

Race as a Social Construct: The Impact on Education

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Abstract

Today as part of the network of globalization, the United States is trailing through the 21st century on the note of an unfinished past. As a legally segregated entity of United States citizenry from 1896-1954, people of African descent largely would be on their own when it came to creating a positive self-image. Those who genuinely sought to contribute to a climate for change and growth were hopeful that experimentation with democracy at the expense of Africans in the United States eventually would cease.

When the Supreme Court *Plessy v. Ferguson* (1896) ruling that had rendered “separate but equal” was overturned with *Brown v. Board of Education-Topeka, KS* (1954), the latter opinion for the majority informed desegregation relative to education would go forward “with all deliberate speed.” Given those deliberately throwing roadblocks at speed instead of speeding up a process would slow down that process for years to come. In addition to the snail pace, another major development was unfolding. The United States closed out domestic social involvement in the 20th century by shifting policy from a banner of *segregation* to *de-segregation* and not to *integration*. Hence policy central to equitable and quality education remains unaligned with human rights in the 21st century.

Introduction

During the first half of the twentieth century, two world wars escalated. World War I, 1914-1918 involved approximately 32 nations. World War II, 1939-1945 involved approximately 50 nations. The first war was launched under the banner *to make the world safe for democracy*. The second was billed as *the war to end all wars*. The United States, significantly involved in both wars, emerged from World War I as the most powerful military and economic nation on earth, with New York replacing London as the center of world finance. As a nation whose majority control remained in the hands of citizens in the U.S. politically defined as *white* under the platform of “race” as a social construct, there were those at home and abroad who viewed the march for democracy as white advancement to promote an Anglo-Saxon ideal. Hence by the end of World War II, if the United States intended to remain a partner in conducting world business, this country would have to show that it was not treating its inhabitants of African descent as inferiors and second-class citizens.

At home and abroad, a blatant sense of hypocrisy relative to second-class citizenship and a sense of inferiority directed against people of African descent prevailed in the United States military. Black and white soldiers were commanded to engage an “enemy” in other parts of the world, while the lynching of blacks by those who bought into the social construction of maintaining whiteness relative to supremacy and superiority remained at the forefront of social activity in the United States. Were the country to continue along this route, conceivably the U.S.

could conduct business with and treat the populace of a respective nation as second-class citizens and inferiors in their own country. To show good faith on the domestic and national front, on July 26, 1948 President Harry Truman issued Executive Order 9981, which ended racial segregation with the ranks of the United States the United States military forces. This move was executed as debate on the declining significance of “race” accelerated to reshape social policy on the world stage.

Desegregating the military was a controlled experiment. Enlisted soldiers black and white were under command of the United States armed forces. A pronounced case to end segregation, and which would have more far reaching impact, would involve the attempt to dismantle segregation in public education. Here was a range of the populace that spanned from the rich to the poor. In 1954 the *Brown* decision declared that to maintain separate educational facilities for blacks and whites was inherently unequal. This change in policy directed at education had traveled a long journey.

Retrospective

From 1861-1865, the Civil War was underway in the United States. On the part of the South, the conflict was engaged to determine if states rights to maintain a free labor force comprised of people of African descent would prevail in the South. The North, on the other hand, could not use slaves during the frozen winter months and, having developed an industrial economy, engaged the war on the platform that free labor could not compete against slave labor. Thus their aim was to federalize the economy so that two economic systems would not prevail. The war took its toll on approximately a half million members of the populace. This loss was replaced by a wave of immigration that swept the United States, particularly from 1890-1920 (Perrett 1982). Social agencies would need to be established to bring this horde of “foreigners” into the established fold of the citizenry.

Publicly supported high schools were few in number until after the Civil War, and then were pushed to the forefront as part of a social agenda. During the years from 1880 to 1890 the schools were established in the larger centers of population in rapidly increasing number. Costing relatively little, these facilities were attended by only a small number of pupils, most of who were preparing to enter the professions. After some litigation initiated by questioning taxpayers, tax-supported high schools were accepted as legitimate additions to the public school

systems of the country. During the years following 1890, these schools increased in number and in pupil population. with excessive acceleration. In 1900 the United States Bureau of Education (now known as the Office of Education) reported 6,005 public high schools in the country attended by 519,251 pupils. The official report for 1930 showed 22,237 public high schools attended by 4,145,699 pupils. In addition, there were in 1930, 2,760 private schools of secondary grade enrolling 309,052 pupils (Judd 1934).

When the United States emerged from the war as the most powerful nation on earth, a number of domestic problems required immediate attention. The war had served as a barometer whereby for the first time the United States had to face that it is peopled by immigrants. As Europeans were fighting against Europeans in World War I, many among the U.S. populace did not wish to cross the Atlantic Oceans to annihilate their relatives. Hence when the war was over, an Americanization Conference was held in Washington from May 12-15, 1919 (Davis 1920). Throughout the 1920s, the United States pushed a program of Americanization aimed at “100 Americanism,” and “making citizens alike forever” (Perrett 1982).

