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**The Controversy Surrounding the Teaching of Racism,
Slavery and White Privilege in U.S. Schools, and Its
Potential Implications for Germany**

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List of Abbreviations

AfD	Alternative für Deutschland
BLM	Black Lives Matter
CRP	Critical Race Pedagogy
CLS	Critical Legal Studies
CRT	Critical Race Theory
HB	House Bill
Ibid.	ibidem
KMK	Kultusministerkonferenz
NCSS	National Curriculum Standards for Social Studies
NSU	Nationalsozialistischer Untergrund
PEGIDA	Patriotische Europäer gegen die Islamisierung des Abendlandes
UDL	Universal Design for Learning
U.S.	United States of America
WW	World War

1 Introduction

“We have, in the country, a history of not just the police, but the state, the law enforcement agencies, disrespecting black life. [...] And it’s not the same as saying, “Is the country racist?” or even, “Are the police racist?” We live in a system in which black life is devalued. And it’s reflected in our schools.” (Goodman 2014, Interview with Professor John A. Powell)

In May 2020, the arrest and killing of George Floyd were followed by an uproar that reached far beyond Minneapolis (Taylor 2021). Under the “Black Lives Matter” (BLM) movement, people unitedly demonstrated against police brutality and systemic racism in the U.S. Though racially motivated police violence did not end with George Floyd. The incident contributed to a more visible reality of a judicial and societal system built upon racism. In 1989, legal scholars developed the Critical Race Theory to recognise and examine racism embedded in the legal system (Brown and Jackson 2022, 9, 13–15). However, racism is not only found in legal studies but is also ingrained in and reproduced by schools. Scholars indicate that the educational system in the U.S. is now more segregated and unequal than ever (K. Brown and Jackson 2022, 9; Feagin and Barnett 2004, 1100). Also, topics such as racism, Whiteness, and White-supremacy are underrepresented in schools and teacher education (Milner IV, Deans Harmon, and McGee 2022, 364). If and how a CRT perspective should be taught in schools depicts a current controversy between politics, teachers, and parents.

In contrast to the U.S., very little research on the impact of structural racism in education in Germany has been conducted so far. Although heterogeneous classrooms, differentiation and inclusion are prominent in German pedagogy, curricula, and research, racism is not considered sufficiently. Also, the CRT has little to no relevance in education. As school significantly influences the further life of children and young people, equal opportunities must be ensured to prevent the reinforcement of the social division in Germany. Therefore, this work will examine whether findings from studies in the U.S. can be transferred to the German educational

system since both countries struggle with a substantial rise in racism, racially motivated violence, and hate.

Hence this work aims to answer the following research question: How does the CRT influence the U.S. educational system and to what extent can these findings be transferred to the German context?

First, key terms and the Critical Race Theory will be defined, which are at the core of education reforms and controversies in the US. Then, the history of the U.S. will be examined to contextualise the status quo of the educational system in the U.S. With this background knowledge and drawing from the theoretical framework of CRT, recent educational reforms and their impact will be analysed. Lastly, based on these findings, possible implications for Germany will be formulated.

2 Definition of Key Terms

This chapter will develop definitions of key terms of this work. These definitions are the foundation and prerequisite for the following discussion on the U.S. educational system, recent reforms, and their implications.

2.1 Race, Racism, and Racial Discrimination

Various definitions exist for the concept of racism (Robert Miles 2004, 3). Like many other sociological concepts, its meaning is influenced by the external social environment and varies between individuals (ibid.). But since being racist is negatively connotated and even legally prohibited, a clear definition is necessary for constitutional and political purposes and academic research (ibid.). “A definition of racism cannot establish simple criteria for deciding whether or not a given discourse is racist [...], but in the absence of any definition, the concept becomes meaningless, and opposition to racism is hindered” (Robert Miles 2004, 3). However, racism would be degraded to typical human behaviour when defined too broadly. If defined too narrowly, racist actions could, for example, be legitimised as not being racist but rather nationalist (ibid., 3-4, 11). Yet, racism cannot be defined a priori – before empirically observing it (ibid.)

Howard (2008, 10) starts her definition of racism by describing race. According to her explanation, the understanding of race is always influenced by historical and societal events and can therefore not be seen as a static concept (ibid.). She stresses that race is always closely connected to a concept of hierarchy (ibid.). Furthermore, racism is a socially constructed concept (ibid.; Zamudio et al. 2010, 22). The foundation of racism lies in the belief in a hierarchical order of different races, which is created to benefit the interests of the superior race solely and justify the inequality of denying equal rights, power, and liberties to the subordinate race (ibid., 12-14). Therefore, race can be seen as “an organizing principle that cuts across class, gender, and other imaginable social identities” (Leonardo 2004, 140). Another comprehensive definition is provided by the General Assembly of the United Nations in their “International Convention on the Elimination of all Forms of Racial Discrimination” (United Nations General Assembly n.d.).

Similarly, Howard (2008) proclaims theories or ideas of the racial superiority of one race over another as racial discrimination (ibid., Art. 4). While racial

discrimination is understood as an action based on racist beliefs, racism depicts the ideology or belief in racial hierarchies (Howard 2008, 15). This notion of hierarchy can also be found in the definition of racism as “prejudice plus power” introduced by Tatum (2017, 87f.).

Both definitions have already emphasised the influence of culture, history, and society on the concept of racism. Thus, for anti-Black racism, the history of the United States is considered a key element when examining why anti-Black racism is distinct (Caldera 2020, 13). Ever since the invasion of the North American continent and the accompanying slavery, Black and indigenous Americans were exploited and subordinate to White Americans (Feagin and Barnett 2004, 1099–1100). If racism is defined as the systemic advantages of being White, Black people cannot be racist, as they do not benefit from racism (ibid., 90). This hierarchy, stereotypes, prejudices, and racism were embedded in institutions and society (ibid.). Therefore, racism is not only an ideology but was institutionalised and ingrained in the whole legal and societal system (Tatum 2017, 87f.). Lastly, institutionalised racism, according to Gomoll et al. (2018), exists in the intersections of legislation, politics, institutions, and ideologies (Gomolla, Kollender, and Menk 2018, 16f.).

While various definitions of the term racism have been suggested, this paper will work with the following that combines key aspects of all intents presented above. Anti-black racism denotes the ideology embedded in a systemic subordination of Black people to maintain the status quo of White supremacy. The term “White supremacy” will be defined in the next section.

2.2 White privilege

If racism can be defined as systemic and institutionalised, Whites are inevitably given great social power (Tatum 2017, 88). In areas of life where Black people face barriers, such as access to housing and education or economic security and success, Whites are given advantages solely based on their skin colour (ibid., 88; Leonardo 2004, 137). This systemic advantage of being White is called White privilege (ibid.; McIntosh 2019, 4). Regardless of someone identifying with the White race or realising their privilege, White people receive these advantages (un-)consciously (Leonardo 2004, 137). Even though most White people can recognise racism, they struggle to learn their privilege of being White (Tatum 2017, 88). Hence,

White privilege is described as an “invisible package of unearned assets“ (McIntosh 2019, 1) by anti-racist activist and scholar Peggy McIntosh. Her article “White Privilege: Unpacking the Invisible Knapsack” lists many societal advantages. At the core, all of these share the privilege of being perceived as individuals and not being reduced to a racial group membership (Tatum 2017, 88f.). Consequently, even if educators treat all their learners equally, the educational system and its structures would still be built on the subordination of Blacks, and Black pupils would therefore not receive equal opportunities (ibid., 2). Therefore, a meritocratic American society is not a reality but a myth (ibid.; Zamudio et al. 2010, 11f.).

Although White people today did not participate in slavery, American history shaped White supremacy (Leonardo 141). Inequality between the races is still being reproduced, for example, by refusing mixed neighbourhoods, schools, or marriage (ibid.). Being ingrained into societies' structures and values, White privilege is veiled and often hardly recognisable (Lynn, Jennings, and Hughes 2013, 607). Therefore, scholars developed a framework to uncover racism and White privilege, which will be defined next.

