HOW EMANCIPATION AND THE AFRICAN AMERICAN STRUGGLE FOR FREEDOM OF BODY AND MIND CONTRIBUTED TO THE TRANSFORMATION OF EDUCATION AND DEMOCRACY IN AMERICA

A THESIS
SUBMITTED ON THE EIGHTEENTH DAY OF JULY 2016
TO THE SCHOOL OF CONTINUING STUDIES
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
OF TULANE UNIVERSITY
FOR THE DEGREE
OF
MASTER OF LIBERAL ARTS

BY

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With sincere gratitude to Tony Mawson, Eric Weber, Peyton McElroy, Kamper Floyd and David Slay for extraordinary guidance and support.

TABLE OF CONTENTS

INTRODUCTION

> Work, culture, liberty,—all these we need, not singly but together, not successively but together, each growing and aiding each, and all striving toward that vaster ideal that swims before the Negro people, the ideal of human brotherhood, gained through the unifying ideal of Race; the ideal of fostering and developing the traits and talents of the Negro, not in opposition to or contempt for other races, but rather in large conformity to the greater ideals of the American Republic, in order that some day on American soil two world-races may give each to each those characteristics both so sadly lack.
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> —W.E.B. Du Bois, *The Souls of Black Folk*, 1903

In his classic text *The Souls of Black Folk*, W.E.B. Du Bois imagined a time when these splendid ideals of the American Republic—two world races nurturing and complementing one another and mutually contributing to a thriving, flourishing society—would one day come to pass.[1] One of the principal ways he envisioned this happening was through the transformational process of public education. In this work, I examine how the efforts of African Americans to create schools and acquire education, both during slavery and in the years immediately after emancipation, helped move our nation closer to that ideal. Yet the promise of a widely and equitably educated populace remains unfulfilled.

In chapter one I review how the first formal education systems for African Americans developed following emancipation in the American South. Who were the teachers? Who attended? What was taught? Who provided financial support for these

[1] W.E.B. Du Bois, *The Souls of Black Folk*, [Chicago: A.C. McClurg & Company, 1903], 11.

schools? What challenges and threats did these schools face in those early, uneasy years of Reconstruction?

In chapter two I review the principles of our American democratic system and the function of education in a healthy, inclusive democracy. I examine a fundamental weakness in the American democracy in the mid-nineteenth century—significant barriers to education for many citizens and limited educational attainment among those considered "literate"—and how the efforts of African Americans to acquire education began a crucial transition of our democracy from one in which only affluent whites could truly participate, to a society in which education would eventually become available to all, thus providing all citizens the tools necessary to actively participate in our own governance. I contend that a healthy democracy requires a shared understanding of the fundamental values our social contract, which in turn implies a need for a similar level of educational attainment among all citizens.

Finally, in chapter three, I argue that because inequalities persist in educational opportunity in this country, despite the remarkable endeavors of freedpeople during early Reconstruction, our social contract remains unfulfilled.

The American form of democracy in the first century of United States history was flawed for a variety of reasons, not only due to the existence of legalized slavery, but because there were significantly marginalized demographic segments of the American population, including blacks, women, children and Native Americans. Emancipation resolved, at least by law, one of those flaws.[2] Unfortunately, marginalization of certain populations in our nation continues to keep us from the democratic ideal of equal access

[2] It can be argued that sharecropping and apprentice systems following Emancipation perpetuated certain elements of slavery.

to the rights of citizenship for all. This thesis focuses on the crucial role education plays in a thriving society and how the efforts of the first generation of freed slaves to seize the rights of American citizenship, principally through education, began a profound—but not yet fully realized—transformation of our nation into a healthier, more inclusive democracy through universal civic participation. The flames of the Civil War forged the framework of modern America, and an essential component of that framework included an emerging system of public education—a hallmark of a developed society—for blacks and for whites.

An enduring misperception of post-Civil War southern black schooling is that educators were predominantly white missionaries, motivated by compassion and evangelism to bring education and the gospel to the illiterate freedpeople. Substantial research exists on the work of white educators from the North who swept into the postbellum South to rescue the freed slaves from their ignorance. Certainly they contributed a great deal to the creation of schools for African Americans; however, more recent scholarship offers an expanded view of the development of black schools and black agency in their own education and, importantly, how the first schools for freed slaves provided a model for public education that would ultimately benefit all in the South, black and white. In the 1960s, historians such as Henry Allen Bullock, who wrote *A History of Negro Education in the South: From 1619 to the Present*, began revising interpretations of black education in the South, but not until James D. Anderson's *The Education of Blacks in the South, 1860-1935* appeared in 1988 did historians begin to probe in earnest the degree of initiative African Americans exhibited in creating schools after emancipation. Although Anderson's work is chiefly an analysis of various economic

interests that shaped white education agendas, he also emphasizes the commitment and self-agency of freed slaves to acquire education as a path to full citizenship. Heather A. Williams, who wrote one of the first focused studies on African American agency in education in 2005, *Self-Taught: African American Education in Slavery and Freedom*, also traces the history of freedpeople's self-help and determination in their quest for literacy before and after emancipation. *From the Cotton Field to the Schoolhouse: African American Education in Mississippi, 1862-1875* by Christopher M. Span, published in 2009, examines how newly freed slaves in Mississippi collaborated to contribute to their own education. In 2010, Ronald E. Butchart published *Schooling the Freed People: Teaching, Learning, and the Struggle for Black Freedom, 1861-1876,* which repositions the agency of African Americans during the Reconstruction era to emphasize their pursuit of self-determination. These historians draw on a wide range of historical records to demonstrate African American agency in their own education: Freedmen's Bureau records, the diaries and records of northern missionaries who taught in many of the first African American schools following the Civil War and state education records. But the most revealing clues are the contributions of the freed slaves themselves, whose voice is difficult to find in records from the Reconstruction era. These authors found those voices by "reading between the lines" of primarily white records and by close reading of the few black accounts that exist from that era.

This more recent scholarship—integrating the voices of the freedmen far more than previous works—dispels the myth that Reconstruction-era black schooling in the South emerged from a vacuum and was strictly a response to a perceived moral need connected to abolition. Rather, these postbellum efforts to create a widespread system of

public education in the former Confederate states involved both white northern missionaries and African Americans themselves and in fact required the latter, in many instances, for sustenance. Moreover, those efforts produced the template black delegates looked to when they lobbied, successfully in many southern states, for universal schooling during Radical Reconstruction. Education policies adopted by several states between 1867 and 1869, when African Americans' voices had a significant impact on public policy decisions, often reflected the schooling models used by freedmen—integrated, free to all and tax-supported—and ultimately benefited white children as well as black children across the South.[3] If the recent contributions by these historians are correct, then far from *ex nihilo* education for African Americans—initiated, developed and sustained by white people—African Americans were, to a larger degree than is appropriately acknowledged, responsible for the development and maintenance of black schools. Moreover, this period in postbellum history stands as a lived example of citizens seeking education as a claim right of democracy, as required by our social contract. The validity of this claim right will be the focus of chapter three.

Efforts on the part of African Americans, both during slavery and particularly in the first years following emancipation, gave rise to public education in a region that lagged significantly behind the rest of the nation and to a population that had been denied education for two and a half centuries. However, the process remains incomplete; funding for public school education, which largely serves minority students, remains inadequate, and disparities on many levels still dog progress toward equality for African Americans

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[3] Heather Williams, *Self-Taught: African American Education in Slavery and Freedom*, [Chapel Hill: University of North Carolina Press, 2005], 193; Christopher M. Span, *From the Cotton Field to the Schoolhouse: African American Education in Mississippi, 1862-1875*, [Chapel Hill: University of North Carolina Press, 2009], 5.

and other minorities.[4] The "problem of the color line," as Du Bois defined it,[5] persists; we have not yet achieved the ideal of two races contributing mutually under conditions of equality to a thriving culture, but education remains perhaps our best hope for attaining that ideal.

[4] Jonathan Kozol, *Savage Inequalities*, [New York: HarperCollins Publishers, Inc., 1991], 236-237.
[5] Du Bois, 13.

Chapter 1: LITERACY IN THE FIRST DAYS OF FREEDOM

Organized education systems did not become widely established in the United States until the 1840s. Prior to that, most formal education occurred in private schools and chiefly for affluent white children.[6] Northern education reformers such as Horace Mann and Henry Barnard helped make statewide public school systems commonplace in the north and in the Midwest prior to the Civil War. They sought to increase opportunities for all children and to unify an increasingly diverse population. They believed education would preserve social stability and prevent crime and poverty, and they advocated a free elementary education accessible to all, financed by public funds and held accountable to local school boards and state governments.[7] They also helped make school attendance compulsory for elementary-age children, with most states writing school attendance provisions into their constitutions by the 1870s.[8]

Those early efforts to establish public school systems, while aimed at the "common masses," did not encompass slaves. Slave owners understood that slaves could not be controlled by physical coercion alone. Fearing black literacy would threaten the slave system—and their entire economic structure—southern whites passed laws forbidding slaves to learn to read or write and made it a crime for others to teach them. In

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[6] T. Manichander, *Comparative Education*, [Raleigh, NC: Lulu Publication, 2016], 102.
[7] William H. Jeynes**,** *American Educational History: School, Society, and the Common Good*, [Thousand Oaks, CA: Sage Publications, Inc., 2007]. http://www.sagepub.com/sites/default/files/upm-binaries/13715_Chapter6.pdf [accessed July 4, 2016].
[8] Jennings L. Wagner and William N. Haarlow, "Common School Movement." Encyclopedia.com. http://www.encyclopedia.com/topic/Common_School_Movement.aspx [accessed May 27, 2016].

