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The Evolution and Devolution of Privileges in the educational, employment, and socio-economic foundations of American culture

Throughout history, the rights and privileges of citizens have been tested in the foundations of American culture, mainly in the form of education, employment, and socio-economic. The evolutions of these rights have progressed tremendously, but the devolution of these privileges has made it difficult for the United States to work coherently within itself. Throughout history, the rights and privileges of citizens have been tested in the foundations of American culture, mainly in the form of education, employment, and socio-economic. The evolutions of these rights have progressed tremendously, but the devolution of these privileges has made it difficult for the United States to work coherently within itself.

In Washington's Farewell Address, he stated that education is the future and that educating the youth would help to grow the country economically. Education began as a religious endeavor, with parents educating their children because of the assortment of religious groups. After America's independence, little changed in the school system. Education was not a duty for state or federal government. Thomas Jefferson was one of the first American leaders to support a structured public school system. With a public school system coming into effect, more children were allowed to be educated. From white, upper class males to black females, were finally allowed to have a public school education.

The rights and privileges of employment become prominent when the creation of labor unions began. These unions gave employees protection from injury, right to health insurance, minimum wage, equal pay, eight hour work day, non-discrimination, and child labor laws.

Economic, social and cultural rights are recognised and protected in international and regional human rights instruments. Unfortunately, the United States hasn't ratified the International Covenant on Economic, Social and Cultural Rights. The United States bases its human rights off of the Declaration of Independence. Although international human rights law provides an important framework for guaranteeing the rights of all people in all countries, human rights standards generally do not become enforceable in the United States unless and until they are implemented through local, state, and/or federal law

Educational

In *Washington's Farewell Address of 1796*, it described many recommendations he had for the future of this country. Amongst the numerous suggestions was one for a public education system. Washington instructed American leaders to "promote... institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened." (ushistoryscene.com)

Washington saw the importance of educating the American public and that educating the youth would help to grow the country economically. It would also create a well-informed populace to participate in America's newly founded democracy.

Education in the American colonies began as a religious endeavor, with parents educating their children because of the assortment of religious groups. In the seventeenth century, it was strictly forced that everyone learn how to read the Bible. This was stressed by New England's Puritan settlers. Leaders enforced this through the *Massachusetts Bay School Law of 1642*. This removed education responsibilities from the clergy and required that parents teach their children how to read and write. This method, however, did not work effectively and by the mid-seventeenth century the Puritan community began implementing new laws such as the *Old Deluder Act of 1647*. This decree, "ordered that every township in this jurisdiction, after the Lord hath increased them to fifty households shall forthwith appoint one within their town to teach all such children as shall resort to him to write and read." (ushistoryscene.com) In other words, each town was forced to fund and operate a local school. Although many New England towns failed to establish such schools. The problem was that the schools that were founded focused mainly on educating the elite class rather than the entire public. Colonies like Massachusetts, were more inclined to have state-run public school because of the largely British-born and descended Puritans population. Other colonies, such as New York or Pennsylvania, where there was an assortment of religious groups with Quakers, Lutherans, Catholics, ancestral diversity with large German populations, and greater physical distances between communities bred a greater focus on localized education. (ushistoryscene.com) Churches and parent groups took over the educational responsibility because with a wide variety of cultures and religions it was important that every section was able to educate its own in a way it saw fit. Since most middle American colonies were similar to Pennsylvania and New York, the foundations of American public education were strongly rooted in locally run schools. By the time America gained its independence, the focus was not on statewide education programs.

The years following America's independence from Britain in 1783 did little to change the American public education system. Education remained a responsibility of individual families and local communities, not a duty of state or federal governments. Congress issued the Land Ordinance of 1785, ordering each township established in the new western territories to have space set aside for a public school: "There shall be reserved [a] lot... of every township, for the maintenance of public schools." Education remained a primarily local obligation. Despite Congress' failure to institute meaningful education reform following the Revolutionary War, a few American leaders began voicing support for a more extensive and structured public education system. One of the loudest voices was Thomas Jefferson. Jefferson argued that democracy required all the citizens of a populace to have sufficient education so that they could be well informed and vote accordingly. Jefferson did not, however, want to infringe on the rights of parents or local communities to educate their children. Instead, he proposed that everyone could be educated in the way they saw fit as long as they passed certain national examinations. Jefferson's greatest contribution to educational reform arrived with his Bill for the More General Diffusion of Knowledge. Arguing that a better-educated populace would result in a freer and happier American public, the bill called for a widespread system of public education. Jefferson spread the idea that a functional democracy required an educated citizenry. He asserted that the American government had the responsibility to foster the education of a meritocracy in which all citizens could compete. During the late eighteenth century, however, resistance to government-funded education was strong. In 1796, an edited version of the bill finally passed through Congress as the Act to Establish Public Schools. Jefferson's plans for more centralized education fell through because Americans still favored private education ventures and local

