

Ch. 7. Education.[†]

Public and Compulsory Schooling.

* * *

UNTIL THE LAST FEW YEARS there were few institutions in America that were held more sacred — especially by liberals — than the public school. Devotion to the public school had seized even those early Americans — such as Jeffersonians and Jacksonians — who were libertarian in most other respects. In recent years the public school was supposed to be a crucial ingredient of democracy, the fount of brotherhood, and the enemy of elitism and separateness in American life. The public school was the embodiment of the alleged right of every child to an education, and it was upheld as a crucible of understanding and harmony between men of all occupations and social classes who would rub elbows from an early age with all their neighbors.



Murray N. Rothbard
(1926-1995)

Going hand in hand with the spread of public education have been *compulsory attendance laws*, which have forced all children up to a high — and continually increasing — minimum age, to attend either a public school or a private school certified as suitable by the state apparatus. In contrast to earlier decades, when a relatively small proportion of the population went to school in the higher grades, the entire mass of the population has thus been coerced by the government into spending a large portion of the most impressionable years of their lives in public institutions. We could easily have analyzed compulsory attendance laws in our chapter on involuntary servitude, for what institution is more evidently a vast system of incarceration? In recent years, Paul Goodman and other critics of education have trenchantly exposed the nation's public schools — and to a lesser extent their private appendages — as a vast prison system for the nation's youth, dragooning countless millions of unwilling and unadaptable children into the schooling structure. The New Left tactic of breaking into the high schools shouting "Jailbreak!" may have been absurd and ineffective, but it certainly expressed a great truth about the school system. For if we are to dragoon the entire youth population into vast prisons in the guise of "education," with teachers and administrators serving as surrogate wardens and guards, why should we not

[†] [Excerpted from *For A New Liberty: The Libertarian Manifesto*, 1973/1978.]

expect vast unhappiness, discontent, alienation, and rebellion on the part of the nation's youth? The only surprise should be that the rebellion was so long in coming. But now it is increasingly acknowledged that something is terribly wrong with America's proudest institution; that, especially in urban areas, the public schools have become cesspools of crime, petty theft, and drug addiction, and that little or no genuine education takes place amidst the warping of the minds and souls of the children.¹

Part of the reason for this tyranny over the nation's youth is misplaced altruism on the part of the educated middle class. The workers, or the "lower classes," they felt, should have the opportunity to enjoy the schooling the middle classes value so highly. And if the parents or the children of the masses should be so benighted as to balk at this glorious opportunity set before them, well, then, a little coercion must be applied — "for their own good," of course.

A crucial fallacy of the middle-class school worshippers is confusion between formal schooling and *education* in general. Education is a lifelong process of learning, and learning takes place not only in school, but in all areas of life. When the child plays, or listens to parents or friends, or reads a newspaper, or works at a job, he or she is becoming *educated*. Formal schooling is only a small part of the educational process, and is really only suitable for formal subjects of instruction, particularly in the more advanced and systematic subjects. The elementary subjects, reading, writing, arithmetic and their corollaries, can easily be learned at home and outside the school.

Furthermore, one of the great glories of mankind is its diversity, the fact that each individual is unique, with unique abilities, interests, and aptitudes. To coerce into formal schooling children who have neither the ability nor the interest in this area is a criminal warping of the soul and mind of the child. Paul Goodman has raised the cry that most children would be far better off if they were allowed to work at an early age, learn a trade, and begin to do that which they are most suited for. America was built by citizens and leaders, many of whom received little or no formal schooling, and the idea that one must have a high-school diploma — or nowadays, an A. B. degree — before he can begin to work and to live in the world is an absurdity of the current age. Abolish compulsory attendance laws and give children their head, and we will return to a nation of people far more productive, inter-

1 Thus, see Paul Goodman, *Compulsory Mis-education and the Community of Scholars* (New York: Vintage Press, 1964), and numerous works by Goodman, John Holt, Jonathan Kozol, Herbert Kohl, Ivan Illich, and many others.

ested, creative, and happy. Many thoughtful opponents of the New Left and the youth rebellion have pointed out that much of the discontent of youth and their divorce from reality is due to the ever-longer period in which youth must remain at school, wrapped in a cocoon of dependence and irresponsibility. Well and good, but what is the main reason for this ever-lengthening cocoon? Clearly the whole system, and in particular the compulsory attendance laws, which preach that everyone must go perpetually to school — first to high school, now to college, and soon perhaps for a Ph.D. degree. It is the compulsion toward mass schooling that creates both the discontent and the ever-continuing shelter from the “real world.” In no other nation and in no other age has this mania for mass schooling so taken hold.

It is remarkable that the old libertarian right and the New Left, from very different perspectives and using very different rhetoric, came to a similar perception of the despotic nature of mass schooling. Thus, Albert Jay Nock, the great individualist theorist of the 1920s and '30s, denounced the educational system for forcing the “ineducable” masses into the schools out of a vain egalitarian belief in the equal educability of every child. Instead of allowing those children with the needed aptitude and ability to go to school, all children are being coerced into schools for their own supposed good, and the result is a distortion of the lives of those not suited for school and the wrecking of proper schooling for the truly educable. Nock also perceptively criticized the conservatives who attacked “progressive education” for diluting educational standards by giving courses in automobile driving, basket weaving, or choosing a dentist. Nock pointed out that if you force a whole host of children who cannot absorb classical education into school, then you *have* to shift education in the direction of vocational training, suitable for the lowest common denominator. The fatal flaw is not progressive education, but the drive toward universal schooling to which progressivism was a makeshift response.²

Such New Left critics as John McDermott and Paul Goodman charge, for their part, that the middle class has been forcing working class children, many of them with completely different values and aptitudes, into a public school system designed to force these children into a middle-class mould. It should be clear that whether one favors one class or the other, one ideal of schooling or another, the substance of the criticism is very much the same: that a whole mass of children are being dragooned into an institution for

2 Thus, see Albert Jay Nock, *The Theory of Education in the United States* (Chicago: Henry Regnery, 1949); and Nock, *Memoirs of a Superfluous Man* (New York: Harper & Bros., 1943).

which they have little interest or aptitude.

