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RESEARCH ARTICLE

PARENTAL AND COMMUNITY ROLES AND THE RESPONSIBILITY TO EDUCATE A CHILD.

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Gordon college parental and community roles and the responsibility to educate a child.

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Abstract

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Introduction:-

Who is responsible for the education of a child? Generally, it is taken for granted that the child's parent(s) bears the weight of the burden. But what if a parent doesn't have a child's best interest in mind? What if, as the child grows, their belief system and core values begin to differ from that of their parent? Is the parent still educating their child in the child's best interest? Is the parent now at fault for holding back the capabilities of their son or daughter? Limiting their growth and potential?

At what point is the child's community, and society as a whole, responsible for their education? For any child? For all children?

And what responsibility does the child bear in their own education?

These questions can be further broken down and asked of the three primary entities who at once share equal responsibility to educate while simultaneously have varying levels of responsibilities for the overall outcome and depth of the education in question, the parent, the state, and the student. Parents assume responsibility of education from birth and are the primary overseers of a child's education until the child is capable of living as an independent adult. The parent (or caregiver) then put their children into schools and trust in the state to further the education of their child beyond their own means. The state utilizes schools, classrooms, teachers, principals, superintendents, school boards, state education boards and federal oversight along that chain (Stewart, 2015), someone amongst that group must bear responsibility for the student's education at some point.

And what of that of the student themselves? At what point does a child have the insight, forethought, and autonomy to be able to make decisions regarding their education? While a parent or the state may have what they believe is the best intentions of the child in mind is it truly the best interest of that individual?

These three entities and their responsibilities are the premise of Amy Gutmann's "The Authority and Responsibility to Educate" (2003). In this paper we will discuss Gutmann's fundamental principles of the text and compare them to the Supreme Court decision in *Wisconsin v. Yoder* (1972). A case whose very core is the question of educational responsibility. It is my intention to show that the decision made in *Wisconsin v. Yoder* does not conform with Gutmann's views on but that the outcome of the case was more about how it was tried than the principles it propels.

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The Authority and Responsibility to Educate:-

To better understand the decision in *Wisconsin v. Yoder* (1972) in the context of Amy Gutmann's 2003 "A Companion to the Philosophy of Education", we must first discuss her belief in how society should make decisions about education. Gutmann uses interpretations of educational theories by Plato, John Locke, and John Stuart Mill (Gutmann, *The Authority and Responsibility to Educate*, 2003, p. 397) to illuminate the principles of the three most common political understandings of education in society. She refers to these theories the family state, the state of families, and state of individuals (p. 397) to develop her theory of democratic education.

In Gutmann's book *Democratic Education* (1999) she supports that in order for children to be educated as free and equal persons' multiple educational authorities together are responsible. Gutmann states that when parental, political and professional authorities honor the principles of democratic education they act responsibly in furthering what she believes is the most justifiable aim in a democratic society, the education of free and equal persons (Gutmann, *The Authority and Responsibility to Educate*, 2003, p. 398).

In the *Authority and Responsibility to Educate* (2003), Gutmann suggests that, democratic education accepts the partial state of all three states. Claiming that education must have a social component and authorities that are not only parental, that parent's must

The Family State:-

Gutmann suggests that democratic education must have a social component and authorities that are not only parental (*The Authority and Responsibility to Educate*, 2003, p. 404). Her idea of the family state is based off of Plato's *Republic* where he suggests that one cannot speak about good education without knowing what justice and virtue really are (Plato, 1968). The idea of the Family State is that children are a part of the state and must be raised as good citizens, thus it is the part of the state to educate them to do so.

Gutmann then states (p. 399) that, "as future citizens, children must be educated to share authority over collective decision in their society." She does argue however, that placing the education exclusively in the hands of an unaccountable elite is not a promising way of achieving free citizenship claiming that "children are future citizen's, but that does not make them mere creatures of the state." (p. 399)

The State of Families:-

Gutmann also believes that parents also must share in educational authority. The life of a free person includes the choice of being a parent, and being a parent entails having some educational authority over one's children (*The Authority and Responsibility to Educate*, 2003, p. 404). The state of families, which directly opposes the family state, places all educational authority in the hands of the parents (p. 400).

