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The Miseducation of Carceral Reform

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Publication Date

2022-07-01

THE MISEDUCATION OF CARCERAL REFORM

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Title: [The Miseducation of Carceral Reform](#)

Public education looms large in criminal law reform. As states debate what to invest in—other than criminal law enforcement—to provide safety and security to the public, public schools have emerged as a popular answer. Today, legislatures move money from prisons to public education, arguing that this reinvestment can address the root causes of mass incarceration.

This Article analyzes this reinvestment trend from the perspective of public schools. It takes seriously the possibility that diverting money from incarceration to public education can help address the root causes of mass incarceration and it argues that realizing this possibility requires a more expansive approach to reinvestment than is demonstrated in current legal reforms. This expansive approach to reinvestment situates the provision of education within a constellation of interconnected needs, increases power over diverted funds for those who have historically been excluded from educational decisions, and confronts the underlying race, class, and gender resentments used to justify asymmetrical spending on incarceration and public education.

By analyzing reinvestment approaches to carceral reform from the perspective of public schools, this Article underscores the contested nature of the reinvestment movement. It maps both the restrictive and transformative directions carceral reinvestment can take, and it points to several promising efforts that make use of a more transformative approach to reconfigure the relationship between public welfare and the carceral state.