

BASIC EDUCATION AS A HUMAN RIGHT

Larry Willmore

The Universal Declaration of Human Rights promises free elementary education and free choice of the type of education. International fora emphasise the first right while neglecting the second. This is unfortunate, since school choice can reduce costs and increase the attractiveness of an educational system. This essay examines arguments for limiting choice of free education, often to schools owned and operated by the state. It finds each of them to be unconvincing.

Introduction

The Universal Declaration of Human Rights, adopted in 1948 by 58 member states of the United Nations General Assembly, recognises basic education as a human right and calls for primary education everywhere to be both compulsory and free (Article 26i). Education, of course, is not literally free; funds are needed to pay teachers, build schools and purchase supplies. What is meant is that basic education is to be financed by general taxes rather than by user fees.

The General Assembly did not set a timetable for action, but it eventually became evident that progress in reaching the goal of free and universal education was painfully slow. Four decades after adoption of the Universal Declaration of Human Rights, more than 100 million children had no access to primary schooling, and millions more attended schools that failed to equip them with even minimal levels of literacy and numeracy. In 1990, delegates from 155 countries and representatives of 150 organisations met at Jomtien, Thailand, at the World Conference on Education for All, and pledged to provide basic education for all – youth and adults as well as children – by the year 2000.

Once again, progress was slow; consequently, the goal of ‘education for all’ was not reached. The number of children in school increased from 599 million in 1990 to 681 million in 1998; but the number of children out of school also increased, from 100 to 113 million, and adult illiteracy remained high. Everywhere there is a large wealth gap – children out of school are predominantly from families living in poverty – and there is a gender gap as well in Western and Central Africa, North Africa and South Asia, where children out of school are disproportionately female (Filmer, 1999).

At the World Education Forum 2000, in Dakar, Senegal, delegates moved the target for achieving

quality basic education for all to the year 2015. The General Assembly, in its Millennium Declaration of 8 September 2000, gave a high profile to this target by agreeing:

‘To ensure that, by the year 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling and that girls and boys will have equal access to all levels of education.’

This goal was less ambitious than that set in 1990, for the target date was 15 years distant, rather than ten, and there is no mention of providing basic education to illiterate or innumerate adults and youth. Nonetheless, reaching the goal will not be easy, ‘for in developing countries, one child in three does not complete five years of schooling’ and ‘the quality of education remains low for many’. The strategy for reaching this target involves ‘urging national Governments, local communities and the international community to commit significant resources towards education such as school buildings, books and teachers’ (United Nations, 2001).

Fortunately, improving the *quality* of schools increases very much their attractiveness to students. Unfortunately, increased expenditure alone is not likely to produce significant improvements in quality. This is very clear in the *Public Report on Basic Education in India* (Probe Team, 1999), and from earlier work of Drèze and Sen, who conclude that ‘it would be naïve to think that India’s educational achievements can be transformed simply by spending more, and especially by spending more on the same – or a smaller number of – teachers. Achieving a real change in the situation of primary education in India is a much more demanding task’ (Drèze and Sen, 1995, p. 123). This essay concentrates on India because that large country is home to a disproportionate number of the world’s illiterates and because the Probe study leaves

many questions unanswered. Nonetheless, the problems of India exist elsewhere, though not always in such stark relief.

School choice

The Universal Declaration of Human Rights also guarantees parents the 'right to choose the kind of education that shall be given to their children' (Article 26iii). This right is violated in virtually every country on earth, yet delegates to Jomtien in 1990 and Dakar in 2000 ignored freedom of choice, as did the General Assembly in its Millennium Declaration of September 2000.

India, like many countries, violates rights of parents by restricting choice to government schools, forcing those who are dissatisfied with the tax-financed service to pay full tuition fees at private schools. How good are government schools in India compared with those that are privately run? The Probe Team sought to answer this question by visiting, unannounced, 195 government schools and 41 private schools in 188 villages of four, educationally backward states. In half of the government schools they found no teaching activity at all at the time of the visit. Moreover, this pattern of idleness 'is not confined to a minority of irresponsible teachers – it has become a way of life in the profession' and is characteristic even of government schools with good infrastructure, adequate books and a relatively low pupil/teacher ratio. In contrast, they found a 'high level of teaching activity in private schools, even makeshift ones where the work environment is no better than in government schools'. The report stresses:

'the key role of accountability in the schooling system. In a private school, the teachers are accountable to the manager (who can fire them), and, through him or her, to the parents (who can withdraw their children). In a government school, the chain of accountability is much weaker, as teachers have a permanent job with salaries and promotions unrelated to performance. This contrast is perceived with crystal clarity by the vast majority of parents.'

