

Homeschooling:
Private Choices and Public Obligations

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This is the second OR working paper to focus on issues involving homeschooling. The first was Lines, "Estimating the Home Schooled Population," October, 1991.

Homeschooling: Private Choices and Public Obligations

by Patricia M. Lines

A small but growing number of families are educating their school-aged children at home rather than at a school.¹ These families, who often call themselves homeschoolers, have made this choice for a wide variety of reasons. Despite their diverse motives, they all dissent from well-settled and democratically determined rules about how Americans should formally educate their children. Because homeschoolers swim outside the mainstream, educators, policy makers and the media have given them attention beyond what their numbers might warrant. This attention is more than mere curiosity. Homeschooling requires us to consider anew the constitutional balance between majoritarian rule and individual liberty.

Its critics see homeschooling as a challenge to the fundamental idea of education as a public obligation — one that must be met, at least in part, through cooperative exchange within a community. The critics see homeschoolers as isolationist, atomistic, and possibly undemocratic. This is not always clear or explicit, but the frequently-asked question "what about socialization" reflects a worry that homeschoolers are withdrawing from the general enterprise.

Susan Franzosa has provided the first developed and articulate statement of this view. She begins with the words of John Dewey:

What the best and wisest parent wants for his own child, that must the community want for all its children. Any other ideal for our schools is narrow and unlovely; acted upon it destroys our democracy.²

For Franzosa, in the best society all parents understand —

that their own child's good is dependent on the good of others and that taking adequate responsibility for one's own requires continued participation in the crucial debate about what constitutes the best education for all our children.³

¹ As a rough estimate, there were some 250,000 to 360,000 school-aged children in home schools in the 1990--1991 school year. Lines, "Estimating the Home Schooled Population," USED, Office of Research Working Paper no. OR 91-537, October, 1991.

² Susan Douglas Franzosa, "The Best and Wisest Parent: A Critique of John Holt's Philosophy of Education," in Jane Van Galen and Mary Anne Pitman, eds., *Home Schooling: Political, Historical, and Pedagogical Perspectives* (Norwood, New Jersey: Ablex Publishing Corporation, 1991) pp. 121—135, at 121. The reference is to John Dewey, *The School and Society*, p. 7. The passage can be found in *The Child and the Curriculum* [1902] and *The School and Society* [1900, revised ed. 1915] (Chicago: University of Chicago Press, combined ed., 1956) (each work has its own pagination, and hereinafter each will be cited by its title only).

³ Franzosa, p. 134.

Focusing on the thought of John Holt, an early homeschooling advocate, she concluded that Holt rejected this goal, and that he would have homeschoolers make self-interest their guide. She saw Holt as advocating a romantic and rugged individualism of the worst sort. According to Franzosa, Holt believed that —

the full growth of the individual is incompatible with any form of institutional control built on community consensus. Unlike the democratic social thesis in Dewey's prescriptions for educational reform, Holt's conservative libertarianism defines a society in which the individual's welfare is not the legitimate concern of the state, one's children can be thought of strictly as one's own, and the individual need feel no responsibility for the good of all. The best and wisest parent within this ideological context chooses to reject social participation in favor of personal independence and autonomy.

. . . Holt's conservatism ultimately sanctions the educational neglect of the vast majority of children and leads to a tacit acceptance of their plight.⁴

Is this a fair judgment? Does Holt's vision of homeschooling negate what the community should want for all its children? If so, can one distinguish Holt's vision from the vision of homeschoolers in general? Do all visions of homeschooling do this? Is community consensus the over-arching goal? Does failure to join this consensus destroy our democracy? Have homeschoolers withdrawn from the debate about what is best for all children? Must one patronize the local public school in order to engage in this debate? To answer, one must consider what is community and what is "our democracy?" One must consider, in particular, the place for individual liberty within the American tradition.

To begin, "community" will refer to a committed and supportive circle of others beyond the family. How far the circle extends or should extend remains debateable. Yet, brief reflection will lead most to agree that all families need some support from those outside the family.

Not even large, extended families exist easily without contact with others. No family survives in isolation for long. The older members eventually die; the younger members must join with younger members of other families to establish the next generation or the family ceases altogether. Parents usually understand this; and usually they willingly collaborate with others to educate their children. They know that all their children must, in more than one sense, speak the same language. One is reminded of Dewey's observation: "Not only is social life identical with communication, but all communication (and hence all genuine social life) is educative."⁵

In an ideal world, the family and the community support each other. When a child is born,

⁴ Franzosa, p. 123.

⁵ John Dewey, *Democracy and Education* [1916] (New York: Free Press, 1944), p. 5.

parents welcome her and take her lovingly into their care. But almost immediately, others become involved. These others may help the parents and share their delight in the birth; they often help rear the child.

In simple societies the child slips naturally into active communication with parents *and others* — relatives, friends, neighbors. Even in the sparsely populated areas of the early American frontier, families rarely operated in true isolation. They knew their neighbors and made efforts to join them for rituals, recreation and mutual assistance.

With growing specialization in occupations, the child and others in the child's life have a more complicated problem in getting acquainted. Others play an increasingly important role, but often without any permanent or personal commitment to the child. Medical professionals help at birth; they may even exclude family members and friends. Then they turn to the next birth. School teachers help in an important part of the educational effort; some, like medical professionals, may prefer to exclude family members from the scene of their activities. Then, after a clearly-defined nine-month school year, they are ready for a new cohort of students. In this kind of specialized society, the school may be a community, but it is truncated in time and shallow in reach. In Dewey's terms, it is "narrow and unlovely."

Nonetheless, the child will need the others, just as he did in a more intimate community. The child in turn will have the capacity to enrich or to diminish the lives of others, including those whom he has not met face to face. However one defines community, it is clear that within a very large sphere, everyone has an interest in every child.

This does not fully define community, but it allows us to address the more difficult question of what is "our democracy?" How does our democracy settle conflicts between the intimate community and the democratically-determined consensus of the larger society? How does it settle conflicts between a consensus within a community, and individual liberty? What is the role of parents, community and the larger society?

These are gritty, practical questions. Who is to take the primary responsibility for the child's introduction to society? Should it be those who are personally and intimately committed to the child — those who love the child? Should it be that wider circle who will affect the child's life, and in turn be affected by that life? Or a larger more anonymous segment of society, that group we might call "the public"? And if it is the public, we must ask who speaks for the public? Professional educators? Legislators? A school board? Some other body? Finally, how do Americans engage in the crucial debate about these matters?

The Greeks were among the first to attempt an answer. Their debate focused on the role of parents and the political state in the education of children. As the Greek idea of the state extended only to the boundaries of a small city-state, this was a debate about the roles of parents and community. Although this placed the Greeks in a less complicated position than we find ourselves, their views serve as a starting point.

