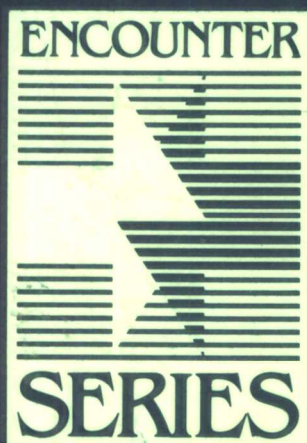


# DEMOCRACY AND THE RENEWAL OF PUBLIC EDUCATION



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NEUHAUS

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# Democracy and the Renewal of Public Education

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## Foreword

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If you're starting out to renew something, you should know what it is that you want to renew. That seems a sound principle. There is another maxim that has gained currency in recent years: "If it ain't broke, don't fix it." One is not likely to get much of an argument today by claiming that education—or at least a large part of what we call education—is broken. A considerable number of people, not least professional educators, think education is not doing what it's supposed to do, although the same people are not at all agreed on just what it is that education is supposed to do.

The people you will meet in this book are leading educators and analysts of education. They share a keen awareness that something has gone terribly wrong with education in America, and they share a history of advocating some proposals for what might be done. In one way or another, the proposals meet around the idea of "democratizing" education. And, in their understanding of democracy, "choice" has a central role. Especially with respect to values and beliefs, these people say, the part that parents and families play in education must be strengthened. In that process, they believe, teachers too would be empowered to do what really good teachers most want to do—namely, to communicate to children the excitement of the ideas and virtues by which we aspire to live together.

As the title says, the thing that needs renewing is *public* education. But to understand what this means, we have to examine again what we mean by "public." Some readers may think this book very radical,

but the examination it undertakes has occupied the attention of Americans for well over a hundred years. The questions involved were joined most intensively in the middle of the nineteenth century when the "common school movement" succeeded in "establishing" government control over "public" education. The conclusions reached at that time, this book suggests, are no longer appropriate a century later. The chapters by Charles Glenn and Rockne McCarthy, in particular, tell the story of how the debate was joined in the nineteenth century. Now a new national debate is underway, and I expect the reader will be surprised at how the arguments that were advanced then are, in substance and tone, strikingly similar to the arguments being made now.

"New occasions teach new duties," as the hymn says, and that is undoubtedly right. But to understand both the occasion and the duty, we need to be instructed by how other people have perceived their occasions and duties. The previous century's perceptions led to our present situation, in which "public" schools are sharply distinguished from "private" schools, especially from "religious" (read "sectarian") schools. In fact, those who today talk about empowering parents and teachers for real educational choice are sometimes seen as enemies of "public education." That is a grievous misperception which can be sustained only by a narrow and distorted definition of what "public" means with respect to education.

The conference that produced this book was held at the Princeton Club in New York City, a place redolent with the early history of the American republic. It is a good place to ask the kinds of questions the founders asked about the meaning of freedom and democratic governance. It is a good place to ask, as the distinguished legal scholar Stephen Arons asked, what would have happened in subsequent First Amendment law if the nineteenth century had viewed education as "communication," which is therefore constitutionally protected from government control and censorship. It is a good place to examine the curious, even bizarre, directions that censorship has taken, as illuminated by Dr. Paul Vitz's chapter on textbooks.

Finally, the perspectives and proposals advanced in this book are visionary but not utopian. They recognize that education will always be a problem, especially as it touches upon the values by which we would order our common life. But it will be less of a problem, these experts contend, if we move toward a more expansive definition of "public" and if we sincerely act upon the devotion to democratic pluralism that most Americans profess. The fresh ways of thinking about education represented here will not become public policy tomorrow. This is a

book that intends to point out directions, to set forth principles, to propose paradigms, to provoke experiment. It envisions not revolutionary change but incremental, careful, even cautious change. The one thing that is certain is that we cannot rest content with the answers given in the nineteenth century if we wish to bring about a genuine renewal of public education. Those answers have now played themselves out, and artificially sustaining them can only aggravate the crisis of contemporary education. Yet, if we are to arrive at better answers for the twentieth century, we must be as courageous as our nineteenth-century forebears were in asking the hard questions about what education is and what education is for in a democratic society.