The conclusions of this report are also discussed in the articles by Tooley in this collection.

Parents in the above-mentioned 188 villages enrol a large number of their children (18% of all who attended school) in one of the 41 private schools, even though 26 of them are not recognised by government, which means that they cannot confer diplomas. Another 13 are recognised but receive no government aid, while only two receive any aid from government (Probe Team, 1999, pp. 63–64).¹

The poor cannot afford high tuition fees. In Indian villages, however, fees at private schools are low, much lower than the cost to taxpayers of government schools, in large part because 'private-

school teachers . . . receive very low salaries – often less than one-fifth of the salary of a government teacher with similar teaching responsibilities' (Probe Team, 1999, p. 104). Because tuition fees are low, 'even among poor families and disadvantaged communities, one finds parents who make great sacrifices to send some or all of their children to private schools, so disillusioned are they with government schools' (ibid., p. 103). Nonetheless, the very poor, realistically, face a choice of attending the government school or dropping out, and many opt for the latter. If tuition fees were reduced or eliminated at private schools, more parents would no doubt keep their children in school.

The Probe Team is sincere in its desire to make schools and teachers accountable to parents, yet insists that this be accomplished through collective action, without turning to private schools. It is, of course, *possible* for parents to make government schools accountable to their needs, as success in the Indian states of Kerala (Drèze and Sen, 1995) and Himachal Pradesh (Probe Team, 1999, pp. 115–127) demonstrates. But political action is not easy in a country where 'neglect of elementary education has been a persistent feature of public policy in most states since independence' (Probe Team, 1999, p. 131).

An easier and direct way to empower parents is for the government to be prepared to pay the tuition fees of any student at a competing, private school up to the amount it spends on the student in an official school. The Probe Team rejects this option. It paints a vivid picture of failed government schools operating next to thriving, low-cost private schools, yet adamantly insists that no taxpayer money should go to private schools.

Arguments against school choice

This essay is about school choice, not about who should pay for education. The author accepts that there are valid reasons to finance basic education using taxpayers' money rather than user fees. The question addressed, then, is not why government finances schools, but rather why government finances only a subset of schools, typically those it owns and operates. For most goods and services, expanded consumer choice translates into greater welfare. What is different about education?

The Probe Team (1999, pp. 105–106) opposes public finance of private schools on grounds that private education has 'serious limitations':

1. Private teachers prepare students only to pass examinations, so they 'have little reason to promote the personal development of the children . . . or to impart a sense of values'. Values are not defined, but the authors of this report presumably have in mind education in the common values of society.

2. Since 'private schools often take advantage of the vulnerability of parents', government must protect children from poor choices of their parents.
3. 'Private schooling remains out of reach of the vast majority of poor parents, who cannot afford the fees and other expenses'. As a result, 'children enrolled in private schools come mainly from better-off families'. This, presumably, is objectionable only on egalitarian grounds. The Probe Team makes this argument explicit in what they list as a *fourth* danger of private education: it 'may lead to a very divisive pattern of schooling opportunities, with better-off parents sending their children to private schools while poorer parents are left to cope with non-functional government schools'.

We examine each of these arguments in turn.

Impart civic values (civic education)

The desire to transmit common values to children is the oldest argument for state control of education. It is for this reason that Aristotle, like his teacher, Plato, disliked the schools of his day, which were private and independent of government. In 350 BC, Aristotle drafted this forward-looking piece of advice:

[I]t is manifest that education should be one and the same for all, and that it should be public, and not private – not as at present, when every one looks after his own children separately, and gives them separate instruction of the sort which he thinks best; the training in things which are of common interest should be the same for all. Neither must we suppose that any one of the citizens belongs to himself, for they all belong to the state . . .

(Aristotle, 1905)

The pronoun 'himself' is deliberate; women were not citizens in ancient Athens, so were thought to have no need of education. This applied as well to slaves and other non-citizens.