control of the education system. Very few Americans wanted there to be government oversight of elementary and high school level education. ((Another avid proponent of public education was Dr. Benjamin Rush, one of the signers of the Declaration of Independence and a member of the Continental Congress. Rush agreed with Jefferson on the importance of education in order to maintain a functional democracy. Like many of the great education minds of the late eighteenth century, Rush advocated a strict and rigid system of schooling that would forcibly mold America's youth into honest and productive citizens)) To the dismay of Jefferson and Rush, it was not until the nineteenth century that a substantial public education system was established. The Revolutionary War, though, did turn greater attention towards the education of women. ((Previously, the education of women was limited to elementary reading and writing along with the development of homemaking skills. Towards the end of the eighteenth century, the first private female academies—such as the Litchfield Female Academy—started opening their doors. These institutions supported the new American vision that mothers were responsible to mold the moral and intellectual character of their children and would thus need to be educated well enough to do so.))

The nineteenth century is often referred to as the “Common School Period” because American education transitioned from an entirely private endeavor to public availability. Even though it lacked an official public education system, the United States had the world's highest literacy rate in the early nineteenth century. Informal means of education—such as apprenticeships, charity schools, and church schools—helped fill in the gaps created by the absence of public schools. Private academies only admitted those who could afford to attend them and even some “free” schools offered by local communities charged tuition. Moreover, many schools required prospective students to know how to read and write. This kept children whose parents did not educate them at home out of the schooling system. ((Students able to attend early nineteenth century schools faced many challenges of their own. Children under the age of five were often times mixed in with adults in their twenties. Additionally, classrooms were frequently overcrowded, housing as many as eighty students at a time. Because of the overcrowding, already scarce textbooks and learning materials had to be spread even more thinly amongst students. As a result, class time amounted to a tedious recitation of facts and instructor struggled to devote individual attention to students.)) After the War of 1812, the American public began to take greater notice of their country's inconsistent/unreliable education system. Much of the population growth was the cause of increased immigration into the United States. Higher rates of immigration amplified cries for public schools. ((Famed educator Calvin Stowe advised that, “Unless we educate our immigrants they will be our ruin. It is no longer a question of benevolence, of duty, or of enlightened self-interest...we are prompted to it by the instinct of self-preservation.”)) Many laborers called for public schools as a way of integrating the children of wealthy Americans with the children of the middle and working classes. Urban workers went as far as to suggest that schools be created that would allow children to study part of the day and work part of the day. In this way, working-class children could still contribute to the family income, but also receive an education which would allow them to reach a higher station in life. Even though the early to mid nineteenth century saw many parties advocate for public schools, the notion of government-funded schooling still garnered a harsh reaction:

- 1) Taxpayers worried that public education would result in higher taxes or that it would wrongly take money out of the pockets of the working-class to fund education for the rich.
- 2) Churches contended that public schools would fail to teach religion sufficiently, especially as

prejudice towards immigrants and Catholics grew in major urban areas.

3) Private school teachers feared that they would face lower pay or even lose their jobs.

It was not until the 1840's that a structured system of public education emerged in the United States. Reformers built common schools on a state-by-state basis. Education pioneers promoted educational reform as a means to enhance the economic opportunities for all Americans and to create a shared bond amongst the citizens of a very diverse population. Common school supporters sought to found completely free elementary schools available to all American children.