Plato favored the state, or community, as the prime educator. In *The Republic*, he advised that if one is serious about achieving the ideal state, one would hold children (and wives) in common, separate children from their parents, and give the state exclusive responsibility for rearing them.⁶ In *The Laws* Plato presented a more practical account of his position, but still maintained the priority of the state in the education of the child:

Children must not be allowed to attend or not attend school at the whim of their father; as far as possible, education must be compulsory for 'one and all' . . . because they belong to the state first and their parents second.⁷

Plato's best-known student took another view. Beginning with doubt about any human's ability to construct or even to identify the ideal in the abstract, Aristotle sharply criticized some of Plato's prescriptions. Taking his observations of human activity to serve as a guide to what would be best, Aristotle concluded that only families would fully and adequately care for family members:

In a state in which there exists such a mode of association [as that described by Plato], the feelings of affection will inevitably be watery [I]n a state organized like this there is virtually nothing to oblige fathers to care for their sons, or sons for their fathers, or brothers for each other. There are two impulses which more than all others cause human beings to cherish and feel affection for each other: 'this is my own', and 'this is a delight'.⁸

In short, personal commitment and love provide the energy needed to care for young children. And parents are the best and most likely source for it. Aristotle has said what most homeschoolers might say.

The debate continues not only because it was never fully resolved, but also because circumstances have changed. The political state has grown larger and more complex since the age of classical Greece. It no longer coincides with the community of others who are personally committed to one another. The circle of others now extends to all those in the state, united by shared goals and values, but with formal and distant relationships among most of its members. Community is now understood to encompass some smaller sphere within the state, and usually within a city. This complicates the definition of "our democracy" as today, a local majority may be opposed to state-wide majority, which in turn may be opposed to a national majority.

⁶ The state must "send out into the country all citizens who are above ten years old, take over the children, away from the present habits and manners of their parents, and bring them up in their own ways under the institutions we have described." *The Republic*, VII, 540. This is taken from the translation by Francis MacDonald Cornford (New York and London: Oxford Univ. Press, 1945), p. 262.

⁷ From translation by Trevor J. Saunders (Harmondsworth, Middlesex, England: Penguin Books Ltd.), p. 293.

⁸ *Politics*, II, iv.

The uniquely American aspect of this debate began with the first settlers. It took formal shape in state constitutions, the Declaration of Independence, the federal Constitution, and the Bill of Rights. These are the original documents that define "our democracy." The task of developing these documents required Americans to consider carefully the essential assumptions about the kind of society they had built and were building.

Some contemporary commentators argue that the framers intended to create an aristocracy.⁹ Taken as a whole, I conclude that the Constitution aimed to create a federal government operating with democratic elements, and with constraints on those elements. This was more than a compromise; it was an attempt to gain the best from a society that was not monolithic. It was an attempt to obtain the best from a differentiated society — one composed of closely-knit communities with strengths of their own.

True, the basic constitutional documents do not create an unqualified democracy, if democracy implies unqualified majority rule. In the Declaration, for example, there is no mention of democracy at all. Liberty is the goal. This was not necessarily an oversight. Those alive at the time of signing of the Declaration understood well enough that the decision of a majority could easily restrict the liberty of those who fall into the minority. The Declaration was a declaration for liberty; the form of the new government would come later.

Nor did the federal Constitution establish an unqualified democracy. It checked majority rule through the indirect election of senators by state legislatures and the indirect election of the president by an electoral college. It limited majority rule through equal representation, in the Senate, for each state, large or small and through lifetime appointments for members of the Supreme Court. State governments retained a sphere of sovereignty that would allow each state to challenge the federal government, even if it expressed the clear wishes of a national majority. The Bill of Rights placed significant limits on public decisions to protect individual liberty and the authority of states. Except for the direct election of Senators today, these features have endured.

The pamphlets by Publius — Hamilton, Madison and Jay —, collected as the *Federalist Papers*, also reveal an anti-majoritarian bias. These papers do not often mention "democracy" and when they do, it is usually with negative implications. The *Federalist* contains cautions about the tyranny of the majority and advocacy of checks on the transitory or localized passions that often befuddle a majority. Publius argued not for a *democracy*, but a *republic* — a government in which the views of the majority are refined and enlarged, "by passing them through the medium of a chosen body of citizens" who can deliberate on the best course without coming under the influence of "temporary or partial considerations."¹⁰

⁹ E.g., Gordon S. Wood, "Democracy and the Constitution," in Robert A. Goldwin and William A. Schambra, eds., *How Democratic Is the Constitution?* (Washington and London: American Enterprise Institute for Public Policy Research, 1980), pp. 1--17; Michael Parenti, "The Constitution as an Elitist Document," *id.* at 39--58.

This does not mean the Constitution was, or is, undemocratic. Majoritarian processes decide elections. The House, as a directly-elected body, serves smaller geographic areas, faces more frequent elections, and has special authority in the area of taxation. The Supreme Court, as the least democratic branch of government, remains the most restricted in its authority. State and federal constitutions have been amended since, but the basic structure remains recognizable. National majorities and communities are held in balance. National and local majorities and individual liberty are held in balance.

To understand fully the political philosophy of the Constitution, and especially the role of individual liberty, one should also consult the Antifederalists. The Antifederalists were those who entered the great pamphlet war over the adoption of the United States Constitution.¹¹ They initially opposed adoption, but most gave support in the end. Although it has endured, their name is misleading: they did not oppose a federal government, and they did not like the term "Antifederalists." Some chose pen names implying support of federalism, such as a "Federal Farmer." Federalist propagandists gave them their name, for political purposes, in a "nice piece of misdirection."¹² The Antifederalists worried about the end of federalism, the death of states, and the evolution of a unitary and central government. They worried about individual liberty and especially, freedom of conscience. In short, they were anti-centralists.

The name also obscures the fact that the Antifederalists were positive about quite a few things. To begin, they were *for* many of the same things the Federalists were for. Both Federalists and Antifederalists subscribed to notions about the necessity for each individual to pursue his or her destiny for better or worse. Both subscribed to the idea of original sin and saw a need to impose restraints on men and governments. Both understood government to be the creation of men and to reflect human imperfections. Both tended to agree with the political theories of Hobbes, Locke and others insofar as they argued for the necessity of securing an agreement among men to subordinate their predatory impulses. Both had some distrust of majoritarian decision-making processes.

In addition to this, the Antifederalists had distinctive, positive ideas. Herbert J. Storing begins

¹⁰ *Federalist* no. 10.

¹¹ Because many early readers have associated Thomas Jefferson with the Antifederalists, I wish to note that he was in France during the debate over adoption of the Constitution. Moreover, he himself denied the affiliation:

You say that I have been dished up to you as an anti-federalist, and ask me if it be just. . . . I am not a federalist, because I never submitted the whole system of my opinions to the creed of any party of men whatever If I could not go to heaven but with a party, I would not go there at all. Therefore, I am not of the party of federalists. But I am much farther from that of the anti-federalists. I approved from the first moment of the great mass of what is in the new Constitution

Letter to F. Hopkinson, March 13, 1789, in *The Writings of Thomas Jefferson*, Ford, ed., V, 75.