The war had been instrumental in the United States becoming an urban nation by 1920, whereby approximately 52% of its citizens lived in cities. With war time industry no longer needed, the United States turned to manufacturing domestic goods, sold on credit, and hence began to hold world center stage as a consumer nation in addition to an urban nation. Given the rise in advertising as a multi-million dollar business in the 1920s, everything was packaged for consumption at home and to be shipped abroad.

Urbanization gave rise to juvenile delinquency, a pressing social concern during the 1920s (Perrett 1982). Something had to be done to keep the sons and daughters off the streets while the parents were working. What more proficient way could be found to harness them than education. Synonymous with the beat of jazz, improvisation and experimentation were catchwords in the 1920s. Given an urban, juvenile population, one experimental aspect of the education curriculum centered on manual arts and the junior-high-school movement, dating from about the beginning of the twentieth century, has been accompanied by a very material increase in the manual-arts work. The philosophy of the junior high school emphasized the need for providing for individual and group differences, for exploration and discovery of aptitudes and interests, and for enriched curriculum of general education, on the one hand; and on the other, promoted flexibility of the instructional organization which more easily permitted the

introduction of shop courses. No vocational training as such was given in the junior high school, but large opportunities were offered for practical arts training which conceivably may have helped toward vocation-finding. Its work in this aspect was thus prevocational (Davie 1932).

Attention given to education was a spin-off of a major trend sweeping the country, the advance and standardization of social services and the bureaucratization of such services (Hunt 1929).

Of these social service, education not only absorbs the greatest income but it appears to be growing at a much more rapid rate than the rest. The gross expenditures for this purpose are estimated to have increased from three-quarters billions in 1925-26....What evidence there is appears to indicate that roughly \$2,500,000,000 of the total spent on public and private education in the United States in 1925-26 represents free education. The per capita expenditures for pupils in the public elementary schools in 1926 were \$63.31; in public high schools, \$195.74; and in universities and colleges, \$423. Total expenditure for education increased by 250 percent between 1913-14 and 1925-26 (Hunt 1929).

Standardization and bureaucratization of education offered certain benefits for white, but people of African descent were hampered by enforcement of intense segregation practices, with the spotlight for center stage placed on the South. Despite the drawback, there were those who labored tirelessly, determined that people of African descent would receive adequate training in the most up-to-date facilities and in various avenues of education--liberal and mechanical arts, as well as vocational training. Jesse Moorland, affiliated with the Colored division of the Young Mens' Christian Association, was aware of that organization's efforts to encourage and to help immigrants acquire citizenship by offering night classes centered on study in the English language. Certainly mastery of the English language would give a decided social advancement edge to new arrivals, while the descendents of Africans in the United States would continue to be left on the sidelines as second-class citizens with little or no development in education.

In 1910 Moorland had approached Julius Rosenwald, chief stockholder in Sears, Roebuck & Company, informing him that there were no "Y's" in the North open to people of African descent. Rosenwald saw to it that twenty-five were quickly built. In 1913 he visited Tuskegee, Alabama and had his first elementary school for Afro-Americans built there. Between

1917 and 1924, he gave four million dollars in matching funds to build 5,000 elementary schools, 195 teachers' homes, 103 workshops, and five industrial high schools for Afro-Americans in the South (Lewis).

Miller and Roby (1969) in their examination of the limits of a strategy relative to education and redistribution, draw several conclusions about policy relative to education after the 1920s. They declare that in the 1930s and 1940s the object of education was to develop the "Whole child." In the 1950s and 1960s the burden of desegregating society was left to the children and the educational arena rather than to adults who were weary of the task they displaced on their offspring. Last but not least, they contend that by the end of the late 1960s, reduction of inequalities had been given largely to the schools of America, so that too much was been asked of these institutions and too little of the rest of society. Certainly, an anchor for setting educational policy was tossed and torn in the 1970s and 1980s. By the 1990s a cry sprang forth that the whole child could not be educated if the "whole village" did not pitch in to assist in the education..

Education Policy Shift, 1954-2000

Given the burden of proof placed on the children and schools, arguments for the affirmative relative to *Brown* were not advanced against race as social construct, but against error is maintaining separate facilities. The Supreme Court drew from *McLaurin v. Oklahoma State Board of Regents* (1950), and *Sweatt v. Painter* (1950) as. In 1946 forty-six-year-old retired military veteran Herman Sweatt had applied to the University Texas Law School. The state responded in 1947 by opening a separate facility for blacks to attend law school. Sweatt refused to attend. When the case was argued before the Supreme Court, an opinion was rendered that opening a separate facility to serve a body of people could never be equal to a facility that provided the same services to another body of people, given the established facility's entrenched administration, faculty, library, legal writing opportunities, and overall prestige. The Court informed, relative to public education..."where the state has undertaken to provide it, is a right which must be available to all on equal terms," and segregated education is unequal education (*Brown* 347 U.S. at 493). The Court further issued the opinion that mere separation from the majority of law student harmed students' abilities to compete in the legal arena. To right this wrong, the Court pronounced that the process would move forward "with all deliberate speed."

