

FREE TO LEARN: THE RATIONALE FOR LEGALIZING HOMESCHOOLING IN ALBANIA

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Abstract: *In the years following the collapse of communism in 1991, Albania allowed greater freedom in educational choice by abolishing the government monopoly on education and allowing private schools to operate. However, it is only now, two decades after the fall of communism, that Albania is moving towards officially recognizing the most natural and fundamental option for educating its citizens – allowing parents to educate their children at home. By looking at homeschooling from the perspectives of student achievement, individual freedom, and natural rights, this paper will show that it is good and proper for Albania – and all countries worldwide – to legally recognize the natural right of parents to homeschool their children. While homeschooling is the best option for some children, it may not be the best for all children. Homeschooling should be one option alongside public schools, private schools, private tutoring, and distance-learning programs. While this article focuses on homeschooling in Albania, relying on research from North America, it contributes to the wider discussion of homeschooling policy in Europe, where policies range from homeschooling being largely illegal in nations such as Bulgaria and Germany to being freely permitted with minimal regulation in a nation such as the United Kingdom.*

Keywords: *homeschooling, home, schooling, education, legal, achievement, check, restrain, government, special interests, natural law, parental, rights, Albania, Europe*

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Parents have a prior right to choose the kind of education that shall be given to their children.

Universal Declaration of Human Rights

Parents, or as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

Convention on the Rights of the Child

If the government would make up its mind to require for every child a good education, it might save itself the trouble of providing one.

John Stuart Mill

In both the egalitarian philosophy of communism and the current philosophy of capitalism and social democracy, the reason for mandatory public education in Albania is clear. In both systems, public education was designed to teach all children the values, language, and history of the nation and to equip children with the skills they would need to contribute to society as adults. In the years following the collapse of communism in 1991, Albania granted greater freedom in educational choice by abolishing the government's monopoly on education and authorizing private schools to open and operate. However, in the two decades since the fall of communism, Albania has only recently worked to officially recognize the most natural and fundamental option for educating its citizens – recognizing the unalienable right of parents to educate their children at home. By looking at homeschooling from the perspectives of student achievement, individual freedom, and natural rights, I argue that Albania's growing recognition of the natural right of parents to homeschool their children is the proper course of action. While homeschooling has shown to be the best option for many children, it may not be the best for all children. Thus homeschooling should be one option alongside public and private schools, private tutoring, and distance-learning programs. Drawing primarily on research from North America, I argue that Albania, Germany, and other countries that have historically mandated school attendance (Luther 1530; Mann 1845; Guttman 2000; Martin 2010; Matrician 2011) should refine their understanding of the distinction between *school* and *education* and follow the UK's lead in recognizing that education is mandatory, but is not limited to the school (Mill 1859; Petrie 2001; Blok 2004; Blok and Karsten 2011; House of Commons 2009).

BACKGROUND

By nature, children need instruction. By nature, parents are the teachers of their children. Yet throughout history, many people have stepped in to educate other people's children, either on behalf of the parents, or by force of arms. Home education,¹ meaning parent-directed instruction, has been the common form of education throughout human history (Petrie 2001). Schooling outside the home is not a new innovation, as many civilizations educated some of their citizens for religious, military, government, literary, medical, or commercial service. However, it was only with the advent of the Reformation that the call for the mandatory schooling of all children was widely proclaimed (Painter 1889). Martin Luther (1524; 1530) appealed to parents and religious and political leaders of Germany to ensure that all children attended school so as to gain the skills needed for reading and teaching scripture and for administering a wise and just government, among other vocations.² Benavot, Resnik, and Corrales (2006) note three main movements in the development of mandatory schooling:

“Compulsory education was a part of the Reformation movement to enhance religious piety and individual faith among Protestant families. It developed in the seventeenth century, mainly in Denmark, Norway, Sweden, and certain German principalities and North American colonies. Mass schooling was part of a movement to weaken family socialization and home-based instruction by establishing community schools with largely religious and fairly standardized curricula that emphasized the development of literacy, biblical knowledge, and moral character. It emerged in the eighteenth century, mainly in Norway, various Swiss cantons, Dutch provinces, and German Länder. Lastly, compulsory mass schooling, in which the nation-state became the central – if not the sole – initiator, guarantor, and administrator of an inter-connected system of schools, emerged in nineteenth century Europe and the Americas. Children of specified ages were legally compelled to attend state-authorized schools for a stipulated number of days and weeks each year” (10).

- 1 Petrie (2001) makes a case for using “home education” instead of “homeschooling” to emphasize the fact that an education at home is not simply a replica of an institutional classroom. I use the terms interchangeably to reflect the common use of “homeschooling” to mean an education at home.
- 2 According to the National Archives of Scotland, a limited system of mandatory public education was in place as early as 1496. This pre-dates Luther's admonitions, but the 1496 document only provided that “the eldest sons of barons and free-holders should study Latin, arts and law, in order to ensure that local government lay in knowledgeable hands.”

Benavot, Resnik, and Corrales (2006) also note that many newly-independent countries adopted mandatory mass schooling as a means of promoting development, forming a distinct national identity, and countering the power of previous, particularly religious, identities (9).

The use of compulsory mass education to “weaken family socialization” (ibid., 10) and “weaken the influence of religious institutions” (ibid., 9) may partly explain the resurgence of home education in the last decades as a reaction to such efforts. Other reasons for the revival of home education, which was the common means of education prior to the compulsory mass education movement, include concerns about negative socialization, bullying, or objectionable or inadequate academic quality and indoctrination in conventional schools (Ray 2000; Petrie 2001; Isenberg 2007). Another possible reason for the rapid expansion of homeschooling may be the very success of public education. Whereas in previous centuries the larger population may have been illiterate in many countries, now that most parents are literate and have access to good educational research and materials, they are better equipped to teach their children themselves without worrying that the state will indoctrinate their children against their wishes.

In the broader European context today, homeschooling is generally legal but regulated (Petrie 2001; Blok and Karsten 2011). The UK³ appears to have the least regulation on homeschooling, perhaps because of the legacy of John Stuart Mill (1859) who distinguished between education and schooling: “If the government would make up its mind to *require* for every child a good education, it might save itself the trouble of *providing* one” (chap. 5, par. 13).⁴ Some countries, such as Bulgaria, Germany, the Netherlands, and Greece, do not allow homeschooling except in special circumstances. Other European nations, including Belgium, Denmark, Estonia, Finland, France, Ireland, Italy, Norway, Portugal, and Sweden, all allow homeschooling but with moderate to high levels of regulation and inspection (Petrie 2001; Blok and Karsten 2011).

Until Albania completes its transition to allowing homeschooling, the status of home education in Albania is severely restricted, similar to that in Bulgaria, Germany, and the Netherlands. The Albanian Constitution mandates education and makes it free. Article 57 of the Albanian Constitution provides:

- 3 Countries such as the USA, Canada, Australia, and New Zealand, all strongly influenced by British culture and history, also widely permit home education.
- 4 Mill goes on to argue that government should simply defray the costs of education for those unable to afford it and hold parents accountable to their obligation by periodically testing students on “facts and positive science exclusively,” so as to avoid the state having undue influence over opinion formation (1859, chap. 5, par. 13–14). Such a proposal is also designed to eliminate the intense debates over the ideas to be included in a curriculum.

1. Everyone has a right to education.
2. Mandatory education is determined by law.
3. Mandatory education and general high school education in public schools are free.
4. Pupils and students may also be educated in private schools of all levels, which are created and operated on the basis of law.

