

## Second Chance and the Human Right to Learn

Ragnhild Utheim

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### Article abstract

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# Critical Education

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## *Second Chance and the Human Right to Learn*

Ragnhild Utheim

*Purchase College, The State University of New York*

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### **Abstract**

*This article substantiates the need for consolidated government support and coordination of postsecondary correctional education in the United States. Using the case of New York as a point of entry to critically examine the human right for all to learn and transform with dignity — including millions of people languishing in prisons under mass incarceration — the author situates the history of higher education in prison within a dynamic network of education providers that emerged across the state. The analysis contends that withholding the right to learn violates a basic human right to (inter)personal growth, and that freedom to learn is fundamentally debased when education embedded in meaningful human relations — absent exploitation and predatory practices — is foreclosed. As such, the threat of fully online modalities and delimited education content comprise a form of censorship that undermines the true value of embodied and diverse learning experiences, with particular ramifications for people in prison.*



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## Introduction

In December of 2020, news about impending collaboration between Ashland University and New York State Department of Corrections and Community Supervision (NYS DOCCS) spread across the New York Consortium for Higher Education in Prison (NY-CHEP). The consortium had learned, quite incidentally at a routine meeting, that the Ohio-based private, religious university would be offering online, tablet-based college courses to Pell-eligible students in four New York prisons. As an expansive coalition of collaboratively engaged colleges, universities, and non-profits from across the state —dedicated to ensuring equitable, quality higher education for people in prison – consortium members were stunned that the State had not called on their shared wisdom, collective resourcefulness, and long *durée* in the field when making such a substantial decision. Doing so, it seemed, was barely an afterthought.

The rich and vibrant community of teachers, students, tutors, counselors, administrators, academic researchers, political activists, and policy makers that comprise this network<sup>1</sup> mobilized around concerns over the detrimental impact this development could have for higher education in prison. Among the concerns is the changing landscape of education and pedagogy generally, as ed-tech and online learning assume stronghold, and the threat this poses to transformative learning embedded in meaningful human relations. Access to education grounded in human relations and restorative praxis is particularly important for students in prison, because of their isolation from family, community, and the wider world. Another high-ranking concern involves the advance of private education industries into corrections, and the exploitation of a fundamental human right among people in captivity. In the United States, education injustice has coalesced with the profound criminal (in)justice crisis currently confronting the nation. At the core of the trepidation expressed by many New York consortium (NY-CHEP) members is a shared overall belief in every human's right to meaningful education, and the essential role of accessible quality education for maintaining a just, democratic society.

This article critically engages the human right for all to learn and transform with dignity, including the millions of people confined within, or returning from, prisons under mass incarceration. It attempts to render more visible the systemic entanglements that have consolidated wealth and power under carceral governance, while dispossessing the public of their fundamental right to education. As Henry Giroux (2014) has argued, “neoliberal ideology, values, and social relations become ... difficult to name, understand, and challenge” the more they are normalized (p. 178). The analysis explores the “difficult to name and understand” aspects of a neoliberal dystopia that have converged at the crossroads of corrections and education, with unfolding implications for higher education in prison. That a private, conservative educational institution like Ashland University was able to swiftly capitalize on reinstituted Pell grants for students in prison (a.k.a. Second Chance Pell), is emblematic of the broader neoliberal project to discipline and privatize all things public.

Before narrowing in on the case of New York as a lens through which to explore education justice in the era of mass incarceration, I contextualize penal governance and the corporatization of education within the contours of neoliberal restructuring. Operating at the intersections of education and criminal justice, neoliberal transformations have come at the expense of poor and working poor communities in particular and have disproportionately criminalized Black and

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<sup>1</sup> Many who ultimately joined forces to formally create the New York Consortium of Higher Education in Prison (NYCHEP) in 2015.

Brown people. I next ground the history of higher education in prison within the dynamic network of education providers that emerged across New York state, and where the precipitous partnership between corrections and Ashland University gust into public view at the close of 2020. In deliberating the importance of education justice for all, the culminating sections focus on two key themes in particular: freedom from predatory practices that exploit human vulnerability (students in prison), and access to learning embedded in meaningful human relations.

To be clear, the article does not seek to examine the particulars that distinguish different education sectors (primary, secondary, tertiary), but rather to draw parallels that elucidate the broadscale reconfiguring of public education across tiers, as part of neoliberalism. The need to reclaim accessible (affordable) public education is at a critical crossroad, as we reckon with the enormous cost of mass incarceration and struggle to maintain a functioning democracy. I argue that the right to lifelong learning and human capacity for growth through meaningful education necessarily exist in social context, and caution against foreclosing learning embedded in human relations. Social interaction and human connection –upon which generative knowledge accumulation and learning builds – takes on distinct meaning for people with limited access to the social world. As an untapped frontier of neoliberal restructuring, the threat of corporatized, streamlined online college-in-prison programs that seek profit from a captive audience, fundamentally distort the purpose and potential of education, and substantiate the need for consolidated government support and oversight of postsecondary education in prison.

### **Penal Governance and the Corporatization of Education**

The alarms that sounded regarding the fight for higher education in prison (HEP) in New York cannot be detached from the broader neoliberal political landscape that has corporatized, privatized and militarized education over the past half century, nor “quintupled ... [the] rate of incarceration” (Travis, 2013, p. 4). The rise of neoliberal capitalism and penal governance is a marriage of convenience manifest by proliferating industries that now profit from both corrections and education (the prison and education industrial complexes). Inside prison facilities, this marriage of convenience attracts private enterprise with vested interest in prison retail contracts: commissary operators, money transmitters and technology companies, to name a few (Raher, 2020). The burgeoning private prison industry includes infamous telecom companies that connect people who are incarcerated with the outside world, at inflated prices. They stand primed and ready to peddle lucrative online learning platforms for college-in-prison purposes.