One of America's strongest advocates for public schools was a Massachusetts native by the name of Horace Mann. As a state senator, Mann lobbied feverously for the creation of a state board of education and upon its establishment left his seat in the Massachusetts Senate to become the secretary of the board. Throughout his tenure as the education board secretary, Mann fought to secure tax funding for public schools and to keep religious education separate from public instruction. Mann also established teacher-training colleges and lengthening the school year. Mann's greatest achievement, however, was his role in kick starting the common school movement. In the early 1840's, Mann spent considerable time travelling throughout Europe studying the school systems there. He became particularly fond of the Prussian model of "common schools". Mann sympathized with the Prussian view that all people should receive the same level of education. From this experience, Mann worked to create a network of well-trained teachers to bring a "common" elementary education to all of Massachusetts' children. The notion of having a standardized system of education caught on across New England. Similar laws would not be commonplace throughout the United States until the twentieth century. Mann's travels in Prussia also introduced him to the notion of placing students in grades based off of age and ability. Mann first instituted this idea—known as age grading—in 1848. Prior to 1848, elementary classrooms consisted of students ranging from as young as six to as old as fourteen years old. ((When Mann introduced age-grading, large age disparities in the classrooms all but vanished. The system was a success as it allowed students to learn with children their own age and it gave them the opportunity to "graduate" to the next grade, which gave them something to work towards and a sense of accomplishment when they finished each grade.)) Mann's reforms were generally met with widespread approval from the American people. Insisting that public education would turn America's children into responsible and civically minded citizens. Mann was a fierce proponent of not just public schools, but common schools. Public schools were government-funded, but were often divided along socio-economic lines. Mann's idea of a common school was one that was open to all classes of Americans and would serve to break down class distinctions. As Mann argued in this report, a system of common education was the best way to ensure social and national unity.

1851

State of Massachusetts passes first its compulsory education law. The goal is to make sure that the children of poor immigrants get "civilized" and learn obedience and restraint, so they make good workers and don't contribute to social upheaval.

1864

Congress makes it illegal for Native Americans to be taught in their native languages. Native children as young as four years old are taken from their parents and sent to Bureau of Indian Affairs off-reservation boarding schools, whose goal, as one BIA official put it, is to "kill the

Indian to save the man."

1865-1877

African Americans mobilize to bring public education to the South for the first time. After the Civil War, and with the legal end of slavery, African Americans in the South make alliances with white Republicans to push for many political changes, including for the first time rewriting state constitutions to guarantee free public education. In practice, white children benefit more than Black children.

1930-1950

The NAACP brings a series of suits over unequal teachers' pay for Blacks and whites in southern states. At the same time, southern states realize they are losing African American labor to the northern cities. These two sources of pressure resulted in some increase of spending on Black schools in the South.

1932

A survey of 150 school districts reveals that three quarters of them are using so-called intelligence testing to place students in different academic tracks.

1945

At the end of World War 2, the G.I. Bill of Rights gives thousands of working class men college scholarships for the first time in U.S. history.

1954

Brown v. Board of Education of Topeka. The Supreme Court unanimously agrees that segregated schools are "inherently unequal" and must be abolished. Almost 45 years later in 1998, schools, especially in the north, are as segregated as ever.

1957

A federal court orders integration of Little Rock, Arkansas public schools. Governor Orval Faubus sends his National Guard to physically prevent nine African American students from enrolling at all-white Central High School. Reluctantly, President Eisenhower sends federal troops to enforce the court order not because he supports desegregation, but because he can't let a state governor use military power to defy the U.S. federal government.

Late 1970s

The so-called "taxpayers' revolt" leads to the passage of Proposition 13 in California, and copy-cat measures like Proposition 2-1/2 in Massachusetts. These propositions freeze property taxes, which are a major source of funding for public schools. As a result, in twenty years California drops from first in the nation in per-student spending in 1978 to number 43 in 1998.

1994

Proposition 187 passes in California, making it illegal for children of undocumented immigrants to attend public school. Federal courts hold Proposition 187 unconstitutional, but anti-immigrant feeling spreads across the country.

Employment

The rights and privileges of employment become prominent when the creation of labor unions began. These unions gave employees protection from injury, right to health insurance, minimum wage, equal pay, eight hour work day, non-discrimination, and child labor laws. The timeline of the rights and privileges of employment demonstrates the major strides in American history that were taken to provide a safe and fair environment for all employees.

In 1794, the Federal Society of Journeymen Cordwainers was created. They were shoemakers from Philadelphia who organized the very first union. Ten years later, the first union went on strike in demand for higher wages. To fight, their employers took them to court and won, making "going on strike," a federal crime. The case was *Commonwealth v. Pullis*. Despite this, thirty-five years later, the decision was reversed, granting unions the legal right to strike. This case was *Commonwealth v. Hunt*. The creation of the union and the legal right to strike was the gateway to everything else to come to the rights of employment. When the first national labor organization in America was created in 1866, it paved the way for any future labor parties.

