

Although *The Tyranny of Big Tech* offers few practicable policy solutions it remains valuable, at least to those interested in political anthropology. The book provides an overview of the kind of politics we should come to expect from the Republican Party if Trump and his allies continue to dominate it. Hawley's book explicitly rejects the Republican Party of the last generation and puts "corporate liberalism" in the crosshairs. According to Hawley, "corporate liberalism" has dominated the political left and right for a century. As *The Tyranny of Big Tech* makes clear, Hawley is willing to abandon the Republican Party's one-time commitment to free markets and limited government in order to bring about the end of "corporate liberalism." It remains to be seen if the Republican Party will ever loosen its embrace of Trump and his style of populism. If Trump-style populism is a feature rather than a bug in the current Republican software, Hawley's book is a good place to look for what kind of politics we should expect after America's next political realignment.

Matthew Feeney
Cato Institute

Schoolhouse Burning: Public Education and the Assault on American Democracy

Derek W. Black

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Tension between liberty and democracy is ancient, dating back at least to the time of Socrates, Aristotle, and Plato. More recently on the timeline of humanity—the 1830s—Alexis de Tocqueville wrote about the "tyranny of the majority," the distinct possibility that more numerous groups would use democracy to impose their will on minorities. A major theme of the *Federalist Papers* is constraining "government by the people" so it does not oppress "the people." And the Declaration of Independence says that the role of government is "to secure" rights, especially "life, liberty, and the pursuit of happiness."

Government is the means, liberty the end. But you would not know that from *Schoolhouse Burning: Public Education and the Assault on American Democracy* by University of South Carolina law professor Derek W. Black. The book frames democracy, or maybe even public schooling itself, as the ultimate good.

There is a lot to take issue with in *Schoolhouse Burning*, but three things stand out: its legal analysis of the federal role in education, extremely narrow history of American education, and demonization of public schooling critics. The last one, which is perhaps the most disappointing part of the book, is abetted by Black's downplaying of major liberty concerns throughout American education history.

Black's legal argument, as you would expect from a law school professor, is the most novel part of the book. While he eventually seems resigned to education being a state function, Black presents an interesting, if ultimately failed, argument that the Founders thought government needed to provide education to all, including an implied federal education right. He asserts that the paramount importance of, and federal right to, education can be found by examining the thoughts of the leading Founders and the Land and Northwest Ordinances of 1785 and 1787.

Thomas Jefferson, John Adams, and George Washington, whom Black mainly cites, did indeed see education, including some public provision, as important. Jefferson famously proposed a system for Virginia that would provide all white children three years of free schooling, and even said the federal government should explore funding education. Washington also advocated for a federal education effort. And Adams wrote about the need for educated citizens and argued it should come at public expense.

Black is also basically correct about the ordinances. The Land Ordinance, which codified how western territories would be handled, called for townships to be divided into 36 lots, with the 16th to be "reserved . . . for the maintenance of public schools." It also directed that a portion of proceeds from sales of "gold, silver, lead and copper mines" go toward education. The Northwest Ordinance had less to say about education, but contained a sentence that many, including Black, seize upon to suggest that federal involvement in education is constitutional: "Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

There is, then, some evidence for Black's argument that the Founders believed in public schooling, including a federal education right. Still, his argument crumbles under scrutiny.

At the federal level, what Washington advocated for was a national university, not broad federal education provision. He wanted an institution that would attract future leaders from all American states and

give them national connections and identity. Washington briefly promoted the university in his last address to Congress, which Black quotes but prefaces with “Washington pressed Congress to make good and build on its education commitments.” That disguises that Washington was proposing only a national university.

Jefferson also suggested federal support for a national university, while stating that the Constitution would have to be amended to do so. And in proposing this he added, “not that it would be proposed to take the ordinary branches out of the hand of private enterprise, which manages so much better all the concerns to which it is equal.”

Adams, for his part, called for education to be publicly provided, including suggesting it be done at the national level. But he made no concrete proposal in any address to Congress.

Of course, the best evidence about whether the Founders envisioned a federal right to, or role in, education is the Constitution itself, which Black acknowledges says nothing about education. As he also acknowledges, the Land and Northwest ordinances preceded the Constitution. Still, he sees an implied right. But dig into the Constitutional convention debates, and they confirm that the Framers overall neither desired nor included a federal role in education. Only once is there even a hint of incorporating lower-level education, with Charles Pinckney of South Carolina proposing a power “to establish seminaries for the promotion of literature and the arts and sciences.” The proposal went nowhere.

More frequently discussed—though not by much—was a national university. The topic appeared to go off the table when New York’s Gouverneur Morris noted that there was no need to put a national university among the specific, enumerated powers given to Congress. The federal government could establish such a school in the eventual nation’s capital, if it so chose, via its exclusive jurisdiction over that district.

Beyond the famous Founders who championed some level of government-supplied education, there was little evidence of widespread support. Education was primarily a private concern, and it seemed to work. By 1840, as historian Albert Fishlow has reported, literacy among white adults (government often prohibited African Americans from being educated) was about 90 percent. As historian David Tyack has written, “Before Americans generally accepted the idea that schooling should be publicly controlled and financed, they clearly believed in education of the public.”

Crucially, Black fails to explore the full context in which education was often placed by the Founders: the necessity of religion.

