

Educating
CITIZENS

*International Perspectives
on Civic Values
and School Choice*

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editors

with
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Introduction: School Choice, Civic Values, and Problems of Policy Comparison

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Our mandate for contributors to this volume was, at least apparently, simple. The United States is in the midst of historic experiments with publicly funding school choice in K–12 education. Other nations have long experience with the funding and regulation of nonpublic schools (as we would call them), including religious schools. What, we wanted to know, can U.S. policymakers, public officials, and citizens learn from those experiences? In particular, we wanted to know how other countries have regulated or structured public funding of educational choice with an eye not just toward improving test scores and the like, but also toward instilling civic values in students—for example, tolerance, civic cohesion, and democratic values such as integration across lines of class, religion, and race.

Do other countries take seriously the sorts of civic anxieties that are widely voiced by opponents of school choice in the United States? What is their experience with vouchers or other forms of publicly subsidized educational choice? Is publicly funding parental choice a source of civic conflict? Do public funds flow to separatist or just plain weird schools? How do other countries strike a balance between parental choice, educational pluralism, and school competition on the one hand and the public's concern with common citizenship, tolerance, and the integration of social, ethnic, and religious groups on the other?

In posing these questions we did not expect contributors to produce simple policy “lessons” as if they were cases of French wine or boxes of Belgian chocolate to be packaged for export to the United States. Nevertheless, like untold other students of public policy, we wished this time to heed the admonitions of our colleagues who study education from a comparative perspective and learn from the experience of other democracies abroad.

We were far from disappointed in what we learned from our international colleagues, and we hope readers agree. It cannot be said, however, that their response to our mandate was in any respect “simple”: the long experience of other nations with publicly financed school choice does not yield simple or unambiguous lessons for makers of American education policy.

Every nation surveyed in this volume permits or encourages the public funding of nonpublic educational options, though the degree and kind of educational pluralism vary a great deal. The Dutch and Belgians go so far as to regard public funding of choice in education as a fundamental constitutional right. The Dutch educational system is founded on the principal of educational pluralism and, as a few American scholars (such as Charles L. Glenn) have for years pointed out, in the Netherlands at least, this principle seems to promote peace and satisfaction.

Nowhere among the countries we surveyed did we find dire consequences of publicly funding choice. That is not to say that all is well. All nations struggle with educational problems, and some of them are quite familiar to Americans. Everywhere, it seems, segregation by class and race in schools, because it is a consequence of residential segregation, is difficult to overcome. And nearly everywhere there is, to one degree or another, a growing concern with schools that are, or might be, run by illiberal religious minorities. All of the nations whose educational policies we discuss take a wide range of civic concerns seriously when they decide how to fund and regulate nonpublic schools.

Indeed, these countries have decided to fund nonpublic schools partly because of civic concerns. As several of our authors note, nonstate schools are generally viewed in these countries as proxies for the state in performing many important civic functions. Such a vision of broadly shared responsibility for civic education is not entirely alien to the United States. For example, Abraham Lincoln, in one of his earliest published speeches, said of respect for the laws: “[L]et it be taught in schools, in seminaries, and in colleges; let it be written in primers, spelling books, and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice.”¹ It is one thing to argue, as Lincoln did, that nongovernmental institutions should assist the state in promoting civic values, but quite another to assert that the government should pay for such assistance. In the countries that we

review here, it is seen to a great extent not only as defensible but also as obligatory for the government to provide resources to private schools to help them produce educated and responsible citizens. With public dollars come a wide variety of government regulations. These include the outcome-focused accountability mechanisms of Alberta, Canada (and to a lesser extent Flemish Belgium), which, because they rely on tests, are relatively unobtrusive with respect to the operation of schools. Then there are the more intrusive inspection systems of Britain, Germany, and France, which focus to a much greater degree on teaching and the educational process itself.

In one important respect the accounts presented here are largely consistent with the claims of scholars such as Charles L. Glenn and Terry M. Moe, who have long asserted that the principal lesson for Americans to take from the international experience with publicly funding school choice is that parental choice is not nearly as frightening a policy as many critics suggest. Glenn in particular has long argued that the fears of school choice opponents in the United States—fears of balkanization or social disintegration and conflict—are exaggerated and at odds with the experience of virtually the entire civilized world. From the essays that follow, Glenn's claim would appear to be true enough—but we have not yet gotten to the whole story or even to the most interesting part.

The fact that other advanced democracies embrace publicly funded parental choice without falling prey to civic disintegration is but one side of the coin. More striking still, we believe, are the astonishing systems of regulation, accountability, and control that accompany public funding in other nations. They do not provide public funds to nonpublic schools with just a few strings attached; rather, they include a host of requirements regarding curriculum, testing, teacher qualifications, and admissions. Indeed, from an American point of view, these publicly funded schools of choice hardly seem “private”: government-funded schools abroad are regulated and controlled to an extent that makes them quasi-public, essentially part of one public educational system. In most of the countries we survey here, the distinction between public and private schools is not nearly as important as it is in the United States.

One major difference between attitudes toward the issue of choice overseas and those in the United States is that we did not hear much in our conversations, nor do we read much in the chapters below, of the benefits of educational markets and competition among schools. Perhaps other societies simply take the fact of competition among schools for granted. As Charles L. Glenn argues in his commentary, claims about the relative effectiveness of private and public schools—so important in U.S. policy debates—are likely to be less salient where educational choice is a fundamental right.

But it is important to understand the nature of the “right” to educational pluralism as it exists in the Netherlands and elsewhere. That right does not bring with it strong exemptions from generally applicable rules and conditions. In many European countries, the constitutional right to establish a private school coexists side by side with state authority to inspect and close down such schools. Moreover, in some societies the right to school choice is the result of historical struggles between the state and an established church, which gave rise not to a system of competing schools, with frequent entry and exit of providers, but rather to a stable division of educational responsibilities among public and religious corporate entities and pervasive public regulation of all schools. France is most striking in this regard: the only major nonpublic educational option is Catholic schooling, and the proportions of public and Catholic school pupils are kept stable by mutual agreement. The Catholic option thus serves not as an active competitor to the public sector but as a “safety valve,” as Denis Meuret puts it.

In the pluralist Netherlands, groups of parents who want their children to attend a school that has a distinctive educational philosophy have a constitutional right to have the government establish and fund such a school if one does not exist nearby or if the ones that do exist are full. This commitment to educational pluralism is qualified by an extensive system of public regulation and curricular mandates, as Charles Venegoni and David Ferrero emphasize in their commentary. Even the bold Dutch experience with school choice does not represent a strong commitment to private competition and market values as such, since parents have no right to form a school simply because it would be “better” or more efficient than available schools. In the Netherlands, when it comes to starting a new school with public funds, the question is not whether you can do it better but whether you want to do it differently. And educational differences are conditioned by common requirements that include uniform teacher training and student testing.

