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The Future: Toward Genuine Educational Pluralism and Disestablishment*

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It was noted at the outset of this paper that the recent wave of reports and studies of American schools indicate that education in America is facing many serious problems. The National Commission on Excellence in Education opened its report, *A Nation At Risk*, with the now familiar warning that "the educational foundations of our society are presently being eroded by a rising tide of

mediocrity."¹

State boards of education and legislatures, local school boards, and colleges and universities have been awakened to the educational crisis. Some states are already raising teachers' salaries and schools are making new attempts to measure "quality" and improve their curricular offerings.

But more money and improved educational offerings will not resolve all the problems facing American education, especially when it comes to the controversial issue of "values education." In this conflict there is a growing recognition that education is inherently value laden. "All education," as T.S. Eliot has said, "is religious education."²

* An expanded version of this manuscript was prepared in 1985 for the U.S. Department of Education. That paper, slightly revised, is to appear in a book edited by Richard John Neuhaus.

This realization in turn is leading to fundamental questions regarding the legitimacy of both the modern (secular) definition and the monopolist structure of public education. Today we are recognizing more than ever before that a monopolist educational establishment cannot meet the educational needs of a pluralist society. This very point was recently made quite forcefully by U. S. Secretary of Education William J. Bennett when he declared:

In a pluralistic society such as our own—the most gloriously diverse the world has ever seen—that right and high duty [the nurturing of children by parents] is no longer compatible with government monopoly in schooling. It is no longer possible for us to assume that neighbors will share the same vision of the truth just because they live on the same city block. It is no longer conceivable that feminists, fundamentalists, and every other group will somehow come to agree with each other on how to handle sex education, or dress codes, or whether to begin the day with a prayer. The whole point of being Americans is that we do not have to agree. Except for a few precious principles, there is no official orthodoxy in this country, and that is precisely the reason why many of our ancestors came here to begin with.³

Without a doubt we are living in a period that will see significant changes in American education. The question for this concluding section is essentially the same as that of Bishop Hughes many years ago: "What, then, remains for us to do?" In the following five steps I am not offering a fully developed response to this question. The steps outlined below are intended as initial suggestions about what needs to be done now and in the future.⁴

The first step that must be taken to promote greater justice for schools in the United States is to recognize the need for a more pluralist view of the state. State unity is important, but it is counterproductive to attempt to build it through a public school establishment. Rather, it must grow as a public legal unity that recognizes the spiritual, moral, and intellectual diversity which actually exists among its citizens.⁵

The opening words of the Preamble to the Constitution read: "We, the people of the United States, in order to form a more perfect union, establish justice. . . ." This linking of political unity with justice is a clear testimony that the framers felt the new country could not be based on common descent, language, or religion, but on the rule of law. In the field of education I believe the rule of law and justice for all demands the nondiscriminatory allocation of educational resources to all citizens.

Structurally speaking, the process whereby the church was disestablished in America ought to be followed now in the realm of education. The school must be freed from a monopolist establishment. This does not mean that it would be necessary to prohibit the state from running any school system whatsoever; the only requirement is that true equity, proportional justice, should be instituted for all schools. In other words, funding provisions and all other public legal measures must be nondiscriminatory. No favor or penalty ought to be directed toward any particular school or school system. Thus, under this reform, a state-owned and operated school would become one among many that are recognized as public schools by the government.⁶

At this point the objection might be raised that what is being suggested is the principle of multiple establishment, and that this approach was rejected in Virginia and elsewhere when it was first offered as an alternative to a monopolist church-state establishment. It is true that every form of ecclesiastical establishment was rejected in Virginia and eventually elsewhere as well.

This development was the direct result of the judgment that compulsory financial support and compulsory attendance did not measure up to the norm of justice for all.

In reference to education, however, it is widely accepted today that it is just for everyone to be taxed for the support of schools and for every child to be required by law to be educated (for most this means attending school) for a number of years. Given these two democratic judgments about

school. But once the state loses its privilege of defining a public school as its monopolist school system, then criteria will have to be set to distinguish between schools that truly qualify as public schools and those that do not.