The fundamental oversight of the state of families is its assumption that the welfare of the children is safeguarded by securing the freedom of parents (p. 401) This thought process is the resounding principle behind the decision of *Wisconsin v. Yoder* which we will discuss in more detail below. But it is Gutmann's belief that neither the state of families or the family state exclusively are sufficient enough ensure the democratic education of a child alone and that both entities are necessary (p. 401).

The State of Individuals:-

When concerning the education of a child, the state, nor parent, must be considered the exclusive and ultimate authority. Both would deprive children of the education they need in preparation for the freedom to live their own lives as adults as they see fit (*The Authority and Responsibility to Educate*, 2003, p. 405). At some point the child is going to be capable of independent thought and have her own dreams, ambitions, and interest.

Adding support to the need for the state of the individual, John Stuart Mill suggests that, "All attempts by the state to bias the conclusions of its citizens on disputed subjects are evil" (Mill, 1977). Mill also suggests that one would almost think that a man's children were supposed to be literally and not metaphorically, a part of himself, so jealous is opinion of the smallest interference of law with his absolute and exclusive control over them. (Mill, 1977, p. 302)

Wisconsin v. Yoder:-

In 1972, the United States Supreme Court heard the case of *Wisconsin v. Yoder*. The court unanimously found in favor of the Amish parents 7-0 (justices Lewis F. Powell, Jr. and William H. Rehnquist were newly appointed to the

court and abstained from the decision as they were not available to take part in the entire trial). The court found that Amish children could not be placed under compulsory education past 8th grade (*Wisconsin v. Yoder*, 1972). The parents' fundamental right to freedom of religion outweighed the state's interest in educating its children (*Wisconsin v. Yoder*, 1972). The case is often cited as a basis for parents' right to educate their children outside of traditional private or public schools (Peters, 2003).

The controversy began during the late 1960s when Wisconsin school officials insisted that Amish school-age children, ages 7-16, attend state-approved educational institutions and conform to curriculum requirements without exception for their religious practices and despite their parents' objections. Such requirements posed a threat to the Amish because they forced Amish children to accept values and a worldview that were in direct conflict with those that their parents and church tried to instill. Physical education classes, for example, posed an immediate concern for the parents because school officials mandated that the children wear uniforms that conflicted directly with the church's teaching regarding modest dress (Peters, 2003). In terms of Amy Gutmann's principles of a democratic education, it was a case of the family of state v the state of families deciding on the educational outcome of the state of the individual.

Opinion:-

In his opinion Chief Justice Warren Burger (*Wisconsin v. Yoder*, 1972) stated:

Although the trial court, in its careful findings, determined that the Wisconsin compulsory school attendance law, "does interfere with the freedom of the Defendants to act in accordance with their sincere religious belief," it also concluded that the requirement of high school attendance until age 16 was a "reasonable and constitutional" exercise of governmental power, and therefore denied the motion to dismiss the charges. The Wisconsin Circuit Court affirmed the convictions. The Wisconsin Supreme Court, however, sustained respondents' claim under the Free Exercise Clause of the First Amendment, and reversed the convictions. A majority of the court was of the opinion that the State had failed to make an adequate showing that its interest in "establishing and maintaining an educational system overrides the defendants' right to the free exercise of their religion."

1. The U.S. Supreme Court held as follows (*Wisconsin v. Yoder*, 1972, pp. 228-236):
2. The State's interest in universal education is not totally free from a balancing process when it impinges on other fundamental rights, such as those specifically protected by the Free Exercise Clause of the First Amendment and the traditional interest of parents with respect to the religious upbringing of their children.
3. Respondents have amply supported their claim that enforcement of the compulsory formal education requirement after the eighth grade would gravely endanger if not destroy the free exercise of their religious beliefs.
4. Aided by a history of three centuries as an identifiable religious sect and a long history as a successful and self-sufficient segment of American society, the Amish have demonstrated the sincerity of their religious beliefs, the interrelationship of belief with their mode of life, the vital role that belief and daily conduct play in the continuing survival of Old Order Amish communities, and the hazards presented by the State's enforcement of a statute generally valid as to others. Beyond this, they have carried the difficult burden of demonstrating the adequacy of their alternative mode of continuing informal vocational education in terms of the overall interest that the State relies on in support of its program of compulsory high school education. In light of this showing, and weighing the minimal difference between what the State would require and what the Amish already accept, it was incumbent on the State to show with more particularity how its admittedly strong interest in compulsory education would be adversely affected by granting an exemption to the Amish.
5. The State's claim that it is empowered, as **parens patriae**, to extend the benefit of secondary education to children regardless of the wishes of their parents cannot be sustained against a free exercise claim of the nature revealed by this record, for the Amish have introduced convincing evidence that accommodating their religious objections by forgoing one or two additional years of compulsory education will not impair the physical or mental health of the child, or result in an inability to be self-supporting or to discharge the duties and responsibilities of citizenship, or in any other way materially detract from the welfare of society.