Efforts to establish the rightful place of higher education in prison have gained momentum as mass incarceration unfolds into the twenty-first century and demands for criminal justice reform intensify. We know the figures too well. The United States cages close to 25 percent of people in prison worldwide, despite making up no more than 5 percent of the global population (Vera Institute of Justice, n.d.). Human investment gaps in spending on education versus incarceration are vast, particularly in select states. Overall, 15 states across the country spend an average of \$27,000 more per person in prison than per student –across primary, secondary and tertiary public schools (Ash, 2019). As the frontrunner, California state invests \$64,642 per person in prison, compared to \$11,495 per student, for a total education-incarceration spending gap of \$53,147 per person, and a grand total of US\$8.6 billion in prison spending every year (Ash, 2019). New York comes in second, pouring \$69,355 per incarcerated, compared to \$22,366 per student. Such senseless distribution of public monies has been at the core of movements fighting to reverse the destructive trajectory and human misery of mass incarceration.

In short, over the past four decades or more, the United States has witnessed a draining of taxpayer dollars away from public services aimed at improving human life and livelihoods – including education – toward policing, surveillance, and punishment (Camp, 2016; Gilmore, 1999; Hamaji et al., 2017; Parenti, 2008; Smith, 1996). Neoliberal redirecting of taxpayer funds has benefited the wealthy through broadscale deregulation of the economy, adjustments to the tax structure, mounting austerity measures in the public sector, and a push to privatize. This restructuring has had dire consequences for Black and Brown communities in particular, but also poor and working poor White rural communities (Harvey, 2007; Mauer, 2006). Analyzing the flows of monies retrospectively makes it difficult to understand the upward redistribution of wealth as anything other than a gross subsidization of the upper and elite classes by the middle class, working class and working poor.

Amid these shifts in public spending structure, the carceral state emerged and now comprises a prison industry of “more than 4,100 corporations, and their government conspirators, that profit from the incarceration of mothers, and fathers, and nieces, and cousins, and grandparents ...; a system built on bleeding people and communities of their resources, and then even further exploiting their devastation” (Worth Rises, 2021, p. 1). According to The Prison Industry report, a new prison or jail was constructed every 8.5 days between 1984 and 2005, a period that marked the most aggressive boom in U.S. prison expansion (Worth Rises, 2021). The political economy of mass incarceration reveals that 70 percent of this growth in corrections occurred in rural communities struggling with unemployment, compelled by “exaggerated promises of economic prosperity” (Worth Rises, 2021, p. 2). Needless to say, this is perverse economic planning and a grotesque rationale for prison expansion.

Little by little, neoliberal privatization has encroached upon public sectors that we, as a people, long preserved as our collective rights and responsibilities. For industries that prove resistant to outright privatization, the “public funding, private management” mantra has come to denote a backdoor entrance to corporate reform (Barkan, 2018). Moored in the controversial public-private partnerships that reconfigured primary and secondary public education in various neighborhoods, for instance, are charter schools that became battlegrounds for privatizing education (Barkan, 2018; Lipman, 2011). Financed by voucher programs that reroute public funds to privately operated schools in the name of ‘choice’, they essentially pilfered monies from the public sector while undermining democratic governance. A growing number of scholars, teachers, and advocates are deeply troubled by the erosion of quality public education over the decades — across all sectors of education – all while policing and punishment extended its iron grip (Cox, 2013; Fabricant & Fine, 2012; Giroux, 2014; Hamilton & Nielsen, 2021; Lipman, 2011; Ravitch, 2010).

Corporatized market logic has increasingly usurped public education; its leadership besieged by lawyers and business professionals who often have minimal expertise in the field of education (Ginsberg, 2011). A vast private education industry has flourished intact with the neoliberal trend toward “employing market principles across school systems” (Lipman, 2011, para. 8). The political economy of neoliberalism and global liberalization of trade effectively “opened up education, along with other public sectors, to capital accumulation...” (Lipman, 2011, para. 9). Lipman (2011) explains that “schools, education management organizations, tutoring services, teacher training, tests, curricula online classes, and franchises of branded universities are now part of a global education market” (para. 9). In the United States, a morass of subcontracted private industries is currently eating away at the edges of education.

Stepping back, the corporatization of education further entails an insidious form of investment or tax rebate known as venture philanthropy, finessed by a “billionaire boys club” in the K-12 sector (Ravitch, 2010) and the “Ivy League cartel” in higher education (Haselby & Stoller, 2021). The tendency for philanthropic organizations to funnel vast sums of wealth to established, well-endowed universities in particular, has been referred to as philanthrocapitalism (Baltodano, 2017). Philanthropic investment in private postsecondary education stands in egregious contrast to the starving of public universities and colleges. It essentially constitutes a form of resource redistribution among an exclusive, wealthy elite (Haselby & Stoller, 2021). The ascendancy and dominion of private education institutions, alongside rising rates of prohibitive tuition, have proved devastating for young graduates, who are saddled with the largest student debt crisis ever witnessed (Giroux, 2014; Johnson, 2019).

Chronic underfunding and privatization of education have had dire consequences in terms of aggravating social segregation and inequity (Walker, et al., 2016). A growing commentary around the state of U.S. higher education specifically expose widening asymmetries in resource distribution and quality between (as well as within) public and private institutions (Hamilton & Nielsen, 2021). The premier public University of Michigan and its ‘One University’ campaign, for example, spotlights disparities of a segregated system that allocates a “tiny portion of the financial resources available” to campuses that disproportionately serve marginalized students, compared to their flagship counterpart (Hamilton & Nielsen, 2021, p. 96). Such inequities in resource allocation and education segregation are not limited to the state of Michigan or contemporary times, but instead confirm an age-old “tale of two schools” in America (Hamilton & Nielsen, 2021, p. 25).

