



The Case Against the Case Against Homeschooling

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By Dr. Peter Gray

An article ([here](#)) published in the May-June 2020 issue of Harvard Magazine sent shock waves through the homeschooling community. At the top of the article, entitled *The Risks of Homeschooling*, is a drawing of a forlorn girl looking out of the barred windows of a tiny house where one of the walls is composed of books labeled "Reading, Writing, Arithmetic, and Bible." What she sees outside are children—presumed to be public-school children—joyfully skipping, chasing, and in other ways playing. Yikes.

The article then goes on to summarize the view of Elizabeth Bartholet, a Harvard law professor who contends that homeschooling should either be banned or severely regulated. The words in the article misrepresent homeschooling to a degree that is almost as ludicrous as the drawing at the top. If I didn't know better, I would think it was satire. I thought, surely, someone smart enough and academically skilled enough to be hired as a professor at Harvard Law can't be this foolishly wrong. So, I decided to read the 80-page article that Bartholet had published in the *Arizona Law Review* ([here](#)), entitled *Homeschooling: Parents Rights Absolutism vs. Child Rights to Education and Protection*. Oy. She is this foolishly wrong.

Before summarizing what is wrong with Bartholet's arguments, let me start by agreeing with her on one point. It absolutely true that some parents who are seriously neglectful or abusive of their children use homeschooling as a cover. Child abuse is a very serious problem and I believe, as does Bartholet, that the state has an obligation to protect children from abuse. States need to have clear definitions of abuse and means to enforce laws against such abuse in all families, whether they are homeschooling families, public schooling families, or private schooling families. But that is the end of my agreement with Bartholet.

I have chosen to organize my case against Bartholet's case against homeschooling by focusing on three terms that she uses in the title of her Law Review article: *Child rights*, *child protection*, and *education*.

Child Rights

Bartholet, with no hint of irony, contends that children have the *right* to a government-enforced compulsory education. Think about that for a moment. A right that you can't refuse. A perfect example of Orwellian doublespeak if ever there was one. Somehow, according to Bartholet's logic, a state that forces children to attend the state schools is respecting children's rights, but a family that offers their child the option of homeschooling is not.

The Bill of Rights in the U.S. Constitution was designed to guarantee such rights as freedom of speech, freedom of the press, freedom of assembly, and liberty. All of these rights are violated for children in school. Liberty is the basic right; the others are correlates of it. Amendment 5 in the Bill of Rights declares, "No person shall be deprived of liberty without due process of law." Nowhere in the Constitution, or anywhere else in law that I know of, is there any statement that a human child is not a person. Yet children are regularly deprived of liberty without due process of law when they are sent against their will to school.

It's obvious that compulsory schooling (which literally means forced schooling) is an assault on children's liberty. Children are required to go to school, and in school, they are not free. In fact, children are more deprived of their liberty in school than adult criminals are in prison. They are told exactly where they must be and what they must do almost every moment; freedom of speech and assembly are banished; they have no say in the rules they must follow; and when they are accused of violating a rule, there is no due process in determining guilt or innocence or what their punishment will be.

Sometimes people say that a child's experience at school is like an adult's at work, but that is a delusion. A job might sometimes feel like prison, to some adults, but school *is* a prison. Adults are not forced by law to work at a particular job, and adults are always free to quit. Involuntary servitude is illegal for adults; it's called slavery.

I don't know of any adults who would willingly accept a job where they are so tightly micromanaged as children are at school; a job where you can't talk with your co-workers, can't leave your seat without permission, and are continuously monitored, tested, and compared with your co-workers in a manner almost deliberately designed to shame.

More than a century ago we banned full-time child labor for children, believing it was not good for them. But now schooling has become, in time commitment, the equivalent of a full-time job and, in onerousness, something worse than the kind of full-time job that adults would tolerate. And now here's another right that I think should be enshrined: *The child's right to be a child*. Children are by nature curious and playful. There's a reason for that. Self-directed exploration and play are how they learn. Children were designed by nature to educate themselves by playing and exploring. And yet our schools shut off these natural ways of learning. Homeschooling is a way to open them up.

