

Religious freedom in education

Real pluralism and real democracy require
real choices for parents

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Abstract

Modern governments increasing their role in education have caused increasing conflicts when parental religious or philosophical convictions conflict with values represented by school curriculum and activities. International human rights recognize the superior right of parents to control their child's education and free nations must not impose unreasonable constraints on private schools and should permit their citizens to homeschool. However countries like Germany and Sweden do excessively regulate private schools and either oppress or highly disfavor homeschooling causing some to flee while others have sought, and in at least one case received, political asylum in the United States.

Keywords Religious freedom, parental autonomy, government restrictions on religion, family integrity, persecution, suffering, democracy and pluralism, human sexuality.

1. Introduction

In June 2009, seven-year-old Domenic Johansson was seated on an international flight with his parents. The family was moving from Gotland, Sweden to his mother's home country of India. Annie and Christer Johansson planned to open a ministry to orphanages and to be near family. Minutes before the doors closed and without any warning, armed officers stormed the plane and took a stunned Domenic into state custody. Although subsequent court documents indicate that Domenic had a few cavities and had not received government-recommended vaccinations local authorities initiated the seizure because he had been cared for and homeschooled

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by his mother.² Annie Johansson had two earned university degrees. However, in Sweden, where 90% of 18-month-old children are in state-run daycare and only about one hundred families homeschool, this automatically placed the Johansson's outside the mainstream of society. Yet in Sweden this is apparently reason enough to seize a child and put him foster care without any prior notice or hearing. As of November 2011, Domenic has still not been returned to his parents and has not had any contact with them for nearly a full year.

Mrs. Lydia Fröhlich of Salzkotten, Germany was imprisoned for 10 days in July 2011 because she would not permit her child to participate in an elementary school sexual education program. The program presented to students in the third and fourth grade was a stage project called "My body belongs to me!" The program was characterized as a sexual abuse prevention program. However, applicants Eduard and Rita Wiens and others asserted that the program violated their religious convictions by teaching "to make a child's own feelings and will the basis of his or her sexual behavior" (ECHR Dojan: 6). After losing in all appeals courts in Germany, the family took their case to the European Court of Human Rights ("ECHR"). In September 2011 the Court dismissed their application, writing that Germany was within its "margin of appreciation" to imprison parents who seek to opt their children out of a few days of government school classes over religiously objectionable content. The Fröhlichs and five other families served jail time ranging from 10 days to six weeks (ECHR Dojan: 8).

When the Romeike family of Bissingen, Germany followed their religious convictions to homeschool their children in 2007 they were threatened by local authorities. After police forcibly took their children to school and thousands of dollars of fines were imposed, the family moved to the United States in 2008 and applied for political asylum. In January 2010, United States Federal Immigration Judge Lawrence O. Burman granted them asylum. Judge Burman stated that the family was persecuted because of their membership in the "particular social group" known as homeschoolers in Germany. Judge Burman also found that the German government was persecuting them on account of their religious convictions. Attorneys for the family released a press document stating the following:

In his ruling, Burman said that the scariest thing about this case was the motivation of the government. He noted it appeared that rather than being concerned about the welfare of the children, the government was trying to stamp out parallel

² The author is an attorney for the family in this matter and has personal knowledge of the court documents and correspondence with local authorities and makes this assertion on the basis of personal information and belief as well as on the basis of statements made by authorities in correspondence with the author and made to the media immediately following the abduction.

societies – something the judge called “odd” and just plain “silly.” In his order the judge expressed concern that while Germany is a democratic country and is an ally, he noted that this particular policy of persecuting homeschoolers is “repellent to everything we believe as Americans.” (HSLDA 2010)

Such occurrences in nations with otherwise strong commitments to democracy and pluralism raise questions about such society’s willingness to tolerate pluralistic differences and their notions of liberty.

In this article we will use selected laws and cases from Germany, Sweden, the United States and the European Court of Human Rights to observe how certain governments protect, or in some cases do not protect, the religious and philosophical convictions of parents in the area of education and measure these protections against international human rights norms drawn primarily from the United Nations. Although these mentioned governments are known to respect human rights and support democracy and pluralism, the above examples raise questions as to whether Germany and Sweden, in particular, meet their international human rights obligations with respect to accommodating the religious convictions of parents who seek exemptions within or excuses from government-run school systems.