Article 27 of the Albanian Constitution further establishes: “Freedom of a person may not be limited, except in the following cases” (including): “for the supervision of a minor for purposes of education or for escorting him to a competent organ” (Albanian Parliament 1998, 27.2.d). Thus children may be constrained in their freedom and taken to schools insofar as education in Albania is “determined by law” as mandatory. While homeschooling has historically been illegal in Albania, the situation is changing with the drafting of a new law that will allow homeschooling under certain conditions. Now that Albania is moving towards permitting homeschooling, this paper seeks to improve understanding of the benefits and necessity of allowing homeschooling, not only in Albania, but also in the many countries in which homeschooling has historically been prohibited. Banning homeschooling in any country denies citizens the opportunity of the proven benefits of homeschooling, nullifies an important restraint on government power, and violates the natural rights of parents.

HOMESCHOOLING AS A PRACTICAL NECESSITY

There is little debate about the fact that homeschooling is necessary in certain life situations. Even in Germany, where homeschooling is mostly illegal, families traveling outside the country are permitted to homeschool their children (Martin 2010; Matrician 2011). Eric Isenberg (2007, 401), in analyzing the National Household Education Survey of 2003 (by the U.S. Department of Education), estimates that fourteen percent of families educate their children at home for practical reasons, which he categorizes as “Behavioral or special need.” In Albania, the prevalence of blood feuds has forced numerous⁵ families to keep all their male members indoors to protect them from revenge killing under the traditional *Kanun* law (Alston 2011). These families need access to homeschooling by practical necessity. Duvall, Delquadri, and Ward (2004), in studying pairs of similar children with ADHD, found that the students

5 The number of children confined to their homes because of blood feuds is variously estimated at from less than 50 to around 800 (Alston 2010, 4).

who were home-educated received more attention and demonstrated better progress than their public school counterparts. This helps clarify why parents are motivated to homeschool children with behavioral and special needs. That is not to say that all children with behavior issues should be educated at home, but rather that homeschooling must be allowed when necessary for practical life-situation reasons, whether blood feuds, international travel, or when parents deem it best for children with health or other special needs.

To a certain extent, homeschooling as a practical necessity may be open to a wide spectrum of interpretations. Those seeking to severely restrict homeschooling may construe “practical necessity” merely as cases involving blood feuds, international travel, illness, accident, or disability. However, others seek to authorize homeschooling as a practical and necessary option to provide the best education for their children, whether for academic, social, ideological, or religious reasons. Recent research does suggest that homeschooling often provides a superior academic education to children and may thus be a “practical necessity.”

THE EVIDENCE FROM RESEARCH

Anecdotal stories of outstanding homeschooling success are intriguing. For example, homeschooled student Rebecca Sealfon won the US Scripps Howard National Spelling Bee in 1997 – at age thirteen. Homeschooled from age five, Alexandra Swann earned her Master’s degree from California State University by age sixteen. Yet her mother had only a high school diploma (Lyman 1998).

While not always as accomplished as Rebecca Sealfon or Alexandra Swann, US homeschooled students, on average, perform above national averages on standardized tests (see Table 1). In studies since the late 1990s,⁶ average test scores for US homeschooled children are typically higher than those public schooled children. Lyn T. Boulter’s 1999 study of 110 homeschooled students, 46 of whom were also included in a longitudinal study over six years, found that on average, homeschooled students performed better than public-schooled students. The academic advantage shrank with increasing grade levels, perhaps indicating the relatively increasing difficulty parents have in teaching upper-level subjects.⁷

6 Ray (2000) reviewed earlier homeschooling research.

7 It is important to note that despite the more difficult subject matter parents have to teach in higher grades, homeschooled students in Boulter’s study (1999) still outperform the general population.

In a study of 20,760 homeschooled students, Lawrence M. Rudner (1999) found that they scored, on average, 20–35 percentile points above the general population. Rudner found that homeschooled students are generally from two-parent households of parents who are married to each other, college-educated, Protestant, and Caucasian. Brian D. Ray's 2000 study of 5,200 homeschoolers further showed that they performed well above average, 30–37 percentile points above the general population. However, since the participants were self-selected, the sample may not be sufficiently representative. Ray's subsequent 2010 study covered a much broader sample of 11,739 homeschooled students who participated in tests offered by nine different testing services across the US. He found similar homeschooling demographics to Rudner (1999) and established that homeschoolers averaged 30–39 percentile points above national public school scores.

Data collected in 2011 by the Idaho Coalition of Home Educators corroborates research by Boulter (1999), Rudner (1999), and Ray (2000 and 2010). It shows that homeschoolers who participated in the Coalition's testing services similarly did much better than national averages. Furthermore, while reviewing US homeschooling, Basham, Merrifield, and Hepburn (2007, 14) also cited a 2003 study by Deani Van Pelt that shows that Canadian students educated at home outperform their national counterparts on the Canadian Achievement Test.

Because homeschooled students in the US seem to come mainly from two-parent, Caucasian, college-educated, higher-income households (Rudner 1999), factors other than the variable of homeschooling may affect their test scores. For example, it has long been shown that students from two-parent households do better on average academically than students from single-parent households (Pong, Dronkers, and Hampden-Thompson 2003, 682). Furthermore, Rudner's study focused on homeschoolers who took achievement tests through Bob Jones University, which may mean that his study sample is not representative of all homeschoolers (Welner and Welner 1999). Thus the higher scores earned by homeschoolers in standardized tests might derive from other factors besides homeschooling. Rudner himself acknowledged that his study "is not a controlled experiment" and therefore "does not demonstrate that homeschooling is superior to public or private schools" (1999, 3). Ray likewise cautioned readers in interpreting the results of his report and wrote: "this is a nationwide cross-sectional, descriptive study" and it "is not an experiment and readers should be careful about assigning causation to anything" (2010).

Table 1 Brief Summary of Selected Homeschooling Achievement Studies

| Date | Researcher | Sample Size | Findings |
|------|--------------------------------|---|---|
| 1999 | Rudner | 20,760 | Students took Iowa Test of Basic Skills or Tests of Achievement and Proficiency. Homeschooled students did better overall than those in Catholic/private schools and better than the national average. The advantage increased in higher grades. Homeschoolers averaged between the 70 th and 80 th percentile. |
| 1999 | Boulter | 110 one-time; 46 surveyed at least twice in six years | All homeschooled students scored above average on achievement tests. The advantage was most evident in younger grades and shrank in upper grades. |
| 2000 | Ray | 5,200 | Summarized literature on homeschooling showed that homeschoolers do as well or better than national averages. Homeschoolers averaged between the 80 th and 87 th percentile on standardized tests. Parents' educational levels and student gender explained some score variance. Most other independent variables, including parents' teacher certification and state regulation, did not explain score variance. Individualization of curriculum, small class sizes, and increased contextualization of material may help explain homeschoolers' achievements. |
| 2004 | Duval, Delquadri, and Ward | 4 | Two pairs of similar students with ADHD were compared, with one in each pair at home and the other in a public school. Home-educated students received more attention and showed more progress than their public-educated counterparts. |
| 2004 | Ray | 7,306 adults who had been homeschooled | Homeschooled adults were happier with life, more involved in civic organizations, more likely to take college courses, less confused about government, and more likely to have the same beliefs as their parents than average adults in the US. |
| 2009 | Van Pelt, Allison, and Allison | 226 | Homeschooled adults in Canada were more engaged in organized group activities, more likely to have undergraduate degrees, and more likely to follow careers in health, the arts, or social sciences than their peers in the larger population. |
| 2010 | Ray | 11,739 | Homeschooled students' mean scores were in the 80 th percentile and above. The demographics of homeschooling families were similar to those found by Rudner (1999). |

| Date | Researcher | Sample Size | Findings |
|------|-----------------------------------|---------------|---|
| 2011 | Idaho Coalition of Home Educators | Not specified | Comparisons of the scores of member students who took the Iowa Tests of Basic Skills and Iowa Tests of Educational Development showed that homeschooled students who took the test under the Idaho Coalition of Home Educators did much better than their counterparts in Idaho or nationwide. |
| 2011 | Martin-Chang, 74 Gould, and Meuse | | Homeschooled and public-schooled students in a similar geographic region were given researcher-administered tests. Even when mother's education and household income are accounted for, students receiving a structured home education outperformed public school students in all tested subjects. Students receiving an unstructured home education had the lowest scores of the three groups. |

Sources: Rudner (1999); Boulter (1999); Ray (2000; 2004; 2010); Idaho Coalition of Home Educators (2011); Duvall, Delquadri, and Ward (2004); Van Pelt, Allison, and Allison (2009); Martin-Chang, Gould, Meuse (2011).