Despite the steady stream of equity statements and education justice talking points circling the halls of higher education, and our moral responsibility to commit resources to the “most economically and racially diverse student bodies” (Hamilton & Nielsen, 2021, para. 2), education segregation proves exceedingly persistent (Cox, 2013; Kozol, 2006; White, 2015). Haselby and Stoller (2021) explain that in recent years, elite universities in the United States have continued to gain ground in world rankings, despite the diminishing human development index<sup>2</sup> of the nation as a whole. Highly esteemed in the minds of most, these premier postsecondary institutions have continued to consolidate wealth among an exclusive cadre, propping up elite access to opportunity by way of a fundamentally undemocratic education system. The contradictions between progressive calls for justice and equity across privileged institutions, while maintaining “an existential commitment to meritocratic [sic] exclusion”, has created a dissonance that has yet to be clearly articulated in the public imagination (Haselby & Stoller, 2021, para. 18). Although the size and rank of a university like Ashland is no match to top tier private institutions, their unfettered ascendancy within prison higher education reflects the broader neoliberal enabling of education privatization, while accessible public education continues to erode.

Eroding investment in public higher education in particular has effectively rendered the United States a “gilded meritocracy” that hoards “wealth and privilege to private institutions at the expense of public democratic ones” (Haselby & Stoller, 2021, para. 9). False notions of ‘meritocracy’ essentially comprise a rigged, corporatized system through which the restructured neoliberal economy filters, while catering to the alluring frills that student ‘customers’ expect in

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<sup>2</sup> United Nations Human Development Index (HDI). The HDI assesses human development criteria beyond economic growth alone (i.e., healthy life, knowledge, decent standard of living).

return for soaring tuition prices. In many respects, higher education has transformed into a system of bureaucratic blight, as colleges clamor to enhance glamorous services and amenities in a competitive market where looming demographic shifts threaten their ‘consumer’ base (Haselby & Stoller, 2021; Ginsberg, 2011). Any such superfluous trappings are, of course, lightyears adrift from the realities of learning and teaching inside prison. All things glamorous aside, higher education in prison herald expanded opportunities for privatized education to exploit a literally captive market, who typically have limited, if any, options for furthering their postsecondary education.

In sum, over the past half century a cascade of factors has converged to corrode away at the public goods we once shared in common. The steamroll of neoliberal restructuring has diverted public resources from education across tiers (primary, secondary, tertiary), with notable impact for higher education at a historical juncture when living wages increasingly demand postsecondary degrees. All the while, predatory practices of for-profit institutions and the burgeoning surveillance and ed-tech industries have made steady headway into education, corporatizing and militarizing learning. Once an outlier representing activists, advocates and radical scholars operating at the margins of mainstream thought, the prison abolition and education justice movements have gained considerable traction in the past decade. Their cogent message has weaved its way into the public imagination: decarceration is not a utopian call to simply dismantle unjust systems, it is about envisioning alternatives and building support structures that enable communities and families to grow and flourish; to live healthy, productive and fulfilling lives (Davis, 2011; Kushner, 2019).

The right to education —for the incarcerated and nonincarcerated – is a crucial component in the support structure that enables humans to flourish and fulfill their potential. Nowhere is the need to reclaim public education —as the bulwark of a functioning democracy – more patent than at the intersections of corrections and education. Amid the failures and devastation of carceral rule, I argue that withholding the right to learn not only violates a basic human right to personal growth and equal opportunity, but also repair and healing from the harms inflicted by mass incarceration. The human right to learn, grow and heal, however, is fundamentally debased when reduced to corporate transaction and exploitation of human vulnerability, or if learning embedded in meaningful human relations is foreclosed. Before narrowing in on these central tenets of education justice, the following section situates the struggle for higher education in prison within the particular case of New York state.

### *Fighting for Higher Education in Prison: The Case of New York State*

The important link between education inequity and incarceration was recognized by United States policymakers as early as 1870, when the American Correctional Association Congress first endorsed support for education inside prisons (Ryan, 1995). Since this time, prison education — particularly postsecondary prison education – has involved a convoluted ebb and flow through tumultuous political terrain and shifting public perception. The introduction of federally funded Pell grants in 1972 (and the Tuition Assistance Program in New York two years later) signaled a groundswell for higher education in prison nationwide. The number of college programs expanded from a mere 12 in 1965 to 772<sup>3</sup> by 1990 (McCarty, 2006). Higher education in prison programs came to an abrupt halt two decades later however, when the 1994 Violent Crime Control and Law Enforcement Act passed (a.k.a. the Crime Bill). According to the Prisoner Reentry Institute (PRI),

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<sup>3</sup> conflicting numbers exist for this figure, with the Prison Reentry Institute (2019) citing 350 in 1994.

enrollment in New York plummeted from 3,445 students at 25 prison-based college programs, to 256 students at four college programs (2019, p. 24).

In the time since 1994, New York State has emerged as a leader in the fight for college-in-prison, paving the way as a model of collaborative struggle and solidarity building among varied representatives: people in prison and their families, university faculty and administrators, churches, synagogues, mosques and community organizations. One of the early college-in-prison programs to rise from the ashes of the Crime Bill was Bedford Hills Correctional Facility. PRI (2019) reports that when the Crime Bill closed the doors of the Bedford Hills College Program, students mobilized to restore higher education in their facility, “leveraging their strong relationships with residents in the Westchester County community” –where the prison is located (p. 25). As the result of hard work and coordination, and broad support –including support of the then superintendent – the college program at Bedford Hills reopened its doors in 1997. What emerged was a collaborative model through which a consortium of regional universities offered college instruction, with Marymount Manhattan College at the helm as the degree-granting institution.

Additional facilities followed in the footsteps of Bedford Hills to reestablish college-in-prison programs in New York state, supported by private philanthropy, non-profit organizations and regional higher education institutions. Despite enormous setbacks and debilitating barriers thus, and the near evisceration of programming in the wake of the 1994 Crime Bill —barring people in prison from using Pell grants – New York State college-in-prison programs persevered. In recent years, programming has regained lost ground and currently consists of 15 college programs in 25 facilities (Prisoner Reentry Institute, 2019). Though such comparatively anemic programming may seem like vestiges of prison higher education in its heyday —when college programs across the State totaled 70 and enrolled approximately 3,000 students in prison (Prisoner Reentry Institute, 2019) – it is testimony to the solidarity, strength, and relentless resolve of those who rose to fill the void.

