

## COMPULSORY EDUCATION: AN OXYMORON OF MODERNITY

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Professor Dennis O'Keeffe at Liberty 2003

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We have grown so used to compulsory attendance in school for our children in societies like ours—the experience in our country goes back more than thirteen decades—that it has come to seem as inevitable as death and the taxes. In fact the intellectual argument for compulsion is extremely weak and the empirical facts make it ludicrous. For example, truancy, both from school and from lessons, is on an enormous scale in all the free societies. Many children simply do not have to attend their lessons if they do not choose to. Obviously education is only *de jure* compulsory, although for most people, the still law-abiding majority, that is the same as a *de facto* requirement. The other major consideration, however, is the impropriety of making children forcibly attend when the education system is so appalling.

Elaborate teaching and learning are integral to modernity. This is not in dispute. But compulsory attendance is a most problematic idea, witnessed in a very problematic practice. The whole concept needs a major public airing. We should start with the words “compulsory education” on the grounds that “education” is the most philosophically elevated of the words which imply the deliberate passing of information from one person to another, a list also including “training”, “instruction”, “schooling”, “indoctrination”, etc.



First of all, are the two components of “compulsory education” mutually contradictory, an oxymoron? Might one say, to parody Hobhouse on Rousseau, that:

*‘Insofar as it is educational, it is not compulsory; And insofar as it is compulsory, it is not educational.’?*

Well yes, one might. Perhaps, though, the case for or against compulsion may be governed by one’s definition. There have been two principal definitions in general academic currency in recent years.

For R.S. Peters, one time doyen of philosophy of education, education is the pursuit of knowledge for intrinsic purposes, in a voluntary spirit, and within an open cognitive perspective. Not much help comes the way of compulsion from this source then. The unwillingly confined denizen of Year 10 or 11 is by definition not there voluntarily. Nor is he or she likely to take an open cognitive perspective. The point to remember, though, is that Peters was trying to tease out from a highly nuanced word, some quintessential meaning, not to mount a case for education, in that refined sense, being put on a compulsory basis, or a voluntary one either. His definition may or may not convince. It points away from compulsion if anything.

We may incline instead, however, to an essentially *moral* definition of education. We may see it as the pursuit of goodness. This is as old a view—it goes back to Plato—and historically more common. It is now favoured by the social democrat liberal, John White. It is bound to appeal today in

modern societies threatened by lawlessness, and by the moral and intellectual uselessness of so many parents.

This approach too, however, rather founders on doubts as to whether someone can be compelled to pursue the good. If I detain you I can perhaps prevent your doing such and such a thing; but can I really compel you to be virtuous?

### Should the Pre-requisites of the Pursuit of Knowledge or Virtue be Compulsory?

Another possibility is that it may be that only the prerequisites of education require compulsion. Both approaches, the cognitive and the moral, subsume training. Without a bedrock of skills, one cannot become an autonomous agent pursuing knowledge for its own sake. Children must be trained in these skills before they embark on genuine cognitive inquiry of an intrinsically motivated kind. Similarly, the forcible moral training of the very young is the prerequisite of what can later be articulated as real moral education. Thus we may despair of finding grounds for compulsory education as such, but switch instead to justify *compulsory training* in its prerequisites.

Even if this shifting of argument works, however, this is only a second best case, leaving compulsory education impaled on its oxymoronic hook. If we accepted this second best case, there would seem to be no grounds for a compulsory *secondary* stage of the process. In other words, only primary education would be compulsory. And the trouble here is that primary education is the *heart of the trouble*.

I would argue that while public finance is the *fuel* of intellectual mediocrity, primary schools, because of the ideology they em-

body, are the principal *motor* of educational failure. The case even for compulsory basics fails, then, on the grounds that as presently constituted, the primary school system is not up to the task. There may be a justification for separating primary, secondary and tertiary education conceptually, but there has to be a proper continuity between them. This continuity simply does not exist. So badly does primary experience equip children that secondary education is a doomed enterprise from the start in the case of many of the students who experience it. And the knock on effects on higher education are too obvious to need pointing out.



Thus, even the basic training case does not do away with the libertarian argument against compulsion. One cannot claim, of course, that the libertarian argument has ever won much mileage. Nor is there any famous version of it. It is, however, quite easy to articulate and quite powerful.