2.3 Critical Race Theory

In 1989, the critical race theory (CRT) emerged as a legal scholarship created by Black scholars who were the first to teach at predominantly White schools (K. Brown and Jackson 2022, 9–12). Most were already involved in the critical legal studies (CLS) that aimed to “expose and challenge the view the legal reasoning was neutral, value-free, and unaffected by social and economic relations, political forces, or cultural phenomena.” (K. Brown and Jackson 2022, 12). The CLS criticises the “myth of meritocracy” (Zamudio et al. 2010, 11) that is ingrained in the legal system and analyse how the legal system not only reproduces but also legitimises a discriminatory social order (ibid.). Like the CLS, CRT scholars stress that the legal system claims to be neutral (Ladson-Billings 1998, 11). But what distinguishes CLS from CRT and eventually led to a new legal scholarship is the absence of colour and racism in the CLS critique (Ladson-Billings 1998, 11; K. Brown and Jackson 2022, 14f.). Though CLS can recognise the definition of racism, it does not uncover racism embedded in the law through its creation from a White perspective (K. Brown and Jackson 2022, 13–15). When analysing social inequalities and racial hierarchies,

the race is always seen as the most influential and essential factor (Gillborn 2015, 284). David Gillborn identifies this initial thesis as the “primacy of racism” (ibid.). Even after the critical court decision in the *Brown v. Board of Education* case and the Civil Rights Act of 1964 (see chapter 3), White supremacy remained the status quo in the U.S. (K. Brown and Jackson 2022, 9f.). Consequently, the CRT aims to understand the emergence and endurance of White supremacy and social hierarchies and to criticise the legal system and discourse (ibid., 13).

Although CRT was created as a legal scholarship, it dramatically influences other disciplines (Delgado and Stefancic 2017, 3). As this work will examine the U.S. educational system, the focus will be on the impact and understanding of CRT in education. Gloria Ladson-Billings, who published the first article on CRT in education in 1995, stresses that being a critical race theorist requires more than just writing about race and racism (Ladson-Billings 2022, 36f.). CRT scholars adhere to five main principles that Richard Delgado and Jean Stefancic characterise as “hallmarks” (2017, 19).

Firstly, the realisation of racism as usual, omnipresent, and rooted in the American society and legal system (Ladson-Billings 2022, 34f.; Delgado and Stefancic 2017, 6f.). Racism is not seen as individual behaviour but rather as the foundation of the United States built upon a “history of racial exploitation” (Zamudio et al. 2010, 27; Ladson-Billings 2022, 37). From this crucial assumption derives the critique of colour-blindness. In the Civil Rights Act of 1964 that followed the Civil Rights Movement, the U.S. seemed to be a society where differences in skin colour and race no longer existed (Zamudio et al. 2010, 21). The CRT challenged this belief (ibid., 21-23). As the meaning of race is influenced by the history of race-based exploitation and slavery in the U.S., interpersonal interactions, beliefs, and institutions are deeply racialised (ibid., 22f.).

Consequently, a colourblind society cannot be achieved by passing laws that try to erase race (ibid.). Instead, racism must be acknowledged as a reality (ibid.). To create visibility to the often almost unrecognisable institutionalised, systemic, and structural racism, the CRT uses its critique of liberalism (ibid., 15). Liberalism is developing the idea of a merit society through granting individual political rights but fails to recognise structural and historically shaped racism as a reason for social inequalities (ibid.15f.). Since the CRT sees American society as fundamentally racist, the framework supports the myth of meritocracy (ibid., 19).

Since it has become clear that racism is a reality in the U.S. and ingrained in its institutions and the entire societal system, one question remains: Why do White people not actively fight racial inequalities if they know about racism and White privilege? The CRT's concept of "white property" (Zamudio et al. 2010, 31f.) can answer this question. Rooted in the U.S. history of slavery, White property owners were granted exclusive advantages and could engage in governance simply because of the colour of their skin (Ladson-Billings 1998, 15; Capper 2015, 803). Since then, being White has served as the property that gave access to rights and freedoms (ibid.). In education, for example, standardised tests do not meet the learners' needs nor recognise the unequal chances for Black pupils to receive high test scores (Zamudio et al. 2010, 32). Consequently, predominantly White schools do not strive to change the educational system as their White clientele profits from high test scores and, therefore, are offered better chances for their higher education or job offers (ibid., 33f.): "The inherent value of whiteness as property for the dominant group makes it difficult to move towards a system that more equitably distributes educational resources." (ibid., 34).

Another reason for stagnation in the fight against racial injustice is provided by the third hallmark of CRT, which is described as "interest convergence" (Ladson-Billings 2022, 37). This theoretical concept was developed by Professor Derrick Bell, who is often called the "father of critical race theory" (ibid., 38). It states that White people will only strive for racial justice if it serves their interests (ibid.). Thus, Black people can only fight racism if Whites, as the dominant group, share this interest (K. Brown and Jackson 2022, 14). One of the most prominent examples of interest convergence was the *Brown vs Board of Education* case (see 3.1) (Bell 1980, 518). Ending racial segregation in schools and public places provided several advantages for Whites (ibid., 524).

First and foremost, White Americans in leading political positions could restore their reputation damaged by a history of racial segregation (ibid., 524). Secondly, it would provide economic profits for Black people, primarily White people (ibid., 524f.). Hence, Whites will act against racism if it serves their interests but still ensure their privilege remains widely untouched (Gilborn 2022, 350). Ultimately, the White privilege could not exist without the differentiation of colour and labelling people as 'other,' which makes race nothing more than a social construct and not a biological

reality (Zamudio et al. 2010, 33; Delgado and Stefancic 2017, 21). This realisation is also a tenet of CRT.

Even though CRT scholars focus on race, they do not consider it the only reason for social inequalities (Ladson-Billings 2022, 39). Also, they do not support the idea of essentialism as not every member of a racial group shares the same experience or identity (Zamudio et al. 2010, 37; Ladson-Billings 2022, 40f.). Instead, people represent multiple identities that share intersections and influence privileges and disadvantages (Ladson-Billings 2022, 37f.). Delgado and Stefancic define this hallmark of CRT as “the examination of race, sex, class, national origin, and sexual orientation, and how their combination plays out in various settings.” (Delgado and Stefancic 2017, 51). Therefore, discrimination can be based on multiple identities simultaneously (Ladson-Billings 2022, 40f.). For example, being a Black woman might result in various disadvantages – gender asymmetry, racial injustice, and class-related discrimination (ibid.). Understanding and recognising the intersectionality of identities is essential for teachers, as their learners come to class with individual experiences of their identities and the groups they grew up in (Zamudio et al. 2010, 38f.). Ultimately, intersections can lead to unequal educational opportunities (ibid.).

To illustrate their beliefs about the myth of U.S. meritocracy, the reality of colourblindness, White privilege, and racism, CRT scholars use the counter-storytelling or counter-narrative, the last of the essential hallmarks that this work will introduce (Ladson-Billings 2022, 41f.). By recognising history as being told from a White perspective, scholars strive to change the narrative to telling marginalised groups’ experiences and history from their viewpoint (Solórzano and Yosso 2002, 32). This method is significant in education as educational inequalities are often “justified through research that decentres and even dismisses communities of color—through majoritarian storytelling” (ibid., 36).

In summary, through its focus on race, CRT can shed light on racist structures ingrained in the educational system and provide educators and pupils with a new perspective on hitherto believed ‘truths’. Therefore, the next chapter will focus on the historical and ideological context of racial inequality in the educational system that ultimately led to the emergence of CRT and where education in the U.S. stands today.