Public justice for all demands that every school that meets accreditation standards be recognized as serving a public purpose and thus deserving of a proportional share of public funds. It is certain that some schools

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education, it is clear that reasons for rejecting a multiple church-state establishment (compulsory financing and attendance) are not relevant to a consideration of multiple support for a variety of different kinds of public schools.

The second step that must be taken to promote greater public justice for schools is to redefine the nature of public responsibility for education. Recognizing pluralism in education and disestablishing the state's public school monopoly will broaden the definition of a legitimate public school. Once the state-school is disestablished, the present distinction between "public" privileged schools and "private" unsupported schools will come to an end. An important question will then be, "What is a public school?"

At the elementary and secondary level in the present system this question is not raised because, by definition, a public school is whatever the local governments and state boards of education have established as a

will always want to remain private institutions. This status would obviously make such schools ineligible for public funds. The freedom of choice, the freedom to be a private school, must be protected.

It is quite another thing, however, for a fully accredited school to be forced outside of the public community simply because some have judged its educational philosophy to be unworthy of public support. In order to make this point as clear and forceful as possible, the term "private" school ought to be reserved for those institutions which either do not want to be considered public schools or for those schools that do not measure up to the standards established for a public school. The term "public" school would then describe the diversity of schools that meet all accreditation standards and desire a proportional share of public funds for education. From this perspective, "public" attests to a school's service to society rather than to its being owned and

operated by the government.

A pluralist reform of education will thus not entail the destruction of public education in the United States. It will simply mean the recognition of a greater diversity of schools worthy of public support. Such a reform will require, however, a redefinition of public responsibility for education. And this in turn will require the creation of new and better accreditation procedures. Several resources will facilitate this task.

First, there is the definition of public education that existed in the United States prior to the 1840s. A broader, more pluralist definition of public education is available within our own history. While no one is foolish enough to suggest that this country ought to return to all the educational practices in our early history, it would also be foolish to ignore valuable lessons from history that point the way toward a more normative understanding of public education.

Second, the actual educational practices in some states today reflect this country's original, more pluralist, understanding of public education. What I have in mind are examples from several New England states where public funds are used to support a variety of schools.

Joe Nathan in *Free To Teach* reports that in Maine more than thirty towns without high schools of their own allow their students to attend any of several public, private, or parochial high schools, with the town paying their tuition.⁷ In Vermont for more than one hundred years the state has used tax funds to support payment of tuition at different types of schools. According to Nathan:

There are four broad classes of schools in Vermont: public schools which meet all state requirements; private schools designated public schools in towns which have not established their own school; private, nonsectarian schools which meet certain state requirements (less

stringent than the first two groups of schools); and finally, private schools associated with religious groups (principally the Catholic church).⁸

Ninety-five of the 246 towns in Vermont allow families to use tax funds to attend a variety of schools, including private nonsectarian institutions.⁹ The regulations established to define the educational program (curriculum, staff, buildings, and schedule) of Vermont schools are a resource that can inform the accreditation procedures for a more pluralist educational system.

Maine's and Vermont's experience with freedom of choice in education demonstrates that such a program can work without destroying the public schools or the fabric of society—two claims often made about the effects of a more pluralist view of education. These examples ought to be more carefully analyzed to determine levels of student, parent, and community satisfaction. In addition, other states ought to be studied for more examples of workable models of educational pluralism.

The third resource that can help to create new and better accreditation procedures is the pluralist educational achievements in Canadian provinces and European states.¹⁰ By examining their policies we can gain valuable insight into how governments recognize a plurality of schools and school systems without supporting fraudulent or illegitimate or racist institutions.

And fourth, we have in this country at the present time a highly diverse system of higher education. Among colleges and universities (and even among some preparatory high schools), sophisticated accrediting institutions and procedures demonstrate the power and ability that schools have for independent and critical self-evaluation. By carefully considering American educational history, educational practices of some American states and other democratic countries, and contemporary higher accreditation procedures in this coun-

try, we can develop criteria and procedures for schools and school systems to qualify as voucher, tax-credit, or tax-deduction schools for parents and students.