Yet a recent study by Martin-Chang, Gould, and Meuse (2011), provides for a more direct comparison between homeschooled and public schooled students. Trained researchers administered standardized tests to both homeschooled students and public-schooled students from a similar geographic region and similar ages, but from a variety of schools and homeschooling environments. Even after taking parental income and mothers' educational levels into account,⁸ Martin-Chang, Gould, and Meuse found that homeschoolers in *structured* learning environments earned the highest average scores in all subtests administered from the Woodcock-Johnson Test of Achievement. Public school students earned average scores that were above grade level but lower than those in the structured homeschooling group. However, a small group of students whose parents practiced *unstructured* homeschooling earned the lowest scores, sometimes even below grade level. This comparison of students' achievement from public schools and structured or unstructured homeschooling environments supports the existing evidence that the majority of homeschoolers do achieve above average. Though the unstructured home school sample size was very small, the study also suggests that some forms of homeschooling may not always be better than public schools. Given the average ben-

8 Contrary to Rudner's (1999) findings, Martin-Chang, Gould, and Meuse (2011) found that the public school students in their sample actually had parents with *higher* incomes and educational attainment.

efits of homeschooling, further research is needed to explore the impact of different homeschooling styles on student achievement before making policy decisions that would limit certain types of homeschooling.

Rudner (1999) and Ray (2010) both sought more details about the demographics of homeschooling families and tried to identify possible correlations between state regulations, parent qualifications and status, and student achievement. Rudner's study (1999) showed that teacher certification of parents had no impact on homeschooled student achievement (28–9). Higher parent education level did correlate with higher student achievement. However, academic performance was above national averages even for homeschooled students of parents without a college education (*ibid.*, 29–30). Rudner also found that in his study population, most parents who homeschooled their children were college-educated and lived with their spouses and that the mother usually stayed at home to educate the children. While students in Catholic or other private schools had consistently higher scores than those in public schools, homeschool students had the highest average scores (*ibid.*, 21–2). Ray (2010), in looking for correlations between demographic variables and homeschool scores, finds parent education to have the strongest correlation: "However, of these variables, only parent education explained a noticeable or practically significant amount of variance, 2.5%, in student scores; the other variables explained one-half of 1% or less of the variance." It is noteworthy that in Ray's study, the teacher-certification of parents explained little variance in student scores. Parents without teacher certification even did slightly better than those with certification. Furthermore, there is no relationship between student scores and the amount of state regulation of homeschoolers.

Some studies gave slightly contradictory results. Both Boulter and Rudner found that homeschoolers do better on average than their national counterparts. Boulter's (1999) longitudinal study of 46 students found that this advantage narrows with increasing grade levels. However, Rudner's cross-sectional study of over 20,000 students indicates an increasing advantage with grade level (1999, 22). Furthermore, while Rudner's study population suggests that homeschooling households have above-average income, Welner and Welner (1999) note that Lyman (1993) found that most homeschooling households in Maine have below-average incomes, a finding supported by Martin-Chang, Gould, and Meuse (2011). These differences aside, most of Rudner's findings appear to have been confirmed by later studies. A report on homeschooling published by the Fraser Institute found that homeschooling households have higher parental education levels, are more likely to have two married parents, and are more likely to have three or more children than the average household nationwide (Basham, Merrifield, and Hepburn 2007, 12, based on US Dept. of

Education [2005] and US Census Bureau [2003, 2006] data). Likewise, Rudner's (1999) findings on the higher academic achievement of homeschoolers are confirmed in Ray's 2010 study of a more diverse (though not larger) sample of homeschoolers. Martin-Chang, Gould, and Meuse (2011) provide one of the most rigorous comparison studies of homeschoolers versus public-schooled students to date, confirming previous findings on the academic benefits of homeschooling, but suggesting that certain types of homeschooling may not be as advantageous.

The idea that homeschooling may not be the best option for all students is supported by research into early childhood education programs. In the Abecardian Project study by Cambell et al. (2002) and Steven Barnett's (1995) survey of studies on the effects of early childhood education programs, providing high-quality day care for children born to single parents in poverty showed a measurable benefit later in life. This suggests that children left at home in impoverished single-parent homes may be worse off than those who go to an institutional setting.

Conversely, Barnett reviewed studies showing that children from higher-income homes do better if they spend their early years at home rather than in day care. He drew the conclusion, though, that the quality of care is the defining factor: "The key may be differences in the quality of the children's home environments rather than income per se: children whose home environments were very highly supportive of cognitive development and socialization actually had *lower* scores if they had been in care outside their homes, while children whose home environments were relatively poor gained the most from outside care" (ibid., 27). The implication is that institutional schooling is not equally beneficial or harmful to all students, but is only relatively beneficial or harmful in comparison to the quality of care at home. This conclusion is supported by Durham University's (2007) study of 35,000 children in the UK that found no observable benefit from early-childhood educational programs for preschoolers. The study may show no difference because the relative benefits and drawbacks of early-childhood education disappeared when looking at a large population. Admittedly, the benefits of early childhood education may be limited by young children's cognitive abilities. The Home School Legal Defense Association (HSLDA) notes that according to Piaget's theory of child development, children do not reach cognitive maturity until seven to nine years of age (2008).

These early childhood education studies suggest that neither homeschooling nor institutional schooling is inherently more beneficial for early childhood. As Barnett notes, the *quality* of education appears to be the key. Parents who care enough to homeschool their children are likely to care enough to provide them a high-quality education. Thus it is not surprising that *homeschooling* –

as opposed to simply keeping and neglecting young children at home (as was likely the case with the negative results in Cambell et al.'s study) – is statistically of higher quality than institutional schooling.

Perhaps the key term to describe the quality of education at home is *attentive*. Duvall, Delquadri, and Ward's (2004) study of four children claims to show that parents equipped only with high school degrees can provide more attention to, and see more progress with, their ADHD students than do master's-degree-holding teachers in integrated classrooms. Here the attention – and presumably the love and emotional stability – parents can give their ADHD children and the attention the children in turn can give to the subject at hand may be more important to academic success than the type of education achieved by their teacher or parent. Television and large classrooms may induce distraction or emotional stress that prevent students – especially those with ADHD – from focusing. Rudner's (1999) study showed that after first grade, students who watched less television scored higher on achievement tests than those who watched more (31). The key factor of attentiveness is implicit in Ray's (2000) study, which identified increased parental engagement, individualized, attentive, and contextualized instruction with low student-teacher ratios, more time for learning, and high expectations for student achievement as possible reasons for homeschooled students' success (91–2).⁹ Likewise, Martin-Chang, Gould, and Meuse's (2011) findings support this theory insofar as structure can be a sign of attentiveness. The fact that homeschooled students taught by high-school degree holding parents can do better than students with similarly-educated parents nationally (Basham, Merrifield, and Hepburn 2007, 14; Duvall, Delquadri, and Ward 2004) further supports the idea that *attentive* teaching is key. Even public school dropouts find the key factor of their willingness to re-engage with school in the commitment of a caring adult to that person's success (Poutiantine and Veeder 2011).