### The Libertarian Case

The libertarian case is that compulsion is *never* right for older children, teenagers, for example, and does not become viable even for little children, merely on the assumption that some homes are insufficient to the task. The libertarian will not hold that all homes are sufficient to the task. He or she will say, however, that if we think most homes are adequate, and yet we have compulsory education, we are left in an odd position. We are requiring all families to send their children to school on the ground that some families do not understand the importance of equipping their children with elementary cognitive and moral training. But why should most people be forced to

send their children to school when they would do this voluntarily, just because a minority will not comply?

This is surely an unsatisfactory basis for the learning arrangements of a free society. The very most that could be claimed is that *some* families are not up to the job and therefore must be compelled to send their children to school. This, however, has implications even more unpleasant and ethically improper than our present arrangements, insulting as these are. If we retained compulsion on these grounds, restricting it to this group, this would leave the state with the highly invidious, and politically explosive task, of deciding which people need compulsory schooling. There would be cases where compulsion and voluntary attendance would be separable only by a hair's breadth, or simply not at all. Hard cases make bad law. Enforcement at the margin would be manifestly impossible.



I suggest after this brief discussion that the philosophical case for universal compulsory education, though it may have some superficially attractive features, is fundamentally weak and contradictory. School cannot be made compulsory without insulting the maturity and capability of most citizens.

This is not an argument against public provision of the contested good, so-called education. There is a strong case against such public finance, but I am not making it central to my case, or anyway not at this point. Though financial and economic considerations do intertwine with jurisprudential ones in this debate, the two sets of

issues are quite distinct conceptually. One can therefore perfectly reasonably make a case for public provision of a good which will be taken up by a majority of parents on a voluntary basis. An even better case, could be mounted, for arguing that education cannot be compulsory and should not be publicly financed either. Let us leave that for the moment.

### Empirical Considerations: The Instrumental Reality

If the philosophical vistas seem gloomy, what if we just look at the facts? After all, the law on speed limits is one thing, and the compliance of drivers another. So-called education is roughly comparable. In many instances school is not *de facto* compulsory, as we have stressed already. In many cities in countries all round the world secondary attendance is virtually on a voluntary basis. In many British comprehensives there is a level of truancy so high as to make attendance for some people effectively voluntary.

Even for many children who attend willingly, with their parents' active support, the reasons for their attendance are not such as to satisfy either of our two versions of philosophical reasoning. Rather few children may be seen as motivated by a pure thirst for knowledge. Nor is such a thirst on the part of their parents likely to be the reason for their requiring children's attendance during the early training stage. A few people may be driven all their lives by a desire to know; and there may be others who acquire such a desire, after they have learned to read, when they are trying to get into university, or at any point when they suddenly discover they have a real academic aptitude. In general though, the trouble with the R.S. Peters line is that people do not follow it. People want knowledge

mostly for instrumental purposes. When they want it for its own sake it is often a self-indulgent consumerism which is involved.

The goal of moral goodness seems a bit more promising. It certainly fits in with the popular perception, that one goes to school to learn to behave properly. There are several catches though. The most obvious is that while it may be widely believed that prolonged study makes you good, the evidence is dubious. Most people think that schools teach moral decency but there are countless examples of people with long exposure to books and institutions of learning who were (are) morally repugnant. It may even be that education is in overall terms dysfunctional as well as malfunctional.

### Other Assorted Arguments

We may conclude that the behaviour of individuals in institutions of learning does not correspond to the elevated notions philosophers entertain as to what those institutions are for. We are grappling here with the real difficulty that “education” is an overlapping terrain for the attention of an *a priori* subject, like philosophy and semi-empirical subjects like economics, sociology and politics. The question then is whether, insofar as compulsion is concerned, an instrumental case can stand in for the failed arguments from intrinsic love of knowledge or virtue. Can economic or sociological arguments stand in for (partially) unsuccessful philosophical ones?

Many individuals and governments would suggest that education produces economic growth and that this is a good reason for making it compulsory. I reply that knowledge must indeed in some sense be associated with economic advance but that unfor-

tunately we cannot easily tell how. The fact that education is largely publicly financed makes it impossible to work out the relationship. Most people work for the private sector and yet they have to make career choices in a public sector context, in which the imperatives of scarcity and choice are unrealistically muted. Because the education system is publicly financed, the people who work or study in it are not making decisions on the basis of their own resources, but on the basis of other peoples’. In other words economic reality is partly stifled.

