



What is the Relationship of Historical Structural Injustice experienced by African Americans in Education, and Incarceration Rates?

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Abstract

This dissertation examines the relationship of historical structural injustice experienced by African Americans in education and incarceration rates. It focuses on how unequal access to quality education contributes to high incarceration rates for people of colour. More specifically how HSI contributes to the school to prison pipeline, and the school to prison pipeline's responsibility for high incarceration rates. I propose various recommendations for how education can serve as a preventative measure against high incarceration rates of African Americans. These include addressing funding inequity in schools, ensuring high quality academic instruction regardless of neighborhood or school funding structures, establishing clear school discipline policies with accountability, training school staff to reduce the effects of implicit bias, and implementation of both Positive Behavioral Interventions and Supports (PBIS) and Restorative Justice into schools. If applied, it can reduce arrests and incarceration rates, lower crime rates, decrease recidivism rates, increase numbers of educated people in the US, and save taxpayer money.

1. What is the Relationship of Historical Structural Injustice Experienced by African Americans, in Education and Incarceration Rates?

This dissertation will investigate the relationship between the historical structural injustice experienced by African Americans in education, and incarceration rates. It aims to persuade the reader that utilising education as a preventative measure for the over-incarceration of African Americans, through the use of Alasia Nuti's 'Historical Structural Injustice' (HSI) framework is a well-suited solution to mitigate the effects of HSI on the school to prison pipeline and incarceration rates. This essay deconstructs systematic racism in the US, and demonstrates how the consequences of HSI manifest into American society today by shedding light on how structures have been altered to the disadvantage of African Americans, and how this perpetuates into the criminal justice system in the form of high incarceration rates. This is an important contemporary issue that requires attention to policy. Without a clear understanding of HSI, it is impossible to fully grasp the harm felt by affected communities nor how to properly address it with a backward- and forward-looking approach. Failing to do so will continue to harm the lives of millions of people. This research is relevant both for academic knowledge and practice. In terms of academic knowledge, it provides a foundation for continued research on minimising the consequences of systematic racism in the US. In practice, it provides research-based solutions for the historical structural injustice that African Americans face. The recommendations here could contribute to reducing crime and incarceration rates, increasing numbers of educated people in the US, and saving taxpayer money.

This essay begins by utilising theories on structural injustice (SI) to establish a theoretical foundation for understanding how social, legal and infrastructural norms are shaped by broader structures, and the consequences of the norms that they reproduce, specifically Alasia Nuti's

concept of *radical and banal injustice*. I will use examples from the case of African Americans to illustrate how the theory can be applied and to demonstrate that this is not merely structural injustice, but one of *historical* structural injustice (HSI). I will then introduce HSI and provide a brief summary of the historical context in the case of African Americans. This will show how structures have been profoundly altered to the disadvantage of African Americans and still greatly impacts their lives today. I will explain how structures derived from a HSI influences them today through the creation of banal injustices, which refer to racial stereotypes and biases, and in turn result in more injustices, injustices that hinder their educational opportunities, future employability and earning potential. Next, I will discuss the school to prison pipeline and how it funnels disadvantaged children from marginalised communities into the criminal justice system at an early age. In section 4, I will demonstrate how the U.S. prison system is a continuation of HSI through explaining the high incarceration rates and reasons behind them. In 4.2, I will link the over-incarceration of African Americans with education, indicating that they are far more vulnerable to incarceration due to the consequences of HSI's they have faced. In section 5, I will provide recommendations for how to use education as a preventative measure for high incarceration rates. Including; ensuring high quality academic instruction regardless of neighborhood or school funding structures (funding inequity), establishing clear school discipline policies with accountability, training school staff to reduce the effects of implicit bias, and implementation of both Positive Behavioral Interventions and Supports (PBIS) and Restorative Justice into schools. This addressed HSI because dismantling the school to prison pipeline would begin to undo over a century of HSI towards African Americans.

The scope of this dissertation is limited to exclusively discussing education as the solution for dismantling the school to prison pipeline, reducing incarceration rates and HSI. The

scope is also limited in its discussion of moral and political responsibility, and its concept of reparations for the HSI committed against African Americans. The limitations of this essay include that there is no mention of the current political state of civil rights in the U.S. under the Trump administration. There are also no recommendations addressing areas other than education. Additionally, Nuti's theory of structural debt emphasizes collective responsibility for addressing injustice, however this dissertation attributes policy recommendations primarily to the U.S. government. There is also a lack of use of a specific case study to illustrate the lives of impacted communities. Last, this dissertation could have included how education can be utilised in prisons to rehabilitate criminals and reduce recidivism rates, but does not due to restrictions on the length of the paper.

1. Structural Injustice

According to Iris Marion Young's *Responsibility for Justice* (2011, p.52), 'Structural injustice exists when social processes put large groups of persons under systematic threat of domination or deprivation of the means to develop and exercise their capabilities, at the same time that these processes enable others to dominate or have a wide range of opportunities for developing and exercising capabilities available to them.' It is imperative to understand how structures shape social, legal and infrastructural norms, and to understand the far reaching consequences of these influences. In *Injustice and the Reproduction of History* (2019), Alasia Nuti identifies two types of structures that contribute to structural injustice (SI): rule-based and environmental. Rule based structures are radical forms of injustice and include both formal systems such as laws and occupational hierarchies and informal systems such as dress code and behavioural expectations. These structures shape how people interact. Environmental structures refer to the physical and social surroundings that have been shaped by historical decisions and policies. For example, in the United States, the locations of impoverished Black¹ neighbourhoods are an environmental structure that emerged from social practices and laws that subjected African Americans to deprivation and domination. The identification of these two types of structures illustrates how SI results from the effects of individual and cumulative action over time. Being constrained by rules or environments causes some to have fewer opportunities than others. This has unintended consequences as most are people unknowingly reproducing these unequal systematic outcomes (Young, 2011).

