

Parental Choice and Educational Equity

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A BRIEF INTRODUCTION

Some fifteen to twenty years ago, a friend who was at that time an activist in the field of parental choice in a Midwestern state hosted a private dinner in her home for a former United States senator and his wife.

"Now tell me," said the senator's wife, "why is it that you Catholics want our tax money to educate your children?" The Senator nodded; for he too wanted to know the answer. My friend was a bit nonplused by the frankness of the question but was pleased nevertheless: it was the direct question for which she had been waiting for a long time.

"That's an easy one," she replied. "We don't want your money. We want some of *our* tax money to be used for the education of *all* the children in this state, including our own."

Her guests smiled politely—and dropped the subject. It was never raised again.

Such experiences, I believe, give Catholics a uniquely personal vantage point from which to view the issue of educational choice. I use the term *uniquely personal* for several historical and cultural reasons that will appear below; however, the Catholic perspective is neither distinctively different from that of other advocates of choice nor self-interested.

The point here is the political one made in 1963 by William Gorman, then a staff member of the Center for the Study of Democratic Institutions. Expressing "a vague discontent with [his] Con-

ference billing, "A Catholic View," he reminded his audience that "though a Catholic viewer, what I am looking at, or for, is the structure and content of our constitutional consensus signable, so to speak, by all members of our body politic."¹ That point cannot be over-emphasized: educational choice is an issue of justice and equity for all Americans. The "religious" issue is a weapon employed by the opponents of choice in education

WHAT IS CHOICE IN EDUCATION?

From the perspective of the consumers (all parents, children, and taxpayers), education in the United States is not a matter of "choice": it is compulsory. Every state requires children to attend school and will prosecute parents who refuse or neglect to educate them.² Most States prescribe minimum standards for educational content, facilities, and teachers and will enforce them vigorously, though only selectively. There is growing political and professional support for early childhood education, and minimum educational and facility standards for day-care centers are a part of the same trend. The inevitable next step will be to debate whether to make both mandatory. Education programs concerning human sexuality, drug and alcohol abuse, AIDS prevention, the use and distribution of contraceptives, and a whole host of programs on other sensitive topics (most recently, "multi-culturalism"³) inevitably metamorphose from "experimental, pilot programs" to required courses.⁴

On a more tangible level, titanic political and judicial battles are fought regularly over mandatory student assignment plans. It matters little whether the issue is busing for school desegregation, a redrawing of district lines to reflect demographic change and diversity, or the availability (or lack thereof) of education for children with special needs: choice in education, or, more appropriately, lack of choice, is a perennial and sensitive issue. It has been for a long time.⁵

And last, but certainly not least, is the question of money. The cost of public education is borne by all the taxpayers, who have no more "choice" in the matter of making timely tax payments than the "choice" they will have in the face of death. Public education is big business but with one important difference: it has no competition. Neither taxpayers nor consumers can vote with their wallets; they pay anyway. Choice is "extra." Federal, state, and local government support for public education totalled \$148.6 billion in 1986, an

average of \$3733.67 for each child enrolled in the public schools.⁶ Private sector spending on non-public education during the same period amounted to \$13.2 billion, an average of \$2421.13 per child.⁷

Because education funding is the largest single item in the budget of most local governments and because the school system may often be one of the largest employers in a community, issues that affect either education funding or policy become political issues of the first order as their effect ripples through affected sectors of the community.⁸ And as political issues they are subject to all of the factional cross-pressures, log-rolling, and legal disputes that affect other aspects of the political process.⁹ From the perspective of those who provide and control public education, the range of permissible choice among legitimate alternatives is usually limited only by the amount of money available and what the political "traffic" will bear. Control within budgetary limits is virtually absolute.

