IT TAKES A VILLAGE: HISTORIC RELIGIOUS PRINCIPLES BEHIND 'PUBLIC' SCHOOL GOVERNANCE (1500-1700) AND WHY THEY MATTER TO US TODAY

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Abstract

Religion is more than a set of substantive spiritual convictions whose historical "imposition" on public school policy has contributed to an antagonistic landscape in the educational sphere. Rather, faith principles can be (and have been) guiding lights for the governance of secular institutions toward positive social objectives. This piece frames the use of religiously rooted principles as tools for cultivating an education system unified by common goals. By exploring the historical relationship between discrete religious ideas and public-school development first in Reformation Germany and, later, in early colonial public-school systems—specifically Massachusetts and, as a complete juxtaposition, Rhode Island—I argue that religious principles (of collectivity, unity of purpose, and community welfare) helped achieve positive, *secular* social objectives that are still important to our system today. Through this lens, one sees how religious ideals are not at odds with principled, community-orientated education policies but are

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important resources in rethinking institutions and paradigms.

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History of Education Policy, Religion and Schooling, Legal History

I. Introduction

One core purpose of modern public education—separate but complimentary to others like social mobility, social efficiency, democratic equality,[2] and social justice[3]—should be—though it is not expressly stated anywhere—to shape the *whole* person.[4] Indeed, the 'holistic education'

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[2] *See generally* David Labaree, *Public Goods, Private Goods: The American Struggle Over Educational Goals*, 34 AM. ED. RESEARCH J. 39 (1997).

[3] Samantha Hedges, *Social Justice is Now the Fourth Purpose of Public Schools and All Four are in Conflict*, DISCOURSE (Apr. 21, 2021), https://www.discoursemagazine.com/culture-and-society/2021/04/21/social-justice-is-now-the-fourth-purpose-of-public-schools-and-all-four-are-in-conflict/

[4] The phrasing here is taken from Charles L. Glenn, *What Real Education Requires*, J. OF EDU. 41, 43 (1998) ("Education is the whole shaping of a human person, beginning in the home and including though not limited to that which occurs in the school"). Professor Glen mobilizes this idea in service of a larger argument that there is a distinction between education and instruction, and that the current push for schools

policies incepted in the 1980s continue to permeate the public school landscape, pushing the paradigm further from formally mechanistic curricula towards one which develops emotional, social, ethical, and academic skills in students, fostering relationship-building abilities and expanding a larger worldview.[5]

These aims—a focus on creatively fostering the *whole* of the individual for more robust community goals—have deep roots; indeed, similar thoughts powered the development of our first American public schools. Certainly, when John Winthrop proclaimed that Massachusetts Bay Colony ought to model a godly "city upon a hill" for the world—education was central to that mission.[6] That "we must be knit together, in this work, as one man," implies a central community goal that is religious but also universal, collectivizing and empowering. He further proclaims, "we

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to be value-neutral "among the many conflicting views and beliefs of a democratic society" yields teachers who—prohibited from "imposing their values"—*instruct* (passive) rather than *educate (*affirmative reflection and reformation), "*Bildung* in German contrasts with *Unterricht*, and *éducation* [sic] contrasts with *instruction* in French." *Id.* at 43. Glenn believes that to truly achieve a "real education," America must "develop schools as distinctive, coherent communities, each based on a shared vision and shared goals." *Id.* at 41.

[5] Sirious Mahmoudi, *Holistic Education: An Approach for 21 Century*, 5 INT'L. ED. STUDIES 178 (2012). Into today, increasing numbers of states avail themselves of federal funds to veer away from what was considered formerly 'mechanistic' curricula in public education towards the view of learning as a tool for students to cultivate relationships with others and expand their larger worldview.

[6] For further bibliography, *see* JOEL SPRING, THE AMERICAN SCHOOL: 1642-1993, 13 (3d. ed. 1994).

shall open the mouths of enemies to speak evil of the ways of God, and all professors for God's sake."[7] Paired inseparably with that drive to cultivate religious awareness was the unprecedented acknowledgement of individual autonomy, and an endowed emphasis on literacy, connection with community, ethics, critical thinking skills, and other non-religious empowerments that we prize as educational objectives today. Nevertheless, one hesitates to look past the trap of seeing historic religiosity as narrow-minded or constraining in order to draw the connection.

Substantive disagreements about religion, the imposition of values, and its place in the public school curriculum have fueled the "culture wars"[8] and continue echoing today in recent bills concerning the exclusion of critical race theory and gender and sexuality studies in the classroom.[9] Consequently, the once lauded "pedagogical triangle"[10]—the estates of family, church, and state—formerly partners in the process of educating the student

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[7] John Winthrop, *A Model of Christian Charity*, *in* A LIBRARY OF AMERICAN LITERATURE: EARLY COLONIAL LITERATURE, 1607-1675, 304-07 (Edmund Clarence Stedman & Ellen Mackay Hutchinson eds., 1892).

[8] John Zimmerman, *White the Culture Wars in Schools are Worse than Ever Before,* POLITICO (Sept. 19, 2021), https://www.politico.com/news/magazine/2021/09/19/history-culture-wars-schools-america-divided-512614

[9] *Id.*

[10] John Witte, *The Civic Seminary: The Reformation of Education Law*, *in* LAW AND PROTESTANTISM: THE LEGAL TEACHINGS OF THE LUTHERAN REFORMATION 267 (2002) (citing Wiater, *The Church and the School Should Have the Same Doctrine*, *in* LUTHER AND MELANCHTHON IN THE EDUCATIONAL THOUGHT OF CENTRAL AND EASTERN EUROPE 59 (Reinhard Golz & Wolfgang Mayrhofer eds., 1998).

with common values—have been immensely rifted. A mere mention of collaboration feeds the chorus of voices echoing, "religious and political content threatens the balance in public educational neutrality and objectivity."[11]

But, circularly and administratively, education was never, is not, nor should it be neutral.[12] Undoubtably, the problem of public educational neutrality impacts the educational project on a systemic level. Religion, for our earliest schools, offered a common values orientation that

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[11] For more on this topic, *see* Charles L. Glenn, *supra* note 4 at 45.

[12] *Id.*; *see also* Doret J. de Ruyeter & Michael S. Merry, *Why Education in Public Schools Should Include Religious Ideals*, 28 STUDIES IN PHILOSOPHY AND EDUCATION 295(2009). As Charles Glenn has argued, the move towards "educational neutrality," at least circularly, counsels that the public school is ally *neither* to families—who might seek reinforcement of their values—*nor* to the community—frustrated that public education fails to teach children how to "take a stand for a particular understanding of what life is about and how its challenges should be met"—*nor* even to the state that must contend with tensions rise between different pillared institutions. Charles L. Glenn, *Religion and Education: American Exceptionalism?*, *in* MAKING GOOD CITIZENS 299 (Oct. 1., 2008). In the name of "equal access," of "celebrating differences," public schools fail to communicate *any* conviction for ideas, and, at worse, actively prohibit students from embracing their own moral code in classroom communities. Charles L. Glenn, *supra* note 4 at 42. Teaching neutrally has perpetuated a general inertness to the learning experience where as many as 40% of students are disengaged from the material they study, and still more express low-rates of interest in lifelong learning. *Id.* "Ideally, families and schools are fused in a single community of values," writes Charles Glenn, but most "accept as inevitable and desirable the neutrality of the [public school]" even where that neutrality results in a dispassionate student. Charles L. Glenn, *Religion and Education: American Exceptionalism?*, *in* MAKING GOOD CITIZENS 299 (Oct. 1., 2008).

connected the individual with the community, providing support and strength. Without this common values-orientation, our governance is fraught with disagreement over *what* students ought to learn, *who* should be a partner decision-maker with the public school, or *why* public education should even continue given the inter-institutional tension.[13] *Today, American citizens are confused as to the purpose of education.* This systemic bewilderment hits hardest on families who now abandon public schools for homeschooling or parochial school options – an option turned to with an increased frequency. [14] Simultaneously, as approaches to public school governance shake and stir, the corresponding exodus of students promises negative funding implications, budgetary issues, and resource thinning.[15]

There is an urgent demand for change and for unity in public education. More than just substantive spiritual tenants, faith-based principles have historically been

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[13] Tim Walker, *What's the Purpose of Education? Public Doesn't Agree on the Answer*, NEA (Aug. 29, 2016), https://www.nea.org/advocating-for-change/new-from-nea/whats-purpose-education-public-doesnt-agree-answer

[14] Tommy Shultz, *National Poll: 40% of Families More Likely to Homeschool After Lockdowns End,* FEDERATION FOR CHILDREN (June 27, 2022), https://www.federationforchildren.org/national-poll-40-of-families-more-likely-to-homeschool-after-lockdowns-end/. This is especially exacerbated by the COVID-19 pandemic, where a lethal combination of student learning disruption and disillusionment with a rigid system that fails to contemplate family needs came to a head. *Id.*

[15] *Id.*; Victoria Lee et al., *Declining School Enrollment Spells Trouble for Education Funding*, URBAN INSTITUTE (Oct. 6, 2020), https://www.urban.org/urban-wire/declining-school-enrollment-spells-trouble-education-funding

guiding lights for the governance of education policy towards positive social and, yes, *secular* community-focused objectives. This piece endeavors to frame religion as a tool for a cohesive focused policy and systemic education governance by exploring its varying roles in the development of, first, the schools of Reformation Germany, then in Massachusetts Bay Colony's innovative public system, and, finally, as a complete juxtaposition from the former two, the later colony of Rhode Island. Through these case studies, this piece will show where religious ideals were mobilized to guide principled, community-orientated, secular education policies like those we aspire towards today, the system and its subjects stood to gain immensely. Arguably, such principles can be an important resource in a future-forward rethinking our modern education paradigm.