The First National Labor Organization in America

Though it lived for just seven years starting in 1866, the National Labor Movement paved the way for future labor parties. Led by William H. Sylvis, who headed the Iron-Molders' International Union, the movement tried to organize local trade unions under a national umbrella. They were also among the first advocates of the eight-hour workday. But the political organization fell apart when it couldn't perform at the polls, and many of its members left for the Knights of Labor

Protecting Workers Who Get Injured on the Job

Working on the railroad was a dangerous business for many workers. In a speech to Congress, then-president Benjamin Harrison said about railwork: "It is a reproach to our civilization that any class of American workmen, should in the pursuit of a necessary and useful vocation be subjected to a peril of life and limb as great as that of a soldier in time of war." The Federal Employers Liability Act, which would become the foundations for states' Worker's Compensation laws was enacted in 1908 "to put on the railroad industry some of the costs of the legs, arms, eyes, and lives which it consumed in its operation."

United Auto Workers is Founded

Since the UAW was founded in 1930, it has become one of the most important labor unions in the country's history.

Its leadership has successfully lobbied for health insurance plans for industrial workers, the first cost-of-living allowances, as well as training, and educational programs. The UAW has also faced wide-scale criticism, especially from anti-union advocates that protested the bailout of major motor companies of 2008 to 2010.

Child Labor Laws and Minimum Wage

The surge of textile mills during the industrial revolution in the late 1700s placed new demands on a limited resource: cheap labor. A number of organizations existed in the early 20th century to curb the use of child workers, but there was no federal law put into place until 1938. The Fair Labor Standards Act set a minimum wage, required employers to pay overtime, and made it illegal to employ children under the age of 14.

Fair Pay for Workers

The wage gap between men and women in the early 1960s painted a bleak portrait of pay equality in the United States: Women with full-time jobs got paid about 60 cents for every dollar earned by their male counterparts. In 1963, the Equal Pay Act required pay parity between all genders and races. Yet in 2010, white women earned about 80 cents for every dollar made by a man, according to the General Accounting Office.

The Occupational Safety and Health Act

The Occupational Safety and Health Act was signed into law by President Richard Nixon in 1970. But it was during WWII that industrial accidents put a renewed focus on worker safety. According to the Duke law journal *Law and Contemporary Problems* in the two years preceding OSHA's enactment, 14,000 workers died each year from workplace hazards, and another 2 million were disabled or harmed.

Work-Life Balance

"Family and medical leave is a matter of pure common sense and a matter of common decency," said former President Bill Clinton upon signing the Family and Medical Leave Act in 1993. "It will provide Americans what they need most: peace of mind. Never again will parents have to fear losing their jobs because of their families."

Sexual-Orientation and Non-Discrimination

While most companies have instituted non-discrimination policies, it still remains technically legal in 29 states to discriminate based on sexual orientation, and in 35 states to do so based on gender identity or expression.

The Employment Non-Discrimination Act seeks to make it federally illegal to discriminate, but has stalled within Congress for the last 17 years, despite current support President Obama.

Next on the Docket

Senator Orrin Hatch (R-Utah) is intent on reforming labor laws. In August 2011 he introduced to Congress the Employee Rights Act, which he hopes will help shield individual workers from powerful union leaders.

But Hatch expects opposition. "I fully expect the unions and their supporters to come out against the Employee Rights Act, and characterize it as a radical, anti-union bill," he told the National Legal and Policy Center in September 2011.

Socio-Economic

Economic, social and cultural rights are recognised and protected in international and regional human rights instruments. Member states have a legal obligation to respect, protect and fulfil economic, social and cultural rights and are expected to take "progressive action" towards their fulfilment. The Universal Declaration on Human Rights (UDHR), adopted by the UN General Assembly in 1948, is one of the most important sources of economic, social and cultural rights. The International Covenant on Economic, Social and Cultural Rights (ICESCR) is the primary international legal source of economic, social and cultural rights. While many ESC rights are subject to progressive realization, the UN Committee on Economic, Social and Cultural Rights (CESCR) has identified certain rights and obligations that the State should immediately implement, including:

- undertaking to ensure the equal right of men and women in their enjoyment of economic, social and cultural rights);
- providing all workers with fair wages and equal remuneration for work of equal value without any distinction, particularly guaranteeing that women's conditions of work are not inferior to men's work conditions;
- ensuring the right to form and join trade unions, and to go on strike;
- protecting children from economic and social exploitation, including enacting legislation that provides a minimum age for employment and punishes dangerous working conditions for children;
- providing free and compulsory primary education;
- allowing parents and legal guardians to choose their children's schools, and respecting the liberty of individuals and bodies to establish educational institutions; and,
- respecting the freedom indispensable for scientific research and creative activity.

