

COMMENTARIES

Schooling Policy Begins with a Decision About Authority

JOHN E. COONS

University of California–Berkeley School of Law, Berkeley, California, USA

Every child gets assigned to a public or private school chosen by some adult. The question is which adult should hold that authority by law and exercise it in practice. Our Federal Constitution recognizes the authority of custodial parents; but our systems of tax-based schools effectively dethrone working-class parents and the poor; most of whose children get assigned by government strangers. America must decide whether it trusts only those parents who can afford to pay. A host of practical considerations favor the effective empowerment of all custodial parents for the good of the child, the parent, the family and society.

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You are all familiar with—possibly weary of—conflicting narratives about school choice; there may, however, be one path of thought on this subject that, though important to our basic grasp of the idea, remains less traveled. I will try to locate that path and wander some of its byways. It is no exit from the wilderness, but, for better or worse, it appears to be the only possible

Address correspondence to John E. Coons, Professor of Law Emeritus, University of California–Berkeley School of Law, 307 Boalt Hall, Berkeley, CA 94720, USA.
E-mail: jcoons@law.berkeley.edu

entry point to this subject for the American mind. If you don't start here, you don't get anywhere that allows a clear view of our hope and our options.

The sign at the start of the path is not promising; it announces that this way lies the delicate subject of authority—that of parent or of government over the mind of the young. In our culture, authority over thought (or even behavior) has never been a popular premise for argument. Again, my sole excuse for taking this perilous route is that there *is* no other way; some adult will in fact select a preferred set of skills and values and will attempt, through schooling, to convince Susie of their truth. Authority is simply a fact.

Of course, to what degree authority is exercised in the individual case (and whether or not the adult succeeds in his or her purpose) will differ from case to case, but this relationship of an authority to a subordinate is a central reality for every infant, child, and juvenile. Thus, whether one is a libertarian or the National Education Association, we must proceed by asking which big person will decide this or that issue for some little person. The fact of authority is no exit, but it is instead the necessary entrance to the debate of educators and society about content, values, money, liberty, the best interest of the child, and the common good.

Note that the proper location of power over and responsibility for a particular child would be an issue even if we were all socialists. Indeed, it has arisen in places like Sweden, but the citizens of almost any sort of economic order could (but might not) value the choices of parents over those of strangers who are the state. Wherever we stand in time or place the real arguments (and there are many) will always begin with the question: Precisely who among our citizens—what kind of adults—does this society trust to make the decision for this child?

This proposition about the right starting point should not come as news. Plato was wonderfully candid about it and about his own preference among possible adult authorities. In *The Republic* he told his fellow citizens to mistrust and completely disempower parents, whom he would have reduced to the role of an assembly line for babies. Never should we, he said: “[L]ightly suffer our children to listen to any chance stories . . . by chance teachers. . . . We must begin by a censorship . . . and so shape their souls.”

Plato often uses the pronoun “we.” Of course, he is referring specifically to the ideal state, a state that is itself under the authority of a hierarchy of guardians carefully raised to that office from birth by their predecessors. The repertoire of ideas that these guardians were supposed to pass on to all children included a set of what Plato called “noble lies” that really were invitations to the good life as Plato understood it and wanted everyone else to believe.

Whatever you think of Plato's answer, he got the question right. Two millennia later Rousseau tried to escape the inescapable simply by asserting that the child is the authority to the parent. The child is born autonomous, and if you—that is, the adult—are really a good teacher, the child is in

charge of you, and that's the end of the argument. Rousseau's intellectual descendants, at least in America, are left with the paradox of an adult (who suspiciously resembles Rousseau himself) forcing the child to be free. Fine! Believe that if you can. I ask only that you see the inevitability of this question about who decides for Susie, whether, with regard to any particular subject, that authority turns out to be state or the parent or the child.

I have so far avoided the word "family," and for clarity's sake I will continue to do so whenever authority is the immediate subject. In America, families, whatever that word may mean, do not have authority. Sovereignty over the child lies either in the custodial parent or (to some minds) is a mere "delegation" to the parent from the state. Even Plato's cadres of state "guardians" might be taken for one species of this elusive institution called "family." These strangers were to be caring and inspirational. Be clear, however, that they were the state's own agent. They were not a Kibbutz from which parents could choose to withdraw their child.

