



Mom Debates Harvard Prof That Wants To Ban Homeschooling

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On April 20, Harvard alum, non-fiction author, and Senior Education Fellow at the Foundation for Economic Education (FEE.org) Kerry McDonald saw FEE release a written piece that garnered a great deal of national attention. It was her letter to Harvard Magazine, calling to task the magazine and its writer, Erin O'Donnell, for, respectively, publishing and writing an uncritical piece promoting the thesis of Harvard Law professor Elizabeth Bartholet that homeschooling is “dangerous” to children and to “democracy” and should be “presumptively banned.”

On Monday, June 15, Ms. McDonald – who is also a homeschooling mom – engaged in a livestreamed debate with Professor Bartholet, thanks to The Cato Institute. And that debate can be watched on Youtube, as long as the platform doesn't pull it down. Via FEE on Friday, June 19, McDonald offered her thoughts, concisely packed into five key points.

But before exploring her reaction to the exchange, it's important to point out that Professor Bartholet's paper, itself published in the Arizona Law Review, was an unrelenting, unapologetic attack on not only homeschooling, but, by association, the very concept of parenting itself. The first few lines of the abstract offer a hint of Bartholet's thesis:

This Article describes the rapidly growing homeschooling phenomenon and the threat it poses to children and society. Homeschooling activists have in recent decades largely succeeded in their deregulation campaign, overwhelming legislators with aggressive advocacy. As a result, parents can now keep their children at home in the name of homeschooling free from any real scrutiny as to whether or how they are educating their children. Many homeschool because they want to isolate their children from ideas and values central to our democracy, determined to keep their children from exposure to views that might enable autonomous choice about their future lives.

And Bartholet did not relent when facing McDonald, so McDonald's reaction is valuable reading.

In her new FEE piece, entitled, “Five Things I Learned Debating the Harvard Professor Who Called for a ‘Presumptive Ban’ on Homeschooling”, McDonald begins with the fundamentals: Bartholet's unshakable, Quixotic, and religious fervor that the state should be “co-parent”.

“1. There Are People Who Believe the State Should Be Your Co-Parent...” she begins, explaining, in part:

During Monday's discussion, Professor Bartholet explained that ‘some parents can't be trusted to not abuse and neglect their children,’ and that is why ‘kids are going to be way better off if both

parent and state are involved.’ She said her argument focuses on ‘the state having the right to assert the rights of the child to both education and protection.

Which, McDonald correctly points out, is what is called a “positivist” approach to rights. And that’s not only extremely dangerous, it’s counter to the meaning of rights.

As I previously have noted, the term “right” comes from Old English and Old Germanic, and is based on what medieval people saw as “right-handedness” being “proper”. It means doing what is proper. “Positivism” is the idea that the state can “posit”, or create, rights TO things that others must provide, and that not only opens a Pandora’s Box as to what the state claims people must provide, it negates the very definition of rights itself.

Leave it to a law professor to miss the most fundamental aspect of Natural Law.

The other point that Bartholet’s argument misses is the manner in which she embraces the absurd idea that, somehow, flawed people who cannot be trusted to care for their own children can form a state that will also be comprised of flawed people, and this state will, magically, care more for kids. But let’s get back to McDonald’s excellent piece, all of which goes highly recommended.

McDonald’s second point is, “Random Home Visits Will Be A Weapon of The State”, and she notes that Bartholet continues to call for state surveillance of private homes where parents teach their kids. One might ask if Bartholet cares about the Fourth Amendment or due process, and if, even if parents were NOT homeschooling, she wants agents of the state monitoring parents who might offer “Wrongthink” to their kids while spending downtime at home.

Third, McDonald notes, “Private Education Is In Danger”, and observes that Bartholet has not strayed from her belief that private education is a dangerous distraction from the important pursuit of state-run, tax-funded, coercively-systematized schooling. McDonald reiterates that Bartholet’s Arizona Law Review concluded with observations about private education and that Bartholet stressed:

(T)o the degree public schools are seriously deficient, our society should work on improving them, rather than simply allowing some parents to escape.

And isn’t that peaceful of Professor Bartholet?

Fourth, writes McDonald, “State Standardized Testing Begs the Question: Whose Standard?” One of the homeschooling’s major appeals is that parents don’t have to fight the bureaucracy, the teachers’ unions, the politicians, and other parents and taxpayers over what to teach their kids. The state has completely different agendas and interests, and it will impose them as often as possible, even impose them on parents while avoiding its own standards. As McDonald notes:

During Monday’s debate, I asked the question: By whose standard are we judging homeschoolers’ academic performance? Is it by the standard of the government schools, where so many children are failing to meet the very academic standards the government has created?

Fifth, McDonald explains that the trend is away from the centralized, force-based state system, and towards freedom. She writes, “Homeschoolers Will Win”, and adds:

There are very few movements today that bring together such a diverse group of people as homeschooling does. Families of all political persuasions, from all corners of the country, reflecting many different races, ethnicities, classes, cultures, values, and ideologies, and

representing a multitude of different learning philosophies and approaches choose homeschooling for the educational freedom and flexibility it provides.

Kudos to Kerry McDonald, for using logic and ethics to defend the essential, fundamental principle of parental freedom. Bartholet is incorrect. Children do not have a legal right to an education, just as no one has a claim to the services of anyone else. But parents have moral obligations to teach their kids, and the success of homeschooling shows that their love for their kids comes through in this burgeoning movement.

It scares the statist establishment. Freedom always does.