

Speech on The Home education conference in Germany 27. – 29. of April:

Homeschooling: Pluralistic Freedom, Not Parallel Society

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Intro

It is a privilege to be here with you. I bring you greetings from your fellow homeschoolers in America where the number of students is about 2 million - maybe more. This is nearly 5% of the student population.

In America, Homeschooling is tolerated by the professional educational establishment because homeschoolers have been successful in passing laws and getting court decisions to protect it.

Many American Homeschoolers argue that we have federal and state constitutional right to home school and therefore laws should not be required.

Nevertheless through the representative process homeschoolers of all types came together and worked together with a common goal to protect the right of parents to determine the best form of education for their children.

In most states laws were passed to allow parents to choose home education with very little state involvement. These laws were passed because we knew that if we didn't have laws then we were at the mercy of the courts to define Homeschooling. And as in Germany, the Courts are not always friendly to homeschoolers.

Homeschooling laws were passed and public opinion changed only because of the courageous determination of the brave few who started in the face of persecution and repression similar to what you see in Germany today.

As I have met and spoken with many of you I know that I am standing among heroes and visionaries. Those of you who are feeling the pull to educate your children at home face a difficult choice. You face the choice between doing what you know is right for your children and family and what the state wants you to do – send your children to public schools.

Like Germany, Homeschooling was a primary way of educating children during early America. And like Germany education is primarily controlled at the State level.

Starting in the 1840s and 50s public schools began and then in 1852, the first compulsory public school attendance law was passed. By 1927 all the States had compulsory attendance laws.

In the 1960s and 1970s Homeschooling began with a very few people who wanted to be free of the institutional nature of the public schools. There were so few that the authorities had no idea it was even going on. In fact it sounds like American authorities are much less attentive to details than German Authorities. I'm very glad about this. I heard today that here in Germany many people get a telephone call when it is time to send your child to school at age 6. And, if you didn't send them to kindergarten, they will ask why didn't you send them to Kindergarten?

There is only 1 state in America that does this very same practice – it is Minnesota. Minnesota has the highest concentration of Americans with a German heritage – is this a coincidence?

Just like in Germany today, in some states during these early days of Homeschooling, families were fined, children were taken away, and families had to leave certain states to be left alone and some Fathers were even put in jail. In nearly all public schools, the officials were hostile and possessive of the children and resisted the homeschool movement. In America, and I must assume it is like this everywhere, the educational establishment believes that because they are the experts, they must know what is best for children. This is an attitude that still exists in America and we continue to fight battles in various states against this attitude.

I understand that there are big cultural differences between America and Germany. I am not saying that in Germany everything will go just like in America – where someday the authorities will leave you alone and that you will have total freedom. In some American states this is the case, but not all.

But there is one thing that I think we can agree on. If we look at history we can see this – that if you stop trying you will surely lose. But if you never give up you will surely win.

One of the Founding Father of America, Samuel Adams said this:

He said “It does not take a majority to prevail, but rather an irate and tireless minority keen to set brushfires in the minds of the people.”

I encourage you to keep setting brushfires in the minds of your leaders and countrymen. Soon the rest of your country will take notice and have to confront this question:

Why shouldn't people have the freedom to educate their children at home?

You know, as a movement that desires change in society, we have a job to do. That job is to change people's minds. This is a difficult task. It requires patience. It requires much patience and a willingness to explain over and over again to the same and different people. To politicians. To reporters. To the public what Homeschooling is and why it is important. And this means that it is important to have a message that they can understand and that answers their concerns. It may not fully express your reasons for wanting to homeschool, but so long as it is enough to get them to change their minds it is a good message. This can get tiresome. But in the end by being persistent, polite and professional you will win.

But I am here to discuss the topic of pluralism and Homeschooling. I hope to keep my remarks brief so we have some time for discussion.

First we must ask the question – what is pluralism?

This term is used in many contexts to describe just about any kind of diverse approach to anything. There is political pluralism, educational pluralism, philosophical pluralism, and religious pluralism. You can attach the word pluralism to just about anything you want.

There are some who attempt to define pluralism in such a way as to advance the idea that "anything goes". This concept of pluralism says that there is no objective truth but that all ideas are equally valid. Such relativism can be dangerous because it can erode the notion that there fundamental basic human rights can change depending on what you or anyone for that matter may think or feel about a particular subject.

But I am not here to debate or discuss the philosophical notion of objective truth. I bring it up simply to make the point that if we are relativistic in our use of pluralism this can legitimize the use of force by those in power to enforce what they say is best.