Child Abuse

As I said, I deplore child abuse in all forms, and I agree with Bartholet that we need better protection against the abuse that occurs within families. What Bartholet overlooks is that school itself can be abusive and that many families who remove their children from school are doing so precisely to protect them from abuse.

The harm being done to children by forced schooling has been documented in many research studies. Such research (which I previously reviewed and documented [here](#) and [here](#)) has, for example, shown that:

- (a) children are less happy—more anxious, angry, and bored—in school than in any other setting in which they regularly find themselves;
- (b) when adults are asked about traumatic experiences in their childhood the most commonly reported instances are abuse that occurred in school, primarily from teachers;
- (c) hair cortisol level (a measure of chronic stress) was significantly higher in children two months after they started kindergarten compared to two months before they started;
- (d) school-aged teenagers are the most stressed-out people in America and 83% of them cited school as a major source of their stress if not *the* major source; and
- (e) the rates of emergency mental health visits, suicide threats, and actual suicides for school-aged children are roughly twice as high during months when school is in session as during periods of vacation from school.

Bartholet, in poorly documented or undocumented statements, claims that most families that homeschool are doing so for religious reasons (which she assumes to be a problem because she equates religiosity with narrow mindedness); but the only systematic nationwide data on reasons for homeschooling indicate that a far more common reason is to protect children from harm. In their most recent nationwide survey, the U.S. Department of Education found that only 12% of homeschooling families reported homeschooling primarily for religious reasons. In contrast, 29% cited their concern about the lack of safety of the school environment as their primary reason and 74% cited that as one of the reasons. Other common reasons checked included the special needs of the children, which the school couldn't meet, and illness or physical disabilities that the school could not appropriately accommodate.

On the basis of available evidence, it is absurd to believe, as Bartholet apparently does, that the total amount of hurt done to children would go down rather than up if homeschooling were outlawed.

Education

Bartholet, in her article, contends that one of the ways that homeschooling abuses children is by depriving them of an education. She argues, essentially, that if homeschooling is allowed at all it should be allowed only for families where a parent is qualified to teach the standard school curriculum and that homeschooled children should be tested regularly by the state to be sure they are learning that curriculum. Apparently, to Bartholet, *education* is whatever the state decides to include in their curriculum, and children who are not learning those particular things, on the

state's schedule, are not getting an education. I suppose I should forgive Bartholet for this, as so many other people, especially those in ivy towers, seem to hold that same absurd assumption. What really is an education? That's something to which I've given a lot of thought. Our team at the [Alliance for Self-Directed Education](#) defines education as follows: *Education is the sum of everything a person learns that enables that person to live a satisfying and meaningful life.* I think that's a really meaningful, practical definition. Now, think honestly here, how much of education, by that definition, actually occurs in school? And, how much of what is supposed to be learned in school actually contributes to education, so defined?

The amount of knowledge and valued skills in our world keeps going up, at exponential rates. Nobody can learn more than a tiny sliver of it. What possible sense does it make to believe that everyone should learn the same sliver? We are much better off with diversity. What is a satisfying and meaningful life for Person A is not the same as that for Person B. Our standard schools do not account at all for these differences; they force everyone to go through the motions of learning the same things, regardless of interest, regardless of need, regardless of the harm caused by forced learning. Homeschooling, properly done, allows children to discover and pursue their own interests and in that way achieve a real education.

I understand that the anti-homeschooling invitation-only conference that Bartholet and her backers had planned to hold at Harvard to follow up on her article has been at least temporarily canceled, maybe because of the pandemic. I hope it has been permanently canceled or will be replaced with a conference where people on all sides of the homeschooling questions are invited for rational discussion of the problems and benefits of homeschooling.

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