Part II of this piece briefly expounds on the unique problem of purposelessness—organizationally, circularly, and theoretically—in public education, and positions the issues in a way that invites guidance rooted in history. Part III of this piece considers principles of collectivity, unity of purpose, and community welfare that manifested in Reformation-era German schooling and might inform the problem set out in Part II. Part IV explores the role of religious principles in the successful, organized development of the first public schools in Massachusetts Bay Colony. Part V offers a stark contrast in the case of Rhode Island schools, highlighting that a *lack* of religious principles guiding new policy—little unity and cohesion—led to a more disorganized, disenfranchising education paradigm at the outset. Part VI concludes by offering some brief ruminations

on the applicability of these findings to our modern education conversation.

II. Modern Public Education's Confused Purpose; The Need for Reform

Courts since the landmark case, *Brown vs. Board of Education* have waxed poetic on the importance of education to American unity and society, clamoring about the question of who can be "expected to succeed in life if he is denied the opportunity of an education?"[16] However, despite the truth of the pronouncements, there is no real force behind the push to *better* education, nor a mapped-out universal plan for ensuring any concrete policy objectives are met; in short, education rights in America are nothing but "extemporary arbitrary decrees." [17] The failure to establish a unified purpose, value-set, and agenda behind the educational project is a chief problem facing our current paradigm—one that this paper proposes that the legislature approach by borrowing from lessons in the history of religion's role in developing the American schooling system.

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[16] Brown v. Board of Educ., 347 U.S. 483, 493 (1954); Steven G. Calabresi & Sarah E. Agudo, *Individual Rights Under the State Constitutions When the Fourteenth Amendment Was Ratified in 1868: What Rights Are Deeply Rooted in American History and Tradition?*, 87 TEX. L. REV. 7,108 (2008)

[17] It was John Locke who distinguished between "established standing Laws, promulgated and known to the People" and "extemporary arbitrary decrees" by court or crown; he cited that the latter is sudden, unrestrained and valueless "without having any measures set down which may guide and justify their actions." Locke, *Two Treatises of Government* (1689), 1689: §§135–7.

School governance across America represents a consistent tussle between federal, state, district, and local agendas, values, and control. Prior to 2015, the excessive federal standardization policies of the No Child Left Behind Act ("NCLB") Act primed schools to prioritize standardized achievement goals over students' advancement, increased falsification of reporting, failed to encourage an accounting for individual student needs, and impacted teaching quality.[18] While NCLB did try to give some purpose to the educational mission—to close the achievement gap by increasing the accountability of schools towards federal standards[19]—the means of attaining this purpose was so fraught with polarization, the methodology so disconnected from the reality of the schooling process, that its lofty goals were little realized. Indeed, it did great damage, especially to vulnerable communities across the nation that couldn't make the standardized cut, who was 'left behind' in the push for uniformity.

The current federal education policy era sees the federal focus give way to state discretion. While it has changed the landscape, it is still a case study in the failure of interested parties to settle on concrete guiding goals. The Every Student Succeeds Act ("ESSA") fails to answer the question: what do we want out of public education? Professor

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[18] *See e.g.*, Daniel Koretz, *Moving Past No Child Left Behind*, 326 EDUCATION FORUM 803, (Nov. 6 2009); John Guillory, *The Common Core and Invasion of Curriculum*, 130 PMLA 666 (2015); Michael Heise, *From No Child Left Behind to Every Student Succeeds: Back to the Future for Education Federalism*, 117 COLUMBIA L. REV. 1859 (2017).

[19] Brian Duignan, *No Child Left Behind,* BRITTANNICA (Oct. 10, 2022), https://www.britannica.com/topic/No-Child-Left-Behind-Act

Derek Black of the University of South Carolina notes that there are regularly *no* real equity provisions at the state level, few concrete demands for specific student achievement, and no enforcement mechanism to ensure that the state equitably treats the diverse educational needs across districts.[20] The NCLB had these measures in place in the form of testing metrics, but now one is simply urged to trust the states in their use of federal and state funds in the project of education[21]—the thinking, indeed, being that "control over substantive standards setting *and* the consequences for states that fail to achieve their own self-defined achievement goals"[22] will allow for more nuanced approaches to the diverse educational needs of the states' communities.

The reality, of course, is that this merely invites greater room for disagreement between a greater number of institutions; some states, indeed, might just opt to do nothing.[23] Consider, for instance, that thirty-one states have

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[20] Derek Black, *Abandoning the Federal Role in Education,* 105 CAL. L. REV. 1309, 1312 (2017).

[21] Of course, states must still provide reports and plans to the federal government, but for reasons we will discuss, this doesn't mean very much in the way of ensuring equity or accountability. *Id.*

[22] Michael Heise, *supra* note 18 at 1873.

[23] *Id.* at 1872-73. ("In comparison to NCLB, ESSA affords states far greater latitude in annual test results' deployment. Under ESSA states are now free to dilute yearly testing results' weight when it comes to annual school, district, and teacher performance. That is, ESSA largely *relieves* states and districts from the federal consequences that flow from inadequate yearly student academic progress. In its place, ESSA imposes potential federal sanctions and requires states to

reduced education funding since 2008,[24] or that—given state ability to control measurements and information in their "comprehensive reports"—we receive less information than before about schools in desperate need of salvaging.[25] To be sure, the educational paradigm is more disconnected and fraught with tension than ever before;[26] with state policy as

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intervene in only a discrete, small subset of schools: those in the bottom five percent of a state and those high schools with graduation rates below sixty-seven percent. Nesting standards-setting and accountability mechanisms in federal authority under NCLB was among NCLB's hallmarks. ESSA, in contrast, affords states greater autonomy, both in terms of control over substantive standards setting *and* the consequences for states that fail to achieve their own self-defined achievement goals."); Anna J. Egalite et. al., *Will Decentralization Affect Education Inequity? The Every Student Succeeds Act*, 53 EDUCATION ADMINISTRATION QUARTERLY 757, 765 (2017).

[24] Derek Black, *supra* note 20. Kenneth Wong, *Towards Systemic Reform in Urban School Districts*, *in* THINKING AND ACTING SYSTEMICALLY: IMPROVING SCHOOL DISTRICTS UNDER PRESSURE 221 (2016).

[25] Caroline Phenicie, *Turning Four This Month, the Every Student Succeeds Act Is Hailed as a Victory for State Control of Education Policy. And, Critics Say, That's Part of the Problem*, THE74 (Dec. 9, 2019), https://www.the74million.org/article/turning-four-this-month-the-every-student-succeeds-act-is-hailed-as-a-victory-for-state-control-of-education-policy-and-critics-say-thats-part-of-the-problem/ ("What we're seeing in practice is there are lots of places where we aren't identifying, [and] we don't have enough information about the interventions or the outcomes that we're getting, even when those schools are identified," said Wallin, who helped develop ESSA accountability and school improvement rules at the Education Department during the Obama administration.).

[26] *See* Bev Perdue, *What if We Treated Public Education Like the Crisis it is?*, EDUCATION WEEK (Apr. 22, 2022), https://www.edweek.org/policy-politics/opinion-what-if-we-treated-the-state-of-public-education-like-the-crisis-it-is/2022/04.

the guiding force for education—and that policy itself not grounded in any common agenda—"political battles are now a central feature of education."[27] School boards, educators, state legislators, and students fight; "schools are on the defensive about their [governance and] decision-making, their curriculums, their policies regarding race and racial equity and even the contents of their libraries."

The COVID-19 Pandemic exacerbated, and shone new light on, systemic inequality in resource allocation. Confusion as to curricular content, and so much more, laying bare the visage of governments out-of-touch with the needs of students. [28] School closures and online learning interrupted normal education cycles; many students—disproportionately students of color—have been further left behind, and, whereas ideally, public schools should be a place of refuge and ascent, they presently serve as a microcosm for unfixed racial, socio-economic, and ideological divides.[29]

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[27] Laura Meckler, *Public Education is Facing a Crisis of Epic Proportions,* THE WASHINGTON POST (Jan. 30, 2022), https://www.washingtonpost.com/education/2022/01/30/public-education-crisis-enrollment-violence/.

[28] Office for Civil Rights, *Education in a Pandemic: The Disparate Impact of COVID-19 on America's Students,* DEP'T OF EDU. 8 (2021), https://www2.ed.gov/about/offices/list/ocr/docs/20210608-impacts-of-covid19.pdf (discussing pre-pandemic statistics indicating the misaligned resources for public schools.)

[29] As of 2021, 58% of white students attending schools were enrolled in fulltime in-person instruction, but only 36% of Black students and 35% of LatinX students in schools were similarly positioned. *Id.* at 2 n.17 (citing Institute of Education Sciences, Monthly School Survey

With no guidance from higher government, a sense of purposelessness, and by extension, un-intentional, discordant, politicized funding and curricular policy changes from districts and states, students have recently begun to push for local, grassroots control of the educational project. Filed in March 2021, the case *Integrate NYC v. The State of New York*[30] rests on claims by students and advocates calling out the "caste system" [31] in education perpetuated by government oversight. They contend that New York City public schools, as are so many others, are segregated, that testing is unfair and perpetuates inequality, and that the resulting system "is one of a caste: an artificial, graded ranking of human value that sets the presumed supremacy of one group against the presumed inferiority of other groups on the basis of, in the United States, race."[32] Among the many issues regarding systemic inequality in schooling

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Dashboard (2022)). Even more harrowing, nearly a third of teachers in schools with Black majority populations reported that their students lacked the technology necessary to take part in virtual instruction through the pandemic. *Id.* at 13 (citing Matthew A. Kraft et al., *Teacher's Experiences Working from Home During the COVID-19 Pandemic,* UPBEAT at 8 (2020). States were aware of these gross resource-related issues, of the fact that inner-city public schools generally have huge infrastructural issues, and these students disproportionately suffer from health issues, homelessness issues, and food issues; yet, little is really done. *Id.*

[30] Complaint, 8, IntegrateNYC v. The State of New York, No. 152743 (filed Mar. 9, 2021).