If we agree that human rights are inalienable or are objective. Those who have power might have the wrong idea about something (like in German authorities not allowing people to homeschool their children).

But if they have the power to decide what is right and the power to enforce then - what can you do? That is why human rights must rest on an objective standard. If you can appeal to an objective standard then you are on firmer footing than if you are simply trying to argue that my idea is better than your idea.

For example - Let's look at the basic right to educational freedom. Here in Germany the government applies its police power to enforce its version of parental rights. Sure, they say, you have parental rights. Yes it is mentioned in the Federal constitution. And yes it is mentioned in the European Convention on Human Rights – which Germany has signed onto. And so the authorities say you can have your rights as parents to choose whatever form of education you think is best for children – as long as you pick our public schools. Or you can pick among the few private schools that have been approved. Or you do it after hours or on weekends. But that's it – if you don't like that – too bad. The moment you start acting in accordance with your own beliefs and defy the state's point of view/opinion - look out. This is not a valid choice that reflects educational freedom,

OK – So I've asked us to consider an objective view of pluralism but you do not have to accept this notion for my argument to make sense. Now let's talk briefly about pluralism.

In its simplest form and within a democratic political context, pluralism stands for the idea of many different groups co-existing and cooperating peacefully within a common society.

Let's analyze this just a little more.

When you look at this simple meaning, there are two important implications –

First that a common political society does exist. A common political society exists when there are enough common and shared beliefs, systems or attributes within a recognized boundary to create a common society. Without some common structures there is no common society - just different groups living autonomously within a geographic area.

Second, for different groups to exist these groups must have something that makes them distinctive. If there isn't then there is just one big homogenous group - no pluralism. Things that distinguish groups may be racial, cultural, ethnic, religious, or philosophical, and others.

Many of these characteristics may be shared – and many may be different.

What is it at a minimum that must be shared for a pluralistic democratic society to survive and thrive? I think we could argue about this for hours. But let me suggest four at least that I believe must be shared - a common boundary, common language, a common economic system, a common legal system and common political authority that reflects the will of the people with respect to laws that apply equally to all.

And what is the benefit of a democratic pluralistic society. Well the idea is that in such a society, people from different groups can co exist and work together for a common good. Is this always a reality? No it is not. It is more of a goal I think but the benefit of such a system is that individuals are able to live and work peacefully together within a common society that respects and protects basic fundamental human rights without requiring that a group give up important characteristics that distinguish them from other groups. This benefits society as a whole through the introduction of new ideas and ways of doing things.

And what about parallel societies? What are these?

Let's contrast the idea of parallel societies with pluralistic societies. If we do this we see that a parallel society is a group of people who live inside or within another society but do not share in these minimum common characteristics. These societies within a society seek not to interact but to remain isolated. Such a society limits its contact with the larger society in general and would operate its own civic institutions, legal functions, and probably reject learning a common language.

If we accept the idea that government exists to maintain order by establishing a rule of law that applies equally to all within its jurisdiction – then indeed parallel societies by definition are dangerous.

In such parallel societies the rights that should be protected and enjoyed by all citizens of the society could be repressed in the name of some other philosophy, legal system or religion perhaps. For example I have heard that in Germany there is concern that in some Muslim areas sharia law actually is applied.

If this is true, it means that that not all people living in Germany have equal protection under the law. And because it is the duty of the state to protect the rights of the people living in its jurisdiction this can not be allowed.

And here we come to looking at The German government's treatment of homeschoolers.

Are Homeschoolers looking to be isolated from a common language, a common law, a common set of civic institutions or even an economic system? Not at all.

While parallel societies may indeed be the enemy of a democratic state, dogmatic and coerced uniformity is the enemy of a pluralistic society.

The question is not whether a free society can or must be either democratic or pluralistic – it can and should be both. Indeed All civilized nations profess a relevant commitment to both democracy and pluralism. I would suggest that no responsible homeschool leader would advocate for the creation of what I have defined as parallel societies.

In Germany what we see in Education is not pluralism but rather support of a state controlled system of education – the purpose which is not to promote pluralism but rather to standardize and integrate children into society. Forcing all children to attend state sponsored schools is a sure way to stamp out pluralism. In the State schools a uniform curriculum provided by uniformly organized teachers in uniformly organized and established schools creates a uniform social structure within society. This is a tautological argument. It speaks for itself.

Indeed, one can argue that by forcibly curtailing educational choice in Germany, the German government is sowing the seeds of parallel societies and future conflict between these societies within Germany.

Germany may have an understandable concern in protecting against the “rise of parallel societies” that may be dangerous or hurtful to German Culture or more importantly a parallel society that may within its power seek to repress rights that the German government is duty bound to protect.