Plato's project—the state monopoly over education—is not an option for America, nor is that of Rousseau. I will give reasons, but first I should describe briefly how the laws of the 50 states today recognize and affirm this reality of parental authority that preceded in time the very governments that consistently honor it. Forgive a few technicalities. In every state the custodial parent, whether natural or adoptive, holds a very wide ranging legal authority over his, her, or their own child. This sovereignty includes every experience of the child that the parent can physically and intellectually control short of neglect and abuse. It includes diet, hours, church, pets, exercise, and television as well as the power to decide who else shall have access to the child. This power to control access and environment includes, again, within broadest limits, the satisfaction of the parents' obligation to school the child and the child's own right to be schooled.

Of course, any such rights of the child himself or herself constitute a separate legal category quite distinct from the category I have called *authority*. In legal talk, rights limit authority whether it be that of parent or state who, in turn, has corresponding duties owed to the child. This is definitional. The duty of both state and parent begins and ends with the child's set of rights. And it is a very limited set. In the case of schooling the right of the child to be educated is subject to the broadest parental discretion about content and method; this discretion of parents is, in effect, limited only by the duty of the state to terminate the parental custody in cases of persistent abuse or neglect. In real life, less than 1% of all custodial parents are found to be, as the law puts it, "unfit." My focus here will be on the 99% who are "fit" and thus remain in office. I urge you to check this statistic; I may be understating this number. And note well that, when some duty to the child does empower the state to act, it does so "in loco parentis." Its duty and its authority are to serve as a substitute for the unfit parent.

I have not said, nor will I, that this reality of parental authority that holds in America is the way things must be or always are or even should be. To the contrary, the legal structure of authority over the child has and still does vary around the globe. I would guess that the predominance of monogamy or of polygamy have had something to do with this. Notice that the location of recognized legal power over the child cannot only expand to the size of the state, as in Plato or Marx, but historically it has on occasion shrunk to a rule by the individual parent; Imperial Rome is still notorious for the sole dictatorship of fathers.

But my focus is on the United States, and here the story, at least in theory, is quite clear. It has been tested in a steady line of Supreme Court cases since 1925. The parent who is legally fit to govern—our 99%—in truth has the right to govern. And the point of the law is not that parents make particularly good decisions for the children; individual mothers and fathers may or may not act in what you or I consider the best interest of the child or society. They are not necessarily good deciders; they are merely the best our culture, law, and history have discovered.

They are so for several practical reasons that most of us seem to think rather important in our own (mostly middle class) lives. But here I urge you to draw on your own history. The justifications are: first, as a people we have believed—and I do—that, by and large, an adult who is attached to the child in the role of custodial parent is somebody who is likely to care about him or her as a unique person and that such focused care is a positive thing. Call it love, if you will. It doesn't always happen, but it happens more often with parents than it does with professional strangers who know the child for a season or two as he or she passes through. Personal caring can, of course, become obsessive and harmful, even abusive. The child then has a right—and the stranger that is the state has a duty as a substitute for the parent. But the fact of parental caring (or love) is a rough normality of our own experience, and so we accept and make use of it in our law and practice.

Second, the custodial parent tends to know aspects of the child's mind and heart that may be inexpressible but very important. It is a specific knowledge of this kid—this Susie—as a historical person. Neither the professional nor I can half describe it. It is the view of one who is there—the parent's own picture of the world and of this child as she emerges in that world. It includes the lady next door, the street noise, the dog, the siblings, what have you. It is not the very useful knowledge of the professional—your architect or hairdresser—and it may be wrong or even wrong-headed. But I assume that the ideal is to use whatever forms of insight are available. The parent's peculiar form of knowledge about this child is useful.

Third, and perhaps easiest to identify is the fact of accountability. The custodial parent has it in ways that are impossible to the world of American

professionals, of doctors, lawyers, educators and so forth. We see our clients for a time, do our best, wish them well, and head on home. The custodial parent is stuck—for better or worse and maybe for life—with what emerges out of whatever effort is made. This prospect can be sobering for any adult who is able to exercise the fullness of parental authority presupposed by our civic order. This idea plays some vague role in America's current fascination with "responsibility." I'm all for it as I will emphasize once we have a picture of the present order of responsibility in the world of schools as I have known them.

