

## Contra-Bartholet: Rights of Children vs. Rights of the State

PERSPECTIVES – News and Comments [note 1]

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IN ELIZABETH BARTHOLET’S paper where she proposes to ban homeschooling in the U.S. she starts with the assumption that parents have complete control over their children from birth.

Bartholet opens with “homeschooling is a realm of near-absolute parental power” (Bartholet, 2020, p.3). This demonstrates Bartholet’s first assumption. Her statement is invalid because even an infant is not under absolute parental control. Anyone who has had children realizes this through the experience of the natural demands of the infant’s announcing her needs. I address Bartholet’s musings from the perspective of a competent counselor, using developmental theory to expose Bartholet’s fallacious assumptions. Understanding developmental theory is of utmost importance when discussing children’s rights. Zelda Gillian Knight demonstrates how “An understanding of Erik Erikson’s psychosocial developmental stages has implications for psychotherapy.” (Knight, 2017, p. 1047). Using my knowledge of child development and family systems, I will demonstrate how homeschooling honors the rights of children and the significance of the rights of children. The fact is that all socialization does and should start in the home.

Homeschooling is about decision making and the healthy development of the child. Laura Wray-Lake et al. state that “behavioral autonomy refers to youth’s freedom to regulate their own behavior as part of the process of developing independence and self-guided action.” (Wray-Lake et al., 2010, p. 636). This being the case a parent decides how they will go about rearing their children. In Erikson’s model of psychosocial stages of development an elementary school aged child (5-12 years old) reaches the Industry versus Inferiority stage. In this stage the child begins to find their way through confidence by building and demonstrating competencies. In the sense of being valued by those that matter to the child there comes pride in accomplishments. During this stage the homeschooling parent carefully guards against societal influences they think to be undesirable.

Restriction from societal influences is positive when the following is understood. The homeschooler lays the groundwork for the appropriate behavioral parameters, boundary setting, and development for their child. Choosing restriction over societal influence is the healthiest approach to child rearing within the appropriate framework. When the parent initiates the groundwork in this stage of development, offering limited choice, rather than having all the influences from any society vying for the child’s attention, a healthy boundary setting is put into place.

Confidence can only be gained through the child’s trial and accomplishment in the industry stage with the parents’ encouragement and reinforcement. If a child is given over to societal influences, then the parent has no other reaction than to restrict the child which in turn decreases the child’s confidence. That which appears to be limiting, because, as Wray-Lake et al. state, “autonomy is minimal when parents make unilateral decisions” (Wray-Lake, 2010, p. 637) is really setting the child up for success. This success breeds more confidence and praise for the child and increases the basic recipe for the child’s successful achievement of autonomy.

When a child is given norms and expectations they can learn to achieve, gain confidence, and get encouragement and reinforcement. When a child, during the Industry versus Inferiority stage, is open to societal influence there is more likelihood for there to be conflict in their family and community. It is healthier for a child to learn and grow socially within their family first, then community, so that, when they grow older, they will be mature, confident, and a civil contribution to society.

Bartholet assumes that homeschooled “children are being raised in ways that are at odds with ideas about the importance of autonomy central to our liberal tradition.” (Bartholet, 2020, p. 9). Bartholet cites Robert Reich and Robin West who suggest that “the exposure to the diversity of ideas and skills” (Bartholet, 2020, p. 9) supposedly needed for persons “to become autonomous adults” (Bartholet, 2020, p. 9) is not offered to homeschooled children. This is a gross overgeneralization that does not indicate the nature of the education which all homeschoolers are afforded.

Bartholet, by citing the work of Martha Minow, declares that “educational goals related to such civic values as liberty and equality, the development of autonomy and self-determination, and the ability to accept the rights and responsibilities of citizenship” (Bartholet, 2020, p. 24) are what are expected as part of public schools. It must be kept in mind that no school curriculum, goals related to civic values, nor teacher is fully and perfectly vetted for excellence in preserving any particular tradition. Whatever tradition that a family has does not necessarily mean that they will abuse a child’s right to education. This writer states this within the

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recognition of the values of multiculturalism, hybridity, and tolerance. If a child does not gain confidence in themselves, they will not be able to engage the other.