However, in seeking this goal or protecting the rights of all, Germany can not use this argument to justify repression of educational freedom and the right of parents to determine the best form of education for their children. The undisputed reality is that Homeschooling by itself does not create parallel societies – and if German authority structures and those who influence them (such as the media and academics) would care to look beyond its own borders, this would be obvious.

In Germany’s efforts to prevent the creation of parallel societies that may be dangerous to the democratic institutions of its society, it must not deny basic human rights standards of pluralistic freedom. This notion of pluralistic freedom in free societies lies at the heart of the International and natural law standards for human rights law. That is that people have certain inalienable human rights that must be protected. And that it is governments duty to protect these rights.

The democratic state should not exist to form or mold or shape society, it exists to protect the rights and freedoms of its people from internal and external threats and to apply the rule of law equally to all. Yes the state may do more than this, but the further it gets from this basic premise the closer it gets to setting social order and shaping society. Is this what we want? This is the same thing I said earlier where those who have power get to use that power to establish the order they think best, rather than allowing the people to sort things out amongst themselves within the boundaries of respect for life and property. The modern state has taken on a role in shaping society that it may deny but it does so only through self deception or ignorance. Those who would shape society know that in order to shape society it must control education. Why? Because the children of today is the culture of tomorrow. We’ve heard it from many speakers here. Children are impressionable and those with whom they form the closest attachments are their teachers and parents and by default impress upon them

moral and social norms that they carry into adulthood – thus forming the culture and society of tomorrow.

When Hitler sought to unify German society in the 1930s by abolishing the states and taking control of all private and public education and requiring under pain of criminal penalty that all children attend state controlled schools he said this:

"The Youth of today is ever the people of tomorrow. For this reason we have set before ourselves the task of inoculating our youth with the spirit of this community of the people at a very early age, at an age when human beings are still unperverted and therefore unspoiled. This Reich stands, and it is building itself up for the future, upon its youth. And this new Reich will give its youth to no one, but will itself take youth and give to youth its own education and its own upbringing."

This is why educational pluralism is so important to a pluralistic society. A state controlled system (also known as a monopoly) of education with the purpose to standardize children and "integrate" them is no friend of pluralism. In the name of equality of opportunity such a system can repress group distinctives which are absolutely necessary for the existence of pluralism. Indeed it must be argued that a nation that demands and coerces unquestioned non-expected uniformity in such an important area of its public life has abandoned the principles of pluralism and individual liberty.

The natural effect of sending children to public schools is to impose a level of nationally applied and coercively mandated uniformity. Children study the same curriculum as chosen by the state, are institutionalized for a majority of their time with children their own age and are expected to conform to this nationally mandated set of standards. This is educational uniformity and it results in the stripping away of distinctives in people groups undermining a pluralistic society.

I don't know if you have ever heard of His Highness Aga Khan. He is the imam of a sect of Muslims that live primarily in Canada they are called the Imalia Muslims. This Muslim imam has established himself as a leader in the area of global pluralism. It may sound strange to hear an American lawyer quoting a Muslim imam on pluralism, but here is what His Highness said at a symposium on pluralism in Lisbon Portugal just last year about pluralism in education:

"For too long some of our schools have taught too many subjects as subsets of dogmatic commitments. Economic insights, for example, were treated as ideological choices—rather than as exercises in scientific problem solving. Too often, education made our students less flexible—confident to the point of arrogance that they now had all the answers—rather than more flexible—humble in their life-long openness to new questions and new responses. An important goal of quality education is to equip each generation to participate effectively in what has been called "the great conversation" of our times. This means, on one

hand, being unafraid of controversy. But it also means being sensitive to the values and outlooks of others.

And the truth is that Homeschooling has been proven all over the world to deliver this kind of result. Homeschooling provides high quality educational results with students who grow up to be civically aware, mature, socialized, integrated and beneficial to society as a whole when compared with their peers in public and private schools.

Rather than creating a parallel society, Homeschooling advances the goal of a free, pluralistic and democratic state. The overwhelming majority of Homeschooling families want their children to take their place as productive and integrated members of society. While they may choose their own role in the education of their children for a variety of reasons, rarely is it because they want their children to be completely and totally isolated from all of society. This can be empirically proven if one looks at nations where there are significant groups of homeschoolers. It can be anecdotally proven anywhere else.

Homeschool families understand the need for their children to be integrated within society and they take steps to insure that the highest ideals of their own culture are taught within their homeschool program. This may not be exactly the same as others in the society, but that is the very nature of pluralism.

