AGAINST DEMOCRATIC EDUCATION

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Critics of educational markets and parental choice argue that the social aspect of education is best reflected when citizens are able collectively to shape its provision through a process of public reasoning, and when instruction in the norms that sustain such reasoning are part of the curriculum. These requirements are thought to imply that the delivery, funding, and regulation of primary and secondary education should be subject to extensive democratic control. This essay takes issue with these claims. I argue that educational markets are central to the enlargement of public reasoning, properly understood. In addition, I contend that the norms required to maintain this reasoning may be more likely to arise in a context where the state has little, if any, role in the education of its citizens.

I begin in Section I by setting out the principle objections to parental choice and educational markets, focusing on the conception of the public sphere that underpins these objections. In Section II, I sketch an alternative account of the relationship between the private and the public spheres, and the place of markets and parental choice within this account. Sections III through VII deploy these arguments to show how democratic control may thwart public reasoning in comparison to a regime in which parents choose both the ends and the means of education in a context of open markets and civil association.

I. THE PUBLIC SPHERE, THE COMMON GOOD, AND DEMOCRATIC EDUCATION

Public schooling systems across the developed democracies have a decidedly mixed record. Large numbers of children leave school with minimal competency in areas such as basic numeracy and literacy, and the suggestion that public education reduces crime and other social maladies looks doubtful in the face of high levels of youth alienation which have coincided with massive increases in public expenditure on schools. This questionable record has led to increasing calls for an expansion of parental choice and market-like structures in primary and secondary education. The influence of these market liberal ideas has, however, largely met with disapproval from educational philosophers. From the critics’ perspective, reducing democratic control over educational institutions is an inappropriate response to the problems of public school systems that
mischaracterizes educational goods and the mechanisms through which they should be delivered.

Arguments of this nature are not attributable to any one philosophical school of thought but have been made by authors endorsing a variety of substantive political doctrines. Most theorists, however, draw on a fundamental critique of the assumptions thought to underlie the case for parental choice. Following John Dewey’s influential account, the suggestion is that citizens need to develop an “enlarged outlook” moving beyond an individualistic understanding of relationships between teacher and pupil, or between teacher and parent, to recognize that what the best and wisest parents want for their own children, the community should also want for all of its children.1

Although these Deweyan arguments have a communitarian flavor, they are also evident in the civic republican and liberal egalitarian traditions. Amy Gutmann, for example, criticizes a model she describes as the “state of families” — a model defended by advocates of parental choice on both natural rights and consequentialist grounds.2 The former justification claims that parents have a natural right to educational authority because they have a personal interest in passing on their own values to their offspring, and that a state committed to individual freedom must respect parental choice.3 The consequentialist justification meanwhile suggests that parents know best what is in their children’s interests and can be relied upon to make beneficial educational choices.4 Gutmann rejects both of these arguments. She suggests that while parents may have a liberal right to educate their children as members of a family, this does not imply a right to insulate children from the broader society and exposure to ways of thinking that conflict with their own. The natural rights argument for parental choice suggests that freedom of the individual is the desired end of education, yet it is precisely this freedom that may be threatened by parents’ educational choices. With respect to the consequentialist argument, Gutmann contends that it is implausible to suggest that parents can be counted on to equip their children with the skills necessary for rational deliberation. Parents may, for example, teach values based on racial or religious intolerance. Thus, “[h]istory 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.”5

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Harry Brighouse offers some related arguments noting that because children cannot be assumed to be competent choosers, second parties must of necessity make educational choices on their behalf. To make an effective case for granting exclusive authority to parents in this capacity, he suggests, would require either an assumption that parents are always good proxy consumers for their children’s interests or an argument that parents have “moral ownership” of their offspring. The latter view is incompatible with an emphasis on individual rights because children have rights distinguishable from those of their parents. The former view meanwhile is implausible because many adults are not even effective consumers when acting for themselves. While it may be reasonable to hold adults responsible for their own bad choices,

... allowing a child’s future prospects to be determined by her parents’ bad choices is tantamount to holding her responsible for other people’s bad choices which is morally outrageous.

Seen in this light, citizens have moral obligations to other people’s children to ensure that they receive a decent education, and state payment for education via taxation, and regulation of its provision are the mechanisms by which this collective obligation is fulfilled.

A second set of arguments maintains that the common good requires an active public sphere that enables processes of critical reasoning. The latter contention is witnessed in Elizabeth Anderson’s suggestion that education should not be conceived as a marketable commodity but as a good that reflects “reasoned ideals rather than merely private tastes.” On this understanding, it is inappropriate to make decisions about moral ideals according to the criterion of willingness to pay. Where incommensurable ideals are concerned, it is impossible to aggregate such values into a utilitarian “social welfare function.” Decisions over educational values should be based instead on publicly reasoned judgments about the relative merits of the goods concerned. A market system would allow parents to exit from schools that do not concur with their private tastes; but the advantage of a publicly controlled system is that it requires people to persuade others that the reasons underlying their educational values are commensurate with the common good. At the same time, by exposing parents and their children to other people who may exhibit different values and perspectives, the democratic sphere provides the space where preferences can be transformed and where norms that exclude minorities of various kinds can be challenged.