[31] Hyeyoon (Alyssa) Choi, *What to Know About Suit Challenging Alleged 'Racist' Education System in NYC,* ABCNEWS (Sept. 9, 2021), https://abcnews.go.com/US/suit-challenging-alleged-racist-education-system-nyc/story?id=79410312

[32] *Id.*

under the City and State conservatorship, one major and important matter being disputed is the Eurocentric curriculum:

> Students of color are taught a curriculum in which civilization is equated with whiteness, and coursework is dominated by white authors and Eurocentric portrayals of history. Teachers who seek instead to deliver a racially equitable education receive little to no support or guidance from the City and State; must design their own curriculum or even expend their own resources to purchase culturally responsive learning materials; and are evaluated narrowly by their students' performance on culturally destructive standardized tests.[33]

This has been done, plaintiffs argue, "notwithstanding expert consensus and [both the State's and City's][34] own

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[33] Complaint, 19, IntegrateNYC v. The State of New York, No. 152743 (filed Mar. 9, 2021).

[34] *Id.* at 49 (The State's "Culturally Responsive-Sustaining Education Framework recommends that "Education Department Policymakers" "align existing state standards to [culturally responsive-sustaining education] guidelines" and "create high-quality resources that allow teachers . . . to plan and implement culturally responsive-sustaining practices in their respective communities." The framework calls upon leaders to "adopt curriculum that includes culturally authentic learning experiences" and "highlights [the] contributions" of diverse communities. But the State has adopted no accountability system to accompany its Framework, and, unsurprisingly, its prescriptions have gone unimplemented.")

pronouncements—made without any corresponding system of accountability—regarding the pedagogical need for a culturally responsive curriculum."[35]

In yet another case more focused on purposeless school content, the plaintiffs of *A.C. v. Raimondo*[36] took Providence schools to court, raising constitutional concerns about educational adequacy generally. They contended that their government failed to provide them "with an education that is adequate to prepare them to function productively as civic participants capable of voting, serving on a jury, understanding economic, social and political systems sufficiently to make informed choices, and to participate effectively in civic activities."[37] This may have been the result of poor funding, lack of teacher availability, school overcrowding, curricular concerns, and more, but regardless, a central component of the issue is a lack of clear guidance—

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[35] *Id.* at 79.

[36] A.C. v. Raimondo, 494 F. Supp. 3d 170 (D.R.I. 2020). Ultimately dismissed at the district and appellate levels). Indeed, in 2019, students in Providence, Rhode Island went so far as to assert that their state education mandate's failure to require a robust civic education raises constitutional concerns. In *A.C. v. Raimondo*, Plaintiffs contended that their government failed to provide them "with an education that is adequate to prepare them to function productively as civic participants capable of voting, serving on a jury, understanding economic, social and political systems sufficiently to make informed choices, and to participate effectively in civic activities." *Id.* at 174.

[37] *Id.* at 181 ("This is what it all comes down to: we may choose to service as a country by respecting our Constitution, the laws and norms of political and civic behavior, *and* by educating our children on civics, the rule of law, and what it really means to be an American, and what America means. Or, we may ignore these things at our own peril.")

at all levels of bureaucracy—on *what* an education is supposed to do for the student, the community, the nation.

A lack of unification between the branches of the educational operation—indeed, a lack of commonality on the very identity of public education—will continue to produce litigation, fuel venom politically, and exacerbate the fabric of our nations.

The preoccupation of this piece is simple: to explore what goes *right* when there is a unified purpose undergirding the schooling project, to inform the conversation by way of a historical assessment. The input of religious principles and precepts, specifically, given their universal ability to cultivate community cohesion, helped embolden reasoning in historical policy to help us address past achievement gaps, disenfranchisement, and substantive problems in a variety of different contexts (I focus only on a few). In truth, religion was a force for good toward secular objectives. In the remaining sections, I offer case studies supporting the notion that, even today, there is something to learn from the mobilization of religion as a unifying force in creating a *stronger* public education paradigm.

III. The German Reformation: Education as Bulwark Against Disenfranchisement

"Were there neither soul, not heaven, nor hell, it would still be necessary to have schools for the sake of things here below." [38] The Protestant Reformation set a tone of

[38] PERCIVAL COLE, A HISTORY OF EDUCATIONAL THOUGHT 190-91 (1st ed., 1931).

transition for German schooling in the 1520s, echoes of which would manifest throughout the American colonies.[39] The theologian-reformers who *ab initio* set out to oppose the Church on matters of faith, kindled a flame of resistance among the common people. The theologian-reformers encouraged them to reject what was considered a stable and established order—both in the secular and religious spheres. [40] Channeling mass-appeal through well-articulated, pluralistic theological dogma, reformers sought to address practical issues in Germany, mobilizing religious concepts as institutional organizational tools as much as substantive spiritual messages. Indeed, as a direct consequence of their religious reorganization, so did the nation see resources and power reallocated and new welfare initiatives expand and multiply well past Martin Luther's death in the 1540s.[41]

This section focuses on one novel theological idea—Luther's 'two kingdoms'—as it helped guide school reform on a systemic, as well as individual, level, distilling the embedded values that helped fortify a uniquely cohesive culture of reform and studying the practical consequences of such concrete ideas (and corresponding plans of action) on

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[39] Martin Luther called for educational reform already in his revolutionary manifesto of 1520, *An Appeal to the Ruling Class of German Nationality as to the Amelioration of the State of Christendom.*

[40] *See* Martin Luther, *Religious Dogma and the Common People, in* A PEOPLE'S HISTORY OF MODERN EUROPE (2016).

[41] For further bibliography on the changes in human capital and resource reallocation, *see* Davide Cantoni, *Religious Competition and Reallocation: The Political Economy of Secularization in the Protestant Reformation*, 133 THE QUARTERLY J. OF ECON., 2037 (2018).

the overhaul of German education to be enfranchising, accessible, and inclusive.

At the turn of the 16th century, the German education landscape was dominated by Church schools governed by canon law principles and the local rules of bishops.[42] Formal learning in these cathedrals, monastic, and parish institutions were principally meant to prepare students for spiritual and secular clergy membership.[43] To this end, the schools endeavored to educate students in biblical, theological, and classical studies, as well as the traditional *trivium* and *quadrivium*. Conducted entirely in Latin and ever religious in nature, the course of study was rather narrow and, aside from a church profession, was unconcerned with preparing students for a practical trade.[44] It makes sense, therefore, that most students were of noble lineage, with some less affluent children making their way in through Church or orphanage support.[45]

While some towns maintained their own competing practical and religious "city schools" independent of any bishop, only a small subset of those options—the Latin

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[42] John Witte, *supra* note 10 at 260. *See also* Georg Fiedler, *Luther's Views and Influence on Schools and Education*, 1 THE MODERN QUARTERLY OF LANGUAGES AND EDUCATION 211 (Nov. 1898).

[43] John Witte, *supra* note 10 at 260.

[44] Georg Fiedler, *supra* note 45 at 211 ("But the education imparted by them was accessible to only a small portion of the nation—to those destined for the priesthood on the one side, and to the sons of rich parents on the other; while the great mass of people grew up entirely without an education.").

[45] John Witte, *supra* note 10 at 260. Even so, all this learning was assured through substantial per-school Church endowments that helped to defray the costs of teachers and tuition.

Schools[46]—could compete with the prestige and funding of the Church school.[47] Theoretically, such schools afforded opportunities to train new generations of civil bureaucrats, businessmen, administrators, as church leaders. The reality, however, was less picturesque. As Martin Luther, a graduate of one such school in Mansfield famously remarked, "[my teachers] knew nothing, absolutely nothing. They were stupid asses who cost money enough and yet taught their pupils nothing save to become asses like themselves."[48] These schools, obviously with some exception, though different and perhaps more favorable in presentation, functionally seemed to continue a widespread tradition of educating narrowly, were still dominated administratively by ecclesiastics flanked by *vagantes*, disinterested lay clerics, and teachers, and, what's more, were dismal places to study, let alone grow as an individual.[49] Furthermore, opportunities to study were again afforded only to the wealthy mercantile classes.[50]

By the time of the *Ninety-Five Theses*, Luther saw that the Church-dominated school system "had degenerated and decayed. The degenerate clergy were neither able nor willing

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[46] For a bibliography on the Latin School, *see* John Flood, *The Book in Reformation Germany*, *in* THE REFORMATION AND THE BOOK (Jean-François Gilmont ed., 1998).

[47] The lesser-endowed *Ratschulen*, or city-school, by contrast, was more practical in orientation, focused on cultivating vernacular reading and writing skills. Nevertheless, open principally to mercantile classes interested in preparations for business or administration. Indeed, no one thought of the education of the masses.

[48] *Id.* at 212.

[49] *Id.*

[50] *Id.*

to instruct youth; their system was a mere verbal instruction in the forms of piety without appeal to either intellect or heart."[51] The failure to cultivate any semblance of self-reliance in students, the fact that literacy in Germany was at, perhaps, 3-4%,[52] the perpetuation of limited access to good learning, and the knowledge that education was little more than a manifestation of the Church's manipulation of its students and the aggrandizement of the institution[53] all drew the ire of Protestant reformers. For theological reasons—their belief in the 5 *solas* (*sola scriptura* specifically predicated on an ability to access the message of the Bible to fortify one's deeds)[54] combined with Martin Luther's two kingdoms framework,[55] Protestant reformers advocated for social change on systemic and individual

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[51] *Id.* at 211-12.

[52] *See* John Flood, *supra* note 46.

[53] John Witte, *supra* note 10 at 263.

[54] For further information on the 5 *solas*, *see* Mihai Androne, *The 5 Solas*, *in* MARTIN LUTHER: FATHER OF THE REFORMATION AND EDUCATION REFORMER (2020).

