

# **Challenges for Civic Education in the 21st Century**

By Jason L. S. Raia

earning to understand and appreciate the American experiment in democracy produces informed, responsible citizens. A solid civic education provides the civic knowledge, skills, and disposition to celebrate past national triumphs while acknowledging past national sins.

Citizens with a good civic education are able to be fully vested in our republic, to exercise, defend, and advance their natural rights—life, liberty, happiness (property), equality, justice, and security. But as Thomas Paine told us in *American Crisis*: "Those who expect to reap the blessings of freedom, must, like men, undergo the fatigues of supporting it." There may be broad agreement on the importance of civic education to maintain our free society, but there are plenty of challenges to overcome.

First and foremost, social studies education in general and civic education specifically have been marginalized over the last 40 years. The primary culprit for this marginalization is the 2001 No Child Left Behind (NCLB) law that implemented a testing regime focused mostly on reading and math.<sup>1</sup>

Regardless of one's opinion on highstakes testing, the simple truth is that subjects that are not tested (or are tested in a less rigorous way)—like history and government—are inevitably downgraded in importance. Schools that need to ensure that their students pass federally mandated tests for reading and math, to which federal education dollars and even jobs are tied, find extra instruction time by reducing or eliminating social studies classes.

A 2018 study from the Council of Chief State School Officers found that 44 percent of districts had reduced social studies instruction time at the elementary level since the implementation of NCLB.<sup>2</sup> This aligns with the Common Core State Standards that in 2010 focuses on English Language Arts (ELA) and mathematics; social studies is no longer a stand-alone

## <sup>The</sup> Judges' Journal • VOL. 62 NO. 2

subject but instead was integrated into the ELA standards.

With this approach, students might be assigned the Declaration of Independence as a reading comprehension assignment. Learning in isolation like this means students rarely come to understand this founding document for its contribution to American independence from Great Britain or how it would become a model for emerging democracies over the next two centuries.

What is lost is the historical context that a teacher trained in historiography brings or the focused instruction that lends a depth of meaning to the assignment. Though Common Core was controversial and ultimately was never adopted nationwide, its influence is still felt throughout the nation's schools.

It should be no surprise that the results of what little testing there is on history, government, and civics are abysmal.

The National Assessment of Educational Progress (NAEP), known as the "Nation's Report Card," according to the most recent testing of eighth graders, shows that civics scores are flat while history scores for high schoolers are down. Less than a quarter of eighth graders in civics scored "proficient," the highest mark NAEP records. For high school history students, proficiency dropped to 15 percent.<sup>3</sup>

The long-term effect of this decades-long shift away from civic education (including American history) is borne out by the Annenberg Constitution Day Civics Knowledge Survey, conducted annually. This past year only 47 percent of respondents could name all three branches of government, and one in four could not name any. Only 6 percent could name all five freedoms protected by the First Amendment.<sup>4</sup>

There are profound consequences to this civics illiteracy among Americans. "When it comes to civics, knowledge is power," said Kathleen Hall Jamieson, director of the Annenberg Public Policy Center of the University of Pennsylvania. "It's troubling that so few know what rights we're guaranteed by the First Amendment. We are unlikely to cherish, protect, and exercise rights if we don't know that we have them."<sup>5</sup> Social studies marginalization continues daily, even amid the noted widespread consensus on the value of civic education. Just in the last few months, a school board in Pennsylvania voted to reduce the high school social studies requirement from four courses to three—and this after three years of work realigning the curriculum.

Part of the argument for reducing the social studies credits required for graduation made at the school board meeting was that students would be able to pursue courses that would better prepare them for a career and participation in the workforce. This line of thinking completely misses the civic mission of schools. It favors producing workers over citizens.

The 2011 study *Guardian of Democracy*, sponsored in part by the ABA Division for Public Education, found that civic education is not just an isolated ideal but helps prepare students to join the workforce.<sup>6</sup> "Students receiving high-quality civic learning," the report states, "score higher on a broad range of twenty-first century competencies than those without."<sup>7</sup>

Another challenge to civic education today is the issue of language and how meaning can change according to the politics of the user. Even when we seem to be speaking about the same things, often we mean very different things.