The conference was sponsored by the Center on Religion and Society, and we are grateful to the Department of Education and its director of issues analysis, Jack Klenk, and to James Skillen of the Association for Public Justice for making available to us the materials that provided the basis for the conference discussion. I am personally indebted to John Howard and Allan Carlson, my colleagues at the Rockford Institute, and, as always, to Paul Stallsworth, my associate at the Center.

Richard John Neuhaus

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# American Public Education and the Myth of Value Neutrality

*Richard A. Boer, Jr.*

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Next to raising standards and striving for academic excellence, few topics are currently of greater interest in education than the question of how to deal with values and religion in public schools. The subject is a large one, though, and I have no room here to treat a number of its important aspects. I've chosen not to try to deal with such things as the question of how peer pressure affects value formation in schools, for instance, or what might be gained by less segregation of children according to age, or by more interesting and varied contact between children and adults in the workplace. Nor will I be addressing the critically important subject of how a teacher functions as a role model, or how schools develop a particular ambience or character, or the importance of enlightened and fair discipline in schools. Beyond this, I will note only in passing such things as the introduction of methods such as Values Clarification and Decision Making (which have been heralded as neutral and noncoercive ways to deal with values in public schools) and the sorts of bias found in almost all of the sex education curricula I have seen.

I will be treating these other issues only peripherally because I want to focus on several *structural* characteristics of our public schools and on some basic assumptions widely held by educators that directly affect the place of values and religion in these schools. I want to examine these with a particular concern for justice and fairness in light of the First Amendment and in relation to our historic concern for liberty and freedom of conscience.



The current national debate over education so far has been too limited in scope. By focusing almost entirely on how to rehabilitate our present system of public schools rather than asking fundamental questions about the structure and basic assumptions that make the system what it is, we have cut ourselves off from new possibilities that might vastly increase not only freedom in teaching and learning but also the quality of education. Indeed, it seems more and more obvious to a small minority of educational theorists that problems such as the censorship of school textbooks and the place of religion and values in public schools simply cannot be resolved adequately within present structures and within the framework of assumptions held by a majority of professional educators.

Inasmuch as my remarks will be critical of our current public school system, I should note that I am well aware of the many impressive achievements of our public schools in teaching and learning, in helping us as a nation to move toward racial justice and equality of opportunity. And although our schools sometimes leave much to be desired in the way of educational quality, I shall have little to say about teachers as such. My quarrel is with the structure of the system, not mainly with the people who operate it. Teaching is an honorable, fulfilling, and at times a very tough and unappreciated profession. And in return for the little we are willing to pay many teachers, we more often than not get better than we deserve in the way of hard work, dedication, and good results.

I am myself a product of the public schools, and I teach in a tax-supported college at Cornell University. Thus in a very real sense I speak as one who stands within the system, not as an outsider taking potshots from a position of security and noninvolvement.

## CRITICAL STRUCTURAL FEATURES OF AMERICA'S PUBLIC SCHOOLS

Let me begin by pointing to four structural features of our public schools that deeply affect the way we deal with values and religion in public education.

1. *America's public school system is a government monopoly with a captive student audience.* Although in theory people have the right to choose private schools for their children, in actuality, apart from Catholic parochial schools and other privately subsidized systems, only the affluent have the option of choosing for their children alternative private schools with values and practices more closely suited to their own basic beliefs. Most parents are not willing—and many are not able

in any case—to assume the heroic and often crushing expense of private education; they simply *have* to send their children to public schools. The system is monopolistic in that only government schools are eligible to receive tax dollars for general support. We have what Professor Stephen Arons of the University of Massachusetts has described as “a system of school finance that provides free choice for the rich and compulsory socialization for everyone else.”<sup>1</sup>