[55] God has ordained two kingdoms or realms in which humanity is destined to live, the earthly or political kingdom and the heavenly or spiritual kingdom. The earthly kingdom is the realm of creation, of natural and civic life, where a person son functions primarily by reason, law, and passion. The heavenly kingdom is the realm of redemption, of spiritual and eternal life, where a person functions primarily by faith, hope, and charity. These two kingdoms embrace parallel temporal and spiritual forms of justice and morality, truth and knowledge, order and law, but they remain separate and distinct. The earthly kingdom is fallen and distorted by sin. The heavenly kingdom is saved, and renewed by grace - and foreshadows the perfect kingdom of Christ to come. A Christian is a citizen of both kingdoms at once, and invariably comes under the structures and strictures of each.

levels. However, these theologically inspired reforms remained couched in secular social justice objectives, chief among them an interest in offering accessible education to all classes.

Focusing on the systemic rather than the individual level, schooling reform in the 1520s was grounded in Luther's theological doctrine of the two kingdoms. Education, ever essential to the maintenance and order in both the heavenly *and* earthly realms, assured the preservation of the Gospel, the spiritual flourishing of *each* of the Christian faithful,[56] the development of the next generation of religious thinkers, and community cohesiveness. In Luther's words, the "best and greatest welfare, safety and strength lies not in the wealth of arms and allies," but "rather in its having many able, learned, wise, honorable and well-educated citizens." [57] Newly-empowered with knowledge, *the common people* on this earth can then "reliably gather, protect, and properly use treasure and all manner of property." [58] To this end, Luther and his contemporaries called for a moral and intellectual rebuilding of the populace, stressing devotion and discipline to *both* spiritual and material goals, an education that prized and

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[56] This ties into the notion that each person, as an individual accountable to God, must be educated enough to read the Bible daily, to master its contents, and to make choices rooted in its teachings. To be discussed later.

[57] John Witte, *The Civic Seminary: Sources Of Modern Public Education In The Lutheran Reformation Of Germany*, 12 J. OF LAW AND RELIGION 173, 187 (1996).

[58] *Id.* at

empowered the merchant as much as the priest.[59] At once, Luther's arguments mobilize ideas of equality, individualism, and self-reliance—and crafts a system that prizes these values—in a way never before seen but remains relevant today.

In restructuring, Luther posed questions not unlike those that we consider in the modern education paradigm. What does society want schools to accomplish? Who are the major partners in the educational project? How can we formulate policies and programming to realize positive objectives? What even are these objectives? Collectivity, community welfare, and equal access were certainly among them, and to resuscitate them amidst what was seen as the dismal failures of the Church required two separate complementary, systemic changes: institution of compulsory education laws and the reallocation of authority over education from the Church to the State.

Why charge the State with the project of education, and how did that fit in with a theologically driven revolution? Especially when according to biblical ideology, the *parents* held first position in terms of the education of children. The answer is most certainly pragmatic and secular in nature. Luther had observed the parent's limited capacity, or even desire, to educate the child in a way consistent with the needs of a growing faith and a growing nation.[60] Meanwhile,

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[59] *See generally* John Witte, *Law and Protestant Reformation*, *in* THE OXFORD HANDBOOK OF EUROPEAN LEGAL HISTORY, 583-610 (Heikki Pihlajamäki, Markus Dubber & Mark Godfrey, eds., 2018).

[60] An die Ratsherren aller Städte deutschen Landes, daß sie christliche Schulen aufrichten und halten sollen (Ger.) (1524). Luther was his usual

the State had access to funds, controlled techniques of normalization and surveillance, and infrastructure for ensuring educational access for the common folk.[61] Luther was further assured in the idea that an extensive bureaucracy dedicated to the project of teaching and learning would result in an efficient mass transmission of literacy and, in turn, a standardized social morality.[62] In other words, the State acted as an essential apparatus for reinforcing Luther's ideology of the new faith through increased literacy, inspecting, observing, and examining schools to ensure compliance with new, changing curricular and regulatory requirements, and mechanizing the process of student and teacher recruitment, examinations, certification, finances, and administration.[63]

Unlike when the Church has direct purview over education, this could be done while emphasizing the diverse benefits of learning and the different professional pathways open to the young learner[64]—and with the advent of free public schools—*irrespective of social class*. As Martin Luther

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emphatic and uncompromising self on this point. In 1524, he wrote, "der gemein Mann tut hie nichts zu, kann's auch nicht, will's auch nicht, weiß auch nicht." Urging magistrates to maintain and govern schools, this translates to "the common man can do nothing, he doesn't have the means for it, he doesn't want to do it, and he doesn't know how."

[61] Carmen Luke, *Luther and the Foundations of Literacy, Secular Schooling and Educational Administration*, 23 THE J. OF EDU. THOUGHT 120, 133 (1989).

[62] *Id.* at 133.

[63] *Id.* at 133.

[64] 1530 *Sermon on Keeping Children in School* ("every community, and especially a great city, must have in it many kinds of people besides merchant."

stated, "your son and my son, that is, the children of the common people, will necessarily rule the world, both in the spiritual and worldly estates . . . the born princes and lords cannot do it alone." Indeed, if the fact that literacy rates jumped to 30% by 1600 says anything, it is that this reallocation was effective.[65]

Fascinatingly, because there are obvious secular reasons for this reallocation of authority, the theological defense for the changes that the State placed front and center to the German people, acting as a constant ruler by which to assess and develop concrete reforms. Phillip Melanchthon well articulates the theological defense of empowering the State:

> Magistrates are called gods by the Holy Spirit so that they would preserve and retain the divine gifts on earth—religion, civil order, and all the honorable arts. Because of that responsibility for divine things, they bear the solemn title [of gods on earth], and the magistrates have no greater and more venerable distinction than that.[66]

These were not mere words, but communication of values driving new policy. The assurance of effective civil order was *as important as* salvation, the task of preserving the "divine gifts on earth" was elevated to a holy mission, and the

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[65] *Id.*

[66] John Witte, "The Civic Seminary: The Reformation of Education Law," *Law and Protestantism: The Legal Teachings of the Lutheran Reformation* (Cambridge University Press, 2002).

magistrate became not a subservient of the Church, but a partner working collectively towards a higher purpose. The *paterpoliticus* would intervene where the Church had failed and do so *more effectively* given their divine mandate to promote the prosperity of the young as individuals and continuers of the larger community unit. [67] This was a rallying cry for the faithful across the nation, a point of unity, for, as Luther said, "we are warring with the devil, whose object it is secretly to exhaust our cities and principalities of their strong men." [68] Theological arguments effectively translated the complicated policy calculus behind reforms into terms that directly spoke to the layperson, involving them in changes—in a revolution—that aligned with their creed.

And indeed, this theologically powered effort had a systemically transformative impact on the hierarchy of individuals within the educational project. At the outset, the earthly kingdom theology encouraged parents to appreciate their role in the social order, not one of subservience to the Church, or now, the State, but empowerment. Sermons remind fathers and mothers *of all classes* "of their parental responsibility and to awaken in them an attitude of grateful acceptance of the opportunities created for them by the

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[67] Paul T. Criss, *How The Reformation Reformed Education,* Adult, Graduate & Online Studies (Oct. 27, 2017), http://blogs.belhaven.edu/asfaculty/2017/10/30/how-the-reformation-reformed-education/ ("civil authorities [would] exercise the greatest care and industry in regard to the young; for, since the interests of the city are committed to their trust, they would not do well before God and the world if they did not seek with all their might to promote its prosperity."). [68] Luther, "A Sermon on Keeping Children in School, 1530," 257.

governing authorities."[69] These, in turn, would enjoin people to accept and abide new regulations, like the 1559 Württemberg Ordinance, which would require ever-increasing parental involvement in schooling.[70] Families would become partners, along with the Church—still charged with daily teaching their members scripture, liturgy, and prayer, as well as instructing magistrates on God's word[71]—and the State in promoting a complete childhood education, instilling a sense of duty in parents to fortify values they learn in school at home, and a concrete vision for one's place and purpose in society.

The powerful institutional partnership elevated the individual to an unprecedented level of importance and involvement and intuited a capacity for them to contribute affirmatively. Just as importantly, it gave them a language to express their needs, values, and ideas—made manifest in Luther's five *solas*—and a metric by which to judge an

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[69] Luther was his usual emphatic and uncompromising self on this point. "The common man can do nothing," he wrote in 1524, as he urged magistrates to maintain and govern schools. "He [the common man] doesn't have the means for it, he doesn't want to do it, and he doesn't know how." Martin Luther, Address to the Burgomasters and Councilmen of all cities in Germany (1524), (transcript available at 1524-An-die-Ratsherren-aller-Städte-deutschen-Landes-dass-sie-christliche-Schulen-aufrichten-und-halten-sollen.pdf (checkluther.com)

[70] For a fuller explication on this piece of legislation, *see* Carmen Luke, "Luther and the Foundations of Literacy, Secular Schooling and Educational Administration," 23 *The Journal of Educational Thought* 120 (1989).

[71] John Witte, "The Civic Seminary: The Reformation of Education Law," *Law and Protestantism: The Legal Teachings of the Lutheran Reformation* (Cambridge University Press, 2002).

education system.[72] Indeed, the Reformation's theological defense education enjoined that the collective seek *more* than the attainment of descriptive knowledge. Education was not an end in itself, but a comfort with *thinking for themselves*, to apply ideas, and, commensurately, to be of effective service to state and church. Luther's Reformation cultivated a culture of schooling designed—rooted in religion—to produce a population more "sober in judgment, temperate in character, [and] ethical in their dealings;" on the one hand a moral, religious, and upright community and, on the other, a strong workforce and a connected community. Theological defenses of secular policy were the way to achieve these ends. Indeed, as Melanchthon put it, "better letters bring better morals; better morals bring better communities."[73]

Indeed, the story of the Reformation portrays how religion and secular policy operated cooperatively to help achieve secular change, and combat a formerly disenfranchising system, in a concrete, directed, and nuanced way. We see echoes of these transcendental, innovative constructions at work, albeit in a different context, in the Massachusetts Bay Colony.