Indeed, if we look into the history of the drive for public schooling and compulsory attendance in this and other countries, we find at the root not so much misguided altruism as a conscious scheme to coerce the mass of the population into a mould desired by the Establishment. Recalcitrant minorities were to be forced into a majority mould; all citizens were to be inculcated in the civic virtues, notably and always including obedience to the State apparatus. Indeed, if the mass of the populace is to be educated in government schools, how could these schools *not* become a mighty instrument for the inculcation of obedience to the State authorities? Martin Luther, a leader in the first modern drive for compulsory State education, phrased the plea typically in his famous letter of 1524 to the rulers of Germany:

Dear rulers I maintain that the civil authorities are under obligation to compel the people to send their children to school If the government can compel such citizens as are fit for military service to bear spear and rifle, to mount ramparts, and perform other martial duties in time of war, how much more has it a right to the people to send their children to school, because in this case we are warring with the devil, whose object it is secretly to exhaust our cities and principalities³

Thus, for Luther, the State schools were to be an indispensable part of the “war with the devil,” i. e., with Catholics, Jews, infidels, and competing Protestant sects. A modern admirer of Luther and of compulsory education was to remark that

the permanent and positive value of Luther’s pronouncement of 1524 lies . . . in the hallowed associations which it established for Protestant Germany between the national religion and the educational duties of the individual and the state. Thus, doubtless, was created that healthy public opinion which rendered the principle of compulsory school attendance easy of acceptance in Prussia at a much earlier date than in England.⁴

The other great Protestant founder, John Calvin, was no less zealous in promoting mass public schooling, and for similar reasons. It is therefore not surprising that the earliest compulsory schooling in America was established by the Calvinist Puritans in Massachusetts Bay, those men who were

3 See John William Perrin, *The History of Compulsory Education in New England*, 1896.

4 A. E. Twentyman, “Education; Germany,” *Encyclopaedia Britannica*, 14th Ed. (1929), VII, 999-1000.

so eager to plant an absolutist Calvinist theocracy in the New World. In June 1642, only a year after the Massachusetts Bay colony enacted its first set of laws, the colony established the first system of compulsory education in the English-speaking world. The law declared:

For as much as the good education of children is of singular behoof and benefit to any commonwealth, and whereas many parents and masters are too indulgent and negligent of their duty of that kind, it is ordered that the selectmen of every town . . . shall have a vigilant eye over their neighbors, to see first that none of them shall suffer so much barbarism in any of their families, as not to endeavor to teach, by themselves or others, their children and apprentices . . . ⁵

Five years later, Massachusetts Bay followed up this law with the establishment of public schools.

Thus, from the beginning of American history, the desire to mould, instruct, and render obedient the mass of the population was the major impetus behind the drive toward public schooling. In colonial days, public schooling was used as a device to suppress religious dissent, as well as to imbue unruly servants with the virtues of obedience to the State. It is typical, for example, that in the course of their suppression of the Quakers, Massachusetts and Connecticut forbade that despised sect from establishing their own schools. And Connecticut, in a vain attempt to suppress the “New Light” movement, in 1742 forbade that sect from establishing any of their own schools. Otherwise, the Connecticut authorities reasoned, the New Lights “may tend to train youth in ill principles and practices, and introduce such disorders as may be of fatal consequences to the public peace and weal of this colony.”⁶ It is hardly a coincidence that the only truly free colony in New England — Rhode Island — was also the one colony in the area devoid of public schooling.

The motivation for public and compulsory schooling after Independence scarcely differed in essentials. Thus, Archibald D. Murphey, the father of the public school system in North Carolina, called for such schools as follows:

. . . all the children will be taught in them In these schools the precepts of morality and religion should be inculcated, and

5 See Perrin, *op. cit.*

6 See Merle Curti, *The Social Ideas of American Educators* (New York: Charles Scribner's Sons, 1935).

habits of subordination and obedience be formed Their parents know not how to instruct them The state, in the warmth of her affection and solicitude for their welfare, must take charge of those children, and place them in school where their minds can be enlightened and their hearts can be trained to virtue.⁷

One of the most common uses of compulsory public schooling has been to oppress and cripple national ethnic and linguistic minorities or colonized peoples — to force them to abandon their own language and culture on behalf of the language and culture of the ruling groups. The English in Ireland and Quebec, and nations throughout Central and Eastern Europe and in Asia — all dragooned their national minorities into the public schools run by their masters. One of the most potent stimuli for discontent and rebellion by these oppressed peoples was the desire to rescue their language and heritage from the weapon of public schools wielded by their oppressors. Thus, the laissez-faire liberal Ludwig von Mises has written that, in linguistically mixed countries,

. . . continued adherence to a policy of compulsory education is utterly incompatible with efforts to establish lasting peace

The question of which language is to be made the basis of instruction assumes crucial importance. A decision one way or the other can, over the years, determine the nationality of a whole area. The school can alienate children from the nationality to which their parents belong and can be used as a means of oppressing whole nationalities. Whoever controls the schools has the power to injure other nationalities and to benefit his own.

Furthermore, Mises points out, the coercion inherent in rule by one nationality makes it impossible to solve the problem by formally allowing each parent to send his child to a school using a language of his own nationality.