Immediately after *Brown*, roadblocks to impede progress in education surfaced with alarming speed. An inaugural policy introduced was designated the Pupil Placement Law. Rather than the educational system undergoing desegregation across the board, a handful of students were handpicked for the experiment throughout the South. Could teaching and learning take place with one black student here and there, sitting in an unfamiliar environment. In addition to abject isolation, nothing about their life, history nor culture was embedded in the education process. Following other southern states, Virginia's General Assembly enacted the Student Placement Law and a Student Placement Board to enforce that Act from 1956-1966. (Eskridge, issue date 13 June 2008). In *Why We Can't Wait* (1963) Martin Luther King, Jr. informs about the shortfall of such a policy that was paving the road "with all deliberate delay."

It is an unadvertised fact that soon after the 1954 decision the Supreme Court retreated from its own position by giving approval to the Pupil Placement Law. This law permitted the states themselves to determine where school children might be placed by virtue of family background, special ability, and other subjective criteria. The Pupil Placement Law was almost as far-reaching in modifying and limiting the integration of schools as the original decision had been in attempting to eliminate segregation. Without technically reversing itself, the Court had granted legal sanction to tokenism and thereby guaranteed that segregation, in substance, would last for an indefinite period, through formally it was illegal (King 1963, 19).

In the 1960s, the move to generate discourse to argue for development and promotion of policy relative to equitable and quality education came not from local and state initiative, but in the form of federal commissions. There are those who contend that the commissions did not go far enough in investigating institutional problems that accounted for disparity in education, but instead focused more on "race." The report of the U.S. Commission on Civil Rights entitled *Racial Isolation in the Public Schools* (1967) informs that the degree of school segregation escalated sharply from 1950 to 1965. And since 1965 the racial composition of schools in the United States has become even more tightly drawn along racial lines. Dr. King shared this sentiment in *Why We Can't Wait*. "At the beginning of 1963, nine years after the historic decision [Brown], approximately 9 per cent of southern Negro students were attending segregated schools. If this pace were maintained, it would be the year 2054 before integration in southern schools would be a reality" (18).

In the 1960s Malcolm X heightened his stance against what he felt was policy aimed at blacks not receiving equitable and quality education in the United States. Six weeks after Malcolm returned from a trip to Africa, on June 28, 1964 at an open rally he announced formation of the Organization of Afro-American Unity (OAAU). Modeling the OAAU constitution after that of the Organization of African Unity founded on continental Africa in 1963, Malcolm declared that the principal concern of the OAAU was the human rights of blacks. At the rally speech he outlined a number of key areas to be spearheaded for program advancement for Afro-Americans, among these education. Malcolm proffered that education in the United States was failing black children. He requested that 10% of all schools failing under the New York Board of Education be turned over to the Black community and staffed by black principals and teachers. In addition, individuals would be recommended to serve on the local school board where, said Malcolm, policy is made and passed on to the Board of Education. He announced that if those proposals were not met, parents would be asked to keep their children out of the inferior schools, and not return them until school in Black neighborhoods were controlled by Afro-Americans (Pan-African Perspective 2008).

Malcolm launched further travel to spread his concern for a human rights platform and sound policy to promote positive and wholesome education for blacks. Invited to the Oxford Union Debate, Malcolm delivered an address on December 3, 1964 and said he was speaking as a black man from America, which he labeled as a racist society. Turning to the 1954 *Brown* decision that had overturned “separate but equal” as policy relative to education, Malcolm declared that the decision could not be enforced in the North, just as it was not being enforced in the South.

Malcolm drew laughter from the audience when he exclaimed that the system of government in the United States consists of committees. To his recollection, Malcolm informed about 16 senatorial committees--10 in the hands of those he designated as southern racialists, and 20 congressional committees—13 in the hands of southern racialists. Leaving policy to be set by these 23 out of a total of 36 committees, Malcolm exclaimed, the *Brown* decision rendered by the U. S. Supreme Court had not been and would not be enforced. Malcolm further expressed that no civil rights legislation would be of worth when a decision rendered by the Supreme Court was not honored by senate and congressional policy makers. Given this case in point, policy makers and dissidents-at-large were disavowing their own law. Prior to his death, Malcolm proposed

that the United States should be taken before the world court and indicted on charges of human rights violations.

In the 1960s, relative to population, the United States was a young nation. Four out of every ten individuals were under the age of twenty-years-old. For the first time in the history of the nation, nearly ten million students from various ethnic background and all economic walks of life were enrolled in colleges and universities in the United States. Many among them played a pivotal role in agitating for a civil rights agenda. However, attacks against a civil rights agenda escalated. On February 21, 1965, nine days after his last trip to England, Malcolm X was assassinated in the Audubon Ballroom in New York. In April 1968 Martin Luther King, Jr. was assassinated. At the Democratic National Convention in June, Robert Kennedy was assassinated. American cities were burning.