The story that follows is in the main about a certain sort of publicly funded pluralism in education: pluralism justified by value differences but contained by significant regulation and tamed by systems that ensure accountability. This is not a story about wide-open market competition among minimally regulated schools.

Policy Comparisons and the Importance of Context

So far the story may seem simple enough. The United States could, if it wished, import European-style school choice: choice snugly contained with a regulatory framework that makes private choice an instrument of public pol-

icy, part of a larger strategy for achieving the public purposes of education. We fully recognize, however, that it may not be so simple. The wide range of educational, social, and political contexts in Western countries makes generalization hazardous.

It is rarely easy to find regulatory options that could simply be transferred to the United States. Some public school systems abroad have features that Americans will find quite surprising; in the United Kingdom, for example, public schools have mandatory Christian prayers. Policymakers in Europe are frequently careful to weigh the conformity of their school choice policies with European Union and international law. This is not to say that there are no lessons to be learned here: our commentators in Part 2 are virtually unanimous in recommending that U.S. policymakers consider outcome-based oversight policies such as that in Alberta for testing the civic knowledge of all students.

We fully recognize that some scholars have examined major school choice programs in other countries and come away with decidedly pessimistic conclusions. Edward Fiske and Helen Ladd have drawn a well-known “cautionary tale” from their study of New Zealand’s program of national parental public school choice.² They found that New Zealand’s choice program did instigate a “flight to quality,” as market theory would predict. However, economically disadvantaged families proved to be less fleet of foot than their more advantaged counterparts, resulting in a worrisome concentration of lower-income students in the worst-performing schools.³ Martin Carnoy and Patrick McEwan similarly cite evidence suggesting that more advantaged students have been the first to exit the public schools under the countrywide education privatization program in Chile.⁴

Those evaluations of the experiences of New Zealand and Chile with sudden, comprehensive, and largely unregulated school choice policies should—and do—give us pause. It is certainly not our aim to recommend such an approach. While the aim of this book is to inform rather than to recommend, we have been impressed by the ways in which the countries we examine here regulate school choice for the sake of promoting the public benefits of choice. In our other work on the National Working Commission on Choice in K–12 Education, we have been concerned with the effects of school choice on “non-choosers,” or those who are slow to choose.⁵

Our mission here is to inform and to stimulate creative thinking rather than to proselytize for choice. However, we would urge readers not to reject choice because some countries have enacted what may be regarded as radical and precipitous policies. The U.S. policymaking process is famously slow, incremental, and prone to compromises that often involve government oversight and regulation.⁶ School choice policies in Chile, on the other hand,

were established in 1980 by edict of the Pinochet government, which came to power in the wake of a military coup in 1973. We do not expect that to happen in the United States.

In fact, the latest incremental extension of publicly financed school choice in the United States could hardly differ more from the New Zealand and Chilean examples. Beginning with the 2004–05 school year, the recently enacted District of Columbia School Choice Incentive Act of 2004 will provide federally funded school vouchers to about 1,700 of the district's 79,000 elementary and secondary school children. Eligibility will be limited to families whose household income is below 185 percent of the poverty line, additional funds will be provided to the D.C. public school system to help improve educational outcomes, and the five-year voucher experiment is to be closely monitored by the U.S. Department of Education, the D.C. Mayor's Office, and a team of independent researchers.⁷ When U.S. policymakers enter the waters of a controversial reform such as school choice, they typically wade in slowly and cautiously. We recognize the prudence of such an approach and hope that policymakers find some inspiration in the chapters that follow.

Just as we should not too readily reject school choice because of the experiences of some nations whose school choice regulations are inadequate, so should we not uncritically embrace the choice policies and regulatory frameworks that exist abroad. To put it bluntly, we cannot accept at face value sunny reports about how school choice works in smaller and more homogeneous European societies, which turn out in any case to cringe when, for example, Muslim citizens seek their own share of public funds for schools. The Europeans seem to have found ways to filter out many schools that particular groups of parents might wish to choose; in practice these "pluralist" systems do not really accommodate all forms of diversity to the extent that their principles (or some of them) might suggest. Hence, at the end of his account of the Dutch system, Ben Vermeulen speculates that in the face of deeper cultural conflicts Europeans may come to appreciate some of the virtues of the American system of common schooling. While it certainly is true that taking civic values seriously means that some schools will be filtered out, it is necessary to critically examine particular patterns of exclusion and to investigate the degree to which these can be justified by civic values.

In the United Kingdom, as already noted, public schools tend to have a distinctly Christian ethos. In Belgium, schools offer courses on religions approved by the state, but not on Hinduism or Islam. In practice, these vaunted pluralist societies may take fairness between majorities and minorities less seriously than we do, or at least they seem to interpret the require-

ments of fairness among majority and minority religions in ways that are unfamiliar to us.

Some will argue that any comparison of the United States and another country with respect to school choice policies is seriously undermined by the greater size and diversity of the United States and by the fact that it is a much more religious country that has distinctive constitutional principles (the “free exercise” and “nonestablishment” clauses of the First Amendment) protecting religious diversity. Cautionary notes such as these should be taken seriously, but they should, as much as other claims, be considered critically.

In many respects the United States is far more homogeneous than it once was, and in some respects it is more homogeneous than European societies. Insofar as a common language is important to establishing a shared public culture in a political society, it is worth noting that the percentage of non-English-speaking people residing in the United States is much lower today than it was in the late nineteenth and early twentieth centuries. Many European countries—not to mention Canada—are far more deeply divided than the United States by language and ethnic and national culture. The United States is indeed far more religious than other advanced democracies, based on surveys of church attendance and self-reported levels of religious commitment, but as Alan Wolfe and others have argued, religion does much to unite Americans.⁸ We do not intend these remarks to settle these complicated issues, we mean only to suggest that just as international comparisons can be glib, so too can the assertion that comparisons are impossible due to differences of context.

We will comment in closing that we believe that the American constitutional principles that provide for the separation of church and state are altogether consistent with a regulatory framework that ensures that all funded schools serve the public interest. That public interest includes educational equity and open access to students regardless of religious affiliation, and that in turn requires nondiscrimination in admissions practices as well as freedom from required religious exercises.⁹

U.S. policymakers know too little about how choice works abroad. We believe that Americans can learn from the experience of other nations, but the process of learning will not be easy, and it will require us to think about the differences as well as the similarities in our experiences and those of other societies.