The Right to Self-Determination and the Right to Development; Economic Rights- The Right to Work, The Right to a Fair Wage and Safe Working Conditions, The Right to Form and Join Trade Unions; Social Rights- The Right to Social Security, The Rights of the Family, The Right to an Adequate Standard of Living, The Right to Health; Cultural Rights- The Right to Education, The Right to Take Part in Cultural Life, The Right to Enjoy the Benefits of Scientific Progress, The Right to Benefit from the Protection of Moral and Material Interests Resulting from Scientific, Literary and Artistic Productions

Although international human rights law provides an important framework for guaranteeing the rights of all people in all countries, human rights standards generally do not become enforceable in the United States unless and until they are implemented through local, state, and/or federal law. International treaties define rights very generally, and international courts and monitoring bodies typically lack the ability to directly enforce their decisions in the United States. Because the greatest capacity for protection lies in domestic law, one of the best ways to improve human rights in the United States is to strengthen domestic legal protections for human rights by passing laws recognizing those rights and ensuring the implementation of those rights by the government and U.S. courts is consistent with international standards.

In the United States, the Constitution and the Bill of Rights provide broad human rights protections. Many of the rights contained in the Constitution are equivalent to rights found in the UDHR, especially those related to political and civil liberties. (CHART) In addition, the U.S. Supreme Court has identified fundamental rights not explicitly stated in the Constitution, such as

the presumption of innocence in a criminal trial and freedom of movement. U.S. courts provide a remedy for people whose constitutional rights have been violated. The U.S. Congress also passes laws that protect constitutional rights and provide remedies for victims of human rights violations when court cases may be too costly or difficult. The most important of these domestic laws are those that prohibit discrimination, including discrimination based on race, gender, religion, or disability. Although the U.S. Constitution provides strong protections for civil and political rights, it fails to recognize the economic, social, and cultural rights guaranteed in the UDHR. Some rights, such as the right to education, can be found in some state constitutions; others, such as the right to an adequate standard of living including food, shelter, and medical care, have not been recognized as rights. Statutes may address issues such as access to food and treat it as meeting a need for some defined group of people, but they do not recognize it as a right to which all people are entitled. Because economic, social, and cultural issues are not viewed as rights enjoyed by all, public policies can exclude people from eligibility as long as they do not discriminate on prohibited grounds such as race. While ensuring that public policies are not discriminatory is important, it does not address the underlying problem of failing to guarantee for all people in the United States an adequate standard of living and other rights necessary to live in dignity.

The Bill of Rights guarantees civil and political rights to individual citizens, including: freedom of speech, religion, and association; the right to a fair trial; and the prohibition of cruel and unusual punishment.

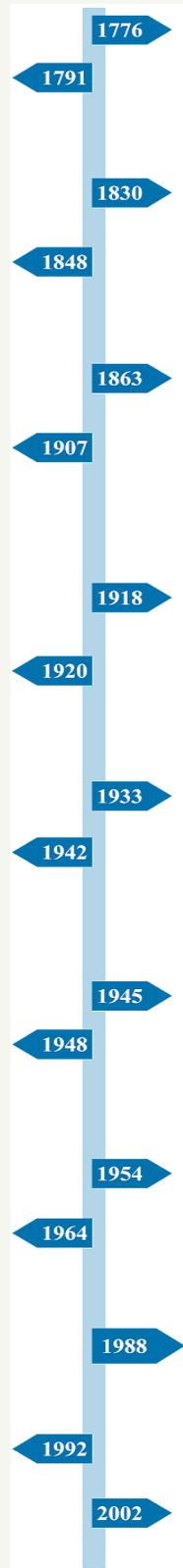
One hundred women and men sign the Seneca Falls Declaration proclaiming equal social, civil, and religious rights for women.