3 Education in the U.S.

Since the individual states' legislation regulates education, systemic racism can find its way into the educational system (Ladson-Billings 1998, 17f.; Zamudio et al. 2010, 19). Racism starts impacting children's lives even before entering school (Tatum 2017, 84). Many children grow up in socially segregated neighbourhoods that foster misinformation, implicit biases, and prejudices about people perceived as 'other' (ibid.). Thus, children have internalised being White as the 'norm' by the time they enter school (ibid., 115). As education reproduces social hierarchies and beliefs (Keisch and Scott 2015, 2), Whiteness as the 'norm' is maintained through school curricula and structural discrimination of Black pupils (Brown and Au 2014, 374). To evaluate why and how the educational system supports White supremacy and how the use of CRT is significant in education, it is essential to first look at key events in U.S. history.

3.1 Historical Context

Even though the 14th amendment of the U.S. Constitution guarantees every citizen equal treatment since its adoption in 1868, it could not end White supremacy and racial segregation (United States Congress n.d.; Zamudio et al. 2010, 13). For over a century, Blacks have accused schools and public institutions of not adhering to the 14th amendment (Bell 1980, 523f.). In 1869, *Plessy v. Ferguson* 1869, a landmark decision by the supreme court, legalised racial segregation in institutions, housing, public places, and even legislation (Groves 1951, 66f.). Although *Plessy* segregated Black pupils from White pupils, it claimed to provide equal treatment for all (ibid.). This segregation in education was performed based on social, cultural, academic or racial features of pupils (Sandoval-Hernández, Magdalena Isac, and Miranda 2018, 69).

Plessy was overturned by the *Brown v. Board of Education* case in 1954 by stating that the segregation of Blacks only served the preservation of White supremacy (Zamudio et al. 2010, 13; Groves 1951, 66–68). With the *Brown* decision, the Supreme Court ended racial segregation in schools and other public places (Bell 1980, 518). *Brown* is also seen as the landmark decision for racial equality and the emergence of CRT as a legal framework (Brown and Jackson 2022, 9). Yet, racial segregation and inequality in schools and neighbourhoods were the cases of many

other lawsuits in the following years, for instance, *Keyes v. School District No 1 of 1973* or *Washington v. Davis* in 1976 (Bell 1980, 518f.; K. Brown and Jackson 2022, 9–14). These cases ultimately led to the Civil Rights Act of 1964, which was supposed to legally end discrimination and racial segregation in all public places (Zamudio et al. 2010, 13). Still, racial discrimination persisted. But why did all these legal actions fail in producing absolute racial equality? For this, legal scholars established the CRT, as explained in 2.3. With its tenets, especially interest convergence, scholars can examine the endurance of White supremacy in the legal system and other institutions (Bell 1980, 523). The interest convergence principle became evident in the *Brown* case, as the decision held several advantages for Whites – economic and political (ibid., 524).

In 2020, former U.S. President Donald Trump established the so-called “1776 commission”. According to one of its organisers, the commission’s purpose was to report on the importance of the nation’s constitution of 1776 on education (Arnn, Swain, and Spalding 2021, 1f.). Consequently, it should give instructions on teaching U.S. history in schools and establish a reconstructed proper and “patriotic education” (The President’s Advisory 1776 Commission 2021, 16). The commission was formed in response to the New York Times’ “1619 project”, which, in 2019, 400 years after the first enslaved Africans reached America, promoted a shift to an African-American perspective on U.S. history (The New York Times 2019). 1619 is seen as the beginning of the U.S. as a country (ibid.). Slavery shaped the entire culture, society and legal system of racial inequality and still influences American democracy today (ibid.). Therefore, the project demands a renunciation of history teaching from a dominant and White perspective at school (ibid.).

In contrast, the 1776 report is mitigating the effect of slavery by labelling it as “more the rule than the exception in human history” (The President’s Advisory 1776 Commission 2021, 10). Furthermore, it claims that as slavery is no longer a crucial part of U.S. history, the teaching of slavery and racism as the nation’s sin is one-sided and creates a divided society (ibid., 15-17). A more detailed account of these reformational ideas supported and implemented in state laws is given in chapter 4 of this work.

To conclude this section, racial inequality and segregation have been legally prohibited since the enactment of the 14th amendment. Nonetheless, a change in the status quo was hindered by the interest divergence of the dominant White

majority and the Black minority. Also, because the constitution is written from a White perspective, this systemic racial inequality is reproduced in schools.

Based on these legal and historical events, the perspective should now shift to the condition of the educational system in the U.S. today.

3.2 The Current State of the Educational System

Today, schools are faced with an increasingly diverse student body – since 2014, public schools have had more pupils of colour than Whites (Steketee et al. 2021, 1076). On the other hand, 80 per cent of teachers are White (ibid.). More than 150 years after the enactment of the 14th amendment, the country's history of slavery still influences Black people's lives today (Horowitz, Brown, and Cox 2019, 4). This becomes especially apparent in schools. Since "racism and education are tightly interwoven in a manner that is complex, pervasive and constantly evolving" (Lynn, Jennings, and Hughes 2013, 618), inequality in education results from institutionalised racism and White supremacy within policies and structures (Zamudio et al. 2010, 26). Therefore, academic success cannot be explained by individual choices or performance but rather by the often-elusive systemic racism (ibid.). Because ultimately, Black pupils are not less able, but the educational system fails to adequately meet the needs of increasingly multicultural and multiracial pupils (Steketee et al. 2021, 1076). Though Brown and the Civil Rights Act achieved a change in policies, they failed to address the core problem of institutionalised racism (Kohli, Pizarro, and Nevárez 2017, 184). Instead, Keisch and Scott (2015, 3) characterise the educational system as even more separated than before the Brown decision (case see chapter 3.1). The following will present several factors contributing to the achievement gap between Black and White pupils.

Institutions in the U.S. are trying to encourage educational equality by conducting mandatory standardised tests (Au 2013, 11). However, drop-out rates triggered by these test results are significantly higher for Black pupils (ibid.). As schools with low test scores need to pay sanctions, schools are getting more and more separated (ibid., 11f.). The approach of using standardised testing to reduce educational inequality and meritocracy has been challenged by CRT scholars (ibid., 13; (Zamudio et al. 2010, 32). This is especially true because test scores only show individual achievement but do not consider structural discrimination based on race

(Kohli, Pizarro, and Nevárez 2017, 188). The myth of meritocracy becomes evident in higher dropout rates, lower test scores, and lower graduation rates for Black pupils (Au 2013, 14). Even though Black schoolchildren are disproportionately often labelled as pupils with “special educational needs”, schools fail to address their needs (ibid., 191) adequately. This labelling disguises the long history of structurally disadvantaging and segregating Black learners as “natural, fixed and obvious” (Gillborn 2015, 280) due to the product of their educational performance (ibid.).

Additionally, insufficient resources, teacher training and curricula contribute to the exclusion of these pupils (ibid.). Since curricula are predominantly written by White Western European or American men, perspectives and needs of Black pupils are systemically excluded from classrooms (A. L. Brown and Au 2014, 359). Consequently, the assumption of a meritocratic society does not just legitimise but also exacerbates racial inequality and even covers the states’ responsibility to act (ibid., 12; Kohli, Pizarro, and Nevárez 2017, 186).

Another factor supporting inequity is the “gap in disciplinary actions” between Black and White pupils (Riddle and Sinclair 2019, 8255). Black pupils, especially boys, are significantly more often suspended or expelled and are more likely to face stricter sanctions than Whites, even if they are punished for the same offence (ibid., 8255f.; Owens and McLanahan 2020; Riddle and Sinclair 2019, 4). This differentiation is often the result of “zero-tolerance policies” of schools with a predominantly non-White clientele for responding to student misconduct (ibid., 6). In contrast, the misbehaviour of low-income White pupils is often justified with diagnosed learning or behavioural deficits to gain access to special education measures (ibid.). As described earlier, Black pupils are repeatedly denied these services (ibid.). Also, the intersectionality of gender and race must be considered to explain this type of racial discrimination (ibid.). Teachers' considerations of Black pupils' actions as more harmful are the product of (implicit) racial biases (ibid., 2). These cannot just be found in school but are also rooted in the criminal justice system and almost every other institution in the U.S. (ibid.). Yet, this gap does not just add to the racial separation in education but is incredibly influential for Black pupils' future lives (ibid.). It can negatively influence their academic achievements or even be the early start of becoming a subject of the criminal justice system (ibid.). Other outcomes include a higher probability of dropouts or aggressive behaviour, which could lead to long-term consequences like unemployment or incarceration (ibid., 8256).