IV. Massachusetts Bay Colony: Education for Survival and For Unity

In 1630, a small group of Puritan refugees from England founded the Massachusetts Bay Colony, and by

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[72] Matthew Barrett, *The Five Solas,* The Gospel Coalition, https://guides.libraries.uc.edu/c.php?g=222561&p=1472886.
[73] Witte, *supra* note 10 at 266.

1638 the settlement had a public school, a printing press, and a college. [74] As historian Marcus Jernegan aptly described, the "progress of a civilization depends on the ability and energy of its leaders, and in this respect, Massachusetts was most fortunate."[75] Indeed, the proportion of educated leaders was higher than in any other colony, with nearly one hundred graduates of Oxford and Cambridge settled before 1650, nearly three-fourths of whom were clergymen. [76] The presence and influence of an educated leadership—supposedly 'elite' for, it part and parcel to the colonial experience was the notion of solidarity of all in refugee status [77] —and concern for intergenerational intellectual maintenance undoubtedly influenced the expediency with which Harvard College[78] was founded, and, as a direct consequence, the development of elementary and secondary education. [79] For, indeed, the first schools were

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[74] Marcus W. Jernegan, *The Beginnings of Public Education in New England*, 23 SCHOOL REV. 320, 326 (May 1915).

[75] *Id.*

[76] *See generally, Id.* at 326 ("The migration to New England to 1643 is commonly reckoned at about 20,000, or 4,000 families. Thus there would be one person in 40 families, or one for every 200 emigrating, who had received university training.").

[77] *See* Alexi De Tocqueville's discussion on the Puritan founding in *Democracy in America.* page 27 in my book...

[78] Indeed, Harvard College was modeled after nonconformist colleges like Emmanuel at Cambridge. *See* Daniel R. Coquillette, *Radical Lawmakers in Colonial Massachusetts* 67 The New England Quarterly 185 (1994).

[79] *New England's First Fruits* (1643) ("After God had carried us safe to New England, and wee had builded our houses, provided necessaries for our livelihood, rear'd convenient places for God's worship, and setled the Civil Government; One of the next things we longed for, and looked after,

constructed as funnels for the most capable pupils toward a Harvard education focused on rearing the next generation of clergymen.

As with Reformation leadership, the Puritans placed ultimate value on education for the religious welfare of their children and their community. The climax of a Puritan education was *still* the reading of the Bible and providing the "conditions under which it was likely that the greatest number of people could be brought to their *own* religious awareness."[80] And *still*, the Puritans were concerned with cultivating a universal social morality, "right thinking," and, as this section will make clear, ensuring equal access to this knowledge for all community members regardless of class.[81] But, the following distinction makes all the difference in how the Puritans uniquely mobilized theological dogma to outline and develop a system of education that met their needs and contexts: the Puritan story was not only about reform and advancement but survival. To the Puritans, education served as the bulwark that preserved the faith and protected the believer from the influences of the "uncivilized" cultures around them.

This section will showcase how the Massachusetts Bay Colony's religious leaders mobilized theological arguments together with their secular education policy

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was to advance Learning, and to perpetuate it to Posterity; dreading to leave an illiterate Ministry to the Churches, when our present Ministers shall lie in the Dust.").

[80] John D. Burton, *Philanthropy and the Origins of Educational Cooperation: Harvard College, the Hopkins Trust, and the Cambridge Grammar School*, 37 HIST. EDUC. Q. 141, 142 (1997).

[81] *Id.*

innovations—especially focusing on the *Old Deluder Satan Law of 1647*—to rally the new colonists in developing the first public school system as a functional necessity for survival, and how *only through* the melding of the two did a public education system develop in tandem with cohesive community structure and the maintenance of a unity of purpose in their settlement.

The first public "grammar" school, Boston Latin School, was founded in 1635 not by any church but a Boston town meeting. [82] Truly embodying the conception of a "priesthood of all believers," the rapid assent by the lay people to installing the school demonstrates the compactness of the Puritan community, the vigor of their local governments, and the principled nature of their cohort. There was no starting from a base-nothing; indeed, English colonists had transplanted from England an appreciation for educational objectives and a methodology for realizing those goals. Specifically, their ready-made educational configuration of household, church, and school cooperates with each other to engender in children the virtues of piety, civility, and learning.[83] As it happens, the school was the weakest of the triumvirate. The families—for whom children would mostly apprentice and where most would spend their time—were clearly the strongest educational presence,

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[82] The school was to be support by rents collected from Deer, Long, and Spectacle Islands in the Boston Harbor to support the school and pay teachers. https://www.massmoments.org/moment-details/massachusetts-passes-first-education-law/submoment/boston-latin-school-founded.html.

[83] Joseph Watras, *Education and Evangelism in the English Colonies*, 14 American Ed. Hist. J. 205,208 (2008).

followed by the churches—ever-empowered with the role of providing full religious literacy to those who gathered for services.[84] Parents saw it as a mission to avail themselves of every opportunity to educate their own children, instill piety, and keep abreast of their children's spiritual demeanor. Schools merely provided the "tools for acquiring religious knowledge," of which basic literacy was chief, while the church and family supplied "knowledge itself."[85]

But a system emphasizing the family in the educational project (to the exclusion of other institutions) would prove problematic in a context where community members had to labor harshly to live. One notices that, though Boston Latin School was free and voluntary, as were other like-institutions in Charlestown (c. 1636) and Salem (c. 1637),[86] a small minority of boys and few, if any, girls joined for formal classes. Edward Johnson, the founder of Woburn, Massachusetts, noted that "although they were not among a people who counted ignorance the mother of devotion, yet were the greater part of the people wholly devoted to the plow." [87] Indeed, despite the early development of public schools in several Massachusetts towns, the existence of other, more accommodating institutions of learning (like

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[84] *Id.*

[85] Burton, *supra* note 80 at 142.

[86] *See* MASSMOMENTS *Boston Latin School Founded* (last visited Nov. 10, 2022), https://www.massmoments.org/moment-details/massachusetts-passes-first-education-law/submoment/boston-latin-school-founded.html.

[87] DARRET R. RUTMAN, WINTHROP'S BOSTON: A PORTRAIT OF A PURITAN TOWN, 1630-1649 202, 220 (Univ. N.C. Press, eds.) (1965).

homeschooling or church lessons) promised a slow integration of formal schooling into the community routine.

The clergymen saw this as an issue—one both religious and pragmatic in nature—and sought out town responsibility[88] in education as a solution.[89] The 1630s saw only a few formal schools[90] develop that could feed into the newly established Harvard College. In other words, a narrow field of opportunity existed for students to develop the skills they needed to become clergymen and replace an ever-aging leadership. Simultaneously, Harvard College's admission

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[88] With this said, the colonist and newly forming 'town' governments, or the representatives of a group of people who had associated themselves for political or religious purposes in order to satisfy their needs, oft had a tumultuous relationship. Through taxation—at first via voluntary levies and later through formal taxation— and activity, towns became formidable and prevalent entities in their own right, at once a vehicle of community action and organizational apparatus for community care. To the townsmen, "town government—the political establishment of town meeting and selectmen—was an arbiter regularizing his relations with his fellows in the community." And, by 1642, by the time of the first educational ordinance, twenty-one towns had been founded in Massachusetts. For a full bibliography on the town development and taxation, *see* Carl Bridenbaugh, THE NEW ENGLAND TOWN: A WAY OF LIFE, pages 19-48 (1946); RUTMAN, *supra* note 87 at 220; Robert Francis Seybolt, THE PUBLIC SCHOOLS OF COLONIAL BOSTON, 1635-1775 (Cambridge, Mass., 1935); *see also,* Jernegan, *supra* note at 74 at 329. ("In 1638, [the State] ordered that every inhabitant ought to be liable to contribute to all charges both in church and commonwealth, 'whereof he doth or may receive a benefit'").

[89] Jernegan, *supra* note 74 at 326.

[90] *See* Walter Small, *The New England Grammar School*, 10 SCH. REV. 513,514-16 (1902) (Boston Latin School (1635), and schools in Charlestown (1636), Cambridge (1640), Salem (1637), Dorchester (1639), Roxbury (1645), Braintree (1646)).

requirements were rigorous: "when any scholar is able to read Tully or such classical author, *extempore*, and speak true Latin in verse and prose, and decline perfectly the paradigms of nouns and verbs in the Greek tongue, then they may be admitted into college, nor shall any claim admission before such qualification." [91] While certainly Massachusetts—and especially Bostonian—youth may have been the beneficiaries of the great teaching from their parents, especially in basic literacy,[92] nothing rose to the level needed to join the ranks of Puritan leadership. [93] Moreover, just as many other parents in other towns were not educating their children in a way commensurate with Puritan expectations. The 'town' school, in the eyes of religious leadership, would become a "vestibule to learning," help cast a wider net for leadership induction, and more effectively "[bring] up of young scholars, and [fit] them for

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[91] *See* SAMUEAL E. MORRISON THE FOUNDING OF HARVARD COLLEGE, 332, 333 (Harvard. Univ. Press, eds.) (1935).

[92] At least when it came to prospects for the ministry, by the age of seven or eight, a child—through a combination of family, church, and perhaps some school learning—was expected to have mastered English sufficiently to read a passage from the Bible containing three-syllable words, learnt his catechism, and absorbed some of the self-discipline and awareness of sin that characterized a good Puritan. *See* LAWRENCE A. CREMIN, AMERICAN EDUCATION: THE COLONIAL EXPERIENCE 1607-1785 169 (Harper & Row eds.) Furthermore, by 1642, the Puritan leaders had begun enforcing the *Massachusetts Bay School Law of 1642* which *required* parents to teach their children how to read and write. This, however, still met with little effectiveness. CITE NEEDED.