2. Democracy and pluralism

Diana Eck, a Harvard professor of comparative religion and the director of the Pluralism Project at Harvard University, argues that pluralism is more than “mere tolerance of differences; it requires some knowledge of our differences . . . tolerance is probably too thin a foundation for a society as religiously diverse and complex as that of America . . . pluralism requires the nurturing of constructive dialogue, revealing both common understandings and real differences” (Eck 2011).

For liberal democracies who at least speak about respect for differences within their societies, German and Swedish restrictive public policy toward private education arguably deny parents sufficiently meaningful opportunities to enroll their children in non-government school alternatives, either by making it difficult for private schools to exist independent of state control or by harshly treating parents who seek to teach their own children privately at home (Ray 2011). In the United States, where homeschooling is universally legal, government-run school systems are prevented from accommodating parental religious convictions due to the judicial theory of the separation of church and state. Internationally renowned education professors Drs. Charles Glenn and Jan de Groof write that the right of parents to guide the development of their children and to choose the appropriate form of education for them is fundamental and that to deny that choice is unjust and unworthy of a free society (Glenn & De Groof 2005:1).

3. A dilemma

In the opinion of many religious parents, the government school system is hostile to their religious convictions (Shortt 2004:12). An increasing number of court and legislative conflicts between governments and parents over education show this plainly (DeGroff 2009:128-132). Key areas of conflict hinge on issues such as: whether parents may exempt students from certain classes with objectionable content; whether citizens or governments may allocate tax monies to the support of private religious schools; to what extent parents may influence content selection in classes; whether prayer is permitted in schools or at school activities; to what extent may religious student groups exist; and others.

In the United States one observes that private education is virtually unregulated and widely available. Most state laws permit religious private schools to exist with minimal or no state controls beyond assurance that a minimum education is provided. In most cases, private school teachers need not be state certified, subjects are only generally prescribed, and the administration of the schools is left to private parties. This is not so in Europe, where significant government controls and involvement make it more difficult for private schools to exist. These controls include curriculum approval requirements, waiting periods, and requirements that schools provide a unique or distinguishing feature, have a certain minimum financial capitalization, and other bureaucratic hurdles (ECHR Dojan: 10). Consequently, parents have fewer private schools from which to choose and those that do exist are usually not much different in curriculum and prevailing worldview than the government schools. Such limited private school options make home education an even more important alternative.

In all 50 of the United States homeschooling is legal only following decades of legislative and legal conflicts. In Germany, homeschooling is prohibited and parents who attempt it are fined heavily, criminally prosecuted, or face threats to their custody rights. In Sweden, homeschooling is heavily disfavored and denied in many places by local authorities. Parents who attempt to homeschool in Germany or Sweden have faced social services investigations, resulting in some cases in the threat of or the actual taking of children from parental custody. Parents in these countries who seek for sincere religious or philosophical convictions, or pedagogical considerations, to homeschool their children face a stark choice: conform or leave. These realities demonstrate the conflict between parents and the state in the area of child rearing.

4. The hand that rocks the cradle rules the world³

Until the middle-ages the state played a minor role in education. The Reformation in Germany initiated the interest in literacy and the interest by ruling authorities

³ William Ross Wallace poem, "The Hand That Rocks The Cradle Is The Hand That Rules The World," 1865.

both in the church and in government to requiring education (Glenn 2011:1-3). In 1530, Luther delivered a sermon entitled “Keeping Children in School” stating:

I maintain that the civil authorities are under obligation to compel the people to send their children to school, especially such as are promising. . . . 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 times of war, how much more has a right to compel the people to send their children to school, because in this case we are warring with the devil. . . . (Glenn 2011:5)

Thus entered the state into the area of education asserting a forceful new and competing authority to influence the minds and values of children with the purpose of shaping society (Glenn 2011:8). This intrusion into an area previously reserved to parents and the church has resulted in increasing and continuing conflicts, first between the church and the state and now between the state and parents.