¹² Jackson Turner Main, *The Antifederalists: Critics of the Constitution, 1781-1788* (Chapel Hill: The University of North Carolina Press, 1961), p. iii.

his definitive collection of the Antifederalist papers with a volume entitled, *What the Anti-Federalists Were For*¹³ to emphasize their positive contribution to American thought. Antifederalists were more inclined to be democratic, although like the Federalists, many had mixed views on the matter. More than the Federalists, Antifederalists believed in a private sphere where government may never intrude.

Federalist and Antifederalist both regarded human kind as capable of good and evil, but they differed in whom they trusted and distrusted most. The Federalists worried about the uneducated and lower classes. Daniel Shay's rebellion galvanized their view in this regard. Abigail Adams, writing from London, expressed a widespread Federalist opinion when she described the Shaysites as "ignorant, wrestless desperadoes, without conscience or principals" and "mobish insurgents [who] are for sapping the foundation, and distroying the whole fabrick at once."¹⁴ With such examples in mind, Alexander Hamilton declared, "Why has government been instituted at all? Because the passions of men will not conform to the dictates of reason and justice, without constraint."¹⁵

The Antifederalists worried about those who held power, believing that power could corrupt even the best of men. Thus Brutus (Robert Yates) argued that "power lodged in the hands of rulers to be used at discretion is almost always exercised to the oppression of the people and the aggrandizement of themselves, yet most men think . . . they would not employe it in this manner." Poetically, he recalled Elisha's prophesy to Hazael that Hazael would commit great evils against the Israelites: "their strongholds wilt thou set on fire . . . and wilt dash their children, and rip up their women with child." Hazael protested, but Elisha responded, pointedly, "thou shalt be king of Syria."¹⁶ Power mired one in evil. Power as a universally corrupting force was a recurring theme among Antifederalist writings.¹⁷

¹³ Storing, *What the Anti-Federalists Were For* (Chicago and London: University of Chicago Press, 1981).

¹⁴ Letter of Abigail Adams to Thomas Jefferson, Jan 29, 1787, in Lester J. Cappon, ed., *The Adams-Jefferson Letters: The Complete Correspondence Between Thomas Jefferson and Abigail and John Adams* (Chapel Hill, Univ. of North Carolina Press, 1959), I, 168-69. Jefferson responded with one of his familiar expressions of sympathy for the Shaysites, hoping for their pardon:

The spirit of resistance to government is so valuable . . . that I wish it to be always kept alive. It will often be exercised when wrong, but better so than not to be exercised at all. I like a little rebellion now and then. It is like a storm in the Atmosphere.

Letter of Thomas Jefferson to Abigail Adams, Paris, Feb. 22, 1787, *Id.* at 172-73.

¹⁵ *Federalist* no. 15. See also no. 6, 9 (both also by Hamilton).

¹⁶ Brutus, Essays IV, XI, XII and XV, *New York Journal*, November 29, 1787, January 31, 1788, February 7 & 14, 1788, in Allen and Lloyd, eds., *The Essential Antifederalist* (Lanham, Maryland & London: University Press of America, 1985) [*hereinafter cited as Allen & Lloyd*], pp. 201—23, at 207.

¹⁷ "The Address and Reasons of Dissent of the Minority of the Convention of Pennsylvania," *Pennsylvania Packet and Daily Advertiser*, December 18, 1787, in Allen & Lloyd, pp. 53—71, at 68. The authors note that members

Given this difference over who they trusted, Federalists and Antifederalists differed in their preference for legitimate restraints. Federalists tended to see a quasi-aristocratic tradition, law and the Constitution as providing the needed order. Antifederalists were more likely to find the sources of restraint in neighborly communities. Thus, an over-arching principle for Antifederalists was that government should be as close to home as possible.

The desire for a strong government led Hamilton, who had hoped for a single national government, to favor a federal government with a *direct relation to the individual*. While his rhetoric grounded this in strong support for democracy,¹⁸ Hamilton's primary concern was bureaucratic control over individuals. Citing the propensity of individuals to go astray, he argued that "bodies of men" will be even worse. He reasoned that "when the infamy of a bad action is to be divided among a number" the group is ready to commit "improprieties and excesses, for which they would blush in a private capacity."¹⁹

The Antifederalists, who were more concerned about lack of restraint by those who held power, wanted to keep political power at the local level, where it was less dangerous. The Antifederalists saw those with less power — the common people — as the necessary check on abuses of power. Thus, they favored strategies that would keep federal officials under the thumb of the voter: frequent elections, rotation in office, a greater number of representatives. But more than this, they simply did not want a powerful central government.

Hamilton concluded that the "great, and radical vice" of government under the Articles of Confederation to be the "LEGISLATION for STATES OR GOVERNMENTS, in their CORPORATE or COLLECTIVE CAPACITIES, and as contradistinguished from the INDIVIDUALS of whom they consist."²⁰ A direct link between the federal government and the individual would disarm smaller groups. Mediating institutions, such as states and local governments, could erect irritating obstacles to the wise exercise of federal power. Hamilton

of Congress will have to exercise considerable restraint to provide for the best welfare of all, and "must . . . forego the sweets of power, and relinquish the pursuits of ambition, which from the nature of things is not to be expected." A Maryland Farmer echoes the same sentiments when he declares "that in 1100 years there have been but four Princes on the French throne that did not deserve the gallows." He finds numerous other historical examples. He fears the power given to the chief executive, for "if power does not corrupt him it certainly will those that follow." Maryland Farmer, Essays III (part II) and VII, (Baltimore) *Maryland Gazette*, March 18, April 4, 1788, in Allen & Lloyd, pp. 254—261, at 260.

¹⁸ See *The Federalist* no. 22. Hamilton argued for proportional representation, primarily because he wished to prevent a coalition of small states from hindering the energetic actions of the federal government. He used some impressive democratic rhetoric to make this point: "The fabric of American empire ought to rest on the solid basis of THE CONSENT OF THE PEOPLE. The streams of national power ought to flow immediately from that pure, original fountain of all legitimate authority."

¹⁹ *Federalist* no. 15.

²⁰ *Federalist* no. 15.

viewed states as "little, jealous, clashing, tumultuous commonwealths, the wretched nurseries of unceasing discord" ²¹

In contrast, concern for the integrity of state government was universal among the Antifederalists.²² For Antifederalists, states were the crucible of democracy. Only here was it possible for an individual to have a *concrete* relation to the state. They endorsed the Aristotelian notion that the state should be no larger than that size that permits a web of human relationships. Not everyone may know their elected representatives, but they will know someone who does.

This interest in state government must be understood in the context of its time. Like the city-state of the Greeks, the American states in 1787 retained many of the features of a neighborly community. In most states a large number of individuals could be politically active or know someone who was. This personal knowledge enabled the state to mediate between individuals and the larger, federal government. As the Antifederalist Richard Henry Lee observed, "state governments stand between the union and individuals" ²³ and serve as "guardians of the people." ²⁴

Concern for states grew out of beliefs about the ideal size of government and how human beings could and should relate to one another while exercising their civic duties. Montesquieu, whom the Antifederalists often cited on this point,²⁵ had asserted that

[i]n a large republic, the public good is sacrificed to a thousand views In a small one, the interest of the public is easier perceived, better understood, and more within the reach of every citizen; abuses are of less extent and of course are less protected.²⁶

²¹ *Federalist* no. 9.

