

Parents who feared the power of the state have always sought to establish privately-run schools to safeguard the liberties of their children.

The tuition tax credit: The historical battle between public and private schools continues

by Lewis Aptekar

Introduction

The campaign for free public compulsory education began in earnest in the early 19th century. The image of those who championed the cause arose from the dream that schooling would provide a common heritage for the already diverse American population. From the outset, public schools met with the opposition of those who felt that state schools would make children obedient to authority while, at the same time, denying their particular identities. It will be seen that those parents who feared the power of the state sought to establish privately run schools to safeguard the liberties of their children against that power. The same fear has existed throughout our history.

The individual's desire for freedom and the state's need for social control were inherent in the early public-private school debate. To this day, we have the same dilemma; the debate goes on. For example, the 95th Congress debated this very point:

The central issue before the Senate this week (Aug. 7, 1978) is whether it is the U.S. policy to foster state monopoly in the field of education or to help individuals obtain for themselves and their children the education they prefer at the schools and colleges they select (Moynihan, p. 274).

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And on the other side:

In August, on the floor of the U.S. Senate, public education ran head-on into the Packwood-Moynihan tuition tax credit scheme. In my opinion, the future of American education hinged on the outcome of this confrontation. Careful study convinced me that this proposal would turn our nation's education policy on its head, benefit the few at the expense of many, proliferate substandard segregation academies, add a sea of red ink to the federal deficit, violate the clear meaning of the First Amendment to the Constitution, and destroy the diversity and genius of our system of public education (Hollings, 1978, p. 277).

By reviewing the early history of compulsory public education, we will be able to discern the increasing separation of private from public schools. Parallel to the increasing power of public education has been the decrease in the ability of schools to be pluralistic; that is, in their ability to accept ethnic, ideological or religious differences. If the private schools close, will there be another voice, or will the public schools have completed their monopoly?

Historical Review

Compulsory education has its roots in a variety of causes. The Puritans wanted compulsory education in order to perpetuate a theocracy. The Prussians, often looked to by U.S. educators at the time, had established compulsory education in order to preserve a well-ordered monarchy. Jefferson's desire for compulsory education was to render the people safe guardians of liberty. Many people in the early history of the Union, including Jefferson and Madison, desired compulsory public schooling as a means of curtailing the power of demagoguery over an illiterate mass of voters.

Virginia, in 1818, became the first state to propose a bill that provided for public education. But it was not public education for all children, as the money was appropriated annually for a "Literary Fund," which was available for the education of poor children only. A provision provided for elected local boards rather than a state agency to dole out the money to the needy. Jefferson wanted it this way, since he feared, and had the vision to see, the power of a centralized state over public education.

In early 19th century America, private or public, the finances to pay for the public education that Jefferson desired were raised by charging a tuition fee to all but indigent families. At this time in our history, public compulsory education was, in a way, private, because it began with the premise that the primary responsibility of educating children rested upon each individual family. When the family was unable to do this, then, and only then, could state money be used.

During the first decade of the 19th century, New York State chartered a private organization known as The Public School Society to manage free elementary education. For over a decade, two systems of free schools existed in New York—the public Board of Education and the privately operated yet publicly funded Public School Society, which received funds from the state board of education. Only eventually did the system of publicly subsidized private independent schools merge into the Board of Public Education. This eliminated the public funding of private education.

In 1828, Massachusetts school districts were given the authority to make decisions regarding school taxation. Some districts were too poor to tax, others too disinterested. The typical public school was not well-off—often a dilapidated physical structure, remaining open for, at most, a few months a year, with an unskilled teacher. Teachers conducted drills, made students memorize, and kept order with hickory sticks. Most important, and what is more interesting, is the parallel between the conditions in public schools and the fact that there was no state power to control or supervise. Even though taxation for school districts was compulsory, private academies were flourishing. By 1830, a dual education system existed: one free and open to the poor, and the other private for those who could afford it.¹

Thus, the early history of public education shows a constant competition between public and private schools. This competition was based on two differing early American philosophies of education. On the one hand was the Puritan notion that the cultivation of rational thought and discipline was the means whereby the child learned to become a responsible adult citizen. The other, the Transcendental view, held that the adults most productive to society were those who were educated toward their own consciousness which, in turn, led them to discover their own unique individuality. The attempt of public schools to shape the individual into a useful citizen was, by 1830, viewed by many private school advocates as undermining the authority of individual freedom.