1833 the Alabama state legislature, for instance, enacted legislation making it illegal to educate "any free person of color or slave."[9] In Mississippi, black preachers were required to obtain permission from white authorities before addressing a congregation, to thwart them from teaching from the pulpit.[10] Many such ordinances limiting or altogether prohibiting education for enslaved blacks, and in some states even free blacks, were enacted throughout the South in the early-nineteenth century. Before the Civil War, more than 90 percent of the South's adult black population had no education. Indeed, even white children were largely uneducated; in 1870 less than half of all children in the United States received formal education,[11] and those who were educated were chiefly from families with the economic capacity to afford private schooling.[12] In the South, a few common schools existed before the Civil War, primarily for the children of the poor. During the war, public schooling for whites came to a halt—they "were too busy fighting to have time or thought for schools," according to Elise Timberlake, a Reconstruction-era educator at what eventually became the Mississippi University for Women.[13] Throughout the country, "schooling was a fluid, diverse and voluntary experience before the Civil War…[as] students moved in and out of school on an irregular basis, blending work experience with further installments of school learning," note researchers Sun Go and

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[9] John G. Akin, "A Digest of the Laws of the State of Alabama – 1833." Alabama Department of Archives and History. http://www.archives.alabama.gov/teacher/slavery/lesson1/doc1-9.html [accessed July 11, 2016].
[10] John B. Boles, *Masters & Slaves in the House of the Lord: Race and Religion in the American South, 1740-1870*, [Lexington: University Press of Kentucky, 1988], 65-66.
[11] "U.S. History: Pre-Columbian to the New Millennium." Independence Hall Association. http://www.ushistory.org/us/39a.asp [accessed May 21, 2016].
[12] John Barnard and David Burner, *The American Experience in Education*, [New York: New Viewpoints—A Division of Franklin Watts, Inc., 1975], 23.
[13] Elise Timberlake, "Did the Reconstruction Regime Give Mississippi Her Public Schools?" *Publications of the Mississippi Historical Society* 12 [1912], 82.

Peter H. Lindert in a 2007 study on the rise of American public schooling.[14] They attended school more regularly in the winter and summer months than in fall or spring, with absences corresponding with daily changes in work and weather. Children might begin their studies at ages three or four, and later resume them in their twenties after long absences. [15] Both before and after the war, free public education programs existed in several states for children between ages 5 and 21, but economic demands of the mid-nineteenth century kept many children working in mines, factories or on farms. Only six states had compulsory education laws at that point, and most were for only several weeks per year.[16] Of those who did not attend school, if they were educated at all, it was by home instruction.[17]

Despite similar—and far more challenging—economic and social realities for former slaves, when freedom came they sought education for themselves and for their children with unparalleled determination. Ronald Butchart wrote in *Schooling the Freed People*, "Most former serfs and slaves have assumed that ignorance was their natural lot, or they have embraced their folk wisdom as superior." When African Americans were freed from slavery, they took a different stance, he says, intent on learning everything their former white owners knew. Their quest for self-improvement through education became their defining feature.

In Mississippi, former slaves began creating formal schools within months after President Abraham Lincoln's Emancipation Proclamation on January 1, 1863. Contrary

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[14] Sun Go and Peter H. Lindert University, "The Curious Dawn of American Public Schools." University of California – Davis. http://iga.ucdavis.edu/Research/All-UC/conferences/2007-spring/Lindert_paper.pdf [accessed July 16, 2016].
[15] Sun Go and Peter H. Lindert University, "The Curious Dawn of American Public Schools."
[16] "U.S. History: Pre-Columbian to the New Millennium." Independence Hall Association.
[17] Barnard and Burner, 12; Williams, 188.

to the misconception that African Americans were passive recipients of schooling by benevolent northern educators, considerable research supports the fact that African Americans were actively engaged in their own advancement long before emancipation. Enslaved men and women seized knowledge wherever they could—listening in on school lessons for the children of their white masters, using Bibles to practice reading, exchanging stolen bits of knowledge in clandestine meetings after dark. A famous example of the agency slaves took in pursuing education is the abolitionist Frederick Douglass, who began his life as an illiterate slave. Born in 1818 on a plantation near the Chesapeake Bay in Maryland, Douglass educated himself after an early start from the wife of one of his masters, eventually learning to read and write with eloquence. When his master put a halt to the reading lessons, Douglass discovered something very important about the experience: the power of education. The fact that his master did not want him to read illustrated for him the value of education, which motivated him to strive harder to become literate:

> Whilst I was saddened by the thought of losing the aid of my kind mistress, I was gladdened by the invaluable instruction which, by the merest accident, I had gained from my master. Though conscious of the difficulty of learning without a teacher, I set out with high hope, and a fixed purpose, at whatever cost of trouble, to learn how to read. The very decided manner with which he spoke, and strove to impress his wife with the evil consequences of giving me instruction, served to convince me that he was deeply sensible of the truths he was uttering. It gave me the best assurance that I might rely with the utmost confidence on the results which, he said, would flow from teaching me to read.[18]

Post-emancipation, southern blacks formed societies to raise money, purchase land, build schools and pay teachers' salaries. Universal education for African Americans arose from those grassroots initiatives, providing a catalyst for the region's first

[18] Frederick Douglass, *Narrative of the Life of Frederick Douglass*, [Boston: Anti-Slavery Office No. 25 Cornhill, 1845], Chapter VI.

comprehensive tax-supported public school systems, which benefited whites as well as blacks.[19] Northern missionary societies bolstered their efforts, sending teachers to help establish and operate schools for former slaves. Support also came from the Freedmen's Bureau and from a small contingency of southern whites who were sympathetic to the freedmen's desire for education.

While public schools in the South have largely been regarded as continuous with Northern missionary efforts, recent scholarship runs counter to this interpretation, presenting evidence of considerable initiative by African Americans themselves. Three types of schools served African Americans during Reconstruction: the freed slaves' own grassroots schools, schools operated by missionary societies from the North, and later, Freedmen's schools. Even before the outcome of the Civil War was determined and the mass migration of teachers and missionaries from the North commenced and before the official establishment of the Freedmen's Bureau and crude temporary schools were erected in Union camps for fleeing slaves, African Americans began organizing schools and educating themselves wherever possible.[20] In Mississippi, for example, free African Americans established churches and schoolhouses for individual and collective improvement as early as 1862. Literate and barely literate blacks served as these grassroots schools' first teachers, and freedpeople—young, old, male and female—were their first pupils.[21] Span writes in *From the Cotton Field to the Schoolhouse* that when the Union army secured the northernmost city of Corinth, Mississippi, in May 1862, officials

[19] Williams, 193; Span, 5.
[20] Span, 25.
[21] Span, 25.

were surprised to see African Americans already attending schools and churches they had established for themselves.[22]

Missionary schools soon followed. When Union General Ulysses S. Grant defeated the Confederate army in northern Mississippi in November 1862, he assigned his army chaplain, John Eaton Jr., to establish a camp just across the Mississippi-Tennessee state line in Grand Junction, Tennessee, for the countless enslaved African Americans who emancipated themselves and fled to Union Lines.[23] "Nothing short of death prevented these blacks from escaping the confines and tribulations of slavery and heading toward the occupied areas of the Union Army," writes Span.[24] Slaves who fled plantations as the Civil War progressed, taking up residence in the contraband camps, often attended makeshift schools established by northern-born missionaries who followed the Union army on its march south and westward.[25] Representatives and teachers from various northern benevolent societies, such as the American Missionary Association, the Freedmen's Aid Commission, the Society of Friends, United Brethren, the Friends' Association of Philadelphia and others, joined with freed and escaped slaves to establish a network of grassroots schools for freedpeople.[26] But Span notes in his research on African American schooling in Mississippi the freedmen often resisted consolidation with the missionary schools and persisted in maintaining virtually self-sufficient schools throughout much of the war in an effort to maintain autonomy in their educational

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[22] Span, 34.
[23] Bobby L. Lovett, "Contraband Camps." Tennesseeencyclopedia.net. http://tennesseeencyclopedia.net/entry.php?rec=305 [accessed May 26, 2016].
[24] Span, 55.
[25] Span, 24.
[26] Span, 50-51.

advancement. After formal emancipation, many of the founders of the early grassroots schools merged their efforts with those of the missionary societies.[27]

By late 1865, many of these educational initiatives consolidated under the auspices of the newly established Freedmen's Bureau.[28] Although it neither hired teachers nor operated schools itself, the Bureau helped the aid societies set up and manage schools to meet the growing demands of African Americans for education.[29] The Bureau acquired buildings for schoolrooms, provided books and transportation for teachers, supervised the schools and provided protection for students and teachers when it was needed or requested.[30] But even when aid was available from the Bureau, the freedmen themselves provided substantial support for the schools, paying monthly tuition fees, raising funds for teachers' room and board, purchasing land for schoolhouses and donating material and labor to build them.[31] In Mississippi, the reported tuition paid by freedpeople between August 1866 and June 1870 was nearly $24,000, or almost $6,000 a year, which represented one-third of the total known revenue collected and expended for educational activities sponsored by the Freedmen.[32] This system of self-taxation by the freedpeople to support education became the model for publicly supported education across the South. But there was intense opposition by some whites to tax-supported public education. Span cites a white leader in the Natchez community in 1868 who asserted, "None of the public money of this state should ever be used in supporting

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[27] Span, 37-38.
[28] Span, 51.
[29] Ronald E. Butchart, "Freedmen's Education during Reconstruction." Georgiaencyclopedia.org. http://www.georgiaencyclopedia.org/articles/history-archaeology/freedmens-education-during-reconstruction [accessed May 26, 2016].
[30] Butchart, "Freedmen's Education during Reconstruction."
[31] Butchart, "Freedmen's Education during Reconstruction."
[32] Span, 41.

sectional schooling whatsoever."[33] Despite such resistance, Span writes, the structure of public support for schools used in African American communities became the structure for all public schools with the passage of the Mississippi Constitution of 1868. Black delegates in attendance at the state's constitutional convention that year urged several initiatives—including provisions that public schools in Mississippi were to be free, all-inclusive and equitable, regardless of a child's gender, race, class or previous condition of servitude—which would become part of the state's rules of government until the passage of so-called Jim Crow laws in the 1870s reversed much of the progress of those early Reconstruction years. Heather Williams also contends the African American model of compulsory integrated education supported by taxation influenced public education legislation in many states across the South, including South Carolina, which established similar statutes in its 1868 constitution.[34] Blacks comprised a majority of the 124 delegates to the 1868 South Carolina convention, which mandated statewide public education for the first time.[35] Similar legislation passed in other southern states, including North Carolina,[36] Virginia[37] and Georgia,[38] between 1865 and 1870, when African Americans enjoyed a brief period of political power before Reconstruction ended and southern legislatures began passing laws once again disenfranchising blacks.