Toss the concept of educational choice into this roiling cauldron of "hot" political and social issues, and the mixture becomes volatile indeed. *Fund* the choice, as the state of Wisconsin did for poor children in inner city neighborhoods, and it explodes.¹⁰ The reason is as simple as it is straightforward. The debate is not really about "choice" at all; it is about *control*. Loss of students to the private sector means loss of the government's control over them and, more importantly, over the money the state allocates for their education. In 1988, the most recent year for which statistics were available, only 11.5 percent of school-age children attended non-public schools, and the National Center for Education Statistics projects about the same percentage through 1992.¹¹ Funded choice would inevitably cause that percentage to rise, but no one knows to what degree. At this point at least it is not the potential *size* of a competition fueled by pent-up parental demand¹² that bothers the educational establishment; it is the *concept* that there might be parental control and competition at all.¹³

This is why listening to and reading the debates over educational choice will leave the discerning reader with the impression that there is as much "choice" in selecting the appropriate meaning of the term "choice" as there is promise in the concept itself. It is only when an appropriate descriptive adjective defines the nature of the "choice" to be permitted that the contours of the debate—and its critical importance—becomes clear.

**REAL VS. IMAGINED CHOICES:
THE POLITICS OF EDUCATIONAL FINANCE**

What Are the Choices?

The right to a free public education is expressly provided in state constitutions,¹⁴ and the right *not* to attend state schools has been held by the United States Supreme Court to be a component of the “liberty” protected by the Fourteenth Amendment to the Constitution of the United States.¹⁵ As a result, the first choice is not *whether* to educate the children (that is already required) but how.

There are only two choices widely available: attend a school run by the government and funded by tax dollars or attend a school (including a home one) that is run and funded, either in whole or in part, by the private sector.¹⁶

Other forms of “educational choice”—neighborhood choice, inter-district choice, statewide choice, enrollment lotteries, and pairs, clusters, and magnet schools (to name only a few of the options)—are choices *within* a government-run, -managed, and -funded educational system. The debates over these choices also raise profound questions concerning the efficiency, equity, and effectiveness of state schools, but those questions are beyond the scope of this essay.¹⁷ More pertinent is why from a Catholic perspective children have the right to utilize their fair share¹⁸ of tax monies allocated for education in the manner best suited to their respective futures and why this should be a valid option for children in any community that is committed to education, freedom, pluralism, and democracy.¹⁹

The Nature of Parental Choice

Parents are obligated by law to assure, among other things, that their children attend school. Their obligation as parents, however, is far broader: they are bound, both morally and legally, to ensure that the best interests of their children are served by the educational choices which they, as parents, are empowered to make.²⁰ This is so because “[t]he child is not the mere creature of the State; those who nurture him and direct his destiny, have the right, coupled with the high duty, to recognize and prepare him for additional obligations.”²¹ Any concerned parent will consider the

range of legally available educational choices with a view toward what is best for the child and the family under the circumstances.²²

Because parents who have no choice rarely feel any need to elaborate on the choices made for them, it may appear to some observers that, to the extent choice becomes an option, important choices will be made reflexively by parents who are not well-informed (or worse, do not care) about either the nature or the consequences over the short and long terms. The implicit paternalism of such predictions aside, the fact that there will be some parents who will not choose well underscores the nature of the dilemma facing those who advocate choice in education.

To the extent that options are limited, most parents will make rational choices within the range of permissible options.²³ If there are incentives or disincentives attached to choices within a permissible range, such factors will inevitably influence the choice made.²⁴ The passive appearance of a choice to an "objective" observer (a rare bird indeed), however, does not mean that it is either irrational or ill-informed; more information is needed. The Supreme Court of the United States recognized the sensitivity of such inquiries in *Wisconsin v. Yoder*:

The unique role in our society of the family, the institution by which 'we inculcate and pass down many of our most cherished values, moral and cultural,' requires . . . sensitivity and flexibility [with respect] to the special needs of parents and children.²⁵

Factors Influencing Parental Choice

THE FINANCIAL INCENTIVE TO CHOOSE PUBLIC EDUCATION

Since the factors involved in the choice between public and private education are so complex and vary from family to family, it may be useful to list some of the most important: location, safety, convenience, cost, overall quality, program content, culture, language, demographics, religion, family, history, teachers, and physical facilities. To the extent that there is a choice, families will engage in a fairly sophisticated trade-off, selecting among the available options in a manner that suits their respective needs, financial abilities, and aspirations.