The United States Supreme Court has captured the now-predominant view of most civilized nations with respect to the importance of education as a state function:

There is no doubt as to the power of a State, having a high responsibility for education of its citizens, to impose reasonable regulations for the control and duration of basic education. Providing government schools ranks at the very apex of the function of a State. (Wisconsin vs. Yoder 1972)

However, even if education is an *appropriate*, perhaps even *critical* state function, to what extent should a democratic state be permitted under human rights principles to *compel* parents to subject their children to instruction in the face of religious-based objections or in the absence of legitimate exemptions, to inhibit them from exiting the government school system entirely? A survey of key internationally recognized human rights documents demonstrates the fundamental right of parents to control and direct their children’s education; not only that the parents’ right be recognized but that the parents’ right is *superior* to the State’s interest in the education of its citizenry.

5. Parental rights in education are human rights

The Universal Declaration of Human Rights of 1948 states that “parents have a *prior right* to choose the kind of education that shall be given to their children” (emphasis added). The use of the word “prior” indicates the hierarchy and primacy of the right of parents in relation to the State. *The European Convention for the Protection of Human Rights and Fundamental Freedoms* from 1950 further provides in Article 2 of Protocol 1:

In the exercise of any functions which it assumes in relation to education and teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own *religious and philosophical convictions*. (Emphasis added.)

The UN's *International Covenant on Economic, Social and Cultural Rights* entered into force in 1976, stating in Article 13.3:

The States Parties to the present covenant undertake to have respect for the liberty of parents [...] to choose for their children schools, other than those established by public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure that *religious or moral education* of their children is in conformity with their own convictions. (Emphasis added.)

The *International Covenant on Civil and Political Rights*, also from 1976, provides in Article 18, paragraph 4 that:

The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to *ensure the religious and moral education of their children in conformity with their own convictions*. (Emphasis added.)

6. Democratic values preclude educational monopolies

But for movements that seek to reshape or transform society, control of or at least influence over the educational policy-making apparatus is a crucial objective. Forces with influence over a child's education are able to steer them because of their tender age. Thus, a state-controlled educational system that is compulsory is a success factor for agents of social change.

For example, in early 20th century America, leading proponents of secular humanism viewed the government school system as a natural building block in the establishment of their worldview and their vision for future American society. Charles Francis Potter, along with others – including his contemporary and the influential architect of the modern American public school system, John Dewey – wrote and signed the Humanist Manifesto after founding the First Humanist Society of New York. Potter, in 1930, wrote:

Education is thus our most powerful ally of humanism, and every public school is a school of humanism. What can the theistic Sunday school, meeting for an hour

once a week, and teaching only a fraction of the children, do to stem the tide of a five-day program of humanistic teachings? (Potter 1930:128)

Potter and Dewey realized that education was a necessary ingredient to the imposition of their new philosophy. Schooling in the US was now compulsory and run by the government, who had the authority to make families comply under threat of criminal prosecution. Humanist writer John Dunphy captures the glee of the humanist movement:

The classroom must and will become an area of conflict between the old and the new—the rotting corpse of Christianity, together with its adjacent evils and misery and the new faith of Humanism, resplendent in its promise of a world in which the never-realized Christian idea of ‘Love thy Neighbor’ will finally be achieved. (Dunphy 1983:26)

However, the view that government control of education is necessary to the survival of a democratic society is extreme and conflates “society” with “State.” These concepts are not synonymous, and a government’s interest in expanding its power may very well be at odds with the people’s interest in freedom. History reveals ghastly consequences when government commandeers the education system and imposes its values for political purposes. In 1938, Adolph Hitler nationalized the German education system in order to cement his grip on a key institution within society (Spiegler 2009:299). Hitler knew the importance of controlling education as a means for directing society:

When an opponent declares, “I will not come over to your side,” I calmly say, “Your child belongs to us already ... What are you? You will pass on. Your descendants, however, now stand in the new camp. In a short time they will know nothing else but this new community.” (Shirer 1960:343)

Yet some legal scholars today seem to echo the idea that only the government can or should educate children. Emory University School of Law Professor Martha Albertson-Fineman says it is not enough that children have *the opportunity* to go to a government school but that home and private education must be *banned*.