Common experience would suggest that it is much easier for parents to create the attentive atmosphere that is so beneficial for learning than it is even for a highly-educated teacher in a large classroom. Indeed, this is the reason why so many teachers and parents – approximately half of all homeschoolers (Isenberg 2007, 401) – choose to homeschool their own children. Jane Van Galen (1991) describes as "pedagogues" those parents who choose to homeschool their children because they believe that they can provide a superior education than that found in public or private schools. Van Galen's terminology implies that such parents, although not trained as teachers, are natural teachers due to their instinctive motivation to teach.

⁹ This is only a partial list.

Research demonstrating the success of homeschoolers seems to justify Van Galen's terminology because parents appear to do as well or better in teaching their own children than professionally trained teachers. This is perhaps because many parents, especially those who choose to homeschool their children, are likely more *attentive* in teaching their children than professional teachers. Despite admirable devotion and tremendous work, such teachers lack the natural parent-child bond and face larger class sizes; thus they cannot provide the degree of love and individualized attention a parent could.¹⁰

An overview of the current debate on homeschooling indicates a growing consensus on the academic benefits of homeschooling, particularly structured homeschooling. In terms of Albanian law, these studies suggest that homeschooling cannot be banned for fear of statistically significant detriments to children's educational well-being. In other words, there is no empirical evidence that *attentive* homeschooling harms children.

On the contrary, the extensive evidence that homeschooling students outperform students in public or private schools implies that any ban or undue limitation on homeschooling severely limits the ability of students to maximize their potential (Winstanley 2009). Such a ban would lower the students' chances of future success and future contributions to society. Thus, attentive homeschooling benefits students and, by maximizing their skills, allows them to contribute more to society. Conversely, any ban on homeschooling is harmful to students and society.

A CHECK ON THE POWER OF GOVERNMENT AND SPECIAL INTERESTS

While research on the achievements of homeschoolers provides strong empirical evidence for the benefits of homeschooling in terms of student achievement, there are deeper philosophical reasons for homeschooling. The first philosophical reason is that homeschooling provides a check on the abuse of power by governments and special interest groups. As Frederick Bastiat notes in *The Law* (1850), many authors, political philosophers, and rulers seek to play God and mold the "clay" of humanity into their own "image," often through ed-

10 Some may argue that parents' freedom to engage in discussing the most profound questions of morality and existence with their children also leads to greater interest in learning. Correspondingly, the restrictions many public schools place on addressing deep metaphysical, moral, and religious issues may discourage student interest.

ucation. Bastiat chides political philosophers for their arrogance in deciding what is best for others:

"Oh, sublime writers! Please remember sometimes that this clay, this sand, and this manure which you so arbitrarily dispose of, are men! They are your equals! They are intelligent and free human beings like yourselves! As you have, they too have received from God the faculty to observe, to plan ahead, to think, and to judge for themselves!"

Educating children perhaps attracts such great attention from those who desire to mold others' minds and behaviors because children's impressionable minds seem so much like "clay" and so easily malleable. The common answer to many problems is: "We should educate people about that," as Plato advocated for philosopher-kings in *The Republic* (360 BC).

This desire to educate, indoctrinate, and mold other people's thinking is exercised through mandatory education. Here legislators, special interest groups, lobbyists, textbook writers, and educational bureaucrats gain the power to compel the children of entire nations to sit and listen to the ideas they wish to inculcate.¹¹

11 In any liberal society that desires to pursue truth and limit human propensity to exploit others, a certain amount of indoctrination is necessary, although this indoctrination does not necessarily have to be carried out only in government-controlled schools. However ironic it may seem, a society that values freedom must affirm some freedoms over others, as illustrated in the classic line by Zechariah Chafee, Jr.: "Your right to swing your arms ends just where the other man's nose begins" (quoted in Kelly 2011). Furthermore, a free society that values the pursuit of truth needs to teach its children the rationale behind free speech, as so well articulated by John Stuart Mill in *On Liberty* (1859), namely that in order to have a hope of correcting our errors or of gaining a deeper appreciation of already-known truths, we must allow for the free contest of ideas in society. Logically, albeit ironically, if this principle of free speech is to be maintained, ideologies that oppose free speech must be vigorously contested when verbalized and physically stopped if implemented in a society that values freedom of both speech and action.

Some radical political and religious groups have abused their freedoms by spreading anti-liberal ideas that call for the abolition of free speech and freedom of conscience. This does not justify denying people such freedoms. Some parents might teach their children that violence may be legitimately used against anyone who criticizes the one "true" political or religious ideology, or that all means, however deceitful or violent, are legitimate in achieving the end of a utopian theocracy. That does not justify denying all parents their natural right to homeschool. E.g., many homeschooled adults in North America have embraced a lifestyle of volunteerism and civic participation. They appear to be actively strengthening civil society and thoughtfully participating in a democracy (Ray 2004; Van Pelt, Allison, and Allison 2009). Thus, if the majority of homeschoolers – at least in North America – are learning tolerance, civic engagement, and participation in democracy, then mandatory, government-controlled, institutional schooling is not necessary to foster democratic attitudes, as parents who already believe in the core values of a liberal, democratic society are adequately able to educate their children in such values.

Mandatory, government-controlled schooling sparks a fierce battle over the control of ideas. Whoever controls the ideas that are taught might mold the minds of the next generation. This is exemplified by the debates over requiring public schools to teach evolution, religion, or competing versions of history (Mill 1859; Boyle, Farden, and Godoy 2005; McKinley 2010; BBC 2010 “Textbook Diplomacy”). Walter Lippmann (1928) explains it well:

“May I remind you, then, that the struggles for the control of the schools are among the bitterest political struggles which now divide the nations? ... It is inevitable that it should be so. Whenever two or more groups within a state differ in religion, or in language and in nationality, the immediate concern of each group is to use the schools to preserve its own faith and tradition. For it is in the school that a child is drawn towards or drawn away from the religion and the patriotism of its parents” (quoted in Zimmerman 2002, 1–2).

Mandatory public schooling thus creates intense conflict among those who, of good or ill, true or misguided intention, wish to shape the future of a nation. However objective textbook writers, policy-makers, and educational professionals may think themselves to be, many readers would likely agree from history and personal experience that teachers and textbooks often present controversial material in a way that reflects strong ideological, historical, religious, political, or cultural biases.

Greater choice in ideological instruction is available with private schools. Parents may choose to send their children to schools that more closely reflect their own beliefs. The greater freedom private schools have in selecting their curriculum somewhat limits the government’s ability to force certain ideological perspectives on students. Yet even so, governments often impose significant control on private school curricula. In Albania, by law, any private school that teaches religion or teaches in a foreign language must first obtain approval from the Council of Ministers for its curriculum. Experimental teaching methods must also be government-approved and monitored during implementation (Ministria e Arsimit dhe Shkenës 1999).

Such regulations, of course, are made in good faith, with the apparent intent to protect children from radical religious or nationalistic ideologies that might spark terrorism or civil conflict. Furthermore, government oversight of

private schools is needed because citizens rely on the government to ensure that the schools are safe, meet acceptable standards, provide a curriculum in line with national guidelines, and enable students to prepare for further studies or a career.