In a groundbreaking Civic Language Perceptions Project by Philanthropy for Active Civic Engagement (PACE), researchers surveyed 5,000 Americans, focusing on their perceptions of 21 words commonly associated with democracy and civic education. The PACE study confirmed that "civic education makes a difference."<sup>8</sup>

"Unity" scored highest among both liberals and conservatives, and terms like "citizen," "liberty," and "democracy" had the lowest negativity rating. Other words like "patriotism," "activism," "social justice," and "privilege" were found to be more divisive.

More work must be done to find ways to bridge this linguistic divide, to discover a shared understanding of what it means to be an American in the 21st century. Only by focusing on that which unites us and learning to tolerate our differences can we continue to expand freedom for all. This is one of the key outcomes of quality civic education. It helps us learn to listen to others, especially those with whom we disagree, to consider their point of view, and to find common ground where possible, disagree where necessary, but always operate out of a sense of respect for others and their beliefs.

Preparing young citizens to be fully informed and engaged adults requires civic knowledge, civic skills, and civic dispositions. All three are necessary to cultivate the responsible citizens that our representative democracy requires.

Civic knowledge includes a fundamental understanding of our nation's history, our triumphs and our failures, the structures of our government and how they function, and the principles of freedom that sustain that system. Among the civic skills necessary are listening, speaking, thinking critically, collaboration, attaining and processing information, and the ability to engage and affect policy change.

Civic dispositions are the belief in our system of self-government, the common good, and the rights of others. Love of country—not the jingoistic love it or leave it idea—but one that acknowledges an imperfect human institution that continues to aspire to a more perfect union is at the core of these civic dispositions. Of the three, civic disposition is the most challenging to teach.



Jason L. S. Raia, a former classroom history teacher in Boston, is now chief operating officer at Freedoms Foundation at Valley Forge—a national education

nonprofit focused on the rights and responsibilities of citizenship. He also serves as president of the Pennsylvania Council for Social Studies and recently co-chaired the National Council for the Social Studies 2022 annual conference in Philadelphia in December.

## SPRING 2023 • The Judges' Journal

A couple of summers ago, Medal of Honor Recipient Melvin Morris—an African American Green Beret who served during the Vietnam War—demonstrated this civic disposition while speaking to a group of teachers in Valley Forge, PA. He was asked why, as a Black American who suffered racist abuse in Jim Crow America, would he have risked his life for that same country. Referencing the long history of Black Americans, including slaves, who fought in the country's wars, all the way back to the American Revolution, he said: "This is our country; we've got to do our share; we believe in it."

The ownership Sergeant Morris expressed, "our country," is the very essence of the civic disposition that must be taught curriculum or testing. Every 10-year-old can tell you how many branches of government there are, but less than half of all adults can do the same. The problem is not that we don't teach civic fundamentals; it is that we don't teach them in a way that makes it to long-term memory and informs how adults evaluate civic information."<sup>9</sup>

The best educators, no matter what subject, are passionate about what they teach. Civic educators must be too. If I had a nickel for every adult who told me that they were never really interested in history while in school, but now they love it, I could retire. These people greedily read massive biographies by the likes of David McCullough and Ron Chernow and visit national parks, gleefully stamping their

# Social studies education in general and civic education specifically have been marginalized over the last 40 years.

and modeled in order to inspire anew each generation. The belief that our republic was, is, and must, despite all its failings, continue to be a beacon of liberty and opportunity, always welcoming more people into the tent of freedom, is necessary to bridge civic knowledge and skills to achieve greater outcomes.

Who teaches civics and how we teach it are also challenges to inculcating the knowledge, skills, and dispositions necessary for civic responsibilities. In November 2022, the Jack Miller Center hosted a summit at Mount Vernon—President George Washington's home outside DC—for nonprofits and foundations committed to improving civic education.

Thalia Considine, of the Considine Family Foundation, commented during the summit that civics is taught in schools across the country, but not in a way that the knowledge endures. "The issue in civics education," she said, "is not one of National Park Service passports.

What changed? They experience history in the storytelling and are drawn in, seeing themselves in the narrative. What Lin-Manuel Miranda and his Broadway musical *Hamilton* have done to immerse millions of people in the story of the founding is quite simply remarkable. The passion of these authors and musicians, park rangers, and volunteer docents bring to life a subject that too often is moribund by a boring textbook, a bored teacher, or misguided authorities.