In the 1960s, demonstrations were the order of the day on college and university campuses. At institutions of higher learning throughout the nation, students continued to take matters into their own hands and demanded that equitable and quality education be dispensed so that the mistakes of the past would not become nightmares for the future. Once again, the voice of a commission stepped up to the plate to give a spin on what type policy might be implemented for equitable and quality education to be framed and disseminated across the board. *The Report of the National Advisory Commission on Civil Disorders* (1968), more popularly known as the Kerner Report, issued a statement on the volatile state of education aligned with race.

Education in a democratic society must equip the children of the nation to realize their potential to participate fully in American life. For the community-at-large, the schools have discharged this responsibility well. But for many minorities, and particularly for the children of the racial ghetto, the schools have failed to provide the educational experience which could help overcome the effects of discrimination and deprivation.

This failure is one of the persistent sources of grievance and resentment within the Negro community. The hostility of Negro parents and students toward the school system is generating increasing conflict and causing disruption within many school districts. (Kerner Report qtd. in Green 1969, 11).

The blame was being placed on the Blacks as social deviants, not on the 350 years of victimization and discrimination that they had undergone in the United States. Order had to be restored in the classroom and on the street. In the 1970s, policy agenda relative to education

shifted to focus on institutional racism, while simultaneously issuing a call for equal opportunity. Riding the wave of policy for the 1970s was Affirmative Action. Before the public eye, one aim of affirmative action was to maximize the benefits of diversity in all levels of society. However, the playing field looked bleak. Having turned segregated schools for black and whites into desegregated enclaves, generally former campuses for whites had been designed as senior high schools, and schools previously for blacks were designated as junior high schools. Any school in receipt of federal money yet failed to comply could be exposed, and was subject to the threat of having those funds rescinded. A second aim of affirmative action was to redress perceived disadvantages due to overt, institutional, or involuntary discrimination. Supporters of affirmative action worked tirelessly to cite perceived present and past institutionalized limitations on those who could benefit from gains that such a policy might secure.

Affirmative Action is not a law, but a policy which states any institution in compliance with said policy must assure that an individual will have access to an interview potentially to be awarded a job, will not be treated in inhumane fashion if hired for a position, and will have a chance for upward mobility if hired for a position. As an institutional measure, affirmative action got in the way of equitable and quality education.

Just as critics of affirmative action had their say, examination of the impact of institutionalized racism on education also covered ground in the 1970s. Those who supported affirmative action as policy were cognizant that since government uses a white and non-white racial classification, juxtaposing black advancement in the 1970s against black advancement before world War II was shortsighted. On the other hand, to compare black advancement with whites before and after the war, one would become aware the status of blacks in relation to whites remained unchanged. Such proponents argued that a policy of equal opportunity was not the solution; a policy aimed at achieving equal results was needed.

Those wanting equal results called for a curriculum that would not imprison the mental capacity of blacks. Attempts to preempt this catastrophe, they argued, could gain ground if educational institutions learned more about the historical and cultural characteristics of minority pupils instead of applying “mainstream” criteria against them. History had shown that traditional approaches to education had not worked to educate the “whole child” among a nation of immigrants in the United States. Why not augment this approach with a curriculum that could

train students to cope with life in a society that was becoming more and more complex with each passing day.

In the 1970s, those who directed concern against institutionalized racism took issue with Commission reports that were viewed as adding to the stereotype of blacks in the United States by designating them as passive victims instrumental in their own drawback, and hence their own demise. *The Kerner Report, Coleman Report, and Racial Isolation in the Public Schools*, among others, each came under scrutiny. And textbooks from the so-called mainstream did not fare any better, since proponents against institutionalized forms of racism held that negative evaluations of blacks held by “educated” policy makers was derived from textbooks biased against those in the populace designated as minorities.

Under a banner of pushing de-segregation forward with all deliberate speed, how could the roadblocks be examined, and who would examine such roadblocks. Proponents who called for a policy aimed at achieving equal results agitated at the local, state and federal level for program evaluation and the discovery of variables which could lead to educational progress and upward mobility. At the local level, the focus was on the school board as agent for educational change in the community. But this cry would fall on deaf ears because in the 1970s the schools were no longer aligned with the local community. New schools were built and taken out of the communities to preempt potential racial skirmish. A number of the schools were placed along major highways so that law enforcement would have access to potential trouble sites should a skirmish erupt. When there was trouble, the schools were placed on lock-down. But even when there was no trouble parents, as a rule, encountered difficulty in gaining access to the isolated schools.