Yet homeschooling offers an even stronger check to government power than private schools. While it would take considerable time and money for a minority group to open a private school, homeschooling offers minority groups the right to teach their children the way they wish with minimal cost and legal obstacles. Thus homeschooling would allow citizens to respond much more quickly to abuses of government power over curricula than a system that only offers private or public schools. Furthermore, since public schools must obtain governmental approval of curricula, a home education law that allowed parents much greater freedom in curriculum design would further check the power of government to force unacceptable ideological viewpoints upon children.

While Albania and many other governments wield the power of mandatory education in a way some consider fair, that very power is dangerous because it can so easily be misused by those who seek to mold children’s minds to their own ideological ends. The experience of communism, as it currently exists in North Korea, clearly demonstrated the widespread abuse of government power by teaching falsehoods to children and the general population (Life Funds for North Korean Refugees 2008; Lee 2002; LaFraniere 2010; BBC 2010 “Tales of Starvation”).

Even in western countries, well-intended but forced indoctrination of students can sometime have an opposite effect. For example, O’Brien (2006) writes of the ideal democratic education and the practical outworking of institutional education in the USA:

“This kind of education can help students develop the habits of thinking, caring, and questioning necessary for democratic public life. In contrast, much of our current system of education strips students of their innate sense of curiosity. They are expected to learn what other, more powerful, people think important. Rarely does the American education system allow its students to engage in a meaningful dialogue that might advance knowledge on a particular topic that matters to them – or to society.” (5)

Curriculum designers and educational policymakers may have good intentions on *what* students must learn for a democratic society, but the commonly-used methods of intense frontal instruction actually produce the opposite effect, hindering discussion and exploration and building a system that can easily be misused by those who intentionally oppose democracy.

Further research may be needed to examine the implications on societies in which parents use homeschooling rights to teach ideas that oppose freedom of conscience or expression. For now, it seems that existing laws prohibiting violations of others’ rights would be adequate to curtail the physical enactment of anti-democratic ideas.

If home education were allowed, it would be more difficult for governments or special-interest groups to impose their ideas on entire populations. Parents who disagreed with the ideas taught in the official curriculum could still teach required subjects such as science, history, and government, but would be able to do so from their own perspective. This would preserve some diversity of opinion. Instead of using state power to impose their worldviews on impressionable young minds, governments and special interest groups would have to use more conventional propaganda, rhetoric, and logical arguments to persuade children and their parents to accept their views. Thus beyond the empirical benefits, homeschooling would provide the valuable service of a check to those would use the power of state-mandated education to mold the minds of new generations.

Returning to Jan Van Galen's terminology (1991), parents who choose homeschooling because they disagree with the ideas taught in public or private schools are called "ideologues." In recognition of the tendencies of governments and special interest groups to act tyrannically, even with good intent, it is appropriate that Albanian law – and educational law in all countries – moves toward allowing homeschooling in order to protect the right of parents to determine the ideological instruction of their children.

HOMESCHOOLING AS A NATURAL RIGHT

The principle that human law should accord to natural law is the most important reason for recognizing the legal right of parents to educate their children at home. Cicero (106 BC) clearly formulates this natural law:

"This, then, as it appears to me, has been the decision of the wisest philosophers – that law was neither a thing to be contrived by the genius of man, nor established by any decree of the people, but a certain eternal principle, which governs the entire universe, wisely commanding what is right and prohibiting what is wrong."

The great medievalist theologian Thomas Aquinas gives a similar perspective on natural law in his *Summa Theologica*: "It is therefore evident that the natural law is nothing else than the rational creature's participation of the eternal law" (1274, Ia IIae q. 91 a. 2).

Thomas Jefferson, in writing the Declaration of Independence (1776), invokes natural law as that which is "self-evident" to people and "endowed by their Creator." He appeals to natural law in referring to "just powers" and the

"Right of the People." Furthermore, Jefferson implies that natural law is linked to common sense when he writes, "Prudence, indeed, will dictate that..." This idea that natural law is rooted in an eternal law, as the law of God expressed in nature and perceptible as conscience and common sense, gives us the basis for man-made law and the distinction between just and unjust laws.

Just laws accord to natural law; unjust laws do not. When a human law approximates natural law, the law is just. When human law disagrees with natural law, the law is unjust. Thus, in the words of Augustine of Hippo, "an unjust law is no law at all" (389, Book 1, par 5).

To clarify the matter, it must be said that there are three categories of laws:

1. Laws that are clearly in accordance with natural law, such as laws that prohibit or punish lying, theft, and murder.
2. Laws that are inherently morally neutral but help to protect life and enable a community to prosper, thus working towards an objective good. E.g., laws setting taxation or speed limits.
3. Laws that are contrary to natural law. These include laws that create unnatural monopolies, institutionalize discrimination, deny citizens the right to vote, violate due process, justify torture, prohibit the public practice of one's language or religion – so long as such practice does not physically harm others, such as human sacrifice or holy war – or laws that wrongly deprive a person of life, liberty, opportunity, property, or the fruit of one's labor.

Laws that deprive parents of the right to educate their children at home seem to violate natural law and therefore are unjust.

Two documents that try to approximate natural law and rights are the Universal Declaration of Human Rights and the Convention on the Rights of the Child. These were adopted by the United Nations General Assembly in 1948 and 1989, respectively. Article 26 of the Universal Declaration of Human Rights reads as follows (emphasis added):

1. *Everyone has the right to education.* Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. *Parents have a prior right to choose the kind of education that shall be given to their children.*

If the Universal Declaration of Human Rights is a good approximation of natural law, then Albania and other countries should recognize the right of parents to educate their children at home in light of the third paragraph of Article 26 (emphasis added): “*Parents have a prior right to choose the kind of education that shall be given to their children.*”

The Convention on the Rights of the Child (Art. 18, par. 1) expressly affirms that parents are primarily responsible for a child’s education: “Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern”. Article 28 (par. 1) affirms the right of a child to education: “States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity.”

However, the rights of children to education and the right of parents to direct that education are clouded by a misunderstanding of two lines in Article 28 of the Convention on the Rights of the Child, namely that State Parties “shall, in particular: (a) Make primary education compulsory and available free to all; (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.” While neither need be in conflict with the right to homeschool, they are easily interpreted as giving states the obligation to force children to attend institutional public or private schools if governments fail to recognize home education as *homeschool*.

The idea of “compulsory” education can be fulfilled through homeschooling if countries, including Albania, recognize that a child can receive a good, if not superior, education at home. If education at home is truly recognized as *homeschool*, then the apparent tension between parents’ “prior right” and the “compulsory” character of education with “regular attendance at schools” is resolved. That is, if the confusion between *education* and *schooling* resolved, with societies recognizing that an education can be achieved outside of a conventional school, then it would become clear that the child’s right to an education can be fulfilled at home as well.

Natural law and decades of research and experience with homeschooling in North America strongly indicate that parents can and should bear the “primary responsibility for the upbringing of the child” including choosing “the kind of education that shall be given to their children” and assuring “regular attendance”, whether at public schools, private schools, or the home school. The common question – can governments really trust parents to homeschool their children? – is answered in the next section.

RESPONSES TO TWO COMMON OBJECTIONS

There are two common objections to homeschooling that we must address:

1. How can a society ensure that parents are actually teaching their children instead of abusing them or forcing them to work?
2. How will children develop social skills if they are not in a conventional school? More specifically, does homeschooling allow children to develop friendships, and does homeschooling prepare a child to be an independent adult who contributes to a free and democratic society?

The answer to the first objection has been given before by homeschooling advocates and can be found in the civil code (Peters 2003). The answer formulated by Peters (*ibid.*) may be applied to the Albanian and other contexts in the following way: Albania should still retain the law on mandatory education, but allow that education requirement to be fulfilled at home.