The conglomeration of postsecondary institutions cooperating with NY-DOCCS today number over 30. Programs follow a variety of models that PRI (2019) classify into three main categories: (1) stand-alone programs that provide college courses delivered by one institution; (2) consortium programs, with colleges collaborating under the leadership of a primary consortium member institution; and (3) programs managed by nonprofit organizations not accredited as higher education institutions, but that coordinate courses provided by accredited institutions. Consortia programs comprise the lion’s share of college-in-prison across the state, enrolling 66 percent of students in prison (Prisoner Reentry Institute, 2019). Operated by a lead higher education institution or nonprofit organization, they coordinate education on behalf of multiple participating colleges and include: Hudson Link for Higher Education in Prison, the Bedford Hills College Program, the Cornell Prison Education Program, and the Mohawk Consortium.

Higher education in prison as currently structured is a cumbersome endeavor, but not from lack of want or will among invested stakeholders. The intersections of two highly complex state departments —corrections and education – each with their own (often contradictory) mandates and directives, make coordinating learning inside prison facilities a formidable challenge. Constraints at various institutional levels within each department further complicate delivery. Programs “differ based on the individual policies, practices, and needs of the specific prisons and the individual policies, practices, and capacity of educational institutions” (PRI, 2019, p. 30). Factors related to a facility’s security designation, space availability, institutional leadership, and overall culture



impact operations. The administrative support that host institutions invest also have direct bearing on overall programming, including faculty compensation, provisioning and maintenance of supplies, student recruitment and retention, program advocacy, and liaising with DOCCS. As one might imagine, paperwork and clearance procedures drain great amounts of time.

Overall, the vibrancy of organizing to safeguard and expand generative learning possibilities for and with people in New York prisons is humbling. Those committed to the transformative power of education behind prison walls have nurtured unique and dynamic communities of teaching-learning, inquiry and imagination. Universities as far-ranging as Union Theological, Sara Lawrence, Cornell, Rochester, Columbia, Fordham, Vassar, and more, alongside the City and State University of New York (CUNY, SUNY) campuses, travel into prisons across the state to build spaces of radical possibility; to engage in difficult and enlightening dialogue. Together, students, faculty and tutors read chemistry, learn statistics, write poetry, study history, theology or the social sciences, and convene study groups. In collaboration with program staff and DOCCS, they organize conferences, graduations, art exhibits, and read-arounds.

Many of the faculty who regularly enter prisons to teach, do so out of a deep commitment to our common humanity —no matter who we are or what our mistakes – in hopes of transformation and betterment; in hopes that as a society, we may achieve more meaningful and socially responsible lives through learning together. Sharing their coveted time and energy, often on a voluntary basis or as contingent labor earning less than minimum wage, faculty and staff commit to extra classroom preparation, travel, and clearance processes in order to move in and out of prison facilities. These practitioners and professionals have, for years, respectfully honored the endless, often incomprehensible, and seemingly arbitrary rules that dictate their movement, operations and existence inside prisons. They have worked side-by-side with correctional officers and prison administrators, learning to know them by name and personality, and investing great effort into maintaining good relations.

Why on earth, one wonders, would the State opt to entrust a private, out-of-state institution, with no experience working inside New York prisons, with public tax dollars, when there is an expansive public university system in place (SUNY, CUNY), working in collaboration with acclaimed non-profit regional universities. New York’s consortium of educators, scholars, service providers, administrators, and advocates (NY-CHEP) have held strong in their commitment to advancing postsecondary education that is responsive to the needs and challenges of people in prison; to the collaborative partnerships and academic expertise that have made college in prison possible across the state, against all the odds. They watched askance as the state funneled federal tax dollars to support external, private business –with no apparent investment in supporting state residents and local communities – all without consulting long-standing college-in-prison programs throughout the New York region.

Suspiciously symptomatic of the broader neoliberal project to restructure all facets of life and drain public assets we hold in common to the private sector, this public-private partnership at the crossroads of criminal justice and higher education understandably ignited outrage. Yet as Cornel West lucidly explains, “the wholesale commodification and bureaucratization of higher education makes it difficult to put the focus where it belongs” (Alvarez, 2021, para. 6). The neoliberal project has “wormed its way into and reshaped our minds and our cultural, political, and economic institutions ... including universities” (Alvarez, 2021, para. 9). It goes without saying that the expansive prison industrial complex renders higher education in prison particularly vulnerable to predatory practices. The alignment of private prison industry, the corporatization of

higher education, and the State shapes a complicated public-private partnership (P3) poised to play out on the higher education in prison stage. In efforts to shed light on the neoliberal dystopia that has converged at these intersections, the remaining discussion examines the human right to education and freedom to learn with dignity at the dawn of Second Chance Pell.

### **The Human Right to Education and Freedom to Learn with Dignity**

In the early 1990s, Jonathan Kozol's landmark publication *Savage Inequalities* (1991) documented the race and class disparities in public education across various states. Illuminating the gross inequalities that continue to disadvantage underrepresented minorities in the United States, Kozol argued that racial segregation and education apartheid is alive and well. Political pushback against education access for all has a long lineage, reaching back to times when "the alphabet [was] an abolitionist" (Harper's Weekly, 1867). The landmark editorial published in Harper's Weekly in 1867 addressed the relationship between literacy and enfranchisement, and the deliberate undermining of education access by defunding public education. Recent efforts by conservative legislators to block racial justice instruction in public schools (i.e., critical race theory; The New York Times 1619 Project) is yet a manifestation of White supremacy's relentless roots—dating historically to enslavement and the significance of literacy and learning for abolitionism. Contemporary education segregation has congealed with criminal (in)justice to create a school-to-prison pipeline (S2P), reinforcing a central theme in Michelle Alexander's (2010) seminal *The New Jim Crow*: that mass incarceration is not a system of crime prevention or rehabilitation, but a system of "racial and social control." School pushout and public school defunding have become a rallying cry in national campaigns like "counselors not cops" or "schools not prisons", and reveal the racial underpinnings of a tightly entangled education-incarceration nexus under late capitalism.