But racism in education is not just eluded from social discourse; it is also often veiled by alleged antiracism (ibid., 188). Thus, colour-blindness claims not to differentiate based on race; it is turning a blind eye toward the systemic roots of racism embedded in curricula or testing (ibid., 189). Again, individual behaviour or lower intelligence is cited as the reason for racial inequality in education (ibid.). Instead, curricula and schoolbooks not only exclude perspectives on the history and experiences of Black people but also ignore the reality of racism (ibid., 189f.). Another form of racism veiling racism in schools is everyday racism (ibid., 191). These minor daily insults are called “microaggressions” (Steketee et al. 2021, 1075). Microaggressions can be defined as “subtle acts’, statements, insults, and intimations directed against people in marginalized groups” (ibid.). “Racialised microevents” (ibid., 191), such as colourblind or racism-ignoring teaching or micro-aggressions, add to trivialising racism (ibid.). Moreover, they only occur in the context of an institutional structure defined by racism (ibid., 192). Microaggressions can appear in three forms: racial, nativist or immigrant-origin aggressions (Steketee et al. 2021, 1077). Black pupils in predominantly White schools are constantly confronted with their ‘otherness’ through interactions shaped by latent racism of teachers and peers (ibid.). Affected pupils are likely to suffer from mental health problems and low self-esteem and often show lower class engagement (ibid., 1076).

Indeed, the race is not the only identity of schoolchildren that leads to unequal educational treatment and opportunities (Au 2013, 14). Race, gender, immigration status, class and disability exist not separately but are interwoven identities of a single person (Kohli, Pizarro, and Nevárez 2017, 193; Gillborn 2015, 280). As explained earlier in this work, the intersectionality of different inequality arousing identities is one of the critical assumptions of the CRT framework. The intersection of class and race is incredibly influential in Black pupils’ lives (Gillborn 2015, 279).

To conclude, racism has not declined in the U.S. educational system, despite the enactment of legal reforms that tried to end the historically grown systemic racism. Though racial inequity is not produced solely by race, it is often the most critical factor (ibid., 284). The status quo shows a still widely separated and unequal education, even intensified due to the Covid-19 pandemic (Chen, Byrne, and Vélez 2022). Uncovering and confronting White supremacy and racism in education remains a relevant responsibility for scholars, teachers, and pupils. The CRT provides

a valuable framework to critically reflect on what is taught, why, and how, to discover the roots of educational disparities.

The following part of this paper will examine recent educational reforms that tackle the use of CRT in the academic context and challenge the truthfulness of the framework's fundamental ideas.

4 Critical Race Theory – Controversies and Reforms

Throughout the history of the U.S., delicate and sensitive topics, such as race, gender, or sexism, have been banned in schools (Schwartz 2021a). During the 1920s and 30s period of nativism, education in U.S. schools was formalised, and materials that were labelled divisive were banned and curricula censored (Young 2017, 218f.). “Make America Great Again” – with this slogan Donald Trump won the 2016 presidential election (Young 2017, 218). His campaign clarified that immigration allegedly prevents America from thriving (Winders 2016, 293). Thus, the U.S. is facing a new era of nativism that resulted in a recently emerging debate about patriotic education in schools.

In 2020, the publication of the New York Times ‘1619 project’ (see 3.1) sparked a new debate about teaching American history in schools (Waxmann 2021). On one end of the controversy, opponents criticise the project’s approach of highlighting racial differences and teaching White pupils to feel ashamed and responsible for the sins of the past, for dividing the nation (ibid.). On the other end, many scholars and teachers regard learning about history as essential for critically reflecting on the influence of the history of slavery on structural and systemic racism today (Meckler and Natanson 2022). Critics of the 1619 project also targeted the CRT framework, which can be used to analyse how racism influences institutions and legislation (Waxmann 2021).

Subsequently, former President Donald Trump passed a decree prohibiting “diversity and inclusion training” in September 2021 (Morgan 2022, 36). This new order followed his 1776 Commission that aimed to support a patriotic education (see 3.1) and banned teaching concepts about race, racism, and the CRT (ibid.). The killing of George Floyd initiated a new discussion around systemic racism and intensified the debate about the influence of CRT on education (ibid., 36f.). Before the 1619 project and the BLM movement, law scholars debated the CRT tenets and its methods (Fortin 2021). For instance, Paul Mocombe (2017, 85) questioned the framework’s alleged subversive impact. Other counterarguments criticise the CRT approach of using storytelling rather than adhering to academic standards or question whether its focus on the systemic discrimination of Black people is undermining

the individual responsibility and power to change the status quo (Fortin 2021; Subotnik 1998, 688).

In 2021, this debate expanded beyond the scholarly discussion and became a socially relevant topic (Fortin 2021). While supporters of the CRT want social studies to enable pupils to reflect on history and learn how it shaped today critically, opponents demand curricula to focus on the achievements of the nation, for example, the Declaration of Independence, rather than burdening pupils with the sins of the past (Waxmann 2021). Critics, like the “Concerned Parents” of Rockwood in Michigan, regard the teaching of differences in race and privilege as dividing (ibid.). Yet, many teachers, Black pupils and scholars are retorting that the omission of a Black perspective on history and its influence on today’s unequal distribution of privilege is divisive (ibid.).

Quickly, the controversy continued in school boards and conservative politics. Even though CRT is only explicitly taught in higher education, many schools have been making efforts to make their curricula more diverse and inclusive. Therefore, schools implicitly include parts of CRT’s key assumptions (ibid.). Forty years after the creation of the CRT as a legal framework to uncover and analyse systemic racism, numerous states started to pass laws restricting the teaching of any racism theories, particularly the CRT (Fortin 2021). Even though the Biden administration revoked Trump’s order, many state legislators passed similar bans (ibid., 37). By July 2021, Tennessee, Texas, Iowa, Oklahoma, and Idaho passed bills that restricted the teaching of CRT’s central ideas, slavery and racism in schools, and censored curricula and schoolbooks (ibid.). Currently, 18 states, most of them governed by a Republican majority, have passed bills restricting the teaching of “divisive concepts”, and nine more states have proposed similar bills (Schwartz 2021b). Many of these laws label the CRT or the 1619 project ‘divisive’ (Schwartz 2021a). Now, three of those state laws should be introduced.

In April 2021, a House Bill (HB) titled “AN ACT RELATING TO DIGNITY AND NONDISCRIMINATION IN PUBLIC EDUCATION” (Idaho State Legislation 2021, 1) was incorporated into Idaho’s legislature. HB No. 377 designated the teaching of CRT-related ideas as divisive and discriminatory (ibid.). Based on this assumption, the bill prohibits schools from teaching ideas that deviate from the following principles. Firstly, no “sex, race, ethnicity, religion, color, or national origin is inherently superior or inferior” (ibid.). Furthermore, the proposal states that Whites would bear

no responsibility for the crimes committed during slavery (ibid.). Lastly, it requests that “No distinction or classification of pupils shall be made on account of race or color.” (ibid., 2).

During the same month, the chair of the Louisiana House Education Committee, Republican Ray Garofalo, introduced a similar bill to prevent “Divisive concepts in education” (Garofalo 2021, 1). The proposal challenged many of the hallmarks of CRT, including the reality of institutional and systemic racism, White supremacy, and the myth of meritocracy (ibid., 1f.). It also claimed to adhere to the Civil Rights Act of 1964 (ibid., 1).