2. *America's public schools are government schools.* In a strict sense, public school teachers, administrators, and other employees are representatives or agents of the government—and hence the public school can appropriately be called a “government school.” But the term is also appropriate for another reason. The dichotomy between public and private schools is essentially misleading. After all, taken as a whole, private elementary and secondary schools are in a sense as open to the general public as are public schools. And specifically, they are not as a class significantly less well integrated racially, socially, or economically than are the public schools. Admittedly, this is in large part because of the splendid record of Catholic parochial schools, but the point is nonetheless worth noting. As John E. Coons of the University of California (Berkeley) Law School has recently pointed out, most of our better public schools are “functionally private in the sense that access is closely linked to the family's purchasing power and thus to its ability to exit [neighborhoods with poor schools]. . . . What we call public schools,” he continues, “are in fact geographically exclusive schools.”<sup>2</sup> It is a serious mistake to equate the word *public* with “government-sponsored” or “government-financed.” To be fully accurate, we should describe schools as either “government schools” or “nongovernment schools” rather than as “public” or “private.”

3. *It is a myth that America's system of government schools constitutes a network of local schools or that these schools function in loco parentis.* Over the years, America's public schools have increasingly come to be run by state and federal governmental agencies rather than by local school boards. State boards of education have become more and more powerful in determining the curriculum, selecting textbooks, and certifying teachers. And the federal government has increasingly

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1. Arons, *Compelling Belief: The Culture of American Schooling* (New York: McGraw-Hill, 1983), p. 211.

2. Coons, “A Question of Access,” *Independent School*, February 1985, p. 6.

required local schools to follow its mandates in noncurricular matters in order to qualify for much-needed federal aid.

So it is wrong to suppose that local communities or parents control local schools. Twenty-two states choose textbooks on a statewide basis. In New York State, it is basically the State Board of Regents that controls the high school curriculum. Schools of education exercise powerful influence over curricula, and parents have learned to their dismay that it is exceedingly difficult if not impossible to counteract pressure from the state to incorporate courses in sex education and Values Clarification programs into the local school curriculum. The federally funded National Institute of Education exercises substantial power over what kind of research on education will be undertaken, and increasingly state and federal courts determine what schools may and may not do in a broad range of curricular and noncurricular matters.

4. *America's government-monopoly school system cannot rightly be described as a "marketplace of ideas."* When classical libertarian theorists talked and wrote about censorship, they for the most part had in mind a marketplace of ideas analogous to the popular image of the economic market. They maintained that we all ought to be free to pursue our own goals and choose things to read or listen to that reflect our own values or values we want to learn about. All individuals in this market should be free to "sell" ideas by saying or printing what they want, and others should be free to "buy" these ideas or not, just as they choose. In such a context, censorship is a very serious matter, for it disrupts the marketplace. Ideas no longer flow freely, and the system breaks down.

Media critics of Catholic and fundamentalist Christian "censors" have mistakenly assumed that the public schools are also a genuine marketplace of ideas. The actual situation, however, is that all of the textbooks, library books, curricula, and films in these schools are preselected by teachers, state agencies, and other professional educators and bureaucrats. And publishers strongly influence this process as well. Thus in a real sense textbooks and curricula are censored before parents ever get involved in the process. As every man or woman who decides to marry knows (or should know), to say Yes to one person is to say No to all others. And indeed, any act of selection is simultaneously an act of exclusion. But this has a special significance in the context of a government-monopoly school system, with its captive student audience, for it underscores the fact that the school system in its entirety is a kind of closed forum and not a genuine marketplace of ideas at all.

I realize that I have not done any sort of justice to the complexity of the issues of values and censorship in this brief discussion. I simply

want to establish what I take to be a basic problem in much of the discussion centering on these issues. And I would add that the real problem with respect to elementary and secondary schools—that is, schools that typically serve minors—is not that such preselection or censorship takes place but rather that it is government rather than the parents that controls the process. The great libertarian thinker John Stuart Mill argued that it is proper for teachers to direct the schooling of minors, since full freedom is appropriate only for people “in the maturity of their faculties.” Freedom for minors has to be limited for their own good—to prevent them from harming themselves. Nevertheless, these limits should not be arbitrary or unnecessarily severe; freedom is a precondition for personal growth for youths as well as for adults.