Cast in modern-day context, abolitionist education and learning is not simply beholden to literacy (learning to read and write), but to critical thinking, theoretical analysis, reflexivity, and ability to question the status quo (Giroux, 2020). These indispensable building blocks of learning become an impossibility if academic and civic freedom to collectively appraise, critique, debate, subvert, resist and reimagine a plurality of perspectives are prohibited. But all this amounts to little if access to education and collective learning is out of reach for swelling swaths of people in the first instance—including millions of people confined in captivity. Amid the controversy over how to teach ugly historical truths, a recent Rethinking Schools (2021) editorial begs the question of what to answer when students

... look around at the vast inequalities apparent in every corner of their daily lives—where the wealth of a typical White family is 10 times that of a typical Black family, where a Black person is three times as likely to die in childbirth as a White person, and where African Americans are five times as likely to be in prison as their White counterparts – and ask ... why is it like this? (para. 5)

The restoration of Pell grants for incarcerated students is a watershed development in the plight of much needed criminal justice reform and education justice. It will enable countless human beings in prison an avenue toward successfully reintegrating into society and their communities, once released. But it also potentially opens the floodgates for neoliberal corporatization to patronage commodified postsecondary education in prison and exploit the disproportionate vulnerability of Black and Brown people to predatory finance (Hamilton, 2019). Federal tax dollars earmarked for students in prison should not become prey to the exploitation that education

privatization and for-profit industries have demonstrated over the past decades (Kozol, 2007). As strategic institutions that are central to the existing structure and (mal)functioning of our society moreover, corrections and education are both answerable to the public, particularly when government funded aid is involved.

The inroads made by a private out-of-state conservative, religious university into taxpayer funded postsecondary prison education, using federal aid, raise important questions about education as a public right. Concerns regarding the quality and intent of Ashland University's expanding carceral programs have surfaced from inside private prisons in particular (i.e., in Georgia), where they capitalize on federal Pell monies to fund college courses, but care less about "actually educating people, advocating for the completion of courses, or helping ... students with reentry needs" (Hager, 2020, para. 31). The fight to defend education for all—including higher education for students in prison—begs better understanding of the complexities that entrench education, corrections and the private sector, and the threats their alignments pose to a just democracy. The following subsections explore the surreptitious dimensions of neoliberal rule at the dawn of Second Chance Pell, with focus on two key themes of education justice: the right to learn free from exploitation, and freedom to learn embedded in human relations.

### *The Right to Learn Free from Predatory Practices*

Kozol's famed "Big Enchilada" (2007) forewarned of an impending assault on public education. Earmarked the next public sector that would fall prey to big business, he described it as the "largest market opportunity since health care services were privatized during the 1970s" (2007, para. 7). Just as the healthcare industry extracts enormous profits based in our human need for health and well-being, education has increasingly become a market that exploits the need for credentials when pursuing living-wage employment. As noted above, education corporatization has facilitated a system of resource distribution that disproportionately privileges private institutions. The expanding virtual footprint of a private, religious institution across corrections can be contextualized within the broader neoliberal reforms that allowed charter (parochial, private) schools to replace public schools in many neighborhoods, and a private education (ed tech) industry to flourish (Barkan, 2018; Fabricant & Fine, 2012; Kozol, 2007; Lipman, 2011).

Inside prisons, as elsewhere, the education-industrial complex threatens to align corporatized efficiency with misguided notions of pedagogy and learning. Despite broad recognition that trained teachers comprise a crucial component of quality education for instance, they are being replaced by cost-effective virtual learning and standardized lessons that rely on limited instructors, with limited expertise (Walker et al., 2016). It is difficult for seasoned educators to perceive the expanding presence of Ashland University in prisons as detached from neoliberal efficiency and corporatization (Barkan, 2018; Fabricant & Fine, 2012; Kozol, 2007; Lipman, 2011). The university's college-in-prison programs by and large operate entirely on tablets, and although they self-classify as a nonprofit institution, it is worth noting that their devices and online services are procured from companies that fuel a swelling for-profit industry (Singer, 2012).

Ashland University's rise within corrections did not come to be without "a hefty dose of criticism" (Morona, 2021, para. 6). In New York specifically, letters of complaint circulated regarding "how an evangelical, mostly White school in the Midwest could be adequately responsive to the diverse population behind bars in New York" (Hager, 2020, para. 34). The

university has been described as “a giant in America’s prison education landscape” that now operates in more prisons than any other college (Morona, 2021, para. 6). Located in 10 states and the district of Washington, D.C., the majority of Ashland’s college-in-prison programs are fully online: they offer on-site instruction in 5 facilities, compared to 72 facilities where instruction is remote (Alliance for Higher Education in Prison, n.d.). Between 2016 (when the Second Chance Pell pilot was introduced) and 2020, the university’s college-in-prison program “brought in more than \$30.4 million” (Morona, 2021, para. 6). Their enrollment doubled between 2017 and 2018, despite their shrinking traditional, full-time student population (Morona, 2021).

As a private higher education institution making steady virtual headway into the world of corrections, Ashland University contributes to the tightening union between corporations and government agencies known as public-private partnerships (P3s). Such partnerships have enabled private prison industries to blossom. The “explosion of small[er] privately held firms ... [that] have sprung up to monetize basic every-day life” inside prison facilities, include telecommunication companies ready to capitalize on the ed-tech needs of student customers in captivity (Raher, 2020, p. 5). Lauded for their fiscal ingenuity in financing public assets and infrastructure, public-private partnerships of this sort —across education, corrections, et cetera — resemble more the ‘iron triangle’ that political scientists warn against when invoking wealth and power consolidation in the United States, however. The concealed alignments between government bureaucracy, special interest groups, and congressional committees that shape iron triangle politics allow corporate enterprise (e.g., prison retailing, ed-tech industry) to influence the policy-making process and maximize their gains.

Iron triangle politics inform understandings of *industrial complex* more broadly —in its various iterations (i.e., military, prison, education, surveillance). Concerned with the insidious, antidemocratic dynamics through which corporate power was solidifying, President Dwight Eisenhower first coined the term *military-industrial complex* to capture the “nebulous, unelected, and politically unaccountable forces” driving U.S. policy decisions (Loveless et al., 2017, p. x). The concept (industrial complex) has since been applied to analogous corporate-government alignments that concentrate wealth and power through private industry (i.e., within corrections or education). Combined, these alignments configure the nexus of neoliberal corporate control across the most fundamental institutions and bedrock of society: the military, law enforcement, surveillance, criminal (in)justice, and education. Machiavellian manipulation of wealth and power of this sort is objectionable on moral grounds, but also comes at great cost to the public.