Crafting School Choice to Serve Public Purposes

When policymakers and citizens consider regulating school choice to advance public values, at least three general questions arise:

—Why regulate? For the sake of which values?

—Who should do the regulating?

—How should schools be regulated? This question is multifaceted. What is the most effective regulatory framework? How much regulation is too much? Should particular regulations extend to public schools only, to publicly funded schools, or to all schools? Finally, when should schools be regulated? When they are founded? At regular intervals thereafter? Only when complaints arise?

Why should democratic governments regulate education? That question has been addressed by political philosophers and educators from the beginning of recorded history. Education is not a purely individual good. Political communities have a significant and legitimate interest in ensuring that children are educated effectively. Democratic societies have a special interest in ensuring that children are prepared for the responsibilities of citizenship. Citizens in a democratic society exercise political power over one another, and to do so responsibly, reflectively, and justifiably they need certain capacities, dispositions, and an adequate grasp of political institutions, history, and the world around them. Something like this general civic justification for regulating publicly funded schools appears to be broadly shared by the United States, Canada, and the European countries featured in this volume.

Who should regulate whom when it comes to elementary and secondary education? Here, Americans seem to be at least somewhat divided, whereas Europeans exhibit a stronger consensus. Some supporters of school choice and private schooling in the United States argue that parents are the optimal regulators of their children's education. Stephen Gilles and others have argued that parents have a stronger stake in the nature and quality of their child's education than does the state.¹⁰ Parents also are more intimately informed about and involved in their child's education, according to this view; so as long as parents support core democratic values, the state should leave them the responsibility for overseeing their children's education.

Many other American scholars and citizens support a division of educational authority that gives the political community more scope to regulate the educational institutions that it funds. Many worry that with respect to children's values, parents inevitably have the predominant influence, good or bad; in the latter case, schools can be an appropriate counterweight. Some parents may care deeply about their own children's welfare, but they may not care sufficiently about the extent to which their children's education promotes tolerance and the capacities and knowledge needed for civic engagement. The political community has a greater interest than individual parents in these and other public values, so the state and its officials ought to have the authority

and responsibility to regulate education to advance public purposes. This view of who should regulate is almost universally embraced by America's democratic neighbors to the north and across the Atlantic, and evidence suggests that it is predominant—if not undisputed—in the United States as well.¹¹

How, finally, should schools be regulated? There are various regulatory options, focusing on curriculum, testing, teacher qualifications, admissions, and other factors. How much regulation is another facet of this question: in many European countries there is, by American standards, a great deal of regulation. And which regulations should be applied to which schools? Should government's authority to regulate be limited to those students who are using public funds to attend private schools, or should all schools, public or private, state or privately funded, fall within the government's regulatory ambit? The European and Canadian experiences appear to be consistent on this point: the government has both the authority and the responsibility to regulate all schools, public or private, though the extent of regulation sometimes varies across and even within school sectors.

When should schools be regulated? Upon establishment? On a regular basis? Only when complaints arise? The Canadian province of Alberta gives schools a great deal of flexibility in their operations, then requires all students to take what appears to be a rigorous examination on civic knowledge. Such an approach is consistent with John Witte's call, in his commentary, for information-based regulatory systems that provide both U.S. parents and taxpayers with useful information about the performance of all schools, whether public or private, yet respect diversity of education. A similar argument is endorsed by Charles L. Glenn: governments should exercise quality control over publicly funded private schooling while still permitting a thousand different educational flowers to bloom.

Obviously, these three general questions cover a great deal of regulatory detail. Readers of the chapters and critical comments that follow will find a range of answers and also some important commonalities and patterns. Our conviction with respect to publicly funded and regulated school choice is that the details matter a great deal. We hope that these essays help to broaden American thinking about the ways in which choice can be part of a public commitment to educational excellence for all.

The Netherlands: Where School Choice Is the Norm

Our chapters begin at the pluralist or choice-dominant end of the educational spectrum and proceed, roughly, toward systems that provide less scope for school choice. We begin with the pluralist Dutch.

As already noted, the freedom of parents to choose among publicly funded private schools is such a central and widely accepted principle in the Netherlands that it enjoys constitutional status. Moreover, what the Dutch constitution protects are not vague principles, but a set of detailed commitments that would surely surprise most Americans: private primary and secondary schools have a constitutional right to funding equal to that of public schools, on the same terms, and they have the right to appoint teachers and to “provide education according to their religious or other beliefs.” As Ben Vermeulen explains, these freedoms have been interpreted to mean that groups of individuals having a distinctive religious viewpoint or educational philosophy that is not already represented in the school system may found a new school, one entitled to full government support enabling children aged four to sixteen to attend for free. Pluralism thus appears as the first principle of school policy in the Netherlands, and, indeed, more than two-thirds of Dutch pupils attend private school at public expense.

Nevertheless, as Vermeulen emphasizes, “the autonomy of private schools is not absolute.” The constitution itself also charges the state with responsibility for ensuring the quality of all schools. Public authorities lay down curricular requirements and minimum criteria for the quality of teachers in all government-funded schools. Moreover, those who wish to establish a school must provide evidence that the school can attract a considerable number of pupils: from 200 to 300, depending on the locale. Establishing a new school is easier if it represents a denomination or philosophy that is not found at another school, but that is for public authorities to decide. Vermeulen emphasizes that such decisions—of whether a proposed school really represents a distinctive strain of Islam, for example—have proven to be difficult to make and (not surprisingly!) divisive. The system has proven disadvantageous to religious believers “new” to the Netherlands, especially Muslims and Hindus.

The Netherlands’s principled commitment to strong pluralism in education appears to coexist with the reality of constraint. Vermeulen reports that according to Dutch law as it now stands, it would be unconstitutional to inhibit the founding of new Islamic schools based on civic concerns about increased ethnic segregation or about the teaching of intolerant or sexist attitudes: in Dutch law, religious and cultural pluralism trump these civic concerns when it comes to publicly funded schooling. And yet, of the nearly 130,000 Muslim pupils who attend primary schools, only 8,000 attend Islamic schools. What explains the small number of Islamic schools in the Netherlands? For one thing, public authorities insist that teachers in all publicly funded schools must be qualified and certified, and there are very few certified Muslim teachers. Nevertheless, in the Netherlands as elsewhere in

Europe, the prospect of a large increase in publicly funded Muslim schools is a source of anxiety. Explicit and implicit restraints, regulations, and controls impose limits on educational pluralism, and there may be more such controls in the future. In spite of the central principle in the Netherlands supporting strong pluralism, in practice there is less educational diversity than one might expect.

