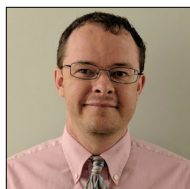




“Yes, but...” Yes, and...” - A Sympathetic Challenge (and Reframing) of Matusov’s “The Right for Freedom of Education”



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Abstract

In this response to Matusov's "Right for Freedom in Education," I will offer two “yes, but...” concerns about crucial complexities of this freedom that I think Matusov leaves unaddressed, and a “yes, and...” alternative pragmatic justification of this freedom that differs from, but I think is more compelling than, Matusov's.

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In “A Right for Freedom of Education,” Eugene Matusov lays out a case “that students must have to freely define their own education.” He lays out four types of education (training, closed socialization, open socialization, and critical examination), and argues why students’ rights to define how, whether, and when to engage in these forms are necessary for true education in each form. He then argues against several foreseeable objections.

At the outset, I must say that I am sympathetic to Matusov’s overall case; I believe that students, as much as possible, should have the freedom to define their educational trajectory. I will offer here two “yes, but...” concerns about crucial complexities of this freedom that I think Matusov leaves unaddressed, and a “yes, and...” alternative pragmatic justification of this freedom that differs from, but I think is more compelling than, Matusov’s.

“Yes, but...” 1: What is a Student?

As detailed as Matusov’s defense is of students’ rights to educational freedom (RoEF), he does not seek to lay out what we do and don’t mean by “student.” We shouldn’t expect authors to define each term used in their argument with full precision. Yet, in this case, the lack of definition is crucial. Saying that all adults have the right to enter into contracts means nothing without a delineation of what an adult is, and

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similarity, we cannot make sense of what it means for students to have an RoEF without knowing who is and isn’t a student.

As I write this, my family has an infant foster-daughter in the house. Regularly, we violate her RoEF by forcing her into “tummy time;” we put her onto her stomach so that she can strengthen muscles necessary for crawling and gain necessary practice being on her stomach. Her forceful cries during this process tell us that this educational experience (we’ve tried in vain to explain to her that it is an “opportunity”) is entirely against her will. The question is whether she is a student in Matusov’s relevant sense. Certainly, she is a learner. (Arguably, infants are tremendous learners.) But is it possible that not all learners qualify as the type of students who should have an RoEF? Moreover, if Matusov persuades me that she is indeed a student with an RoEF, I would still likely not follow his advice, leaving her entirely free of unasked-for intervention. The law would (rightly) call that child neglect.

I suspect that for Matusov’s case to work - and to explain why our infant is a learner but not an RoEF-entitled student - we need to define “student” by appealing to the capabilities we (parents? society? government?) believe are prerequisite to the ability to exercise these rights. To have a sensible idea of a right to free contract, for example, we must imagine that the rights-bearers can likely do the things necessary to exercise the right: read written contracts, understand and entertain contractual terms, have the self-restraint to bind themselves to the terms of the contract in the future, etc. Otherwise, allowing the right to free contract to those manifestly without the capabilities for its exercise would be, at best, meaningless and, at worst, a right to be swindled, exploited, or unaided.

I think a similar thing applies here. There is disagreement over what cognitive powers infants have (and how developed they are), but we can certainly say that infants cannot do a multitude of things that are likely necessary to effectively exercise an RoEF - communicate anything more complex than a cry, identify anything beyond the most simple interests, use their bodies to act on (let alone imagine how to act on) these interests, etc. The questions Matusov needs to address are what capabilities are required for learners to benefit from an RoEF, and how to use that set of capabilities to delineate who are and aren’t students entitled to an RoEF.

When Matusov gives examples of students exercising the right to education, in fact, he does so exclusively by reference to undergraduate students who presumably have the capabilities that would need to preexist for exercise of educational rights. He describes how his own college students use their freedom to navigate his college level course, a course that provides them much guided choice. Yet, we can assume that most of these students went through a coerced system of k-12 education Matusov rejects. An interesting upshot of his case is that, if it true, as he says early in the paper, that “education requires freedom” - that coercion rules out actual education - Matusov would have to argue the questionable position that these 18+ year-olds are little more educated than **my infant foster-daughter**.

“Yes, but...” 2: The Justification is Unclear

Early in the article, Matusov writes: “My justification for the thesis is existential rather than pragmatic or liberty-based. I am not going to argue here that students’ freedom of education will pragmatically improve educational outcomes, although it might be often true.” Nor is he making an argument that some conception of liberal rights demands that students have an RoEF. “In contrast, I argue here that students’ right to freedom of education is the essence of education itself. In other words, I argue that education requires freedom. Education requires students to define their own education.”