Nuti's theory on banal and radical injustice also demonstrates how structures constrain people in both banal, and radical ways. Banal injustice refers to ordinary actions that

¹In this essay, I use the terms 'Black' and 'African American' synonymously, although there is a difference. Some Black people living in America do not share the same history of SI as African Americans do, but they suffer from the same discrimination and are therefore included in the text.

unintentionally reinforce negative stereotypes and norms, they are ‘banal’ because they are routinised and appear to be trivial (Nuti 2019, p.42). This can lead to unintentional, more radical injustices. Radical injustices are systematic processes that deny the rights of specific groups, and prevent them from reaching their full potential. Her conception of ‘banal radicality’ is important in practice as it describes how ordinary environmental conditions quietly sustain the persistence of radical injustices such as mass incarceration. These structures negatively influence social norms, which often go unquestioned and are treated as though they are natural: Parents move to a neighbourhood with good schools, which is often associated with white, upper class neighbourhoods because school funding is based on local property taxes (Young, 2011, ch.2). This drives up the price for these neighbourhoods and leaves Black families with fewer financial resources behind further deepening patterns of racial and economic segregation.

This paragraph aimed to define and explain structural injustice and establish the importance of understanding structures and how they can harm people. This was done through demonstrating Nuti’s theory of banal and radical injustice, which urges us to link the consequences of SI with its causes, and understand how the two feed each other. In the context of African Americans in the US, I established how a combination of banal and radical actions reinforced the perpetuation of SI in the form of racial bias and stereotyping, which further perpetuated radical injustice in the form of underfunded schools and mass incarceration. However, this is not simply a structural injustice because the crimes against African Americans began in 1619 when they were forcibly loaded into slave ships, which classifies this as a *historical* structural injustice.

2. Historical Structural Injustice

Today, African Americans are structurally and systematically disadvantaged as a result of cumulative action over hundreds of years. This represents a form of structural injustice that has evolved over time, from shameless chattel slavery in the early 1600s to the legalized segregation of the Jim Crow era beginning in the late 1870s, to present day inequalities. These long-standing inequities are evident in their access to education, employment, and legal justice. This constitutes a historical-structural injustice that continues to shape present realities. Nuti (2019, p. 44) explains historical structural injustice (HSI) as ‘unjust social-structural processes enabling asymmetries between differently positioned persons, which started in the past and are reproduced in a different fashion, even if the original form of injustice may appear to have ended’. She further claims that injustice is structurally reproduced over time, not just a series of past wrongs (p.3). This means that we must consider past and present injustices as the *same* injustice because present day inequalities are the result of the ongoing structural reproduction of injustice, rather than isolated historical events (Butt, 2021, p.4). Nuti emphasizes that injustices are actively reproduced by systems, and do not just passively exist (ch.3). These injustices influence economic, social, political, and ideological aspects of the individuals’ lives, functioning as long-term structural elements. The structural injustice (SI) experienced by African Americans is classified as historical-structural injustice because it is the continuation of slavery, segregation, and marginalisation. This group was historically denied equal rights and less respect in society, resulting in dramatic differences between their life outcomes and that of white Americans. Today these disparities are evident in many areas, not the least of which are access to quality education and disproportionate incarceration rates.

Structures have been intentionally shaped by the state to systematically disadvantage African Americans in the United States. From 1619 until 1865, the state legally enforced slavery while countless individuals actively violated the human rights of enslaved people. In 1885, those in positions of power possessed the ability to change the system and correct unjust structures, but deliberately failed to do so. As Angela Davis (2003 p.29) explains, ‘The southern states hastened to create a criminal justice system that could legally restrict the possibilities of freedom for newly released slaves. Black people became the prime targets of a developing convict lease system, the Black Codes, referred to by many as a reincarnation of slavery.’. During the Reconstruction era (1865-1877), laws were modified to systematically constrain the rights of Black people (Nuti, 2019). This led to the emergence of the Jim Crow laws from 1877 to the 1960s, which enforced discriminatory policies such as racial segregation in nearly every aspect of life including schools, bathrooms, public transportation, parks and restaurants. During segregation and the Jim Crow era many African American children were denied access to education, and when permitted, it was systematically inferior to that provided to white children. As a result, the U.S. government effectively maintained African Americans at the bottom of the socioeconomic food chain. By the end of the 1960s, the Civil Rights movement had successfully led to the dismantling of many of these laws (Library of Congress, 2025). Legal segregation was abolished and formal discrimination against African Americans was banned. They could no longer be turned away from employment, public education, housing or any other formal institution (The Civil Rights Movement, n.d.).