Though being passionate, creative, and dedicated are essential for all teachers, highly successful civic educators are masters of the content they are teaching. There are too many teachers who are either teaching out of their subject area expertise or whose responsibilities include a range of subjects, like the elementary teachers who do it all—English, math, science, social studies, geography, and even art. According to NAEP, "In 2018, twenty-two percent of students at grade 8 had teachers with *primary responsibility for teaching civics and/or U.S. government* to their class . . . and 62 percent had teachers *with primary responsibility for teaching U.S. history*."<sup>10</sup>

It is possible for a teacher with responsibility for educating young people in American history and government never to have taken an American history course at all, much less a course on the U.S. Constitution, Supreme Court, or the American political process. Yet they are expected to help students become informed citizens, with a nuanced understanding of the principles that are foundational to our representative democracy.

Among this catalog of challenges to civic education in the 21st century, the most insidious is the dearth of trust sustained by cynicism and amplified by social media among so many people. Distrust and cynicism may be the most challenging obstacles to overcome because the problem is not one of educational policy, preparation, or practice but about society itself.

Since 1958, the Pew Research Center has surveyed Americans about their trust in the federal government. Though there have been ups and downs over the decades, currently only two in 10 Americans trust the government to do the right thing all or most of the time.<sup>11</sup> When Dwight D. Eisenhower was president and the survey was first conducted in 1958, three-quarters of Americans trusted the government in Washington.

And it is not just trust in government that has faltered. Trust in individuals has also declined greatly. Though scientists, the military, police, and teachers are still highly trusted by a majority of the population, media, business leaders, and elected officials score at the bottom. Americans are also less and less likely to trust, fairly or unfairly, their fellow citizens to do the right thing in civic life—for instance, casting an informed vote, respecting the rights of others who are not like themselves, or having civil conversations with those who think differently.

Young Americans, according to the survey, have the lowest levels of trust, with 46 percent believing that people can't be

Published in The Judges' Journal, Volume 62, Number 2, Spring 2023. © 2023 by the American Bar Association. Reproduced with permission. All rights reserved. This information or any portion thereof may not be copied or disseminated in any form or by any means or stored in an electronic database or retrieval system without the express written consent of the American Bar Association.

trusted, and they will take advantage of you. This lack of trust, which is deeply informed by a fractured political climate where toleration and compromise are now seen as indefensible, is also fueled by the deep cynicism of online "hot takes" that see only the worst in everything and find examples in the viral stories of corruption or conspiracy.

The effect of this loss of trust and growth of cynicism on civic education is profound. How can we expect young people to embrace civic life when they are regularly caught in the culture wars between the radical progressives who reject the past and the reactionary conservatives who reject the future, and both of whom see each other as enemies to defeat and not fellow Americans to engage?

Civic education cannot simply be the purview of schools. It is the responsibility of all civil society. And because the decline in teaching civics has been ongoing for 40+ years, there are generations of adults in need of at least a refresher. Luckily, a multitude of committed organizations are doing innovative work to support teachers and schools in their civic mission in the classroom as well as providing civic learning experiences in extracurricular and nonschool settings for students and adults alike.

My organization, Freedoms Foundation at Valley Forge, has been providing professional development for teachers and direct programming to students since 1965, though we started in 1949 as an awards program recognizing good citizenship.<sup>12</sup>

We bring students and teachers from around the country to our 75-acre campus in the heart of historical Valley Forge, PA, where we have dormitories, classrooms, banquet space and dining facilities, and everything one needs for a multiday, residential learning experience about the rights and responsibilities of citizenship.

At the heart of our civic education philosophy is the Bill of Responsibilities envisioned as a companion to the Bill of Rights—which focuses on five principles of civic responsibility: personal accountability, respect for the rights and beliefs of others, generosity toward others, participation in and defense of our democratic system, and economic productivity. All our programs, whether for teachers or students, involve visiting the many historical sites in and around Philadelphia—or even Washington, DC, or New York—to allow participants to walk in the footsteps of history because place matters. Standing on the top of Little Round Top in Gettysburg where Joshua Chamberlain and the volunteers of the 20th Maine held the Union flank through acts of personal and unit bravery helps both students and teachers understand what it takes to maintain our experiment in democracy.