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There are two difficulties with this justification. The first is that as an empirical matter, it is untrue. I’ve heard and read stories from many people who recall having benefited educationally from learning paths they were forced to march. Matusov himself writes of an experience that disproves his justification when he recalls being coerced to learn English in the Soviet Union. He writes that he did not enjoy learning English in this way and that he did not learn it as effectively as his wife, who learned English without coercion. But it does seem - Matusov does not say otherwise - that he did in fact learn the English, and this must mean that education did not in that case require freedom.¹

The second problem with his existential justification is that throughout the paper, he seems exclusively to rely on the pragmatic justification he says he is not making (and without that pragmatic justification, his argument would be less convincing.) For instance, when justifying why a right to educational freedom is justified in cases of “open socialization” (learning socialization into situations where rules are ill-defined or negotiable, like learning to converse) he writes that open socialization requires creativity, and creativity requires freedom:

Creativity is out-of-box thinking, feeling, relating, talking, imaging, and acting. It involves a student’s transcendence of the given – mostly the socially and culturally given on the macro or micro scales—recognized and appreciated by other and/or the student themselves. Creativity and, thus, open socialization require the student’s freedom to define what creativity and open socialization are, – hence, their own education (p. SF7).²

Similarly, in justifying why this freedom is required for “critical examination,” Matusov writes that for critical examination to take place, it “cannot not be assigned by the others, but only self-assigned.” For me to critically examine something, the question being examined must be mine rather than one imposed on me.³

Even if we agree with both justifications, the problem is that they are irreducibly pragmatic, outcome-focused. The arguments both say that for education in x to be possible or of good quality, the best outcomes will come through route y (freedom), and hence, the goodness of y route is largely or wholly tied to how well it can bring about x. Suppose we agree with Matusov that learning for “open socialization” requires creativity and that the justification for student RoEF here is that freedom allows for and leads to creativity. We can at least imagine a situation where we leave students free in “open socialization” learning but witness no resulting creativity. Based on Matusov’s justification above, it would be hard to argue that the value of freedom does not depend on it leading to the result of creativity.

That Matusov generally relies on pragmatic arguments for student freedom is important. Why? Because even though Matusov seems to want to couch this right to freedom in outcome-neutral language, it is an impossible task. All attempts to say what education is and what conditions are required for it - let

¹ Matusov could retort that he was trained, not educated, in English. To do that, though, I suspect he would have to invoke a definition of “education” that bakes freedom as a necessary condition into the definition itself, thus making his point trivially true: “If we define education so that any ‘education’ where the learner isn’t free doesn’t count, it will be, by definition, that education requires freedom!”

² It should also be noted that the sentences in this passage problematically contradict each other. The first and second define what creativity is and the third argues that what creativity is must be defined by the student. This is problematic as it leaves open the question of how we, in fact, know whether students learning “open socialization” in freedom are in fact doing so creatively, which Matusov argues is necessary for such learning.

³ This idea is arguably false because it contains a false choice between “self-assigned examination that will be felt by the inquirer as a question worth critically examining” and “other-assigned examination that can’t be felt by the inquirer as a question worth critically examining.” The missing third option - the reason education need not require freedom - is “Other-assigned examination that the assignee comes to be interested in enough to reflect on.” It may be more likely that self-assigned questions will be the most interesting to the inquirer, but it is possible that other-assigned - even imposed - questions can come to the inquirer to be worth examining and appropriated AS IF it were self-assigned.

alone differentiating, as he does, legitimate from illegitimate educational paths - demand the use of outcome-focused thinking. If the goal of education is to allow for student flourishing, for instance, we have to have some guiding idea of what flourishing does and doesn't look like (otherwise, we could not be able to tell that any method of education seems superior or inferior to another). One can be comparatively strict or loose, inelastic or elastic, monistic or plural in what one thinks the outcomes of education should be (and I recommend loose, elastic, and plural), but all arguments for how education should proceed - even Matusov's - will unavoidably be hitched to its **ability to produce some specifiable outcomes.**

“Yes... and” 3: A Different Grounding

To conclude, I will offer an alternative vision of how to ground students' RoEF, one I think is more **plausible and realistic** than Matusov's.

