

Rescuing School - Choice From Its Friends

*BY JOHN E. COONS
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THIS GENERATION HAS WITNESSED many proposals for school choice, but only a few have taken root in law and practice. What do states such as Wisconsin and Ohio understand that remains opaque to their sisters? Though the 10-year-old Milwaukee program is effective and popular, its vital insight has so far eluded those who draft statewide initiatives. In many states, including California, the initiative will remain the indispensable tool for achieving parental choice, for it alone can both protect the identity of private schools and assure the long-delayed burial of Jim Blaine next to his kinsman Jim Crow. But, before another state commits the fate of school choice to a proposal that even diehards like me feel hound to reject, serious reformers must clarify their objectives and political strategy. What policy can accommodate both the free market enthusiasts and the indispensable mainline voters?

In search of this common purpose I start with two observations about markets. First, the market *is* our nation's favorite instrument; but as the public well understands, it must never become an end in itself. When our political discourse proposes subjecting education to the same market forces as banks, airlines and electric power, we give aid and comfort to the enemies of school choice. Voters care more about the visible hand of the parent than they do about the invisible hand of Adam Smith. And they are right to do so.

Second, there already exists for many parents a very real, if imperfect market in state-provided education. Those who have

purchased homes near popular government schools can attest to its liberating power. The state monopoly in education reserves its most exquisite atrocities for the ordinary family and the poor. This truism may not decide who should get vouchers, but it certainly identifies the primary victims of the present system. When we are assessing raw self-interest, we need to recognize that the rational middle-class will discount the need for vouchers exactly to the extent that it already has a range of choices. Hence reformers may have to seek the sympathy of this critical mass of relatively comfortable voters on grounds broader than the market and self-interest. There is a need to expand the arguments in favor of school choice beyond the rhetoric of the marketplace. Let me put forward six premises that deserve a larger place in the school choice debate.

First—strictly speaking, there is in fact no system of public schools in the United States. According to the Oxford English Dictionary the adjective “public” identifies institutions that are accessible to all citizens in the way that parks, streets, libraries, pools and museums are. Heroes of the civil rights movement have given their lives in support of this definition. But access to any particular state school today remains a privilege attached to residence. No Oakland child has a right to enroll in my carefully chosen neighborhood school in Berkeley. This is why I will refer in this article to “government” schools, not “public” schools.

Most state educators seem unmoved at the sight of this Balkanization of education by family wealth. For them, a legislatively imposed common teaching method and common curriculum is sufficient. Sameness among schools seems to render segregation by economic class almost as benign for the child

as it is convenient for these managers of the establishment. If one assumes that our state schools have in fact achieved a rough uniformity in their method and content, then one begins to understand how the educators' sense of injustice can be anaesthetized. Their serenity reminds us that for 75 years our national conscience remained largely at ease with a constitution that assured nothing more than a surface equality among institutions segregated by race. Granted uniformity among our school, segregation by mere wealth might seem to many a paltry complaint

The prudent educrat would observe that we must in any case be practical. Government cannot force middle-class families to live among the workers and the poor. Under our basic law it cannot even force them to attend state schools. Let us, they argue, settle for educational uniformity at a high level of method and content—and spending. The problem with such practical wisdom is that both the educators (and the public that endows them with legitimacy) lack the uniformities of mind that a policy of educational uniformity would demand. They are profoundly divergent, and as a result, educational uniformity is an unattainable myth—a point that will be supported below.

That American society lacks a common pedagogy is my second premise. Its teaching professionals are in deep conflict about *method*. Given this lack of agreement on right practice, the system lacks justification for the conscription of any child for a particular school with its particular method.

Does not the common *content* of state education reduce the weight of this injustice? For some it might, at least if the state curriculums were in fact uniform and were imposed upon rich and poor alike. We do find a broad consensus regarding mastery of the 3 R's and science plus obedience to the law. This understanding about the minimal substance of compulsory learning is presently institutionalized by the 50 states in those statutes that prescribe the curricula for private schools and home schoolers and the laws that define truancy

But at that point our society's agreement about correct content ceases. This situation provides us with our third premise, to wit above the minimum established in the truancy statutes,

everything concerning human value that enters the curricula of government schools is up for grabs. And this is necessarily so. For on the question of the good life, we are a people divided. There is not, and cannot be any public curriculum that expresses the moral significance of specific sexual behaviors, euthanasia, war, drugs, animal rights or gender roles, and you can extend this list of our cultural skirmishes as you will.

Now each state teacher will in fact teach one of the six possible answers to such crucial questions. These answers are: "yes," "no," "maybe," "I don't know," "Decide for yourself and "We can't discuss it." Lacking any public measure of correctness, the particular response is chosen by the local sovereigns—or teacher. It is not *our* answer but theirs. Nor can this result be justified as the loser's decent democratic deference to local majorities; for the privileged are excused. If the message offends, the affluent family can escape it. The rest, however, remain cultural captives, a guaranteed audience for the private opinions of the neighborhood Imperium.

The fourth premise is related but broader. Even if as a people we agreed upon specific moral answers (and in some cases we do), society would still lack a consensus regarding the ultimate source (if any) of the child's basic obligation to respect them. Thus in government schools, the imperative for my being a good citizen must shrink at best to pure social contract. Indeed, whether and why a contract itself should bind anyone remains in great dispute. The teacher is impotent to invoke religious or, perhaps, even natural foundations. What is left is some version of Thomas Hobbes in the 17th century or John Rawls in our own time—or nothing.