What happens in the tolerant Netherlands when educational pluralism runs into Dutch society's general commitment to nondiscrimination, for example, to protecting the rights of homosexual teachers? So far, Vermeulen explains, the courts have permitted schools to discriminate if they can make a credible case that discrimination is mandated by the principles of their denomination and if they apply those principles consistently. Private schools are likewise allowed to reject pupils on the basis of denominational criteria, subject to the same consistency rule. With respect to curriculum and the amount of time spent on various courses, there are detailed national standards and national examinations, enforced by the Education Inspectorate, which operates under the authority of the Ministry of Education and has a very broad mandate. Charles Venegoni and David Ferrero argue in their commentary that core features of this extensive regulatory regime are instructive for U.S. policymakers. However, the Dutch opposition to state paternalism apparently discourages the promulgation of shared civic values, aside from tolerance: there is no separate subject of citizenship education in the Dutch national curriculum.

In spite of its striking commitment to pluralism, therefore, the Dutch system also is characterized by robust regulations regarding who can teach and what will be taught, and those regulations are enforced by national educational authorities. Freedom of education is one thing, Vermeulen argues, and "absolute educational autonomy" is quite another.

Finally, growing anxieties surround schooling in the Netherlands, and these anxieties seem to be encouraging many to reconsider the possible attractions of something more like the American system of common schooling. Vermeulen deems any revolution unlikely; nevertheless, he does allow that some important changes (such as the creation of more magnet schools) may be a consequence of concerns over the increasing number of separate Muslim schools, which also are predominantly "black."

In the end, Vermeulen argues that at the very least the Dutch experience suggests skepticism is in order regarding fears that an extensive system of publicly funded school choice must strike a severe blow to social cohesion and integration. This is not to say that the Dutch system avoids all of the problems faced elsewhere, including in the United States. Vermeulen expects

that the rising concern with segregation by race and the (possibly exaggerated) fears of the antidemocratic, anti-Western tendencies of some Muslim schools could lead to a greater emphasis on civics in the national curriculum.

Anne Bert Dijkstra, Jaap Dronkers, and Sjoerd Karsten focus on the policy dimensions of school choice in the Netherlands. Public financing of private schooling has been widespread in the Netherlands for more than 100 years. Even though Dutch society has become much more secular over the past few decades, religious schools remain the predominant form of private schools; their continued popularity appears to derive from their willingness to teach moral values explicitly, a subject public schools are thought to shy away from (as in the United States).

Children in Dutch religious schools also seem to learn more than children in both private nonreligious and public schools. This, the authors argue, may be because private religious schools are, to a greater extent than other types, distinctive educational communities in which pupils and teachers share a common ethos. It also appears that the educational performance of all schools is enhanced in areas where they coexist in a “balance of power” and no single type of school dominates the others.

Studies have identified few significant differences between Dutch public, private nonreligious, and religious schools regarding their influence on children’s attitudes and civic values. This may be due to the common curriculum and other public mandates that apply to all types of schools in the Netherlands, as Venegoni and Ferrero suggest. Some evidence suggests that parental choice is leading to greater ethnic segregation within each school sector in the Netherlands. However, Dijkstra and his colleagues point out that where choice of public schools is most widespread, the private school sector is less segregated and elite. In addition, where private schools are most numerous, they tend to be more integrated by race and income.

England and Wales: Broadly Regulated School Choice

Neville Harris describes the legal and policy context of school choice reforms in England and Wales over the past sixty years. Harris’s account is consistent with our central theme: in bringing greater parental choice to education, reformers also brought much greater regulation to nonpublic schools. All government-financed schools (including those that are privately run) are heavily regulated in the areas of initial accreditation, hiring, facilities, and curriculum. Surprisingly—especially to Americans—most government-run schools include Christian religious services and religion classes in their educational program, although children may opt out of services at their parents’ request.

All British schools, even those purportedly independent of the government, are subject to many state regulations and periodic inspection by education officials. State inspectors determine whether a school's facilities and staff meet government standards for promoting learning and protecting the welfare of students and if its educational ethos is "suitable" for creating good citizens. Independent schools with a strong religious culture are considered suitable as long as their students are "left with the capacity to choose some other way of life later on." Promoting a religious and values-laden identity is considered acceptable, but outright brainwashing is forbidden.

In addition to periodic and on-demand inspection, another core element of regulation in the English system is the national curriculum. Curricular requirements cover a broad swath of subjects, from math to citizenship, and they are more or less mandatory. State-operated and -aided schools are required to follow the national curriculum unless they demonstrate, through performance on exams, that their students are performing well on the topics covered. Independent schools are not required to follow the detailed national curriculum, though some do.

Aside from independent schools, England and Wales have offered schooling options that are comparable to U.S. public charter schools of various types. "Grant-maintained" and "foundation" schools are like American public schools chartered by the U.S. Department of Education instead of the local school district. They are the least constrained of English "public" schools, yet they are more heavily regulated than is a typical U.S. public charter school.

In the 1990s, the Conservative government in Britain experimented with a school voucher-type arrangement called the "assisted places" scheme. Government funds allowed some low- and moderate-income students to attend elite independent schools, provided that the students passed admissions tests. The experiment was justified, as Harris describes, partly by the "perception that many independent schools and faith schools in the private sector are particularly attuned to civic values as well as safeguarding minority religious and cultural identities." The assisted places program was phased out by the Labour government beginning in 1997. Nevertheless, recently the Labour party has publicly acknowledged the civic functions of independent schools in promoting social and religious tolerance, providing educational options to parents, and showing state-operated schools how to improve.

Harris asserts that in Britain, parents' choices among state-run schools are somewhat limited and highly regulated. Although parents are entitled to announce a preference regarding the school that their child attends ("open enrollment"), parental preferences need not determine the actual assignment

of a child to a school. The local education authority (LEA) makes the assignments, and LEAs tend to rely heavily on geographical districts (or “catchment areas”), diversity considerations, and the need to fill empty spaces in unpopular schools. This last practice represents a marked deviation from a market model of school choice, where popular schools would be encouraged to expand and unpopular schools would be shuttered. Still, 80 percent of parents report that their first preference for school assignment was honored. Disappointed parents have a right to appeal, a right that nearly 95,000 parents exercised in the 2001–02 academic year. Parents tend to prevail in about one-third of school assignment appeals.

Harris considers the availability of properly regulated school choice in England and Wales, properly regulated, to be a creative vehicle for promoting democratic values. He reminds us that democratic participation is not limited to voting in government elections but also includes decisionmaking and involvement in a number of social contexts. In his conclusion, he argues that “rights of choice can be as much a facet of ‘citizenship’ as of consumerism, because this form of participation brings an extra degree of attachment to the service or institution in question by virtue of the commitment made by the participant.”