But all things are not equal. There is a powerful incentive to choose education in the public sector: money. Children are entitled by state constitutions to a free and "uniform" education at public

expense. (Whether they receive it or not is, of course, another question entirely.²⁶) But there is a catch: in order to receive the benefit, one must make the "right" choice (i.e. a public school).

Such a dilemma raises a number of questions from the perspective of civil rights and constitutional law; for the question is no longer whether the state will provide free education but *to whom* that education will be afforded. The reason for the dilemma is generally ascribed simply to "public choice."²⁷

But choices are not made in a vacuum. "Public choices," like their private counterparts, reflect the attitudes and, sometimes, the prejudices, of those who make them. In the context of educational choice, public choice is influenced by attitudes and prejudices concerning not only the relative importance of education, its goals, and content but also about the nature of the community at large, who shall be considered a member, and on what (and whose) terms.

NON-FINANCIAL INCENTIVES TO CHOOSE PUBLIC EDUCATION

Another fact rarely articulated but central to the debate over choice is that private education is not value-neutral. Neither is public schooling, nor should it be. Parents know this instinctively, and so do the school authorities.

By definition, education is not (nor can it be) simply the transmission of information. The courts have long recognized that education is a moral and cultural endeavor of the highest order, designed to mold the minds, bodies, and spirits of children and young adults. As a result, "every educational system has a moral goal that it tries to attain and that informs its curriculum. It wants to produce a certain kind of human being. This intention is more or less explicit, more or less a result of reflection; but even the neutral subjects, like reading and writing and arithmetic, take their place in a vision of the educated person."²⁸

If a community elects to fund only education that is acquired in schools run by the government, it is making an implicit judgment concerning the moral environment necessary to a well-rounded education. At the same time, it limits the range of meaningful options available to parents who, for whatever reasons, may not share that vision. No longer may they choose on the basis of what environment is best for their children; they must make the initial decision in light of the powerful financial incentive to attend state schools. Unless resources or other benefits available in the private sector counterbalance this financial incentive, those for whom cost

is a significant factor (i.e. most Americans) will receive great *community* pressure to choose a state school, and most families will make the only rational choice they can afford: a public school.

Once that step is taken, everything—books, teachers, curricula, facilities, and all other important components of education (including the school to which the child is assigned)—become matters of “public” rather than parental or private choice.²⁹ Even the possibility of choice within the public setting is limited by the politics of educational choice itself. The only real alternatives are to move to another city or town (i.e. public school “choice” funded by the parents), or to leave the system entirely by selecting a school that is not run by the government. For most parents, such a “choice” is no choice at all.

So why does the public choose only “public” education? Although they might choose a more “open” mix of public and private options if left to their own devices, the complicated and troublesome answer is that fear and misunderstanding often get in the way of the central task Americans have set out for themselves: building a vibrant, pluralistic society from the rich diversity of our people. (*E pluribus unum.*)

*Factors Influencing Public Choice:
The Common School and the Politics of Religion*

The debate over parental choice in education is not a new one. Because of the role it plays in shaping the lives and beliefs of their children, parents have always been concerned about the nature and content of education; and from the time of the Pilgrims through the early 1800s, Americans looked, in part, to their churches to provide it. The first schools in what is now the United States were founded by Spanish Catholic missionaries in Florida and New Mexico between 1594 and 1630. The school of the Dutch Reformed Church and the Boston Latin School followed shortly thereafter in 1633 and 1635 respectively.³⁰ In the Colonies, which were overwhelmingly Protestant, education was officially Protestant as well, and remained unofficially so well into the twentieth century—one of the last vestiges of what Mark DeWolfe Howe has described as America’s *de facto* establishment of religion.³¹

In those early years, both the churches and their educational efforts were funded by the community. James Madison’s “Memorial and Remonstrance Against Religious Assessments”³² was directed

against the collection of tax money “for teachers of the Christian religion,” who would, of course, teach it from the perspective of the established Anglican church. That, in fact, was the problem and the essence of the push for the religious liberty guarantees of the First Amendment.