[93] FN 98 should be at the end of the sentence per bluebook rules

academic learning, that still as they are judged ripe, they may be received unto the College."[94]

The pragmatic, secular nature of the leaders' dilemma cannot be understated: the replenishment of the clergy, assurance of the next generation's direction, the development of intelligent, law-abiding, and righteous citizens, and filling the Harvard class. Rather than let these objectives speak for themselves to the populace, the laws presented to achieve these ends took religious tones. The *Old Deluder Satan Law of 1647* became a rallying cry for compulsory grammar school attendance. The law required that every township "shall then forthwith appoint one within their town to teach all such children as shall resort to him to write and read," and that "where any town shall increase to the number of one hundred Families or Householders, they shall set up a Grammar-School." [95] The rationale for this was the need toto protect against the "chief project of that old deluder, Satan, to keep men from the knowledge of the Scriptures."[96]

For the sake of our religion, way of life, and our very souls, it was the town that should be made chief in the educational project,[97] that first Latin and Greek, and later other subjects to follow, be made available to *all* classes for the purpose of arming themselves against evil. The law stressed the urgency and also universality of the problem, for evil does not discriminate based on wealth. Thus, the

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[94] Henry Overton, *New England's First Fruits*, 24 (1643).
[95] MAX FARRAND, THE LAWS AND LIBERTIES OF MASSACHUSETTS (Henry E. Huntington Library 1646 ed.).
[96] *Id.*
[97] *Id.* (the penalty was 5 pounds).

protection of the community is predicated on the empowerment of *all*.[98] For the zealous Puritans, the law boldly states that "salvation is as universally available as the educational end of reading, due to the infinite divine bounty that transforms the believer and gives both education and society their common purpose." [99] At once frightening, empowering, collectivizing, and unifying, [100] the colonial leadership mobilized theology to create a common enemy, one shrouded in mystery and threatening to all, around which they could begin the un-obstructed restructuring of the educational model around formal schooling *without* running afoul of a traditional family-church-state balance. Indeed, formal schooling was now seen as a separate project, one specifically relating to the community's—over any one individual—safety and survival and the most effective way to achieve this pragmatic, secular, inter-generational objective.

The *Old Deluder Satan Law* incited in residents cause to think about two important ideas: first, as suggested above, the status of their community's spiritual welfare, and second, re-envisioning the town as not just a physical protector—against, for instance, Native American tribes or

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[98] Robert Middlekauf, *Education in Colonial America,* 41 CURRENT HISTORY 5, 41 (1961).

[99] James Stillwaggonn, *The Old Deluder, Educational Salvation, and the Limits of Distributive Justice,* 10 POLICY FUTURES IN EDUCATION, 352, 355 (2012).

[100] The conflation of social thriving and threat—in this case religious—would become a model for educational laws concerning public schools moving forward. Both Horace Mann and Thomas Jefferson evoked threats in speaking about the priority of education. *Id.* at 352.

servicing infrastructural needs—but also a spiritual one. This one essential step for an ultra-religious populace to align with this new obligation with its potential tax, infrastructural, and labor consequences. The satanic threat, clergy maintained, was too overwhelming to leave the important educational project un-systematized, and, more than the church or the family, the town—ever-growing, ever-touching the lives of all its residents—*was* the be the best mechanism for innovating protections against that threat.

Now, while the initial reception of the law was one of ambivalence, [101] and the development of schools did *not* exponentially uptick because of its passage, there is nothing to suggest the Puritans disagreed with this burgeoning mentality. Indeed, so many other immediate threats, including incursions of native tribes, harsh winters, and little in the community chest, might have played a role in the slow start to public education. [102] What we know is that conversations around formal schooling suddenly blossomed from the homes of the elite to town halls and church gatherings.[103] With every new revision of the law over time, one notes that three aspects remained consistent: (1) the conferral of power (and expectations) to the town, (2) the

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[101] *See* Jon Teaford, *The Transformation of Massachusetts Education* 10 HISTORY OF EDUC. Q. 287, 290 (1970) (discussing external factors that contributed to the failure to abide the new law). Reasons for disobeying the new requirements remained numerous, including the focus of the colonists on "the plow," as Johnson had put it, low funds in impoverished townships, and the rampant attacks from native tribes that had become routine.

[102] *Id.*

[103] *See* RUTMAN, *supra* note 87 at 221.

consideration of *all* classes of people, and (3) the *gravity* of the importance of the task to the survival of the community.[104] Undoubtedly, the *Old Deluder Satan Law*, in its religious appeal, catalyzed the idea of compulsory and accessible education as a populist preoccupation and informed the people that a shared commitment to a unified purpose—upon which the Puritan community was already committed—meant the support of formal learning.

Over time, the foundational invocation of the devil as a common enemy, meant to appeal to the masses and inspire the gradual prioritization of formal schooling in the colonial project, might have even served to increasingly secularize formal schooling content in Massachusetts Bay Colony—especially towards the end of the century. [105] Indeed, alongside the frequent revising of the schooling law came increasing interest in more diverse types of learning. This makes sense; if more people attended school, the focus *had* to shift from the project of building the next class at Harvard to vocational or commercial skills. [106] And indeed, this became manifest in the transiting emphasis in newly-minted town schools from classical studies to, first, advances in English-learning education, and, eventually, and the advent and success of town-operated "writing schools."[107] It would seem that, with the notion of a common, deeply venomous enemy pushing the Puritans towards new educational

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[104]*See* Jernegan, *supra* note 74 at 327..

[105] Though schools remained *still* very religiously rooted until the nineteenth century.

[106] Teaford, *supra* note 101 at 290.

[107] *Id.*

commitments, died the elitism of formal schooling and gave rise to the engrained town school as a skills factory.[108]

If anything, the story of Massachusetts Bay Colony's educational transformation works as a case study in reconfiguring the role that unified purpose plays in the survival—both spiritual and physical—of a new community. To motivate a population by appealing to a theologically rooted common enemy obviated the deeply rooted connection felt by the colonists to their collective mission and served as an efficient, principled way to consistently rally towards the achievement of important social objectives like the strengthening of the town and empowerment of citizens. Through religious rhetoric, Massachusetts Bay Colony began working as a unit, ever-diligently, towards attaining their proverbial true "brotherhood of all believers" bonded with accessible education.

Rhode Island Colony's educational project could not have been more distinct. Featuring disenfranchisement, separation of groups, and individualism over centralization—direct consequences of their new, (surprisingly) divisive 'freedom of conscience'—Rhode Island's educational developments obviate how moving away from religion, or any other unifying value-set, as a frame for the secular policy had a negative result.

V. Rhode Island Colony: Firm Separation of Church and State; A Disorganized Education System

[108] *Id.*

Rhode Island, founded in 1636, was *the* anomalous settlement of New England. Roger Williams, along with his company [109] of separatists and individualists, [110] had endeavored to develop a colony built, for the most part,[111] on the premise of complete religious tolerance and separation of church and state.[112] In the most positive light, the founders'

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[109] As well as his contemporaries, Anne Hutchinson, William Coddington, and Samuel Gorton, each of whom went on to participate in the founding of the first four towns in Rhode Island: Providence, Portsmouth, Newport and Warwick. John Winthrop had written, for instance, that Williams was "consistent only in his inconsistency," Hutchinson "walked by such a rule as cannot stand with the peace of any state,"[109] and Gorton "bewitch[ed] and bemadden[ed] poor Providence." *Id.*

[110] Bruce C. Daniels, *Dissent and Disorder: The Radical Impulse and Early Government in the Founding of Rhode Island,* 24 J. of Church and State 357, 359 (1982).

[111] As will be discussed later in this piece, there is evidence that the notion of "complete religious tolerance" was more a vision or guiding light than an actual realization. For one example, the town of Portsmouth, had more of an "unmistakable purpose to establish an independent Christian community," than any tolerant one. Thomas Williams Bicknell, *The History of The State Of Rhode Island And Providence Plantations* 292-93 (1920); Portsmouth Compact (Mar. 7, 1637/8), reprinted in Thomas W. Bicknell, Story of Dr. John Clarke: The Founder Of The First Free Commonwealth Of The World 96 (1915). Additionally, Roger Williams thought the state, even if "civil" should "generally adhere to Christian standards." *See* Daniels, *supra* note 111 at 359

[112] For a full bibliography on the founding of Rhode Island, *see generally* William McLaughlin, *Rhode Island: A History* (1986); Howard Chapin, *Documentary History of Rhode Island* (1916); Scott D. Gerber, Law and the Lively Experiment in Colonial Rhode Island, 2 Brit. J. Am. Legal Stud. 453 (2013); *see also* Daniels, *supra* note 110 at 359.

antiauthoritarian views on religion [113] prompted their acceptance [114] of an unprecedented multitude of religious outcasts—from Baptists to Quakers to Jews [115]—to their newly-forming colonial experiment. [116] They endeavored to build exclusively civil governments,[117] and provided, in the

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[113] Roger Williams, *see* Samuel H. Brockunier, *The Irrepressible Democrat: Roger Williams* (1940); Perry Miller, *Roger Williams: His Contribution to the American Tradition* (1953); Amasa M. Eaton, *Roger Williams, The Founder of Providence – The Pioneer of Religious Liberty* (1908).

[114] To say "welcomed" is to paint with a very broad brush, for though differing religious practices were certainly *more* tolerated in Rhode Island than elsewhere, there is evidence, especially in terms of later legal developments concerning the treatment of non-Christian minorities, to suggest it was not a free-loving community of all-accepting individuals. *See* Scott D. Gerber, Law and the Lively Experiment in Colonial Rhode Island, 2 Brit. J. Am. Legal Stud. 453 (2013) (discussing discrete laws that disproportionately impacted Jewish populations, as if to suggest that the law "only does make it appear as if Christianity was afforded special treatment in the colony.").