#### FOUR WRONG ASSUMPTIONS THAT CRITICALLY INFLUENCE HOW WE THINK ABOUT VALUES AND RELIGION IN PUBLIC SCHOOLS

So much for the structure of our public elementary and secondary schools. If we are going to understand the place of values in these or any other schools, we must also understand that values are not free-floating. They are grounded in one worldview or another. Indeed, much of the conflict today over specific values and issues in education (as well as in politics) involves deeper conflicts over basic worldviews, including religious worldviews.

I would like to present four assumptions—all of which appear to me to be wrong—that exert a powerful influence on how we discuss the whole issue of values and education. I do not think we can begin to understand what is really happening in America today in connection with values and religion and their relation to education and politics unless we begin to think critically about these assumptions.

1. The first assumption is that *one can divide the world neatly into the realm of the religious and the realm of the nonreligious or secular*. In a narrow sense of the term *religious*, this is possible. It is not difficult, for instance, to distinguish between a baptismal service or a bar mitzvah as cultic practices on the one hand and the secular activities of repairing a washing machine or teaching mathematics on the other. But many theologians and some sociologists argue that in a broader sense religion is that dimension of human culture (along with metaphysics) which is concerned about questions of the meaning of life and humanity's place in the universe. In this broader sense, Marxist philosophy and other specifically secular and humanistic philosophies also

speak to questions that are religious. I do not mean by this the patronizing view that even atheists secretly believe in God. There are bona fide atheists just as there are bona fide theists. Rather, I refer to the fact that human beings live out their lives in relation to certain basic values that provide meaning and purpose to life. These values function in the life of the atheist in a way that is functionally similar to the way belief in God functions in the life of the theist.

Throughout the long sweep of American history, religion has been an extremely important dimension of our total culture. It is the framework within which most Americans have dealt with meaning and value at the deepest level. It has been intimately related to what most of our people have conceived themselves to be. It has been significantly related to the most personal dimensions of the individual's existence, to matters of ultimate freedom and decision. It has provided answers to such questions as Who am I? What is life all about? How ought I to live? How should I relate to my neighbor? What goals should I pursue in life?

If we do not want to use the words *religion* and *religious* in connection with these deeper dimensions of human existence, we might well choose terms such as *metaphysical* or *existential*. But then I would want to argue that we should extend the meaning of the First Amendment to protect a person's most deeply held secular beliefs, because, as I say, these beliefs function in the life of the agnostic or atheist very much like religious beliefs function in the life of the theist.

This is the tack the U.S. Supreme Court took in *Seeger v. United States* (1965) and in *Welsh v. United States* (1970) when it brought nontheists under the umbrella of statutory law designed to protect religious freedom of conscience. In doing this, it permitted the conscientious objector who was an agnostic or an atheist to receive exemption from regular military service—on the basis of strongly and consistently held *secular* beliefs, which, in the Court's judgment, functioned like religious beliefs. Similarly, in *Torcaso v. Watkins* (1961), the Court held as unconstitutional Maryland's requirement that public officeholders declare belief in the existence of God. In reversing the Maryland Court of Appeals decision, the justices distinguished between "those religions based on a belief in the existence of God as against those religions founded on different beliefs." In a footnote, "Secular Humanism" is cited as being one of the latter. The Court's interpretation in this case was consistent with the practice of John Dewey

and other atheistic humanists who openly referred to their own secular belief systems as "religious."<sup>3</sup>

