On children’s right to pluralism in education
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Introduction

The starting points of this paper imply a use from one article (Englund 2010) published within the project (Education as a citizenship right – parents’ rights, children’s rights or …..) in which the parental right to educational authority is questioned. Using deliberative democracy as an ideal I am putting the question if it is possible to create a deliberative democracy without future citizens growing into a pluralist, deliberative culture developing deliberative capabilities, with schools serving as crucial intermediate institutions. It is within common schools that encounters between different cultures, different value orientations etc. can take place and classrooms as weak publics can be created. However, this kind of development seems less plausible with the renaissance of what can be called liberal patriarchalism now legitimizing the growing use of parental right to educational authority1, at the same time neglecting children’s right to a pluralist education. In my paper I will try to analyze the components of this dilemma by relating it to an ongoing discussion on citizenship education questioning in what perspective this citizenship education shall be seen, in a perspective of societal reproduction of from a perspective of each child’s rights to a pluralist education.2 Depending on in what perspective this question is seen we find different outcomes.

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1 The liberal, private-law paradigm privileges individual freedom, e.g. parental right to educational authority and civil rights at the same time subordinating political and social citizenship rights (Marshall 1949/1964, Habermas 1996). Among philosophers of education, William Galston (1991, 2002, 2005) is an outspoken proponent to parental right to educational authority.

2 William Galston (1991) poses two dilemmas about parental rights and education. The first of these arises from conflict between the proper ends of civic education in a liberal society and the values that some parents will want to honor in the way they rear their children; the second arises from conflict between how basic interests of the child are understood by the wider society and the dissident views of some parents (cf. Callan 2006)
Amy Gutmann on political education and the parental right to educational authority

In Englund 2010 I use the now classic work by Amy Gutmann, her *Democratic education* from 1987, in which she develops three models of educational authority, to question her permissive attitude towards private education and the parental right to educational authority even though she develops different kinds of criticism of this right e.g. that “it is one thing to recognize the right (and responsibility) of parents to educate their children as members of a family, quite another to claim that this right of familial education extends to a right of parents to insulate their children from exposure to ways of life or thinking that conflict with their own” (Gutmann 1987, p. 29). She is even more precise when she writes that “a state makes choice possible by teaching its future citizens respect for opposing points of view and ways of life. It makes choice meaningful by equipping children with the intellectual skills necessary to evaluate ways of life different from that of their parents. History suggests that without state provision or regulation of education, children will be taught neither mutual respect among persons nor rational deliberation among ways of life” (pp. 30-31). Gutmann is also quite clear about what latent functions and risks there are in a state of families system and what the role of the state might be when she writes that “the state of families mistakenly conflates the welfare of children with the freedom of parents when it assumes that the welfare of children is best defined or secured by the freedom of parents” (p. 32). But as I interpret her, she is not denying the right of parents to educational authority because she gives reasons for permitting communities to use education to predispose children towards some ways of life and away from others. And in a later, revised edition, she writes: “A democratic society needs to offer not only choices among public or private schools, but good choices if it is to fulfil its educational obligations to children” (Gutmann 1999, p. 302). But what does that mean? In discussing private education (in the original 1987 edition), she argues that “as more and more parents pull their children out of public schools, public schools will be increasingly incapable of fulfilling their democratic purposes. By this logic, private schooling must be prohibited so as to fulfill the democratic purposes of public schooling. While a prohibitionist policy deprives dissatisfied parents of the freedom to take their children out of public schools, it supports their freedom to participate as citizens in the control of public schools” (Gutmann, 1987, p. 116). In sum, even though Gutmann elaborates many interesting and crucial critical points against the parental right to educational authority, she is nevertheless
defending it in principle and also the organization of a public and private system of schooling (Englund 2010 pp. 236-239).

In the same article I was also questioning another proponent of political education, Eamon Callan’ for his view that “the state must give parents substantial latitude to instill in their children whatever religious faith or conception if the good they espouse. Similarly, the state must permit communities of like-minded citizens to create educational institutions that reflect their distinct way of life, even if that entails some alienation from the political culture of the larger society” (Callan 1997, p. 9).

On the need of pluralism in education

Against such views on parental right to educational authority, even if I agree with Gutmann and Callan on their general views of the need for political education, I argued (in Englund 2010) for the need of a common plural education for both the public good and from the perspective of children’s rights. I qualify pluralism in three ways: 1) as openness to different perspectives within each school, 2) for pluralism as based in a public education system and, 3) for schools as encounters between different cultures and social groups creating and functioning as ‘weak publics’ (cf. Fraser 2002). I also qualify the concept of pluralism distinguishing between a pluralism within the public education system and an organised pluralism based on both public and private schools, the model taken for given and not questioned by Gutmann (Englund 2010 pp. 240-244, cf. Englund 1994).