²² For examples, see Luther Martin, (Madison's records of the Federal Convention), June 20, in Allen & Lloyd, at 10 (expressing fear that a more powerful union will "prove dangerous to the sovereignties of the particular states which the union was meant to support . . .") George Mason, "Objections to the Constitution of Government formed by the Convention, 1787," pp. 12--13 (fear that the federal judiciary will "absorb and destroy" those of the states); Elbridge Gerry, "Objections" (A Letter to the Massachusetts State Legislature, New York, October 18, 1787, pp. 20—22; Richard Henry Lee, "Objections" (A Letter to Edmund Randolph, Governor of Virginia), New York, October 16, 1787, pp. 22—27; "Address by a Plebeian," New York, 1788 [Melancton Smith], pp. 31—40, at 38.

²³ He concluded that it was important that state legislatures and not individuals be the body who respond to demands of the federal government for soldiers, taxes, and so forth. Federal Farmer, Letters I and XVII (Poughkeepsie) Count Journal, October 8, 1787, January 23, 1788, in Allen & Lloyd, pp. 75—92, at 84.

²⁴ Federal Farmer, Letters I and XVII, (*Poughkeepsie*) Count Journal, October 8, 1787, January 23, 1788, in Allen & Lloyd, pp. 75—92, at 92.

²⁵ E.g., "The Address and Reasons of Dissent of the Minority of the Convention of Pennsylvania," in Allen & Lloyd, pp. 53—70, at 56—57.

Richard Henry Lee added that in a small state, people "can unite and act in concert and with vigor, but in large territories, the men who govern find it more easy to unite, while people cannot"²⁷

The Antifederalist John Winthrop argued for "the necessity of local governments" because it was "impossible for any single legislature fully to comprehend the circumstances of the different parts of a very extensive dominion as to make laws adapted to those circumstances."²⁸ He and his colleagues saw state governments laying claim to the first loyalty citizens owed a country, while the federal government was secondary.²⁹

The individual should know and understand government in a personal way, just as representatives should understand their constituency. This idea led Antifederalists to worry about the large size and the remoteness of the federal government, and the number of representatives, which they saw as too few.

Distance from the capitol was a preoccupation of the Antifederalists for the same reason. Representatives would have difficulty keeping in touch with their constituency.³⁰ Concern for the size of the House of Representatives related to a concern that the American government keep its roots in differentiated communities. With too few representatives at the federal level, the upper classes were likely to monopolize even the House, depriving everyone else of an opportunity to participate.³¹

These things, combined with the large size of the union, would only alienate those left out of the process:

²⁶ *Spirit of Laws*, chapter xvi, vol. I, as quoted by Brutus [Robert Yates], Letters I and V, *New York Journal*, October 18 and December 13, 1787, in Allen & Lloyd, pp. 102—17, at 107.

²⁷ Federal Farmer, Letters I and XVII, in Allen & Lloyd, pp. 75—92, at 92.

²⁸ Agrippa, Essays VII, IX, XII, XIV, (*Boston*) *Massachusetts Gazette*, December 18 & 28, 1787; January 11, 14, & 18, 1788, in Allen & Lloyd, pp. 228—42, at 233. This point was echoed by Robert Yates. Brutus, Letters I and V, *New York Journal*, October 18 and December 13, 1787, in Allen & Lloyd, pp. 102—17, at 109—10.

²⁹ See, e.g., Luther Martin, "Objections" (from Yates' records of the Federal Convention, June 27 and 28, 1787), in Allen & Lloyd, pp. 16—20, at 17. Thus, Martin argues that "[w]e must treat as free states with each other upon the same terms of equality that men originally formed themselves into societies."

³⁰ Yates and Lansing, "Reasons of Dissent" (A letter to George Clinton, Governor of New York, Albany, 21 December, 1787), in Allen & Lloyd, at 14—16. At the convention Lansing had objected to a federal veto over state legislation, also because of a lack of specific knowledge at federal level of local affairs. John Lansing (from Madison's records of the Federal Convention), June 20, 1787, in Allen & Lloyd at p. 8.

³¹ See e.g. "Address and Reasons of Dissent of the Minority of the Convention of Pennsylvania," Allen & Lloyd, pp. 70, at 62.

They should be satisfied that those who represent them are men of integrity, who will pursue the good of the community with fidelity, and will not be turned aside from their duty by private interest But it is impossible [that] the people of the United States should have sufficient knowledge of their representatives, when the numbers are so few [A] great part of them will probably not know the characters of their own members, much less that of a majority of those who will compose the federal assembly. They will consist of men whose names they have never heard, and whose talents and regard for the public good they are total strangers to; and they will have no persons so immediately of their choice so near them, of their neighbors and of their own rank in life, that they can feel themselves secure in trusting their interests in their hands. The representatives of the people cannot, as they now do, after they have passed laws, mix with the people, and explain to them the motives which induced the adoption of any measure, point out its utility, and remove objections³²

Theirs was a modern vision of alienation from government. Yates and Lansing complained of the "remoteness" of the proposed federal government.³³ Luther Martin found the federal plan created a government that was "too remote The people want it nearer home."³⁴ John Winthrop thought that laws should emanate only from "representatives . . . who are immediately subject to the want of them."³⁵

There can be little doubt that the Antifederalists were for a union, but they did not want a complex, distant, bureaucratic government meddling in local affairs. Nor did they care to have this distant government, or any government for that matter, meddling in private affairs. While the Federalists stressed the need to establish a strong, "energetic" government, Antifederalists worried about when strong governments went astray.

Thus, the other principle that the Antifederalists agreed upon most uniformly was the need for a Bill of Rights.³⁶ Many gave their support to the Constitution, enabling ratification, only after the Federalists promised that a Bill of Rights would be added. The Antifederalists thought it

³² Brutus [Robert Yates], Essays IV, XI, XII, and XV, *New York Journal*, November 29, 1787, January 31, 1788, February 7 and 14, 1788, in Allen & Lloyd, pp. 201—23, at 204.

³³ Robert Yates and John Lansing, "Reasons of Dissent" (A letter to George Clinton, Governor of New York), Albany, December 21, 1787, in Allen & Lloyd, pp. 14—16, at 15.

³⁴ "Objections" (from Yates' records of the Federal Convention, June 27 and 28, 1787), in Allen & Lloyd, pp. 16—20, at 19.

³⁵ Agrippa [John Winthrop], Letter IV, (Boston) *Massachusetts Gazette*, December 3, 1787, in Allen & Lloyd, pp. 121—23, at 122.

