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FOREWORD

THE QUESTION FOR OUR TIME: HOW DO WE EDUCATE OUR CHILDREN?

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With this symposium on education, the *Notre Dame Journal of Law, Ethics & Public Policy* completes its first regular volume.¹ Each of the previous issues—on law and morality, the line-item veto, and the ethics of international organizations—has faithfully fulfilled our self-imposed charge: to provide our readers with “a balanced ethical appraisal of a public topic.” It is entirely appropriate that we close out our inaugural year with an issue devoted to a most timely and controversial public topic, education. Educational issues are manifold: school prayer, public aid to private education, curriculum content, teacher credentials, parental involvement, to name a few. It is hard to imagine a topic which more forcefully and inevitably engages the three areas—law, ethics, and public policy—that the *Journal* is committed to bring together.

Any discussion of the American education system goes to the heart of the basic problem in interpreting our Constitution: the relative hegemony of liberty versus equality, either of which is arguably the principle value that undergirds our system of government. The discussion must delve into the profundities of the endless church/state debate in a struggle to reconcile those seemingly contrary first amendment clauses. It moreover must seek to answer that paradoxically most personal *and* public of questions—How do we educate our children?

Questions about our educational system, although perennially present, sprang to the forefront of public attention nearly three years ago with the publication of *A Nation At Risk: The Imperative for Educational Reform*. In that widely-discussed report, the National Commission on Excellence in Education, created by then Secretary of Education Terrell Bell,

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1. A special fifth issue of Volume 1 of the *Journal* devoted to a Symposium on Liberty will be published subsequently and should be bound with regular quarterly issues of Volume 1 published previously.

gave voice to our silent fear that our acquiescence to the educational system as it existed was resulting in our children being deprived of a good education, that "the educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people."² The report issued a call "to all who care about America and its future,"³ and this symposium responds to that call.

As has been our practice, this issue contains essays by public figures as well as articles by scholars. It additionally contains a transcript of a debate held at the Notre Dame Law School between two education activists. Although our contributors may differ in their opinions as to the ways in which we should educate our children, they concur on the crucial nature of the question itself. In an essay delivered at the Notre Dame Law School, William Bennett, Secretary of Education and former head of the National Endowment for the Humanities, raises ten critical issues beginning with, what should children learn? A quality education, he claims, is not merely the acquisition of skills but includes teaching critical thinking and appreciation of certain political truths, such as the Declaration of Independence. He further suggests that "certain values and principles are shared by all of us, whatever our heritage, our background, our race or our color," and that these principles should be taught in our schools. He concludes by stating that "[w]e are now engaged in a long twilight struggle to get an educational system worthy of our ideals."

John Brademas, President of New York University, likewise recognizes that "a commitment to education is central to the strength of the American nation and the wellbeing of the American people." His essay provides an invaluable overview of the development of the Federal government's role in education during the 22 years that he spent in the House of Representatives and on the House Committee on Education and Labor. Those years, he points out, saw increasing concern and involvement of the government in education. He decries what he sees as the present administration's desire "to reduce—indeed eliminate—the role of the Federal government in education."

Turning to specifics, Minnesota State Senator Tad Jude

2. THE NATIONAL COMMISSION ON EXCELLENCE IN EDUCATION, A NATION AT RISK: THE IMPERATIVE FOR EDUCATIONAL REFORM, at 5 (1983).

3. *Id.* at 14.

writes on Minnesota's tuition tax deduction program, explaining that "Minnesota has long recognized the benefit of alternatives to its fine system of public education." His article claims that "Minnesota has found a constitutionally valid, politically acceptable, and morally justifiable method of promoting viable educational alternatives to the public school," and outlines the development and provisions of that state program.

In the debate transcript, Linda Tarr-Whelan, Director of Government Relations for the National Education Association, and Lawrence Uzzell, of Learn, Inc., discuss "The Merits or Demerits of Public Funding of Private Education." Opposing public funding, Tarr-Whelan claims that tuition tax credits and vouchers would benefit only the middle-class and violate the separation of church and state. Uzzell argues that vouchers, tax credits, or deductions would allow parents as wide a choice as possible and would actually benefit the poor who cannot afford to buy into neighborhoods with quality public schools.

In their two articles, Amy Gutmann and John Coons engage in a debate as to whether the state or parents should have the primary role in educating children. Professor Gutmann, like Bennett, acknowledges that education is more than the acquisition of skills and goes on to analyze the role that democratic schools should play in moral education. She argues that an egalitarian education, provided by the state, teaches the value of tolerance, a societal rather than a parental value. "Public schools," she claims, "teach responsibilities and rights within a heterogeneous community and expand choices of the good life beyond those valued by [the children's] parents." Thus the voucher proposal, which would allow all parents to select their children's schools, is "unacceptable in principle."

Taking the opposing view, John Coons sets "the school system against an assumed civic commitment to individual liberty." He asks who should decide for children, the "state operating through its professionalized agencies," or the "family composed ambiguously of at least two . . . human wills." Claiming that the best way to approach the allocation of authority in education is to keep as the object the enhancement of liberty, Professor Coons cogently argues that the child's and the parents' liberty interests demand that complete freedom of choice operate in education as elsewhere, and that this freedom is only available through a voucher system. He sees the American public education system as an "embarrass-

ment" to parental liberty: "From top to bottom its structure effectively frustrates the choices of parent and child which the law protects in every other realm of life."

How should we educate our children? This is certainly one of the most crucial ethical questions that our society faces as we move toward the end of the twentieth century. Our answers to it—and we have no choice but to answer—will determine whether we will continue to slouch toward mediocrity or achieve the kind of educational system our children deserve. This symposium, we hope, will assist in developing an ethical public policy that will serve us and our children well. And it is to those children that we dedicate this effort.