It is often not possible for an individual — out of regard for his means of livelihood — to declare himself openly for one or another nationality. Under a system of interventionism, it could cost him the patronage of customers belonging to other nationalities or a job with an entrepreneur of a different nationality If one leaves to the parents the choice of the school to which they wish to send their children, then one exposes them to every conceiv-

7 *The Papers of Archibald D. Murphey* (Raleigh, N.C.: University of North Carolina Press, 1914), II, 53-54.

able form of political coercion. In all areas of mixed nationality, the school is a political prize of the highest importance. It cannot be deprived of its political character so long as it remains a public and compulsory institution. There is, in fact, only one solution: the state, the government, the laws must not in any way concern themselves with schooling or education. Public funds must not be used for such purposes. The rearing and instruction of youth must be left entirely to parents and to private associations and institutions.⁸

In fact, one of the major motivations of the legion of mid-nineteenth-century American “educational reformers” who established the modern public school system was precisely to use it to cripple the cultural and linguistic life of the waves of immigrants into America, and to mould them, as educational reformer Samuel Lewis stated, into “one people.” It was the desire of the Anglo-Saxon majority to tame, channel, and restructure the immigrants, and in particular to smash the parochial school system of the Catholics, that formed the major impetus for educational “reform.” The New Left critics who perceive the role of the public schools of today in crippling and moulding the minds of ghetto children are only grasping the current embodiment of a long-cherished goal held by the public school Establishment — by the Horace Manns and the Henry Barnards and the Calvin Stowes. It was Mann and Barnard, for example, who urged the use of the schools for indoctrination against the “mobocracy” of the Jacksonian movement. And it was Stowe, author of an admiring tract on the Prussian compulsory school system originally inspired by Martin Luther, who wrote of the schools in unmistakably Lutheran and military terms:

If a regard to the public safety makes it right for a government to compel the citizens to do military duty when the country is invaded, the same reason authorizes the government to compel them to provide for the education of their children A man has no more right to endanger the state by throwing upon it a family of ignorant and vicious children, than he has to give admission to the spies of an invading army.⁹

Forty years later, Newton Bateman, a leading educator, spoke of the

8 Ludwig von Mises, *The Free and Prosperous Commonwealth* (Princeton, NJ: D Van Nostrand Co, 1962), pp 114-15.

9 Calvin E Stowe, *The Prussian System of Public Instruction and its Applicability to the United States* (Cincinnati, 1830), pp 61ff. On the elitist motivations of the educational reformers, see Michael B Katz, *The Irony of Early School Reform* (Boston: Beacon Press, 1970).

State's "right of eminent domain" over the "minds and souls and bodies" of the nation's children: Education, he asserted, "cannot be left to the caprices and contingencies of individuals" ¹⁰

The most ambitious attempt by the public school partisans to maximize their control over the nation's children came in Oregon during the early 1920s. The state of Oregon, unhappy even with allowing private schools certified by the state, passed a law on November 7, 1922, outlawing private schools and compelling all children to attend public school. Here was the culmination of the educationists' dream. At last, all children were to be forced into the "democratizing" mould of uniform education by the state authorities. The law, happily, was declared unconstitutional by the Supreme Court of the United States in 1925 (*Pierce v. Society of Sisters*, June 1, 1925). The Supreme Court declared that "the child is not the mere creature of the State," and asserted that the Oregon law clashed with the "fundamental theory of liberty upon which all governments in this Union repose." The public school fanatics never tried to go that far again. But it is instructive to realize what the forces were that attempted to outlaw all competing private education in the state of Oregon. For the spearheads of the law were not, as we might expect, liberal or progressive educators or intellectuals; the spearhead was the Ku Klux Klan, then strong in the northern states, which was eager to crush the Catholic parochial school system, and to force all Catholic and immigrant children into the neo-Protestantizing and "Americanizing" force of the public school. The Klan, it is interesting to note, opined that such a law was necessary for the "preservation of free institutions." It is well to ponder that the much-vaunted "progressive" and "democratic" public school system had its most ardent supporters in the most bigoted byways of American life, among people anxious to stamp out diversity and variety in America. ¹¹

Uniformity or Diversity?

While current educationists do not go as far as the Ku Klux Klan, it is important to realize that the very *nature* of the public school *requires* the imposition of uniformity and the stamping out of diversity and individuality in education.

10 Quoted in Edward C. Kirkland, *Dream and Thought in the Business Community, 1860-1900* (Chicago: Quadrangle Books, 1964), p. 54.

11 See Lloyd P. Jorgenson, "The Oregon School Law of 1922: Passage and Sequel," *Catholic Historical Review* (October 1968), pp. 455-460.

For it is in the nature of any governmental bureaucracy to live by a set of rules, and to impose those rules in a uniform and heavy-handed manner. If it did not do so, and the bureaucrat were to decide individual cases ad hoc, he would then be accused, and properly so, of not treating each taxpayer and citizen in an equal and uniform manner. He would be accused of discrimination and of fostering special privilege. Furthermore, it is administratively more convenient for the bureaucrat to establish uniform rules throughout his jurisdiction. In contrast to the private, profit-making business, the government bureaucrat is neither interested in efficiency nor in serving his customers to the best of his ability. Having no need to make profits and sheltered from the possibility of suffering losses, the bureaucrat can and does disregard the desires and demands of his consumer-customers. His major interest is in “not making waves,” and this he accomplishes by even-handedly applying a uniform set of rules, regardless of how inapplicable they may be in any given case.

The public school bureaucrat, for his part, is faced with a host of crucial and controversial decisions in deciding on the pattern of formal schooling in his area. He must decide: Should schooling be — traditional or progressive? free enterprise or socialistic? competitive or egalitarian? liberal arts or vocational? segregated or integrated? sex education or not? religious or secular? or various shades between these poles. The point is that *whatever* he decides, and even if he decides according to the wishes of the majority of the public, there will always be a substantial number of parents and children who will be totally deprived of the kind of education they desire. If the decision is for traditional discipline in the schools, then the more progressive-minded parents lose out, and vice versa; and the same is true for all the other critical decisions. The more that education becomes public, the more will parents and children be deprived of the education they feel they need. The more that education becomes public, the more will heavy-handed uniformity stamp out the needs and desires of individuals and minorities.

Consequently, the greater the sphere of public as opposed to private education, the greater the scope and intensity of conflict in social life. For if one agency is going to make the decision: sex education or no, traditional or progressive, integrated or segregated, etc., then it becomes particularly important to gain control of the government and to prevent one’s adversaries from taking power themselves. Hence, in education as well as in all other activities, the more that government decisions replace private decision-making, the more various groups will be at each others’ throats in a desperate race to

see to it that the one and only decision in each vital area goes its own way.