I join Matusov in embracing a (Berlinian) value pluralist conception of what the legitimate outcomes of education should be: people can and should be able to live many different kinds of lives, and education should allow for a wide plurality of different paths for students. **(Yet, I also agree with Matusov that there must be limitations on what types of educational paths should be off-limits as “illegitimate,” though I think this admission is less a problem for my justification than Matusov's.)**

Instead of suggesting that education can only take place with the necessary condition of freedom - clearly false, as I've argued - I argue that epistemically, it is advisable to allow **decisions about education to be made by (a) those who have the most stake in the result and (b) the most local or personal knowledge that should bear on the decision.** That is, the child is generally (a) the one who is primarily affected by her education and (b) **generally has the most knowledge about what learning and methods she will find most engaging and useful.** A good summary of this type of liberal approach comes from economist and philosopher Friedrich Hayek: **“The true basis of his [the liberal's] argument is that nobody can know who knows best and that the only way by which we can find out is through a social process in which everybody is allowed to try and see what he can do.”** (Hayek, 1948, p. 15). Philosopher John Lachs summarizes the point similarly: **“For the most part, being oneself, day and night gives one a privileged view of what satisfies; there is little basis for substituting the judgment of others for our long experience and considered opinions”** (Lachs, 2014, p. 9).

One could, of course, argue that experienced adults are more likely to know what students will need in the future, and that this suffices to justify supplanting student judgement with force by adults. A necessary component to my modified argument, then, is the idea that it is quite feasible for students, as they grow, to identify and learn need-to-know things as they need them. In other words, **leaving them free from educational coercion allows students to use their capabilities to learn what they need when they need, or discover an interest in, the learning.** Literature on this approach is growing, confirming its viability as a way to prepare children into adulthood (Greenberg & Sadofsky, 1992; Llewellyn, 2005; Riley & Gray, 2015; Thomas & Pattison, 2008).

Articulating the details and parameters of my epistemically pragmatic justification is beyond the scope of this reply, but I think it improves on Matusov's justification. **First, it unabashedly places the freedom from coercion on pragmatic grounds: freedom works because it will likely yield better results for learners than coercion because it allows the individuals who have the most “skin in the game” to operate on the knowledge they possess about themselves that others can't or likely won't have.** This pragmatic justification need not rely on the false idea that freedom is a necessary condition for education, but only acknowledges that while others may indeed know what is best for us at times, it is more likely in any given case that they

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do not. That some look back on imprisonment as a positive transformative experience does not justify mandatory imprisonment for everyone. That some have retrospectively profited from a forced education does not invalidate the idea that freedom is still the best policy. With my epistemically pragmatic justification, an RoEF is justified because it puts the educational decisions in the hands of those we should suppose on balance are in the best position to make them. (More experienced adults or educational experts can surely consult and advise, but the decision itself should be placed with the student herself, as long as we have reason to think she has the capabilities necessary to use her RoEF.)

Lastly, because my justification is pragmatic, it can and should be sensitive to rights’ dependency on capabilities. The reason why I can coerce my infant into “tummy time” is because our best knowledge of infants tells us that she does not have the capabilities necessary to appraise what she will need to know, the bodily ability to act on her interests (or think through how to do so, or enlist others to aid her beyond the most basic cries for help), etc. The older she gets or the more she can demonstrate to concerned parties that she is increasingly capable of such things, the easier it is to justify this pragmatically-grounded approach to freedom.

One can, of course, object that because this freedom is pragmatically grounded, it is less secure and potentially “up to” the judgment of others besides the student. (“You use your freedom to choose unwisely in my judgment, and therefore, I will not let you choose anymore.”) My pragmatic grounding does leave freedom vulnerable. Yet, no philosophy can make freedom invulnerable, and arguably, my pragmatic justification leaves the RoEF vulnerable at the opportunity of making it feasible and worth having. If we imagined a world where students have an RoEF, where the freedom persistently left people ill-equipped for and/or unhappy with life, Matusov would have to continue advocating for the RoEF because results don’t affect the validity of the right. I, the pragmatist, would concern myself with flourishing and happiness first, and reappraise the “shape” of the RoEF accordingly.

It might also be true that my pragmatic justification for an RoEF leaves this freedom vulnerable to the judgment of whoever is in a position to grant and rescind it. Yet, so does Matusov’s! Matusov leaves it entirely to these people - not the learner - to decide such things as what educational paths are legitimate or not, for instance. If there is a concern that my theory provides grounds for illiberal folks to rescind student rights to freedom on paternalistic grounds, we can easily imagine those illiberal folks could do the same if granted by Matusov the power to determine what education are legitimate and not. That these rights are vulnerable to paternalistic rescindment is not a problem philosophy can solve. The only thing that can prevent the problem is that whoever is in a position to rescind or grant the RoEF is of a certain liberal temperament and interprets whatever justifies the right in a liberal way.

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