Stephen Gorard provides an empirical assessment of the impact of the 1988 school choice reforms on the level of integration in the schools of England and Wales. He concludes, quite encouragingly, that “a considerable increase in choice has not led to balkanization of the school system.” Indeed, the reforms reduced segregation by social class and race, more so in densely populated areas where there were many secondary schools and transportation was easily available. Gorard argues that increased choice has the potential to promote integration. Whether it actually does depends on how choice is structured and how segregated schools were before choice policies were enacted.

Twelve years after parents were given substantial say in what schools their children would attend, the schools of England and Wales were slightly more integrated than they were in the years immediately preceding the choice initiative. Reformers’ capacity to use school choice to promote integration is severely limited, Gorard points out, by the extent of residential segregation: geography is virtually destiny when it comes to the social stratification of public schools. That is true in the United States as well.¹² Therefore, it should be unsurprising that in the United Kingdom the effects of choice on integration, while positive, were small.

National curriculum requirements in the United Kingdom regarding citizenship are general and thematic. Nevertheless, Gorard observes that—as we

will find elsewhere—greater parental choice of schools in England and Wales has tended “to drive schools toward uniformity.” No school wants to disappoint parents by failing to provide a standard academic curriculum, and schools tend to adopt the “best practices” associated with the most successful schools. While critics once argued that increased parental choice would produce diverse kinds of schools with homogeneous student bodies, the reality has been the opposite: there are more diverse student bodies in more homogeneous schools.

Recent government reforms have sought to increase the diversity of public schools in England and Wales. Gorard raises concerns about such an approach, arguing that greater diversity in types of schools tends to be associated with greater segregation by socioeconomic characteristics because parents who share the same preference for school type and theme also tend to come from the same social class.

Belgium: Pluralist Policies and Pluralist Schools

Jan De Groof discusses the case of Belgium, with particular attention to the Flemish region of the country. As in the Netherlands, public financing of school choice is quite common in Belgium, where about 70 percent of elementary and secondary students in the Flemish region attend privately run schools at public expense. Belgians view school choice as a way to accommodate diverse religious, language, and cultural groups and thereby to promote social cohesion. As De Groof reports, educational “neutrality” in Belgium implies respect for “the philosophical, ideological, or religious conceptions of parents and students,” which is demonstrated by deliberately incorporating them into the government-financed school program.

Belgian citizens (again like the Dutch) have the constitutional right to establish a publicly funded school with a distinctive character and ethos. In Belgium, this right to establish schools and the school choice policies that come in its wake are linked to the constitutional right to “freedom of association.” De Groof points out that most of Belgium’s private schools have a specific religious affiliation; however, some are based on nonreligious moral or philosophical precepts, such as secular humanism or the Waldorf-Steiner education model. A small number of Belgian private schools are designated “pluralist” schools whose express purpose is to bring together students from a variety of religious, ethnic, and cultural backgrounds and to foster a free exchange of ideas.

Here as elsewhere, there is a strong regime of public accountability. Education officials in Belgium monitor the quality of private schools by examin-

ing the performance of students on standardized tests. This emphasis on results-based accountability even extends to the area of special education, where schools are evaluated on the basis of the extent to which their disabled students attain specified developmental goals. However, consistent with the muscular pluralism that motivates school choice policies in Belgium, education inspectors are not allowed to regulate the religious or philosophical elements of schools or schooling.

“O Canada”: Choice, Civics, Federalism, and Results-Based Accountability

While some American advocates of vouchers and other forms of publicly funded school choice have cited the Canadian experience as something the United States should emulate, David E. Campbell points out that public policy regarding school choice varies a great deal by province. No Canadian province has anything like a fully developed voucher system, but a number of provinces do use public funds to subsidize religious schools. The very variety of choices does indeed yield some interesting contrasts and at least one important possible lesson (from Alberta) for the United States.

Campbell points out some of the principal ways in which Canadian education policies are shaped by the national experience and by the experiences of the specific provinces that he examines. The original Canadian constitution—the British North America Act of 1867—specified that provinces joining Canada should preserve the religious character of existing schools. But the chief reason for this was to preserve the schools of language minorities in Ontario and Quebec: the French-speaking (and Catholic) minority in Ontario and the English-speaking (and Protestant) minority in Quebec. Canadians generally speak of the civic responsibilities of their school system in terms not unlike those of Americans, except that Canadians generally put more emphasis on multiculturalism and pluralism, especially with regard to language, ethnicity, and religion.

The bulk of Campbell's chapter examines the disparate origins, extent, and nature of public funding of school choice in four Canadian provinces. Newfoundland has recently moved from a system in which all of the province's schools were denominational to a system in which publicly funded denominational schools have been abandoned altogether, largely it seems for reasons of economy. Quebec also recently abandoned its religiously based public school system, in which students had a choice, but only between Catholic and Protestant schools. In Quebec, the motivating factor for instituting a public system was not economy but a civic concern with better

preparing students for “engagement in a democracy rich with diversity,” as Campbell puts it. Nevertheless, the French schools retain their dual linguistic basis, while otherwise standing uniformly for inclusive and democratic values. The province of Ontario recently abandoned its policy of funding both public schools and a quasi-public Catholic system. It now instead gives a tax credit for parents who pay private school tuition. Like other nations, Canada has not extensively studied the civic effects of different forms of schooling. There are anxieties that the Ontario tax credit could lead to the proliferation of new schools subject to little regulation.

Campbell argues that the United States has the most to learn from the Alberta model. Alberta provides public funds for Catholic schools and private schools, including other religious schools. But Alberta also has put in place a curriculum-based exit exam that promises to ensure the teaching of civics to all students and to provide data for evaluating the civic consequences of different school types. Campbell describes and defends Alberta’s essay-based, province-wide exam, arguing that the Alberta model allows for “considerable choice *and* a relatively unobtrusive method—subject to democratic oversight—of evaluating the civic consequences of the choices available.”

Germany: “Private” Schools Complete the Public System

The education system in Germany, according to Lutz Reuter, leans heavily on the country’s federal form of government in seeking to provide schooling that promotes important public values while responding to community preferences, especially regarding religious education. Many decisions are delegated to local and state governments—as they are in the United States—so that Germany has sixteen rather different education “systems.”