Another major drawback to going forward with all deliberate speed was the vast amount of money appropriated from the federal government for remedial education. While the remedial education was taking place at the college level, a number of black students were placed in special education classes at the elementary, junior and senior high schools. Rather than pump such money into equitable and quality programs, policy for this venture was based on the premise that segregated facilities had ill-prepared minorities to compete in the sphere of quality education settings. But rather than place the spotlight on minorities alone, the lens should have been focused on how segregation had retarded all citizens for sound and wholesome education, given both blacks and whites had been subjected to segregation in all social spheres.

Ask substantive questions to someone politically defined as white and conceivably one might have discovered that their education was far more deficient than someone politically defined as black. Blacks were being educated about social development that had taken place on the white side of the line and were well-equipped to cross that side of the line; but whites, as a rule, knew little or nothing about social development on the black side of the line, and conceivably were ill-prepared to cross that side of the line. Rather than even the competition and possibly learn whites were at a decided disadvantage juxtaposed against blacks, attention was shifted away from them and placed on blacks who supposedly needed remedial preparation to come up to speed. And while the remedial education was taking place at the college level, scores of black students were placed in special education classes at the elementary, junior and senior high school levels.

As it was observed that the desegregated set-up was failing black students, there was a call from blacks themselves for alternative education, the freedom or liberation school. Segregation had not failed blacks in education. Education was failing blacks relative to social alignment with the so-called mainstream. Under segregation, no one from the outside had interfered with the instruction that black teachers were dispensing to black students. Hence the education was one of quality, so much so that when a black student graduated and went away to college, they could hold their own in terms of performance. Black teachers did not waste time educating black students that they were inferior. Nor did they waste time on talking about the pitfalls of race. They educated students for the sake of education, and about being the best human being one could be in the world. Performance was the linchpin of the policy that black teachers promoted in the classroom. Thus the position of black teachers was in sync with leaders in the community that relative to the platform of desegregation a structure had to be established that would lead to meaningful inclusion.

As the 1970s trailed toward a fevered pitch, Spears (1978) informed that “a question of the most basic sort was why racism persisted as the neglected stepchild in treatments of blacks in American education” (129). Spears declares that too much attention has been paid to cultural and language differences to the neglect of probing investigations dealing directly with the effects of racism on black students’ learning. Pointing out what he terms “the existence of disciplinary egotism,” Spears focuses on what he identifies as the refusal of scholars in the social sciences to show that they can make pronouncement on topics of social concern. Spears further contends

many authors of writings dealing with blacks in education were not clear on their own views of racism because racism has not been viewed as irrational, but as rational from the point of view of those who benefit from it (130).

As the 1970s drew to a close, a number of scholars continued to issue perspective on the danger of sustaining alignment of education with “race”. Asa G. Hilliard, III presents what he identifies as “a reconceptualization of the role of culture in the attainment of quality educational opportunity, and how the use of culture in education can be a vehicle of either liberation or oppression (110). Says Hilliard, “An elaborate system of “coding” usually develops which enables an oppressor to hide motivations, to deny feelings, to divert attention and energies from a solution to real human problems. Entire populations may be deluded and misled for years” (110).

Hilliard’s focus, for the sake of analysis, can be aligned with, among other theories, psychohistory--study of the changing meaning of symbols. Drawing from the symbolic matrix model (Kovel 1970), consider for the sake of argument those in control of a process who arraign an *instinctual fantasy* against the rationalized inherent inferiority of the candidate for education. But soon that instinctual fantasy turns into a *conflict* when the educational candidate begins to assert their cognitive skills. In turn, the controller now becomes repressed because of an equal mind/partner in the educational process, given inadequate education based on lies no longer can be sustained. What initially served as an instinctual fantasy shifts to a *repressed fantasy* stored in the id because the major downfall of the controller would be to show that he/she is repressed. Yet the repressed fantasy stored in the id yields *repressed activity* that surfaces in the ego and, in turn, is directed as penalties against the educational candidate for his or her drive not only to seek equitable and quality education from others, but to be educated by self as well.

Relative to the symbolic matrix, it can be regarded that the next step in this educational overturning involves a *synthetic reintegration of change via cognition*: on the positive side how further to educate the subject; on the negative side, how not to educate the subject with all deliberate speed, given that which is deliberate will serve as roadblocks. If no education is advanced toward the educational candidate, only what passes for education, in the final analysis what initially was arraigned as an instinctual fantasy on the part of the controller shifts that controller into being uncomfortably imprisoned in their own ego, so that as they begin to exhibit repressing activity toward the educational candidate. In turn the controller reveals self as the *real*

symbol of the object. In other words, they continue to fail to educate self in their preoccupation and passion to dispense inadequate education to others.

According to Hilliard, to use culture in education as a vehicle of oppression translates to how the truth was turned upside down which, he says involves two aspects of colonialism—physical domination of Africa by Europe resulting from the Berlin Conference of 1880; and the colonization of scholarship to control and produce information to control a people’s belief., via colonization’s promotion of the unscientific concept of “race”. What is missing in the history and the equation proffers Hilliard, is that there is no theory of domination in the popular and contemporary theories of education (114).