The stage of development which arrives at age 12-21 years is Identity versus Role Confusion. Erikson described identity as “a subjective sense as well as an observable quality of personal sameness and continuity, paired with some belief in the sameness and continuity of some shared world image. As a quality of unself-conscious living, this can be gloriously obvious in a young person who has found himself as he has found his communality.” (Erickson) A person’s identity is organized around family and community primarily and secondarily the presence of societal influence. Adolescents weigh many considerations when understanding their identity.

Usually, young people face decision making considering their own culture as a part of the choices, this culture bearing decision making encourages equality. A person needs to start their decisions without the confusion of a bombardment of innumerable ideas. There is no choice when 12-21 years old is guided by someone who assumes that the youth is a blank slate. A youth is socialized in some way before actually making any decisions. The question is will they be socialized by the state or by their family. Essentially someone’s control will have taken charge of the youth initially. In the earlier stage someone is going to have an influence.

When parents influence according to their understanding of “truth” it is with the hope that their children will flourish in the future. In Bartholet’s understanding the children should be influenced according to the norms of society for the good of society, which ultimately devalues the adolescent’s right to make choices and hence not have autonomy. With a foundation in place a person makes choices and fulfills the evidence that they have rights. The question therefore is who will make the initial investment in the child or youth.

It is also important to clarify what “liberal tradition” Bartholet could be referring to in her attempt to scathe the homeschooling tradition. Liberal tradition, truly defined, includes the values of equality and individual liberty, having private property and individualism and the rights of such, with the idea of limited government. This is the true nature of liberalism, which is not to be confused with progressivism. It should be noted that our liberal tradition includes rights for everyone, but giving the rights of some at the expense of the rights of others is not in the rules. Fairness in the case of homeschooling includes the rights of all people, families, parents, and children. The notion that all homeschooled children are not given rights to education and safety is a stereotype and generalization that is completely irrational on the part of Bartholet.

The focus that is to be taken here is not taking attention off the rights of all, but to address two notions in Bartholet’s work on homeschooling that cannot be proven. One notion is that parents of homeschoolers take away children’s rights through not exposing their children to diversity. This is a broad sweeping generalization. It is an inaccuracy to assume that all homeschoolers are not exposed to multiculturalism. Children reared in the tradition of their families first are more capable of adapting with confidence to new and unfamiliar situations.

The child makes edifying decisions regarding industry, what they can accomplish, with the resources that their own families and communities endorse in mind. In their case a foundation is in place from which praise of their work can be measured.

The second inaccurate and unproven notion is that exposure to diversity leads to autonomy, but that is based on illogical grounds and is fallacious. Bartholet’s notion that exposure to diversity is a catalyst for autonomy is inherently false. However, the case is considered here in the following. One article by JoAnn Phillion et al. attempts to demonstrate that sending “White, middle class, female students” to “study abroad” (Phillion et al., 2009, p. 323) prepares these young student teachers for engagement with other cultures. Supposedly, Phillion’s research indicates that “teachers begin to develop the awareness, sensitivity, and skills they urgently need to bridge the gap between White teachers and their historically underprivileged student populations” (Phillion et al., 2009, p. 336). A myth to be debunked here is that teachers will serve the underprivileged; and it should be noted that these teachers stand to be enriched by the cultures of their students.

One only needs to wonder if Phillion’s research, interdisciplinary as it is, presents the conclusion that the researcher aimed to arrive at; as it is well known, many research projects reach the conclusions for which they are seeking and this is too often the case. Creating sensitivity in those who would be intended to teach by sending them to study abroad does not necessarily prepare them for the toughest school systems in the U.S. anyways. As Constance Kamii illustrates, these young teachers would be facing a situation that is “particularly unfortunate, since we recognize that the schools are not working well. Low test scores, physical violence, alcohol and drug abuse, alienation, and vandalism are only some of the problems plaguing U.S. schools” (Kamii, 1984, p. 410). It seems a foregone conclusion that it would take visiting a war torn country (abroad) to prepare education students for entering a school system in such circumstances.

Cultural lessons in countries and cultures abroad do not prepare new teachers for such social problems that Kamii illustrates. College graduates as school teachers, whether they study abroad or not, meet this situation. This is not a hypothetical statement, nor a theory, about the truth of just a few injustices that happen in schools in the U.S. No social-problems course could produce the skills to teach in such an environment. Bartholet has high expectations of diversity, considering the harm children sustain and the learned behavior that affects so many students today. Where is it safer to be? Would this context teach children autonomy or anarchy? Home is a safer place to be than a violent and problem filled classroom. Children develop with rights and are safer from maltreatment (actions of detriment committed toward them) at home rather than at school.