Today, much has changed: state schools dominate, and they educate girls as well as boys. But some things remain the same: champions of government schools continue to invoke the 'civic education' argument in their defence (see Kremer and Sarychev, 2000; Macedo, 2000; Gradstein and Justman, 2002; Pritchett, 2003).

There are three problems with this view. First, the 'civic education' argument should call not only for government schools, but also for compulsory attendance at those particular schools to ensure that all students are taught the same common values. In practice, attendance at government schools is rarely compulsory. Most governments allow parents to pay private tuition at a school of their choice, and some

allow home schooling as well. Second, it seems inconsistent with decentralised systems of education in nation-states such as India, Canada and the United States of America, where the school curriculum is far from uniform across states, provinces or municipalities. Third, and most importantly, it assumes that governments can control the curriculum only if they own the schools. Large bureaucracies have a life of their own; state school teachers, in particular, are prone to form powerful unions and are not easy to control. Paradoxically, it may be easier for government to control *private* schools, by threatening to revoke licences if specified standards are not met (see Gintis, 1995; Shleifer, 1998).

Apart from the question of whether ownership or regulation of schools is the best way to transmit uniform values to pupils, there remains the much broader issue of whether such a goal is desirable. The Universal Declaration of Human Rights is not supportive of this agenda, for it is a liberal document that respects individual preferences even when these conflict with collective values of the nation-state.

Protect children

A second argument against school choice asserts that parents in general are not capable of choosing wisely the education that is best for their own children, so government ought to make this choice for them (for a clear statement of this view, see the remarks of Professor John F. Covalenskie in Glass, 1994; see also Dwyer, 1998; Barry, 2001). This is different from the 'civic education' argument for, under this criterion, government intervenes in the interest of individuals, not in the interest of society as a whole. In effect, the state behaves as a loving parent to all children, so this can be described as a *paternalistic* argument for government schools.

No doubt *some* parents are unable, or unwilling, to make an informed choice of school for their children. Does this justify taking away from *all* parents their right to school choice? In other aspects of child welfare, such as food, shelter and clothing, parents are given the benefit of the doubt. The state assumes custody only of those children whose parents are unable or unwilling to provide for them. The state does not take on the task of supplying food, shelter and clothing to *all* children.

In any case, it is possible to address paternalistic concerns of society with measures that fall short of denying school choice to all parents. Government can insist on minimum standards before licensing a school, eliminating the possibility that a parent can make a truly bad selection. It can punish schools that mislead or misinform parents of prospective students, publicise the results for each school of standard examinations of its students, and prohibit spending of public money for purposes unrelated to education. It can go even further and specify a core

curriculum for all schools. Regulation has its cost, however, which takes the form of restricted choice. The heavy hand of regulation can eliminate choice just as effectively as restricting finance to government schools does.

Promote equality

The idea of promoting equality of opportunity through education is based on the following argument. Markets are inevitably inequitable because they distribute goods and services in a very unequal fashion. To ensure equality of access to secondary and higher education, all children should receive the same primary education. This can be guaranteed only with government schools. If people are given the freedom to choose among competing schools, they will sort themselves by social class, ethnic group or level of ability, thereby harming those who end up in schools filled with students of low social origin and limited intellectual talent. In the words of one opponent of school choice, 'once we have isolated most low-income children "in their own schools" it will be difficult to sustain the significantly higher-than-average expenditures such children need to receive a quality education. This, in turn, means that all children in public schools that serve low-income students will have a lower quality education than they now have' (Hawley, 1995).

The 'equality of opportunity' argument is well intentioned but misguided, for it is based on a false premise. Government schools do *not* guarantee equality of opportunity for children, despite the best efforts of policy-makers. Families sort themselves geographically by social class and by ethnic group when they choose their place of residence. Parents prefer to send children, especially young children, to a school near their place of residence, so some schools end up with disproportionate numbers of deprived children whereas others receive disproportionate numbers of privileged children.