In the United States this is a missing link in education given that society, until 1954 permitted and sometimes even demanded the legal separation of racial groups for the purpose of schooling, and whereby integration for the masses today is little closer to reality than in 1954....The problem in education is never that a learner has an “absence of culture,” or that that the learner has a “defective culture,” or that the learner has “a lower culture.” The problem is that the learner’s own or someone else’s culture is used against the (114, 116)..

Hilliard declares that African people in the diaspora, including America, have suffered, among other indignities, destruction of vital historical information about Africa and African people. Correspondingly, there has been destruction and ridicule to prevent the commitment of African peoples to religious and philosophical belief systems, and to practice of indigenous religious and philosophical belief systems and language, and practice of artistic, musical and dramatic creativities. To maintain control of Africans in the New World, says Hilliard, cultural and educational systems and forms were pressed into service by Europeans to declare their sense of superiority and to launch fabrication of a “Negro made in America” (117).

Hilliard proffers that a reversal of those sufferings would contribute to the redevelopment of a normal and human learning environment, and introduces how cultural genocide and education aimed at minorities can be eradicated if new goals for education are set. There must be understanding of cultural/linguistic variation and relativity, the role one’s identity with a unique culture plays in their liberation, and how the world is world is viewed through a cultural lens, screen or filter (119). He concludes that quality education is one that would provide exposure to a broad variety of alternative cultural experiences in order to lead each student to develop a

strong sense of personal, social and cultural identity. Relative to empowerment, Hilliard declares that such an education would help each student to learn to become analytical about the socio-political as well as the broader environmental conditions in which he or she lives.

By the 1980s little had changed to secure effective results relative to equitable and quality education in the United States. Louisiana was a case in point. All policies implemented in the name of education were issued relative to practice of a dual education system, one for blacks and one for whites. Louisiana trailed in the 1980s under governance of four governing boards of higher education: The several campuses of Louisiana State University System (LSU) was under direction of the LSU Board of Supervisors. Eight of the nine other institutions in the state were under the supervision of the Board of Trustees for State Colleges and Universities. The black public institutions of higher education include Grambling State University come under the Board of Trustees for State Colleges and Universities, and the three campuses under Southern University (SU) under the SU Board of Supervisors. The Louisiana Board of Regents made up the fourth governing board. This Board, a state agency created by the 1974 Louisiana Constitution, is not a management board but a policy-making board that coordinates all public higher education in Louisiana. The board began operations January 1, 1975, succeeding the Coordinating Council for Higher Education (<http://regents.state.la.us/>).

On three separate occasions between 1964 and 1974, the U. S. Department of Health, Education and Welfare (HEW) had notified Louisiana that the state was in violation of the 1964 Civil Rights Act and the Fourteenth Amendment by operating a dual system of higher education. Except for self-lauding reports sent to Washington by each governing board, nothing changed. HEW referred the matter to the U.S. Department of Justice and on Thursday, March 14, 1974 a suit was filed in the U.S. District Court in Baton Rouge, Louisiana, claiming that Louisiana operated a dual system. Seven and one-half years later, on September 8, 1981, a panel of three federal judges accepted a plan referred to as Consent Decree.

The Justice Department's suit/initiative of Consent Decree did very little, if anything to advance education in Louisiana. The policy was not an address to securing quality education in the state, but to addressing how the institutions fared under a dual education system that upheld "race" as a social construct. Thus the emphasis was on equalizing representation on boards of education to reflect the 70% white and 30% black population of Louisiana. The Consent Decree required the state to take affirmative steps to achieve an approximate 70% white, 30% black

membership for the Louisiana Board of Trustees for the State Colleges as early as practicable, but within a period of six years; and a reversal 70% white and 30% black representation for the Board of Trustees for the black Southern University system (Prestage and Prestage 1989).

In addition to governance, Consent Decree provided for faculty development programs, cooperative efforts of proximate institutions, and enhancement of predominantly black institutions. Consent Decree was slated to expire in December 1987. A three-judge Federal panel scheduled a conference for February 29 to set a date to determine if Louisiana has fulfilled the terms of Consent Decree. In making the request, Federal attorneys said outstanding issues between the state and Federal Government could be settled “without protracted litigation.” This agreement would constitute an out-of-court settlement of the Justice Department’s 1974 lawsuit. When expiration dates no longer would be extended, the result would be a shift of responsibility for implementation and enforcement of the terms of the decree to the state level.

(United States of America versus State of Louisiana, et. Al. Consent Decree, Civil Action N. 20-3300, Section “A” (September 8, 1981).

By the 1990s, interest in desegregation relative to education had waned. The emphasis now was on globalization. Anyone black crying about equitable and quality education was viewed as wanting to remain in the back yard when supposedly the world stage no longer was interested in skin color. *Deracialized discourse* (Gillborn 1995) surfaced “as a conceptual tool in the analysis of contemporary politics and social policy debates” (18).