However, African Americans continue to be affected by historical structural injustice (HSI) today, as past discriminatory laws created harmful stereotypes that associate Black people with criminality. These narratives were intentionally constructed to justify the legal segregation

and ‘differential treatment’ of Black communities, effectively leading to the ‘criminalisation of race’. According to Nuti (2019 p.36), ‘Many stereotypes were originally and systematically deployed to justify historical injustices, such as the segregation of and violence against certain groups.’ After the abolition of slavery, laws were modified to constrain the freedom of Black people by making them work for low wages or for free to pay debts, which then caused them to have debts. When African Americans were ‘forced by their new social situation to steal to survive’, the state turned petty thievery into a felony (Davis, 2003, p.33). ‘The Mississippi Black Codes, for example, declared vagrant ‘anyone/who was guilty of theft, had run away [from a job, apparently], was drunk, was wanton in conduct or speech, had neglected job or family, handled money carelessly, and all other idle and disorderly persons (Davis, 2003, p. 38).’ Thus, vagrancy was coded as a Black crime, one only punishable for Black people, and by incarceration and forced labor, sometimes on the very plantations that previously had thrived on slave labor.’ (Davis, 2003, p.29). Further, according to Davis (2003, p.31), ‘police departments in major urban areas have admitted to the existence of formal procedures designed to maximise the numbers of African Americans and Latinos arrested, even in the absence of probable cause’.

The state criminalised African Americans for being Black, a radical injustice, and caused stereotypes, a banal injustice, that have been a significant contributor to perpetuating long-term structural injustices. These stereotypes ingrained harmful norms, biases, and racist ideas about Black people into society. Historical stereotypes result in implicit bias that result in banal environmental structures, such as stereotyping, that sustain inequalities that lead to racial injustices such as police brutality and the over-carceration of African Americans (Nuti, 2019). This in turn results in limited educational and employment opportunities. Normalisation of negative stereotypes ‘create cultural schemas that orient our actions in relation to others and

make the structure of our social milieu seem right and natural' (Nuti, 2019, p.36). For example, according to Nuti (2019, p39), 'African American men without criminal convictions tend to have the same chances of being called for an interview as white men with a criminal record with an identical resume.' This is especially true if the interviewer is a white man. This is due to harmful stereotypes that Black people are unclever, idle, unreliable and impulsive.

Criminalising the race causes a domino effect of banal and radical injustices. One such 'radical' injustice was 'redlining', a government-backed practice that systematically denied Black people access to housing and mortgage credit. According to Gross (2017), the practice of redlining emerged after the Great Depression in the 1930s when the U.S. government needed to mitigate a housing shortage, and assess mortgage risk. The federal Home Owners Loan Corporation (HOLC) graded residential areas based on the perceived 'riskiness' of providing mortgages to various areas. This process is widely considered to be a 'state-sponsored system of segregation'. Neighborhoods deemed too risky for mortgages were marked red on maps, hence the term 'redlining'. A team of scholars from four different universities created a map of redlining in the US, and provided the reasoning for each grade the HOLC gave. They discovered that this process was largely based on racial profiling, as entire cities were marked green or yellow and only the Black neighbourhoods were marked red with the reasoning being: 'Infiltration of: Negroes.' 'A B-grade neighborhood in Richmond, Va. reads 'Respectable people but homes are too near negro area''. 'At the same time, the FHA was subsidizing builders who were mass-producing entire subdivisions for whites - with the requirement that none of the homes be sold to African-Americans' (Gross, 2017). The HOLC prevented African American neighborhoods from receiving mortgages, thus keeping home ownership out of the reach of most Black families. Overall, a combination of the actions of the HOLC, FHA, and private banks

determined the property values and therefore property taxes for these areas remained low, leading to underfunding of local schools and public services. This illustrates Nuti's conception of how environmental structures reproduce HSI, because redlining is a direct result of racial bias against African Americans, which has now turned into a more radical form of injustice in the form of poor schools and lack of public services. Because U.S. schools are almost exclusively funded by local property taxes, wealthier areas have more money while schools in poorer areas struggle (Young, 2011). Marginalised communities such as African Americans are often restricted to poor areas as a direct result of HSI. Living in a poor area means an underfunded school ensures African American children will have a lower quality of education with larger classes, fewer resources, and less experienced teachers as a result (Turner et al., 2023). This shows how criminalising the race leads to banal discriminatory practices (bias), which lead to more radical injustices such as segregation.

This raises the question of the obligation to address discrimination that African Americans face. To do this, we must begin with Young's Interactional (liability) Model, which determines the moral and legal responsibility of the perpetrators. This approach states that a person is responsible for harm if they caused it knowingly and voluntarily. This is a backward-looking approach, with the goal of achieving justice through reparations (Young, 2011, ch.4). This approach is crucial when discussing *historical* structural injustices (HSI), but fails to identify the exact perpetrator in this case because we cannot attribute the same blame to present individuals who passively benefit from the structure as we can for past individuals who may have engaged in more radical forms of injustice. Past individuals committed their crimes knowingly and voluntarily and are therefore responsible for reparations according to the liability model. Present individuals benefit from the structure and are responsible for these actions that

reinforce banal and radical injustices, but are not responsible for the creation of them. I suggest that Nuti's concept of structural debt is perhaps more fitting in the case of African Americans because it attributes responsibility to past and present instead of only the past.

Nuti discusses the concept of structural debt in *Injustice and the Reproduction of History* (2019, ch. 4) stating that every institution and individual person has moral and political responsibility to address unjust structures and the consequences of them, regardless if they are directly responsible for their creation and continuation. More specifically, she contends that structural debt refers to an ongoing injustice that is embedded into structures, and therefore considers both the past and present in her analysis. Additionally, through the use of Nuti's theory on banal and radical injustice, many individual people and institutions have racial biases and stereotypes as a result of these structures. These theories transform suggested policy recommendations into a moral issue.

This section aimed to define HSI and justify that the case of American Americans is a HSI though outlining a brief history of their treatment within the governmental structure. I then explained how African Americans are still affected today as discriminatory laws criminalised their race. This criminalisation, a radical injustice, caused many more banal injustices to occur, such as stereotypes and racial bias which lead to more radical injustices that hinder their educational opportunities, such as redlining and school funding equity. To further understand how exactly limited educational opportunities influence the over-carceration of African Americans, we must understand the role of the Gun Free Schools Act in the School to Prison Pipeline.