The legitimation of independent schools

Why then do we have independent schools and especially the growth of independent schools implying parents’ rights to educational authority during the last decades? The concrete history of the development in Sweden during the last decades has its starting point during the 1980s with a criticism from a private middle class established in the dominating anti-socialist media (Dagens Nyheter / Daily News) regarding the school system as imposing too uniform a socialization, and leaving no room for individual differences and the wish of parents to shape their children’s education (cf. Englund 2009).

I see at least three ways of legitimising the parental right to educational authority: 1) the revitalisation of classical liberalism (the Lockean tradition
of possessive individualism) or what I call liberal patriarchalism, 2) the role of international conventions in which the phrase that “parents have a prior right to choose the kind of education that shall be given to their children” have been used (a paragraph originally directed to the historical use of the educational system for indoctrination by undemocratic states like the Nazi Germany and how parents’ right to educational authority might protect children from that use)³. I also see 3) different uses of identity politics and the recognition factor e.g. for demanding group rights as an important factor (cf. Englund 2010 pp. 244-248).

What we also know from the recent Swedish educational history is that independent schools are seen as attractive to many parents – a longstanding critique of the general school system in media (the anti-socialist press and recently television) has laid the ground (cf. e.g. Finland with a totally different development) – and among middle class parents in most Swedish bigger towns it is now more or less a rule to seek for the best schools for their children (which of course can mean many different things: mostly it is a question of getting grades and recently company-based schools are offering specific ‘short cuts’ to higher education and so on. However I will not go deeper into that complex development here and now).

What one can say is that, talking with Habermas, that if we follow his three paradigms of law (Habermas 1996), we can see that the first one, the private-law-paradigm which historically was followed by the social-welfare-paradigm and which Habermas hoped to be followed by a proceduralist paradigm⁴, rather seems being on the way back, the private-law, liberal civil rights based paradigm, with the expansion of the parental right to educational authority.

The dangers with the parental right to educational authority

To be outspoken of what I find to be the dangers with the parental right to educational authority in relation to children’s right to education, these can be summarized in two words: indoctrination and segregation.

³ Within the project we have analysed the relevant International Conventions and their national application, especially in Sweden, see Journal of Human Rights 8(2) with contributions by Englund, Quennerstedt & Wahlström / Roth / Wahlström/ Quennerstedt and Englund ed. forthcoming
⁴ That paradigm ”privileges political rights and envisions a society in which a general deliberative participation in political life plays a crucial role” (Carleheden 2006 p. 523)
The danger of indoctrination is paradoxical in the way that the parental right to educational authority was established, as a protection against an undemocratic state (cf. Roth 2009), but today with the Western democracies established, it is instead the parents, for example religiously fundamentalist parents – from different religions – who are the problem from the perspective children’s right to a pluralist education.

The question of segregation is more complex but means generally, as in Sweden during the last decade, that the possibility of school choice leads to a homogenization of schools. Students of the same sort come together in each school and schools are successively losing their potential as places for encounters between different social and cultural groups. This homogenization also implies that the potential for learning, encounters when students with different backgrounds, abilities, interests meet each other, are lost. An important result from the recent evaluations of Swedish schools (PISA, TIMMSS, PIRLS, summarized by the National Agency for Education in Sweden) is that all students are losing concerning learning when the heterogeneity of the school class is diminished.

From the perspective of children, children’s right to education, I mean that these two problems are overlooked (also by Gutmann 1987 and Callan 1997). It is also my conception that children’s right to a pluralist education has a very weak position in relation to the parental right in spite of the Convention on the Rights of the Child (cf. Quennerstedt 2009), at least in Sweden in relation to the European Convention which is a law, (Wahlström 2011) while the Convention on the Rights of Child is not. Thus, within the dominant perspective children’s rights in education are subordinated to parents’ rights to educational authority and pluralism is rather seen as realized through the possibility for parents of choosing between different schools – which does not mean a pluralism for each child.

The question of segregation / being given a qualitatively unsufficient education as a result of a too differentiated school system created by market forces and education for private good / is of course a more complex question, but if we widen the perspective of segregation we might also see that the questions of segregation mainly goes close together with the phenomenon of multiculturalization. The children that are the most negatively affected by segregation in Sweden (as in many Western democracies) are the children of immigrants and in many other countries
minority cultures are often mistreated educationally and in other ways. There are of course outstanding exceptions like the Jewish communities in many countries. But is a minority group’s / community’s quest to preserve its own way of life through an education built on parental right to educational authority ‘the right way’ to reach recognition?

Ayelet Shachar (2000) identifies two legal arenas significant to the group’s demarcation of its membership boundaries: family law and education. She also writes concerning education that respect for a minority community’s quest to preserve its way of life may limit children’s social mobility through “a lack of exposure to more pluralist and diverse aspects of the curriculum, mandatory high school education, or participation in a learning environment that treats all persons as equals” (Shachar 2000 p. 392).