[115] For more information, *see* Sherri Smith, "Jewish Education in Rhode Island in the Colonial Period," 47 Jewish Education 26 (1979).

[116] Scott D. Gerber, Law and the Lively Experiment in Colonial Rhode Island, 2 Brit. J. Am. Legal Stud. 453 (2013).

[117] We see almost instant manifestations of this commitment to religious plurality in Williams' Providence in the Providence Agreement of 1637. Providence Agreement (Aug. 20, 1637), Reprinted In Colonial Origins Of The American Constitution: A Documentary History 151, 151 (Donald S. Lutz Ed., 1998) (articulated that townspeople had the ability to make "all such orders . . . as shall be made for the public good of the body in an orderly way, by the major consent of the present inhabitants . . . and others who they shall admit into them only in civil things."). And then later in the 1663 Charter of Rhode Island and Providence Plantations. Charter of Rhode Island and Providence Plantations (July 15, 1663),

words of the first General Court,[118] that "all men may walk as their consciences persuade them." [119] Indeed, in its deviation from the rigid religiosity of neighboring colonial governments, one could say that Rhode Island presented a new brand of 'democracy,' lauded by many as having inspired similar ideals in the later United States—affirming the sovereignty of the people in civil government, and espousing that, as Alan Simpson describes, "civil peace has been enjoyed by communities who have never heard the name of Christ, and man's hope of enjoying this good is made less, not more, certain by intruding the names of saints."[120]

This section does not aim to tackle the church and state issue, nor tear apart the picture of Williams' "lively

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reprinted in 2 R.I. Records, 1664-1677, at 1, 4-6 (John Russell Bartlett ed., Providence, A. Crawford Greene and Brother 1857) (stating, "That our royall will and pleasure is, that noe person within the sayd colonye, at any tyme hereafter, shall bee any wise molested, punished, disquieted, or called in question, for any differences in opinione in matters of religion, and doe not actually disturb the civill peace of our sayd colony.").

[118] George Washington Greene, *A Short History of Rhode Island,* 15; *see also Records of the Colony of Rhode Island and Providence Plantations* (Bartlett, ed.). 1, 190 (describing the General Court as "a committee of six men from each town freely chosen.")

[119] George Washington Greene, *A Short History of Rhode Island,* 15.

[120] Alan Simpson, "How Democratic was Roger Williams," 13 *The William and Mary Quarterly* 53, 58 (1956); *see also id.* at 59 ((quoting *Publications, II,* 263) (In his *Bloody Tenants*, Williams' writes, "I have been charged with folly for that freedom and liberty which I have always stood for; I say liberty and equality both in land and government.") Though, Simpson also highlights that this idea that Williams' is lauded for his revelatory pre-American thinking is subject to criticism, and articulates an argument that, while Williams was indeed a protector of religious liberty, he might not have felt the same in terms of civil liberty.

experiment in liberty."[121] Rather, focusing narrowly on the educational developments in Rhode Island, I hope to show how the disentanglement of theology and policy resulted in a far less ordered, unified, and cohesive educational plan compared to the contexts above. Whereas a common, theological value-set in Massachusetts served to unify the population towards meeting key educational objectives, the lack of the same in Rhode Island resulted in its failure to establish any form of colony-wide public-school systemization, let alone pass compulsory school laws until 1799. Further, a marked lack of collective purpose yielded a leadership without any real, *centralized* authority that might have been mobilized to ensure accessible education to *all* children.[122] From this perspective, the founding of Rhode Island can be characterized by a certain disunity that supports the larger idea that religious direction had a sharpening effect on the mass appeal and direction of the public-school project.

Owing to its policy favoring 'liberty of conscience,' Rhode Island experienced a very different form of settlement, and welcomed very different settlers, than did Massachusetts.[123] Different populations came at different

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[121] "Rhode Island Royal Charter, 1663." sos.ri.gov, n.d., accessed 2022.
[122] Jerngen, *supra* note 74; *see also* William Shade, "The Working Class and Educational Reform in Early America: The Case of Providence, Rhode Island," 39 *The Historian* 4 (1976) (Indeed, the first Rhode Island Free School Law would not pass until 1800 "because of public sentiment against the taxes necessary to finance the project.").
[123] *A History Of Public Education In Rhode Island From 1636 To 1876* (ed. Thomas B. Stockwell) (1876). *See* note 90 for discussion on the notion of 'tolerance.'

times and took root in different places. The people themselves represented different interests, some coming for "freedom from all law," others "in the spirit of speculation," and still others "from that wild love of adventure which has always exercised such a sway in the breast of man."[124] Yet, importantly, far from the "organized and financially endowed"[125] Puritan settlers, Rhode Islanders, of varying economic and social classes were of singular mind only in that they lacked a need, interest, or really even a respect for any centralized authority.[126] Their independence, which is understandable given their status as oft-persecuted minorities, was a pivotal challenge for cultivating a unified colonial vision.

The contentious relations between Rhode Island's founding leadership, a long story of headiness, tumult, disorder, and division, epitomizes the antagonistic nature of settlers on all manner of religious, social, administrative, and economic issues.[127] As Williams, Hutchinson, Gorton

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[124] *Id.*

[125] Theodore Dwight Bozeman, "Religious Liberty and the Problem of Order in Rhode Island," 45 *The New England Quarterly* 44, 47 (1972).

[126] *A History Of Public Education In Rhode Island From 1636 To 1876* (ed. Thomas B. Tockwell) (1876) ("One of the first things which strikes an observer in considering the early history of Rhode Island, is, that the population was not homogeneous. Massachusetts was settled by colonies from one people, and all actuated by the same notions of religious and civil government, and of a similar religious creed.").

[127] Histories abound concerning the antagonistic relationships—personally and principally—of Coddington and Williams, Hutchinson and Coddington, Williams and Gorton, and beyond. Bruce C. Daniels, "Dissent and Disorder: The Radical Impulse and Early Government in

and Coddington were rarely on the same page, the founding of Rhode Island might more appropriately be seen as the founding of separate, competitive towns like Portsmouth, Warwick, Providence, and Newport. Sir Henry Vane, writing in 1654, had written of the colony's leaders: "How is it that there are so many divisions among you? The noise echoes in the ears of all. . . is not the fear and awe of God amongst you to restrain? . . . No public, self-denying spirit?" [128] The answer, in truth, appears *no*.[129] And the result was a clearly "fragmented, quarrelsome, obstreperous society," ever

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the Founding of Rhode Island," 24 J. of Church and State 357, 359 (1982) (discussing the internal fighting between Hutchinson and Coddington, and between Groton and Williams.

[128] Sir Henry Vane to the Inhabitants of Providence" (February 1654), in Rhode Island Colonial Records, ed. Joseph Bartlett, 10 vols. (Providence: State of Rhode Island, 1856-65), 1:285-86, hereafter referred to as RICR

[129] Bruce C. Daniels, "Dissent and Disorder: The Radical Impulse and Early Government in the Founding of Rhode Island," 24 J. of Church and State 357, 361 (1982). Indeed, the founders could scarcely find a consensus on even the most central aspect of their community enterprise: religious tolerance. Williams, for example, held the view that a civil government should govern society by still Christian standards, and that "[while] the civil government should not be allowed to coerce conscience, it should not be forbidden from stopping barbarous customs." Gorton, by contrast, steadfastly opposed "any government of a majority that overpowered the wishes of minorities," and Hutchinson espoused a "monistic egoism," individualism to the extreme of "dissolving all the distinctions man had invented to surpass himself," while Coddington was more authoritarian and absolutist on the question of religion. The result was a clearly "fragmented, quarrelsome, obstreperous society," ever-alternating between settlers defying authority, and authorities defying other authorities.

alternating between settlers defying authorities and authorities defying or ignoring other authorities.[130]

To be sure, the central colonial government of the colony was weak as a direct result of the minority settlers' proclivity towards independence. But another contributing factor was an ardent lack of collectively unifying values, visions, or ideals upon which leaders could rely and colonists could ban together. Whereas in Massachusetts the clergy played an active role in the task of bringing people together, where churches and town halls served similar educational and political functions, there was little to bond Rhode Islanders in shared purpose or help them develop a common language of kinship. When, in 1647, town representatives were convened to establish colony-wide General Assembly, written into the fabric of this structure was a great deference to a more localized rule of law; the "whole tenor of the organizational legislation in 1647 was to spell out the liberties of the inhabitants and limit the power of the governing officers."[131]

As the colony deferred to the town, so too did the town defer to the individual. A town's elected officials—if there were any officials at all[132]—were accorded only minimal powers; societies themselves being strewn together only on the basis of "social compacts," "mutual consent," or local

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[130] *Id.* at 362

[131] Bruce C. Daniels, "Dissent and Disorder: The Radical Impulse and Early Government in the Founding of Rhode Island," 24 J. of Church and State 357, 368 (1982).

[132] Discussing the fact that Providence had no elected officials for years after its founding; Warwick had no constituted a formal government in the early years, and more. *Id.* at 364-65.

initiatives marred by frequent schisms, insubordination and instability.[133] Town meetings were scarcely attended[134]—for there was no sense of higher social duty—and centralized powers were often disobeyed when it conflicted with settlers' own self-interests.[135] In other words, there existed a whole selfishness and utter lack of a cohesion at all levels. As John Winthrop has remarked, Rhode Island may have boasted tolerance, but represented "not a state, but a few fugitives living without law or government."[136]

This, compared to a settlement like Massachusetts Bay, showcases, perhaps surprisingly to the modern reader, how 'liberty of conscience,' or, in more poignant terms, the active excising of values-orientation in policy resulted in directionlessness, societal discordance, and fragmentation that yielded to strong personalities, radicalism, and division. To be sure, infighting was common in other colonies. However, the level in Rhode Island was such that it would prove especially problematic as the separate towns disputed over land, resources, trade, and commerce., and, importantly

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[133] Theodore Dwight Bozeman, *Religious Liberty and the Problem of Order in Rhode Island*, 45 THE NEW ENGLAND QUARTERLY 44, 45 (1972) ("Since governmental authority lacked at first the strength afforded by the enduring habit of tradition, it often proved inadequate to the task of order.").