3. The School to Prison Pipeline

According to American University (2021), the school to prison pipeline refers to practices and policies that disproportionately funnels students of colour from school discipline systems into the criminal justice system. This phenomenon can be clearly traced back to the 1980s and 1990s, particularly with the rise of zero-tolerance policies and the passing of the Gun Free School Act (GFSA) of 1994. Prior to this period in the 1990s, school suspensions were relatively rare. The GFSA mandated zero-tolerance policies which contributed to mass incarceration in the U.S. because it mandated a one-year expulsion if a weapon is brought to school². Meanwhile, this act made way for harsher punishments, primarily in the form of school exclusion with suspensions and expulsions, for less serious behavioural incidents. In fact, in the period following the passage of the GFSA, less than 10% of these suspensions and expulsions were related to weapons, meaning that U.S. schools saw a dramatic increase in students being suspended, expelled, and even arrested for school behavior that previously would result in the school contacting parents (Brand, 2015). This is because the GFSA was enacted on the federal level, and many states added additional student discipline concerns to warrant court referral, such as, willful defiance, drug possession, or fighting (Zatynski, 2019).

Interestingly, schools in rural areas and small towns were suspending children at five and six times the rates of big urban cities like Chicago and San Francisco. The Gun Free Schools Act expanded the reach of the criminal justice system into education, greatly increasing the number of students being referred to law enforcement and effectively making *school behaviour*, even disrespect toward a teacher or classroom disruptions, punishable by *law* (ACLU, 2018). From 1973 to 2010 suspension rates in the U.S. nearly doubled, with Black students consistently being

²Education is mandatory under the age of 18 in the US. If a student received a one-year suspension, the state provided alternatives such as home schooling, tutoring, or online lessons (20 USC 7961: Gun-Free Requirements, 2015).

suspended at higher rates than any other group (Leung-Gagne et al., 2022). In the 2013-2014 school year nearly 14% of Black students received one or more out-of-school suspensions as compared to only 3.4% of white students (National Center for Education Statistics, 2019). This disparity in school discipline is known as disproportionate discipline, which describes the phenomena in which students of color, specifically Black students, are far more likely to receive harsher punishments than their white peers (American University, 2021, King & Miles, 2000). It is clear that disproportionate suspensions are not isolated incidents, but rather manifestations of normalised and systematic racial bias into the education system. Disproportionate discipline is a vestige of the same historical and structural inequalities embedded in the education system, as previously discussed. It has led to African American children missing five times more school days due to suspension (American University, 2021) and contributed to a significantly higher number of non-white students - some as young as five years old - entering the criminal justice system (Hacker et al., 2022).

This raises an important question: Why are African American children disciplined more harshly than their white peers? Research by Gregory & Fergus found that African American students often experience weaker relationships with their teachers largely due to a lack of culturally responsive teaching and the presence of implicit bias, which can further alienate them from the school community (Gregory & Fergus, 2017). Research has shown that implicit bias leads to Black students being perceived as more defiant or disruptive than their white classmates, even when exhibiting similar behaviors (Gilliam et al., 2016; Okonofua & Eberhardt, 2015). When schools fail to have consistent expectations, Black students are disproportionately disciplined, usually with exclusion like suspensions and expulsions, which reinforces harmful stereotypes (U.S. Department of Education Office for Civil Rights, 2014). What may seem like

isolated behavioral incidents, easily blamed on one ‘bad’ student, are symptoms of deeper systemic issues. Without an organized and concerted effort on the part of a school to establish and teach consistent expectations as well as a focus on building community and relationships, schools risk perpetuating the same inequalities they hope to overcome.

According to the American University (2021), ‘Students who miss 15 days of school in even a single year are seven times more likely to drop out of high school.’ Missing school due to suspension directly decreases academic performance and increases the probability of a student dropping out. A lack of a high school diploma significantly increases the risk of unemployment, poverty, and poor health outcomes (Hjalmarsson et al., 2015). These consequences further entrench the impacts of an unjust system on marginalised communities and perpetuate the cycle of poverty.

In 2008, the American Psychological Association convened a task force to examine the effects of zero tolerance policies on children in schools. They reviewed 10 years of research to determine whether these policies have made schools safer and determined that, ‘Zero tolerance has not been shown to improve school climate or school safety.’ (American Psychological Association, 2008). Despite this, zero tolerance policies remain attractive to educators and members of the public because it offers the illusion of immediate improvement - removing a disruptive student can temporarily calm a classroom. However, studies have shown that zero-tolerance policies have the opposite effect than what was intended, worsening student behavior and contributing to the school-to-prison pipeline (Graves, 2007). Mayer (1995) found that schools with high rates of punitive discipline, like detentions, suspensions, and expulsions, also report higher levels of truancy, dropout, vandalism, and aggression. When students are excluded from class due to misbehavior, they fall further behind academically, become more

disengaged and experience strained relationships with teachers and staff. Instead of correcting behavior through instruction and support, zero-tolerance policies and the use of exclusionary discipline perpetuate a harmful cycle that pushes students, especially those already marginalized, out of educational settings and towards the criminal justice system.