Concerns about child abuse or child labor can be dealt with in the same manner as for non-homeschooled children. That is, if neighbors, police, or other citizens report that they think a parent is abusing his or her child or forcing him or her to work underage,¹² the police or social services can investigate the instance and deal with it accordingly.

Likewise, if Albanian law mandates that certain core subjects be taught, parents who homeschool their children must teach these subjects. If other citizens have good reasons to believe that those subjects are not being taught, they can ask for a civil investigation into the matter. The parents can then face a civil penalty or fine if they are found not to have taught those subject(s). Obviously, the local school district should not be responsible for making or investigating the claims because they may have a conflict of interest in wanting to make and substantiate claims against homeschooled children in order to gain more students and thus more government funding.

Furthermore, parents who care enough about their children to homeschool them will likely care enough to give them a good education. Given the wide variety of educational materials available, almost any literate parent can provide a good homeschooling education to his or her children. If some sub-

12 By “work” I mean exploitive work that endangers a child’s education and well-being. Many daily household tasks and tasks related to agriculture, crafts, and parents’ businesses teach valuable skills and attitudes for later life and are a healthy part of any curriculum, despite having the appearances of “work.” Of course, in some countries in which neither governments nor civil society adequately provide for children in poverty, some children are forced to forfeit a liberal education and work in order to survive. Any solution in such instances must be holistic and address root causes, not just symptoms.

jects become too difficult for the parents and students in the upper grades, the children could then voluntarily enroll in select courses at local public¹³ or private schools or participate in homeschool cooperatives or in distance courses. Some accountability, such as mandating parents to give notice to the local government that they plan to homeschool their children and to give a summary of the planned curriculum for the year, or an annual testing on core subjects (Mill 1859) may be initially useful for allaying the public's fears about the quality of homeschooling. Yet evidence from the US shows that homeschool students in states with high regulation perform no better than states with minimal regulation (Ray 2010). Thus, given that regulation apparently has no impact on the quality of home education, it seems unnecessary to burden parents with extra bureaucratic hurdles.

In answer to the first question, then, parental love will most likely lead to proper nurturing and education, and any actual abuse or neglect can be prevented – or identified and stopped – through a combination of minimal regulations, civil society, and legal punishments.

The second question is whether children who do not attend a classroom will gain necessary social skills. This question is usually posed in two ways. The more common formulation expresses the fear that homeschooled children will not have the opportunity to make friends and that they will be socially awkward and withdrawn, unable to relate to their peers and to wider society. This question is easily answered by common-sense and philosophical observations. The more formal objection, employed by the government of Germany and the European Court of Human Rights (2006) and scholars ranging from Horace Mann (1845) to J.C. Blokhuis (2010), is that in a democratic society, children must be socialized by that society during their early formative years in government-controlled or regulated schools in order to gain the values needed to live in a democracy. This socialization-for-democracy objection to homeschooling is perhaps the strongest of all such objections, and it deserves serious consideration.

The answer to the popular socialization objection is three-fold:

First, schools are not the only place to gain social skills. Children can gain social skills and build relationships in interactions with their families and neighbors, in music, drama, sports clubs, religious organizations, and many parts of civil society outside formal schools. Long before the widespread introduction of mandatory public schools in the nineteenth and twentieth centuries, children gained social skills through their family, friendships, and other inter-

actions. Minimal exposure to formal schooling apparently did not harm the creativity, self-discipline, and self-assurance of innovators and leaders such as Benjamin Franklin or Abraham Lincoln. Henk Blok concludes in a summary of eight studies¹⁴ assessing the value of homeschooling: “In reviewing these results, one would conclude that home-schooled children are as socially well adjusted as school pupils, if not more so” (2004, 48).

Indeed, in a recent, fifteen-year longitudinal study of Canadian homeschoolers, researchers Van Pelt, Allison, and Allison find that in terms of organized group activities, “homeschooled adults are more socially engaged than other young Canadians, tending to engage in more group activities than the comparable population, and doing so more often” (2009, 11). Furthermore, these authors find that homeschooled adults are, in comparison to the general population, more likely to be employed in “health, social service, and creative occupations” (ibid.), suggesting that homeschooling fosters the socially-beneficial dispositions of idealism and empathy in children. Thus experience, common sense, and research strongly suggest that institutional school settings are not the only, or necessarily the best, place for the formation of friendships and social skills.

Second, children's socialization is not a legitimate domain of government. People have the natural right to choose their friends and associates, as affirmed in Article 20 of the Universal Declaration of Human Rights, which states, “(1) everyone has the right to freedom of peaceful assembly and association, (2) no one may be compelled to belong to an association.”

While civil interactions with many different types of people are an important part of building a cohesive, democratic society, these interactions are easily found in daily civil life, whether children learn to go to the corner store, talk to neighbors, make social visits, play sports, or participate in artistic productions. In many ways, a child schooled at home may have better opportunities to interact in a polite, respectful way with people of different ages than do children in institutional settings, where lived experience suggests that social interactions too often consist of trying to impress or ridicule one's peers and taking jaded views of adult authorities.

Indeed, while civic participation is a great asset to any society, it must be voluntary, not forced in order to have a lasting benefit. For example, the author's daily discussions with people in Albania suggest that the forced “volunteering” in Communist-era Albania, when young people were compelled to offer their labor for free and build terraces, bridges, and other structures, has

13 It would be useful for local governments and school boards to draft policies regarding acceptance and funding for such part-time enrollees.

14 These studies include Taylor (1986), Smedley (1992), Shyers (1992), Lee (1995), Ray (1999), Latibaudiere (2000), Apostoleris (2000), and Basham (2001).

created such a strong distaste for community action that civil society seems to be much less active in Albania than in a typical western country.

As most homeschoolers come from a demographic profile associated with higher academic success and lower rates of antisocial behavior, it seems unnecessary to force homeschooled children to participate in school environments that are often filled with profanity, cliques, unhealthy peer pressure, bullying, and verbal and physical abuse. Instead, it would seem better for the state to allow parents and children to choose their social interactions freely.¹⁵ This would make it easier to choose social interactions that are intellectually, aesthetically, and morally edifying. Again, children's socialization is not a legitimate domain of government.¹⁶

Third, legalizing homeschooling does not mean that those children who would benefit from the intense social immersion of a school would be denied that opportunity. Assuming that parents will seek the best education for their children and that the resources to provide a good education are available to any literate parent, legal recognition of the right to home education would ensure that parents have the freedom to enroll their children in a public or private school or teach them at home, whichever is best for a given child at a given time. Thus, if a student is doing well socially but suffering academically in a formal school setting, parents may choose to homeschool that child for a few years in order to help him or her improve academically. Likewise, if a child is doing well academically at home but parents believe that the child needs the intense social atmosphere of a school, they could choose to enroll the child in a school for a few years. Legalizing homeschooling provides parents and children with more options in order to find the best education and social experiences for the unique needs of each child.

15 In light of Kazdin's (1987) and Patterson, DeBaryshe, and Ramsey's (1990) research, it is apparent that stressful home environments that teach antisocial skills cause children to be rejected by "normal" peers and are predictors of low academic achievement and later delinquency. Thus it is obvious that not all home environments are healthy for children. The fact that early interventions coupled with *parenting* classes are shown to be more effective than later institutional interventions suggests that the solution to antisocial behavior does not simply lie in more schools and institutions, but rather in a more concerted effort by civil society and government to raise awareness of good parenting practices and, conversely, of the consequences of harmful practices. Cases of child abuse or neglect must be dealt with according to law and children should be placed in school if that is healthier. Further recommendations for parenting classes must be dealt with elsewhere.