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[33] Span, 117.
[34] Williams, 193.
[35] "Constitutional Conventions." http://walkerteach.wdfiles.com/local--files/resources-links/Ch13_sec_1.pdf [accessed July 4, 2016].
[36] "The 1868 constitution." North Carolina Digital History. http://www.learnnc.org/lp/editions/nchist-civilwar/5164 [accessed July 10, 2016].
[37] Butchart, "Freedmen's Education in Virginia, 1861–1870." Encyclopedia Virginia. http://www.encyclopediavirginia.org/Freedmen_s_Education_in_Virginia_1861-1870 [accessed July 10, 2016].
[38] Edmund L. Drago, "Black Legislators during Reconstruction." New Georgia Encyclopedia. http://www.georgiaencyclopedia.org/articles/history-archaeology/black-legislators-during-reconstruction [accessed July 10, 2016].

Their schools also provided academic models for whites, Williams says. "The success of the [black] schools beckoned to poor whites, and it inspired influential whites to emulate them."[39] She adds that the public school system for black and white students in the South came into existence at a time when African Americans held positions in Reconstruction government and white northerners held sway in southern statehouses. As a result, African Americans greatly influenced the design of the states' educational agendas and guided the policies adopted in the constitutions of many southern states.[40]

In his 2009 study of Mississippi's politics and policies of postwar racial education, *From the Cotton Field to the Schoolhouse*, Christopher M. Span contends that early histories of Reconstruction offer "haphazard analysis and evidence regarding the policies and the people who worked to create schools for freed slaves, and they offer a very pejorative portrayal of African Americans and of those engaged in the process of educating or assisting them."[41] Historians often represented formerly enslaved African Americans as "passive, indiscriminant recipients of a corrupt school system imposed upon them by underhanded Republicans and overzealous northern-born missionary schoolmarms."[42] Span points out that these "propagandas of history," as W.E.B. Du Bois described them, have resulted in a misunderstanding of the processes and persons who shaped southern Reconstruction and the rise of universal education for African Americans, which ultimately benefited all Americans, black and white, by laying the foundation and model for public schools today. The move to bring education to former slaves opened the way for a public school system for all children. Span's well-

[39] Williams, 192.
[40] Williams, 193.
[41] Span, 6-7.
[42] Span, 7.

documented account of how black Mississippians created education systems for themselves and their children in the years immediately following the Civil War demonstrates blacks' commitment to schooling and their self-agency to create, support and even teach in those schools. For them, Span says, education was the single most important component in their transition from slaves to freedpeople and citizens.[43] Schools for African Americans had the potential of being a democratizing force, Span writes. "To black and white Mississippians alike, schools for African Americans conveyed the message that equality was truly attainable."[44]

Before the Civil War, fewer than 20 percent of the 4.4 million African Americans in the U.S. were literate;[45] literacy for Native Americans was less than 2 percent;[46] and comprehensive education for whites in the South was limited mostly to families that could afford private education. A public school structure existed in some parts of the North, but would not fully develop in the South until after the Civil War. Thus, the schools African Americans created immediately after the war, although often crude and imperfect, represent the first organized—and underappreciated in most historical texts—endeavors to bring public schooling to southern children and, simultaneously, to claim a right of citizenship. In *Schooling the Freed People: Teaching, Learning, and the Struggle for Black Freedom, 1861-1876*, Ronald E. Butchart writes that "out of their great poverty [African Americans] raised funds to buy land for their schools, supplied the labor to build schools, supported teachers as best they could and maintained such an effective network

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[43] Span, 9.
[44] Span, 11.
[45] Tom Snyder, ed. "120 Years of American Education: A Statistical Portrait." National Center for Educational Statistics. https://nces.ed.gov/naal/lit_history.asp [accessed June 12, 2016].
[46] Randall Akeea, Miriam Jorgensen and Uwe Sunde, "Critical junctures and economic development – Evidence from the adoption of constitutions among American Indian Nations." *Journal of Comparative Economics* 43 [2015] 844-861.

of schools across the South after the Civil War that W.E.B. Du Bois could argue that the postwar system of southern public education arose from the foundation laid by the freed people."[47]

As Williams argues in *Self-Taught: African American Education in Slavery and Freedom*, "by teaching, building schools, supporting teachers, resisting violence and claiming education as a civil right that the states and the federal government should recognize and protect, African Americans transformed the face of education in the South, to the great benefit of both black and white southerners." They recognized education as deeply important for full participation in the American democracy, and by creating schools, even under the oppressive realities of the postbellum South, they were seizing a claim right of citizenship.

The voice of freed slaves is difficult to find in records from the Reconstruction era, but clues to African American agency in their own education can be detected by "reading between the lines"[48] of white records and reports. In February 1866, Cyrus Green, a Quaker missionary from Indiana traveled by train to Columbus, Mississippi, to teach at a new Freedman's Bureau school. His journal, donated as a typed transcript to the Columbus Lowndes Public Library by his great-grandson in 1991, provides a rich case study of the challenges and triumphs of a freedmen's school in a rural town in one of the South's most oppressive states for African Americans.[49] A superficial reading of Green's diary seems to confirm what most Americans believe about the first schools for

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[47] Ronald E. Butchart, *Schooling the Freedpeople: Teaching, Learning, and the Struggle for Black Freedom, 1861-1876* [Chapel Hill: University of North Carolina Press, 2010], 1.
[48] Williams, 1.
[49] Cyrus Green, "Cyrus Green Diary, 1866" [photocopy], Columbus Lowndes Public Library, Columbus, Mississippi.

former slaves: that they were organized and maintained by predominantly northern white men and women. But a closer reading of the diary reveals evidence of the contributions of the freed slaves themselves to the creation, funding and instruction in the first formal schools for African Americans after the Civil War. The voices and actions of African Americans can be found in Green's references to the commitment of these early scholars to acquiring education and the defensive measures they took when their schools were threatened by some in the neighboring white community.

The Society of Friends, one of several northern benevolent societies and missionary groups to send educators into the former slave states, dispatched Green to Columbus to help organize a school for local blacks in a former hospital constructed by the Confederate Army that served wounded soldiers from both the north and the south at various times during the Civil War. Green's detailed written entries and ink sketches provide an eyewitness description of the physical and cultural aftermath of the war in the South. As he journeys south from Plainfield, Indiana, he observes de-commissioned Civil War steamships at anchor in the Ohio River "which are never to have been in service…may they never be needed." He describes seeing "darkies" working for the freight companies, perhaps their first jobs as wage-earning laborers rather than as slaves. He notes how the brown and decomposing cotton fields outside his carriage window seem to characterize an overall pall of desolation in the southern reaches of the nation. "Many fields unfenced and covered with straw-colored sedge where once cotton was king and held its lordly position, even now to ask 'where are those who once tilled our soil and gathered our harvests of fleecy [whiteness]?'" Green's meticulous descriptions of his journey southward and the altered landscape mirror a sweeping cultural shift he is also

about to encounter. The Civil War devastated the cotton industry, which had brought wealth to these southern communities, when it freed the forced laborers but who now busied themselves building schools and poring over math and reading primers.

Two fundamental commitments motivated idealistic northern teachers and missionaries, according to Civil War historian Ronald L. F. Davis of California State University: to uplift the formerly enslaved and to provide them with sufficient education to participate fully in the democracy. Many believed, as devout Christians, they had a duty to bring the gospel to those they considered deprived of religion and hungry for Christianity. Others simply felt unwilling to abandon the illiterate and poorly equipped African American to enter a free marketplace in which they would be highly disadvantaged.[50]

Cyrus Green and his fellow missionaries taught both basic education and Christian education to the former slaves of Lowndes County, Mississippi. There, his first meetings with the "colored" community centered on the workings of the Sabbath School [also under the auspices of the Freedmen's Bureau] and the importance of education and the means for advancing their education. "Listened to some very eloquent and pointed practical speeches from some of [these] people showing a degree of sound practical sense that was remarkable."

The almost-daily entries in Green's journal describe a devoted and quickly growing student population. Green's students comprised children as well as adults, including a large number of former soldiers. The school offered night classes for adults who could not attend during the day. "There is a great desire in them to learn and I think

[50] Ronald L.F. Davis, "Education in Vicksburg during Reconstruction, 1863-1876," Davis Essays, Vicksburg National Park Service.

they will make rapid progress," Green observes. Freedmen's schools often served multiple generations of the same family in one classroom, and this was true of the students who attended Green's school. During the six months Green taught at the Freedmen's school in Columbus, attendance grew to nearly 300.

For many of the families attending the school, this represented their first exposure to formal education, and while Green's diary entries illustrate the black community's appreciation of the Freedmen's school, they also reveal clues to important contributions of the freed slaves themselves to the creation, funding and instruction in the first formal schools for African Americans after the Civil War. In *Self-Taught: African American Education in Slavery and Freedom*, historian Heather Williams notes, "Although many [historical] sources, including the missionary manuscripts, do not foreground them, African Americans are present in the interstices, in the negative spaces that comprise such a substantial part of the picture." By reading between the lines, as Williams does, Cyrus Green's journal entries illuminate the extraordinary efforts African Americans took to acquire education: eking out pennies, nickels and dimes from their meagre earnings to support the school, attending classes evenings and weekends around work schedules, entire families attending classes together, standing nightly vigil when the school and its instructors are threatened by opponents of African American education in the white community. Though different from the more overt role of teacher, their contributions express the powerful will of a disenfranchised people to become educated and claim their rights as citizens. It is these actions that support the claim that African Americans had an influential and indeed direct causal role in the development and sustenance of education,

certainly within their own communities, but also to an important extent, for all children in the South, according to the arguments of Span, Williams and Butchart.

Whites generally opposed teaching African Americans and considered it wrong to educate them. A March 11, 1866 letter in a Jackson, Mississippi-based newspaper, *The Weekly Clarion*, condemned the white northerners who came to Mississippi to teach in black schools and vowed to keep the pressure of public opinion on white southern teachers not to teach at these schools. Positioned next to that letter, however, is another from an "indigenous Mississippian" [presumably a white reader] who apparently taught night classes to black women, who remarked on the eagerness of her students and urged readers to support the education of former slaves. "For thirty years we have been accustomed to the sight of 'young mistresses' teaching their servants to spell and read, as a matter of amusement to themselves and gratification to the servants. They have now the additional incentive of patriotic[51] and christian [sic] duty to cultivate minds which will be sown with tares,[52] unless they forestall the 'enemy' by sowing good seed."