Reuter explains that all German states permit parents to choose among schooling options, public and private. While Germany’s constitution declares it to be the right of anyone to establish a private school, educational authorities ensure that private schools do not increase social segregation and that they operate as a support, not a replacement, for the public school system. In practice, this means that private schools must demonstrate that their operation is helpful to public schools—for example, by providing a distinct pedagogical approach that is especially appropriate for slow learners. Most states fund most costs of most private schools after the schools have survived a two-year proving period in which they must rely on their own resources. Students who have completed their course of study at a private school must pass examinations designed and supervised by public education authorities before they can graduate and obtain a diploma.

As it is elsewhere in Europe, religion is taught in German public schools. State-run schools offer denominationally specific religion classes as electives, as requested by local religious groups. Students who do not take religion electives are required to take a secular course on ethics and values. In fact, education law in Germany requires the promotion of a number of important values in all schools, including “respect for God” and “religious, political, and social tolerance.” One might therefore describe the typical public school in Germany as religious, pluralistic, and tolerant. Social cohesion is threatened most, Reuter argues, by ability tracking within the public school system. Public schools in Germany rely heavily on ability tracking in the upper grades, a practice that often promotes class segregation due to the close association between a student’s family background and his or her educational performance (similar effects have been observed in the United States). Most private schools are partially funded by the state, and they are primarily middle-class institutions—not dominated by social elites but with proportionately few poor or immigrant students.

France: School Choice as *Modus Vivendi*

Denis Meuret’s account of school choice in France locates the peculiar (to American eyes) shape of today’s controversies around French education policy in the tumultuous, centuries-long rivalry between the Roman Catholic Church and the modern French state. While church and state in France struggle mightily for the minds and (or) souls of French students, Meuret argues that the two sides have one thing in common: both discount the educational interests of families and children in favor of the corporate interests of the nation or the Church. “In France,” as Meuret puts it, “individuals have to show that they are worthy of their institutions more than institutions have to show that they serve individuals.” With respect to education in particular, both parties utterly dismiss the primacy of parents’ or children’s rights. Meuret quotes a proponent of state authority: “The idea that education has to meet children’s needs, to say nothing of parents’ demands, is considered nonsense.”

In the wake of these struggles, Catholic schools have obtained an acknowledgement of their distinctive identity as educational institutions (“le respect de leur caractère propre”), together with almost total public financing. The current situation in France is one of equilibrium, according to Meuret: existing schools are financed, and it is very hard but not impossible to create new ones. Private schools are seen as a necessary alternative to the public system: while a minority of French students are enrolled in private

religious schools at any one time, many children move into the religious sector temporarily, perhaps when they encounter difficulty in a public school, so a much higher proportion of children have some experience of both school sectors. Catholic schools are a safety valve and a valued alternative, like private schools in Germany, but they also are seen as a sufficient safety valve, and so none of the major political parties clamor for an expansion of choice.

Religious schools are heavily publicly subsidized, but in return, subsidized schools are subject to a range of regulations that seem astonishing from the American perspective. There is one national curriculum and one set of national examinations for all schools. Publicly subsidized schools cannot exclude any student on the grounds of his or her religion, lack of religion, or ethnic origin, and teachers in these schools are recruited among persons who, in brief, pass the same examinations as public school teachers.

In France, as elsewhere, allowing parents and pupils to choose among schools clearly seems to increase their satisfaction with schooling. As Jaap Dronkers points out, some preliminary studies suggest that the public school sector in France is more democratic at the input stage than it is with respect to outcomes. French public schools educate a wider range of students than French private schools, but graduation from a public school depends more heavily on the family background of the student than does graduation from a private school. This “equalizing” tendency of Catholic schools has been observed in the United States as well.¹³ Beyond this finding regarding graduation rates, there are no studies of the long-term impact of school type in France. We are unable to compare different schools’ impact on students in terms of their social values (tolerance, sense of solidarity, sense of belonging, adherence to democratic values, feelings of responsibility, absence of arrogance, commitment to equity), personal traits (ability to take initiative, imagination), or religious beliefs (do Catholic children who enroll in Catholic schools remain Catholic more often when they grow up?); therefore we cannot compare their impact on social cohesion. There is not a strong tradition of school choice within the public sector in France. While greater choice has been allowed recently, little is known about its effects.

Italy: The Great School Choice Challenge

Luisa Ribolzi describes the case of Italy—the only country discussed in this volume that has less publicly financed school choice than the United States—as “the impossible choice.” Still, the Italian case highlights tensions between state and parental authority as well as conflicts between government control and religious freedom that resonate with Americans.

The Italian educational system, Ribolzi recounts, was shaped by the larger political project of building a unified Italian state: education was to play a crucial role in creating a citizenry and a shared sense of national identity from a rather disparate group of regional cultures. In Italy as in Germany, education authorities have permitted private schools to open but the state has retained sole authority to issue diplomas. The motive behind the Italian system, as in centralized public school systems in many countries including the United States, was the desire to promote social equality through standardization of education and to promote community through neighborhood assignment. Unfortunately, Ribolzi argues, the latter goal clearly undermined the former. Furthermore, the insistence on strict value-neutral teaching has resulted in public schools imparting an increasingly thin concept of morality to their students. Foreshadowing points made by Charles L. Glenn in his commentary, Ribolzi views such an educational environment, in which many value-based arguments are ruled out of bounds, as deleterious to the goal of preparing Italian students to be active democratic citizens.

Italy's centralized system of public education succeeded in virtually eliminating illiteracy by the late twentieth century, an important public goal in any advanced democracy. However, Ribolzi argues that the system often has been inflexible and unresponsive to broader social interests, including calls for a greater parental role in decisionmaking regarding education. In her view, the treatment of parents as clients of the state instead of partners in the realm of education has decreased their willingness to serve as active participants in other areas of communal decisionmaking.

Now that the Italian state is established and largely secured from the potentially fragmenting power of regionalism, Ribolzi argues that Italians are wondering whether they might be better served by having more choice in education. Recent legal and administrative changes in Italy have for the first time opened up the possibility that public funds might be used to support private schooling, and more than 100,000 Italians are eligible for modest government subsidies to partially offset the cost of attending nongovernmental schools. It remains to be seen whether this experiment with school choice will take root and grow and whether Italy will join other European states in embracing regulated educational pluralism. In the meantime, Italy remains an exception to the long-standing policies of choice in the other countries featured here. Until very recently, the pursuit of state-sponsored education exclusively through state-run schools equipped Italians with the basic competence to be democratic citizens, but now, Ribolzi fears, the state-dominated system fails to provide Italians with sufficient opportunities to exercise choices to which democratic citizens are entitled.