Since my childhood the demography and the very meaning of schooling have become, more and more, a tale of two cities. People like me now school our boys and girls in the one city; people less lucky do so in the other. The long tempest about race has no doubt played its part in this epic drift, but whether the law and politics of race was a necessary condition of what we have today no one can really say. My own guess is that, given the balkanized organization of government schools, our differences in economic class would have been sufficient to separate us by our wealth. Few of the actors in this play that was begun in mid-19th century foresaw or intended this outcome, nor did the people who skipped to suburbia; they merely acted in prudent response to what seemed social and economic opportunity, or they lived with the lack of it. Parents who could do so took their kids to what seemed a better place. They looked at the schools and paid the necessary tuition that was represented in the price of the housing in this school district or attendance area.

To this day we call these schools "public," and, of course, in one sense they are; they exist, for the most part, on tax money. But I urge you to reflect on your own understanding of the term "public." The word is, of course, ambiguous, but I can't shake the feeling that its use in ordinary conversation implies a sort of place that is accessible to everyone. So it is that Central Park is public, or the mall is public. For the man in the street the sidewalks that he paid for welcome him during his good behavior. What else could we have meant but open access when we gave government schools this magic label, this democratic halo? And if a parent can only buy his or her way into a tax-supported school, what makes us so afraid to recognize that our retreats in Beverly Hills (or the Berkeley Hills) are in fact more private, more exclusive, than any inner-city church school? We talk public, but we act private—and, of course, I include myself.

What would Plato say? I suppose he would complain that children born to such well-off parents get educated by "chance" stories from "chance" teachers chosen by "chance" parents. To him those citizens who can satisfy their own whims present a scene of intellectual chaos. They pay tuition at College Prep or St. Mary's or Hebrew Day School, or they buy into their favorite tax-supported school by living on Park Boulevard. It is an open market among worldviews, and Plato objects. Many children will learn lies

that are not noble from teachers chosen by a lottery of parents. So I guess we must pity the child of the rich.

For Plato the only happy flip side of this paradox may be that the rest of our society meanwhile learns the proper tales of American mythology from the guardians. Those children are happily conscripted for their schools by the state that is a stranger to them and their parent. They are thus privileged to learn not merely skills like math and reading that are taught by law even in chance schools and by chance teachers. More important, in those schools of the guardians they will come to understand just who they are and exactly what the main event is in the human story. Those compulsory schools teach the authentic meaning of the good life and encourage their students to practice it for their own self-fulfillment and the common good. So far such schools appear to be Plato's consolation prize. This half of Americans gets no choice, and that is all to the good, both for child and society. They should be grateful. As Ben Johnson put it, "Heaven make me poor."

That's enough sarcasm for the day, and we should ask seriously how it is that any person of goodwill could justify this crude disenfranchising of working parents and the poor. I should have thought that the egalitarians among us would long since have invoked the 14th Amendment. Nor can the defense of such a system be a simple resort to the Establishment Clause. In America, if the state prefers, parents can by law, and could in practice, be empowered in fact to make choices that include religious or any other authentic school. Those who can afford it, do so, and no one objects. It is regarded as their business and indeed is generally admired. By the way, the outcomes seem no worse for the fact of parental choice. I'd guess most of you here were chosen for by your parents.

I see and hear only two serious defenses of our system of conscription. Here is the first: children of different social classes ought to get to know one another; it is good for them, and it is good for us that they do so. Fine! I agree that this would be good. But why does it follow that we should limit choice to those who can afford it? Could it be that, in doing so we have taken the course most likely to increase and cement class segregation?

Clearly in practice that is what we have managed to do. But if diversity of social class in the classroom were in fact an object of policy, society would appear to have two options: either Platonize the whole country and disenfranchise every parent, or design systems of parental choice that encourage the mix. The first option—disempowering the well-off—is not available for at least two reasons. One is the clear principle of *Pierce vs. Society of Sisters*; the other, quite sufficient by itself, is the overwhelming concern of parents for authority over their own children, demonstrated empirically and constantly by those who can afford it. If there is to be social variety in our classrooms, it will only be by some version of universal parental choice.

Unfortunately the myth that choice entails social exclusion has, for three decades, been fed by promotion of various models of choice that

have made it to the media—and sometimes the ballot. Choice has appeared as a mechanism with no purpose beyond the satisfaction of tastes held by the well-to-do. As Charles Glenn and others have struggled to show, choice is both a cluster of values (individual and public) and an instrument to serve those values. Among them are access and class diversity. Even the public sector has occasionally recognized this in its better subsystems of charter schools, though a much more complete example of the open door is the inner-city private school.