Field agents for the Freedmen's Bureau reported numerous instances of African American schools being burned, students assaulted or threatened and teachers threatened and run out of town. An agent in Texas recalled a lawyer threatening to "beat the damn 'nigger' school out" because their presence "insulted the whites." In Columbus, Mississippi, Green describes a persistent sense of unease among his fellow missionaries due to ever-present white hostility toward them and their school. "We hear that the [local] troops are ordered to Vicksburg to be mustered out. We have some apprehensions that we

[51] It is worth noting this writer uses the word "patriotic" in reference to educating former slaves, suggesting general acceptance of the link between education and citizenship.
[52] A Biblical term for a noxious weed. Dictionary.com. http://www.dictionary.com/browse/tares [accessed May 26, 2016].

will have trouble here without them…there is probably more danger of burning the school house than any thing [sic] else…" He tells of being confronted by a former Confederate soldier outside the school one morning who said while Green seemed like a "gentlemen and a Christian," he considered their work "a very wrong thing." Predicting failure for emancipation and describing efforts to educate African Americans as a pointless endeavor, the soldier told Green, "You may as well go to Africa and educate babboons [sic] as to be educating those negroes [sic]."

One week later, Green and his fellow teachers received an anonymous letter, "the substance of which was that we were not going to be allowed to carry a negro [sic] school here and if we persisted in doing so we would all be hung if there was ropes enough to do it." The dispatch was signed, "Your Many Enemies." "It was not a very comforting letter to be sure," Green notes in his journal, "but there was quite an appearance of gaseonade[53] in it and there was not much likelihood of its being carried into execution for the business of [hanging] a dozen persons more than half of whom are women certainly would not be brought about to consumated [sic] without alarming the colored people and that done there would be some trouble in keeping them at bay and escaping." Although the mayor and the town constable vowed protection if needed, a "colored guard" of ninety men from the African American community "armed as they had means," stationed themselves at the corners of the school, made nightly rounds through the school and slept in the halls of the teachers' residences until the threat of attack passed.

Born in Slavery: Slave Narratives from the Federal Writers' Project, 1936-1938 includes frequent tales of white opposition to, and overt violence directed at, African

[53] "To boast, brag," literally "to talk like a Gascon." Dictionary.com. http://www.dictionary.com/browse/gasconade [accessed May 27, 2016].

American schools. In west central Tennessee, Wesley Graves' father spent years dodging "pateroles,"[54] who attempted to intimidate him into closing his school. "The pateroles made my father do everything but quit," Graves recalled. "They got him about teaching night school. That was after slavery, but the pateroles still got after you. They didn't want him teaching the Negroes right after the War. He had opened a night school, and he was doing well."[55]

Nonetheless, Reconstruction represented a time of great promise for former slaves. F.H. Brown, a son of slaves born in Marion County, Mississippi, one month after Lincoln's preliminary emancipation proclamation in September 1862, attended one of the nation's first colleges for African Americans, Shaw University, now Rust College, in Holly Springs, Mississippi. He received a diploma and a teaching certificate from Mississippi State Normal School for "colored persons" in Hattiesburg and went on to teach in several counties in Mississippi. From his perspective as an early African American scholar and educator, Brown perceived important progress under way in the South. "I think the prospects of the race and the country are good. I don't see much dark days ahead. It is just a new era."[56]

Despite seemingly insurmountable obstacles and persistent hostility to their goal of literacy, by 1870 some 122,000 African American children were attending structured

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[54] Term frequently found in the transcribed *Slave Narratives* from the Federal Writers' Project, apparently referencing roving groups of white men violently opposed to Reconstruction, similar to the Ku Klux Klan.
[55] Wesley Graves, *Born in Slavery: Slave Narratives from the Federal Writers' Project, 1936-1938*, https://memory.loc.gov/cgi-bin/ampage?collId=mesn&fileName=023/mesn023.db&recNum=73&itemLink=D?mesnbib:2:./temp/~ammem_ogOs:: [accessed May 27, 2016].
[56] F.H. Brown, *Born in Slavery: Slave Narratives from the Federal Writers' Project, 1936-1938*, https://memory.loc.gov/cgi-bin/ampage?collId=mesn&fileName=021/mesn021.db&recNum=279&itemLink=D?mesnbib:3:./temp/~ammem_J7Fn::, [accessed Dec. 8, 2015].

school programs in the eleven former Confederate states, 2,571 freedmen schools were in operation and another 1,456 Sabbath schools.[57] Largely by their own initiative, freed slaves had created a model for endowing citizens with the knowledge and the agency to engage with the larger society. The overt aim of their schools was collective advancement for all, supported by all who participated, and the guiding philosophy was a liberal education, precisely the model the nation's leading political philosophers and education reformers believed would most benefit American democracy.

[57] John W. Alvord, *Ninth Semi-Annual Report on Schools for Freedmen* [Washington: Government Printing Office, 1870], 4-6. Archive.org https://archive.org/stream/ninthsemiannualr00alvo#page/6/mode/2up [accessed May 27, 2016].

Chapter 2: DEMOCRACY DEMANDS EDUCATION

> Emancipation Day threw open the doors of their huts, set free their bodies, but did not bring freedom to their minds and hearts.
>
> —Mary Haven Thinkfield, *Northwestern Christian Advocate,* 1902

> It is not enough to break the chains that held the slaves in bondage. The ignorance and degradation resulting from centuries of oppression must be removed. Emancipation shivered the fetters from the bodies of this race, but it left their minds locked up in ignorance and superstition…It is not sufficient to grant the right of citizenship; ability properly to exercise this right, derived from Christian education, should accompany this prerogative.
>
> —*Annual Report of the Freedmen's Aid and Southern Education Society,* Vol. 12, 1880

The Civil War and the Thirteenth Amendment to the U.S. Constitution freed African Americans from the physical bondage of slavery, but intellectual emancipation and the capacity for full participation in American society only came with education. Black education reformers like Booker T. Washington and W.E.B. Du Bois, and many northern white educators, spoke and wrote passionately in the late nineteenth and early twentieth centuries of the importance of education for civic participation in American society. Washington and Du Bois disagreed sharply on strategies for black social and economic progress, yet both recognized the significance of education not only for vocational capacities but also for civic agency. Washington, a pragmatist, was willing to tolerate temporary discrimination in exchange for increased educational opportunities, while Du Bois urged immediate political action and a civil rights agenda. Early leaders of black education reform, like Washington and Du Bois, sometimes advocated different strategies for bringing schooling to African American children, but the importance of

education for their civic participation in the American democracy transcended their divisions. For the United States to function as a representative democracy, a "government of the people, by the people [and] for the people,"[58] *all* citizens require a minimum level of similar education, including both basic skills and capacities for criticism, rational argument and decision-making.[59] Today, most state constitutions stipulate a right to education linked either explicitly or through legislative history to a civic purpose,[60] and most state courts support this function of education, which is to develop in students the skills necessary for effective citizenship.[61]

In this chapter I review the doctrines of our American form of democracy and the role of education in a healthy—that is, inclusive—democratic state. In chapter one, I detailed the proactive efforts of African Americans to acquire education both before and after emancipation. Here, I argue that the early efforts of freed slaves to create schools initiated a process whereby our nation progressed from one with limited and unequal access to education to one with the necessary framework for broad and equal schooling for all. I further argue that a healthy democracy requires a shared understanding of the basic values our social contract, which aims to protect freedom, equality and justice and which in turn implies the need for a similar level of educational attainment among all citizens. Although the promise of those early and remarkable efforts has not yet been

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[58] Abraham Lincoln, *The Gettysburg Address [Nicolay Draft]*. Wikisource. https://en.wikisource.org/wiki/Gettysburg_Address_[Nicolay_draft] [accessed June 4, 2016].
[59] Amy Gutmann, *Democratic Education* [Princeton: Princeton University Press, 1999], 50.
[60] Danielle Allen, "What Is Education For?" *Boston Review*, https://bostonreview.net/forum/danielle-allen-what-education [accessed June 5, 2016].
[61]Michael A. Rebell, Joseph J. Wardenski, Deborah A. Widiss and Betsey Swan, "Today's Students, Tomorrow's Citizens: Preparing Students for Civic Engagement." League of Women Voters of New York State, Albany; Campaign for Fiscal Equity, Inc., New York, NY. http://files.eric.ed.gov/fulltext/ED479713.pdf [accessed June 5, 2016].

fulfilled [see chapter three], the first generation of free black Americans put into action the lofty ideals of the men who drafted the blueprint for this magnificent new society.

The U.S. Constitution established the nation as a republic,[62] but with several features of a direct democracy at the state level.[63] The writers of the Constitution specifically chose *not* to create a direct democracy to govern their fledgling nation, fearing citizens at that time lacked the wisdom to make complex decisions to guide the entire society.[64] Well-versed in the teachings of Aristotle, Plato, Hobbes, Locke, Voltaire and other political philosophers, they also worried that a direct democracy would inevitably degenerate into either anarchy or the tyranny of mob rule.[65]

James Madison outlined in *Federalist Paper #10* the distinctions between a pure democracy—in which citizens decide policy initiatives directly—and a representative or republican democracy in which elected officials create laws and policies on behalf of those they represent. Madison's words are often misconstrued to suggest he opposed democracy, but his concern was with "pure" democracy, not representative democracy.[66] Madison believed the representative principle in the American system of government provides a buffer against the potential rise of factions that might otherwise overwhelm the wishes of the broader public. He also assumed the sheer physical size of the nation

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[62] "Constitution of the United States." National Archives. http://www.archives.gov/exhibits/charters/constitution_transcript.html [accessed June 5, 2016].
[63] "Forms of direct democracy in the American states." Ballotpedia.org. https://ballotpedia.org/Forms_of_direct_democracy_in_the_American_states [accessed June 5, 2016].
[64] Jonathan Mott, "Is the United States a democracy?" ThisNation.com. http://www.thisnation.com/about.html [accessed June 5, 2016].
[65] "Plato and Aristotle on Tyranny and the Rule of Law." Constitutional Rights Foundation. crf-usa.org, http://www.crf-usa.org/bill-of-rights-in-action/bria-26-1-plato-and-aristotle-on-tyranny-and-the-rule-of-law.html [accessed June 5, 2016].
[66] Eyler Robert Coates Sr., "Federalist No. 10 & Thomas Jefferson." The Jeffersonian Perspective. http://eyler.freeservers.com/JeffPers/jefpco55.htm [accessed June 10, 2016].

would make the emergence of cabals unlikely.[67] Thomas Jefferson harbored no such fears. "I am not among those who fear the people," he wrote in a letter to Samuel Kercheval in 1816. "They, and not the rich, are our dependence for continued freedom."[68] Jefferson endorsed education as a key safeguard against such a threat:

> The people, especially when moderately instructed, are the only safe, because the only honest, depositories of the public rights, and should therefore be introduced into the administration of them in every function to which they are sufficient; they will err sometimes and accidentally, but never designedly, and with a systematic and persevering purpose of overthrowing the free principles of the government.[69]

While the United States is not a "pure" democracy, in common usage the term "democracy" refers to a system of government that derives its power from the people and is accountable to them for the use of that power. It is this feature of the U.S. system of government with which this thesis is concerned: the function of citizen input in matters of public policy and the essential role education plays in that process.