In the developing of criteria and procedures for public recognition, it is extremely important that this be done without interference in the educational philosophy of the diverse schools. If a variety of schools is to be encouraged and sustained, then the state or a nongovernment accrediting association must not be allowed to dictate the perspective of those schools under its authority. It is one thing, for example, to require English language competency and the teaching of American history and government. These and many more legitimate requirements are necessary for minimum competency and citizen participation in a democratic society. It is something quite different for an accrediting body to dictate the educational philosophy that must guide the teaching of the social or natural sciences. But again, this should not be an insurmountable problem because accrediting institutions for higher learning in this country have dealt with it effectively.

Taking the second step of redefining the nature of public responsibility for education will end the decades-old struggle to define what is "secular" and what is "religious" in education. If schools are freed from inclusion in or exclusion from the state monopoly, then the secular/religious distinction will be irrelevant because a school will not have to claim some privileged identity (as "nonsectarian" or "secular") in order to allow parents and students to obtain public funds for education. Then the courts and other public institutions will be able to concentrate their energies on the proper public legal issues of determining what true equity demands for education and deciding what proportional justice demands for a variety of schools and school systems. And the government will be encouraged to assume its full responsibility for nurturing good citizens without having to control and favor a monopolist school system to the unjust

disadvantage of other schools.

The third step toward justice for schools requires that the government give greater recognition to parental responsibility for, and freedom of choice in, the education of children. If a true diversity of schools is encouraged on the basis of the first two steps outlined above, that in itself will be a major step toward helping parents fulfill their responsibility to educate their children. But when the government no longer serves as the legal "principle" and "agent" in education and allows parents and schools to perform those duties, government will still have to shape public policy. For example, what will justice require for parents who cannot find a school that meets the needs of their children within the local community? What extra consideration will have to be given to financing the education of children who are handicapped, who have learning disabilities, who come from families living in poverty? What is equitable for those who have suffered racial or other forms of discrimination?

It is vitally important that government recognize the nature and the identity of family life and its relationship to the training of children. Since children are not merely citizens, and except for unusual circumstances, certainly not wards of the state, their life in families must be recognized and nurtured in a way that harmonizes formal school education with family life.

The fourth step that must be taken to promote justice for American schools is for state and federal governments to encourage the development of new schools by clarifying the rights, privileges, and responsibilities of founding organizations and cooperating institutions.¹¹ Once the government no longer grants a monopoly of public funds to a single school system, new schools will be able to open and older nongovernment schools will gain strength. Many churches are likely to remain in (or enter) the educational field. Independent associations of parents will continue to establish schools. Business enterprises and other organizations will establish new schools.¹² And local and state govern-

ments are certain to keep the government schools alive.

All of this can become a very healthy, liberating process, because new energy will be put into creative educational ventures. A diversity of schools will promote a rethinking of American economic, social, political, and religious life. Such a diversity will be healthful for the republic as a whole. In the end it will lead to a greater public awareness of the rule of law and democratic values than is presently possible under a monopolist educational structure that denies to millions of students freedom of choice in education.

This fourth step will require some gradual

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redesign of public funding procedures and of the legal identity of schools and their supporting organizations. But changes can be made gradually through new state and federal legislation, state constitutional amendments, and court decisions on various contested issues. The changes do not require the sudden, destructive overthrow of the present order.

If the four steps outlined above are taken, then they will make possible a fifth step. If public schools are set free to be schools instead of forced to be branches of government bureaucracies, schools will find incentive to dedicate themselves to excellence in education. School administrators will be more free to offer their services to the schools they choose rather than to the only available establishment. Teachers will be free to look for school communities in which they can share similar interests with colleagues rather than be forced to work side by side with teachers who are committed to a different educational philosophy or a different view of the educational process. Students will be

free to participate in schools that reflect some degree of harmony with their family lives. They will have a variety of educational reasons for attending a particular school rather than be forced by arbitrary geographical reasons to attend the only available local government school. Parent-teacher associations will be genuine associations based on common and freely chosen commitments rather than on accidental and compulsory geographical or political factors.