³⁶ "The Address and Reasons of Dissent of the Minority of the Convention of Pennsylvania," Allen & Lloyd, pp. 53—70, at 54—56; "Federal Farmer," Letters II, III and XII, (*Poughkeepsie*) *Count Journal*, October 9 and 10, 1787, January 12, 1788, in Allen & Lloyd, pp. 177—92, at 179.

essential to define an inner sphere where governmental authority could not intrude: "that residuum of human rights, which is not intended to be given up to society, and which indeed is not necessary to be given for any good social purpose."³⁷ They also thought it important to secure for the states their rightful place as the principal source of political authority in the United States, through the tenth amendment.

The Bill of Rights, much more than the Constitution itself, may appear to reflect a radical individualism. But this view ignores the tenth amendment and the neighborly aspects of states at that time. The tenth amendment asserted a sphere of authority that was, for many of the founders' generation, coterminous with community.

Nor did the Antifederalists assume that the first nine amendments would lead to the unrestrained pursuit of rugged individualism, as is often supposed. Individual rights in the Constitution held out many possibilities. It could leave a human being free to live an isolated and antisocial life, or free to participate in the life of a cohesive community. The formal writings of a people often say nothing about the most essential part of their beliefs — the things they take for granted. Family and community were the bedrock of American life. In the Antifederalist view, strong individual rights meant a strong role for family and community.

Thus, the Antifederalists were the strongest proponents of two vital elements in the restraining forces on the tyranny of the majority: community and individual liberty. They trusted in close and neighborly relations among individuals as the source of restraint on selfish uses of power. They felt alienated by the idea of remote government controlled by experts, with little personal contact with the people affected by federal law. They preferred that government that was closest to home: state and local government. Many favored a more egalitarian democracy,³⁸ but only at this local and more personal level, where the tyranny of the majority was more easily checked. They had faith in local towns, in local congregations, in ordinary people acting within their communities.³⁹

Most Antifederalists, and indeed, most Federalists, assumed that individual rights would secure the free association of each into communities bound by mutual caring and faith. Thus, as the first Americans saw it, the Bill of Rights was a statement of *individual* rights, but its purpose was to permit a *communitarian* life. Unanimity on this idea saved the Constitution. Antifederalists finally assented to it, after they secured a promise that a Bill of Rights would follow. All of this is part of the definition of our democracy.

³⁷ Richard Henry Lee, "Objections" New York, October 16, 1787, Allen & Lloyd, pp. 22—27, at 24.

³⁸ During this period, state government was much more democratic than the federal. The more democratic states provided for limitations on terms, rotation in office, expansion of the franchise, and a weak executive. One state, Pennsylvania, chose a unicameral legislature, feeling that the upper house would be too removed from the people.

³⁹ For further analysis of the essentially conservative, communitarian views of the Antifederalists, *see* Storing, volume 1.

The fundamental assumptions of both Federalists and Antifederalists about the significance of state and community help explain why the Constitution was adopted without a word about education. It also explains why the nation's leading citizens were soon busy with education projects of all sorts. Acting through local communities and state governments, citizens pressed for public schools, and for compulsory attendance requirements.

This took time. First, there had to be a sufficient supply of schools, but as soon as there was, states began to compel attendance. Massachusetts, always the leader in advancing public education, passed the first compulsory attendance law in 1852. Other New England states rapidly followed. Southern states were the slowest, adopting such laws at the turn of the century. These laws typically required school attendance. They also provided minimum standards for private schools. These laws required parents and children to use only state-approved alternatives for formal education. These laws typically had (and still have) criminal sanctions. Majoritarian processes gave birth to these laws, and they were born of the highest motives.

Nonetheless, some people have seen these laws as going too far — as invading the rights of individuals. At several points in American history, different groups have dissented from their requirements. These challenges have become a test of the basic constitutional balance between majority rule and individual liberty.

Homeschoolers have mounted the most recent of these challenges. Some defend their decision based on religious freedom; others feel it is a matter of conscience or privacy. Some feel important decisions about the education of children remain an intimate family matter. Some have mounted formal challenges: In the past decade, litigation over the status of homeschoolers has erupted in almost every state.

While much has changed in state and federal constitutions since the founding, significant elements remain. The chief elements of both Federalist and Antifederalist thought continues to shape the way Americans deal with the conflict between majoritarian goals and checks on the majority will. Compulsory education laws represent the majority's view on an extremely important matter. Homeschoolers are asserting their individual rights.

Does this mean that homeschoolers are isolating themselves from the community and turning their backs on our democracy? The discussion of the thought at the founding should make it clear that our democracy contemplates the assertion of individual rights within certain spheres. Neither Federalists nor Antifederalists wanted an unqualified democracy in which the majority would prevail at all times and in all places.

In fact, in most respects homeschoolers resemble the Antifederalists. Like the Antifederalists, they are a mixed lot. Many tend to be conservative and highly religious, while others are primarily secular and liberal. Antifederalist or homeschooler, liberal or conservative, these people often demonstrate libertarian tendencies. Almost all are decentralists in one way or another.

Like the vast numbers of Antifederalists, the vast numbers of homeschoolers assert their right to an inner sphere of conscience and privacy, but not for the sake of selfish individualism. They assert it for the sake of belonging to a community of their own choosing.

While the Antifederalists focused on the state as the community, their basic principles probably would have shifted as the state grew more populous. Their concern over the small number of representatives in relation to the population reflects this possibility. Homeschoolers share with the Antifederalists a stubborn conviction that each individual must control his own destiny, that highly centralized, complex governments threaten the right to do so. Virtually all Homeschoolers, and virtually all Antifederalists would assert a sphere of individual rights where government should never intrude.

The founders assumed that given individual rights, people will form their own communities and will voluntarily contribute to the general good. The eighteenth century proponents of individual rights nonetheless were active supporters of community life. Is this also true of contemporary homeschooling?

Are homeschoolers asserting their individual rights only to turn into selfish isolationists? Or are they contributing to the public debate about education? Do they care about the general good? Consider again the words of Dewey, "What the best and wisest parent wants for his own child, that must the community want for all its children." But what does the wisest parent want? And does the community want the precisely the same education for all children? Or does it want some diversity?

It is unlikely that Dewey was urging universal public school attendance. He was too dissatisfied with the typical public school. While Dewey believed that the community must collectively address education, he remained unhappy with the typical school of his day.

A society is a number of people held together because they are working along common lines, in a common spirit, and with common aims. The common needs and aims demand a growing interchange of thought and growing unity of sympathetic feeling. *The radical reason that the present school cannot organize itself as a natural social unit is because just this element of common and productive activity is absent.*⁴⁰

Turning to a theme central to his work, Dewey then noted how action contributes to the development of the spirit needed to achieve a true school community.⁴¹ Most schools fail. Most do no more than impart information. This thwarts their social ends: "the mere absorbing of facts and truths is so exclusively individual an affair that it tends very naturally to pass into

⁴⁰ *School and Society*, p. 14 (emphasis added).