Traditional understandings of ‘race’ and racism are no longer adequate. We must rethink ‘race’. The nature of the relevant issues is both complex and changing: simple, fixed understandings of what constitutes ‘race’ and racism leave us ill prepared for critical analysis of contemporary society in the late twentieth century. The 1990s have seen the *deracialization* of social policy. Issues of ‘race and racism, so prominent in the early 1980s, figure little in contemporary policy debates....The Conservative educational assault, which began in earnest in the late 1980s has changed all that. ‘Race’ has been swept from the policy agenda. And yet simultaneously issues of ‘culture’, ‘heritage’, and nationhood have taken on renewed importance as a central strand in Conservative ideology (Gillborn 1995, p. 17).

In the 1990s, emphasis on education in the United States also shifted to privatizing the past (McCulloch 1965). The question was posed about whether or not race had ended or should

have ended with death knell of the twentieth century. The American Association of Physical Anthropologist issued a “Statement of Biological Aspects of Race” (1996), presenting as their position eleven points as revisions of the 1964 UNESCO statement on race.

Popular conceptualizations of race are derived from 19th and earlier 20th century scientific formulations. These old racial categories were based on externally visible traits, primarily skin color, features of the face, and the shape and size of the head and body, and the underlying skeleton... Yet old racial concepts persist as social conventions that foster institutional discrimination. The expression of prejudice may or may not undermine material well-being, but it does involve the mistreatment of people and thus it often is psychologically distressing and socially damaging. Scientists should try to keep the results of their research from being used in a biased way that would serve discriminatory ends. (qtd. in Hammonds & Herzig, 319)

The American Anthropological Association followed this trail of discourse when they issued their “Statement on Race” (1999).

Throughout history whenever different groups have come into contact, they have interbred. The continued sharing of genetic materials has maintained all of humankind as a single species... Ultimately race as an ideology about human differences was subsequently spread to other parts of the world. It became a strategy for dividing, ranking and controlling colonized people used by colonial powers everywhere... Race thus evolved as a world view, a body of prejudgments that distorts our ideas about human differences and group behavior. At the end of the 20th century, we now understand that human cultural behavior is learned, conditioned into infants beginning at birth, and always subject to modification (qtd. in Hammonds and Herzig, 322).

21st Century Perspective

From the early 1600s to 1865, when most people of African descent were relegated to slavery in the United States, laws in respective states stipulated it was illegal for them to read and write. After slavery ended in 1865, various makeshift schools were set up to educate blacks, and in 1890 the second Morrill Land Grant Act established 17 public colleges for blacks. By 1896, however, the U.S. Supreme Court, in *Plessy v. Ferguson*, placed the national judicial seal on an apartheid policy, “separate but equal” relative to use of public facilities for blacks and whites. This law would remain on the books until 1954 when overturned by the Supreme Court, relative to education as the benchmark, with passage of *Brown v. Board of Education, Topeka, KS*. But

given the ruling was issued with pronouncement of “all deliberate speed,” the roadblocks thrown in the process by the various states, particularly in the South, have continued to make a mockery of justice.

An in-house “race” card has no value on the transnational stage. To educate the whole child for participation on such a stage, policy must be geared toward equitable and quality education. The life of each individual is impacted by what transpires at the local, national and international level. The fusion of the local, national and international equates to the transnational. The 21st century dawned with scholars, public and private institutions and non-profit government organizations (NGOs) understanding the need for adding a human face to education, hence the need for a human rights agenda at the transnational level. Conceivably, one catalyst for inspiration was generated when the United Nations named 1995-2004 the “United Nations Decade for Human Rights Education.”

To propose policy for human rights education, within the first decade of the twenty-first century a number of proponents have placed the spotlight on what had not worked in the United States during the second half of the twentieth century, while aligning overview with international comparison. In their explanation for school failure King, Houston and Middleton (2001) analyze the importance and import of moving beyond the contention of black inferiority and alienation as a policy-making agenda, and conclude with the relevance of their discussion to educational debates in Great Britain and South Africa. Coenders and Scheepers (2003) present an international comparison on the effect of education on nationalism and ethnic exclusionism. Cardenas (2005) raises the question of constructing rights central to human rights education and the state. Patton (2007) looks at the impact of the constitutional context relative to morality policy adoption on the part of the Supreme Court.

Coenders and Scheepers (2003), “label positive attitudes toward one’s ingroup and country as *nationalism*, and negative attitudes toward ethnic minorities and immigrants as *ethnic exclusionism*...and the interrelation between unfavorable attitudes toward outgroups and favorable attitudes toward the ingroup as *ethnocentrism*. The authors inform that their conceptualization of nationalism does not incorporate political-ideological striving for an independent nation-state. They also admit that because they focus on the attitudes of members of the ethnic majority within each country, they do not distinguish between a positive attitude toward one’s ethnic ingroup and a positive attitude toward one’s country. Their study centers on

socialization theory as a possible explanation of the educational effect. The authors declare that central to the socialization theory is the thesis that educational institutions transmit norms, values and models of behavior deemed to be appropriate in a given society. They claim, “The negative association between education and nationalism or ethnic exclusionism is particularly due to the dissemination of democratic value orientations in the educational system.”