Schools that do not offer a good educational program will be forced out of existence by competition, because parents will

not have to continue sending their children to those schools. Excellence will breed further excellence. Educational reforms and improvements will arise through the natural quest for excellence in dozens of different schools and school systems rather than from the top down to a captive and therefore often passive audience.

If the five steps outlined above are taken, we can realistically anticipate a greater measure of public justice, public responsibility for education, parental dedication, school growth, educational excellence, and much more.

Conclusion

Not everyone will agree that a more pluralist and equitable system of public funding for schools will improve education and create a more democratic society. While increasing numbers of individuals and groups have become critical of the present monopolist system of public education, others are rallying to its defense. In the

minds and hearts of many citizens, public officials, and scholars, the present public school establishment is the only conceivable structure for a democratic society. At this juncture in our history the political-educational debate will continue on many fronts between those who are committed to maintaining the present monopolist establishment, and those who believe that public justice demands the disestablishment of the present monopoly and its replacement with a pluralist system of education.

If we return to the argument that the closest analogy to the present public school establishment in our country is the state-church establishment of former days, then a number of things come into focus. First, as late as the eighteenth century in America most people assumed that one of the primary functions of an established church was to enforce a common morality. They viewed an ecclesiastical establishment as crucial to the very survival of society.

Those first Americans who objected to the state-church establishment found it difficult to oppose because no society had as yet disestablished the church. When disestablishment finally did occur, people saw that a democratic society could indeed survive without one church or a number of churches having a favored political status.

Was it the case, however, that with the disestablishment of the church, America freed itself from the assumption that a common morality was to be enforced in society? Many think not! John F. Wilson, for example, believes that an established public school simply replaced an established church as the mechanism to enforce a common morality. Wilson writes that

the public school system certainly must be viewed as a powerful engine for reinforcement of common religion. . . . School systems are in fact the American religious establishment through their state symbolism, civic ceremonials, inculcated values, exemplified virtues,

and explicit curricula.¹³

Elwyn A. Smith concludes similarly that "the American public school system is the nation's equivalent to the European established church."¹⁴

Today many individuals and groups believe that disestablishing the public school threatens the survival of our society. Fortunately, unlike those who first objected to the former state-church establishment, we have today abundant evidence to demonstrate that democratic societies cannot merely survive but flourish when a state recognizes a diversity of schools as legitimately fulfilling the task of educating young women and men for responsible citizenship. It is a curious fact that while the United States pointed the way for other democratic states to disestablish the church, it finds itself today one of the few democratic countries in which a monopolist education establishment is still maintained.

A second lesson to be learned from seeing the present educational establishment in light of an older state-church establishment is that people protested for many years before others recognized the injustice of an ecclesiastical establishment. In time a broad coalition of people and groups did appear and eventually change did occur.

Where, we might ask, are we today in relationship to the same type of social, economic, religious, and political forces that eventually brought down the state-church establishment? That these forces are at work in contemporary American society, and that opposition groups and coalitions are emerging, should be clear to all. I am convinced that eventually this process will significantly reform the structure of American education.

There is, however, no single best method for bringing about change; there are several roads, but no single clear road, to reform the structure of public education in America. The educational framework that now exists is an intricate interrelationship of local, state, and federal responsibility and control. No single point of attack can change such a

complex educational establishment. Instead we must seek change through new state and federal legislation; through local, particularly urban, reforms that can become models for other communities; through the courts; through amendments to state and the federal constitution; through consciousness raising; and through other processes as well.

The movement toward genuine educational pluralism and disestablishment will require many different kinds of cooperative efforts made by many individuals and groups. The question of Bishop Hughes is still very relevant: "What, then, remains for us to do?" Academic, political, and other strategists must continue to bring their most creative insights to bear on this question and on the issue of the relationship between public education and public justice in a pluralist society.

ENDNOTES

¹National Commission on Excellence in Education, *A Nation At Risk: The Imperative for Education Reform* (Washington, D.C.: US Government Printing Office, 1983).