### The Question of Externalities

Officialdom tends to argue that there are externalities involved in education, which discourage it under private finance. First, I cannot stop other people from benefiting from my knowledge, so I will not acquire it without some public recompense. Secondly I cannot stop others from benefiting from my virtuous behaviour. Again I will demand less education. Overall, citizens will undertake less education than is optimal.

Therefore the state must step in, both funding the experience, and for a certain minimum number of years, making it compulsory.

All this is nonsense. Education is a private good which is over-demanded when it is publicly financed. Nor is there any evidence that when it is compulsory the stock of human capital formed by education is increased. Human capital depends on *a particular articulation between knowledge and markets*. The Soviet Union was rich in knowledge formation, but not in human capital formation. Russia and Cuba and the other Communist societies were characterised by an economically useless accumulation of



knowledge. So idle chatter about the theory of “human capital” or “human capital formation” cannot rescue compulsory education.

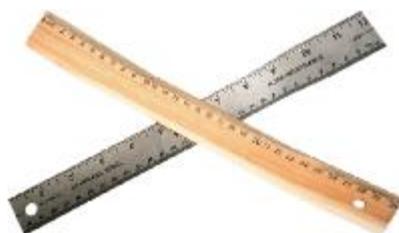
In any case there is a much darker side to the question. For all the propaganda about the inexhaustible benefits of an ever expanding educational estate, it is at times nearer the truth to identify education as Schumpeter and Paul Johnson have, as linked to insurrection and disorder.

In Britain, for example, the huge expansion in secondary education has gone hand in hand with an equally significant increase in juvenile crime. At best the former did not prevent the latter. In my view, on the contrary, it *fuelled* it. The fact is that the socio-economic case for compulsory schooling fares no better than the philosophical. Why should it fare better? It is after all only a variation on the instrumental skills argument. There is no evidence that there would be under-investment in education if it were voluntary and quite a good case for saying that there is *over-investment now*. The philosophical case for education is at least a good one, in abstraction. We do surely mean when we speak of someone’s being successfully educated that we are confronted with an individual who is intellectually accomplished, curious, open-minded and virtuous.

I am sceptical, however, whether much of the philosophical prospectus has been achieved by our public arrangements for education. Mass culture seems philistine and the demand for good theatre and good music and art, though large, are minority tastes which we may presume do not need underpinning by compulsory attendance. Nor have we compensated for lack of culture by a superior performance in skill formation. Some highly skilled workers are in

very short supply. The present government is anti-intellectual and hostile to high culture. It talks up *skills*, because they sound horny-handed compared to culture, but it has done nothing to advance them that I can see.

I do not think that sociology of education has much to offer by way of support for compulsory education. The greatest sociologist of education by far, Emile Durkheim, would have been profoundly in favour of compulsory attendance. If



modern schools were as good at moral formation as Durkheim advocated, maybe the case for compulsion would look a bit stronger. But they are not. Juvenile crime is out of control, for one thing, and it is hard not to see the “antiracism” some schools transmit as not causing as much harm as good. Above all mass education seems characterised by the appearance of large numbers of mischief-making and anti-nomian intellectuals

### **Great Britain Set the Ball Rolling on Development, Without Compulsion or Public Finance**

It is salutary to recall that the nation which mounted the world’s first industrialisation, and maintained an innovatory dynamism across the whole range of human affairs, throughout the nineteenth century, did so with neither compulsory school attendance nor public finance. In the process the British set in motion the gradual freeing of much of the world’s population from the ancient scourges of primary poverty, famine and disease. This stupendous achievement ought to fill British hearts with pride, and most foreign ones with admiration and

gratitude. Instead, it has provoked envy and rage.

The fumbling and incompetent educational leadership of America and Europe today does not supply a good case for the claims of mass education, compulsory or otherwise. Consider British *Further Education*, entirely voluntary and in many instances a grotesque parody of the life of the mind. The quality of mass culture does not speak well for mass compulsory attendance. Nor do the standards of public or private mass behaviour throw a favourable light on compulsion. Morally and aesthetically, we seem as a society to have described a weird curve. In some ways we now appear to be going backwards.