Governments can reverse the effects of geographic sorting by transporting children to distant schools, thus obtaining, across schools, greater uniformity in the social class and ethnic origin of students. This is disliked by parents, especially parents of small children. An alternative way to promote equality is to ensure that all schools, regardless of the ethnic or social composition of the student body, offer the same standard of education. This requires directing a larger share of resources to schools that enrol large numbers of deprived children. This is also difficult, for such measures can be resisted by competent teachers, who resist transfers to difficult schools, or thwarted by parents who contract private, supplemental tutoring. Another tactic used by articulate and educated parents is to stay in the state system, but capture the schools for their own interests, which may conflict with interests of the poor and the ethnic minorities.

One way this happens is with the introduction of 'streaming', the separation of students by ability, which results in their separation by social strata as well. More resources can then be channelled to the 'high performing' stream of students, at the expense of other students in the school.

Government schools, for many reasons, fail to provide equality of opportunity to the children they serve. Markets, on the other hand, can be beneficial for the poor because markets are inequitable only if there is an inequitable distribution of purchasing power. So long as there is government finance of education, the market for education can be made as equitable as one likes. One proposal is to issue each child in the nation a voucher of the same value, to be used for payment of tuition fees at any state or private school (Gintis, 1995); for an alternative proposal, see Reich (2000). Exceptions could be made for children with learning disabilities or special needs, who would be eligible for a larger voucher. To keep this system egalitarian, it is important to prevent schools from charging fees in addition to the voucher. Otherwise, political pressure might lead to a reduction in the size of the voucher, thus segregating the poor in substandard schools while the middle-class and wealthy add to their vouchers at better schools.

Voucher schemes, then, are not inherently egalitarian or otherwise: it depends on their design. From an egalitarian perspective, the worst possible scheme is one that exempts government schools from the voucher system, and provides partial vouchers, insufficient to cover full tuition, to students who transfer to private schools. These vouchers are worthless unless parents supplement them with money of their own. The consequences of such a scheme would be a flight of children of middle- and upper-class parents to private schools, leaving the poor without any meaningful choice. Introduction of a market does lead to greater inequality in this instance, but only because the poor lack effective purchasing power.

To sum up, those who have the interests of the disadvantaged at heart should not oppose school choice. Rather, they should work to design systems of education and finance that favour the poor, the inarticulate and the underprivileged, in contrast to current systems that so often trap children in failing schools and allow meaningful choice only for the wealthy, the articulate and the privileged.

Conclusion

The Universal Declaration of Human Rights promises (1) compulsory, free education for all children at the elementary level, and (2) free choice by parents of the type of education given to their children. Failure to educate all children has received much attention, most recently in the Millennium Declaration of the United Nations General Assembly. Failure to allow freedom of choice, in contrast, has received little

attention in international fora, even though this human right, without question, is violated more frequently than the right to free education. This neglect is unfortunate, since school choice is known to improve the quality of education in general and in state schools in particular by making them more accountable to parents and students (Angrist *et al.*, 2002; Hoxby, 2003). Better schools are more attractive to students, who are more likely to enrol, and less likely to drop out. Best of all, school choice is one reform that can be carried out at little or no cost to taxpayers.

Why, then, do governments everywhere restrict parents' choice of free education, often to schools owned and operated by the state? This violation of a basic human right is so widespread that many today do not question its wisdom or its morality. Intellectual arguments in support of suppression of school choice are three in number. First, it is said that society must transmit common values to all children, and only government schools are able to carry out this task. Second, the state must protect children from the ignorance of their parents, who might make poor choices. Third, government schools are necessary to promote equality of opportunity by providing each child with the same standard of primary education.

This essay has shown that none of these arguments justifies government monopoly of taxpayer-financed schools. Increased choice improves the quality of schools, especially in the eyes of parents and students, while finance (vouchers) can be as egalitarian as is desired, and licensing can be used to address collective concerns regarding civic values and minimum standards.

Many years ago, Mark Blaug wrote, 'What needs to be explained about formal schooling is not so much why governments subsidise it as they do, but why they insist on owning so much of it in every country in the world' (Blaug, 1976, p. 831). Economists are still searching for a compelling explanation.

1. Despite its title, the Probe report is not an official publication. Rather, it is the product of a team working in association with the Centre for Development Economics at the Delhi School of Economics, University of Delhi.

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Larry Willmore is formerly of the UN and is now Research Scholar at the International Institute for Applied Systems Analysis (IIASA), Laxenburg, Austria.