²The "post-empiricist rejection of the ideal of value-free education is an important contemporary development. More and more scholars are coming to realize that it is impossible to avoid religious issues in education. Even to adopt the position that ultimate questions in science, history, and literature will not be discussed is to assert that these disciplines can be taught while ignoring religion. This judgment is itself a religious viewpoint. See Richard John Neuhaus, "No More Bootleg Religion," in *Controversies in Education*, ed. by Dwight W. Allen and Jeffry C. Hecht (Philadelphia: W. B. Saunders Company, 1974). For an insightful overview of the "post-empiricist" rejection of value-free knowledge see David Lyon, "Valuing in Social Science: Post-Empiricism and Christian Response," *Christian Scholars Review* Vol. 12, No. 4 (1983).

³U. S. Secretary of Education William J. Bennett, Speech before the National Catholic Education Association Annual Convention, St. Louis, Missouri, April 10, 1985.

⁴The five steps were initially set forth in McCarthy et al., *Disestablishment A Second Time*, Chapter VIII ("Toward Justice for American Schools"). Strategies for change are discussed more fully in McCarthy et al., *Society, State, & Schools*, Chapter VII ("Strategies For Constructive Change Toward Pluralism").

⁵For a fuller discussion of what stands behind the con-

cept of a "public legal unity" consult Rockne McCarthy, "American Civil Religion," in Skillen, ed., *Confessing Christ and Doing Politics* (Washington, D.C.: APJ Education Fund, 1982); James Skillen, "Societal Pluralism: Blessing or Curse for the Public Good," in *The Ethical Dimension of Political Life: Essays in Honor of John H. Hollowell*, ed. Francis Canavan, (Durham, N. C.: Duke University Press, 1983).

⁶See, for example, Richard John Neuhaus, "Educational Diversity in Post-Secular America," *New York University Education Quarterly*, Winter, 1982; Donald A. Erickson, *The New "Public" Schools* (Wichita, Kansas: Center for Independent Education, 1977).

⁷Joe Nathan, *Free To Teach: Achieving Equity and Excellence in Schools* (Minneapolis: Winston Press, Inc., 1984), p. 148.

⁸*Ibid*, p. 145. (Italics added)

⁹*Ibid*.

¹⁰Consult McCarthy et al., *Disestablishment A Second Time*, Chapter VII ("State and Education: European Alternatives"); McCarthy et al. *Society, State, & Schools*, pp. 136-144; and Kenneth McRae, ed., *Con-sociational Democracy: Political Accommodation in Segmented Societies*, (Toronto: McClelland and Stewart, 1974).

¹¹For a discussion of the "rights of associations" see McCarthy et al., *Society, State, & Schools* Chapter III ("The Rights of Associations in American Thought and Law"); McCarthy, "Liberal Democracy and the Rights of Institutions," *Pro Rege*, Vol. VIII, No. 4, June, 1980; McCarthy, "Three Societal Models: A Theoretical and Historical Overview," *Pro Rege*, Vol. IX, No. 4, June, 1981.

¹²The scope of corporate education in the U.S. already rivals traditional programs. According to the report, *Corporate Classrooms: The Learning Business*, by Nell Eurich, a Carnegie Foundation trustee, "nearly \$60 billion a year is spent on corporate education, making it 'similar to the cost of the nation's four-year colleges and universities, both 'public and private.' In addition, the number of employees enrolled in corporate programs is close to the total enrollment of colleges and universities—about eight million students. Eurich found at last 18 corporations awarding academic degrees. These corporations are or soon will be accredited. The Rand Corporation offers a Ph.D., for example, and Wang Laboratories in Massachusetts offers a master of computer software." *Higher Education & National Affairs*, Vol 34, No. 5, March, 1985.

¹³John F. Wilson, "The Status of 'Civil Religion' in America," in Elwyn A. Smith, ed., *The Religion of the Republic* (Philadelphia: Fortress Press, 1971), pp 7, 8-9.

¹⁴Elwyn A. Smith, ed., *The Religion of the Republic*, p. VIII. The same point was made much earlier by Sidney E. Mead, in "Thomas Jefferson's 'Fair Experiment'—Religious Freedom," p. 68. This is one of a collection of Mead's articles published together under the title, *The Lively Experiment: The Shaping of Christianity in America* (New York: Harper and Row, 1963).