For our students, we partner with American Historical Theatre, a Philadelphia-based nonprofit whose actor-historians provide first-person interpretations of historical figures like George Washington, Abigail Adams, Sojourner Truth, and Ned Hector, a free Black soldier who served in the Continental Army. At our Spirit of America Youth Leadership program, high school students witness a fiery debate between Thomas Jefferson and John Adams that ranges from the Declaration of Independence and the Constitution to the Louisiana Purchase and the Alien and Sedition Acts. Later, the students debate in mock congress, trying to balance individual liberties with national security.

This summer we will provide 300 teachers with a week-long professional development program experience that will offer rich content from renowned scholars to bring back to their classrooms. Pedagogical demonstrations will model ways to transform the content into ready-to-use lesson plans for students at all levels, and teacher cohorts form lasting relationships that provide support for years to come. Most importantly, they return to school reenergized with the knowledge and resources to inspire the next generation.

These programs not only inform but also transform the lives of young people and their teachers. Experiential learning, which informs every activity, presentation, and discussion, helps students focus the story of American history on themselves, and how they fit into the story, while learning to appreciate the sacrifices made so that they are free to choose their own path in the world. Teachers leave reminded of the sacred trust they hold in being guardians of our democracy and transferring to each new group of students the knowledge, skills, and disposition for full civic participation.

In addition, the Bill of Rights Institute (BRI) utilizes online technology to provide teachers with a constant flow of lesson plans and curriculum materials for their students. Their online teacher hub has over 4,000 resources, including hundreds of lessons, videos, and essay topics, including current events and primary resources. They also provide teacher training to use those materials with other civic education organizations.

One of the characteristics of BRI that is most impressive is their radical commitment to being nonpartisan in their work. When the Dobbs v. Jackson Women's Health Organization decision was released by the Supreme Court in June 2022,<sup>13</sup> BRI's education team was ready to go with a lesson that helped students understand the question before the court, explored the majority and minority opinions, and facilitated discussion that forced students to look at both sides of the issue. Rather than teaching whether the decision was right or wrong, they simply wanted to help teachers and students understand the law and how good people could differ on whether the Constitution confers a particular right, in this case to an abortion.

Many organizations provide top-notch professional development and curricula for teachers. Some, like the Ashbrook Center, provide scholar-led careful reading of primary source documents in American history with robust discussion among the cohort of teachers. Historical sites like Colonial Williamsburg and Ford's Theatre provide summer teacher institutes right where history happened, and museums like the National Constitution Center, World War II Museum, and the Museum of the American Revolution utilize their collection and networks of scholars to provide specialized content for teachers.

The Civics Renewal Network acts as a hub for teachers to access thousands of high-quality, no-cost lesson plans from a network of partner organizations. The Center for Civic Education's "We the People: The Citizen and the Constitution" is a

### SPRING 2023 • The Judges' Journal

complete, regularly updated, civics curriculum with versions for elementary, middle, and high school students.<sup>14</sup> Its most ingenious element is the assessment, which includes a mock congressional hearing where students present their answer to a constitutional question (provided by the Center) before a panel of judges who then pose questions of their own, testing the students' knowledge. The Center sponsors district, state, and national competitions where students can even compete in Washington, DC.

The National High School Mock Trial Championship promotes an understanding and appreciation of the American judicial system through a learning experience where students are presented with a case, often based on real cases, and assume the roles of lawyers and witnesses for both the plaintiff and the defendant. The role-play exercise teaches students not only the intricacies of how the judicial system applies the Constitution to our daily lives but also transferrable skills like critical thinking, public speaking, and persuasive argumentation.

"Given the fundamental place of law in American society," says Carey Shoufler of the National Board of Directors, "it is critical for young people to understand how the legal system can impact their daily lives." Shoufler, who has run the Idaho mock trial program for 18 years, believes that judges and lawyers from the communities that host mock trials are an important contributing factor for what makes the mock trial program successful. "Legal professionals become role models, as they share their expertise with the 30,000 high school students who participate in this program."