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7 Ibid., 40.
9 Ibid., 201–202.
Distributive arguments focused on equality of opportunity constitute the final and perhaps most influential set of complaints against educational markets. On the one hand, the use of the exit option is thought to enable better informed and more energetic parents to leave the children of more apathetic parents in institutions deprived of input from the most sophisticated of their fellow citizens. On the other hand, such cultural inequalities may be magnified by money power. Children with similar talents and aptitudes may receive unequal levels of provision owing to differences in parental income. Financial disparities also limit the extent to which poorer people can compensate those of their children who are less talented by spending more on their education. Such inequalities are deemed unacceptable both from the perspective of the disadvantaged and from that of the community at large. For the individual, it is unjust that access to goods that have a determinative effect on life chances should be affected by the caprice of genetics, family background, and income. From the societal perspective meanwhile, the common good requires that those who have talents and abilities that can best secure broader objectives such as economic growth or cultural advancement have access to the resources that enable them to fulfill such potential.

The above arguments, it should be recognized, do not necessarily preclude some role for markets and parental choice in the provision of educational services. While many of these criticisms are made by authors sympathetic to the “common school” or “comprehensive ideal” — where public authorities allocate children to schools within their local neighborhood — other supporters of democratic education such as Gutmann and Brighouse are willing to concede a case for a limited form of parental choice provided that the funding of education and the curriculum it delivers is subject to democratic control. What is rejected by all supporters of “democratic education,” however, is the case for “unfettered” markets where the supply, regulation, and the funding of education is left to the decisions of private actors in a context of only minimal regulation focused on contract enforcement and the prevention of fraud.

If unfettered markets are deemed inappropriate to the allocation of educational services, there are two separate though interrelated claims in favor of social democratic alternatives. The first is the instrumental or epistemic argument that democratic control of education produces better decisions. “Better” refers to an enlarged process of public reasoning as the
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perspectives of children, parents, teachers, and the broader community are reflected in the decisions made. Public reasoning in this sense refers to the process by which people learn to and help transform one another’s preferences and values through engagement in democratic dialogue. Democratic decisions may also ensure a more equitable distribution of educational opportunities. Though democracy itself may take place in conditions of background inequality, the public nature of these decisions makes it more likely that unjustifiable inequalities will be brought to public attention and subjected to correction.

The second argument for democratic control is a procedural claim from moral or political legitimacy. This suggests that subjecting one’s decisions to public scrutiny is a requirement of showing the mutual respect toward fellow citizens that is needed to sustain the stability of the social order. Democratic deliberation promotes public legitimacy of social outcomes because all people, regardless of class, cultural background, or ethnic origin can have their say in the decisions that will influence education for the community as a whole. Institutions having these characteristics are thought to meet a higher-level test of “public reasonability” — because the rules chosen have the potential to work in everyone’s interests and do not unduly reflect the interests of those with greater wealth or social status. Rules of this nature may be accepted as legitimate even in the eyes of those who disagree with or lose out from a particular decision.

Within this context, most advocates of democratic education are committed to the enforcement of a curriculum that grounds students in the values necessary to sustain the conditions of civility on which an open democratic order depends. This may require both exposing children to a range of political views and cultural and religious traditions, and equipping them with the skills necessary to engage in rational deliberation. Whatever element of choice is permitted, therefore, parents should not be able to deprive their children of the skills necessary both for their own well-being and for their capacity to contribute to democratic deliberation.

II. THE PRIVATE SPHERE, PUBLIC REASONING, AND SOCIAL ORDER

Some of the criticisms sketched above proceed from the assumption that the case for parental choice is neglectful of the social aspect of children’s education and the importance of public reasoning about educational values. Others challenge the case for markets on distributional grounds.

14 Gutmann, Democratic Education; Lubienski, “Whither the Common Good?”
16 Ibid.
17 Ibid.
It will be my contention, however, that all of these arguments are misguided. Far from limiting public reasoning, the case for parental choice maintains that open educational markets are a precondition of an extended form of public learning that transcends verbal discourse. Distributional criticisms are mistaken because while markets cannot secure “equality of opportunity” they increase the quality of opportunities available to all people in a manner that does not privilege the better-off. In this section I sketch an account of the relationship between the private and the public spheres that forms the background to these claims. The subsequent four sections develop the argument for privatizing primary and secondary educational services and challenge the case for “democratic education.”