A decade ago, the New York State Comptroller’s office sounded the need for caution when inserting profit motives into the cost equation of public goods. The financial risks associated with public-private partnerships (P3s) are numerous. Among them are excessive fees and unnecessary expenses that burden the public, short-term financial solutions that simply push infrastructural costs to the future, and an overall “short-changing” of the public by devaluing the assets we hold in common (New York State Office of Comptroller, 2011). Within U.S. corrections, such P3 risks are exacerbated by a disturbing lack of accountability and oversight. As the only democracy in the world with no independent authority for monitoring prison conditions, U.S. corrections has come under increasing newsworthy scrutiny (American Civil Liberties Union, n.d.). This troubling lack of oversight and public transparency leaves higher education in prison particularly susceptible to the predatory practices of corporatized education reform, not the least of which implicates censorship amid growing concerns over academic freedom.

On guard to streamline protected virtual learning systems within institutions infamous for their autonomous rule, private prison companies (telecom and ed-tech) risk further compounding the “academic-military-industrial complex” and iron triangle (Giroux, 2014, p. 48). Digital connectivity and virtual learning rollout is a dream come true for many who teach and learn in prison under spartan conditions, but only if the intent truly is to improve education access and quality. The fear is that streamlining protected (surveilled) market-based learning management systems –free of charge to the state – will come at the expense of predatory prices and diminished learning experiences for students. Such education privatization and P3 ventures into prison education exploit the human need for people in prison to remain connected to the world, and to maintain intellectual stimulation, inspiration and motivation as they live out long tough-on-crime sentences.

Profiteering from people’s imprisonment, and their need for contact with those they love, has intensified in recent years. In 2020, eleven states had signed tablet contracts with private telecom companies to provide services to incarcerated people, a sharp increase from just three years prior (Finkel & Bertram, 2019). The Prison Policy Initiative has investigated public records of companies that exploit a captive audience “while enabling prisons to cut essential services like law libraries” (Finkel & Bertram, 2019, p. 1). Part of the hidden costs of “free” tablets and “no-cost” contracts include bundled services that gouge people in prison and their families through inflated loading fees, money transfer fees, messaging fees, media fees, and debit card fees (Bertram & Wagner, 2018). In New York specifically, the private Securus Technologies company JPay signed a contract with DOCCS to provide 52,000 people in prison with “free” tablets, projecting an estimated profit of almost \$9 million over 5 years. At one point the company seemed poised to potentially take over the state prisons’ banking system, despite offering services rife with exploitative ploys (Bertram & Wagner, 2018).

In sum, people in prison have far more to both lose and gain in the transition to digitized versions of learning, by virtue of their isolation from the world and expanded or diminished access to both knowledge diversity and face-to-face human relations. The morally bankrupt business of exploiting vulnerable people aside, predatory tech practices further threaten to displace the embodied experiences and human interpersonal relations from which deep, transformative learning emerge. If COVID-19 has taught us anything –beyond the gravity of widening inequities worldwide – it is the mixed results of digital learning for under-represented minority (URM) students in particular (U.S. Department of Education, 2021). Virtual technology without doubt allowed us to preserve important facets of work, life and communication, but not always evenly. Moreover, it has yet to invent asynchronous modalities that compare in meaning and value to real-life relational education. The following subsection expounds on this significant ingredient of lifelong learning.

### *The Right to Learn Embedded in Human Relations*

Ashland University’s pronounced objective of providing higher education to all people – and thus reducing rates of recidivism – is suspect considering their expanding online presence across corrections. There is little documentation of the impact that distance learning –deprived of embodied human interaction – has for people in prison, when compared to face-to-face learning. Evidence suggests that the rewards of higher education for people in prison to a large degree implicates the social interaction, collaboration, and positive human connections that (face-to-face) classroom learning facilitates (Boyce, 2019; Evans, 2018; Fine et al., 2001; Goodey et al., 2019).

Such findings confirm the important link between cognitive, intellectual understanding and human relationships, grounded in real-life social settings. Extant research reveals that ‘informal’ classroom interaction and the routine unstructured encounters that students engage in with diverse peers (inside and outside classrooms) comprise an invaluable element of learning (Gurin, 1999; Gurin et al., 2002; Gurin et al., 2004; Hurtado 2005).

It is questionable that lone tablet learning –absent the social interaction that face-to-face communities of learning provide – will make feasible these vital, socially embedded aspects of knowledge acquisition. As important as any type of credentialing is for widening access to opportunity among people in prison, limiting the full potential that in-person learning promotes within the broader scope of human relations, distorts and disparages the true value of education. More than two decades ago, findings from the study *Changing Minds* (Fine et al., 2001) in New York had already confirmed that “college-in-prison transforms the lives of students [in prison] and their children and promotes lasting transitions out of prison” (4). Featured throughout the publication are testimonies of the profound impact that the college program had, based in its vibrant communities of learning (Fine et al., 2001). It is doubtful that the growth and transformation documented would have been the same without the human connections and psychosocial support that embodied learning through face-to-face relationships nurture.

Research has accumulated on the importance of human interaction, diversity experiences, and interpersonal relations for learning. Building on foundational theory of cognitive and developmental psychology (Piaget, 1975; Ruble, 1994), a growing body of literature suggests that “informal *social interaction* with peers from diverse backgrounds challenge students’ familiar cognitive frameworks” (Utheim, 2020, p. 8, *italics mine*), which in turn not only stimulates active thinking and provides important opportunities to practice interactive skills, but hones ability to navigate conflicting perspectives (Gurin et al., 2002; Gurin et al., 2004; Hurtado, 2005). Such findings reinforce additional studies linking cognitive development (a.k.a. learning) to ruptures in “familiar conceptual frames that interactions with diverse peers occasion” (Utheim, 2020, p. 27; Gurin et al., 2002; Roksa et al., 2017). All this is to underscore the importance of embodied social interaction for cognitive development, and for facilitating the disequilibrium (Piaget, 1975) needed to interrupt “mindless” (Langer, 1978) habitual thinking schemas.