Though civic education tends to focus on young citizens, the toxic polarization that threatens our polity needs to be addressed within society at large. The goal of Unify America, an online organization founded in 2020, is to replace political fighting with collaborative problem-solving. Their signature program, the Unify Challenge, brings two people of different points of view and experiences together digitally to talk. It is a low-risk way to explore common ground and shared goals, build bridges, and strengthen civic muscles.

In 2023, Unify America plans to pilot a democratic deliberation experience in a community where neighbors can develop innovative solutions to a public issue, without the rancor of our usual politics. "Imagine a community," Unify America Founder Harry Nathan Gottlieb said, "where citizens deliberate together to tackle a long-standing, entrenched problem. They explore high-quality information and different perspectives on the problem, weigh potential solutions, and, through a series of votes, build consensus toward a shared solution. Using video conference technology and game theory, Unify America intends to run citizen deliberations that include thousands, and eventually hundreds of thousands, of Americans."

It is a fraught and complicated time in America, but our democratic republic is more resilient than many people might think. As we approach the 250th anniversary of the signing of the Declaration of Independence in 2026, it is an opportune time for civic renewal. It will require all freedom-loving individuals to work together, regardless of our political proclivities, to make a personal commitment to sharing our knowledge, skills, and dispositions with those young people who will carry them into the next century.

Every American is called to be a civic educator, to pass on the principles of freedom to which the founders aspired. Every parent is a civic educator, and so is every church leader. Those who are trained in law and have an insider's knowledge of our founding documents, then, have a duty to be a civic educator and make a difference.

If you want to help ensure the next generation is well-prepared for the civic and constitutional challenges they will face, then offer your time, treasure, and expertise to a national or local civic education nonprofit, a school, a mock trial program, or a local historical site. As an individual citizen and respected member of your community, you can be a voice for civic renewal in our schools and civil society.

With over 30,000 judges and over a million lawyers in the United States, imagine the impact the law profession could have if all contributed something to the cause of civic renewal in the next three years leading to the Semiquincentennial in 2026. What a way to celebrate America's 250th birthday!

### **Endnotes**

1. No Child Left Behind Act of 2001, Pub. L. No. 107-110, 115 Stat. 1425.

2. The Marginalization of Social Studies, COUNCIL OF CHIEF STATE SCH. OFFICERS (Nov. 16, 2018), https://ccsso.org/resource-library/ marginalization-social-studies.

3. See Nation's Report Card, Results from the 2018 Civics, Geography, and U.S. History Assessments (2018), https://www. nationsreportcard.gov/geography/supporting\_ files/2018\_SS\_infographic.pdf.

4. Annenberg Civics Knowledge Survey, ANNENBERG PUB. POL'Y CTR. (2022), https://www.annenbergpublicpolicycenter. org/political.communication/ civics-knowledge-survey.

5. Americans' Civics Knowledge Drops on First Amendment and Branches of Government, ANNENBERG PUB. POL'Y CTR. (Sept. 13, 2022), https://www.annenbergpublicpolicycenter.org/ americans-civics-knowledge-drops-on-firstamendment-and-branches-of-government.

6. Campaign for the Civic Mission of Schs., Guardian of Democracy: The Civic Mission of Schools (2011), https://www.courts.ca.gov/ documents/GuardianofDemocracy\_report.pdf. 7. Id. at 22.

8. Civic Language Perceptions Project, PACE (Mar. 23, 2022), http://www.pacefunders.org/ language-register.

9. Thalia Considine, Considine Fam. Found., Panel Discussion at the National Summit on Civic Education: How Philanthropy Can Drive Reform in K–12 Civics (Nov. 11, 2022).

10. NATION'S REPORT CARD, supra note 3, at 3. 11. Public Trust in Government: 1958–2022, PEW RSCH. CTR. (June 6, 2022), https:// www.pewresearch.org/politics/2022/06/06/ public-trust-in-government-1958-2022.

12. About, Freedoms Found. At Valley Forge, https://www.freedomsfoundation.org/about (last visited Apr. 10, 2023).

13. 142 S. Ct. 2228 (2022).

14. We the People: The Citizen and the Constitution, CTR. FOR CIVIC EDUC., https://www.civiced.org/we-the-people (last visited Apr. 10, 2023).

### ™ Judges' Journal • VOL. 62 NO. 2