Unfortunately, the Court has tended to limit this broader interpretation of the term *religion* to the free exercise clause of the First Amendment, and it continues to work with an exceedingly narrow definition of religion when dealing with establishment cases. If the Court were to accept the more comprehensive definition of religion in a consistent fashion, it would have to extend the meaning of the establishment clause to cover not just religion but also people's basic worldviews, their deepest metaphysical and existential commitments, their basic understandings of the meaning and goal of human existence. Extending the First Amendment in this way would indicate recognition of the truth that government has no business intruding into the most intimate dimensions of a person's life—unless a powerful state interest for doing so could be established (e.g., prohibiting racial violence on the part of people who claim a divine calling to persecute blacks, prohibiting parents from refusing blood transfusions for their children, overriding the wishes of parents who for some perverse reason want to keep their children illiterate). But then the burden of proof would lie with the state, not with the individual citizen. Government would be more adequately prevented from trying to instruct children or anyone else about the basic goals or meaning of life either explicitly or implicitly. The message would be sent that it was not to try to foster or hinder belief at this most fundamental level—belief either religious or nonreligious in the narrow sense of the term. John Stuart Mill went so far as to claim that "all attempts by the State to bias the conclusions of its citizens on disputed subjects, are evil."<sup>4</sup> But this may be too strong. Although government ought not to intrude into those areas of life that have to do with people's deepest convictions and beliefs, it might be justified in trying to persuade citizens to save energy in a time of shortage or to observe speed limits on highways even if these are matters of public dispute.

At the time the First Amendment was written, the term *religion* was adequate to protect virtually all Americans from inappropriate intrusion of government into the most personal and sacred dimensions of their lives. This is no longer the case. Fairness would seem to demand that we consciously extend the meaning of the term—though in order

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3. Dewey, *A Common Faith* (New Haven: Yale University Press, 1934), p. 87.

4. Mill, *On Liberty* (1859; rpt., New York: E. P. Dutton, 1951), p. 219.

to be fully equitable, such an extension would have to be made in First Amendment establishment cases as well as in free exercise cases.

As it stands, most First Amendment censorship rulings already recognize the incompetence of government in such matters, and they have in fact rendered what I am proposing common practice in many (but by no means all) respects. But in a larger sense, I am arguing that we should come to view the First Amendment more holistically. We should interpret the religion clauses in light of the freedom of speech, press, and assembly clauses, and we should extend all of them to refer to the domain of education.

One might object to all this, however, by arguing that government has a legitimate interest in a virtuous citizenry and that no society can long survive which does not deliberately seek to develop character and virtue in its citizens. George Will has pressed this case, and Robert Bellah and Richard Neuhaus have similarly approached the issue.<sup>5</sup> Within limits, self-interest may provide a sound basis for an economic system, but there is no good evidence that any society can long survive if its citizenry is not strongly committed to the greater public good. If this is so, then should not government take steps to inculcate appropriate virtues in its citizens? Is this not a legitimate, indeed a compelling, state interest? The question cannot be avoided by serious political theorists. I see at least two ways of approaching it.

On the one hand, we could continue what has been common practice in public schools since their early beginnings: we could permit or even encourage schools to teach students those basic moral values that are reflected in the founding documents of the nation and that are widely accepted by almost all Americans, whether they are religious or nonreligious in the traditional sense of these terms. Such values would include basic honesty and decency, respect for the dignity and rights of others, fairness, justice, courtesy, public-mindedness, and others. During the nineteenth and early twentieth centuries, such moral instruction typically was firmly embedded in a Protestant Christian worldview, but such is not necessary and clearly would not be appropriate today.

On the other hand, we could accept the fact that the state has an interest in establishing a virtuous citizenry but argue that it would be

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5. See Will, *Statecraft as Soulcraft* (New York: Simon & Schuster, 1983); Bellah, *The Broken Covenant: American Civil Religion in Time of Trial* (New York: Seabury Press, 1975); and Neuhaus, *The Naked Public Square: Religion and Democracy in America* (Grand Rapids: Eerdmans, 1984).