The U.S. Constitution does not specifically provide for universal education for American citizens, yet the men who crafted it frequently advocated the importance of education for civic participation in a representative democracy. John Adams wrote in *Thoughts on Government*, "Laws for the liberal education of youth, especially of the lower class of people, are so extremely wise and useful, that, to a humane and generous mind, no expense for this purpose would be thought extravagant."[70] His wife, Abigail Adams, although she herself received no formal education, was known for advocating a

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[67] Ibid.
[68] Thomas Jefferson, "Letter to Samuel Kercheval." TeachingAmericanHistory.org. http://teachingamericanhistory.org/library/document/letter-to-samuel-kercheval/ [accessed June 12, 2016].
[69] Thomas Jefferson, "From Thomas Jefferson to Adamantios Coray, 31 October 1823." National Archives. http://founders.archives.gov/documents/Jefferson/98-01-02-3837 [accessed June 12, 2016].
[70] John Adams Jr., *The Works of John Adams, Second President of the United States: With a Life of the Author, Notes and Illustrations, Volume 4*. [Boston: Little, Brown and Company, 1865], 199.

level of education in the public schools for girls equal to that given to boys.[71] James Madison wrote in a letter to W.T. Barry, applauding liberal appropriations made by the Kentucky Legislature in 1822 for a general system of education, "A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or, perhaps both. Knowledge will forever govern ignorance: And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives."[72]

Benjamin Franklin contributed more to the American education system than perhaps any other man in the eighteenth century, founding libraries and schools and advocating for female and African American education.[73] Franklin wrote in a 1749 pamphlet entitled "Proposals Relating to the Education of Youth in Pensilvania Philadelphia,"

> The good Education of Youth has been esteemed by wise Men in all Ages, as the surest Foundation of the Happiness both of private Families and of Common-wealths. Almost all Governments have therefore made it a principal Object of their Attention, to establish and endow with proper Revenues, such Seminaries of Learning, as might supply the succeeding Age with Men qualified to serve the Publick with Honour to themselves, and to their Country.

In his proposal, Franklin noted the colonists who settled the New World arrived well-educated in European schools, and the nation's early prosperity was due to their wisdom and wise management. He urged the leaders of his state to invest similarly in the coming generations of youth to ensure their "ability to serve mankind, one's country, friends and

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[71] "First Lady Biography: Abigail Adams." National First Ladies' Library and Historic Site. Firstladies.org. http://www.firstladies.org/biographies/firstladies.aspx?biography=2 [accessed June 12, 2016].
[72] James Madison, "Epilogue: Securing the Republic." *The Founders' Constitution*. University of Chicago Press. http://press-pubs.uchicago.edu/founders/documents/v1ch18s35.html [accessed June 12, 2016].
[73] Frank Cronin, "Benjamin Franklin and Slavery: A Man Ahead of His Times." http://www.austincc.edu/history/cronin.html [accessed June 12, 2016].

family; which ability is…to be acquir'd or greatly encreas'd by true learning; and should indeed be the great aim and end of all learning."[74]

The words of these visionary leaders are inspiring, but they did not extend equally to all Americans. Education for Native Americans in the mid-nineteenth century consisted of government-supported missionary schools and later, boarding schools[75], which were eventually condemned for glaring deficiencies.[76] Literacy rates for Native Americans prior to 1900 are difficult to estimate since Native Americans are not identified in the 1790-1840 censuses and only those living in the general population are identified in the 1860 census, which was the first to collect any data regarding Native Americans. Beginning with the 1900 census, Native Americans are enumerated on reservations as well as in the general population; the reported mean literacy rate among Native Americans living on reservations in 1900 was 0.166 percent.[77] Prior to the emancipation of Southern blacks, school enrollment for African Americans was limited mostly to a small number in Northern states.[78] In 1850, African Americans composed 15.6 percent of the U.S. population; fewer than 20 percent of them were literate.[79] Even

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[74] Benjamin Franklin, "Proposals Relating to the Education of Youth in Pensilvania Philadelphia." Penn University Archives and Records Center. http://www.archives.upenn.edu/primdocs/1749proposals.html#1 [accessed June 12, 2016].

[75] Octaviana V. Trujillo and Denise A. Alston, "A Report on the Status of American Indians and Alaska Natives in Education: Historical Legacy to Cultural Empowerment." National Education Association. http://www.nea.org/assets/docs/HE/mf_aianreport.pdf [accessed June 18, 2016].

[76] Carolyn J. Marr, "Assimilation Through Education: Indian Boarding Schools in the Pacific Northwest." University of Washington. http://content.lib.washington.edu/aipnw/marr.html [accessed June 18, 2016].

[77] Randall Akeea, Miriam Jorgensen and Uwe Sunde, "Critical junctures and economic development – Evidence from the adoption of constitutions among American Indian Nations." *Journal of Comparative Economics* 43 [2015] 844–861. http://nni.arizona.edu/application/files/3114/6056/9900/Akee_critical_junctures.pdf [accessed June 12, 2016]. "American Indians in the Federal Decennial Census, 1790-1930." Nationalarchives.org. http://www.archives.gov/research/census/native-americans/1790-1930.html [accessed June 12, 2016].

[78] Tom Snyder, ed. "120 Years of American Education: A Statistical Portrait." National Center for Educational Statistics. https://nces.ed.gov/naal/lit_history.asp [accessed June 18, 2016].

[79] "Literacy." Our World in Data. https://ourworldindata.org/literacy/ [accessed June 12, 2016]. "Literacy from 1870 to 1979." National Center for Education Statistics, https://nces.ed.gov/naal/lit_history.asp [accessed June 12, 2016].

among white children, education was sidelined for many living in non-urban regions of the nation, which included the vast majority of the country at that time, as economic demands of the mid-nineteenth century required their labor in mines, factories or on farms.[80] Both private and public schools enrolled girls, but significant gender disparities existed in the curricula offered. Although reported literacy rates for white women in 1850 are only slightly lower than for white men, at 94 percent and 96 percent, respectively,[81] many scholars question the accuracy of literacy rates recorded in the early censuses. "At worst, census illiteracy statistics measure nothing more than people's willingness to admit illiteracy; at best, they indicate a minimal estimate of illiteracy," writes Carl F. Kaestle in *Literacy in the United States: Readers and Reading Since 1880*.[82] In the early years of the republic, literacy rates were a measure of national progress and as such, participants in the decennial censuses would have been strongly disinclined to admit to illiteracy. In 1850, for example, the literacy question was so self-incriminating—positioned immediately before one on disability, insanity, poverty and criminality—that it elicited under-reporting of illiteracy.[83] As late as the 1860 census, interviewers asked only whether adult citizens could read and write and if they could do either, even simply read a tavern sign, the official census response was recorded as "yes."[84] The 1870 census distinguished reading from writing, revealing a quarter more "readers" than writers,

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[80] "U.S. History: Pre-Columbian to the New Millennium." Independence Hall Association.
[81] Richard F. Selcer, *Civil War America, 1850 To 1875* [New York: Facts on File, Inc., 2006], Table 14.2, 302.
[82] Carl F. Kaestle, *Literacy in the United States: Readers and Reading Since 1880* (New Haven and London: Yale University Press, 1991), 24.
[83] *American History Through Literature, 1820 – 1870*. Charles Scribner and Sons, 2006. http://www.encyclopedia.com/article-1G2-3450700144/literacy.html [accessed June 12, 2016].
[84] Ibid.

suggesting that, since writing is a truer test of literacy, previous censuses had clearly overstated its extent.[85]

African Americans understood the importance of education, using "creative and surreptitious efforts to become literate" even before freedom, Heather Williams argues in *Self-Taught: African American Education in Slavery and Freedom*.[86] Throughout their time in bondage, they had witnessed the autonomy that comes with education; they came to recognize that with literacy comes license to reason and act for oneself. "Access to the written word, whether scriptural or political, revealed a world beyond bondage in which African Americans could imagine themselves free to think and behave as they chose," writes Williams. When freedom finally came, they pursued education with astonishing determination.[87] Literacy gave them the power to advocate for political and economic equality in a society that had discounted them for two and a half centuries. Literacy made it possible to add their voices to the processes that shaped the lives of all Americans and to participate in those processes. As they gained literacy, they began advocating for "political and economic equality, underscoring with each letter or petition precisely why literacy was such an urgent priority to an oppressed group living within a literate society," Williams says.[88]

They also perceived that education cultivates intellectual and ethical judgment, empowers students to comprehend and negotiate their role in the larger community and prepares graduates for lives of civic responsibility and leadership. W.E.B. Du Bois argued forcefully that occupational training is not sufficient; schools must also inculcate

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[85] Ibid.
[86] Williams, xi.
[87] Butchart, 2.
[88] Williams, 1.

intellectual judgment and social responsibility.[89] Eight decades earlier, African American abolitionist David Walker also drew an important distinction between vocational education and liberal education and vehemently challenged his race to demand a full and enlightened education in order to "prove to the Americans and the world, that we are MEN, and not *brutes*, as we have been represented, and by millions treated."[90] Nor was the significance of a full and liberal education lost on those who constructed the American democracy. "There is…a persistent identification of liberal education with democratic freedom, scientific progress and excellence that goes back to the revolutionary period when many civic and political leaders both extolled the liberal arts and also challenged them to embrace the scientific and practical needs of the new republic," writes Carol Geary Schneider, president emerita of the Association of American Colleges and Universities. In the 1750s, when the aim of many colonial American colleges was simply to educate young men for Christian ministry, Benjamin Franklin proposed a much broader program of study, much like the modern liberal arts curriculum.[91] The creators of America's republican government understood the crucial link between education and democracy, and many advocated for a national university based on a liberal education that would "cultivate the habits and mindset in citizens and public officers."[92] George Washington argued the importance of and advocated for a liberal education before Congress in his first state of the union address as president in

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[89] Du Bois, 51.
[90] David Walker, *Walker's Appeal*. Documenting the American Youth. http://docsouth.unc.edu/nc/walker/walker.html [accessed July 3, 2016].
[91] "Franklin's Vision." University of Pennsylvania. http://www.upenn.edu/about/history [accessed July 3, 2016].
[92] George Thomas, "Liberal Education and American Democracy." *The American Interest,* August 2015. http://www.the-american-interest.com/2015/08/24/liberal-education-and-american-democracy/ [accessed July 5, 2016].