In June 2021, House Bill 3979 got accepted into Texas’ state legislature (Toth 2021). It changed schools’ social studies curricula by restricting how educators can teach about gender, slavery and racism (Powell 2021). Slavery, for instance, should not be introduced as “ ‘anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States’ “ (Powell 2021). One curriculum representative even proposed to reflect on alternative perspectives on the Holocaust (ibid.). Similar to the proposed bill of Ray Garofalo, HB 3979 denies the reality of systemic racism, White privilege, implicit bias of teachers, and the impact of slavery on the nation’s founding (Toth, 2021). Instead, it promotes the concept of a colourblind society (ibid.). School censorship also includes banning 850 books that could cause pupils to feel “guilty or uncomfortable” because of their race (Powell 2021). Among many books addressing gender and racial identity, the 1619 project can be found on the list (ibid.).

Almost identical bills were passed in Arizona (HB 2112), Tennessee (HB 2670), and Iowa (House File 802). All restrict the teaching of CRT’s tenets. As pupils and parents can report violations of the new laws, which can result in a withdrawal of their teaching license or a cut in state funding for their school, teachers are feeling increasingly unsettled and afraid (Morgan 2022, 37; Pendharkar 2021). Additionally, many paragraphs, such as the ban on teaching that “an individual, by his or her race or sex, is inherently racist, sexist, or oppressive” (Toth 2021), are vaguely worded (Meckler and Natanson 2022). If interpreted literally, it would not ban presenting examples of racism or racist policies (Gutzmann 2021, 338). But if interpreted broadly, the idea of the reality of racism must not be taught in school (ibid.). Additionally, many educators are unfamiliar with the CRT and its hallmarks as it is often only explicitly taught in higher education (ibid., Powell 2021). Consequently,

teachers started self-censoring their lessons involving racial inequality and social justice movements to avoid unconsciously breaking the law (Morgan 2022, 38; Pendharkar 2021, Gutzmann 2021, 336).

The censorship of curricula is ultimately affecting pupils' educational careers. Since public schools are becoming increasingly diverse, many authorities have started programs to support underprivileged pupils with access to resources and special educational measures (Morgan 2022, 38). As the new laws demand a colourblind attitude towards all learners, many programs had to be stopped (ibid.). These programs were aimed at helping teachers uncover, reflect on, and reduce unconscious biases that could result in stricter sanctions for Black pupils (see 3.2). Instead, the new laws may affect how and if underprivileged pupils can access particular resources and support (Gutzmann 2021, 341). Also, the perspectives and needs of Black pupils in public schools are no longer considered in curricula and pedagogy (ibid.). One method to reduce racial inequality in education is the "culturally sustaining pedagogy" (ibid., 354f.). Teaching topics and formats that relate to the individuals' cultural background and identity can increase their motivation and result in higher grades and fewer drop-outs (Morgan 2022, 39; Gutzmann 2021, 355f.). The CRT-bans limit this approach by prohibiting the inclusion of cultural differences in social studies and history classes (Gutzmann 2021, 355). This also negatively impacts the student's ability to critically reflect on controversial social issues and understand the influence of slavery on today's democracy (ibid., 355f.).

Lastly, many vague bans could potentially interfere with school subjects' curricula themes and standards formulated by the National Council for the Social Studies (ibid., 358). The NCSS, established during the 1920 period of nativism, consists of teachers, professors, curricula producers and scholars of the concerning discipline (National Council for the Social Studies n.d.). It strives to enable pupils to "make informed and reasoned decisions for the public good as citizens of a culturally diverse, democratic society in an interdependent world" (ibid.). Among the ten themes for the discipline of Social Studies, the NCSS lists "Culture", "Individuals, Groups, and Institutions", and "Identity" (National Council for the Social Studies n.d.). Accordingly, schools of all levels should teach pupils to reflect on the differences between cultures, their influence on identity formation, and perspectives on past and current social themes (ibid.). Learning about the past and examining it from different perspectives can support making reflected decisions today (ibid.). Lastly,

pupils need to know how institutions are formed, how they influence their daily lives and how they can be changed (ibid.).

Since these themes interface with CRT hallmarks, they can potentially become subject to censorship of the new laws (Gutzmann 2021, 358). NCSS's theme one, "Culture", contains a notion of the tenet of intersectionality, CRT's critique of colour-blindness and meritocracy. Lessons on these themes could be restricted by Anti-CRT laws, for instance, by paragraph 3a of Idaho's HB No 377, as it prohibits racial differentiation (Idaho State Legislation 2021). Moreover, examining institutional structures and their foundation on White Privilege would be banned by paragraphs stating that no institution is inherently racist (ibid.). Lastly, anti-CRT laws also prohibit every topic that would make pupils feel uncomfortable as of their race (see paragraph seven of Texas' HB 3979). Therefore, almost all lessons on the history of slavery and systemic racism would have to be altered or omitted from curricula.

To conclude, the controversy around CRT and its impact on education are not new. Still, the new anti-CRT laws are making this discussion relevant and visible to legal scholars and everyone. When interpreted broadly, these vague new bills challenge CRT's tenets, thereby prohibiting inclusive history curricula and failing to address the increasing diversity in schools. Though the reforms aim to unify the nation and support meritocracy in education, they significantly influence pupils' outcomes and critical reasoning skills (Gutzmann 2021, 361). Also, many teachers and scholars doubt whether banning books and changing curricula is solving America's struggle with racism and educational disparities (Powell 2021).

The next chapter will analyse why CRT is so significant in the education sector that it has become the subject of this recent controversy. Therefore, the impact of CRT on eliminating racial inequity in education and its concrete use in the classroom will be examined.

5 Critical Race Theory in Education

It has become clear that racism is the main factor influencing and producing educational inequality. Due to racism and White privilege being historically ingrained in the societal system, political, educational, and legal institutions, the disparity of opportunity between White and Black pupils is particularly reproduced in schools (Ladson-Billings 1998, 9; Lynn, Jennings, and Hughes 2013, 618). As CRT can be used to uncover often invisible racist structures and beliefs, it can have a significant impact on creating equal opportunity and treatment for all pupils in U.S. schools. Examples of CRT's influence on education will be given in this chapter. Then, a new CRT-oriented pedagogy will be presented, and its approach and impact will be examined.

5.1 The Impact of Critical Race Theory on Education

In 1995 Gloria Ladson-Billings and William F. Tate IV published their article "Toward a Critical Race Theory of Education". Their work can be seen as pioneers in the research on the relationship between education and CRT (Lynn, Jennings, and Hughes 2013, 608).

Ladson-Billings (1998, 18) lists five areas in the educational system that CRT can influence. First, as curricula are shaped and designed by the dominant culture, they reproduce and support maintaining White supremacy (ibid.). This practice of "master scripting" (ibid.) is abandoning diverse storytelling and teaching about history from other perspectives than the dominant White (ibid.). Instead, it is pretending to not differentiate between races and provide pupils with the relevant and proper knowledge they need to succeed (ibid.). Once again, the colourblind and White supremacist structures convey the assumption of an educational merit system (ibid.). In this context, the CRT hallmark of counter-storytelling can have a crucial impact on pupils' self-reflection and understanding of their privilege or disadvantage (Lynn, Jennings, and Hughes 2013, 618). Therefore, curricula must not be race-neutral but feature a culturally diverse set of perspectives on history and consider Black learners' reality of systemic racism and their special educational needs.