The Northwest Ordinance, for instance, encouraged education not because “knowledge” alone is important to “good government,” but because so are “religion” and “morality.” Or look at George Washington. Black quotes his farewell address calling on Americans to promote “institutions for the general diffusion of knowledge,” but ignores Washington’s long discussion of “religion and morality” that are the “indispensable supports” to good government that precedes it.

Black cites the 1780 Massachusetts Constitution, which Adams was instrumental in framing, for its support of public schooling. Near the document’s top, however—not buried at the bottom as was the public schooling clause—it called for mandatory taxpayer funding of religion, including religious teachers, because “the happiness of a people and the good order and preservation of civil government essentially depend upon piety, religion, and morality.” Of course, only Protestant teachers would be funded.

That the Founders saw religion as crucial to government by the people, and that public support of education appeared to be largely a subset of that, is a problem for Black. Few people today would likely support government-sponsored religion. More important, incorporating religion prompts a basic question that reveals how inherently incompatible public schooling is with liberty: Whose religion do you teach with the tax dollars all must pay?

Alas, Black does not just dodge this matter when it comes to the Founders. He ignores basically all the battles over whose values, histories, and more would be taught that have constantly accompanied public schooling.

Black, for instance, does not discuss Roman Catholics at all, who starting around the 1840s were repeatedly battling to keep unacceptable material from being imposed on their children, including pleading for funding to follow their children to Catholic schools. Included in the annals of Catholic struggles were the Philadelphia Bible Riots of 1844, two waves of street-level warfare launched by a dispute over which Bible would be used in the public schools. It resulted in tens of deaths, hundreds wounded, and extensive property damage.

That said, “common schools” fostered religious conflicts before Catholics got involved, which Black also ignores. Protestants fought among themselves over the religious character of schools

championed by public schooling “father” Horace Mann. Later there was the famous 1925 Scopes “Monkey” trial over a Tennessee law prohibiting the teaching of evolution, which pitted largely fundamentalist Protestants against more liberal thinkers. Of course, religious battles continue to this day, including over prayer, assigned readings, and more.

Religious conflicts are not all that Black excludes. He ignores battles over the treatment of immigrants by public schools, especially “Americanization” that often demeaned and fractured immigrant families. He also ignores conflicts over history itself, including over teaching the contributions to the country of various ethnic groups, LGBTQ Americans, and more.

The only public schooling history Black focuses on is African Americans’ struggle to receive education. It is crucial history, of course, and Black provides some interesting details and insights into it. But even here, they are largely *against* government-run schooling.

As mentioned, through much of American history governments, often elected, barred African Americans from receiving any education, or required that they get it in segregated schools. As Black discusses, in many of those times and places blacks were denied voting rights, so the voting processes were not truly democratic. But, since at least the Civil Rights Act of 1964, African Americans have had full voting rights. Yet public schooling, as Black acknowledges, still seems massively stacked against African Americans.

While Black downplays the failure of democracy to provide African Americans with good education, he also gives short shrift to the power of freedom, and individual agency. Black does describe the amazement of many Civil War soldiers and relief workers when they found that many enslaved people they liberated could already read. As Black notes, it was a monumental testament to people’s desire and ability to attain an education for themselves. He also mentions the heavily private help that came for the newly freed. But he otherwise suggests that, absent public schooling, education would have been out of reach for all but the wealthy.

Moving closer to the present day, while Black documents African Americans’ battle for equality under the law, he ignores a deeper struggle: one for self-determination. Black Americans certainly wanted access to education, and because it was monopolized by white-controlled government that meant fighting for access to integrated public schools. But many wanted education that *they* controlled.

Schoolhouse Burning, for instance, contains no discussion of the famous Ocean Hill-Brownsville battle by African Americans to control the New York City public schools their children attended. It also has little about the many black people who felt they lost something dear when they were forced to desegregate. As one African American woman said about her schools before forced busing, “We were in a cocoon bathed in a warm fluid, where we were expected to excel.” But, under desegregation, “we went from our own land to being tourists in someone else’s. It never did come together.”

Stifling liberty concerns may be how Black is able to indulge in constant demonization of education reformers who seek more freedom through school choice. Black outright dismisses choice advocates’ citation of religious liberty and other arguments as some sort of dodge to subvert democracy. He writes that scheming choice advocates “tap into our constitutional commitments to parental autonomy and religious freedom by framing charters and vouchers as issues of personal liberty and religion.”

Choice arguments grounded in “freedom” and “liberty” are not just “framing.” Truly examining the history of public schooling, not to mention the basic nature of majority rule, makes clear that those are huge, real concerns.

Alas, “demonization” is not overstating how Black characterizes ideological opponents. He uses terms like “sinister” to describe motives behind policies he dislikes, and writes, “The incursion into public education happened for a reason. It was not just about bad people doing bad things. It was about good people watching bad things happen.”

For Black, public schooling critics are not just mistaken. They are not simply placing higher value on some overall good things than he does. No, they are *bad people*. And what do they want? He suggests to kill democracy in order to protect “the wealthy minority.”

This could have been a thoroughly thought-provoking book, and its discussions of some Founders’ beliefs about education, and African Americans’ education experience, are interesting. But, instead of engaging with the substance driving many people to advocate choice over government schooling, *Schoolhouse Burning* ignores mammoth parts of history, and goes scorched Earth in attacking the character of public schooling critics.

Neal McCluskey
Cato Institute