The Crisis in Education," 175.
- ⁵⁸ *Ibid.*
- ⁵⁹ *Ibid.*, 178.
- ⁶⁰ *Ibid.*, 183.
- ⁶¹ Arendt, *The Human Condition*, 52.
- ⁶² Arendt, "The Crisis in Education," 177.
- ⁶³ *Ibid.*
- ⁶⁴ *Ibid.*, 192–193.
- ⁶⁵ John Pulliam and James Van Patten, *History of Education in America*, 8th ed. (Upper Saddle River, NJ: Merrill Prentice Hall, 1993), 207.
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- ⁶⁷ John Dewey, *Experience and Education*, 13th printing (New York: Collier Books, 1938/1971), 20.
- ⁶⁸ *Ibid.*, 22.
- ⁶⁹ Dewey, *Freedom and Culture*, 149.
- ⁷⁰ Dewey, *Experience and Education*, 29.
- ⁷¹ Dewey, *Human Nature and Conduct*, 179.
- ⁷² Dewey, *Experience and Education*, 27–28.
- ⁷³ Dewey, "The Crisis in Human History," 107.
- ⁷⁴ Dewey, *Experience and Education*, 58.
- ⁷⁵ *Ibid.*
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