By 1835, a state board of education was elected in Massachusetts, and Horace Mann was appointed secretary of the board. Mann, whose educational philosophy, a kind of Puritanism, prevailed in public education, and differed substantially from Jefferson. To Jefferson, the least governed was the best governed. His conception was of public free schools for students with natural intellectual talent and of schools administered under local rather than state control. Mann, brought up in a Puritan home, argued for state control over morality because he felt people needed to be educated to control their own anti-social tendencies. To Mann, the goals of the schools were identical with the interests of society. Only education could subdue the unrestrained passions of normal people. His views are expressed in the following:

In a social and political sense, it is a Free School system. It knows no distinction of rich and poor, of bond and free, or between those who, in the imperfect light of this world, are seeking, through different avenues, to reach the gate of heaven. Without money and without price, it throws open its doors, and spreads the table of its bounty, for all the children of the State. Like the sun, it shines, not only upon the good, but upon the evil, that they may become good; and like the rain, its blessings descend, not only upon the just, but upon the unjust, that their injustice may depart from them and be known no more.

At the same time as Mann was advocating compulsory education for all, Ralph Waldo Emerson, the Transcendentalist, proclaimed that, "We are shut in school for 10 to 15 years and come out with a belly full of words and do not know a thing." The common school teaching conventional thoughts and habits remained for Emerson a barrier against individual authority and spirituality. Both he and Mann spoke and traveled around Massachusetts at the same time, often addressing the same people. Mann

felt that children needed to be schooled to respect authority and to learn the value of self-discipline. Emerson's belief was that the truly educated person was one who "treats himself as the taskmaster, not the civilizing forces of the state." In time, Mann's philosophy was victorious; it would prevail in public education to such an extent that the Transcendentalist philosophy could survive only as a small private competitor to the larger public system.²

Joseph Lancaster came to the U.S. soon after 1800 from England, where he had developed a set of techniques used in institutions for children of the poor. The Lancasterian method was seen as an efficient means of mass public education. There might be as many as a thousand children to a single classroom. Classes were administered by monitors, who reported to their squad leaders, who then reported directly to the teacher. The assembly line principal governed. This was the official method of instruction adopted by the state of New York and used until after the Civil War. It was considered, in a cost-conscious, state-supported system, to be the only viable method of imposing order and good habits on youth. It certainly demonstrated, by the number of students in state schools if nothing else, that anything resembling individualized education would be afloat on a foreign sea. This tension between an individual's desire for freedom and the state's need for social control was the focal point of conflict between public and private school advocates in early America. And it consistently remains as a central tension between those who today advocate public compulsory education and those who desire private education. The tension is well brought out by writers and social essayists of the late 18th and early 19th centuries.

Walt Whitman struggled against the Lancasterian method in a story called "Death in the Schoolroom" (Brasher, 1963). Schools, to Whitman, are "stores of mystic meaning." He protested against Mann's vision of schooling as a necessary means of covering up passion and anarchy. He asked that each person open himself up to the larger world of sensations and learn to have discourse with all kinds of people.

Benjamin Franklin expressed this philosophy most cogently when he wrote "Proposals Relating to the Education of the Youth of Pennsylvania and Ideas of the English Schools" (Goodman, 1945). Here, he outlines a criticism of Public Grammar Schools, which states not only that classical education is directed toward the wealthy, but also that it ignores the great lessons of society and "do it yourself" learning. His proposals outline what educators now call schools without walls. His plan tapped fully the educational resources of life outside the classroom—libraries, newspapers, lectures, sermons, "how to" books, accounts of travelers and explorers, and just plain confab with a variety of people. In essence, his plan called for making formal and systematic the education he had received haphazardly as a man of the world.