...public education *should be mandatory and universal*. Parental expressive interest could supplement but never supplant the public institutions where the basic and fundamental lesson would be taught and experienced by all American children: we must struggle together to define ourselves both as a collective and as individuals. (Albertson-Fineman 2009:235; emphasis added)

A somewhat less totalitarian view represented by University of North Carolina law professor Dr. Maxine Eichner argues that the state's interest in education is of at least equal importance to that of parents. The values necessary for the survival of "democracy" are not "spontaneous" but rather must be "nurtured" through education – an education that if not monopolized by the state is heavily regulated by it:

In a liberal democracy, it is inevitable that there will be conflicts among parents, children, and the state's interests with respect to education. Given the *legitimacy of claims by the community* to have a say in how its future citizens should be educated; the equally legitimate claims of parents to have a say in how their own children should be educated; the need for children to develop the autonomy that liberalism demands; and the needs of the polity to ensure that children come to possess the civic virtues necessary to perpetuate a healthy liberal democracy, none of these interests can be allowed completely to dominate education in public schools. (Eichner 2006: abstract; emphasis added.)

By prioritizing the interests of "the community" for its "future citizens" as compared with the "claims of parents," Eichner relegates families to mere cogs in the gears of state machinery. Eichner assumes that the "claims of the community" are equal to or greater than those of the family.

Eichner's position raises many questions. Is there only one community? Only one spokesperson? Why should children be considered autonomous? Isn't it the very nature of a child to be *dependent* and not autonomous until they reach the age of majority? If liberalism requires that children be autonomous in relation to their family, where do they obtain these democratic values that must be nurtured for the good and survival of "polity"? Law professor Eric A. DeGroff sees destructive impact in a government education monopoly:

It is difficult to imagine anything more destructive of liberty than a government with the authority to override parental choices concerning the development and values of the next generation – particularly religious or moral values. One of the keys to maintaining American democratic institutions has been the freedom of diverse families to choose for themselves what values to hold and what course to follow. Until the turn of the twentieth century, the courts routinely recognized and vindicated these rights when parental concerns collided with the curricular choices of public school officials. (DeGroff 2009:126-127)

However, it appears that the surrogate parent argued for by Albertson-Fineman and Eichner is a government-run education system. Law Prof. Bruce Hafen describes the dangers of state-controlled education:

Monolithic control of the value transmission system is a hallmark of totalitarianism. Thus, for obvious reasons, the state nursery is the paradigm for a totalitarian society. An essential element in maintaining a system of limited government is to deny state control over child rearing, simply because child rearing has such power. Even if the system remains democratic, massive state involvement with the rearing of children invests the government with the capacity to influence powerfully, through socialization, the future outcomes of democratic political processes. (Hafen 1983: 480-481)

7. ECHR educational jurisprudence is weakening democracy

Several recent applications to the ECHR, an institution charged with adjudicating the individual rights of European citizens as articulated in the European Convention of Human Rights (“The Convention”), have raised questions about the legitimacy of this international judicial body in the area of adjudicating parental rights in the context of education especially where there is an issue regarding the protection of religious convictions.

Article 2 of Protocol 1 of the Convention states that:

No person shall be denied the right to education. In the exercise of any functions which it assumes in relations to education and to teaching, the State shall respect the rights of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

Two cases from Germany are of particular interest demonstrating the problem of banning home education in a pluralistic democracy. German parents face a Hobson’s choice in certain instances where they have religious objections to either government schools or government school curriculum.

In *Konrad and Others v. Germany*, the ECHR decided not to inquire further into Germany’s ban on homeschooling articulated in 2003 by the German Constitutional Court by dismissing the case without having a formal legal argument (ECHR Konrad 2006:3). The Konrad family had sought to educate their children at home for religious reasons. However they were fined by the local school authorities. They appealed the fines but were told by German courts that it was appropriate for the state to ban home education *in the name of* safeguarding pluralism and in defense of democracy (ECHR Konrad 2006:1). The ECHR rejected the *Konrad* application without allowing for factual or legal argumentation, holding that Germany was within its “margin of appreciation” to ban home education. Surprisingly, the court did not challenge the foreboding language used by the German court – that society had an interest in “stamping out parallel societies” and forcibly “integrating minorities.”

Then, in 2011 in *Dojan and Others vs. Germany*, the Court dismissed another application from several German parents who had been incarcerated because they kept their children home, rather than sending them to school to attend certain class periods and activities that discussed human sexuality in a way that violated their religious convictions. Rejecting factual and legal argumentation again, the court upheld the German court's findings on the grounds of expediency:

However, the setting and planning of the curriculum fall in principle within the competence of the contracting states. This mainly involves questions of expediency, on which it is not for the court to rule and whose solution may legitimately vary according to the country and the era. (ECHR Dojan: 13)

The ECHR seemed to adopt the German court's strange view of pluralism, writing that "[t]he second sentence of Article 2 of protocol no. 1 aims at safeguarding the possibility of pluralism in education, a possibility which is essential for the preservation of the 'democratic society' as conceived by the Convention. In view of the power of the modern state, it is above all through state teaching this aim must be realized" (ECHR Kjeldsen: 50).