Contrast the deprivation and intense social conflict inherent in government decision-making with the state of affairs on the free market. If education were strictly private, then each and every group of parents could and would patronize its own kind of school. A host of diverse schools would spring up to meet the varied structure of educational demands by parents and children. Some schools would be traditional, others progressive. Schools would range through the full traditional-progressive scale; some schools would experiment with egalitarian and gradeless education, others would stress the rigorous learning of subjects and competitive grading; some schools would be secular, others would emphasize various religious creeds; some schools would be libertarian and stress the virtues of free enterprise, others would preach various kinds of socialism.

Let us consider, for example, the structure of the magazine or book publishing industry today, remembering too that magazines and books are themselves an extremely important form of education. The magazine market, being roughly free, contains all manner of magazines to suit a wide variety of tastes and demands by consumers: there are nationwide, all-purpose magazines; there are liberal, conservative, and all manner of ideological journals; there are specialized scholarly publications; and there are a myriad of magazines devoted to special interests and hobbies like bridge, chess, hi-fi, etc. A similar structure appears in the free book market: there are wide-circulation books, books appealing to specialized markets, books of all ideological persuasions. Abolish public schools, and the free, varied, and diverse magazine and book markets would be paralleled by a similar kind of "school market." In contrast, if there were only one magazine for each city or state, think of the battles and conflicts that would rage: Should the magazine be conservative, liberal, or socialist; how much space should it devote to fiction or bridge, etc.? The pressures and conflicts would be intense, and no resolution would be satisfactory, for *any* decision would deprive countless numbers of people of what they want and require. What the libertarian is calling for, then, is not as *outré* as it might at first appear; what he is calling for is a school system as free and varied as most other educational media are today.

To focus again on other educational media, what then would we think of a proposal for the government, federal or state, to use the taxpayers' money to set up a nationwide chain of public magazines or newspapers, and then to compel all people, or all children, to read them? Further, what would

we think of the government outlawing all other newspapers and magazines, or at the very least outlawing all newspapers or magazines that do not come up to certain “standards” of what a government commission thinks children ought to read? Such a proposal would surely be regarded with horror throughout the country, yet this is precisely the sort of regime that government has established in the schools. A compulsory public press would rightly be considered an invasion of the basic freedom of the press; is not scholastic freedom at least as important as press freedom? Aren’t both vital media for public information and education, for free inquiry and search for the truth? In fact, the suppression of free schooling should be regarded with even greater horror than the suppression of a free press, since here the tender and unformed minds of children are more directly involved.

It is intriguing that at least some public school advocates have recognized the analogy between schooling and the press and have pursued their logic to the latter area. Thus, prominent in Boston politics in the 1780s and 1790s was the arch-Federalist “Essex Junto,” a group of leading merchants and lawyers originally hailing from Essex County, Massachusetts. The Essexmen were particularly anxious for an extensive public school system in order to have the youth “taught the proper subordination.” Essexman Stephen Higginson frankly declared that “the people must be taught to confide in and revere their rulers.” And seeing with firm consistency that newspapers were as important a form of education as formal schooling, another leading Essex merchant and theoretician, Jonathan Jackson, denounced the free press for being necessarily subservient to its readership, and advocated a state-owned newspaper that could be independent of its readers and therefore inculcate the proper virtues into the citizenry.¹²

Professor E. G. West has also offered an instructive analogy between the provision of schooling and of food, surely an industry of at least an equal importance for children as well as adults. West writes:

Protection of a child against starvation or malnutrition is presumably just as important as protection against ignorance. It is difficult to envisage, however, that any government, in its anxiety to see that children have minimum standards of food and clothing, would pass laws for compulsory and universal eating, or that it *should* entertain measures which lead to increased taxes or rates

12 See David Hackett Fischer, “The Myth of the Essex Junto,” *William and Mary Quarterly* (April 1964), pp. 191-235. Also see Murray N. Rothbard, “Economic Thought: Comment,” in D. T. Gilchrist, ed., *The Growth of the Seaport Cities, 1700-1825* (Charlottesville, Va.: University Press of Virginia, 1967), pp. 178-79.

in order to provide children's food, "free" at local authority kitchens or shops. It is still more difficult to imagine that most people would unquestioningly accept this system, especially where it had developed to the stage that for "administrative reasons" parents were allocated to those shops which happened to be nearest their homes Yet strange as such hypothetical measures may appear when applied to the provision of food and clothing they are nevertheless typical of . . . state education¹³

Several libertarian thinkers, from "left-" and "right"-wing ends of the libertarian spectrum, have delivered trenchant critiques of the totalitarian nature of compulsory public schooling. Thus, left-libertarian British critic Herbert Read:

Mankind is naturally differentiated into many types, and to press all these types into the same mold must inevitably lead to distortions and repressions. Schools should be of many kinds, following different methods and catering for different dispositions. It might be argued that even a totalitarian state must recognize this principle but the truth is that differentiation is an organic process, the spontaneous and roving associations of individuals for particular purposes The whole structure of education as the natural process we have envisaged, falls to pieces if we attempt to make that structure . . . artificial.¹⁴

And the great late-nineteenth-century individualist English philosopher Herbert Spencer asked:

For what is meant by saying that a government ought to educate the people? Why should they be educated? What is the education for? Clearly to fit the people for social life — to make them good citizens? And who is to say what are good citizens? The government: there is no other judge. And who is to say how these good citizens may be made? The government: there is no other judge. Hence the proposition is convertible into this — a government ought to mold children into good citizens It must first form for itself a definite conception of a pattern citizen; and having done this, must elaborate such system of discipline as seems best calculated to produce citizens after that pattern. This system of discipline it is bound to enforce to the uttermost. For if it does otherwise, it allows men to become different from what in its

13 E. G. West, *Education and the State* (London: Institute of Economic Affairs, 1965), pp. 13-14.

14 Herbert Read, *The Education of Free Men* (London: Freedom Press, 1944), pp. 27-28.

judgment they should become, and therefore fails in that duty it is charged to fulfill.¹⁵

And the twentieth-century American individualist writer Isabel Paterson declared:

Educational texts are necessarily selective, in subject matter, language, and point of view. Where teaching is conducted by private schools, there will be a considerable variation in different schools; the parents must judge what they want their children taught, by the curriculum offered Nowhere will there be any inducement to teach the “supremacy of the state as a compulsory philosophy.” But every politically controlled educational system will inculcate the doctrine of state supremacy sooner or later, whether as the divine right of kings, or the “will of the people” in “democracy.” Once that doctrine has been accepted, it becomes an almost super-human task to break the stranglehold of the political power over the life of the citizen. It has had his body, property, and mind in its clutches from infancy. An octopus would sooner release its prey.