The Adventures of Huckleberry Finn deals with the education of an American. Huck rejects the good Widow Douglas's attempt to "civilize" him because he senses that coupled with education comes conventionality and loss of spirituality. Because of his own self-directed education (similar to Franklin's), he is, in his own world, fully competent. The school, assigned the state's task of "civilizing," is in the unenviable situation of making that process acceptable to youthful or natural experience, while at the same time hoping to teach citizenship in opposition to less civilized youthful inclinations. The desire

to create a school that has the capacity to educate, as the river did for Huck, is what lies behind many people's motives for private secular education. Many of the problems with disciplining students come from the state's need to civilize all youngsters; therefore, the state developed a monopolistic compulsory state supported system.³

William Godwin, in 1783, argued that the two main objects of human power were the state and the school. The curricula of the schools, Godwin believed, would be shaped to conform to political power brokers' ideas. It is because of this view that a variety of people choose private secular education over public education.

However, a return to the glorified past is wishful dreaming. Times have changed since Huck Finn educated himself on the river, and so has the American way of life. In 1900, 94 percent of the students in public schools did not finish high school, but they had abundant career opportunities. This is not our present situation. In 1979, more than 90 percent of all primary and secondary students were in public schools. The requirements for economic survival, more now than at any time in our past, rely on receiving certification from our public schools. Thus, more than ever, the schools have the power to educate the citizenry toward fulfilling national needs. When this is in conflict with the individual needs of students—be they academic, spiritual or personal—the individual's needs will be usurped by the state's; and the individual must go along in order to preserve his opportunity of competing in American society.

The avant-garde liberals, as well as such diverse groups as born-again Christians and other religious groups (Catholic, Jewish, Amish, etc.), who seek private education, all concur with their historical counterparts to educate their children outside of the mandates of the universal compulsory state schooling system. This is far more than a Roman Catholic issue—there are 166,000 students in schools run by the Missouri Lutheran Synod, 76,000 Seventh Day Adventist students, 241,000 students in evangelical Christian schools, 90,000 Jewish day school students, 77,000 Episcopal school children, and 14,000 students in Quaker schools. There are also 277,000 students in private secular schools (Moynihan, 1978, p. 275).

Congressional Action on Tuition Tax Credits

Recently the Tuition Tax Relief Act of 1981, was reintroduced by Senators Packwood, Moynihan, Roth and others. Six times since 1967 the Senate has passed a tuition tax relief bill, but the House has never approved one. Senate Bill 550 would provide a refundable tax credit for 50 percent of the educational expenses for tuition and fees paid by an individual for private elementary, secondary, college or vocational school. After a few years, the maximum allowable deduction would be \$1,000. The bill contains a statement of policy that declares the U.S. Government will foster "educational opportunity, diversity, and choice for all Americans." The policy statement goes on to state that "Federal regulation should recognize the rights of parents to decide the education of their children."

During his presidential campaign, Ronald Reagan was a strong supporter of tuition tax credits. However, because of the administration's desire for across-the-board tax cuts, Secretary Terrel Bell has asked the Congress to

postpone action on this legislation until the overall tax plan has been passed. At the time of this writing, the administration is planning to lobby for the bill in 1982.

After reviewing the congressional hearings concerned with the present-day voucher plans (tuition tax credit), I find the answers that can be given to the skeptics are pervasive. Some of the major arguments against the plan are as follows: Tuition tax credits would destroy the public schools, increase segregation of ethnic and socioeconomic groups, and create a new and expensive bureaucracy. None of the skeptics mentioned the individual's right to control his own destiny in a free society, which is, at heart, what the voucher plan is about.