“Official” religion was often neither free nor tolerant of dissenters, and when the last established church in the United States lost its status in 1833, the equality of religious ideas before the law had taken a great step forward. Schools were open, and parents could choose freely among them. In New York, for example, a law passed in 1813 provided that the Free School Society (later the Public School Society) should allocate the educational funds at its disposal to, among others, “such incorporated religious societies in said city, as now support or hereafter shall establish charity schools within the said city, who may apply for the same.”³³ But funded educational choice was not to last.

The development that eventually changed everything, including attitudes concerning the relationship of churches to schools, was immigration—specifically, immigration of Catholics. In 1790, Catholics numbered only about 35,000 out of a total population of over four million, and together, Catholics and Jews amounted to only about 0.1 percent of the population.³⁴ “The great Atlantic migration,” first of the Irish, later of Germans and Scandinavians, and finally of Eastern and Southern Europeans, brought in over 40 million immigrants, including large numbers of Catholics with “foreign” ways, languages, and loyalties. For many, this was not a welcome development. Americans expressed their fears over immigration as early as the eighteenth century. In his notes on the state of Virginia, Thomas Jefferson referred to immigrants as a “a heterogeneous, incoherent, distracted mass” who would need to rid themselves of their old world ways if America was to prosper. Such views only grew in intensity in the nineteenth century.

The Rev. Lyman Beecher of Boston saw immigration as containing the seeds of “the conflict which is to decide the destiny of the West” and that it “will be a conflict of institutions for the education of her sons, for the purposes of superstition, or evangelical light; of despotism or liberty.”³⁵ Catholics, because of their faith commitments, were not fit to be called “Americans” because they were “considered lower in the scale of mental cultivation and refinement than the Protestant . . . due to their being deprived of the Bible by their priesthood.”³⁶

To men like Beecher, it was clear that *something*, obviously, had to be done promptly. The logical answer was to “educate” them:

If we do not provide the schools which are requisite for the cheap and effectual education of the children of the nation, it is perfectly certain that the Catholic powers of Europe intend to make up the deficiency, and there is no reason to doubt that they will do it, until, by immigration and Catholic education, we become to such an extent a Catholic nation, that with their peculiar power of acting as one body, they will become the dominant power of the nation.³⁷

But there was, already, “cheap and effectual education” being provided at public expense by church-related schools and the newly established public schools. The problem, from the Catholic perspective, was that the newly established public schools “tended to be close copies of the Protestant schools they replaced.” When they were unsuccessful in their attempts “to remove Protestant sectarianism from the public schools,”³⁸ Catholics began to request their fair share of the tax monies allocated to the schools of other religious organizations under the 1813 statute. The result was a change in the law of New York; under this new law funds were denied to any school that taught “sectarian doctrine” (i.e. Catholicism).³⁹

One of the striking things about the politics of school choice is how it has changed since the ascendancy of the common school education reformers and how it has consistently feared that democracy and community will not survive if parents may freely choose among educational alternatives. Even though it was an article of faith in the early years of the republic that “schools and the means of education shall be forever encouraged” because “religion, morality and knowledge” were thought “necessary to good government and the happiness of mankind,”⁴⁰ *certain* religious beliefs were viewed as inimical to the common good and inconsistent with the mission of the schools.