Now returning to the matter of autonomy; it must be understood that psychological and educational research attempts to measure this subjective domain of the individual. Various, no doubt countless tools and ways of scoring the responses of the individual externally, are done by measurements of behaviors. There are the inner responses and states that are reported by the subject themselves, which are of an entirely different nature. In a study that measured the way teachers approached students to encourage and support

students' autonomy during learning Johnmarshall Reeve and Hyungshim Jang viewed motivational styles of teachers and how students reported feelings of autonomy.

Reeve and Jang defined autonomy as that which “represents an inner endorsement of one’s actions” and “the sense that one’s actions emanate from oneself and are one’s own.” (Reeve and Jang, 2006, p. 9). Reeve and Jang discuss support autonomy versus control behavior. Reeve and Jang state that teachers facilitate student autonomy by “identifying students’ inner motivational resources and by creating classroom opportunities for students to align their inner resources with their classroom activity” (Reeve and Jang, 2006, p. 210). A mother having lived with her children knows and realizes her children’s inner motivational resources and can best suit the situation with the appropriate activity. Reeve and Jang state that their purpose was to investigate how different “clusters of instructional behavior correlate positively (or negatively) with students’ perceptions of autonomy” (Reeve and Jang, 2006, p. 215).

Another study by Reeve, Jang and Edward L. Deci testified to the limitations of these types of studies. These researchers admit that some limitations are that 1) “student motivation and engagement are generally lower in secondary school classrooms than they are in elementary school classrooms,” 2) “we do not know to what extent observed teachers might have altered their instructional styles upon seeing the raters enter their classroom,” 3) the possibility of observer bias, and 4) “engagement serves as an important social signal from students to elicit supportive reactions from teachers” (Jang, 2010, p. 598). It becomes apparent that research of this type, though important and helpful, is rife with the complication of studying human behavior and subjective reports. Another question is, can one know the intent of another? Can one know what another’s incentives are and what guarantees a legitimate response from the subject(s) being studied?

Given the nature of schooling research, after one has entered the fray, one realizes the flexibility and plasticity there is to persons’ thoughts and behavior. No matter the data turn-out, people will always be elusive and unpredictable. The empirical study of behavior and attitudes is relevant but fallible. In all research there is error and persons’ opinion or subjective report, these are inescapable. Therefore, reliance on research should be carefully critiqued, as well as extrapolation based on it.

In conclusion it must be noted the sloppiness of Bartholet’s scholarship, she does not write in a linear manner and cites unpublished sources. Bartholet claims that her motivation is to protect child rights, but she very clearly reveals that her motives are more totalitarian and focused on power over children and their families. Bartholet embraces the idea that “from early on our law recognized that the state has a role to play in child rearing, and that parents have responsibilities and not just rights” (Bartholet, 2020, p. 5). This is a dubious position because it invites state control. Many, other than homeschoolers, are concerned about individual rights over state authority, these are called civil rights. Bartholet complains that there are, what she calls, subsets of homeschoolers who “include a very large group whose parents are ideologically committed to isolating their children from the majority culture, because they have views and values in serious conflict with that culture” (Bartholet, 2020, p. 5). Is Bartholet concerned that parents are not being responsible to their children or is she concerned that they are not being responsible to a larger entity, i.e. the government?

### References

- Bartholet, E. (2020). Homeschooling: Parent rights absolutism vs. child rights to education and protection. *Arizona Law Review*, 62(1).
- Knight, Z. G. (2017). A proposed model of psychodynamic psychotherapy linked to Erik Erikson's eight stages of psychosocial development. *Clinical psychology & psychotherapy*, 24(5), 1047-1058.
- Phillion, J., Malewski, E. L., Sharma, S., & Wang, Y. (2009). Reimagining the curriculum: Future teachers and study abroad. *Frontiers: The interdisciplinary journal of study abroad*, 18, 323-339.
- Wray-Lake, L., Crouter, A. C., & McHale, S. M. (2010). Developmental patterns in decision-making autonomy across middle childhood and adolescence: European American parents’ perspectives. *Child development*, 81(2), 636-651. Lname, Fname. A. (YYYY). APA citation with hanging indent for second and subsequent lines. \*

[Note 1] – Perspectives articles are not peer-reviewed; rather, they are more like opinion pieces.