At the root of transformative learning is a culture that encourages curiosity and creative imagination, independent thought, critical questioning, dialectic analysis, and above all, Socratic dialogue. These pedagogical anchors are traced to the education mandates of founding figures such as Jefferson, Mann and Dewey, and seek to engage the broader, socially responsive and civically minded mission of teaching and learning. Although they may contradict the monotony and control pervading everyday prison life, they are the fulcrum of enlightenment that enable humans to grow, restore, transcend, and become “productive citizens.” In short, they are the sort of dynamic processes you are unlikely to acquire through standardized lessons on a tablet, alone in a cell –or worse – a cubicle amid the chaos and distress of large prison units. Learning is not a clean and orderly transaction of vetted information, transferred from one person to another. It is relational, messy, unpredictable in effect, and intended to take students outside their customary comfort zone. The information diversity and cognitive dissonance that emerge from *engaging with* others who are different from ourselves is essential to expand understanding and integrate knowledge in new ways.

Well aware that the digital revolution and virtual access to knowledge is rapidly altering the landscape of learning, educators are legitimately weary about the potential adverse impact of

education technologies, particularly for students in prison. Lockard and Rankin-Robertson (2011) have argued that no matter how long the lag, the “real question is not *whether* prison education will adopt digital texts, online courses, and hybrid forms, but *when* it will adopt the global shift to digital formats and Internet distribution” (p. 30). To extend on this cogent observation, educators need to question when (and not if) but also *how* prison education adopts digitized learning, and toward what end. As this article chronicles, those long dedicated to providing quality education inside New York prisons were perplexed when an out-of-state, private university gained unprecedented online access within the state prison system. Given the current climate of education reform and corporatization, educators are concerned that the inroads of virtual education into carceral institutions represent a “trojan horse of capital” (McKenna, 2013).

There is little disagreement over the value that ed-technology can *add* inside prisons. The reasons for expanding its availability are manifold. It can improve delivery and learning through computer-aided supplemental tutorials and access to digital resources. Online learning management systems can facilitate flexible and self-paced instruction in response to individual needs. When properly integrated, virtual learning can enhance communication flows between students and faculty, faculty and staff, and student peers. In prisons where in-cell devices are available for instance, “students have been found helping each other navigate platforms and troubleshooting” (Incarceration Nations Network, n.d., p.13). Moreover, tech literacy and training is essential if we hope to “reduce the academic and vocational skill gap between incarcerated and non-incarcerated individuals” (Chappell & Shippen, 2013, p. 24).

As such, this analysis in no way intends to deter people in prison from pursuing virtual learning opportunities. On the contrary, digital literacy is crucial for people in prison returning to a twenty-first century workforce. Their continued isolation from technology will only exacerbate the challenges they confront upon release. As educators have already noted, “national and sub-national strategies should be developed and implemented to ensure that there is ... consistent, secure infrastructure [in place] for connecting devices and making apps available so that learners of all abilities can access educational content” (Incarceration Nations Network, n.d., p. 16). Dependable and secure virtual connectivity becomes all the more pertinent during periods when prison facilities must close their doors to visitors from the outside (i.e., during the pandemic), or when classes are canceled. Yet digital learning cannot replace or compare to real-life learning, embedded in social interaction and meaningful relationships.

In sum, committed college-in-prison programs with a history of success have long entertained the improvements online connectivity would provide for teaching and learning inside prison facilities. Such virtual aspirations were never envisioned to replace face-to-face learning however, but rather to supplement and enhance program operations for students, faculty, and administrators working against many odds. The unparalleled access provided to a conservative, private institution –with its sweeping online prison education trajectory – gives pause. Despite their relative obscurity a few years ago, Ashland University’s reach across corrections is poised to expand further once Pell tuition proceeds are up for grabs in prison. Given the staggering scale and human cost of U.S. prison expansion, the burden is on us to create meaningful pathways for the millions affected to rebuild their lives. Reinstating Pell grants for students in prison represents a seismic shift in direction toward this end but must ensure that learning is not reduced to commodity or predatory practice.

## **Reclaiming the Great Equalizer, Behind and Beyond Bars**

Education, then, beyond all other devices of human origin, is the great equalizer of the conditions of men [sic] – the balance-wheel of the social machinery.

—Horace Mann, 1848

The struggle for higher education in prison and need for government accountability in providing education inside prisons, is at a critical juncture. Growing demands to address police brutality and criminal injustice; to defund the police and move toward abolishing the carceral state, has thrust criminal justice reform to the center of debate. The fight to decarcerate is a fight to bridge gaping gaps between justice and public health, justice and affordable housing, justice and well-paying jobs, and justice and education. This will take time. In the meantime, correcting the wrongs and repairing the harm of mass incarceration demands that we invest in the potential of people (while) in prison, so that they may better rebuild their lives and strengthen their communities when they return home. With the reinstatement of Pell grant eligibility for people in prison, the potential for education to bring about positive transformation for those caught in the mire of mass incarceration is immense.

As the cornerstone of workforce qualification and social mobility, postsecondary education has a demonstrated track-record of encouraging reintegrative success among the incarcerated. People who participate in education programs while in prison are 43 percent less likely to return to prison (Davis et al., 2013, p. xvi). Postsecondary degree completion in particular proves rewarding when measured in reduced rates of recidivism. This article argues that federal and state government must move toward recognizing –in words and deeds—the centrality of (higher) education in securing more equitable access to opportunities and decent livelihood among the masses, including people in prison. Education justice requires that government authority and leadership enhance coordination between public sectors (i.e., education, corrections) so that the prospects of everyday people in and beyond prison are improved. It requires assessing and redressing nonsensical and grossly unfair resource allocations within and between public and private industries, and between sectors of society. With the accelerating momentum of criminal justice reform over the past decade –including bipartisan support for reversing the Pell grant ban for people in prison – it is time to redirect flows of money toward repairing struggling communities across the country.