Instead of protecting individuals from the power of the state to forcibly "integrate" them, the court upholds the power of the state to impose "democratic values" on its citizens. This sounds very much like Albertson-Fineman and Eichner's arguments that the state *must* enforce *its* views. The court appears to adopt Albertson-Fineman and Eichner's beliefs that government-run schools are the only way to develop and shape the character of children such that a democratic society can survive:

The convention itself [is] an instrument designed to maintain and promote the ideas and ideals of a Democratic society. This is particularly true in that teaching is an integral part of the process whereby a school seeks to achieve the object for which it was established, including the development and molding of the character and mental abilities of its pupils as well as their personal independence. (ECHR Dojan: 14)

In *Dojan*, the Court reviews its previous cases on the subject of religious freedom in education and acknowledges that the Convention imposes a broad duty on the state to respect the religious convictions of parents when the state undertakes to provide education for children. The Court cites *Folgerø and Others v. Norway* for the idea that "the state is forbidden to pursue an aim of indoctrination that might be considered as not respecting parents' religious and philosophical convictions. That is the limit that must not be exceeded" (ECHR Folgero: 84). The court continues, "it seems very difficult for many subjects taught at school not to have... philosophical

complexions or implications. The same is true of religious affinities” (ECHR Dojan: 14). The Court also reviewed the curriculum standards at issue in the German State of North Rhine Westphalia:

... to provide pupils with knowledge biological, ethical, social, cultural aspects of sexuality according to their age and maturity in order to develop their own moral views and independent approach to sexuality. (ECHR Dojan: 10)

The court’s dismissal of the application without hearing legal and factual argument before the grand chamber ignores parents’ religious convictions and appears inconsistent with the focus of the Convention on *individuals’* rights. The court seems persuaded that the “*neutral* transmission of knowledge regarding procreation, contraception, pregnancy, and childbirth in accordance with the underlying legal provisions and the ensuing guidelines in the curriculum, which were based on current scientific and educational standards,” is acceptable.

But for many, the topic of human sexuality is deeply personal and many religious traditions prescribe moral teaching about sexuality. Is it possible for the state to impart such information in a “neutral manner” when there are so many differing views about how, what and when children should be taught about human sexuality? Does a policy that specifically seeks to “promote [children’s] own moral views and independent approach”, in conflict with parents’ religious convictions, cross the line of indoctrination? Isn’t it the essence of *indoctrination* when the State encourages children to have different moral views from their parents? The court’s findings in *Dojan* are not so different from rulings in similar cases from other tribunals in Europe and the United States.

8. A glaring difference: Europe vs. the United States

In contrast to Germany, Sweden and the European Court of Human Rights, American courts have been far more accommodating to religiously and philosophically motivated parents who seek to *remove* their children entirely from the government school classroom. Legal outcomes were initially uncertain for American parents in the 1970s and 1980s who sought to homeschool their children, as courts and legislative battles were fought over whether homeschooling was a legitimate exception to the compulsory attendance laws of the 50 states.

However, over two decades, virtually every state created laws, regulations, or court precedents to recognize that parents could choose to educate their own children at home. While most states did not explicitly connect homeschooling with religious conviction, one of the most significant victories for homeschoolers came in 1994 in Michigan (Gaither 2008:179). In *People v. DeJonge*, the Michigan Su-

preme Court ruled that it was an unconstitutional infringement on religious expression to require teacher certification for parents who homeschool their children for religious reasons. The Michigan Supreme Court declared:

...the historical underpinnings of the First Amendment to the US Constitution and the case law in support of it compels the conclusion that the imposition of the certification requirement upon the DeJonges violates the free exercise clause. We so conclude because we find that the certification requirement is not essential to nor is it the least restrictive means of achieving the State's claimed interest. Thus, we reaffirm that sphere of inviolable conscience and belief which is the mark of a free people. We hold that the teacher certification requirement is an unconstitutional violation of the free exercise clause of the First Amendment as applied to families whose religious convictions prohibit the use of certified teachers. Such families, therefore, are exempt from the dictates of the teacher certification requirements. (DeJonge v. Michigan 1993:144)