Dissent:-

Despite the unanimous verdict, Justice William Douglas wrote a dissent to the *Yoder* decision stating that while the majority decision assumes that the interests at stake are only those of the parents and the State, the children also have a legitimate interest in their education. It is the future of the student, not the parents, that is imperiled by today's decision. wrote in his dissent (*Wisconsin v. Yoder*, 1972). It is in this thinking that Justice Douglas supports

Gutmann's idea of the state of the individual and the importance of the student's personal wellbeing when discussing the authority over an individual's education. Justice Douglas's dissent:

I agree with the Court that the religious scruples of the Amish are opposed to the education of their children beyond the grade schools, yet I disagree with the Court's conclusion that the matter is within the dispensation of parents alone. The Court's analysis assumes that the only interests at stake in the case are those of the Amish parents on the one hand, and those of the State on the other. The difficulty with this approach is that, despite the Court's claim, the parents are seeking to vindicate not only their own free exercise claims, but also those of their high-school-age children.

On this important and vital matter of education, I think the children should be entitled to be heard. While the parents, absent dissent, normally speak for the entire family, the education of the child is a matter on which the child will often have decided views. He may want to be a pianist or an astronaut or an oceanographer. To do so he will have to break from the Amish tradition.

It is the future of the students, not the future of the parents, that is imperiled by today's decision. If a parent keeps his child out of school beyond the grade school, then the child will be forever barred from entry into the new and amazing world of diversity that we have today. The child may decide that that is the preferred course, or he may rebel. It is the student's judgment, not his parents', that is essential if we are to give full meaning to what we have said about the Bill of Rights and of the right of students to be masters of their own destiny. If he is harnessed to the Amish way of life by those in authority over him and if his education is truncated, his entire life may be stunted and deformed. The child, therefore, should be given an opportunity to be heard before the State gives the exemption which we honor today. (Wisconsin v. Yoder, 1972)

Conclusion:-

The supreme court's decision in Wisconsin v. Yoder concluded that it was the parent and not the state that served in the best educational interest of a child. While on the surface the decision seems to fall in line with Gutmann's state of family's pretext in that it is the responsibility of the parent to best decide on the education on the student, it in fact does not. The decision of the court is that it is the parents right to act on behalf of the child, the fact that the act in question is removing a child from the classroom after the eighth grade directly opposes Gutmann's suggestion that the parent will act in the best interest of a child's education. This civic minimalism (The Authority and Responsibility to Educate, 2003, p. 409) gives civic education minimal power so that parental choice is maximum. By removing a child from receiving a formal education, one is no longer acting in the best educational interest of the student. And is the case in Wisconsin v. Yoder is in the best interest of the parent and their personal (religious) beliefs.

While there are many overlapping elements in Gutmann's *The Authority and Responsibility to Educate* and Wisconsin v. Yoder, they are two remarkably unique cases. I do not feel that Gutmann's principles on education would align with the decision of the court. I feel that Gutmann's dedication to democratic education would oppose the removal of a child as they begin adolescents and become old enough to make educational decision on their own behalf. After reading Gutmann's views on the matter I believe in the idea of each of the three principles she believes to be part of a democratic education are in fact all equal parts and no one part can have a majority stake in the decision making of a child's education. And it is for that reason that in this instance, I do not agree with the decision in Wisconsin v. Yoder.

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