16 The only exception to this may be, as the ECHR noted in the *Konrad* case (2006), if parents are intentionally denying a child all social contact. While parents have a reasonable right to control a child's social contacts for its best interests, such as for discipline or to protect it from harmful influences, a complete ban on all non-family contacts would seem to be in violation of Article 20 of the Universal Declaration of Human Rights.

As for the socialization-for-democracy objection, Horace Mann is one of the most famous advocates of mandatory public schooling. In his *Lectures on Education* (1845), Mann argues that "every child born into this world has tendencies and susceptibilities pointing to the furthest extremes of good and evil" (ibid., 83) and that "*upon the people*, will still rest the great and inspiring duty of prescribing to the next generation what their fortunes shall be, by determining in what manner they shall be educated" (ibid., 13). He makes it clear that "Love and Knowledge" are necessary for education. He claims that while parents abound with love for their children, they often lack the knowledge to properly educate them. Mann implies that most infant and child mortality is due to parental ignorance (ibid., 188), the physical mortality being similar to that of the moral mortality in children (ibid., 189). He notes that if craftsmen, lawyers, and doctors go through extensive training and testing in order to make beautiful objects, follow the law, and bring healing, so too must anyone who works upon the far more valuable and eternal minds and souls of children be well-taught and tested.

Perhaps still honoring Luther's (1530) call for mandatory schooling, German state governments and the European Court of Human Rights (2006) seem to concur with Mann in seeing schooling as necessary for nurturing future independent members of society. In *Konrad and Others vs. Germany*, the ECHR (2006) rejected an appeal by a German family which sought to homeschool its children for religious reasons and agreed with the German courts' argument that institutional primary education is necessary for optimizing children's integration into society:

"In the present case, the Court notes that the German authorities and courts have carefully reasoned their decisions and mainly stressed the fact that not only the acquisition of knowledge but also integration into and first experiences of society are important goals in primary-school education. The German courts found that those objectives could not be met to the same extent by home education, even if it allowed children to acquire the same standard of knowledge as provided by primary-school education." (2006)

In this comment, the German courts are shown to implicitly recognize that homeschooling can provide high-quality education in terms of *knowledge*. However, the ECHR, in upholding the German courts' decisions, argues: "In view of the power of the modern State, it is above all through State teaching that this aim must be realized," when the "aim" referred to is the "safeguarding [of] pluralism in education, which is essential for the preservation of the 'democratic society'" (2006). The ECHR then uses this argument to deny the natural

right of parents to withdraw their children from state-run or state-approved schools and educate their children at home.

The rebuttal to this objection to homeschooling on the grounds that institutional schooling is necessary for socialization into a democracy has three parts.

First, Mann's concerns about parents' inability to properly teach their children may have been valid in 1845. However, the very success of mandatory education and schooling means that those concerns are not as pressing today. Parents not only have *love*, but the great majority of the adult population worldwide now has *knowledge* or access to it. Adult literacy rates have risen dramatically over the last two centuries and have now surpassed 80% (Richmond, Robinson, and Sachs-Israel 2008, 23). This literacy, combined with the massive proliferation of internet and other electronic and print media, along with the tremendous educational resources produced in many different languages – all nations with a mandatory education must also have textbooks in their own languages – means that almost any parent has access to the *knowledge* needed to homeschool his or her child. As noted above, the ECHR recognizes that parents can provide an education that is academically comparable to that in a public school. Mann may have argued that while parents had abundant love, they lacked knowledge. Now parents have both love and easy access to knowledge. Thus, Horace Mann's primary objection to home-based education is no longer valid.

Second, it must be noted again that homeschooling may not be the best option for all children. Blokhuis (2010) cited several cases in the US and Canada in which courts have denied individual parents the right to homeschool. Some parents seemed to use homeschooling to rebel against society or against a former spouse and, sadly, neglected to equip their children with the necessary academic skills. In two of the cases Blokhuis cited, homeschooling was denied because divorced parents disagreed over whether it was appropriate. Here one may question the motivation of the parents in wanting or opposing homeschooling – was it really in the best interests of the child or more a question of control over and struggle against a former spouse? Additionally, Blokhuis' citation of two other cases in which homeschooled children were not able to read shows that some parents may not be able to properly equip their children with basic academic skills. Thus, as noted by Mill (1859) and Peters (2003), a certain level of monitoring, either by civil society or through annual examinations (or another form of monitoring, such as notification and submission of curriculum) is necessary to prevent or stop abuse or neglect. Homeschooling, with minimal necessary accountability, should be one option alongside other forms of education.

The third rebuttal to the socialization-for-democracy objection builds, ironically, on the first element of Horace Mann's formula for a good education: love.

Whereas Mann worried that parents lacked the knowledge to teach, the German government and the ECHR apparently worry that parents will not teach their children how to be tolerant participants in a pluralistic society – essentially, how to “*Love your neighbor as yourself*” (Matthew 22:39b, emphasis added). Yet homeschooling, by its very nature, commonly values the love for one's neighbor that a pluralistic democracy requires. Furthermore, concerns about inadequate socialization-for-democracy in homeschooling could be addressed through requirements that homeschooling curricula include social and intellectual encounters with people of other cultures and beliefs.

Intentional, attentive homeschooling in a stable family environment should, by its very nature, foster the love for one's neighbor that is needed in any successful society. Self-sacrificial love, while not exclusive to home environments, is naturally modeled by homeschooling parents when they sacrifice jobs, money, and career opportunities in order to invest in their children's future. Furthermore, a healthy family environment does teach ideas of loving and/or tolerating people of different personalities, opinions, and abilities – one's siblings, parents, and other relatives. The family environment, in many ways, teaches the principle that each person contributes to the common good of the family as he or she is able, and receives help and support from the family as needed, an idea that would likely be beneficial to the larger community as well.¹⁷

Homeschooling, by its very nature, should inspire a love for one's neighbor and thus foster the democratic values of tolerance for others' rights to disagree and a critical and meaningful pursuit of truth. Homeschoolers assert their right to act on their objections to the content or the quality of institutional education. Consequently, they model the belief that one has a right to act on one's beliefs, so long as it does not infringe on the rights of others.

Selfish human nature often prevents one from granting to others the rights that one enjoys for him or herself. Yet the natural law to which homeschoolers appeal for their right to homeschool itself requires that if one demands the freedom to peacefully act on one's beliefs, then others should enjoy the same rights. Thus homeschooling, by its very nature, affirms the liberal democratic ideals¹⁸ of tolerance and respect for individual liberty.

17 This argument paraphrases Marx: “From each according to his ability, to each according to his needs” (1875, Part I). It may work better in a family situation than it did in the communist experiments of the last century. If learned well in the family, the idea may be better practiced voluntarily – not coercively – in the larger society.

18 Here, a liberal democracy means one that respects a broad sphere of individual rights under the rule of law protected by representative government and a constitution, as opposed to some ancient democracies that practiced the tyranny of the majority. See Benjamin Constant (1816) and John Stuart Mill (1859) for further clarification of this distinction.

Homeschooling should likewise model the critical pursuit of truth liberal democracy is designed to facilitate. The very effort of researching, evaluating, and developing or selecting the best homeschooling philosophy and curriculum for one's child requires parents to practice the skills of critical inquiry they must teach their children. By practicing it year after year for and with their children, parents are likely to model and teach the disposition and skill of critical inquiry. Furthermore, by exercising their right to object to the teaching philosophy or content imposed in government schools, parents model the skill of critiquing majority opinions, demonstrating that one may conscientiously and peacefully object to the ideologies of those in power. Thus the very nature of homeschooling models and implicitly teaches values that are essential to a pluralistic, liberal, democratic society that esteems the critical pursuit of truth.