Because human rights belong to an individual, not groups, the right of individuals and parents to make educational decisions must be protected as a fundamental human right. If a society bases the protection of human rights on an individual identifying with a larger group, parallel societies are encouraged, not opposed—but if society protects the rights of individuals to become a part of society without losing important individual or family distinctives, pluralism is supported.

In the United States, and in other countries, homeschoolers as a collective group have demonstrated that there is a wide variety of effective educational approaches and philosophies that can co-exist regardless of race, ethnicity, income level, social class, and geography. In most of these countries, homeschooled students demonstrate that they are active in society, well trained, sought after by universities and employers because of their reputation they are not isolated - they are integrated and productive members of society.

In Germany the government's current program of repression of Homeschooling is more likely to push people and families either out of Germany or into parallel societies where they will be protected and cherished because of their connection with the group and not because of their connection with society. Homeschoolers do not want this.

So what is to be done? May I offer some ideas for consideration?

Let me say that I am giving ideas. I do not claim to know German Courts or Culture so well as to propose a solution – that is something that only Germans can do together.

I am drawing on my own experience but this experience is informed by conversations I have had with some of you and others in the academic and legal community in Germany and other countries in Europe. I am not trying to tell you what to do, but merely to offer some suggestions for your consideration. Clearly the only people who can make change happen in Germany are Germans. But there are many organizations, including HSLDA, represented here who have resources and who want to help.

First it appears quite clear that in the short term the German Courts will not protect the human rights of people to choose the best form of education for their children. Does this mean that you should ignore the courts? I don't think so. The Courts can not be ignored because families who are persecuted by the state must be defended. And as cases are brought it is important that lessons are learned and new arguments are made. As these new arguments are made and refined, while it may seem unlikely and maybe even harder in Germany, it is possible to change the minds of judges with these new arguments and new cases.

For example - In America we went to the Supreme Court of North Dakota 15 times before we finally won (there are a lot of German Americans in North Dakota too – is there a trend here?). But we did win in the end – and brought greater freedom to homeschoolers in that state. Creativity and Persistence are needed and families need to be defended.

From this - It would appear that some kind of political solution will be required in Germany.

This type of solution may take a number of forms.

It might take the form of regulations that clarify the exception to compulsory attendance in states where exceptions are allowed. This could be proposed within the existing context of the regulatory review process. Perhaps only bureaucrats would need to be involved. Perhaps by finding a few key officials in even only one or two states and asking for their input and assistance could start this process.

Or a law that provides specifically for Homeschooling might be passed. This was done on a State by State basis in America over 20 or more years. And we are continually watching to make sure that the legislators do not impose greater restrictions. It may be difficult to do this in Germany. But I can tell you that by being persistent and persuasive you can do it. Let me say one thing about being persuasive. Politicians may be a little different in America, but I know that

politicians are politicians and no matter where they are if you want to influence them you have to speak their language. You have to find out what influences them and then you have got to use that information to influence them. This may mean being very careful in the words you select and understanding that it is very important to communicate a message that they can understand and agree with. It might not be the message that you want to communicate, but consider carefully the message you do communicate and insure that at the very least it will not harm your cause.

Another political approach may be to use the existing laws and try to apply other creative approaches to allowing Homeschooling. For example - In California, the most populated state in America, Homeschooling is technically illegal. Why do I say that when there are more than 150,000 people in CA alone who do homeschool? It is because they do it under the private school regulations – there is no homeschool law or exception in CA. Californians simply register as a private school under existing California private school law. Now this may not be possible in some German states. But it may be possible in others especially if you can gain the cooperation of government officials in the ministries of education.

In order for any of these approaches to succeed it will require the coordinated effort of many people. And because there are so few people who homeschool, indeed who can afford to homeschool, in Germany, the need for outside help and help from those who support Homeschooling freedom is critical.

I know that here among you are political leaders and academic friends who believe that educational choice is important for Germany. By working together with a common goal and mission - change is possible – it may be hard and it will take time. But it is possible.

To affect a political solution will require influence from Academics, politicians and media. To change laws public opinion must be shaped and changed through media.

To change the opinion of politicians and government officials the media and academics must be able to demonstrate that Homeschooling can work.

Overwhelming evidence from nearly every nation in the world shows this to be true – now we need to get this information to those in Germany who can influence the situation.

So with that I hope to encourage you – you are engaged in an important battle. It is a battle for fundamental human rights and it is a fight for the hearts and minds and ultimately what is in the best interest of your children.

Remember that if you give up you will surely lose, but if you never give up you will surely win!

Thank you.