⁴¹ Pp. 15--16.

selfishness."⁴² Part of the problem is that

the school has been so set apart, so isolated from the ordinary conditions and motives of life, that the place where children are sent for discipline is the one place in the world where it is most difficult to get experience — the mother of all discipline worth the name.⁴³

Dewey concludes that *an ideal home environment would be the best school.*⁴⁴

If we take an example from an ideal home, where the parent is intelligent enough to recognize what is best for the child, and is able to supply what is needed, we find the child learning There are certain points of interest and value to him in the conversation carried on: statements are made, inquiries arise, topics are discussed, and the child continually learns. He states his experiences, his misconceptions are corrected. Again the child participates in the household occupations, and thereby gets habits of industry, order, and regard for the rights and ideas of others, and the fundamental habit of subordinating his activities to the general interest of the household.⁴⁵

This home environment, organized and extended, would make an ideal school. Dewey believed schools could be small communities, teaching children how to participate in the larger community. Franzosa failed to account for this elaboration in Dewey's thought when she made it the basis for her critique of homeschooling.

This is not to say that Dewey would approve whole-heartedly of homeschooling. He would not. He believed it necessary to do things systematically, in a way that "can be done in most households only in a comparatively meager and haphazard manner."⁴⁶ Dewey believed the occupations and relationships of home are too few to allow the full flowering of the social enterprise that is education.⁴⁷ If the choice were between homeschooling and a typical school intent only on imparting information, however, it would seem the Dewey would recommend homeschooling.

⁴² P. 15.

⁴³ P. 17.

⁴⁴ P. 34.

⁴⁵ Pp. 34--35.

⁴⁶ P. 35.

⁴⁷ P. 36.

Dewey saw the home as the ideal model for the school, because he saw schools as divorced from social life, and from doing. Here Dewey and homeschoolers are in accord. Yet, Dewey hoped for reform of schools. Holt, and many homeschoolers, appear to believe that such reform is unattainable, at least in time to serve those who are children now. Does this constitute withdrawal from the larger public debate?

The answer is not clear. As already noted, Franzosa is among the first to attempt a philosophical critique of homeschooling, and deserves credit for the attempt. However, as it is first, her analysis requires careful scrutiny. As she focused on the thought of John Holt alone, and not homeschoolers in general,⁴⁸ this discussion will also be limited to Holt. After carefully checking her claims about Holt against Holt's work, it appears that she has seriously misrepresented him.

Holt was first a school teacher, with an educational philosophy much like Dewey's. Like Dewey, he hoped only to reform schools, by integrating them into the life of the community. He despaired, however, and ultimately became a clear leader of a child-directed, largely secular wing of the homeschooling movement. Even after his death, his influence continues among this group of homeschoolers.⁴⁹

To debunk Holt, Franzosa turned to Rousseau as the archetypical thinker, and attempted to show similarities between Holt and Rousseau. A more careful analysis would find that Holt's thought resembled that of Dewey, not Rousseau. Franzosa apparently confused Holt's ideas about child-directed education with notions about unrestrained individualistic freedom. She is not alone. Many people, even some homeschoolers, confuse these ideas. She apparently also saw the community as some larger sphere than did Holt. It may be that she views community as coterminous with a local school district. Holt would define it as that circle of intimates who know and are committed to one another — the Aristotelian definition. It includes not just family members, but neighbors, relatives, friends and associates with shared goals.

Both Dewey and Holt advocated a child-directed educational philosophy. Both believed that the child should have freedom to pursue his or her interests. Both believed that a child would not learn if not interested in the topic at hand. Holt, like Dewey and unlike Rousseau, believed that the child should grow up in the intimate company of their family, friends and a true community. Both Dewey and Holt concluded that most schools do not reflect anything that resemble a true community. Both felt that most schools had become bureaucratic and inept.⁵⁰

Yet Franzosa concluded that Holt, like Rousseau, advocated a romantic individualism. Rousseau

⁴⁸ Some homeschoolers she admires very much. Personal communication.

⁴⁹ Future working papers may address the differences among the various "schools" of homeschooling.

⁵⁰ See the text discussion above for Dewey; and below for Holt.

was an isolationist. In his philosophy and in his life⁵¹ he believed that the creative individual should be released from the inconvenient burdens society placed on him. The child Emile must go to the country, to be free of the corrupting influence of civilization, even that (or especially that) of the child's parents. Rousseau also sought this freedom for himself, and liked it best when, in his final days, he sought total isolation from everyone else.⁵² This view profoundly affected Rousseau's ideas about the social contract and his notion of the general will. The general will that is to determine the laws for a society is one in which completely autonomous individuals consult their individual consciences, refraining from all communication with each other.⁵³

Franzosa has argued that, like Rousseau, Holt consistently saw the child as a "noble savage" and saw society as "unnatural and corrupting." Both, she believed, saw the "terrible but true state of nature" as "laissez faire individualism."

According to this critique, Holt came "to reject collectively organized efforts to reform the nature of schooling . . ." because he had come to believe that "public life and group association . . . inevitably led to a totalitarian consensus or social conflict and disintegration." Holt saw not only adult society, but "the society of children as potentially corrupt as well."⁵⁴ Franzosa claims that —

[By 1982] Holt was thoroughly committed to the assumption that the full spectrum of group associations outside the family, from the relations between "mean-spirited" first graders to the relations between nation states, was inevitably characterized by a collective will to oppress the individual and deny his or her freedom. . . . there was no longer the possibility of a good society capable of nurturing its members. Given the inevitability of the corruption of individual human nature in group association, the only plausible educational course for Holt was the private alternative of home schooling.⁵⁵

According to Franzosa, Holt advocated sheltering children "from social initiation within a

⁵¹ In life, Rousseau sent his own children to a foundling home. He apparently chose not to keep track of them, and convinced himself that they would become decent farmers and tradesmen. He rationalized: this was the best choice for them, because he and his wife's family did not have the resources or the aptitude to raise them properly. Given the conditions of such places in his day, the odds that the Rousseau babies survived to adulthood are extremely slim.

⁵² His last work, *The Reveries of the Solitary Walker*, is full of praise of his isolation from all other people.

⁵³ E.g., Jean-Jacques Rousseau, *The Social Contract*, Book II, chapter III. The general will can be realized so long as "citizens . . . have no communication among themselves."

⁵⁴ Franzosa, at pp. 123, 125, 127.

⁵⁵ Franzosa, p. 128.

community of others,"⁵⁶ including the society of children, which she maintains Holt regarded as "potentially corrupt."⁵⁷

To be sure, Holt has moments when he sounds like Rousseau. For example, he sees a natural goodness in children: "children are by nature and from birth very curious about the world around them, and very energetic, resourceful, and competent in exploring it, finding out about it, and mastering it."⁵⁸ However, unlike Rousseau, Holt believed children learned best through contact with parents and other adults; and that it was important to allow them to observe others and to participate in the activities of the group as soon as each child was able. As Holt put it, "they are born social, it is their nature."⁵⁹ This is the opposite of Rousseau's notion that human beings in their natural, primitive state are completely independent of one another. It rejects Rousseau's idea that the ideal social contract will restore an individualist independence, although in a new form.⁶⁰

While Holt did say at one point that children resembled "talented barbarians" he immediately added "who would really like to become civilized." He disapproved of the notion that "there was something wild and precious in children that had to be preserved against the attacks of the world . . ."⁶¹ Of babies, he said "basically they want to fit in, take part, and do right — that is, do as we do."⁶² Rousseau, as noted, would remove the child from the company of adults except that of the tutor. Holt would place them where they can learn by imitating their parents, older

⁵⁶ Franzosa, p. 125.