The U.S. signs the Hague Conventions which define the laws of war and maritime combat, create protections for prisoners of war and civilians, and establish mechanisms for the peaceful settlement of international disputes.

The League of Nations forms “to promote international co-operation and to achieve international peace and security.” U.S. President Woodrow Wilson leads the effort to establish the League, but the United States never joins.

Following the Japanese government’s attack on Pearl Harbor, the U.S. government forcibly interns 120,000 Japanese Americans, many of them citizens, in detention camps.

The American Declaration of the Rights of Man and the Universal Declaration of Human Rights (UDHR) are adopted. The



The Declaration of Independence states that “all men are created equal ... [and] are endowed by their Creator with certain unalienable Rights.” Congress passes the Indian Removal Act, leading to the forced relocation of 70,000 Native Americans. Many Native Americans die on the westward journey. The Act was one of many official government actions that violated the Native Americans’ rights.

The 1863 Emancipation Proclamation helped to end slavery in the United States, eventually leading to the 13th Amendment (1865), which abolishes slavery, and the 14th Amendment (1868), which guarantees equal protection of the law to all people in the United States.

Congress passes the Sedition Act of 1918, which makes it a crime to publish or speak “disloyal, profane, scurrilous, or abusive language” about the form of government, the Constitution, or the military of the United States. Over 2,000 people are prosecuted under the Act.

President Franklin Delano Roosevelt launches the New Deal in an effort to bring the United States out of the Great Depression. Legislation passed under the New Deal establishes

United States leads the efforts to draft both documents.

Martin Luther King, Jr. wins the Nobel Peace Prize for his nonviolent resistance to racial injustice in America. The Civil Rights Act of 1964 outlaws major forms of discrimination in voting, the workplace, schools and public accommodations.

The United States ratifies the International Covenant on Civil and Political Rights. While signed, the International Covenant on Economic, Social and Cultural Rights remains unratified.

Social Security, bans child labor, legalizes trade union practices, and provides jobs to millions of Americans.

The United Nations is established. One of its purposes is “promoting and encouraging respect for human rights and for fundamental freedoms for all.” The United States is instrumental in helping create the United Nations

In *Brown v. Board of Education*, the U.S. Supreme Court rules that racial segregation in public schools is unconstitutional.

Almost 40 years after its creation, the United States ratifies the Convention on the Prevention and Punishment of the Crime of Genocide.

The U.S. begins using a detention camp at Guantanamo Bay to hold terrorism suspects in custody without a trial.

Founding Human Rights

During the first half of the 20th century, the United States was an active proponent of establishing a universal human rights system. It was one of the leaders in creating the Universal Declaration of Human Rights, which was signed in 1948. It also played a prominent role in the Nuremberg International Military Tribunals, which prosecuted individuals for crimes against humanity for the first time.

Withdrawal from the Human Rights System

Despite its initial support, in the 1950s the United States stopped participating in, and in some cases directly opposed, the newly established international human rights system. One reason for this disengagement was the conflict stemming from the Cold War, which made it difficult to support a common standard for human rights that might leave the United States vulnerable to criticism from its ideological enemies. The United States also had domestic reasons for refusing to accept international human rights law. At that time, many states in the United States practiced

legally-sanctioned discrimination against racial minorities in the form of Jim Crow laws. The U.S. government did not want to be forced to change discriminatory laws and policies as a result of ratifying an international treaty.

Re-Engagement with the Human Rights System

In the 1960s and 1970s, the United States renewed its commitment to the international human rights system by signing, though not ratifying, several major human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Indeed, during the Carter Administration, respect for human rights played a role in determining foreign policy.

Despite these gains, it was not until the late 1980s and 1990s that the United States ratified some of these treaties, including the Convention on the Prevention and Punishment of the Crime of Genocide (1987), the ICCPR (1992), the ICERD (1994), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1994). During this period, the United States also became more active in humanitarian interventions and prosecuting crimes against humanity.

Present-Day Situation

Today, the United States is still not fully committed to the international human rights system. The government has yet to ratify important human rights-related treaties and opposes some forms of international cooperation on human rights such as the International Criminal Court. There are signs, however, that the United States is increasing its commitment to international human rights. In 2009, the United States rejoined the UN Human Rights Council that it helped to create and signed the newly created Convention on the Rights of Persons with Disabilities (CRPD).