There are many technical options for stimulating social class integration through choice. They range from intra- and interdistrict transfer to vouchers for those who choose private (or even charter) schools that satisfy some sane standard of affirmative action to encourage integration of income classes. If this expression bothers you, reflect on the graduated income tax. Our conversation here is not about race; it is about giving economic reality to parent authority. If we prefer, call it human dignity; in any case observe that it takes parents to make a village.

I said that a second authentic defense of the status quo would be that at least it imposes a common curriculum of civic values and beliefs on part of our population. This position is very common. Plato gets half a loaf. But, for better or worse this cannot be, nor is it in fact so. It could not be, because on the important issue of value content there is only the barest agreement among us. Schools teach the structures of our government, a bit of its history, and the duty of everybody to respect the law. But private schools do all this and of course more. And, indeed, in this society, except for skills (that are uncontroversial), no explicitly imposed common curriculum does or could do more, which is why many public teachers try simply to hide the values ball altogether, and, of course, remain mute on the ultimate source (if any) of all things and values. Such silence, I suspect, sends its own message. Yet I gather from the media that species of our value diversity do in fact make it to the classroom. People seem to be inflamed by particular teachings, both subtle and explicit, about sex, euthanasia, pacifism, animal rights, the environment, abortion, ethnic histories, scientism, and corporate greed. It seems that public school teachers do behave humanly; they send their own messages—and, like us, they disagree. There is, to all appearances, no common values curriculum. Oddly, while there are hundreds of books about what the common values curriculum should be, I find no empirical research suggesting its existence in the classroom. I prefer to call it the bingo curriculum: the child of the not-so-rich gets pretty much what comes up on the wheel. I'm not objecting to this diversity; that's who we are. I'm only suggesting that it would make more sense to let these parents choose their brand, as the rest of us do. I think the research will one day be done, and its findings will play a role in a decision by some court that takes seriously the constitutional importance of a connection between means and ends in a coercive public institution.

That, then, is my take on the two plausible defenses that I hear given for the conscription of ordinary families. The policy is in fact segregative and there neither is, nor could be, a common curriculum that the state could impose on anybody. Now I will go on the offensive in the name of parental authority. Plainly, it can't exist unless the parent has the power to enforce his or her own rules or decisions. I want to extend the point in an obvious way. You can't be a responsible person unless you have authority. The popular talk about parental responsibility needs to include this premise. Bill Cosby picks on parents who disengage from school. He's right, but this stick of his has two ends. Passivity and despair are the response of powerless parents to the predicament we've arranged for them. It is the classic recipe for impotence and withdrawal by the adult and bewilderment by the child who learns that the role of parent carries little social or moral weight. Whatever family may mean, if you value it, you'd better see to it that the not-so-rich American parent has real authority over who has access to the child's mind for the prime hours of 13 years of his or her life.

Oddly enough, there is no research testing the effects of having and not having choice upon the self-perceptions of either the child or parent, or upon their perception of authority as a interrelation. Both Coleman and Bryk told us of the communitarian impact of parental choice on the school, but empirically we have only the common belief and practice of the middle class from which to infer the actual effects on parents and children as they choose or get chosen for—as they exercise or experience authority. And we know even less about the minds of the other half as parent and child realize that strangers now define and control the main event in the daily life of the boy or girl. This oversight in the empirical world was explained to me in a letter from a prominent sociologist of schools and parents: answers to this question have too many political implications for the scholars.

My focus on authority should not be taken to diminish the importance of choice to the value of individual freedom. The exercise of any adult's authority over a child is not a pure and simple act of freedom; and the media's unqualified use of the terms freedom and liberty here has contributed to a profound confusion about the very nature of parental choice which is—as we see—an act of authority. Nevertheless, freedom is truly at stake here. The choice of a particular school by the parent is, as the lawyers say, a "speech act." It is a message by the parent to two distinct audiences. One is the child; the other is the world. This is First Amendment stuff—expression pure and simple. But first in importance here is the child's own future autonomy. Surely that objective depends in some degree upon the confidence of both the child and the parent in the responsibility and autonomy imbedded in the status of mothers and fathers.