The very freedoms of conscience, communication, and pursuit of happiness in a liberal society are designed to facilitate the pursuit of truth. They empower people to share, contest, and act on claims of ultimate truth and goodness. Because helping others to find truth and goodness is an act of love, then home education, by valuing, modeling, and teaching critical inquiry in pursuit of truth, indeed gives children a socialization that encourages democracy and the love of one's neighbor.

Furthermore, home education may actually improve democracy by engaging more *adults* in education as well. Any teacher is likely to agree that one of the best ways to inspire deep knowledge of a concept is to ask someone to teach that concept. Thus, parents, by having to choose an educational philosophy, must explore the profound questions of purpose, knowing, and human nature that are related to teaching. This is especially true as parents are likely to have a heightened awareness of the solemnity and significance of their role as teachers. Furthermore, in teaching the great ideas of human history, parents must engage with the "Great Conversation," or the dialogue of thinkers and scholars through the ages (Hutchins 1952).

The Great Books, Charlotte Mason, and the Classical homeschooling philosophies are among those that have an especially strong focus on engaging with the Great Conversation, a process that teaches rational dialogue in the pursuit of truth. The very purpose of mandatory education in democratic societies is to provide a liberal education that will enable students to engage in free, informed, nonviolent, rational discussion on the important questions of human life and purpose. Since many homeschooling philosophies prioritize and engage children *and* parents in that very discussion, such homeschooling endeavors directly support the goals of education for a democratic society. This gives children a taste of engaging with the ideas of "the Civilization of the Dialogue" (*ibid.*) and, beyond that, better equips them to critically engage with the

problems and direction of their current communities. Correspondingly, more *parents* will be actively engaged in the discussion, thus encouraging a larger number of adults to continue deeply wrestling with questions of tremendous importance: the existence and nature of God, the optimal organization of human society, the nature of justice, the meaning of life, the nature and limits of love and knowledge, and the proper education of the young. Thus popular forms of home education provide socialization for democracy, not just for children, but also for more adults.

In summary, it is perhaps appropriate to reflect the converse of the question with which the section opened. Not only should we ask, "Can governments really trust parents to homeschool their children?" but we should also inquire, "Can parents (or society) trust government to provide the best education for their children?" In light of humans' tremendous capacity to do both great good and great evil, and in light of the tremendous variety of human characters, learning styles, teacher and parental abilities, and school and home environments, the answer to both questions reflects the complexities of human nature: "It depends." As argued herein, intentional, attentive, and structured homeschooling in a loving environment can be the best education for many children and a benefit to society. However, for children whose home environments expose them to abuse, neglect, and harmful behaviors, institutional schooling is likely the better option, particularly if it can further provide emotional, academic, and social support to both the child and the parents (Poutiantine and Vedeer 2011; Patterson, DeBaryshe, and Ramsey 1990, 269). Homeschooling enhances a just, liberal, prosperous and democratic society by helping children better maximize their potential to learn and create, while also acting as a check to potential abuses of power by government and special interests and as an expression of natural law. Institutional schools likewise fulfill an important function of assisting those children who may do better in such a setting than they would at home.

Finally, as regulation has been mentioned several times in this paper, it would be appropriate to include a final, clarifying comment on the topic: Any regulation of homeschooling should be crafted in such a way as to avoid placing unnecessary¹⁹ burdens on homeschoolers while still encouraging intentional, attentive homeschooling that fosters democratic values. Mill (1859) recommends an annual exam on required, core subjects to ensure that parents are fulfilling their obligation to educate their children. Such an exam would be limited to "facts and positive science exclusively" to avoid improper govern-

19 Unnecessary regulation harms society by diverting valuable resources away from productive activities.

ment influence on children's opinions (ibid., chap. 5, par. 13-14). Alternately, adequate regulation may lie in a simple requirement of annual notification of local authorities and the submission of an overview of the planned curriculum for the year, possibly with specific explanation of how the goals of the second paragraph of Article 26 of the Universal Declaration of Human Rights (see earlier quote) will be fostered. Such a curriculum plan would presumably be part of a planned and structured homeschooling endeavor, and it may be a sufficiently difficult task so that those who would be predisposed to neglect their children's education do not undertake it.

Furthermore, it would be appropriate to require anyone drafting or enforcing homeschooling regulations to be knowledgeable of the variety of philosophies, instructional methodologies, and research associated with the homeschooling movement, so as to encourage more informed interactions with homeschooling households (Petrie 2001, 498). Some countries include monitoring meetings with parents and children to assess the quality of the education. This may help ensure that parents are not neglecting their duties. However, such meetings should be conducted at agreed-upon times and places, by those knowledgeable of the diversity of homeschooling philosophy and practice, and in an atmosphere of advising and assisting families to ensure the best education for their children, rather than with an antagonistic, inquisitorial attitude (ibid., 488, 498). Additionally, any homeschooling regulation and its enforcement must take into account the fact that all people, state agents and parents alike, are human, given to subjective opinions, and prone to mistakes. It must also recognize that homeschooling serves the important function of advancing a child's best interests, safeguarding liberty, and expressing natural law.

CONCLUSION

Petrie (2001) notes that in drafting new legislation that would place additional burdens on homeschooling families, many lawmakers in France and Ireland neglected to conduct thorough research into the field of homeschooling. Horace Mann (1845) claimed that parents were educating without adequate knowledge; however, it seems that *all* who presume to educate, regulate, or comment on education – including the author and readers of this article – should be careful to avoid that same error. This should give us a pause to consider the temporal and eternal implications of assuming the awesome responsibility and risk of educating not only our biological children, but also the children of others.

This article provides a rationale for allowing homeschooling in Albania. The reasons are clear: research and philosophy strongly suggest that homeschooling is in the best interests of many children and that it promotes a freer, more pluralistic, and more just society.

While Luther's and Mann's goals of nurturing wise, moral, and knowledgeable citizens who can contribute to society are good, the increase in adult literacy, the proliferation of educational scholarship and resources, and the democracy-fostering nature of homeschooling mean that institutional schooling is not the only way to achieve these objectives. By distinguishing between *education* and institutional *schooling* (Mill 1859), we see that home education can achieve Luther's and Mann's objectives. In Europe, this distinction has most clearly been recognized in the UK. A better understanding of this distinction should help other nations that seek Luther's and Mann's goals to pursue them more effectively by allowing the option of homeschooling.

Home education, by its very nature, models the critical pursuit of truth. Since truth should include knowledge of what is ultimately good for us, then home education should, by nature, foster the Universal Declaration of Human Rights' requirement that education nurture "the human personality ... respect for human rights and fundamental freedoms [and] understanding, tolerance and friendship among all nations, racial or religious groups" (Article 20, par. 2). These reasons for permitting home education apply not only in Albania, but throughout Europe and worldwide.

Yet when we think of changing or making policy, we must also proceed with caution. More research is needed, particularly in light of the suggestion that different types of homeschooling may have different educational outcomes (Martin-Chang, Gould, and Meuse 2011). More humility is needed on the part of those who, despite the best intentions, take upon themselves the tremendous responsibility to powerfully mold the mind of a child.

The very atmosphere of the conversation about homeschooling should change from that of trying to exercise control over the formation and future of a country to discussing what is really best for both the child and the country. We need to keep our focus on finding objective goodness and truth instead of exercising power. To do this, we must teach and practice the liberal idea that claims to truth must be openly, continually, and critically tested. The debate on homeschooling should then become friendlier, as all sides will share the same goal of finding truth. Ultimately, a state that allows home education allows for greater freedom by giving up much of its control over the conversation of learning. It will support the Great Conversation of thinkers and scholars throughout history, the goal of which is to find truth, and in finding truth, to hopefully find goodness and happiness.

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