The issue of destroying the public system is dealt with by re-examining definitions of public and private schools. Jencks, 1970, does this by defining public schools as those which are open to anyone without discrimination, charge no tuition, and reveal information about themselves to all interested parties. Private schools have the opposite qualities. With these definitions—more appropriate ones than those that rely solely on how schools are governed—the tuition tax credit would increase accessibility rather than decrease the quality of public schools, and it would do so without ruining the private schools. The second point, that tuition tax credit would increase segregation, is dependent not on the nature of the tuition tax credit, but on the political manner in which the tax credit is administered. By accepting the fact that schools could be given extra money for unwanted students, these problems could be overcome. Lastly, the creation of a new bureaucracy is spurious inasmuch as local boards are already in existence, and it would be relatively easy for them to function as the administrative body of the tuition tax credit.

If my prediction is accurate, the bill by Senators Packwood, Moynihan and Roth might well be passed, and then many of the questions addressed above will be answered. However, if the voter mandate of the 1980 election is to reduce infringement of individual freedoms by government, that American historical struggle between the state's desire for control and the individual's desire for freedom, so long brewing, might be resolved. If the new mandate seeks to reward individual effort and provide for free enterprise, then there is an increased possibility that the fundamental power of parents to choose the kind of education they desire for their children will be restored.

In 1794, Benjamin Franklin had an interesting encounter with the Delaware Indians. At the time, Williamsburg operated a state-supported college with special funds for educating Indians. Franklin couldn't overlook the opportunity of inviting the Indian chiefs to send a half-dozen young people to the college where, he said, the government would provide for them and instruct them in all the ways of the white people. The Indian spokesman replied:

We know that you highly esteem the kind of learning taught in your schools, and that you mean to do us good by your proposal, and we thank you heartily. But you who are wise must know that different nations have different conceptions of things, and that you will not take it amiss, if our ideas of this kind of education happen not to be the same as yours. We have had some experience with it. Several of our young people were formerly brought up at the colleges of the northern provinces. They were instructed in all your sciences, but when they came back to us they were

bad runners, ignorant of every means of living in the woods, unable to bear cold or hunger, knew neither how to build a cabin, take a deer, nor kill an enemy, spoke our language imperfectly, and were therefore neither fit for hunters, warriors or councillors. They were totally good for nothing. (Franklin, pp. 112-113).

This criticism of compulsory, monopolistic state education lies deep in the history of American education. It is not likely that this criticism will recede now without its being addressed by the state, because over 90 percent of America's primary and secondary school students are in public schools. Depending on one's point of view, the private school advocates can be seen as a useful public force, (for example, when the Transcendentalists objected to the Lancasterian assembly approach to education), or, as the post-1954 Jim Crow schools show, as undermining the necessity for a strong state school system devoted to acculturating all Americans to be responsible, democratic citizens. Such is the argument that will be presented to the Congress in 1982.

Notes

1. It is interesting that the first private school movement in the United States was the result of dissatisfaction with a too rigorous rather than a watered down school curriculum. The public grammar schools were preparing students for college; they were selective in that students were admitted on a fixed standard after being carefully examined. The growth of the private academies rested upon the desire of wealthy parents to provide a practical (not a more academic) education. These private academies were prompted by the growing dissatisfaction with the classical methods of the public schools. Americans in the first decade of the 19th century were not convinced, as Jefferson was, that a young man needed to master two or three languages before he could serve the state. Thus, the private academies introduced new courses, such as English.
2. In the controversy in 1978 concerning the Packwood-Moynihan tuition tax bill, it is easy to observe the close resemblance to Mann's own words expressed above with the words from Hollings in August of 1978 when he fought for the exclusion of public money to private schools.
The public school is bound by both law and conscience to reach out to every child as a matter of his or her birth-right. This is what public education is all about (Hollings, 1978, p. 278).
3. A chronology of Amish court cases reveals that since 1927 in Byler vs. State of Ohio until 1972, Wisconsin vs. Yoder, where the U.S. Supreme Court decided that the Amish do not have to send their children to public schools (after the eighth grade only) how powerful the monopolistic state-supported compulsory attendance laws are (see Keim, 1976, 00. 93098 for more detail).

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