unwise for the state to try to meet this need directly. After all, the state also has a compelling interest in the economic well-being of its citizens, but most Americans believe that it would be unwise for the state to try to meet this need directly by nationalizing all business and industry and resorting to centralized economic planning. The experiences of the Soviet Union and the Republic of China, where such approaches have been tried, have not been encouraging. The state might better use its power to lend support to those "mediating structures" that have a strong and abiding interest in civic virtue and the welfare of the entire community—such structures as religious institutions, schools, voluntary and nonprofit organizations, labor and business groups, neighborhoods, and the family, which stand between the individual and the state.<sup>6</sup> To be sure, such groups can lose sight of the public interest and become little more than private lobbies, a part of what Theodore Lowi calls "interest-group liberalism,"<sup>7</sup> but that need not inevitably be the case. When genuinely concerned about the public interest, such mediating structures provide healthy checks and balances to the power of the state. In terms of creating a virtuous citizenry, there probably is safety in such diversity; it may be a fatal mistake for the state to take on the role of inculcating or fostering virtue in its citizens. Consider the terrifying blunders and injustices of states such as Nazi Germany, the Soviet Union, and the Republic of China which have made the attempt. Tax exemptions are one means we currently use to encourage nongovernment groups to meet these public needs.

When the state tries to inculcate virtue in its citizens directly, it faces the problem that moral teachings or moral values are fully intelligible only in relationship to a larger worldview or understanding of life. How can government teach virtue in public schools—other than simply repeating certain maxims or rules—apart from relating moral values to a worldview? In part it can do this through teaching literature, but then the selection of literature becomes controversial. Which novels and plays and poems should be assigned to students? How should teachers respond when children ask why they should follow these rules or obey these moral principles? They could truthfully say that in a pluralistic society there are many possible answers to such a question, and they

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6. For more on these "mediating structures," see Peter L. Berger and Richard John Neuhaus, *To Empower People: Mediating Structures in Public Policy* (Washington: American Enterprise Institute for Public Policy Research, 1977).

7. Lowi, *The End of Liberalism: The Second Republic of the United States*, 2d ed. (New York: W. W. Norton, 1979).



could take the time to explore the answers that various groups would give. But will this in fact happen? Will teachers take the time to point out that one reason Jews believe we should be compassionate to the alien and the foreigner is that God was compassionate to Israel when it was in the position of the stranger? Will teachers explain that Christians understand love of neighbor as a grateful response to the love they have experienced through the life, death, and resurrection of Jesus Christ? In my view the schools have become so secularized that many teachers would be unlikely to provide these sorts of answers; indeed, I suspect that many of them would maintain that such answers violate in some way the establishment clause of the First Amendment. Most teachers, I think, would either avoid such questions altogether or else answer them entirely within a secular, nontheistic, philosophical framework.

This is also common practice at the university level. In state universities we find very few, if any, bona fide theologians doing theological ethics. When ethics are done in the modern state university—that is, when scholars actually seek out what they believe to be correct answers to specific contemporary problems—they usually work within a framework of secular philosophical ethics. In a few cases professors of religion will wrestle with current moral issues in the field of personal or social ethics, but most would consider approaching such a task *as a Lutheran* or *as a Catholic* or *as an Orthodox Jew* to be out of place in a such a context. Confessional theology or ethics is seen as belonging in the theological seminary and the denominational college, not in the state university.

In European universities it is not uncommon for confessional theologians or moralists to work side by side with secular philosophers, but in the United States such behavior is generally construed as a violation of the establishment clause of the First Amendment. And yet, as I have been contending, since secular or nontheistic philosophical ethics are not religiously neutral, the state really has no business applying this double standard, permitting nontheistic philosophers to do ethics while giving the cold shoulder to ethics taught by confessional theologians.

To say that the philosophical approach to ethics is “rational” or “based on reason” (and thus belongs in the university), whereas the theological approach is “dogmatic” and “irrational” or “nonrational,” is, I think, to use these terms as ideological clubs. Both approaches rest on unprovable assumptions. Both involve faith commitments of a sort.

2. The second assumption I wish to challenge is actually an extension or an application of the first—namely, that *a secular education*