As elementary education got going in the late nineteenth century, before and after compulsion, and up to the Second World War, the curve of British crime fell. With the huge growth of secondary, tertiary and further education since then, it has all rocketed back to square one. One flinches from drawing mechanistic associations, but the contingent growth of anti-social activity side by side with the parallel expansion of mass schooling raise questions too obvious to be ducked.

Obviously we are more affluent today. Surely though we could have been even more affluent than we are, and also more morally secure, had schools been arranged better. In any case, affluence is far from being the whole or even the core of human felicity. Since we want affluence and moral order, let me suggest to you that while the 1980s brought us economic redemption, they also short-changed us educationally. For example they gave us that symbol of a



revived Oriental Despotism, the National Curriculum.

### **Fatal Dialectic: Education and Economy in the British 1980s**

The late Basil Bernstein, for all his cleverness not one of my favourite sociologists, though he in a sense speeded me on my way, once observed that social life is characterised by a “dialectic of openness and closure”. What he meant, I suppose, is that there are historical periods of considerable duration, of freedom and openness. There are others of opposite tendency, when closure and restriction predominate.

Bernstein may also be read as meaning that this distinction also characterises *short-term* movements in the life of society as a whole, or of groups of people. There may be transient public moods of freedom or clamp-down. Families, friendships, churches, schools and other institutions, too, share with society as a whole, the tendency to oscillate between periods of freedom and periods of repression and restriction. The dialectic on the smaller scale may, or may not, coincide with the dialectic on the societal scale. Sometimes a whole sub-sector of society, of government and economy, may move in a different way from the overall polity and economy.

This is what happened in the 1980s in this country. The commercial economy as a whole became comprehensively more free and open. That very important sub-sector of economic life, the education system, by contrast, became more rule-bound, more interventionist, more bureaucratic, more restrictive, more closed. It also became almost certainly more inefficient.

There were portents for this discontinuity between overall economy and economic

sub-system. From the late nineteenth century, in Britain and America, and many decades earlier in some parts of Europe, educational practices took hold which did not conform to the traditional conditions of education as these are explained by E.G. West and more recently by Andrew Coulson. Coulson's observation is that in all the cases in history where education has been efficiently conducted, it has been conducted on the basis of private finance.



Considerations of compulsion versus voluntary attendance point in the same direction. I hypothesise that voluntary attendance would have improved the results by retaining power on the demand-side of production. It would not have been risk free or painless. There would have been casualties. But compulsion too has those. How many school-classes are ruined for the well-disposed by the ill-disposed? We do not have to be as rude as Murray Rothbard, who said that compulsory education forces bright children into the company of morons. How many teachers live in dread of hateful and unmanageable pupils? There is no risk-free policy. If school were voluntary some people would not go. My guess is that effective attendance, that is attendance where people learn something useful, would improve.

### **The Educational Antinomy of Freedom versus Compulsion**

In fact compulsion does not stand or fall by a calculus of crude majoritarian social physics. Our views on education, compulsory or otherwise, diverge widely. Some of us

are fervent believers, others are mild observers, others could not care less, and yet others are positively hostile. Compulsory education has 130 years of habit reinforcing it in this country. Habit may be no bad thing. Aristotle says that through its courtyard we gain access to the palace of virtue. It is a fair guess too that for the present, voluntary school is a non-starter. But habit may not continue indefinitely to underpin compulsion. The antinomy of freedom versus compulsion need not anyway be settled on an all or nothing basis. An agnostic like me would settle with lowering the school-leaving age, perhaps to 14 or 12, and a market led tightening of what happens in schools. There seem to be two contemporary drifts. On the one hand, the educational elite has succeeded in the last half century in vastly increasing the scope of secondary education. It has also conspired with a series of educationally incompetent governments, for the last thirty years, to give us expanded higher education, which the state cannot afford and the public, overtaxed, do not want to pay for. Terence Kealey believes the middle classes could pay if they chose. Well they choose not to, and it would probably take a big tax reduction to alter their determination. The elite would probably like, on top of sending half the population of school-leavers to "university", to extend compulsion down to three years of age and upwards to eighteen. On the other hand the money has run out, and the old joke about raising the school leaving age to 35 has run out of gas.

Let me conclude with the view that the case for compulsion is demonstrably weak and not proven and that it is high time more scholars and reflective people took a long, hard look at it.