A tax-supported, compulsory educational system is the complete model of the totalitarian state.¹⁶

As E. G. West indicated, bureaucratic convenience has invariably led the states to prescribe geographical public school districts, to place one school in each district, and then to force each public school child to attend school in the district closest to his residence. While in a free private school market most children would undoubtedly attend schools near their homes, the present system compels a monopoly of one school per district, and thereby coerces uniformity throughout each area. Children who, for whatever reason, would prefer to attend a school in another district are prohibited from doing so. The result is enforced geographic homogeneity, and it also means that the character of each school is completely dependent on its residential neighborhood. It is then inevitable that public schools, instead of being totally uniform, will be uniform *within* each district, and the composition of pupils, the financing of each school, and the quality of education will come to depend upon the values, the wealth, and the tax base, of each geographical area. The fact that wealthy school districts will have costlier and higher-quality teaching, higher teaching salaries, and better working conditions than the poorer districts, then becomes inevitable. Teachers will

15 Herbert Spencer, *Social Statics* (London: John Chapman, 1851), pp. 332-33.

16 Isabel Paterson, *The God of the Machine* (New York: G. P. Putnam, 1943), pp. 257-58.

regard the better schools as the superior teaching posts, and the better teachers will gravitate to the better school districts, while the poorer ones must remain in the lower-income areas. Hence, the operation of district public schools inevitably results in the negation of the very egalitarian goal which is supposed to be a major aim of the public school system in the first place.

Moreover, if the residential areas are racially segregated, as they often tend to be, the result of a compulsory geographical monopoly is the compulsory racial segregation of the public schools. Those parents who prefer integrated schooling have to come up against the geographical monopoly system. Furthermore, just as some wag has said that nowadays “Whatever isn’t prohibited is compulsory,” the recent tendency of the public school bureaucrats has not been to institute voluntary busing of children to widen parental discretion, but to swing in the opposite direction and institute compulsory busing and compulsory racial integration of the schools — often resulting in a grotesque transfer of children far from their homes. Once again, the typical government pattern: either compulsory segregation or compulsory integration. The voluntary way — leaving the decisions up to the individual parents involved — cuts across the grain of any State bureaucracy.

It is curious that recent movements for local parental control of public education have sometimes been called “extreme right-wing” and at other times “extreme left-wing,” when the libertarian motivation has been precisely the same in either case. Thus, when parents have opposed the compulsory busing of their children to distant schools, the educational Establishment has condemned these movements as “bigoted” and “right-wing.” But when, similarly, Negro parents — as in the case of Ocean Hill-Brownsville in New York City — have demanded local parental control of the school system, this drive in its turn has been condemned as “extreme left-wing” and “nihilistic.” The most curious part of the affair is that the parents in both cases have failed to recognize their common desire for local parental control, and have themselves condemned the “bigots” or “militants” in the other group. Tragically, neither the local white nor black groups have recognized their common cause against the educational Establishment: against dictatorial control of their children’s education by an educational bureaucracy which is trying to ram down their throats a form of schooling which *it* believes must be imposed upon the recalcitrant masses. One crucial task of libertarians is to highlight the common cause of all groups of parents against the State’s educational tyranny. Of course, it must also be pointed out that parents can *never* get the State off their educational backs until the public

school system is totally abolished and schooling becomes free once more.

The geographical nature of the public school system has also led to a coerced pattern of residential segregation, in income and consequently in race, throughout the country and particularly in the suburbs. As everyone knows, the United States since World War II has seen an expansion of population, not in the inner central cities, but in the surrounding suburban areas. As new and younger families have moved to the suburbs, by far the largest and growing burden of local budgets has been to pay for the public schools, which have to accommodate a young population with a relatively high proportion of children per capita. These schools invariably have been financed from growing property taxation, which largely falls on the suburban residences. This means that the wealthier the suburban family, and the more expensive its home, the greater will be its tax contribution for the local school. Hence, as the burden of school taxes increases steadily, the suburbanites try desperately to encourage an inflow of wealthy residents and expensive homes, and to *discourage* an inflow of poorer citizens. There is, in short, a break-even point of the price of a house beyond which a new family in a new house will more than pay for its children's education in its property taxes. Families in homes below that cost level will not pay enough in property taxes to finance their children's education and hence will throw a greater tax burden on the existing population of the suburb. Realizing this, suburbs have generally adopted rigorous zoning laws which prohibit the erection of housing below a minimum cost level — and thereby freeze out any inflow of poorer citizens. Since the proportion of Negro poor is far greater than white poor, this effectively also bars Negroes from joining the move to the suburbs. And since in recent years there has been an increasing shift of jobs and industry from the central city to the suburbs as well, the result is an increasing pressure of unemployment on the Negroes — a pressure which is bound to intensify as the job shift accelerates. The abolition of the public schools, and therefore of the school burden-property tax linkage, would go a long way toward removing zoning restrictions and ending the suburb as an upper middle-class-white preserve.

Burdens and Subsidies

The very existence of the public school system, furthermore, involves a complex network of coerced levies and subsidies, all of which are difficult to justify on any ethical grounds whatever. In the first place, public schools force those parents who wish to send their children to private schools to

shoulder a double burden: they are coerced into subsidizing public school children, and they also have to pay for their own children's education. Only the evident breakdown of public education in the large cities has maintained a flourishing private school system there; in higher education, where the breakdown has not been as stark, private colleges are rapidly being put out of business by the competition from tax-subsidized free tuition and tax-financed higher salaries. Similarly, since public schools must constitutionally be secular, this means that religious parents must be forced to subsidize the secular public schools. While "separation of church and State" is a noble principle — and a subset of the libertarian principle of separating *everything* from the State — it is surely going too far in the other direction to force the religious to subsidize the nonreligious through State coercion.