[134] Bruce C. Daniels, *Dissent and Disorder: The Radical Impulse and Early Government in the Founding of Rhode Island*, 24 J. of Church and State 357, 375 (1982).

[135] Theodore Dwight Bozeman, *Religious Liberty and the Problem of Order in Rhode Island*, 45 THE NEW ENGLAND QUARTERLY 44, 47 (1972).

[136] Oliver Payson Fuller, The History of Warwick, Rhode Island (Providence: Angell, Burlingame and Co., 1875), pp. 18-19.

for our purposes, as the settlers turned to developing schools.[137]

Roger Williams, at the outset, had expressed some concern over Massachusetts' push towards large-scale public education, fearing that it might become a tool to silence religious dissent.[138] Nevertheless, this is *not* to say that Rhode Islanders were against schooling; indeed, Newport was one of the first towns (if not *the* first) to establish a public school in 1640,[139] with Warwick following soon after in 1652, Providence in 1663, and Portsmouth in 1716.[140] But, importantly, these were separate, distinct, uncoordinated efforts by towns or, often, private enterprises in a league far lesser than the public school system of Massachusetts. Rhode Islanders, unified in nothing, would fail time and again to rally enough support, finances, or centralized governmental power to oversee and assure the development

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[137] *Id.* at 18.

[138] Daniel Morton-Bentley, *Rhode Island's School Funding Challenges in a Historical Context*,24 Roger Williams University L. Rev. 272, 276 (2019).

[139] Charles Carroll, *Public Education in Rhode Island* 15 (1918); *A History Of Public Education In Rhode Island From 1636 To 1876* (ed. Thomas B. Tockwell) (1876). There is a dispute over whether Newport or Salem was first to establish such a school. The point is made that Salem has a record of the town conferring authority to a school-master in 1640, but not necessarily the erection of a school.

[140] Charles Carroll, *Public Education in Rhode Island* 15 (State Board of Education et. al. eds., (1918).

of accessible, equal education to *all* children until the first free school laws of 1799.[141]

For these first schools, the role of the government was relegated to that of bursar, landlord, or custodian.[142] The recorded meetings concerning the building or preserving of schools would involve, for instance, the town electing a school-master,[143] or, in some cases renting land for the erection of a public school.[144] Meanwhile, Rhode Island

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[141] Jerngen, *supra* note at 122 at 4. *see also* William Shade, *The Working Class and Educational Reform in Early America: The Case of Providence, Rhode Island*, 39 THE HISTORIAN 1, 4 (1976) (Indeed, the first Rhode Island Free School Law would not pass until 1799 "because of public sentiment against the taxes necessary to finance the project.").

[142] Thomas Wentworth Higginson, *A History Of Public Education In Rhode Island From 1636 To 1876* (ed. Thomas B. Tockwell) (1876) (Discussing the advent of the first public school land grant: "And August 20, Mr. Lenthal was, by vote, called to keep a public school for the learning of youth, and for his encouragement there was granted to him and his heirs, one hundred acres of land, and four more for an house lot; it was also voted that one hundred acres should be laid forth and appropriated for a school, for encouragement of the poorer sort, to train up their youth in learning.")

[143] *Id.* at 6. (Discussing Newport's Assembly. Records show the following pronouncement, "the petition of Mr. Gallaway, for the liberty of teaching of a Latin school in the two little rooms in the school-house of this town, is hereby granted.")

[144] *Id.* at 7. ("The first public action in behalf of education in Providence took place in May 1663, when the proprietors passed the following order: 'It is agreed by this present Assembly that one hundred acres of upland and six acres of meadow... shall be laid out within the bounds of this town of Providence; the which land shall be reserved for the maintenance of a school in this town; and that after the said land is laid out, and the bounds thereof set, it shall be recorded in our town records, according to

rested the *real* educational responsibility on individuals, parents, and families,[145] usually waiting for private citizens to petition *them* before acting as a participant in the project. Even as more power slowly and painstakingly was ceded by the town to the greater colony, "Rhode Island became a patron of education on lines somewhat similar to those already adopted by the towns," perpetuating a culture of waiting and reacting to individual school projects, offering spaces, collecting taxes, or addressing entreating on a case-by-case basis. [146]

A central issue with Rhode Island's more lax approach to schooling—the placement of a town public school here, a private Christian school there, a few families opting for private tutors, and others, less financially endowed, opting to directly homeschool—was disenfranchisement and a lack of systemization that resulted in discordant allocations of resources and unequal standards of learning. In turn, this exacerbated divisions between towns, groups, and families who could not access physical schools, afford them, or create their own. Indeed, how much education one received, the classroom content, and the objectives of the schooling project, were entirely dependent on one's community-affiliation, family, economic means, and, yes, even religious affiliation.

Consider, for instance, the case of the Jewish communities of Newport between 1650 and 1690.[147] This

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the bounds fixed, and shall be called by the name of the school lands of Providence.'").

[145] Carroll, *supra* note 140, at 24.

[146] *Id.*

[147] Sheri L. Smith, *Jewish Education in Rhode Island in the Colonial Period*, 47 JEWISH EDUCATION 26, 27 (1979).

group of exiles came to Rhode Island for two reasons: the first being, of course, religious tolerance; the second, an unimpeded ability to engage in commerce and trade.[148] Yet, despite their economic and religious freedoms, the Jews were designated as "strangers," denied naturalization, and "regarded as transient inhabitants with no land or taxable property."[149] They were stigmatized, and their lesser-status conferred very real, negative consequences on their ability to find formal schooling for their children. Indeed, while Newport boasted the presence of an established, secular public school, Jewish children—whether because of classroom content that was unfriendly to their faith, or because of a possibly all-out prohibition against Jewish students[150]—likely did not attend.[151] While certain private Christian schools might have accepted Jewish students, many families in the newly-settled community tuition. In those cases, children were educated by tutor or, else, their parents.[152] The Jews represented a group that could not afford to make their own secular school, though eventually they were able to gather money for a synagogue and,

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[148] *Id.* at 28.

[149] *Id.* ("In the colony that prided itself on being 'a lively experiment in liberty' no Jew acquired the rights of a freeman until the Constitution of 1843 was adopted."); *see also* Marcus, Jacob Rader. American Jewry: Documents, Eighteenth Century. The Hebrew Union College Press, Cincinnati, 1959.

[150] There is indeed evidence of similar prohibitions in other school contexts, and, what's more, Brown University had a prohibition against Jews until the 1700s. *Id.*

[151] *Id.*

[152] *Id.*

possibly, a *Talmud-Torah*.[153] They likewise represented a group whose children were secularly educated to vastly disproportionate levels.

While there should be no illusion that Jews, specifically, would have fared better under the Puritan leadership of Massachusetts, [154] this community is a microcosm for a more universal comment on Rhode Island colonial education. Without a grander vision for education substantively and administratively, nor a values-focused (religious) rhetoric to direct its mission and impugn its importance to the population—a particular consequence of an unprincipled, decentralized approach to policy— Rhode Island's experiment, albeit "lively," represented disorder in terms of schooling.

VI. Conclusion

Our modern education system, though certainly more extensive and systematized, is not altogether dissimilar from that of Rhode Island Colony in its disunity. What does full fledge public "access" to learning mean where, in our inability to agree on central purposes and partnerships for

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[153] Even for the erection of the religious enterprises, the Jewish community was taxed for the purchase of land for the synagogue, and when, additional funds were needed, appealed to the Sephardic congregation in New York. *Id.*

[154] Indeed, the first Jew, Solomon Franco, who set foot in Boston in 1649 was kicked out promptly for being "non-Puritan." *See* ISSAC M. FEIN, BOSTON--WHERE IT ALL BEGAN: A HISTORICAL PERSPECTIVE OF THE BOSTON COMMUNITY; M. Fein, *Boston – Where it All Began: A Historical Perspective on the Boston Jewish Community* (1976).

the educational project, we produce "neutral" schools that fail fundamentally to engage, empower, or strengthen the next generation? [155] By discounting the family's role in learning, and a common language of values, in those conversations, we cannot creatively and effectively foster our children's abilities in service of more robust community goals. Indeed, we cannot even articulate *what* those goals ought to be. For our earliest schools, religion, and its mobilization as a grounding force for secular policy initiatives, offered common value orientation that connected the individual, the family, the community, and the school, providing support, strength, and direction. More than just substantive spiritual tenants, faith-based principles were truly 'guiding lights' for the governance and direction of education policy towards positive social goals.

Through the explorations of schooling policy in Reformation Germany and Massachusetts Bay, I submit a starting point for arguing that religious principles can be an important resource in rethinking the organization of our modern education paradigm around community and values orientation. While the debate over the inclusion of religious ideas in the public-school classroom is an important one, as are the many discussions around parochial schools, homeschooling, and religious learning, on these issues, this piece does not make a comment. The preoccupation here is, rather, administrative: the input of religious principles and precepts, given their universal ability to cultivate community cohesion, can help embolden reasoning in policy

[155] This is not to speak of the issues surrounding resource allocation and funding that mar the public school landscape.

to help us address the achievement gaps, disenfranchisement, and substantive problems that face education circularly and institutionally. Or, in simpler words, religion can be a force for good towards secular objectives if given the space to do so.