⁵⁷ *Id.* at 127. Holt did not say the society of children is corrupt; Franzosa cited a passage where he said that "In all but a very few of the schools I have taught in, visited, or know anything about, the social life of the children is mean-spirited, competitive, exclusive, status seeking, snobbish, full of talk about who went to whose birthday party . . ." John Holt, *Teach Your Own: A Hopeful Path for Education* (New York: Delacorte Press/Seymour Lawrence, 1981) (hereinafter cited as *TYO*), pp. 44--45.

⁵⁸ *TYO*, p. 1. Franzosa relied on this work almost exclusively, arguing that it marked Holt's final evolution into a philosophy of romantic individualism. While I question the idea that there is any sharp division in his thought, I will rely on the same work as did Franzosa.

⁵⁹ Holt, p. 149.

⁶⁰ Rousseau's *Discourse on the Origins of Inequality* elaborates his view of human beings in a state of nature. Each individual goes his or her own way; not even families form. A man and a woman may come together for sex, and a child may need the assistance of a mother up to a certain age, but once these needs are fulfilled, the individuals go their own ways. *Discourse on Inequality*, Part 2, second paragraph. The fundamental purpose of the social contract is to restore this condition of complete independence of each individual without returning to the woods. *Social Contract*, book 1, Chapter VI. Rousseau believes it answers the question of how to protect individuals and their goods and achieve a state where "each one, while uniting with all, nevertheless obeys only himself and remains as free as before?"

⁶¹ Holt, *TYO*, p. 147.

⁶² He added, if they can't always do it, it is because they lack experience, and because their emotions sweep them away." P. 148.

siblings, and a community of others.

Holt expressly rejected "the romantic child-worshippers [who] say that in fitting children for the world we destroy most of the goodness in them."⁶³ He thought about and approved firm and gentle discipline from adults in the child's world.⁶⁴ He gave advice on how to say "no," how to teach a baby not to bang on a cello (Holt's own beloved cello), and how to deal with children who are testing adults. Holt had heard criticism like Franzosa's, that homeschooling fostered societal dropouts. He answered, that "true unschooling will help and is helping young people find ways to live active, responsible lives *in* society, and to find work worth doing."⁶⁵

Franzosa rarely moves beyond Holt to paint her particular picture of homeschooling philosophy, but she does at one point extend a second example. She examines a letter to Holt from a doctor in Utah, one who highly valued religion and tradition. Based on this letter Franzosa concluded that "home-schooling parents assert ownership and eminent domain over their children" The parent wrote, in part:

The fact that my children exist and that I am their father confers upon me . . . by natural law, an eminent domain, and with that the inescapable original obligation, and . . . the right . . . to rear and to train them according to the dictates of my own conscience before God; therefore, by what law . . . can I be . . . compelled to allow that obligation to be fulfilled by . . . another?⁶⁶

An unsympathetic interpretation would see this parent as claiming "ownership"⁶⁷ of his children, and therefore treating the child as an object rather than a human being. A sympathetic reading (such as Holt would give) would see the parent as denying state ownership of children. The parent is appealing to a higher law to elevate parental authority over the state's.

The use of this particular quote is also highly selective and fails to represent Holt's full view. In the same book, Holt quoted and "strongly recommended" the following thought expressed in a school pamphlet:

⁶³ *TYO*, p. 148. He also rejected the view of "hard-nosed types [who] say that to fit children for the world we have to beat the badness out of them."

⁶⁴ Note almost all of chapter 6 ("Living with Children") focuses on the exchange between children and their parents, teachers or other adult friends. For the examples in the text, see p. 154, 155 and 158--59.

⁶⁵ Holt, *TYO*, p. 78.

⁶⁶ Quoted in Franzosa, at p. 130, and at Holt, *TYO*, p. 22--24.

⁶⁷ Franzosa interjects this term, not the parent. While "eminent domain" is a legal term denoting ownership, it literally refers to priority in interests. The parent was not talking about property rights, but about priority in the authority of God, man and state, and saw it in that order.

When schools exist apart from the community, they stand as monuments to the School Board and their ability to get bond issues past . . . they create a further segmented and fragmented society.⁶⁸

Holt did not reject community endeavors. He did not even reject schools. He rejected schooling that failed to reflect a true community.

Since Franzosa wrote her critique, a homeschooling advocate of the Holt school has delivered a thesis that goes beyond Holt in presenting a romanticized view of homeschooling. One homeschooling parent, who also happens to be a public school English teacher, David Guterson, has written a book, *Family Matters*, that spends considerable time debating the fundamental issue. Unlike Holt, Guterson enthuses over Rousseau. He apparently believes, like Rousseau, that the child is naturally good. Guterson also believes that the best education is one that begins with and nourishes the child's interest and he seems to think this is also Rousseauan. He is guilty of misreading *Emile*. For example, Emile is not to see his parents, not to have any books, not to learn to read, even if these are things that interest him. Is Guterson then guilty of Franzosa's charges of isolationism and individualism? Not at all.

Guterson devoted an early chapter to the question, "What about Democracy?" As he almost always uses dialogue as his literary mode, this chapter describes a conversation taking place on an all-night fishing trip with his friend, salmon gillnetter Bill McFadden. The two cogently and thoroughly argue for and against homeschooling based upon its impact on the education of all children in a democracy. McFadden promotes the ideal of a common school system as the binding force in society. Guterson counters that the public school system has largely failed to achieve these lofty goals, and that the real goal is a democratic country, not democratic schools. McFadden asserts the necessity for community responsibility for all children. Guterson argues that basic inequalities in the way we do things now prevent truly democratic results.⁶⁹

Disagree with him or not, one cannot say that Guterson is avoiding the educational debate. He criticizes public schools where children "fall through the cracks," but he doesn't say much about what homeschooling would look like for these children. It seems highly likely that even more would fall through the cracks in a society that relied entirely on homeschooling. While Guterson acknowledges that homeschooling is not for everyone, he also seems to think it would solve many of the educational problems facing the nation.

Moreover, a critique of Holt cannot be extended to all homeschoolers. Many homeschoolers give high priority to religion in their homeschooling program and tend to form communities of faith with others. It would be extremely difficult to determine what proportion of home

⁶⁸ Center for Community Education Development of the Santa Barbara County Schools, as quoted in Holt, *TYO*, p. 338.