To some in positions of political power, including Blaine and Grant, Catholicism, and to a lesser extent other minority religions, fit that description. Other “sectarian” practices, such as Bible reading and organized prayer, however, continued until well into the twentieth century.⁴¹

When the laws designed, in the words of the anti-Catholic propagandist Paul Blanshard, to prevent “[t]he capture of a public

educational system” by the “Catholic hierarchy” for their sundry nefarious purposes⁴² came to be used by Catholics and Jews to protect their own children enrolled in the public schools from being proselytized and trained in Protestant traditions, the fact that public schools “tended to be close copies of the Protestant schools they replaced” was forgotten. Such attempts proved, as it were, the un-American nature of those who objected; their valid religious concerns were cast aside as attacks on both Christianity itself⁴³ and “America’s most treasured institution,”⁴⁴ the public school.

Anti-Catholicism, the official policy of all colonies but Pennsylvania (which nevertheless required religious oaths for public office, which were abhorrent to Catholics) and Rhode Island (where no Catholics were known to have lived),⁴⁵ was thus yoked together with nativism and fed fears that the immigrants would wreak havoc upon the economic and political life of those already here.⁴⁶ Educational choice simply had to be curtailed—or eliminated⁴⁷—to guarantee that alien cultures and ideas would not survive the assimilation process. The Official Ballot Summary printed by the state of Oregon in preparation for the 1922 initiative that sought to eliminate all private schooling makes the point quite clearly:

What is the purpose of our public schools . . . ? Because they are the creators of true citizens by common education which teaches the ideals and standards upon which our government rests. . . . Mix those with prejudices for a few years while their minds are plastic, and finally bring out the finished product—a true American. . . . Our children must not under any pretext, be it based upon money, creed or social status, be divided into antagonistic groups, there to absorb the narrow views of life, as they are taught.⁴⁸

It is a story which those of us who the writers of that pamphlet would believe have “absorb[ed] the narrow views of life, as . . . taught” by our parents and clergy, are tired of hearing. Yet we hear the same old arguments today, dressed up to look a bit more inclusive, compassionate, and less xenophobic. Americans who desire to maintain a distinctive cultural or religious identity are just as much “true Americans” as those who do not or cannot.⁴⁹ Most immigrants, including my own grandparents, who make the effort to reach these shores (or cross the Southern border) are choosing to join the American experiment *because* it is *different* from what they left behind. There is no threat to pluralism because they bring

cultural, religious, and linguistic baggage to their new home. The real threat arises because well-intentioned xenophobes and, more recently, hard-line advocates of cultural diversity do not know how to deal with them. A pluralistic democracy is a rich amalgam of different peoples, each with a unique cultural and religious heritage, contributing to the constant renewal of culture and freedom. Without them, the "American" culture we know today would not have been possible.

*Penalizing the "Wrong" Choice:
Making Parental Choice a Lose-Lose Proposition*

That the public schools have been an essential component in the building of the United States as it exists today is a given. No one really questions that fact or wishes it were not so. A position in favor of parental choice says nothing about either the intrinsic value of public schooling (which I wholeheartedly support) or the current value of the public schools as a force for positive change in society. The *only* thing to be said about public schooling in light of the controversy over parental choice is that public schools are not necessarily the best choice for everyone.

What is intriguing about the debates over school choice is how little attention is given to the issue of discrimination. After *Pierce v. Society of Sisters*,⁵⁰ parents had a constitutional right to make the choice not to send their children to a public school—if they were willing to pay for the alternative education. But as the law developed over the years, the implicit (and, sometimes, explicit) message handed down by the courts was that to exercise one's constitutional right to choose an education influenced by religion (any religion) was the wrong choice, both for the student and for society. Legislation that sought to lighten the burden of the choice was routinely struck down as an unconstitutional "establishment of religion." Opponents selectively cited the historical antipathy of the Virginia Founding Fathers to the support of religious education, even though the programs at issue bore little resemblance to the establishment problems the Virginians sought to remedy.