The case for private education developed in this paper is concerned with specifying the minimum moral and institutional requirements that enable people who disagree about what ends to pursue in life, and/or the means to achieve such ends, to coexist without permanent and potentially destructive conflict. The basic moral and social rules identified here include toleration, secure possession of property, voluntary contract, and the prevention of violence and fraud. The private sphere secured by these rules enables people to make decisions without the consent of countless others. These negative rights of “noninterference” are judged more likely to secure the minimum moral support needed to sustain the social order because they can be supplied for a modest cost and because the capacity for any actor to pursue personal projects depends on the observance of a private sphere by other actors. Positive rights to assistance or a particular share of wealth, by contrast, are more costly and may disrupt the conditions for peaceful and mutually beneficial cooperation. Rights of this nature can only be supplied at the direct expense of others — in effect by using some people to secure ends of which they may disapprove. While some positive claims to assistance might be justified in “emergency situations” to preserve social peace, or to care for the indigent, if the conditions for mutual benefit are to be preserved, then it is essential that such claims be minimized. A distinction may thus be drawn between the minimum social rules that constitute enforceable obligations of justice without which society could not function and “imperfect rights” which should be governed by persuasion and voluntary exchange. Whereas “perfect rights” to justice must be backed by coercion, in the case of imperfect rights such as economic well-being, charity, and generosity, the use of compulsion may, to use Adam Smith’s words, be judged as “… the highest degree of insolence and presumption.”

20 Ibid.
It is important to emphasize at this juncture that the case for protecting the private sphere does not seek to hermetically seal people off from social influences but rather to entrench the conditions for public reasoning and social cooperation — properly understood. The observation of human disagreement reflects that people are fallible agents who operate in a world of chronic ignorance. This recognition does not deny the possibility of objective “truths,” but in a context of tightly bounded rationality emphasizes ongoing uncertainty whether an understanding of such truths has in fact been achieved. Toleration and the protection of the private sphere are thus important because they act as a check against erroneous claims to omniscience. When there is doubt about the rightness of one’s own or others’ beliefs, it is important not to impose any view of the appropriate course to pursue. The existence of an extensive private sphere reduces the risk of large-scale error and increases the possibility for actors in the wider public to learn from different experiences. Within this context, the argument advanced here mirrors its social democratic rival in having both an instrumental or epistemic element and one grounded in the language of public justification and political legitimacy.

With respect to the instrumental/epistemic argument, the thrust of this essay differs from theories that equate public reasoning with the making of collective decisions and that emphasize the importance of conscious deliberation and explicit dialogue in the transmission of values. In a complex and advanced society, it is impossible for people to be consciously aware of the many diverse factors that contribute to the evolution of different ends and means. When people engage with one another in social situations they often produce outcomes that are unintended because they cannot fully anticipate how others will react to the reasons they give and the decisions they make. Properly understood, the public sphere is an “ordered anarchy” whose outcomes are “public” because they emerge as the product of no one’s intention. It is ordered, because it depends on the enforcement of private rights and produces observable patterns of coordination. It is anarchic, however, because the patterns concerned are not the intentional outcomes of the participants and, indeed, these participants lack the cognitive capacity to produce the relevant patterns via conscious or deliberative coordination.

Moreover, the process of public reasoning is not limited to acts of articulate persuasion. One of the most important ways that people can influence the values of others is by lived example. An important advantage of a secure private sphere is the space it creates for people to experiment with modes of living that do not conform to prevailing opinions. It is only when private projects are put into practice that a wider learning process may be

set in motion as previously unanticipated benefits can be witnessed by other actors and thus become the subject of emulation.  

This conception of the public sphere as an “ordered anarchy” is best encapsulated by the workings of the competitive market economy. The advantage of such an economy resides not in the rationality of individual actors but in the “super-individual” processes that facilitate order; these processes also enable people to learn, often “unconsciously” from the practices of countless others, while reducing the significance of human error. Markets on this view are fundamentally a part of the public sphere and perform several functions that cannot be replicated by systems that do not rely on persuasion and voluntary exchange.

First, the market economy performs a coordinative role where countless acts of exchange enable both producers and consumers to bid for resources on the basis of knowledge about their own local circumstances. The price signals that emerge from such exchanges enable people to adjust to the shifting choices of unknown agents and to the changing scarcity of goods. Prices, profits, and losses do not provide all the necessary data needed to inform individual actions but they reflect more information and enable more adjustments than would be possible if an organized group were required to determine synoptically which goods and services to produce and in what quantities, for society as a whole.