Private Schooling and Civic Values in Europe: Reviewing the Evidence

School reform debates in Europe and North America commonly assume that religious schools are equal or superior to public schools with respect to both learning, broadly defined, and the acquisition of civic values. That is, of course, a notable change from the perception fifty years ago, at least in the United States.¹⁴ Jaap Dronkers concludes Part 1 by providing an overview of the empirical evidence about the relative effectiveness of public and religious schools in seven European countries: Flemish Belgium, France, Germany, Hungary, the Netherlands, Scotland, and England. He argues that the European evidence on this question should be especially revealing because “contrary to the situation in the United States and England, parents in a number of European societies have long had the opportunity to make a real choice between comparable schools—mostly between public and religious schools—without paying very high school fees for the latter schools.” The heavy subsidies that are provided to both religious and public schools in some European countries should help eliminate some of the “selection bias” that is present when families must pay a significant amount for their children to attend religious schools, as is the case in the United States.

Dronkers provides a brief description of education policies with respect to publicly subsidized and regulated school choice in each of the countries he discusses, including a brief account of the historical events that led to the current state of education policy. He argues that there are clear differences in school success and cognitive achievement in public and religious schools in Belgium, France, Hungary, the Netherlands, and Scotland and that those differences cannot be explained by differences in the social composition of the schools or by obvious social characteristics of pupils, parents, schools, or neighborhoods. The differences in effectiveness are less clear in Germany, although there are some indications of the greater effectiveness of German religious schools.

With respect to the effects of religious and public schools on students’ civic values, Dronkers finds very little difference, though there is less evidence on this score. In Flemish Belgium, for example, Dronkers finds that “pupils from Catholic schools have more or less the same attitude toward abortion, euthanasia, and homosexuality as their counterparts in public schools.” What differences there are among public and religious schools in Belgium appear to be the result not of the religious dimension in religious schools but rather of the fact that public schools have a higher proportion of students enrolled in the vocational and technical track than do religious schools, which offer a general educational track almost exclusively.

Dronkers also emphasizes just how limited the empirical evidence is on the relative effectiveness of religious and public schools in the European countries that he considers, with the Netherlands as a partial exception. In some instances, he points out, the reason is that the division of public dollars between the religious and public sectors is highly politically sensitive. There is a widespread fear in many countries (as Denis Meuret also observed in France) that empirical studies might upset fragile and politically sensitive policy settlements.

What Have We Learned? Experts Weigh In

Part 2 gathers together a set of critical comments and observations on the chapters in Part 1. Our contributors are experts on education policy and law who represent a variety of points of view about school choice and government regulation.

William A. Galston emphasizes the complexities involved in taking seriously the aim of this volume, which is to consider what the United States has to learn from the experience of other countries. The divergent stances toward choice reflected in the preceding discussion reflect different assessments of the education market and different conceptions about the proper relations between groups and the state or the political community as a whole. In France, republicans remain hostile to groups and deeply suspicious of religious schooling, as is amply demonstrated by the intensity of recent controversies surrounding the wearing of head scarves by Muslim girls. In the Netherlands, on the other hand, freedom of education is a revered right. The continuum tracks not simply attitudes toward pluralism and choice, but also toward the extent of public regulation. These two nations help illustrate the opposite poles of a policy continuum on which the United States falls somewhere in the middle. Galston uses this continuum to illustrate competing tendencies in U.S. education policy, which he illustrates by discussing famous court cases concerning legal restrictions on religious schools.

Does the position of the United States between these two poles—neither too French nor too Dutch—lead Galston to conclude (like Goldilocks) that the United States is “just right?” Not quite. Galston emphasizes that each nation’s educational system seems to reflect its own particular history and public culture. It is not easy to detach institutional arrangements from their context, and so we must proceed with caution. Nevertheless, it may sometimes be possible to discover a nugget of exportable policy gold amid a mass of context-dependent idiosyncrasies. An example, Galston argues, is the Alberta model of civic education discussed by Campbell.

Richard W. Garnett examines these questions with respect to the constitutional guarantee of freedom of religion, as he understands it. He welcomes the U.S. Supreme Court's *Zelman* decision, which permits the public funding of religious schools. While granting the legitimacy of the civic mission of American public education—"to create a well-educated and tolerant citizenry"—he warns against "overblown" concerns that vouchers could lead to social fragmentation and intolerance: "Students whose parents are permitted to choose their schools—public or private, religious or secular—are no less tolerant, respectful, decent, and public-minded than today's government-educated children."

In addition, however, Garnett warns of the "regulation, oversight, and homogenization" that often comes with public funding of private education in the countries examined by our authors. The United States should not replicate heavy-handed regulatory requirements that threaten the "mission and freedom of authentically religious schools" or the distinctiveness and independence of private schools generally. The U.S. Constitution "meaningfully constrains" the ability of government to engage in the "ideological commandeering" of private schools—especially religious schools—through regulations accompanying vouchers.

Most controversially, Garnett argues that parents exercising their publicly funded ability to choose among schools should be considered "speakers," protected by the Constitution's First Amendment speech clauses. In Garnett's view, exercising school choice through vouchers should be understood as creating a "public forum" in which private speakers—school administrators and parents exercising choice—convey important messages to children; it is equivalent to the exercise of political speech and therefore should be almost entirely free of government regulation. Garnett argues that such an understanding sets the U.S. Constitution in four-square opposition to the strongly "statist" approach of the French but also in no small measure puts it in tension with the strong regulatory framework of the supposedly pluralist Dutch. Garnett is not specific about what sorts of regulations fall on which side of the line demarcating permissible and impermissible; he instead calls for public deliberation in light of the general principles he has sketched.

Charles L. Glenn views the European and Canadian experiences with school choice as rich with possibility as well as significant dangers for the United States. He obviously sympathizes with the European tendency to base educational pluralism and publicly funded school choice on parents' "rights of conscience." Glenn also claims that government financing of school choice enables schools, both public and private, to be bolder in the degree to which they feature controversial but important subjects in their educational pro-

grams. Governments can require such subjects as sex education or religion to be taught to all students as long as their parents can choose the environment in which instruction occurs. Public schools in the United States are more restricted in what they can teach, Glenn suggests, because parents pressure education officials if their assigned public schools propose to teach potentially uncomfortable topics. His argument here echoes the recent work of Diane Ravitch documenting how value conflicts have resulted in U.S. textbook publishers following the path of least political resistance.¹⁵ The result, according to Ravitch, is educational materials that are both unengaging and uninformative.