A discussion with Seyla Benhabib

Seyla Benhabib, the outstanding political philosopher of deliberative democracy (Benhabib ed. 1996) and developer of the Habermasian idea of discourse ethics, and who is the one pointing out Shachar to me, elaborates concerning discourse ethics that “autonomy is seen as a moral as well as a political principle; this requires that we create public practices, dialogues, and spaces in civil society around controversial normative questions in which all those affected can participate. As opposed to the privileging of legal regulation and adjudication in the political liberalism model, deliberative democracy would expand the moral/political dialogue into the civil public sphere. Deliberative democracy sees the free public sphere of civil society as the principal arena for the articulation, contestation, and resolution of normative discourses” (Benhabib 2002 p. 114-115). She also underlines that “we have to live with the otherness of others whose ways of being may be deeply threatening to our own. How else can moral and political learning take place, except through such encounters in civil society? (Benhabib 2002 p. 130).

And when it comes to education she concludes “that under principles of discourse ethics, any educational system that denies the exposure of children to the most advanced form of knowledge and inquiry available to humankind is unjustifiable ……. The obligation of the liberal-democratic state is to protect not only ‘the social mobility of its young …… but their equal right to develop their moral and intellectual faculties as full human beings and future citizens as well” (Benhabib 2002 p 123).
But having said that even a thoughtful proponent of the universalist model of deliberative democracy and interactive universalism like Seyla Benhabib writes that even if specific communities / parents “do not have the right to deprive their children of humankind’s accumulated knowledge and civilizational achievement in order to propagate their own ways of life; they do have a right to transmit to their children the fundamentals of their own ways of life alongside other forms of knowledge shared with humankind. Of course there will be contradictions, inconsistencies, and tensions between these teachings, but it is the mark of human intelligence to learn to deal with such contradictions and tensions” (Benhabib 2002, pp. 124-125).

But does this, in some ways contradictory model solve the problem of each child’s autonomy and possibility to develop his and her own judgements of how to live a good life and what does this model mean in concrete terms? What seems especially interesting from the standpoint of political socialization – and by that I mean that we need to have our eyes open to how these normative conditions can be interpreted if we also consider the period of childhood, youth and schooling and education in general – is that Benhabib says the following regarding voluntary self-ascription: “An individual must not be automatically assigned to a cultural, religious, or linguistic group by virtue of his or her birth. An individual’s group membership must permit the most extensive forms of self-ascription and self-identification possible. There will be many cases when such self-identifications may be contested, but the state should not simply grant the right to define and control membership to the group at the expense of the individual; it is desirable that at some point in their adult lives individuals be asked whether they accept their continuing membership in their communities of origin” (Benhabib 2002, p. 19, also at pp. 148-149). But is this kind of ‘recommendation’ enough from a perspective of children’s right to, through their education, have been given the resources to make independent choices of what kind of life to live?

I mean that Benhabib also forgets her thesis on interactive universalism as an expression of pluralism when it comes to the concrete organization of schools and that rather “a more public conception of school, in which children from many backgrounds learn together is needed because it is so hard for students to learn to be mutually tolerant and respectful of other people, traditions, and ways of life unless they are actually exposed to them… toleration and mutual respect for others can best be acquired only by
interacting with others in a setting that is itself challenging, heterogeneous, and mutually respectful” (Levinson 1999, p. 114).

Qualifications by Eamon Callan and Josh Corngold

From the perspective outlined it is interesting to notice the move made by Eamon Callan from his standpoint 1997 to another one in 2006, stressing the view of education as a citizenship right for each child in light of the situation, where “some people want to deny their own children particular educational opportunities or experiences that are widely regarded as necessary to the good of every individual child” (Callan 2006 p. 262). Referring back to the classic US Supreme court decision on *Wisconsin v Yoder* and William Galstons (2002) two dilemmas and defence of parental right to educational authority Callan develops two models, one collective and one individual, differentiating between “what is good for children individually rather than what is needed to sustain liberal democratic norms across generations” (Callan 2006 p 267). Furthering this distinction, Josh Corngold (2011) argues that if our primary concern is the kind of education that is needed for the flourishing of democratic society – Callan’s collective model – then “we need not be overly worried that a group of children from ‘a tiny and politically passive religious sect’ in Wisconsin doesn’t receive a tenth grade education” (Corngold 2011 p. 72 with reference to Callan 2006 p. 268). “However, if our primary concern is the kind of education that is needed for the flourishing of individual lives, then we should be much more worried about the kind of education that Amish children are receiving, and about the potential impact of the exemption of those children” (Corngold 2011 p. 72).

Concluding remarks

With the kind of critique, in the article by Corngold mainly directed towards Gutmann (1987) for defining ‘democratic education’ in relation to what is needed to sustain democratic norms across generations, we might go back to the introductory notes of criteria for pluralism and to understand them in the light of children’s right to a pluralist education and not primarily, as for Gutmann and also Callan, even if he opens up the perspective with his distinctions, to the societal level and the conscious reproduction of the democratic society. Taking every child’s right to a pluralist education as a primary concern we will be worried over all kinds of indoctrination in
schools, segregation by schools and the permissiveness to groups of parents’ demands of authority to an education of ‘their own’.

References:


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