The existence of the public school also means that unmarried and childless couples are coerced into subsidizing families with children. What is the ethical principle here? And now that population growth is no longer fashionable, consider the anomaly of liberal antipopulationists advocating a public school system that not only subsidizes families with children, but subsidizes them *in proportion to the number of children* they have. We need not subscribe to the full dimensions of the current antipopulation hysteria to question the wisdom of deliberately subsidizing the number of children per family by government action. This means, too, that poor single people and poor childless couples are forced to subsidize wealthy families with children. Does this make any ethical sense at all?

In recent years, the public school forces have promulgated the doctrine that "Every child has a right to an education," and therefore that the taxpayers should be coerced into granting that right. But this concept totally misconstrues the concept of "right." A "right," philosophically, must be something embedded in the nature of man and reality, something that can be preserved and maintained at any time and in any age. The "right" of self-ownership, of defending one's life and property, is clearly that sort of right: it can apply to Neanderthal cavemen, in modern Calcutta, or in the contemporary United States. Such a right is independent of time or place. But a "right to a job" or to "three meals a day" or to "twelve years of schooling" cannot be so guaranteed. Suppose that such things *cannot* exist, as was true in Neanderthal days or in modern Calcutta? To speak of a "right" as something which can only be fulfilled in modern industrial conditions is not to speak of a human, natural right at all. Furthermore, the libertarian "right" of self-ownership does not require the coercion of one set of people to provide such a

“right” for another set. Every man can enjoy the right of self-ownership, without special coercion upon anyone. But in the case of a “right” to schooling, this can only be provided if other people are coerced into fulfilling it. The “right” to schooling, to a job, three meals, etc., is then not embedded in the nature of man, but requires for its fulfillment the existence of a group of exploited people who are coerced into providing such a “right.”

Furthermore, the entire concept of a “right to education” should always be placed in the context that formal schooling is only a small fraction of any person’s education in life. If every child really has a “right” to education, then why not a “right” to reading newspapers and magazines, and then why should not the government tax everyone to provide free public magazines for everyone who wishes to obtain them?

Professor Milton Friedman, an economist at the University of Chicago, has performed an important service in separating out money sums from various aspects of government subsidy, in education as well as in other areas. While Friedman unfortunately accepts the view that every child should have his schooling provided by the taxpayers, he points out the *non sequitur* in using this as an argument for public schools: It is quite feasible for the taxpayer to subsidize every child’s education without having any public schools whatsoever!¹⁷ In Friedman’s now famous “voucher plan,” the government would give to every parent a voucher entitling him to pay a certain amount of tuition for each child, in *any school* of the parent’s choice. The voucher plan would continue the tax-financed provision of education for every child, yet enable the abolition of the vast monopolistic, inefficient, dictatorial public school bureaucracy. The parent could then send his child to any sort of private school that he wished, and the range of choice for every parent and child would then be maximized. The child could then go to any type of school — progressive or traditional, religious or secular, free enterprise or socialistic — the parent desired. The monetary subsidy would then be totally separated from the government’s actual provision of schooling through a public school system.

While the Friedman plan would be a great improvement over the present system in permitting a wider range of parental choice and enabling the abolition of the public school system, the libertarian finds many grave problems yet remaining. In the first place, the immorality of coerced subsidy

17 Milton Friedman, *Capitalism and Freedom* (Chicago: University of Chicago Press, 1962), pp. 85-107.

for schooling would still continue in force. Secondly, it is inevitable that the power to subsidize brings with it the power to regulate and control: The government is not about to hand out vouchers for *any* kind of schooling whatever. Clearly, then, the government would only pay vouchers for private schools *certified* as fitting and proper by the State, which means detailed control of the private schools by the government — control over their curriculum, methods, form of financing, etc. The power of the State over private schools, through its power to certify or not to certify for vouchers, will be even greater than it is now.¹⁸

Since the Oregon case, the public school advocates have never gone so far as to abolish private schools, but these schools remain regulated and confined in numerous ways. Each state, for example, provides that every child must be educated in schools it certifies, which again coerces the schools into a curricular mould desired by the government. In order to “qualify” as certified private schools, all sorts of pointless and costly regulations have to be fulfilled, by the school as well as by the teacher, who must often take a host of meaningless “education” courses in order to be deemed qualified to teach. Many fine private schools are now operating technically “illegally,” because they refuse to conform to the often stultifying government requirements. Perhaps the gravest injustice is that, in most states, parents are prohibited from teaching their children themselves, since the state will not agree that they constitute a proper “school.” There are a vast number of parents who are more than qualified to teach their children themselves, particularly the elementary grades. Furthermore, they are more qualified than any outside party to judge the abilities and the required pacing of each child, and to gear education to the individual needs and abilities of each child. No formal school, confined to uniform classrooms, can perform that sort of service.

“Free” schools, whether current public schools or future vouchered schools, are of course not *really* free; someone, that is, the taxpayers, must pay for the educational services involved. But with service severed from payment, there tends to be an oversupply of children into the schools (apart from the compulsory attendance laws which have the same effect), and a lack of interest by the child in the educational service for which his family does not have to pay. As a result, a large number of children unsuitable for or uninterested in school who would be better off either at home or work-

18 For a libertarian critique of the voucher scheme, see George Pearson, *Another Look at Education Vouchers* (Wichita, Kan.: Center for Independent Education).

ing, are dragged into going to school and into staying there far longer than they should. The resulting mania for mass schooling has led to a mass of discontented and imprisoned children, along with the general view that everyone *has* to finish high school (or even college) to be worthy of being employed. Adding to this pressure has been the hysterical growth of “anti-dropout” propaganda in the mass media. Part of this development is the fault of business, for employers are quite happy to have their labor force trained, not by the employers or on the job, but at the expense of the hapless taxpayer. How much of the burgeoning of mass public schooling is a means by which employers foist the cost of training their workers upon the taxpayers at large?