The United States Supreme Court has also recognized that religious convictions are an appropriate factor on which to exempt children from government schools even when compulsory school laws provide otherwise. In the 1972 case of *Wisconsin vs. Yoder*, the United States Supreme Court ruled that Wisconsin's compulsory attendance law infringed upon the fundamental rights of Amish parents who wished their children to leave government school after age 14 or the completion of eighth grade. This respect for the role of parents was reaffirmed in 1979 when the United States Supreme Court wrote:

Our jurisprudence historically has reflected Western civilization concepts of the family as a unit with broad parental authority over minor children. Our cases have consistently followed that course; our constitutional system long ago rejected any notion that a child is "the mere creature of the State" and, on the contrary, asserted that parents generally "have the right, coupled with the high duty, to recognize and prepare [their children] for additional obligations"... Surely, this includes a "high duty" to recognize symptoms of illness and to seek and follow medical advice. The law's concept of the family rests on a presumption that parents possess what a child lacks in maturity, experience, and capacity for judgment required for making life's difficult decisions. More important, historically it has recognized that natural bonds of affection lead parents to act in the best interests of their children. (Wisconsin vs. Yoder 1972:233)

However, in spite of this homage to parental authority, United States courts have drawn a line at the door of government school where such parental rights cease.

Parents of government school children have lost case after case where they have sought accommodation of their religious convictions. Parents in these cases have sought to exempt children from certain types of content, such as sexual education, condom distribution, and sexually explicit surveys and to require the inclusion of certain types of content, such as the teaching of intelligent design or creation along with the theory of evolution, or requiring sexual education to include an abstinence component (DeGroff 2006, Dahl 2008, Hodgson 2004). Virtually all rulings are in favor of the government allowing schools to choose curriculum and manage student attendance and schedules, stating that the disruption caused by giving effect to individual parental interests, religious or otherwise, was too great (DeGroff 2009). Sounding very much like the ECHR in *Dojan*, the United States First Circuit Courts of Appeals wrote 16 years earlier in 1995:

The state cannot prevent parents from choosing a specific educational program – whether it be religious instruction at a private school or instruction of foreign language... We do not think, however, that this freedom encompasses a fundamental constitutional right to dictate the curriculum at the public school to which they have chosen to send their children... We think it is fundamentally different for the state to say to a parent, you can't teach your child German or send them to parochial school, than for the parent to say to the state, you can't teach my child subjects that are morally offensive to me. (*Brown v. Hot, Sexy and Safer Productions*: 533-534)

Thus, parents who place their children in the public school system in the United States face virtually identical challenges as parents in Germany, and much of Europe, regarding exempting their children from religiously objectionable content. However, unlike parents in Germany and other countries, American parents may legally withdraw their children from the public school and teach them at home without overreaching oversight, and in no case is the state able to require parents to teach subjects that are objectionable to their religious convictions.

9. Conclusion: Parental rights are fundamental to democracy and pluralism

The German Constitutional Court, the Swedish parliament, and American law professors Albertson-Fineman and Eichner argue that it is only possible for values to be taught by the State in government-run or approved institutions. This argument essentially says that in the name of survival, pluralistic societies must be intolerant of pluralism of education.

Parents in the United States enjoy broad discretion and opportunity to educate their children outside of the government school system. Thus if they encounter

irreconcilable conflicts over religious issues, they have an option to exercise liberty in accordance with their convictions. The decades-long struggle of the United States' homeschooling movement in legislatures and courts shows how democracy can work to protect the right of different views without doing violence to the human rights norm that parents are primarily responsible for the education of their children. Although the result in the United States was a patchwork of regulatory schemes representing diverse local views on achieving a balance between the State's interest in education and the right of parents, all fifty of the United States made it possible for parents to homeschool their children.

Countries that protect the right of parents to exempt their children from the government school system arguably demonstrate a true commitment to liberal democracy and pluralism. Societies that claim to be free and democratic might consider the words of the United States Supreme Court:

The fundamental theory of liberty upon which all governments of this Union repose exclude any general power of the state to standardize its children by forcing them to accept teaching from public teachers only. The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations. (*Pierce v. Society of Sisters* 1925: 535)

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