⁶⁹ David Guterson, *Family Matters: Why Homeschooling Makes Sense* (Harcourt Brace Jovanovich, 1992).

schoolers think like John Holt or David Guterson. There is a substantial population of homeschoolers who follow other leadership. Some of this other leadership has a strong conservative religious base. They are not seeking to foster romantic individualism, but to redefine community.⁷⁰ This wing of homeschooling has entered the educational debate even more vigorously than that represented by Holt or Guterson.

Perhaps better than further analyzing the writings of homeschooling leaders, one should examine what rank and file homeschoolers actually do. It is not possible to do this accurately. Researchers can only sample discrete populations of home schoolers. They can only sample lists; and homeschoolers get on these lists only through self-selection. With this caveat, it is possible to look at some of the surveys and find intense interest in the life of the community.

Homeschoolers responding to surveys do not bar their children from the life of the community. Many — including those who belong to the more secular wing of homeschooling — turn to their churches as a center of this life. Religious affiliation appears to vary widely depending on the homeschooling group sampled, but in all studies it is high. Many surveys rely on a religiously-oriented organization for developing a sample frame. It should be no surprise that these particular studies tend to show almost universal church affiliation.⁷¹ A study of experienced homeschoolers on a list maintained by an organization founded by John Holt — probably the most secular of the nation-based homeschooling organizations — reveals a lower level of religious affiliation, but it is still substantial: 66% indicated an affiliation.⁷² One researcher who attempted to broaden the sample frame by obtaining several lists, reported church attendance of "every week or more often" for 73% of her respondents, compared to 28% of respondents to a national survey.⁷³

Surveys also show that homeschooling children participate in church youth groups, neighborhood activities, and in scouting. Participation is generally higher than that of their counterparts in private schools — and private school student participation is generally higher than public school

⁷⁰ The most common criticism against the religious homeschooler is that they and other "fundamentalists" wish to convert us all. In a sense, the charge is that they participate too much in the public debate. A discussion of this criticism would require separate treatment, and space and time not available here.

⁷¹ Wade E. Gladin, "Home Education: Characteristics of its Families and Schools" (unpublished Ph.D. dissertation, Bob Jones University, 1987. Gladin also found widespread attendance at church services. He concluded that the average family attends religious services two or three times weekly.

⁷² The largest of these were "mainline Protestant" (Lutheran, Baptist, Methodist, Episcopalian, Presbyterian, etc.); 22% were in other churches, including Mormons, Jehovah's Witnesses, and lesser known groups, identified, for example, as "Self-Realization Fellowships" and "Reformed Congregation of the Goddess." Finally, 4% said they were part of a "Spiritual-Unity" movement. Sonia K. Gustafson, "A study of home schooling: Parental motivations and goals," (unpublished senior thesis, Princeton University, 1987); published in part in *Home School Researcher*, 4(2), 4—12.(1988).

⁷³ Maralee Mayberry, "Characteristics and Attitudes of Families Who Home School," *Education and Urban Society*, 21(1), 32—41 (1988).

participation. In one study 98.3% of the children participated in youth group activities at church. Home schooled children participated at the same rates as private school counterparts in jobs and music lessons or recitals. They did not participate as much in summer camp, sports activities, and performing groups although they pursued these activities. In another study, parents reported their children typically spent 20 to 29 hours per month in contact with same-aged children (within two years of the same age).⁷⁴

In a highly intensive anthropological study of the way children learn in a homeschooling family, Mary Ann Pitman found a pervasive communitarian lifestyle. Pitman was studying "new age" families who avoided traditional religious affiliations. She could not avoid commenting on the life of the community. For example, she reports that her observations were unobtrusive — a goal sought by most anthropologists. Her reason is revealing: all individuals, including herself, blended into "[a] steady movement of like-minded people in and out of the area [which was] . . . part of and facilitated by the community network."⁷⁵ Besides her comment on the extended community, she noted scouting activities, much interaction among siblings, and a reading club.

There is ample evidence that homeschooling parents also form communities of their own. Once a year, the Holt Associates' newsletter, *Growing Without Schooling* provides a directory of homeschooling organizations. At least one organization exists in every state, and in some, as many as 10 or 15 regional organizations exist. Besides these, there are small neighborhood support groups. Finally, many parents form "schools" — places which provide a center for group activities to the homeschooling families who join.

Almost all of these various organizations publish newsletters or employ other vigorous methods for communication (such as phone trees). Newsletters show active interest in the broader community. State legislation is a frequent topic. Many homeschoolers use newsletters to coordinate lobbying activities in their state legislatures. Homeschooling leaders write letters to the editors of the local newspapers, attend conferences on education and other contemporary issues, and keep in touch with state and local community leaders. There are also dozens of nation-based organizations that support networks of homeschoolers in various ways, allowing them to find and talk to each other nationwide.

The language of their newsletters shows an interest in participating in the life of a community wider than a family. Headings of stories (most contributed by readers) from an issue of *Growing Without Schooling*, founded by Holt, reveal an interest in contributing to the general good by helping others in various ways. Titles reveal some of this: "Reaching Out to College Professors," "What Teachers Can Learn from Homeschoolers," "How Support Groups Evolve,"

⁷⁴ All of these examples are from a review of the literature by Brain D. Ray and John Wartes, "The Academic Achievement and Affective Development of Home-Schooled Children," in Van Galen and Pitman, pp. 43—62, at 52—56.

⁷⁵ "Culture Acquisition in an Intentional American Community: A Single Case," in Van Galen & Pitman, pp. 77—97, at 81.

"Remaining Connected."⁷⁶ The subject matter reveals interest in life beyond the family. Newsletters discuss the wisdom (or lack of it) of state testing requirements, the problems with tests, how children learn, how to help children with handicaps, how to deal with the bureaucracy — all intended to be shared by one parent with another. In short, these people are joiners. They participate in the debate over education. Many are eager to help others understand education as they have come to understand it.

These homeschooling families are people who are exercising their individual rights to form closer ties within their immediate families *and* communities. Homeschoolers are tremendously loyal as family members. They are suspicious of television and other less intimate influences. They eat as a family, they socialize as a family, they attend church as a family, they become members of an extended religious community.

They also become members of an extended homeschooling community. Many are reinventing the idea of school on their own terms. That is, many do bring their children together for a part of the time, to share in certain of the educational activities planned for their children. Although they have turned their backs on a wide-spread and hallowed practice of sending children to a school located in a particular building, adhering to a particular schedule and program, they have not turned their backs on the broader social contract as understood at the time of the Founding.

There may be homeschooling families who remain insular and reject the life of the community. They would not be present at homeschooling meetings, nor respond to surveys. But this is speculation. The conclusion of this paper is based on the activities of those homeschoolers who at least participate in homeschooling organizations.

Like the Antifederalists, these homeschoolers are asserting their historic individual rights so that they may form more meaningful bonds with family and community. In doing so, they are not abdicating from the American agreement. To the contrary, they are affirming it.

⁷⁶ These are selected headlines from *Growing Without Schooling*, no. 80.