One would expect that this training, being without cost to employers, will be highly expensive, inefficient, and far too lengthy. There is in fact increasing evidence that a vast amount of current schooling is not needed for productive employment. As Arthur Stinchcombe asks:

Is there anything that a high school can teach which employers of manual labor would be willing to pay for, if it were learned well? In general, the answer is no. Neither physical abilities nor reliability, the two main variables of interest in employers of manual labor, are much influenced by schooling. Employers concerned with securing reliable workers may require high school diplomas as evidence of good discipline. Otherwise they can train workers better and cheaper than a high school can, on the job.¹⁹

And, as Professor Banfield points out, most job skills are learned on the job anyway.²⁰

The relative uselessness of the public school system for training manual labor is demonstrated by the fascinating work of MIND, a private educational service now operated by the Corn Products Refining Company of Greenwich, Connecticut. MIND deliberately chose high-school dropouts who were unskilled for manual jobs, and in a few short weeks, using intensive training and teaching machines, was able to teach these dropouts basic skills and typing, and place them in corporate jobs. Ten years of public schooling had taught these youngsters less than a few weeks of private, job-oriented training. Allowing youngsters to drop out from enforced dependency into becoming independent and self-supporting could only have immeasurable

19 Arthur L. Stinchcombe, *Rebellion in a High School* (Chicago: Quadrangle Books, 1964), p. 180. Quoted in Edward C. Banfield, *The Unheavenly City* (Boston: Little, Brown & Co., 1970), p. 136.

20 Banfield, *ibid.*, p. 292.

benefits for the youngsters themselves and for the rest of society.

There is considerable evidence linking compulsory attendance laws with the growing problem of juvenile delinquency, particularly in frustrated older children. Thus, Stinchcombe found that rebellious and delinquent behavior is “largely a reaction to the school itself”, and the British Crowther Committee found that when in 1947 the minimum school-leaving age was raised by the government from fourteen to fifteen, there was an immediate and sharp increase in the delinquencies committed by the newly incarcerated fourteen-year-olds.²¹

Part of the blame for compulsory attendance and mass public schooling must also be laid at the door of the labor unions which, in order to reduce competition from young, adolescent workers, try to force the youth out of the labor market and into educational institutions for as long a time as possible. Thus, both labor unions and employers exert powerful pressure for compulsory schooling and therefore for the nonemployment of most of the nation’s youth.

Higher Education

With the exception of the effects of compulsory attendance laws, the same strictures we have levelled against public schools can also be directed against public higher education, with one noteworthy addition. There is increasing evidence that, certainly in the case of public higher education, the coerced subsidy is largely in the direction of forcing poorer citizens to subsidize the education of the wealthier! There are three basic reasons: the tax structure for schools is *not* particularly “progressive,” i. e., does not tax the wealthier in greater proportion; the kids going to college generally have wealthier parents than the kids who do not; and the kids going to college will, as a result, acquire a higher lifetime working income than those who do not go. Hence a net redistribution of income from the poorer to the richer via the public college! Where is the ethical justification here?

Professors Weisbrod and Hansen have already demonstrated this redistribution effect in their studies of public higher education in Wisconsin and California. They found, for example, that the average family income of Wisconsinites without children in Wisconsin state universities was \$6,500 in 1964-1965, while the average family income of families *with* children at the University of Wisconsin was \$9,700. In California the respective figures

21 See Banfield, *ibid.*, pp 149ff.

were \$ 7,900 and \$ 12,000, and the subsidy disparity was even greater because the tax structure was much less “progressive” in the latter state. Douglas Windham found a similar redistribution effect from poorer to wealthier in the state of Florida. Hansen and Weisbrod concluded, from their California study:

. . . on the whole, the effect of these subsidies is to promote greater rather than less inequality among people of various social and economic backgrounds by making available substantial subsidies that lower income families are either not eligible for or cannot make use of because of other conditions and constraints associated with their income position.

What we have found true in California — an exceedingly unequal distribution of subsidies provided through public higher education — quite probably is even more true for other states. No state has such an extensive system of local Junior Colleges as does California, and for this reason, no state has such a large percentage of its high school graduates going on to public higher education. As a result we can be rather confident that California has a smaller percentage of its young people receiving a zero subsidy than do other states.²²

Furthermore, the states, in addition to putting private colleges into financial jeopardy by their unfair, tax-subsidized competition, enforce strict controls on private higher education through various regulations. Thus, in New York State, no one can establish any institution called a “college” or “university” unless he posts a \$ 500,000 bond with the state of New York. Clearly, this severely discriminates against small, poorer educational institutions, and effectively keeps them out of higher education. Also, the regional associations of colleges, through their power of “accreditation,” can effectively put *any* college that does not conform to Establishment canons of curriculum or financing out of business. For example, these associations strictly refuse to accredit any college, no matter how excellent its instruction, that is proprietary or profit making, rather than trustee-governed. Since proprietary colleges, having a far greater incentive to be efficient and to serve the consumer, will tend to be more successful financially, this dis-

22 W. Lee Hansen and Burton A. Weisbrod, *Benefits, Costs, and Finance of Public Higher Education* (Chicago: Markham Pub. Co., 1969), p. 78. On Wisconsin and its comparison with California, see W. Lee Hansen, “Income Distribution Effects of Higher Education,” *American Economic Review, Papers and Proceedings* (May 1969), pp. 335-40. On the general problem of redistribution from poorer to richer in the modern “welfare state,” see Leonard Ross, “The Myth that Things are Getting Better,” *New York Review of Books* (Aug 12, 1971), pp 7-9.

crimination places another heavy economic burden on private higher education. In recent years, the successful Marjorie Webster Junior College in Washington, D.C., was almost put out of business by the refusal of its regional association to grant it accreditation. While one might say that the regional associations are private and not public, they work hand in hand with the federal government, which, for example, refuses to provide the usual scholarships or GI benefits to unaccredited colleges.²³

Governmental discrimination against proprietary colleges (and other institutions, as well) does not stop at accreditation and scholarships. The entire income tax structure discriminates against them even more severely. By exempting trustee-run organizations from income taxes and by levying heavy taxes on profit-making institutions, the federal and state governments cripple and repress what could be the most efficient and solvent form of private education. The libertarian solution to this inequity, of course, is *not* to place equal burdens on the trustee colleges, but to remove the tax burdens on the proprietary schools. The libertarian ethic is not to impose equal slavery on everyone, but to arrive at equal freedom.