Closely connected to the "gap in disciplinary actions", (Riddle and Sinclair 2019, 8255) is the second area that Ladson-Billings focuses on - instruction

(Ladson-Billings 1998, 19). Colourblind and race-neutral teaching in increasingly diverse classrooms leads to understanding failures as individual responsibility of the individuals rather than a failure of teaching methods (ibid.). As a result, CRT scholars regard the current teaching as insufficient (ibid.). Accordingly, teachers should reflect on their biases and address the existence of racism and its impact in lessons so that Black pupils, on the one hand, can understand their struggles and White pupils, on the other hand, reflect on their beliefs and become allies (ibid.).

Thirdly, the relationship between CRT and assessments is considered (ibid.). As a result of White supremacist curricula and inadequate instructional competencies of teachers, Black pupils' needs and perspectives are neglected, which causes them to underperform on assessments remarkably more often than Whites (ibid., 20). Also, intelligence testing is used to validate "Black inferiority" (ibid.; Douglass Horsford and Grosland 2022, 404). Though traditional assessments test what pupils know, they fail to provide information on possible reasons for failure (Ladson-Billings 1998, 20).

School funding also reinforces the inequality of opportunity due to the lower educational success of many Black pupils (ibid.). As education is subject to state laws and states fund schools based on the property taxes paid in the neighbourhood, schools in predominantly Black communities receive less funding (ibid.). This inequality in school funding creates lower chances of educational success, employment and owning property for Black pupils (ibid.). Consequently, a spiral of inequality and racial discrimination is started. Hence CRT scholars demand that school boards acknowledge and reflect on Whiteness as a property right and a "determinant of academic advantage" (ibid., 21).

The last area Ladson-Billings focuses on is the desegregation of schools (ibid.). In applying CRT, scholars argue that the ending of segregated schools in the U.S. is always closely tied to the prerequisite of guaranteeing White interests and their supremacy (ibid.). Yet, efforts for more equality in education were made, Black pupils' academic achievements were still behind their White counterparts, and their drop-out and suspension rates remained high (ibid.). This stagnant development can be explained by the CRT tenet of "interest convergence" (see 2.3) (Zamudio et al. 2010, 34). Through opening schools for everyone, Whites could, for instance, benefit from easy access to special educational needs measures that should integrate Black pupils (Ladson-Billings 1998, 21). Acknowledging racism as ingrained

into the civil rights legislation is not just a tenet of CRT; it is the core realisation necessary for abandoning racism and racial inequality in schools and educational law (ibid.).

5.2 Critical Race Pedagogy

Critical Pedagogy challenges privilege and analyses educational inequalities, power relations and oppressive systems (Jennings and Lynn 2005, 15f.). The discourse adheres to three fundamental theories (ibid., 18). The Social Reproduction Theory emphasises that schools maintain and reproduce existing power relations (ibid.). For instance, pupils from socially disadvantaged families are more likely to attend less funded schools and are often not offered the opportunity of social mobility (ibid.). Secondly, Cultural Reproduction demonstrates that underprivileged minorities are excluded from education because they do not have the cultural capital to successfully participate in the school system (ibid., 19). The Theory of Resistance deviates from the Social and Cultural Reproduction Theory, concluding that excluded minorities can either fight or accept their exclusion (ibid., 20). Therefore, schools can enable pupils to resist and fight oppression and, ultimately, educational inequity (ibid.).

The need for a concept to analyse the relationship between race and education led to a new branch of pedagogy, as Critical Pedagogy focuses mainly on the influence of class on educational inequality (ibid., 25). In the Critical Race Pedagogy, considerations of the previous chapter and the Critical Pedagogy are combined. The foundation of the CRP is the tenets formulated in CRT (Lynn, Jennings, and Hughes 2013, 617f.). Based on these, scholars developed extended principles characteristic of CRP (ibid.).

First, educators must encourage pupils to understand power distribution in their society (ibid.). In schools, teachers can exert power through disciplinary actions (ibid., 619). As Black pupils are significantly more often suspended and face stricter sanctions (see 3.2), disclosing this unequal use of power can help make racism and White privilege in education more visible (ibid.). Also, participation in the privileged power system is not open for everyone as the already powerful group determines the rules in society (ibid.). By uncovering these mechanisms, White pupils and teachers can become aware of their privilege and acknowledge the myth of

meritocracy in education (ibid., Ladson-Billings and Tate IV 1995, 56f.). As „CRT offers an alternative to models that focus on the deficits of pupils of color.” (Zamudio et al. 2010, 17) critique of liberalism focuses on institutional racism reproducing educational inequality and not on individual performance (ibid.). Since school is the institution paving children’s and young adult’s lives, educators must become aware of cultural and racial differences, incorporate this knowledge into their teaching, reflect on their (implicit) racial biases, and understand the effects of institutional and systemic racism (Steketee et al. 2021, 1075). Yet, racism will not disappear from uncovering racist structures and biases, as many White people will resist the removal of their long-time privileges (see the interest divergence principle); educators must consider that all pupils benefit from their lessons. Nevertheless, not every decision needs to and can create interest convergence as forfeits in White privilege are necessary to create absolute equality (Capper 2015, 814f.).

Ultimately, curricula need to reflect the diversity in classrooms, recognise race as the critical determinant for educational inequality, and consider the intersectionality of other identities, like race, class, and gender (Lynn, Jennings, and Hughes 2013, 618). Furthermore, it can create awareness to question the alleged neutrality of texts in lessons and schoolbooks (ibid.; Torner 2020, 13). Instead, pupils learn to recognise the text’s context and the author’s perspective (ibid.). As described in 5.1, this approach can also foster an understanding and reflection of White privilege (Solórzano and Yosso 2002, 32). Being White provides the privilege to not critically reflect on texts as most texts are written from a White perspective (Solórzano and Yosso 2002, 28; Torner 2020, 112). In general, „the introduction of openly racist content brings with it the obligation to *historicize* and *contextualize*“ (Torner 2020, 115; original emphasis).

Thus, educators can and must apply these requirements to their teaching; still, many teachers do not include diverse perspectives on history, politics, and culture in their lessons (ibid., 620). Instead of supporting the development of critical reasoning skills, pupils are taught absolute “truths” in the form of facts, statistics, and “mechanistic skills” (ibid.). CRT’s and CRP’s focus on the historical roots and systemic character of racism can answer the failure of many educational policies that should have produced meritocracy in education (Zamudio et al. 2010, 19). Therefore, curricula should not focus on the unmerited nature of privilege but more

on the existence of White privilege and racism and how these are secured and reproduced (Leonardo 2004, 137).

This work shows that academic achievement in the U.S. is highly racialised. Hence, CRP should support pupils in acquiring four competencies. Firstly, learners should discover, understand and develop solutions for the roots of racism and educational disparities (Douglass Horsford and Grosland 2022, 407, 412). This skill is called “racial literacy” (ibid.). Secondly, schools and lessons should convey the CRT tenet of racial realism to their learners (ibid., 412f.). Thirdly, as CRP uses counter-storytelling to create cultural and racial inclusivity in social studies, teachers are fostering “racial reconstruction” (ibid., 413). Lastly, in the movement of desegregating schools, curricula should provide opportunities to reflect on stereotypes and create interest convergence between the races to create a sense of “race reconciliation” (ibid.).

To sum up, not just one area in education contributes to the opportunity gap between Black and White pupils. Curricula, school boards, funding, and pedagogy, are based on a racist system. Acknowledging and implementing the hallmarks of CRT can help abolish racism and racial inequality in schools and educational law. Also, the orientation on the CRT tenets can help teachers and educational leaders to assess “the quality and effectiveness of professional development on race” (ibid., 802).

6 Discussion and Possible Implications for Germany

Now, Germany and its relationship with racism will be examined to understand the influence of racism and CRT on education in contrast to the U.S. First, historical similarities of both countries will be reviewed to explain the origin of racism in Germany and how it is still influencing its democratic institutions, especially education. Then, possible implications from the findings of the previous chapters on the U.S. will be drawn.