Regarding the overall quality of education provided to citizens, Glenn emphasizes that many of the countries featured in this volume require all schools to meet certain educational standards but permit individual schools to choose the methods by which they do so. This approach, mandating outcome but not process, has come to be called “smart regulation” in the public management literature.¹⁶ Even as policymakers strive to be “smart” in regulating school choice, Glenn urges all involved to be reasonable in forming expectations regarding choice. “School choice has not been a disaster in any of our countries,” Glenn observes, “nor has it been a magic solution to problems that are deeply embedded in the nature of the educational system.” More or less effective school choice is a matter of design. Glenn suggests that Americans can learn much from other countries about which approaches to emulate and which to eschew.

John F. Witte continues the discussion of how Americans ought to regulate school choice, arguing that government oversight of schools should be “humble and devolved.” Extremist schools that threaten the U.S. government and democratic values are rare and short-lived, according to Witte: neither the government nor significant numbers of families are likely to support them. Americans therefore ought to design their regulatory system with an eye toward typical, not fringe, schools.

Parents and governments have conflicting values when it comes to schools, Witte argues. Parents with the opportunity to choose their children’s schools tend to value diversity in curriculum and pedagogy, so that they can better match their child’s particular needs with the school best designed to satisfy them. Taxpayers and government regulators may seek more consistency and a greater focus on basic skills due to their interest in equity and in at least minimal competence. The ideal compromise, according to Witte, is for government to regulate all schools in the United States, public and private, but do so with a focus on student achievement and the proper use of

public funds. He is wary of government regulation that would prescribe curriculum or instruct schools on how they must handle religious topics.

Witte expresses concern about recent efforts by the U.S. Department of Education to enforce common standards and accountability requirements on all public schools, warning that U.S. public schools are overregulated while private schools are underregulated. He contrasts this with the situation in most European countries, where, he claims, both public and private schools are overregulated regarding curriculum, teacher qualifications, and admissions. Most important, Witte asserts, “education regulation should primarily be about information.” As long as the public and parents know what different schools are doing and how well their students are achieving, the interest of both are well served in a system of school choice.

The concluding essay, by Charles L. Venegoni and David J. Ferrero, strikes a theme that contrasts with some others in this volume. Venegoni and Ferrero warn against viewing parents as consumers of education. They argue that the success of the Dutch experience with school choice is due not to the market but to “a model of professionally organized centralization.” Far from inhibiting school choice, they argue, the regulatory system contributes to its vitality.

Venegoni and Ferrero echo a common theme of this volume: regulations should focus on outcomes and rely on a system of standards and assessments that are common to all schools, public and private. However, they argue that a common national curriculum—something that the United States has never developed—would be both desirable and helpful to individual teachers, since “most educators share at some level” a set of common aims regarding the education of children. Generally, they argue that students thrive in schools of choice in the Netherlands because of those schools’ commonality, not because of their diversity.

Venegoni and Ferrero argue that extremist schools are a greater threat to U.S. society than John Witte would have us believe. They join Richard Gannett in wondering whether a system of extensive government regulation securely established in law, like that in the Netherlands, can be achieved in the U.S. constitutional context.¹⁷ In the end, Venegoni and Ferrero wonder how best to realize an educational system that attains “that hitherto elusive combination of freedom and cohesion, fairness and excellence.”

We join our collaborators in this project in posing that central question. What combination of choice and regulation, legal limits, requirements, tests, and incentives will allow U.S. society to realize all of its important public educational values? Our authors do not agree, and we know that this volume will not settle the controversies surrounding public funding of school choice.

We do hope that readers will think more creatively about the available options after having seen how some other advanced democracies have implemented strong public policies making school choice an integral part of public education.

Notes

1. Abraham Lincoln, "The Perpetuation of Our Political Institutions," address before the Young Men's Lyceum of Springfield, Illinois, January 27, 1838, in Roy P. Basler, ed., *The Collected Works of Abraham Lincoln* (Rutgers University Press, 1953).

2. Edward B. Fiske and Helen F. Ladd, *When Schools Compete: A Cautionary Tale* (Brookings, 2000).

3. But see Stephen Gorard, chapter 5 in this volume, for a critique of Fiske and Ladd's research methodology.

4. Martin Carnoy and Patrick J. McEwan, "Does Privatization Improve Education? The Case of Chile's National Voucher Plan," in David N. Plank and Gary Sykes, eds., *Choosing Choice: School Choice in International Perspective* (New York: Teachers College Press, 2003), pp. 24–44.

5. See National Working Commission on Choice in K–12 Education, *School Choice: Doing It the Right Way Makes a Difference* (Brookings, 2003).

6. Regarding the last point about policy compromises, see Terry M. Moe, "The Politics of Bureaucratic Structure," in John E. Chubb and Paul E. Peterson, eds., *Can the Government Govern?* (Brookings, 1989), pp. 267–329.

7. *The D.C. School Choice Incentive Act of 2003*, H.R. 2673, title III, secs. 301–10.

8. Alan Wolfe, *One Nation After All* (Viking, 1998).

9. See Stephen Macedo, "Constituting Civil Society: School Vouchers, Religious Nonprofit Organizations, and Liberal Public Values," *Chicago Kent Law Review*, vol. 75, no. 2 (2000), 417–51.

10. Stephen G. Gilles, "On Educating Children: A Parentalist Manifesto," *University of Chicago Law Review*, vol. 63 (Summer 1996). For a critique of Gilles's argument, see Stephen Macedo, *Diversity and Distrust: Civic Education in a Multicultural Democracy* (Harvard University Press, 2000), pp. 241–44.

11. See the poll results in Terry M. Moe, *Schools, Vouchers, and the American Public* (Brookings, 2001). Moe finds among other things that Americans generally have positive attitudes toward their own public schools if not the public school system as a whole: only about 25 percent of parents are unhappy with their own children's public schools. Since a majority of Americans are unsatisfied with the education system in America, that figure might be considered surprising—comparable to the phenomenon that voters hate Congress but love their own congressman or congresswoman.

12. The sociologist Douglas Massey developed the index mentioned as a way of measuring residential segregation; see Douglas S. Massey and Nancy A. Denton,

American Apartheid: Segregation and the Making of the Underclass (Harvard University Press, 1993).

13. See James Coleman, Thomas Hoffer, and Sally Kilgore, *High School Achievement* (Basic Books, 1982); and Anthony S. Bryk, Valerie E. Lee, and Peter B. Holland, *Catholic Schools and the Common Good* (Harvard University Press, 1993).

14. See Bryk, Lee, and Holland, *Catholic Schools and the Common Good*.

15. Diane Ravitch, *The Language Police: How Pressure Groups Restrict What Students Learn* (Knopf, 2003).

16. See Malcolm K. Sparrow, *The Regulatory Craft: Controlling Risks, Solving Problems, and Managing Compliance* (Brookings, 2000).

17. But see Macedo, "Constituting Civil Society," for a contrary view.