Nuti's (2019) theory of radical and banal injustices demonstrates how the emergence of zero-tolerance policies allows for banal bias and stereotypes to drive the reconstruction of past injustices in radical form. Instead of addressing the root causes of misbehavior, most U.S. schools rely on exclusionary discipline, like suspensions and office referrals, to try to curb behavior problems but usually end up exacerbating them. The school to prison pipeline raises grave concerns for the future of its victims and the U.S. as a whole. As Davis powerfully writes, 'When schools value discipline and security more than knowledge and intellectual development by teaching children, schools prepare them for prison' (Davis, 2003, p.38). This quote encapsulates the grim reality that many people of colour are facing. The United States has faced scrutiny for having an education system that mimics prison structures, while nurturing little learning and growth.

This section aimed to explain how policies like the GFSA have contributed to the over-incarceration of African Americans by limiting educational opportunities and reinforcing racial bias. It is imperative to understand how HSI and lack of access to equitable education contribute to incarceration rates, and how education can be used as a preventive measure for the over-carceration of African Americans.

4. How Lack of Education Contributes to Incarceration Rates Among African Americans

The U.S. education system represents a continuation of HSI due to banal actions that result in radical injustice, for example processes such as the school to prison pipeline, redlining, or school funding being based upon property taxes. This paragraph aims to convey the importance of education in relation to incarceration rates, and suggests utilising educational services to reduce the over-incarceration of African Americans.

4.1 Incarceration Rates

The U.S. has the highest incarceration rate in the world. The US's prison population represents 20% of the world's total number of imprisoned people, despite the U.S. general population making up 5% of the world's total population (Davis, 2003. p11). To put this into perspective, each individual U.S. state has higher incarceration rates per capita than most other nations (Widra, 2024). This poses the question: Why does the USA have such high incarceration rates? It wasn't always this way. The U.S. prison population has grown over 500% in the last 40 years which cannot be accounted for by an increase in crime (Davis, 2003, ch.5). When the United States has enacted policy changes such as zero-tolerance policies for drugs and weapons, it had a similar effect to when schools began to use zero-tolerance policies (American University, 2021). At the same time, the U.S. has embraced for-profit prisons which benefit from increased prison population³.

In effect, The Gun Free School Act both fuels and funds U.S. prisons. Predictably, the structural reproduction of injustice explains the systematic perpetuation of racism in the US. Not

³ Private prisons are run by a company that is contracted by a government agency. They run for profit, and are paid per prisoner. Government agencies are given a prisoner quota and they pay a fine to the company that owns the prison if they fail to fill it with inmates (Davis, 2003).

coincidentally, the areas of the United States with the highest incarceration rates are the very same as those in which slavery, Jim Crow, and segregation thrived, namely Mississippi, Louisiana, Arkansas, and Oklahoma (Leins, 2016). This suggests that cultural racism and discrimination caused African Americans to be limited in their ability to exercise their capacities, and therefore struggle to gain employment, which can lead to a prison sentence due to many factors, such as how financial instability can cause someone to turn to crime, or because the social networks of the undereducated tend to be linked to criminal activity (Virginia Commonwealth University, 2015). This reflects the structural reproduction of unjust history, and suggests that African Americans are funneled into the criminal justice system through banal forms of injustice rooted in historical wrongs, such as racial bias, which fuels radical systemic policies and procedures such as racial profiling, over-policing and discriminatory sentencing (Nuti, 2019).

This subsection aimed to establish that the abnormally high incarceration rates of African Americans in the U.S. is a result of the HSI they have faced over time, and the school to prison pipeline⁴. It asserts that the GFSA both fuels and funds prisons as it funnels children into the criminal justice system through banal and radical injustices.

4.2 Education

There are many factors that lead to people going to prison, such as low socio-economic status, trauma, mental health issues, and living in an abusive home environment. A main factor is lack of education, because a low level of education will lead to fewer job opportunities and often a lower average income. Research has shown how if an individual lacks education and a

⁴ This is not to assert that this is the only cause of the abnormally high incarceration rates, it is also due to other factors such as the U.S.'s private prison model.

diploma, they are far more likely to experience poverty, health problems, and to spend more time in prison (American University, 2021). This increases risk of crime because low education level, causing poverty, leads to individuals struggling to support themselves, which can lead to the person engaging in criminal activity, such as theft, to earn money (Dicks, 2024). According to Sheehan (2018), 65% of men and 59% of women who are incarcerated do not have a high school diploma. Compared to the general population who are *not* incarcerated, 17.2% of men and 16.5% of women don't have a high school diploma. Each year of school a person completes makes them 15.5% less likely to be incarcerated, (Hjalmarsson et al., 2015).

Education is an ideal site in which to address the moral issue of structural debt because schools often reproduce HSI through discipline gaps, racial bias, and underfunding. African Americans are particularly vulnerable to this phenomenon of low level education linked to criminal activity, largely due to the HSI committed against them. This history of educational inequality in the United States contributed to the disastrous emergence of the School to Prison Pipeline. The Gun Free Schools Act (GFSA), the federal policy which fuels the School to Prison Pipeline, is a large factor in increased minority incarceration rates. Increased suspensions and expulsions decrease the amount of time spent in school while increasing experience in the criminal justice system. 'I have seen the population of U.S. prisons increase with such rapidity that many people in Black ... communities now have a far greater chance of going to prison than of getting a decent education.' (Davis, 2003, p.94).