1790: "There is nothing which can better deserve your patronage, than the promotion of Science and Literature," he said, urging them to support legislation to create a national university centered on liberal studies.

John Dewey, one of America's most influential philosophers on the subject of democracy, wrote extensively in the late nineteenth and early twentieth centuries on the role of education in a democracy. His views on education were greatly influenced by Thomas Jefferson's understanding of the critical role of education in a united society. Jefferson wrote to James Madison in 1787 that we must "educate and inform the whole mass of the people, enable them to see that it is in their interest to preserve peace and order, and they will preserve it…[Informed citizens] are the most legitimate engine of government." While Jefferson's actions were sometimes contrary to his words [his participation in the institution of slavery, for instance], his insight regarding the role of education in a democracy has been advocated by Dewey and other contemporary intellectuals, who believe a liberal education system—subjects or skills considered essential for a free person to know in order to take an active part in civic life[93]—is fundamental to democracy.[94] Dewey saw democracy as a form of "associated living" in which human beings—social animals—want to communicate, and the desire to communicate provides an impetus for creating common values.[95] This requires a common language and a common education, with decisions resulting from a shared process of inquiry. Governance, then, results from shared participation, not commands imposed

[93] Ernst Robert Curtius, *European Literature and the Latin Middle Ages* [Princeton and Oxford: Princeton University Press, 1953], 37.
[94] Eric Weber, *Uniting Mississippi: Democracy and Leadership in the South* [Jackson: University Press of Mississippi, 2015], 19
[95] Nel Noddings, *Philosophy of Education* [Boulder: Westview Press, 2012], 35.

arbitrarily by a powerful majority.[96] "Clearly, Dewey expected citizens to be ruled by rationality and fellow feeling—not by a lust for power and selfish interest," writes Nel Noddings in *Philosophy of Education*. "If a society were to develop such a citizenry, it had to start with its schoolchildren." Moreover, for Dewey, the *type* of education children receive matters greatly. He championed "learning from life,"[97] which entails awareness of our interdependence and is precisely the sort of education a liberal arts program provides. This approach to education creates lifelong learners who not only acquire vocational skills, but also emotional, interpersonal and intellectual intelligence, he believed. For Dewey, even a modest grocer, preparing his son to one day assume the family business, must not only teach the child the mathematical mechanics for weighing, measuring and pricing goods,[98] but also to understand how those goods will be used by the customer, and when he has achieved that, the future grocer will not merely labor in his store, but will have the skills and the knowledge to engage with his customers and with his community.

Eric Weber wrote in *Uniting Mississippi: Democracy and Leadership in the South* that people must contribute to leadership, not defer or abnegate their responsibilities for leadership to those we elect to public office.[99] To do so requires education: the ability to read and comprehend local, national and world history, to understand and give reasoned input to our political and legislative processes, to grasp concepts in mathematics and the sciences, to assess and appreciate literature and the arts—each a component of our shared experience as citizens of a defined society. When citizens are provided adequate

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[96] Noddings, 37.
[97] John Dewey, *Democracy and Education*, [New York: The Macmillan Company, 1916], 49.
[98] John Dewey, *Schools of To-morrow*, [New York: E.P. Dutton and Co., 1915], 287-316.
[99] Weber, 19.

education, they acquire the capacity to participate more fully in their society, and for a democracy, this is crucial. A democratic government derives its power from its citizens, thus it follows that a democracy informed by an educated and engaged citizenry will be less likely to fall prey to demagogues who do not share the aims of the populace. Educated citizens gain the critical skills to actively participate in their own governance, to effectively communicate their wishes to their elected representatives and not merely exist as passive recipients of the government's mandates. Moreover, they have the necessary skills to engage with—and understand and empathize with—one another. Education helps individuals understand their own preferences and what they require for wellbeing, lessening the possibility they will fall prey to harmful influences. It would seem obvious such features offer a healthier, shared democratic experience than one in which some members, isolated by inadequate education or other social, political or economic deficiencies, are deprived of the benefits of a shared existence. If Weber is correct that members of a democratic society are obliged to contribute to our own leadership, surely all Americans require a similar, minimum level of education. But in fact, American education falls far short of that ideal [see chapter three]. Weber advocates, as Dewey did, for a public education—a democratized education—which they both comprehend as fundamental to democracy. "Dewey championed [Jefferson's] insight about education," Weber writes. If democracy, as envisioned by the founders of our nation is to thrive, all citizens must have access to the same or similar education. "Dewey explained that we must reject Plato's undemocratic caste system in favor of democratic values, applying them especially to education," Weber says.[100]

[100] Weber, 19.

The young U.S republic embodied many features of a thriving democracy. Alexis de Tocqueville, in his classic analysis of the life and institutions of nineteenth-century America, *Democracy in America*, lists among the young nation's strengths "a federal form of government…which enables the Union to combine the power of a great empire with the security of a small state," "municipal institutions which limit the despotism of the majority, and at the same time impart a taste for freedom and a knowledge of the art of being free to the people" and "the courts of justice [which] serve to repress the excesses of democracy, and…check and direct the impulses of the majority without stopping its activity."[101] De Tocqueville particularly notes Americans' intense interest and participation in their government as a promising feature of the American democracy,

> The cares of political life engross a most prominent place in the occupation of a citizen in the United States, and almost the only pleasure which an American has any idea is to take a part in the government, and to discuss the part he has taken…In some countries the inhabitants display a certain repugnance to avail themselves of the political privileges with which the law invests them…But if an American were condemned to confine his activity to his own affairs, he would be robbed of one-half of his existence; he would feel an immense void in his life which he is accustomed to lead…I am persuaded that, if ever a despotic government is established in America, it will find it more difficult to surmount the habits which free institutions have engendered than to conquer the attachments of the citizens to freedom.[102]

But de Tocqueville was keenly aware of weaknesses in the fledgling American democracy and the threats inherent in certain practices and ideologies of this new society. Like many of the framers of the U.S. Constitution, he worried about the tyranny of the majority.[103] His greatest criticisms of American democracy, however, centered on the treatment of indigenous Americans and African Americans. Before emancipation, the

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[101] Alexis de Tocqueville, *Democracy in America* [New York: Bantam Dell, 2004], 347.
[102] de Tocqueville, 291-291.
[103] de Tocqueville, 223.

United States exhibited several indisputably undemocratic features, from the practice of chattel slavery in nearly one-third of the states to the removal of Native Americans to remote federal territories. But also, access to a comprehensive education was largely limited to elite white males. Thus the African American push for education—a public education—was implicitly a push for democracy.

Harvard University law scholar Jennifer Hochschild wrote in a 2010 paper examining the historical relationship between education and democracy in America that our national ideology holds that all citizens, even those with limited education, must be included in matters of public policy.[104] "Most changes in the suffrage over 200 years in the United States…have added voters who were below the median voter's level of education or conventional political knowledge. Participants generally recognized that fact but acted anyway, despite everyone's agreement that democracy requires an educated citizenry," Hochschild writes. Why? "Even if voters know too little to make the choices that they would make with more knowledge, enabling them to participate creates a better government and better society than prohibiting them from doing so," she says. Once citizenship is granted, civic participation is enhanced with education, both for the individual and the state, as understood by former African American slaves who, when they finally achieved freedom, fervently pursued schooling. Hochschild notes political scientists concur that a knowledgeable citizenry is necessary for effective and gratifying

[104] Jennifer L. Hochschild. "If Democracies Need Informed Voters, How Can They Thrive While Expanding Enfranchisement?" *Election Law Journal: Rules, Politics, and Policy*, 2010;9[2]:111-123. http://scholar.harvard.edu/jlhochschild/publications/if-democracies-need-informed-voters-how-can-they-thrive-while-expanding-en [accessed June 22, 2016].

democratic governance.[105] She references Michael Delli Carpini and Scott Keeter, who published an authoritative study on the subject:

> Factual knowledge about politics is a critical component of citizenship, one that is essential if citizens are to discern their real interests and take effective advantage of the civic opportunities afforded them…Knowledge is a keystone to other civic requisites. In the absence of adequate information neither passion nor reason is likely to lead to decisions that reflect the real interests of the public. And democratic principles must be understood to be accepted and acted on in any meaningful way.[106]

The ideal of a more "informed citizen" began emerging during the period between the end of the Civil War and the close of the nineteenth century, according to sociologist Michael Schudson, who examines the history of citizen engagement in American political life in *The Good Citizen: A History of American Civic Life*. The American founders did not endorse an average citizen's right to know, he says, despite their inspirational words: "Even the most broad-minded of the founders conceived plans for public education limited in objective [and, in any event, rarely enacted]." The primary objective of education in the colonial era, according to Schudson, was to instill religious virtue and to induct citizens more firmly into the established order.[107] Even Thomas Jefferson's advocacy for a liberal education in his state of Virginia was for the purpose of casting the net as widely as possible for leaders of "genius and virtue."[108] "But Jefferson did not doubt for a moment that governing should be undertaken by this 'natural aristocracy' rather than ordinary citizens," says Schudson. Beginning in the latter part of the