Amid the controversy over an expanding ‘academic-military-industrial complex’, wealth has consolidated in synergy with state disinvestment of public services –diminishing “even the country’s greatest public universities” (Haselby & Stoller, 2021, para. 17). While neoliberal austerity economics have exasperated inequalities over the past four decades, elite universities have continued to amass wealth and resources “year, after year” (Haselby & Stoller, 2021, para. 19). Sharing the vast, and for many unimaginable, wealth that has concentrated in the halls of well-endowed private universities, now more than ever, seems a duty that should not be left to discretionary goodwill. The vibrant public-private collaboration between HEP institutions and organizations in New York state serves as a positive model for sharing the responsibility to more equitably distribute resources, as we confront “the enormity of what we have done [and] ... harms we have caused” with mass incarceration (Travis, 2013, p. 4). In lieu of broad skepticism that public-private partnerships comprise alliances of convenience for free-market proponents of privatization however, and evidence that P3 reform strategies have aggravated deep divides across



race and class (Barkan, 2018; de Koning, 2018), we need to ensure that collaboration does not come at the expense of equity, quality, or proprietary infighting.

Writing for the Hechinger Report about the “grand challenges facing society”, Burns (2021) argues that colleges “pulling separately in their own direction won’t get us where we need to be” (para. 1). Foremost among the grand challenges are equality, social mobility and protecting democracy –for which widely available, robust education is indispensable (Burns, 2021). Put differently, education justice is a central issue of our time. As noble and needed as higher education in prison collaboration in New York state is, there is cause for concern as the ban on Pell grants for people in prison is lifted. Privy to the corporatizing agenda and predations of neoliberal precarity, Pell monies are ripe with opportunities for private industry to exploit a captive market and student “customers” in the battleground over federal funds. Reopening the doors to higher education in prison requires vigilance in the face of monopolizing corporate control, including tech-takeover. It is a prime reason why government officials and policy leaders have a responsibility to coordinate decision making, research program and instructional delivery options, compare cost-benefit analyses from a human needs perspective, confer with practitioners in the field, and above all, consult those whose lives political decisions depend on.

Any commitment to higher education in prison must, in the first or final analysis, remain a commitment to the needs, preferences, hopes and aspirations of students in prison themselves. For many students in prison (as elsewhere) postsecondary learning will fail to achieve its full potential if human relations, interpersonal connection, and sense of social (classroom) belonging are culled from the calculus. Moreover, the reinstitution of higher education in prison must plan and coordinate programming in response to particular issues that students and providers in prison confront. Among common concerns are unexpected transfers of people in prison between facilities (disrupting continuity of education), regulations that restrict students in prison from maintaining contact with program professionals post-release (a logical resource during reentry), and daunting censorship procedures that prohibit, delay or disrupt the delivery and pursuit of education in prison.

For students in prison who are unexpectedly relocated to alternate facilities, or who do not complete degrees prior to release, developing articulation agreements for transferring credits between institutions is high on the list of priorities. For students in prison who hope to complete degrees post-release, the prohibitive cost of college is another formidable obstacle. Unless private institutions are able and willing to fund scholarships for the volume of students returning from prison, public institutions provide a logical route for reducing cost. Lifetime limits on Pell grants further complicate the postsecondary education prospects and cost of tuition for students returning from prison. Beyond the devil in these details, the widening resource disparities between elite private institutions and those that serve a broader public, deserves more deliberate attention as part of education justice discourse. This includes articulating unsavory truths about the farce of a ‘meritocratic’ system that maintains segregation and education exclusivity – funneling wealth and power toward an increasingly select few, while criminalizing those left in the lurches.

Ganesh Sitaraman (2019) depicts the irrelevance and coming collapse of the neoliberal era, with its “wandering search for the future” and failure to provide any “plausible solutions” to the pressing problems we face (p. 56). Promoting only more of the same, the neoliberal project offers “no serious ideas for how to address the corruption of politics and the influence of moneyed interests in every aspect of civic life” – be this the media, politics and regulation, or education (p. 57). The crises unfolding across criminal justice and education are endemic to the broader flaws and miserable failings of the neoliberal project. Cornel West expounds on the implications for

higher education, where the “fundamental ... quest for truth, beauty, and goodness” are forsaken for the “pursuit of donor money, public image, and consumer reputation” (Alvarez, 2021, para. 4). Eclipsed by a fixation on “brand and market promotion”, the search for meaning, purpose and human fulfillment gives way to superficial discourse on important civic issues that “colleges and universities are reluctant to wrestle with” (Alvarez, 2021, para. 4). The result is higher education’s reduced role “as a critical counterweight to ... pervasive greed, conformity, and callousness” (Alvarez, 2021, para. 10), and as arbiter of social improvement.

As the great equalizer, education provides a promising pathway toward the foremost *collective* goals –inside and outside prison – of expanding opportunities, enriching lives and nourishing human flourishing. Inherently antithetical to commodification, these goals substantiate the need for education to remain an asset we hold dear and share in common. For students isolated behind walls and barbed wire –who hunger for human connection and communication with the outside world – this cannot foreclose the in-person opportunities that allow them to engage with and learn from faculty, each other, and even students outside. As a fundamental human right, education and learning while in prison offers people secluded from society the human connection and stimulus needed to maintain sense of purpose and human dignity. Education embedded in human relations, moreover, allow people in prison to stay connected with the discourse of the day. It offers a doorway to shifting worldviews, as years pass by, and the plurality of perspectives that make up our diverse society, so that they are better positioned to reenter social life when they return home.

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### **Author**

Ragnhild Utheim is an anthropologist (Ph.D. CUNY Graduate School) and department chair of the Liberal Studies program at Purchase College. She is currently Interim Director of the School of Liberal Studies. Her research interests and publications have focused on restorative justice, prison studies, higher education in prison, social and environmental justice, abolition pedagogy, and critical pedagogy more broadly.

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