To understand the status quo of racism in German education, the country's history of colonialism must be considered. From 1880 until the end of WW I, Germany held colonies (Lindner 2011, 11). This period still influences today's understanding of who is "German" and who is labelled as "Other" (Kelly 2021, 6). This perception is mainly based upon external appearances, such as skin or colour or religious visible religious affiliations (ibid.). As this concept is ingrained in the cultural memory, it affects how knowledge about others is constructed and, ultimately, how hierarchies in the system of power are built (ibid.). Therefore, as race and nation were connected in Germany's emergence as a country, its values and laws cannot be separated from its history of colonialism and racism (ibid., 7).

Although national socialist Germany was dissolved after the end of World War, antisemitism and xenophobia as forms of racism persisted (Gomolla, Kollender, and Menk 2018, 10). This illustrates that racism is not endemic to one political system (Alexopoulou et al. 2022, 12). Racially, extremist or right-wing-extremist-based violence has increased in Germany since the 1990s (Gomolla, Kollender, and Menk 2018, 13). Recent immigration waves, the increasing globalisation and multiculturalism resulted in new organisations with racist and nativist ideologies (ibid., 10). The movements "Identitäre Bewegung" and "PEGIDA", for instance, not only critique the German immigration and asylum policies but also represent Islamophobic content (ibid., 11). In 2017, the right-wing populist party "AfD" was elected to the national parliament (ibid.). This shows that racism in Germany „is largely a casual, everyday structure that is supported by nearly everyone in a given liberal society *by design*“ (Torner 2020, 104; original emphasis). Also, the interconnectedness of racism and institutions becomes evident. But even before the emergence of the AfD, Germany was struggling with institutional racism, as the

disclosure of the NSU network has shown (ibid., 15f.). Yet, the German understanding of racism still neglects its structural and systemic character and the intersectionality of various disadvantaged identities (Kelly 2021, 2,4). Laws, such as the “General Equal Treatment Act”, regulate the implementation of four European guidelines that protect people from discrimination based upon their race, skin colour, gender, religious affiliation, or age (Antidiskriminierungsstelle des Bundes 2006). Still, institutions, politicians, and a large part of the population deny the reality of systemic, structural and institutional racism in Germany (Gomolla, Kollender, and Menk 2018, 17f.). In 2019 and 2020, the racially motivated terrorist attacks in Halle and Hanau renewed the discussion on Germany’s historically grown problem with racism (Alexopoulou et al. 2022, 6). The killing of George Floyd and the German Black Lives Matter protests intensified the demands for a postcolonial Germany that averts systemic and institutional racism (ibid.).

The differentiation between “Germans” and “Foreigners”, which is considered a basis for racism, started in the eighteenth and nineteenth centuries when the German nation was to be united by a shared home country and language (Humrich and Karakaşoğlu 2021, 3). This separation was also adopted in education as, until the 1960s, “foreign” pupils were partially restricted access to higher education and received inadequate educational support (ibid.). Even though schools should fulfil an integrational function, the PISA testing in 2000 showed that the multi-tiered school system in Germany is still impermeable for pupils with an (alleged) migration background (ibid., 4f., 8.). Ethnic, religious, and racial minorities are often denied access to higher education (ibid.). Here, a connection can be drawn to the Social and Cultural Reproduction Theory of critical pedagogy. As shown, schools are reproducing the social order by limiting the access to higher education for socio-economically less fortunate pupils and racial or cultural minorities. Consequently, the heterogeneous composition of communities is mirrored in classrooms and must be incorporated into teaching and curricula to provide every pupil with the opportunity for academic success (ibid., 7).

Like the U.S., Germany is a multicultural society embossed by immigration, with one-third of children and adolescents under 20 having a so-called migration background (Wischmann 2018, 472). The term “migration background” includes all people that are either not born in Germany or have at least one parent that was not born in Germany (Statistisches Bundesamt n.d.). Yet, this definition does not include

people who experience similar discrimination, such as Black people or people of colour born in Germany and have German parents (Wischmann 2018, 473). Therefore, the term “foreign” seems more suitable for this group, although they are often associated with the term “migration background” (ibid.). Nevertheless, discrimination in Germany can be determined by many factors that share intersections.

Since pupils with a migration background or those that are perceived as “foreign” are considered to deviate from the “mainstream” society in language, culture and skin colour, their academic success depends on a particular need for special educational support (Humrich and Karakaşoğlu 2021, 2). However, Humrich and Karakaşoğlu (2021, 2) conclude that pupils’ migration background is not causal to differences in academic performance. Instead, socio-economic disadvantages paired with a culturally divergent upbringing and socialisation lead to this gap of opportunity in German schools (ibid.). Consequently, scholars demand schools to include a decolonised perspective on history and cultural memory as well as an understanding of racism that focuses on its structural and systemic nature in their curricula (Alexopoulou et al. 2022, 5; Barskanmaz 2008, 300f.). According to Möschel (2011), this concept of racism is a European phenomenon that he names the “European colour/race-blindness” (1650).

Furthermore, the race is often considered non-existent by scholars and a large part of the population (ibid., 1650f.). Considering that the horrors of the Nazi regime are still deeply anchored in the cultural memory, Germans avoid referring to race in general out of fear of acknowledging race as a biological category (ibid., 1651). Anti-discrimination laws often fail to fulfil their purpose as they represent the “German” majority’s interests (ibid., 1660). This is also a result of the colourblind democracy where discriminated people, such as people with immigration status, cannot participate (ibid., 1661).

As the German perspective on history is White, the Social Studies subjects should not just teach “facts” and numbers but rather present a multifaceted and critical view on history (Kelly 2021, 6; Alexopoulou et al. 2022, 11). In the 1990s, when classrooms grew more culturally, racially and socio-economically diverse, scholars developed the “intercultural pedagogy” to support pupils with a migration background and include cultural and religious differences in curricula (Humrich and Karakaşoğlu 2021, 6). This aim is further concretised in four main themes: the otherness of other cultures, races or religions, identity construction in the tension of

foreignness, the engagement to end racial discrimination, and the need for intercultural communication (Auernheimer 2001, 45).

Unlike the U.S., Germany's educational system follows national guidelines, developed by the Kultusministerkonferenz (Kultusministerkonferenz 2013, 2). The KMK is responsible for coordinating and developing education and implementing intercultural education as a prerequisite for equal opportunity and participation for all pupils (ibid.). Also, the conference obliges schools and teachers to acknowledge cultural diversity as a standard, enable pupils to acquire intercultural competencies, and provide individual and differentiated support to ensure all pupils can develop their potential optimally (ibid., 3-5). In recent years, intercultural pedagogy and education have again gained great importance (ibid, 2). In Germany, multicultural education focuses on pupils' origins. In contrast, in the U.S., due to its history of slavery and the influence of immigration, multicultural teaching primarily focuses on race and skin colour as the determinant of discrimination (Akkari and Radhouane 2022, 39, 66; Wischmann 2018, 473). Having its roots in the Civil Rights Movement, multicultural education in the U.S. developed into critical pedagogy (ibid., 75f.) since "[b]eing "good" at teaching content but having no structural or social analysis for inequity was a prevalent blind spot of White teachers who maintained racism in K-12 schools." (Kohli, Pizarro, and Nevárez 2017, 19). To approach racial discrimination and White privilege, legal scholars developed the CRT, which is as relevant to the challenges in the U.S. educational system as to the German one.