Education can be used as a tool for restorative justice as a corrective solution to combat the effects of the HSI and the school to prison pipeline. According to Hjalmarsson et al. (2015), in school, students are taught skills such as forethought and planning, indicating that educated

people become more careful and less impulsive. This teaches young people to consider the consequences of their actions and how they may affect their lives. This is because people with education are more likely to be surrounded by other educated people who are less inclined to commit crimes due to social norms or due to necessity (Chloupis & Kontompasi, 2025). Additionally, high-quality education also enhances students' sense of agency, self-worth, and belonging, protective factors that are especially important for students from marginalized communities. In this way, education serves not only as a personal resource but also as a social equalizer, capable of interrupting intergenerational cycles of poverty and incarceration (Virginia Commonwealth University, 2015). Education also provides long-term structural benefits. This means that over time, marginalised communities will heal because education increases access to employment opportunities, financial stability, and civic participation, all of which reduce the likelihood of contact with the criminal justice system (Virginia Commonwealth University, 2015). This section aimed to convey how the U.S. prison system is a continuation of HSI, and introduced education as a solution for the over-incarceration of African Americans.

5. Policy recommendations: Using education as a preventative measure for incarceration rates

Many African Americans in the U.S. can report facing discrimination in education, employment, and law (Anderson, 2019). Perpetuated by the school to prison pipeline and HSI, they have been trapped within the criminal justice system from birth. Dismantling the school to prison pipeline would begin to undo over a century of HSI towards African Americans. Since zero-tolerance policies have been proven to be ineffective and ultimately damaging to school environments, there is an urgent need for a different approach to school discipline. While there are many areas to improve to fix these issues, this section will focus on using education for the prevention of the school to prison pipeline. Davis (2003, p. 108) wrote that ‘Schools can be seen as the most powerful alternative to jails and prisons. Unless the current structures of violence are eliminated from schools in impoverished communities of color - including the presence of armed security guards and police - and unless schools become places that encourage the joy of learning, these schools will remain the major conduits of prisons. The alternative would be to transform schools into vehicles of decarceration.’ Education can be used to resist the racist system and achieve justice. It is my contention that a focus on the school to prison pipeline offers an effective pathway for shifting norms and reducing biases about marginalised communities.

To address HSI’s such as this, we first must de-temporalize this injustice and recognize that this is a continuation of the *same* HSI as slavery, and understand how these structures contributed to today’s injustices and ingrained it into society in order to achieve lasting, effective change (Nuti, 2019). According to Maeve McKeown (2021), in order for HSI to achieve lasting, effective change we must first recognise that, ‘remedies must be sensitive to unjust history to avoid reproducing it.’ (McKeown, 2021, p.4). For example, the HSI committed against African

Americans demonstrates how norms can persist over time, which in turn cause increased violence against them. One must understand how long-standing structures influence the conditions under which people are treated. It is important to ‘question processes that significantly contribute to creating conditions of vulnerability and threats of domination but are usually largely unchallenged and left unscrutinised by an exclusive focus on institutions (Nutti, 2019, p. 120).’ I suggest, ensuring high quality academic instruction regardless of neighborhood or school funding structures (funding inequity), establishing clear school discipline policies with accountability, training school staff to reduce the effects of implicit bias, and implementation of both Positive Behavioral Interventions and Supports (PBIS) and Restorative Justice into schools.

5.1 McIntosh: PBIS and Restorative Justice

Research by McIntosh et al. (2014) highlights that we need a multicomponent approach to achieving educational equity and eliminating racial disparity in school discipline. This includes high quality academic instruction regardless of neighborhood or school funding structures (funding equity), clear policies with accountability, training for school staff in reducing effects of implicit bias, and implementation of Positive Behavioral Interventions and Supports (PBIS). According to Laura Mooiman, (2020), the two most effective research-based programmes for preventing problem behaviour and improving school climate in schools are: Positive Behaviour Interventions and Support (PBIS) and Restorative Justice. While they are separate approaches, each achieves positive results using different methods. Restorative Justice is widely used because it focuses on building community and relationships as a foundation in a school. In a Restorative school, students are involved in making the rules so they are more likely to understand, agree, and follow them. When misbehavior occurs, a restorative approach often

takes the form of circles, where the student who caused harm comes together with those affected and together they discuss what happened, how people were impacted, and what needs to happen to make things right (Mooiman, 2020). The child learns that they are not a ‘bad kid’, but rather that their actions have consequences that they can take responsibility for. Instead of being punished, which usually leads to anger or shame, the student is involved in the decision-making process, making them more open to reflection, learning and lasting behavior change. According to the *European Forum for Restorative Justice* (2024), restorative practices in schools help to promote diversity and inclusion by making students feel safer in their schools.

The other evidence-based school climate and behavior program is Positive Behavior Interventions and Supports (PBIS). PBIS embraces the idea that consistency in expectations across a school is key to achieving positive school-wide behavior. Instead of assuming ‘kids should know by now,’ in a PBIS school all of the adults agree upon the expectations and teach them directly to students regularly throughout the school year. When students demonstrate positive behaviors, they are given acknowledgement through a positive reinforcement system. When misbehavior occurs, instead of punishment, it recommends re-teaching of the expectations and the provision of interventions to help the child not engage in that problem behavior again.

Both PBIS and Restorative Justice, when implemented consistently across the school, yield reductions in problem behavior, improved school climate, and overall increase in the wellbeing of students and teachers, creating lasting, and effective change. Riestenberg (2003) found that practicing restorative justice consequently resulted in a 57% drop in disciplinary referrals, and a 45-77% drop in suspensions. According to Morgan (2021), incorporating restorative justice into schools has been found to reduce the effects of the school to prison pipeline. Mooiman (2020), found that by combining *both* PBIS and Restorative Practices a

school can experience an impressive 60% drop in problem behaviour in the first year. With both programs, a focus is on positive relationships, clear shared expectations and strong bonds with the school community. PBIS and Restorative practices give us positive ways to address problem behaviour in a manner that greatly reduces problem behavior and most importantly, promotes prosocial behavior, therefore avoiding students' early introduction to the criminal justice system.