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[105] Jennifer L. Hochschild. "If Democracies Need Informed Voters, How Can They Thrive While Expanding Enfranchisement?"
[106] Michael X. Delli Carpini and Scott Keeter, *What Americans Know About Politics and Why It Matters* [New Haven CT: Yale University Press, 1996], 3, 5.
[107] Michael Schudson, "Changing Concepts of Democracy." MIT Communications Forum. http://web.mit.edu/comm-forum/papers/schudson.html [accessed June 23, 2016].
[108] Thomas Jefferson, "Bill for the More General Diffusion of Knowledge." Monticello.org. https://www.monticello.org/site/jefferson/bill-more-general-diffusion-knowledge [accessed June 23, 2016].

nineteenth century and through the Progressive Movement, the goal of a widely educated citizenry gained momentum. Literacy became a prerequisite for participation in the American political process—and simultaneously a new mechanism and a new rationale for disenfranchising African-Americans and immigrants.[109] Now, more than ever, for African Americans to effectively engage in American civic life and enjoy the benefits of their newly-won citizenship, they required literacy and knowledge. Although unrealistic standards for literacy have been used to limit civic participation [e.g. voting] to white, male, economically well off and educated citizens,[110] ultimately "[t]here must be some distribution across people and across issues of the cognitive demands of self-government," says Schudson.[111] When educational disparities across social groups exist, "democracy is at least a little less democratic."[112]

When Frederick Douglass' master terminated his school lessons, the future abolitionist and education reform activist came to understand the significance of education. Inspired by an 1838 speech by Abraham Lincoln titled "The Perpetuation of Our Political Institutions," delivered just months before Douglass successfully escaped slavery, he developed a vision of education that would both improve his race and prepare them for civic engagement. When the Civil War brought freedom to African Americans, they began executing Douglass' vision in makeshift classrooms throughout the South. The school system the freed slaves constructed for themselves was an exercise of

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[109] Schudson, "Changing Concepts of Democracy."
[110] Michael X. Delli Carpini and Scott Keeter, *What Americans Know About Politics and Why It Matters* [New Haven CT: Yale University Press, 1996], 3, 5.
[111] Michael Schudson, *The Good Citizen: A History of American Civic Life* [New York: The Free Press, 1998], 310.
[112] William P. Eveland Jr. and Dietram A. Scheufele, "Connecting News Media Use with Gaps in Knowledge and Participation." *Political Communication*, 17:215–237, 2000: 216. http://www.tu-ilmenau.de/uploads/media/Readings_Connecting_News_Media_Use_with_Gaps_in_Knowledge_and_Participation_01.pdf [accessed June 23, 2016].

freedom that brought access to education for African Americans, a right belonging to all citizens. Their efforts lifted the splendid philosophies of the Founding Fathers from mere words penned in elegant script on parchment to an applied system of democracy in which all would have access to a crucial element of citizenship.

Chapter 3: OUR UNFULFILLED SOCIAL CONTRACT

> What the best and wisest parent wants for his own child, that must the community want for all its children. Any other ideal for our schools is narrow and unlovely; acted upon, it destroys our democracy.
>
> —John Dewey, *The School and Society*, 1899

> As the stability of a republican form of government depends mainly upon the intelligence and virtue of the people, it shall be the duty of the Legislature to encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement, by establishing a uniform system of free public schools, by taxation or otherwise, for all children between the ages of five and twenty-one years, and shall, as soon as practicable, establish schools of higher grade.
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> —Mississippi Constitution of 1868, Article VIII, Section 1 [replaced 1890]

The revised understanding of Reconstruction-era education for African Americans, presented by historians such as James Anderson, Heather Williams, Christopher Span and Ronald Butchart, suggests a paradigm toward which our society should aspire: a civil order in which we recognize and internalize the claim right of citizens for a liberal education that prepares each of us equally for participation in our republic. The American democracy, as conceived by the framers of the U.S. Constitution, is a social contract involving both membership rights and obligations for its members. Among the obligations we have pledged to one another is a publicly funded education for all citizens.[113]

Here I propose that an America committed to initiating, developing and supporting education for all children—as African Americans did in the earliest years of

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[113] Emily Parker, "50-State Review: Constitutional obligations for public education." Education Commission of the States. http://www.ecs.org/ec-content/uploads/2016-Constitutional-obligations-for-public-education-1.pdf [accessed June 24, 2016].

free black schooling—would reduce and even eliminate the extreme disparities that persist in our public schools today, documented so powerfully by Jonathan Kozol in *Savage Inequalities* and others. The aspect of Reconstruction-era African American schooling I am concerned with is not merely the *act* of establishing and teaching in these schools, but its support, subsidy and protection [against often violent opposition] of the institution of public education and the underlying philosophy of the purpose of education. That African Americans created an effective but separate program of education for themselves is not the model I endorse. Rather, my focus is their collective investment in and support of a system that could advance each one of them from utter subjugation to a collective state of autonomous citizenship.

The archetype of the post-war African American school, I argue, offers an effective strategy for preparing citizens for democratic engagement. The system of education African Americans created—open to all, applied equally to all and liberal in its curriculum—prepares participants for meaningful lives as citizens of a larger society. Both John Dewey and Alexis de Tocqueville before him argued that a sustainable democracy requires informed engagement by the whole of society, which requires education. In *Schools of To-morrow* [1915], Dewey writes,

> Our famous, brief definition of a democracy, as "government of the people, for the people and by the people," gives perhaps the best clew to what is involved in a democratic society. Responsibility for the conduct of society and government rests on every member of society. Therefore, everyone must receive a training that will enable him to meet this responsibility, giving him just ideas of condition and needs of the people collectively, and developing the qualities which will ensure his doing a fair share of the work of the government.

Not only must all citizens receive the sort of training [education] necessary to meet their civic responsibilities in a democratic republic but, also per Dewey, we must

demand the same for all individuals. We must maintain a shared value for the importance of a similar, minimum level of education for all citizens, as the freed slaves modeled when they collaborated to bring schooling to their communities after the Civil War. Dewey's influential and foundational text, *The School and Society* [1899], addresses the ways in which education is fundamentally tied to a thriving democracy. Primarily a proposal for a psychological, social and political framework for progressive education, Dewey makes the clear case for education as a matter of significant collective consequence. He argues that the quality of education sought by the best parents for their children should be what society wants for all children. To accept anything less for any child—our own or someone else's—is a threat to our democracy.[114]

My hope in this chapter is that by examining a historical example of failure to provide equal education for all Americans, and the efforts of freed slaves to rectify it in the late nineteenth century [chapter one], the case will be made that the patent inequality in education in our country today merits immediate attention and decisive action. In chapter two I argued that a representative democracy is most effectual when all citizens receive a liberal and similar level of education. I also argued that the system of collective schooling that developed organically and authentically within black communities after the Civil War reveals the deep importance of agency regarding the value of the many freedoms our social contract seeks to protect; it also reveals the value of equality among persons that the social contract presumes to include.

The rise of black schooling during the Reconstruction era is a clear illustration of the crucial function of education for a community that has pledged to share mutually in

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[114] John Dewey, *The School and Society* [Chicago: University of Chicago Press, 1899], 19.

the labor and the benefits of its society; or, as Harvard political scientist Danielle Allen defines it, "the notion of citizenship as co-creating" a way of life.[115] This historical example enables us to see the parallel between an undisputed case of unjust inequality and the current, less obvious problem we now face: vast and worrisome disparities in access to and the quality of education across the country. My aim is to advance the larger argument by making the smaller but no less vital argument that a liberal and common education is required by all citizens in a representative democracy and is, moreover, a claim right obligated by our social contract.

Champions of American education reform, from civil rights advocate Jonathan Kozol to former Mississippi governor, William Winter, who marshaled a controversial and historic education reform bill into law in 1982 in a state with some of the most extreme racial disparities in education,[116] see a troubling and growing inequality of educational opportunity in this nation.[117] A wide-reaching survey of public schools in America, released in 2014, [118] validates their concern. The survey data show access to public preschool programs is low for all races,[119] but is lowest for minority children. Just eighteen percent of African American youths attend public preschools. Students of color

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[115] Danielle Allen, "What Is Education For?" *Boston Review*. https://bostonreview.net/forum/what-education/clint-smith-clint-smith-responds-danielle-allen [accessed June 28, 2016].
[116] Gary Orfield, Jongyeon Ee, Erica Frankenberg and Genevieve Siegel-Hawley, "Brown at 62: School Segregation by Race, Poverty and State." University of Southern California. https://www.civilrightsproject.ucla.edu/research/k-12-education/integration-and-diversity/brown-at-62-school-segregation-by-race-poverty-and-state [accessed June 25, 2016].
[117] Donna Ladd, "JFP Interview: Education Governor William Winter." *Jackson Free Press*. http://www.jacksonfreepress.com/news/2005/aug/10/jfp-interview-education-governor-william-winter/ [accessed June 24, 2016].
[118] "Expansive Survey of America's Public Schools Reveals Troubling Racial Disparities." U.S. Department of Education. http://www.ed.gov/news/press-releases/expansive-survey-americas-public-schools-reveals-troubling-racial-disparities [accessed June 24, 2016].
[119] "A Matter of Equity: Preschool in America." U.S. Department of Education." https://www2.ed.gov/documents/early-learning/matter-equity-preschool-america.pdf [accessed June 24, 2016].

are also suspended more often than white students, and black and Latino students are significantly more likely to have teachers with less experience who aren't paid as much as their colleagues in other schools.[120] Minority students also lag behind white students in access to advanced courses and access to college counselors.[121] "This data collection shines a clear, unbiased light on places that are delivering on the promise of an equal education for every child and places where the largest gaps remain," said then-U.S. Secretary of Education Arne Duncan. "In all, it is clear that the United States has a great distance to go to meet our goal of providing opportunities for every student to succeed."