Even though Germany struggles with various forms of racism triggered by its colonialism and Nazi past, CRT is widely neglected in academic discourses and practice (Wischmann 2018, 471). Instead, many scholars still use deficit-oriented arguments to explain the lower academic performance of pupils with a migration background (ibid., 472). This approach ignores the existence of structural and institutional racism that often leads to differences in academic achievement (ibid., 473f.). Due to its history of National Socialism, racism is usually branded as an issue of the past in politics and education (ibid., 476). The tabooing of race, racism, and the critical reflection on these topics in schools, emphasises and illustrates the German understanding of racism that ignores its structural, systemic, and institutional character (ibid., 475). As right-wing-extremism and racism are recently increasing in Germany, it has become clear that racism is still a relevant problem (Gomolla, Kollender, and Menk 2018, 13). The tenets of CRT could provide a valuable

framework to uncover and fight racism, as the previous chapters of this work have shown. CRT as a framework has been examined and applied to education in the U.S. As both the U.S. and Germany are primarily characterised by immigration, racism, and White privilege, findings from the U.S. can also be applied to the German context. Even though Germany is struggling with increasing racism and xenophobia, few studies have examined the influence of racism on education. This illustrates how the “racial scepticism” (Möschel 2011, 1650) restricts the implementation of the race-affirming critical race theory (ibid., 1660).

This work will draw implications from the CRT controversies and its use in the U.S. to examine where and how the framework can contribute to a more merit educational system that does not reproduce White supremacy and racial discrimination.

Firstly, school segregation negatively influences the quality of education and equality in the educational system regarding educational support, achievement, and opportunity (Sandoval-Hernández, Magdalena Isac, and Miranda 2018, 69f.). In the U.S., Brown ended the racial segregation in schools, which the interest convergence principle of CRT can explain. Since the multi-tiered school system in Germany is still separating pupils and creating as homogenous learning environments as possible, it can be concluded that this system will only change once heterogeneous classes provide an advantage for both privileged “German” pupils and underprivileged ones. An advantage that socioeconomic, cultural, ethnic, and racial diversity can offer all pupils is the acquisition of intercultural competencies (ICC) (ibid.). In the German educational plan, the “Kerncurriculum”, cultural awareness is considered a key competence for authentic participation in a globalised society (Feder et al. 2018, 5, 11). Creating openness, tolerance towards people labelled as “Other”, and a critical reflection of one’s identity and those of others is also a vital goal of the CRT. Therefore, an orientation on CRT’s tenets could lead to an expansion of the teaching for ICC.

But how should race and racism be taught in schools? Indeed, the perspective on history and cultural memory, especially colonialism, must be widened (Alexopoulou et al. 2022, 6) as there is not one German culture but many different perspectives on what it means to be German. On the one hand, history must be thematised from a White perspective to understand why and how human rights violations were committed (Torner 2020, 103). On the other hand, social studies must

recognise the victim's story to present a balanced picture of the past (ibid.). For this perspective change and critical reflection of the past, the counter-storytelling method, which is also part of the CRP (ibid., 104), can be of great value.

However, all CRT tenets can be essential for the educational system. Colleen Capper (2015) examined the relationship between the CRT tenets and the academic leadership practice. The tenet of racial realism is not just important to the U.S. (see 2.3) but, as previously shown, also in Germany. By acknowledging the interweaving of racism and White privilege in all areas of life, educators are urged to reflect on their rights, stereotypes, and possible racist beliefs (ibid., 800). To develop an anti-racist identity, teachers and pupils need to acquire specific competencies, which include racial realism as a basis, reconstruction, literacy, and reconciliation as further steps (see 5.2) (ibid., 801). In Germany, teachers need to be aware of and understand racial differences and discrimination due to religion, language, and culture. Moreover, educators and students must reflect on their stereotypes, racist identity, and privilege.

Due to Germany being heavily influenced by immigration, the intersectionality tenet must be considered when analysing educational inequality. Since racism in Germany can take different forms, such as anti-black racism, xenophobia, or anti-semitism, people can suffer discrimination based on various identity markers. Therefore, it is essential to include race as the most compelling reason for bias and its interaction with class, gender, culture, language, and immigration status in culturally responsive curricula teaching. Knowledge about these identities enables educators to provide pupils with adapted support (ibid., 821). Although CRT focuses on racial inequality, it strives to eliminate all forms of social injustice and oppression (ibid., 819). For that reason, the CRT can provide valuable tools and strategies to uncover systemic and structural discrimination in institutions and society. One teaching strategy that seeks to promote educational equality is the "Universal Design for Learning", which aims to adapt teaching methods and contents to the abilities and needs of all learners (ibid., 818). Consequently, an adaptation of CRT in German educational practice and research could lead to the more substantial implementation of the UDL.

The tenet of "Whiteness as property" can be transferred to Germany as Whiteness is the main distinguishing feature in deciding who is German and who is "Foreign" (Kelly 2021, 6). This differentiation manifests in the curricula (Capper

2015, 803f.). From a CRT perspective, curricula are seen as White property as they stipulate a “master scripting” (see 5.1) (Ladson-Billings 1998, 18) of history and other social science themes complicating access to tutoring or higher education (Capper 2015 803f.). Although school funding in Germany is not based on the district's income, the disproportionately more often lower socioeconomic status of Black pupils and other ethnic or cultural minorities in Germany face aggravated access to tutoring and higher education (Hummrich and Karakaşoğlu 2021, 2).

In summary, the anti-racism practice in U.S. schools is far more developed than in Germany. Also, the influence of racism on education is more widely recognised. Germany and the U.S. share a history of colonialism, which has shaped the nation's understanding of who is a citizen and a foreigner. Today, both countries are experiencing a rise in racism and discrimination. Although the U.S. represents a different political, societal, and historical context, racism, colour-blindness, and White privilege are also present in Germany. Therefore, findings from the CRT use in the U.S. can be transferred to the German context. This could lead to a rise in ICC and UDL teaching.

7 Conclusion

This work has shown that racism can take many forms but always contains a structural and systemic dimension. Rooted in the colonialism period, Whiteness became a prerequisite for participation in the hierarchy of power. Despite slavery ending in 1865, the passing of the 14th amendment in the U.S. and article three in the German fundamental law, racism and White privilege persist in institutions and cultural memory. Even though Brown ended racial segregation in schools in the U.S., Black pupils are still disadvantaged. They receive less special educational support and are more likely to face stricter sanctions. This influences Black pupils' academic success and opportunity to attend university. In Germany, a similar, though not as visible situation, can be observed. Race, religion, culture, and other factors that characterise pupils as “foreign”, contribute to lower educational opportunity and success. While legal scholars in the U.S. implemented the CRT tenets in education, Germany hesitates to acknowledge systemic racism as a cause for the impermeability of its school system. To increase the impermeability of the German school system, the Resistance Theory of the critical theory formulates that schools need to enable pupils to question their privilege or discrimination and fight for equality.

As it is the responsibility of schools to dismantle racism in both society and within itself, the CRT tenets can provide a framework for school boards to include in curricula and pedagogy, as well as for teachers to reflect on their own biases and consider all pupils' experiences and needs. Instead of eliminating race from discourse, a more race-conscious analysis, as proposed by the CRT in the U.S., can help create absolute educational equality instead of removing race from the discourse. That Germany has a problem with racism is indisputable, as the racially motivated attacks of Hanau and Halle have shown. Thus, the systemic and structural dimensions must extend Germany's understanding of racism. Also, the influence of anti-black racism, xenophobia and antisemitism on educational equity must be further and more extensively examined. Based on these findings, the CRT framework and approaches such as the 1619 project can be adapted to the German context. Although CRT is often only explicitly taught in higher education, the NCSS and the KMK mention its tenets as valuable for all grades.

Hopefully, the recent and ongoing controversies surrounding the teaching of racism, slavery, and White privilege in U.S. schools, can start a severe discussion about systemic racism in Germany. Censoring a multi-perspective view of history only further reproduces White supremacy. By pretending race and racism do not exist, racism cannot be eradicated, a key factor for educational inequity in Germany. Malcolm X once famously said regarding the Civil Rights Act in 1964, “If you stick a knife in my back 9 inches and pull it out 6 inches, that’s not progress. [...] The progress comes from healing the wound that the blow made.” (Malcolm X 1964). Consequently, admitting that systemic racism exists is the first step toward accurate educational equity.

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Carolin Rydzy

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