From the beginning, however, the controversy has been over public money, control and, most importantly, over whose children (and values) would be nurtured by its use. It is the same today.

The church-state cases decided by the Supreme Court of the United States to date make it clear that virtually all manner of

educational benefits available to public school students, from maps to diagnostic services for children with special needs, can be denied to parents and school children who exercise their constitutional right to choose a non-public education.⁵¹ One need not even show that educational funds were improperly used;⁵² for the risk that someone might perceive a “symbolic” relationship of church and state is, for a majority of the Justices, too great.⁵³ Some simply prefer the public schools (Justice Powell, now retired, once led the Richmond, Virginia, school board); while others solemnly intone the words of Professor Paul Freund to the effect that it is better [for whom?] to deny equal treatment than to argue divisively in public over the allocation of tax funds.⁵⁴

What the “danger” is, why it violates anyone’s individual rights to pay their fair share of the educational tax burden,⁵⁵ and why the perception of the parents whose children are denied tax benefits—that the Congress and State Legislatures designed for all school children⁵⁶—does not “count” in the constitutional calculus is never discussed. Like the senator’s wife, sophisticated opponents of parental choice simply drop the subject. In October 1991, the less sophisticated among them forgot themselves and bought full-sized advertisements in the Washington, D.C. subway system, featuring pictures of Catholic Justices on the United States Supreme Court and a text that proclaims unless “Americans” are vigilant, Catholics (note the contrast) will take over.

Only in recent years, as religiously devout citizens of other Christian and non-Christian traditions have sought to make the public schools less antagonistic to their beliefs,⁵⁷ or to set up their own schools,⁵⁸ or to leave the educational system entirely,⁵⁹ have the historical complaints of observant Catholics and Jews been seen in a fresh light. As the public schools attempt, in their traditionally bureaucratic way, to comply with court orders designed to extirpate the last vestiges of Protestant Christianity from school buildings and curriculum,⁶⁰ the essential truth of Professor Allan Bloom’s observation that “every educational system has a moral goal that it tries to attain and that informs its curriculum” is emphasized.

The public school system in the United States does “want to produce a certain kind of human being.” Its “intention is more or less explicit, more or less a result of reflection” and clearly reflects “a vision of the educated person.”⁶¹ She is well-versed in multiculturalism; bilingual; well-informed and open-minded about sex

and sexuality; practices "safer sex"; does not use drugs, alcohol, or tobacco; and has been exposed to a modicum of science (especially evolutionary theory), history (except the parts about religion, though this is changing), social studies (including values clarification), and a bit of literature and math to round things out. The *only* things that person does not carry are two: *any* recognizably religious tradition or even an appreciation for the richness fostered by the myriad religious traditions that flourish in America. In a world where sex education is placed on a par with mathematics and given equal time in the schedule,⁶² it is not surprising that the "educated person" might perceive religion as irrelevant at best and "divisive" and troublesome at worst.

Such a vision of the educated person is, in a heterogeneous society, an understandable one, though I do not share it. It is not, however, the only one or, more to the point, the only legitimate one.

And that, of course, is the point: if the Establishment Clause forbids anything, it is the anointing of any tradition, religious or secular, as the "official" dogma of the Republic. Parents, in short, must be free under the First and Fourteenth Amendments to choose for themselves and their children among the available and legitimate educational alternatives, without a financial inducement to make what the government perceives to be the politically or theologically "correct" choice at the moment. None other than Professor Laurence Tribe—no friend of funded parental choice in education⁶³—describes the problem in the following terms:

Whenever both religion clauses are potentially relevant,—the dominance of the free exercise clause follows from the principles underlying both clauses. For both clauses embody a broad concept of the relationship between religion and the state, which must be modified to adapt to changing conceptions both of religion and of government. If individuals and groups are to enjoy meaningful religious freedom, the protection afforded by the free exercise clause must vary with the extent of governmental regulation and subsidy in society generally. The opinions of the Framers offer general guidance, expressed in such core values as voluntarism and separatism. In the context of these general values, we must consider whether a nation committed to religious pluralism must, in the age of the affirmative state, make active provision for maximum diversity; we must ask whether, in the present age, religious tolerance must cease to be simply a negative

principle and must become a positive commitment that encourages the flourishing of conscience. Whenever tension is perceived between free exercise and non-establishment, "... a value judgment [is required] as to which is to become dominant ... the one premised on a vital civil right, or the one premised on ... eighteenth century political theory. The resolution [is] preordained—to pose the conflict is to resolve it." Even if one takes a more charitable view of the political theory underlying the opposed position, it seems doubtful that sacrificing religious freedom on the altar of anti-establishment would do justice to the hopes of the Framers—or to a coherent vision of religious autonomy in the affirmative state.⁶⁴

While I do not agree with Professor Tribe's implicit view that all religious liberty interests can be subsumed under the rubric of individual "religious autonomy,"⁶⁵ I do agree that the type of autonomy involved here—that of parents to choose the value systems in which their children shall be raised—is consistent not only with a "coherent vision of religious autonomy in the affirmative state," but also it is consistent with the autonomy of all parents, who are charged in law and morality to protect and further the best interests of their children.

CONCLUSION

The argument made above is twofold, for it speaks of rights and duties. First, parents, as voters and taxpayers, are entitled as a matter of justice and equity to demand from their elected representatives the funds they need to educate their children to be good, productive citizens in a pluralistic democracy. That the public fisc cannot possibly meet the entire need is a given, and that painful choices must be made and priorities set in the process simply underscores the communitarian nature of the task. The books cannot be forever balanced on the backs of those who choose to exercise their constitutional right to select legitimate alternatives.

The duty component rests on the assertion that the community and its leaders must take responsibility for the public choices it has made, both present and past, which have inhibited the ability of parents and families who are members of identifiably religious, ethnic, and racial groups to make the same choices about educational values and environments that the community has made for

the public schools. Recent studies by James Coleman show that, while the packaging and moral content of the education may be different in private schools, the commitment to diversity and democratic values is the same, if not stronger, than that found in their public counterparts.⁶⁶

Knowledge of these facts—through academic study and personal experience as a Catholic child educated in Catholic schools through graduation from high school—is what, in the end, led me to agree to pen this essay “from a Catholic perspective.” I can do so because, to borrow again the words of William Gorman, my argument rests squarely on “the structure and content of our constitutional consensus.” And when the day comes that that consensus is “signable, so to speak, by all members of our body politic” parents will, after many years of waiting and discrimination, be free to choose what is best educationally for the children they love so much.

Parental Freedom of Education Choice

James W. Skillen

Glowing pride and tearful dismay, liberating joy and devastating sorrow—these emotional extremes pull at the hearts of American parents today as they try to raise and educate their children. Good grades in school bring pride to all; a child's early distaste for learning produces sorrow. A developing talent that allows a child to go on to college or to successful employment gives a sense of liberating fulfillment; academic or social failure in school that may threaten a child's maturation can break a parent's heart.

Today, perhaps more than ever before, schooling appears to be both increasingly urgent and deeply troubled, both obviously essential and clearly problematic. Citizens and public policy makers look for ways to promote the schooling of young people in order to secure America's future. But how should they promote it, and what, precisely, should they promote? Who should do what kind of promoting? Who is best equipped to educate children? How should schools and teachers best complement and supplement the learning patterns and moral training children receive at home and in their neighborhoods? How can government's education policies do justice to all of America's parents, students, and teachers? How can schooling best assist the development of moral, economic, and civic life for each citizen?

These and thousands of other questions come to the fore if one looks seriously at the educational challenge that faces American society and its families. Yet there is no simple answer to the questions just posed. We live today in a social and political context