Trustee governance is, in general, a poor way to run any institution. In the first place, in contrast to profit-making firms, partnerships, or corporations, the trustee-run firm is not fully owned by *anyone*. The trustees *cannot* make profits from successful operation of the organization, so there is no incentive to be efficient, or to serve the firm's customers properly. As long as the college or other organization does not suffer excessive deficits it can peg along at a low level of performance. Since the trustees cannot make profits by bettering their service to customers, they tend to be lax in their operations. Furthermore, they are hobbled in financial efficiency by the terms of their charters; for example, the trustees of a college are forbidden from saving their institution by converting part of the campus into a commercial enterprise — say a profit-making parking lot.

The short-changing of the customers is aggravated in the case of current trustee-colleges, where the students pay only a small fraction of the cost of their education, the major part being financed by subsidy or endowment. The usual market situation, where the producers sell the product and the consumers pay the full amount, is gone, and the disjunction between service and payment leads to an unsatisfactory state of affairs for everyone. The consumers, for example, feel that the managers are calling the tune. In con-

23 On the Marjorie Webster Junior College case, see James D Koerner, "The Case of Marjorie Webster," *The Public Interest* (Summer, 1970), pp 40-64.

trast, as one libertarian remarked at the height of the student riots of the late 1960s, “nobody sits in at Berlitz.” Furthermore, the fact that the “consumers” are really the governments, foundations, or alumni who pay the largest share of the bill, means that higher education inevitably gets skewed in the direction of their demands rather than toward the education of students. As Professors Buchanan and Devletoglou state:

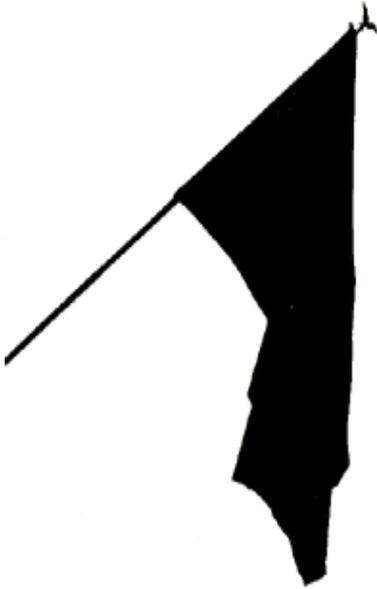
The interposition of the government between the universities and their student-consumers has created a situation in which universities cannot meet demand and tap directly resources for satisfying student-consumer preferences. In order to get resources, universities have to compete with other tax-financed activities (armed forces, lower schools, welfare programs, and so forth). In the process, student-consumer demand is neglected, and the resulting student-consumer unrest provides the ingredients for the chaos we observe The mounting dependence on governmental financial support, as this has been translated into the institution of free tuition, may itself be one significant source of current unrest.²⁴

The libertarian prescription for our educational mess can, then, be summed up simply: Get the government out of the educational process. The government has attempted to indoctrinate and mould the nation’s youth through the public school system, and to mould the future leaders through State operation and control of higher education. Abolition of compulsory attendance laws would end the schools’ role as prison custodians of the nation’s youth, and would free all those better off outside the schools for independence and for productive work. The abolition of the public schools would end the crippling property tax burden and provide a vast range of education to satisfy all the freely exercised needs and demands of our diverse and varied population. The abolition of government schooling would end the unjust coerced subsidy granted to large families, and, often, toward the upper classes and against the poor. The miasma of government, of moulding the youth of America in the direction desired by the State, would be replaced by freely chosen and voluntary actions — in short, by a genuine and truly free education, both in and out of formal schools.

MURRAY N. ROTHBARD.
1973/1978.

24 James M. Buchanan and Nicos E. Devletoglou, *Academia in Anarchy: An Economic Diagnosis* (New York: Basic Books, 1970), pp. 32-33.

MARKET ANARCHY



*. . . what we always meant by socialism wasn't something you forced on people, it was people organizing themselves as they pleased into co-ops, collectives, communes, unions. . . . And if socialism really is better, more efficient than capitalism, then it can bloody well **compete** with capitalism. So we decided, forget all the statist shit and the violence: the best place for socialism is the closest to a free market you can get!*

Market anarchists believe in market exchange, not economic privilege. We believe in free markets, not capitalism. We are *anarchists* because we believe in a fully *free, consensual society* — order achieved not through political government, but free agreements and voluntary cooperation on a basis of equality. We are *market* anarchists because we recognize free market exchange, characterized by individual ownership, voluntary contracts, free competition, and

entrepreneurial experimentation, as a medium for peacefully anarchic social order. But the markets we envision are nothing like the privilege-riddled markets we see around us under government and capitalism.

Mutualists believe that most present inequalities come not from the results of market forces but from the perversion of these forces. A market is, after all, only a system of voluntary exchange. The state has stepped in and granted preferential treatment to certain individuals and groups. This created the vast inequalities that we see. Even if the market were to give rise to certain problems, these could be offset by voluntary associations such as guilds, trade unions, community groups and co-operatives.

Agorism is revolutionary market anarchism. In a market anarchist society, the positive functions of law and security will be provided by market institutions, not political institutions. Agorists recognize, therefore, that those institutions cannot develop through political reform. Instead, they will come about as a result of market processes. As government is banditry, revolution culminates in the suppression of government by market providers of security and law. Market demand for such service providers is what will lead to their emergence. Development of that demand will come from economic growth in the sector of the economy that explicitly shuns state involvement (and therefore can not turn to the state in its role as monopoly provider of security and law). That sector of the economy is the counter-economy – black and grey markets.