Second, markets perform a public learning function where the factors determining which goods are in fact valued, are shaped endogenously by the process of competition. The polycentric nature of decision-making in markets allows opposing ideas in many different production and consumption lines to be tested simultaneously without approval from any one center of control. Markets thus reduce the risk of systemic failure and generate more knowledge about rival ends and means than monocentric alternatives. To perform in this manner there need be no requirement of so-called “perfect competition” where large numbers of price takers adjust their decisions instantaneously. Rather, what is required is that incumbents remain open to challenge from new entrants offering better opportunities than currently available. The principle obstacle to effective competition on this view is often the existence of price controls and regulatory barriers that stifle the signaling function of prices and raise the costs of market entry to the benefit of incumbents.
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The processes described above generate unequal rewards reflecting combinations of skill, luck, and effort, and different starting points for people born into circumstances not of their own making. Markets, therefore, do not generate “equality of opportunity,” but the dynamics of competitive emulation work nonetheless to generate more and better opportunities than might otherwise be available. Redistributive and regulatory measures, by contrast, run the risk of undermining the conditions for social cooperation by requiring that the goals and projects of some are sacrificed in the interests of others. In the worst case scenario this may result in a scramble for control of the political apparatus and an undue focus on transferring resources rather than on the generation of more opportunities — a scramble that is by no means certain to work in the interests of the worst-off.27 Even in the most “idealized” scenario, however, where there is agreement on the desirability of redistribution as a goal, there is little reason to suppose that public authorities can access the knowledge to secure an allocation that achieves the desired pattern of opportunities. The knowledge of “who should give what to whom” in order to secure a particular distribution of opportunity can no more be centralized in the hands of a public bureaucracy than can knowledge of the complex and diverse factors that determine the content of prices in a market.28

Markets do, of course, require a background of institutions that secure property rights, and on the view advanced here it is the primary purpose of political authority to maintain such institutions. Disputes over property rights and what the principle of “noninterference” implies in specific cases will always arise and political authorities must make judgments on such cases. Neither does this minimalist account rule out the possible involvement of public authorities in the supply of some collective or public goods which may not for logistical reasons be organized adequately in the private domain. Given the epistemic difficulties facing such authorities in deciding how and in what quantities to produce such goods, however, and the fact that large-scale collective action problems may also plague public provision,29 it does suggest that the burden of proof should rest with those who maintain that private supply is impossible or massively inadequate. The resolution of such issues cannot be decided solely on the basis of abstract philosophical principles, but will be based on conventions that reflect historical accidents and time- and place-specific judgments. Moreover, it is important that even where there is a need for coercive authority this authority remains open to challenge. The institutional mechanism emphasized here is that of interjurisdictional competition or

27 This is a central finding of public choice theory, on which see James Buchanan and Gordon Tullock, The Calculus of Consent (Ann Arbor, MI: University of Michigan Press, 1962).
29 Again, public choice theorists have done much to understand these dynamics.
political federalism which enables people within the same state to resolve disputes in different ways.

The ethical underpinning of the argument thus far is based on a form of “rule consequentialism” highlighting the long-run benefits to all individuals, irrespective of wealth or social status, from respecting a clear private domain. The latter increases the possibility for people to learn what their interests might be and how best to achieve them. These arguments are, of course, dependent on certain factual claims about the social world that can be refuted by an accumulation of evidence. The case advanced here, however, goes beyond the merely consequentialist claim that toleration increases the possibility of discovering what may prove to be better courses of action. The private sphere is not just to be favored because it “maximizes the use of reason” but because to abandon toleration is to forsake reason itself. It is a necessary, though not a sufficient, condition for the development of reason that people have the freedom to think, to speak, and where commensurate with social order, to act in accordance with their beliefs — and that no one’s convictions can be overturned because they are held to be in error by a majority, or those who proffer special claims to authority. Thus, even where the consequentialist/evidential case is less than clear-cut there remains a general presumption against the use of coercive measures. To abandon persuasion is to show disrespect for the individuals concerned, and measures that are imposed by force rather than accepted and internalized by people are likely to be resisted and thus disruptive of social order. Only where there is clear evidence that private action risks undermining social cooperation should a resort to coercive measures be made.

It should be apparent from this account that where there is ongoing disagreement over ends and means, the allocation of goods and services should not be seen as “perfect rights” or as enforceable claims to justice, and that the widest possible scope should be granted to individuals and civil associations to engage in acts of persuasion and voluntary exchange. In the specific context of primary and secondary education, this implies a strong case for leaving the provision, regulation, and funding of educational services to the choices of parents to enter into or exit from relationships with a diversity of suppliers. These may include conventional “schools” providing a set curriculum on a specialist educational site. Alternatively, they may include a diversity of specialist teachers or institutes providing

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30 On this see Friedrich Hayek, Rules and Order (Chicago: Chicago University Press, 1973).
32 The actions, as opposed to the free speech, of communists, fascists, and Nazis would thus need to be constrained, with the added exception of constraints on the incitement to violence.
33 Kukathas, Liberal Archipelago, 136–37.
34 If anthropogenic climate change poses the threat to social life that many experts think it does, then this may be a case in point.