In his 1991 "seething journalistic account"[122] of the American education system, *Savage Inequalities*, Kozol found that despite the 1954 Supreme Court decision in Brown v. Board of Education affirming segregation is unconstitutional, the majority of urban schools he visited were between ninety-five and ninety-nine percent nonwhite. Over the course of two years, Kozol toured public schools across the country, especially those in large cities. He spoke with students, parents, teachers and school officials as well as city officials and community leaders. He observed schools with the lowest per capita spending on students and those with the highest per capita spending. He found shocking examples of disparities between schools, e.g. school funding in one of New York City's wealthiest [and overwhelmingly white] public school districts is more than double the funding at its poorest [and overwhelmingly minority] districts.[123] He concludes that true integration has declined significantly and education for minorities and poor students has

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[120] "Expansive Survey of America's Public Schools Reveals Troubling Racial Disparities."
[121] Ibid.
[122] Kathy Hytten, review of *Savage Inequalities*, Jonathan Kozol, *The High School Journal*, Vol. 76, No. 4 [Apr. - May, 1993], 287-289.
[123] Kozol, 237.

regressed rather than progressed. "The struggle being waged today, where there is any struggle waged at all," he writes, "is closer to the one that was addressed in 1896 in Plessy v. Ferguson, in which the court accepted segregated institutions for black people, stipulating only that they must be equal to those open to white people."[124]

Indeed, in Mississippi, where many of the first schools for former slaves began, a study by the Center for Social Inclusion using 2009 data, disaggregated by race and social class, revealed distinct race disparities in education.[125] Specifically, it revealed that Mississippi schools are still highly segregated by race. African American-majority schools are also concentrated-poverty schools, suggesting white students are less likely to live in concentrated poverty.[126] African American high-poverty schools have disproportionate numbers of teachers without advanced degrees or with emergency certification, are less likely to offer advanced placement courses and have higher dropout rates.[127] A recent federal court order instructing a public school in Cleveland, Mississippi, to consolidate its majority black secondary schools with historically white schools[128] illustrates the lingering notion of "separate but equal" Kozol condemned in *Savage Inequalities*.

When Reconstruction ended, authority to determine policies concerning racial segregation reverted to the individual states. Under "separate but equal" terms—known as Jim Crow laws—blacks were entitled to receive the same public services and

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[124] Kozol, 4.
[125] "Education Inequity in Mississippi." Center for Social Inclusion. http://www.centerforsocialinclusion.org/education-inequity-in-mississippi/ [accessed June 24, 2016].
[126] Ibid.
[127] Ibid.
[128] Jimmie E. Gates, "Cleveland schools must desegregate." *The Clarion-Ledger*. http://www.clarionledger.com/story/news/2016/05/16/cleveland-schools-must-desegregate/84446720/ [accessed June 24, 2016].

accommodations such as schools, bathrooms and water fountains, but states were allowed to maintain different facilities for the two groups. The 1896 U.S. Supreme Court case Plessy v. Ferguson ruled such laws legitimate under the 14th Amendment.[129] This policy gave rise to laws such as the Morrill Act of 1890[130] which permitted colleges to make distinctions based on race in the admission of students, as long as institutions existed for both races and federal funds were distributed equitably among them. However, the system that developed was far from equal, with poorer facilities and materials for black students, larger classes and less qualified teachers, and this resource discrimination was linked with lower academic performance.[131] This "abiding social and symbolic marginality of the African American community in U.S. society…a creature of state policies studiously enforced by the federal bureaucracy,"[132] persisted until the Civil Rights Movement. Eight decades after the Fourteenth Amendment extended citizenship rights and equal protection of the laws to former slaves, the U.S. Supreme Court affirmed that "separate but equal" violated the intent of the amendment. Brown v. Board of Education of Topeka,[133] the historic 1954 United States Supreme Court case, which declared state laws sanctioning separate public schools for black and white students to be unconstitutional, finally overturned the Plessy v. Ferguson decision of 1896, stating that

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[129] "Transcript of Plessy v. Ferguson [1896]." Ourdocuments.gov. https://www.ourdocuments.gov/doc.php?doc=52&page=transcript [accessed June 26, 2016].
[130] "Land-Grant But Unequal." Association of Public and Land-Grant Universities. http://www.aplu.org/library/land-grant-but-unequal-state-one-to-one-match-funding-for-1890-land-grant-universities/file [accessed June 25, 2016].
[131] Richard Rothstein, "For Public Schools, Segregation Then, Segregation Since: Education and the Unfinished March." Economic Policy Institute. http://www.epi.org/publication/unfinished-march-public-school-segregation/ [accessed June 26, 2016].
[132] Loïc Wacquant, review of *Separate and Unequal: African Americans and the US Federal Government*, by Desmond King, Oxford University Press. https://global.oup.com/academic/product/separate-and-unequal-9780195336221?cc=us&lang=en& [accessed June 25, 2016].
[133] "Brown v. Board of Education of Topeka." JUSTIA U.S. Supreme Court. https://supreme.justia.com/cases/federal/us/347/483/ [accessed June 25, 2016].

"separate educational facilities are inherently unequal." As a result, racial segregation was ruled a violation of the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

Despite the groundbreaking nature of Brown v. Board, some argue that "separate but equal" is not inherently unequal, and can serve a greater good in fostering black separate action and unification.[134] Law scholar Martin L. Levy says "this confusion is the shame of the American psyche" and "it portends that if the African-American community wants to act together, act separately, then it must reject the premise of Brown. This propaganda denies to us all the reality of what Brown represents, something all of America can take pride in—the smashing of the ignoble American sin of this century, apartheid." Levy notes that the court was precise in its language, stating that separate educational facilities are *inherently* unequal. "Separate but equal is then inherently unequal when it is sanctioned by law," he says. In Levy's interpretation, segregation by law denies a choice, and lack of choice is a lack of freedom. Moreover, the court itself stated in the language of its ruling that "[s]tate-sponsored segregation conveys a message of inferiority as to th[e] status [of Afro-American school children] in the community that may affect their hearts and minds in a way unlikely ever to be undone."[135] "The process of identifying one group of people in order to separate them from all other groups of people, by force of law, is inherently unequal," Levy contends.

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[134] Martin L. Levy, "Separate but Equal is Inherently Unequal." *Thurgood Marshall Law Review*: 28 T. Marshall L. Rev. 121. http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1355203 [accessed June 25, 2016].

[135] "Board of Education of Oklahoma City Public Schools, Independent School District No. 89, Oklahoma County, Oklahoma V. Dowell, et al." Cornell University Law School. https://www.law.cornell.edu/supct/html/89-1080.ZD.html [accessed June 25, 2016].

This interpretation of Brown v. Board supports my thesis that while black efforts toward self-education during the early Reconstruction period produced an effective, organized system of African American schools—which even some white children attended—they functioned independently from white education systems, and as such, did not fully achieve the greater democratic ideal of an equal and shared educational system. Moreover, the de facto segregation that persists today in American public education[136] represents a failure of our society to honor our social contract.

[136] Richard Rothstein, "Modern Segregation." Economic Policy Institute. http://www.epi.org/publication/modern-segregation/ [accessed June 26, 2016].

CONCLUSION

The social contract is the basis for government and law in our American democracy, according to which human beings begin as individuals in a state of nature and create a society by establishing a contract whereby they agree to live together in harmony for their mutual benefit, after which they are said to live in a state of society. [137] This contract involves the retaining of certain natural rights, an acceptance of restrictions of certain liberties, the assumption of certain obligations and the pooling of certain powers to be exercised collectively.[138] Among the basic terms in our social contract is an implied "collective" or "shared" intention, which involves certain interpersonal obligations and entitlements [or rights].[139] Stanford University ethics scholar Facundo M. Alonso defines shared intention as "important relations of mutual reliance" between those within a social contract. Moreover, "these relations of mutual reliance generate, in the absence of special circumstances, interpersonal obligations between the participants." Alonso goes further to assert these obligations are moral obligations.[140]

My thesis is that the absence of a universal and uniform system of public education in mid-nineteenth century America represented a breach of our social contract, and among those who suffered the greatest harm were African Americans. Their response

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[137] The founders of the American system of democracy borrowed elements of social contract theory from Thomas Hobbes, John Locke and Jean Jacques Rousseau.
[138] "The Social Contract and Constitutional Republics." Constitution Society. http://www.constitution.org/soclcont.htm [accessed July 10, 2016].
[139] Facundo M. Alonso, "Shared Intention, Reliance, and Interpersonal Obligations." *Ethics*, Vol. 119, No. 3 [April 2009], pp. 444-475.
[140] Ibid.

to this missing and crucial element of a collective society—development of a viable, accessible system of education for all in their communities—corrected the problem to a certain extent. Unfortunately, it was a discrete system in that most whites did not share or assist in African Americans' struggle for education. Even more troubling, the chasm between education for blacks and whites persists today.[141] As a nation, we remain segregated in many ways, not just in our schools.[142] I acknowledge that a unified and edifying system of education for all American children cannot remedy all of the problems of our contemporary democracy. However, the ideal of a society in which all contribute and similarly benefit can be modeled in our schools, and the legitimacy of the term "we"—in "we the people of the United States"—can and should be expanded to encompass all citizens and our children as they matriculate through equal and inclusive education systems that teach them not only how to become productive workers, but also to lead meaningful lives capable of adding to the greater good of our society.

The claim right of freedom for citizens to receive an education [and our corresponding duty not to prohibit that access] is not the only achievement illuminated by the example of African American agency in chapter one. Another key virtue of these Reconstruction-era examples of African American agency is the identification of a larger body of African Americans with the *shared goal* of education for all community members. In the same way the efforts of African Americans to claim a fundamental right of citizenship for the betterment of their race required non-interference from other communities, so too the Democratic ideal generates the shared goal of education for all

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[141] "Expansive Survey of America's Public Schools Reveals Troubling Racial Disparities."
[142] William H. Frey, "Census shows modest declines in black-white segregation." Brookings Institute. http://www.brookings.edu/blogs/the-avenue/posts/2015/12/08-census-black-white-segregation-frey [accessed June 28, 2016].

citizens of the larger society. That shared goal requires *all* citizens to recognize not merely the right to free agency to acquire education but to *identify with* other communities [the "we" in "we the people"] in the common, shared goal of education for all citizens. This amounts to a shared sense of agency in which all citizens are committed to the same identified goal of equality in educational opportunity.

There is a distinction between meeting the minimum requirements of the social contract—e.g. paying taxes, which support public schools—and genuine shared intention to fully realize the kind of achievement Reconstruction-era African Americans created in their late-nineteenth century self-governance. It is not sufficient to merely contribute our required quota. As Dewey, de Tocqueville and others have advocated, just as a parent cares for her child, so a community must care for and cherish each of its citizens to realize the vision of a flourishing democracy. I acknowledge that this thesis implies a moral correlation between our claim right to education and our responsibilities as citizens to both provide education for all and not to inhibit access to education, and that if we are to fully realize the kind of achievement Reconstruction-era African Americans demonstrated in creating their schools, we must consider both civic and moral obligations in regard to public education. This proposal merits further development, but is beyond the scope of this present paper.

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