The Coenders and Scheepers study conveys import when we consider that U.S. society, since its inception, has included an ongoing influx of an immigrant population juxtaposed against a static population of African descent. Relative to this populace, the democratic value orientations in the educational system rest on the foundation of two approaches to democracy that have governed the society at large for the maintenance of social control relative to juxtaposition of a politically defined white and politically defined black population. Applied democracy has been dispensed to the white population; theoretical democracy has been dispensed to the black population.

The United States runs the danger, if it continues along the path of privatizing the past, of cataloging a history of a sustained populace of automatons. If history is not rooted in events that actually happened, but in the erasure of those events, on what solid ground does a populace stand to develop consciousness central to promoting awareness. Relegating a people to anonymity leaves a nation morally bankrupt and without a human face. The examination of Cardenas (2005) on human rights education and the state offer a critical perspective on how the states can align with a broader agenda to offset deficits that impede equitable and quality education. setting policy relative to education can offset deficits.

Yet *human rights* education, at least hypothetically, can carry much higher risks for states than the other, more standard domains of education...HRE aspires partly to end and prevent the abuses committed, perpetuated, or tolerated by the states. If successful, members of society may challenge the states openly, defying potential abusers or demanding punishment of violators and compensation for abuse. Once again, given its inherent risks, it is striking that such a diverse array of states around the world have ventured to promote HRE....While the individual motives of states may vary in promoting HRE, the socializing role of transnational human rights networks should not be overlooked: these networks alter states' reputational calculation and define HRE as an appropriate state goal (365).

In consideration of promotion of human rights in the United States, the study by Patton (2007) on the expansion of moral policy theory to include the U.S. Supreme Court offers critical perspective. We are informed that “Morality policy studies are generally constructed around the theoretical perspective of democratic responsiveness, whereby factors such as religious affiliation of citizens, public opinion, and partisanship affect adoption” (468). Relative to incorporating the Supreme Court into a theory of morality policy making, Patton frames four types of constitutional contexts that affect the state policy-making environment when legislators debate morality policy issues...*unknown*, *unconstitutional*, *constitutional* and *suspect*. Under the context of *suspect*, says Patton “the court officially declares that a law violates the Constitution, but “when language in the decision has seemingly left the door open for states to modify a policy and try again for new hearing before the Court, legislators are working in a policy-making environment where the constitutional context is *suspect*.” States were not able to go back to the Court to reverse *Brown* (1954), but leaving them to their own jurisdiction to set policy for or against a civil rights agenda instead of a human rights agenda to establish, administer and maintain equitable and quality education remains a drawback to public education in the United States.

Conclusion

Education is not mentioned in the Constitution of the United States. Hence education remains a privilege, not a right. Relative to education, the states and national government have a power-sharing agreement. Generally, to enforce laws pertaining to education, the federal government has to threaten decreased funding to a respective state. Until *integration* is spearheaded in the United States as a social agenda to augment a platform for human rights, instead of *desegregation* as a political agenda to augment a delayed platform for civil rights, discourse will not be engaged to shape a program in a cultural continuum for equitable and quality education.

Someday scholars and policy-makers may write about the 21st century as the transnational age. However, dichotomous practice of democracy will not advance the United States at home or abroad. Civil rights are governed by law. Consider a maxim that appears on the courthouse wall at Tulane and Broad Streets in New Orleans. *This is a government of law, not of men*. Yet, a sense of reality prevails: it is not *men* who make laws. Who or what is the alternative when

the laws of men are biased and pave the road for failure? The law needs a human face to address a human subject, not a faceless human with a blindfold. For a country to discriminate against its citizens by claiming that its law is blind is the ultimate affront to justice. If a blind man designs a law but cannot see that law applied, the least and most he may do is to rationalize that justice has been served simply because he designed the law, and that its failure derives from lack of enforcement relative to executioners of the law.

The United States Supreme Court issued a ground-breaking opinion in declaring segregated education as unequal education. But in leaving the power in the hands of the states to set policy to eradicate this sense of inequality still deadlocks enforcement with all deliberate speed, and stand in the way of equitable and quality education. The states continue to set policy for or against civil rights instead of human rights. To go forward in the 21st century, broad-based domestic and transnational coalitions must seize the initiative to promote a social agenda for human rights education. And the government must be held accountable not to wasting time and energy threatening a body of adverse *competitors*, but by rewarding a populace that supports education to train *performers* who are educated to contribute to a more just and humane society on the transnational stage.

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