This solution addresses HSI because the disproportionate discipline of African Americans is not an isolated problem, but rather a consequence of past radical injustices such as segregation, Jim Crow, redlining and more. This caused Black people to gain the reputation for criminality which influenced others to have racial bias against them, a banal injustice. PBIS demonstrated a structural intervention that reforms school environments to help children who face racial bias and discrimination. The implementation of PBIS into schools addresses HSI through eliminating racial bias among students and staff, and therefore disrupting one of the most prominent patterns of disadvantage for African Americans. This will begin to undo centuries of structural injustice because racially motivated disproportionate discipline is a result of the criminalisation of Black people, and this addresses the collective responsibility to improve the system through requiring collective action from those who benefit from the unjust system.

5.1.1 Implementing school discipline policies with accountability

Research supports the idea that positive behavior thrives in schools that support children and their families and build a community where everyone feels they belong (McIntosh, 2014). To take McIntosh's multicomponent model as a foundation for change, a strong first step is to create clear school discipline policies with accountability. This should begin by dismantling harmful policies like the Gun Free School Act (GFSA) of 1994 which has been proven to be ineffective at

improving safety and has contributed to the school to prison pipeline. The GFSA legislature includes no oversight for suspending and expelling children for reasons other than possession of a weapon, meaning that there is no protection for kids being expelled for reasons such as willful defiance. While the use of Restorative Justice practices help to stop this, it does not stop a school from using suspensions as a weapon for social control. McIntosh instead calls for both a Restorative Justice and legislative procedure to mitigate the effects of the school to prison pipeline. I propose that the government should legislate and prevent the exclusion of students as a disciplinary measure. In practice, this means that school would be legally obligated to justify the suspension, and a ‘bad attitude’ would not be sufficient anymore. This will help to keep children in school, and reverse the effects of the school to prison pipeline (McIntosh et al. 2014).

Many states such as California, have already moved away from zero tolerance policies, requiring schools to use ‘other means of correction’, prior to suspending or expelling a student from school (California Education Code (EDC) § 48900.5). These alternatives include evidence-based approaches such as Restorative Justice and Positive Behavior Interventions and Supports (PBIS). The next step towards implementing McIntosh’s multicomponent model would be the provision of **implicit bias training** for all school staff to reduce racially-motivated punishments, including office referrals, suspensions and expulsions, and by extension, referrals to the criminal justice system.

This solution helps us to further address HSI because the new legislature will prevent the continuation of racist structures because it would disrupt these patterns of children of colour being excluded from school due to ‘willful defiance’, and legally protect children of colour from senseless school expulsion.

5.1.2 Funding Equity

As mentioned above by McIntosh (2014) the delivery of high quality academic instruction is essential to reducing disproportionate discipline in schools. Ensuring high quality academic instruction regardless of neighborhood or school funding structures is a crucial step towards equality. A major issue in the U.S. education system is funding inequity, which serves as a barrier to high quality instruction. Because U.S. schools are funded almost exclusively by local property taxes. This means their children attend underfunded schools with larger class sizes, fewer materials and resources, and less experienced teachers (Turner et al., 2023). This disparity contributes to the cycle of poverty as these students have fewer opportunities and less knowledge in general.

I suggest that the U.S. needs to change school funding systems to promote equity using federal oversight rather than local. Countries like Finland use this method of equal school funding across the country because they have a strong emphasis on their value that ‘every school is a good school’ (*Funding in Education*, 2024). This way, wealthy children go to school with poor children. Increased access to high quality education will likely result in an increased average income for the African-American population, and reduce recidivism rates by 43% (Davis et al., 2013). I propose that school funding become a federal issue, and all schools are allocated a proportionate amount of funding regardless of the race or neighborhood of their students.

This solution directly addresses HSI because school funding inequity is a direct result of it. Outwardly racist ideologies caused African Americans to be considered a ‘risky’ investment, which caused them to not be provided mortgages, and therefore have low property taxes, causing them to have underfunded schools. Enacting equality in property taxes is a great step towards

equity overall. It addresses Nuti's concept of HSI because they will begin to undo centuries of structural injustice. Addressing funding inequity, such as redlining and school funding being based on property taxes causing marginalised groups to be disadvantaged in their access to quality education. With average higher levels of education, people are less likely to be impoverished, engaged in criminal activity and have better health. It gives them more opportunities in life.

5.2 Opposing views

Some might argue that educators should not be held responsible for crime rates, and I agree, but addressing the school to prison pipeline isn't about placing blame. It is about recognizing the wider structural conditions that cause schools to function, unintentionally, as gateways to the criminal justice system, or as Davis (2003, p.39) memorably puts it, 'prep schools for prison'. Further, this would address HSI because we have a shared obligation to reverse the effects of poor education on the active reproduction of unjust history according to Nuti's concept of structural debt. Some can argue that equal funding does not mean that the schools will suddenly provide equal opportunities to all students. I agree, it would be naive to believe it can fix everything. I propose equal funding as a crucial first step towards positive and sustainable change. Another potential opposing view is that PBIS and Restorative Justice are too lenient when it comes to misbehaviour. I would combat this through asserting that PBIS replacing exclusion with accountability, and they do not require students to go unpunished. Restorative Justice and PBIS have been found to be the most effective systems at the moment, reducing recidivism far more effectively than zero-tolerance policies.