Imposing any one of these conflicting notions about ethical foundations upon the captive family makes education lawless, arbitrary and morally random. The state haphazardly commissions disparate sovereigns to deliver their parochial versions of the child's responsibility to seek the good life. As they grasp all this, even the most indifferent suburbanites begin to recoil and move toward parental choice in the benevolent hope that our

poorest families might escape this educational lottery.

In any case, some adult will inevitably impose his or her favorite content on the child. Here I simply assert premise five: so long as the legal minimum is satisfied, the parent is the best decider. There is plenty of supporting theory, but I won't reargue it here.

These first five premises roughly express the problem of America's educational system. Together they suggest that in reforming our most salient common purpose must be the enfranchisement of the ordinary family and the poor in a market system of accessible, hence truly public, schools in both sectors.

My sixth and final premise is that choice has a wide range of benign social effects. It maximizes those human goods on which Americans do in fact agree—goods that we thus can tightly claim as “public.” Reformers must learn to argue for choice in these more affirmative terms. Recently, they have had useful support in this as the psychometric professions report how the parental option raises test scores of disadvantaged children even at diminished levels of spending—an outcome that is useful and important, but for me a bit esoteric.

The champions of choice need in addition to grasp and flaunt such simple and cherished concepts as the First Amendment value of freedom of speech. Schools of choice constitute a form of media uniquely suited to the dissemination of beliefs that are held by persons who typically are left unheard in the marketplace of ideas. Through its chosen school the ordinary family can speak systematically, not only to its own children but, through them, to the rest of us. Its ideas become embodied and thus transmitted. Parents give both the child and the world the best of their wisdom. The American Civil Liberties Union should understand this. Perhaps one day it will.

Consider also the impact of choice upon parental responsibility with its radiating implications for family life. The middle class knows these well and jealously secures its own prerogative; for the rest, however, parental sovereignty comes to an end with little Harry's fifth birthday. From that moment the child experiences family as a vulnerable and sometime thing. And the parents experience

themselves as impotent. This displacement of non-rich parents by the state is thoroughly poisonous. In collaboration with the psychological professions, reformers should learn to describe this calamity and present school choice as therapy for the family.

And still another victim of the Leviathan merits our sympathy. Imitating chattel slavery, our economy of education corrupts both parties to the bondage. Those who are given dominion over the ordinary family are themselves rendered insensitive and venal to the same degree that their subjects are rendered evasive and shiftless. In the end the educational masters find themselves equally in thrall. As we would rescue the family, so must we rescue teachers from their pathological role as monarchs of the poor.

There are many other humane and persuasive considerations that supporters of school choice should be invoking. These include recognition of the way school choice nourishes intergroup tolerance, the integration of social classes, racial integration and even the liberty of the child himself. On that last point I will here offer only this brief word. It is *within* the family that the voice and choice of the maturing child have their best chance for a hearing. Paradoxically perhaps, parental sovereignty is the efficient cradle of the child's own autonomy (if occasionally by accident).

This is the bottom line. Policymakers must seek, first and foremost, those solutions that secure choice to the ordinary family and especially the poor. It would take an economist to miss this point, just as it was missed yet again in California in 2000. Consider what Proposition 38 offered voters in last year's election. Regardless of age, handicap or family income, every school child would have received a flat \$4,000 voucher. This was tempting to the middle class, but it would have been useful to only about 1 percent of those families who are financially unable to pay substantial added tuition. Such a voucher would have been sufficient to start new private schools for those who can pay extra, but for them only. The Catholic bishops

(who with their schools in place stood to gain the most) said no thanks, reaffirming their 1981 decision to support vouchers—but only when they are properly designed. In general, the media and public opinion took similar pro-choice but anti-38 positions.

Having now observed and opposed eight such school-

choice policy debacles (meanwhile applauding Milwaukee), I would today identify specific criteria for any future proposal for such school choice, whether by way of initiative or statute. In general, where the benefit is to be targeted exclusively for a disadvantaged group, these criteria will bind less strictly. Conversely, as eligibility for vouchers is broadened to include all children, the following six conditions become more salient:

1. Public agencies (and not merely school districts) must be liberated and encouraged to form and/or operate deregulated schools that are—along with private schools—financed within a system of state scholarships. Consumers seek this varied public option, and market theory therefore requires it. It is, indeed, the logical drift of the charter school idea.

2. Capping regulation of private school curriculum, hiring and discipline at its present level must protect private school identity.

3. For each classification of students the scholarship must be large enough to attract diverse new private providers. The minimum amount may be roughly estimated at 80 percent of the average government-school cost per pupil in each category. President Bush's proposal of \$1,500 should be at least

quadrupled in amount and the number of eligible children correspondingly reduced. So modified, this would constitute a realistic experiment

4. Reflecting the aspirations that are typical of today's private schools, providers would commit to select a portion (say 20 percent) of new admissions from non-rich families and refrain from pricing them out. This guarantee can take several forms, and schools could be given an option among them.

5. Reasonable transportation for the poor must be subsidized.

6. Consumer information must be temporarily facilitated by a sunsetted (say, five-year) public system.

Honoring these six criteria would implement those purposes common to most supporters of parental choice—in other words, to most American voters. Proposals of this general design will not only make choice politically viable but will be less vulnerable to the sort of objections raised in the Dec. 11, 2000, decision by the U.S. Court of Appeals for the Sixth Circuit that upheld a lower court's ban on Cleveland's school voucher program. Among the many models available, my personal preference is for a two-step initiative that would establish, first, a constitutional right for children from families of modest means to receive vouchers worth at least 80 percent of the relevant state-school cost and, second, would couple this right with an empowerment of the state legislature to extend equivalent benefits by statute to all families in accord with the six criteria listed above. The middle class can be counted on, with all deliberate speed, to secure that extension to themselves through the political process.

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