This paragraph aimed to provide insightful and research-based approaches for how to address HSI and the school to prison pipeline through recommendations regarding public education, including addressing school funding inequity, implementing Restorative Justice and PBIS in schools, creating clear school discipline policies with accountability, and providing implicit bias training for all school staff to reduce racially-motivated punishments.

Conclusion

This dissertation explores the relationship between historical structural injustice experienced by African Americans, educational inequities, and incarceration rates. In section 1 I utilised various theories on structural injustice to establish a theoretical background that properly demonstrates how imperative it is to understand exactly how structures shape social, legal and infrastructural norms, and the consequences of the norms that these structures reproduce. These theories include Nuti's theory on structural debt and radical and banal reproduction of unjust history. I argued that people of America owe a moral and political structural debt to African Americans for their collective responsibility for allowing the persistent and systemic injustices they have endured over time. This led to a discussion of historical structural injustice (HSI), where I first defined the concept and demonstrated how the experience of African Americans qualifies as a case of HSI. I then outlined a brief history of how structures have influenced and limited the lives of American Americans over time from slavery to the present day. I explain how social systems have been profoundly altered to the disadvantage of African Americans, and go on to discuss how HSI continues to harm them today, particularly through the government's long-standing pattern of criminalising Black identity. I explain how this criminalisation, a radical injustice, caused many more banal injustices to occur, such as stereotypes and racial bias which led to more radical injustices that hinder their educational opportunities, such as redlining and school funding equity. Next, I lay the foundational knowledge relevant to understand the school to prison pipeline, and how the GSFA makes school behaviour of a child punishable by law. I explained how this provides disadvantaged children from marginalised communities an early introduction into the criminal justice system, and how it stems not only from structural factors like the GSFA, redlining, and school equity, but also from the disproportionate impact of these

structures on students of colour through systemic racial bias. I explained how the exclusion from school as a punishment for misbehavior only perpetuates the cycle of poverty because less education results in reduced opportunities later in life. In section 4, I transition from the theories and background knowledge and demonstrate how the U.S. prison system is a continuation of HSI. I address how the U.S. has the highest incarceration rates in the world and attribute this to the private-prison model and school to prison pipeline, among other factors. I then demonstrate that parallels between slavery and imprisonment are no accident, but a willing decision to use prison as a method for punishment and remediating crime. Then, I establish that today, African Americans are funneled into the criminal justice system through banal forms of injustice rooted in historical wrongs, such as racial bias in schools, which fuels radical systemic policies and procedures such as racial profiling, over-policing and discriminatory sentencing (Nutti, 2019). In section 4.1, I draw a connection between the over-carceration of African Americans and these factors, highlighting how racial stereotypes of criminality and the lasting consequences from other HSI's they have faced make them far more vulnerable to involvement in the criminal justice system. I then suggest the crucial and effective solution of increasing access to and quality of public education to minimise the effects of HSI. In section 5, I introduce policies to prevent the school to prison pipeline, including the establishment of more accountability in disciplinary policies, the implementation of PBIS and Restorative Justice to manage problem behaviour and improve school climate, and restructuring the funding system to be allocated federally instead of locally. This way, instead of funding being based upon property taxes, it becomes a federal responsibility to ensure schools are allocated funding more equitably.

The limitations of this dissertation include that there is no mention of the current political state of civil rights in the U.S. under the Trump administration. This is due to the

administration's limited efforts to improve educational equity or advance policies that promote equal access to high-quality schooling as evidenced by the dismantling of the federal Department of Education. The current administration has promoted policies that would reduce federal support for public education and promote alternatives like private and charter schools, which have been shown to exacerbate educational inequities. There are also no recommendations addressing areas other than education. There are of course other ways to address the HSI experienced by African Americans in their educational opportunities and incarceration rates when considering factors other than education. Another limitation is that Nuti's theory of structural debt emphasizes collective responsibility for addressing injustice, however this dissertation attributes policy recommendations primarily to the U.S. government. While the U.S. government has institutional power to enact systemic change, there are other community-led resistance efforts that can help in the improvement of the legacy of HSI for African American people. Other possible limitations include the lack of concept of reparations for the HSI committed against African Americans, and use of a specific case study to illustrate the lives of impacted communities. Last, a limitation to this dissertation is that it could have included how education can be utilised in prisons to rehabilitate criminals and reduce recidivism rates. I suggest that my dissertation can be used to further research on HSI in African Americans in this manner. A study conducted by the U.S. Sentencing Commission found that re-offenders often had a socio-economic disadvantage, such as unemployment, paired with a low level of education or poverty, and that this turned the offenders back to crime as a means of supporting themselves. Out of the people that reoffended, 60.4% had no high school diploma, compared to the 19.1% that did, which was a driving factor of unemployment, poverty and crime (Hunt and Dumville,

2016). If prisoners were educated, they would be more able to achieve employment after release and become successful and productive members of society.

In conclusion, the relationship between the HSI experienced by African Americans in education and their disproportionate incarceration rates reveals a deeply troubling manifestation of the long-term effects of systemic racism. HSI, starting with slavery and manifesting into today's structural inequalities, causes profound disadvantages in educational opportunities. These poor educational opportunities hinder their opportunities later in life and are a driving factor in the high incarceration rates of African Americans. The relationship between these factors is cyclical, meaning that radical injustices feed banal injustices, and vice versa. We must therefore address a driving causal link in order to disrupt this reproduction of unjust history. I suggested we have a political and moral duty to address this HSI, and that education can serve as a preventative measure for the school to prison pipeline. While education alone cannot solve all of the complex issues rooted in HSI, it represents a critical step towards greater equality and lasting change.

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