

Homeschoolers: Guilty Until Proven Innocent?

My eight-year-old daughter and I recently read about the Salem witch trials. She had heard about Salem from a friend who visited the nearby town during its popular Halloween festivities, and she was curious about the witches. We went to the library to get some books on the topic of how 20 innocent people were put to death for “witchcraft” in 1692, with scores more accused and jailed.

What struck me most about revisiting the Salem Witch Trials with my children was the fact that these English Puritans who had recently settled in Massachusetts Bay Colony had no presumption of innocence. Those accused of a crime at the time, both in the New World and elsewhere, were guilty until proven innocent. The presumption of innocence in trials, with court defenders and impartial juries, would take centuries to catch on. The phrase “innocent until proven guilty” was coined by an English lawyer in 1791, but even then it took a long while to become the legal precedent we all now take for granted.

A Pattern of Privacy Invasion

Of course, this legal designation is still imperfectly applied, particularly in cases of fear and bias against certain groups. The US PATRIOT Act, for instance, allows law enforcement agencies the authority to conduct surveillance on individuals and groups by monitoring personal phone calls, emails, and financial documents without a court order. First passed in 2001 in the wake of the 9/11 attacks and reauthorized since, it is intended to root out the evils of terrorism but does so by violating individual liberty and presuming guilt over innocence.

We see this pattern of privacy invasion by the state and presumed guilt in other areas, as well. In the United Kingdom, for example, there has been such a dramatic rise in the number of homeschoolers that the state believes it must regulate and monitor the practice. Estimates suggest that the number of homeschoolers in the UK increased 40 percent in just three years, and it is thought to be the fastest-growing education option in the UK, with approximately 60,000 homeschooled children in 2018.

The rapid growth of parents taking back control of their children’s education has led to calls by government officials to create a “compulsory register” of homeschooled children and to monitor their education. The UK’s Department of Education told the *BBC* through a spokesperson this week:

Where children are being home educated, we know that in the vast majority of cases parents are doing an excellent job. We also know,

however, that in a very small minority of cases children are not receiving the standard of education they should be.

The idea that all homeschooling families in the UK must now be presumed guilty of neglect because a “very small minority” might be is not a legitimate reason to violate the privacy and personal freedom of law-abiding citizens. There are already laws to protect children from abuse and neglect in the UK and elsewhere, and those laws should be duly enforced; but subjecting *all* homeschooling families to regulation and oversight because of fears of a few is a blatant example of state intrusion.

Guilty Until Proven Innocent

Families often choose the homeschooling option because they are especially attentive to their child’s well-being. As *The Guardian* reported last fall:

Many parents who opt to homeschool their children say they are avoiding bullying, exam pressure and stress. Others have concerns about special educational needs, not getting a place at the school of their choice, or the school environment.

In other words, most of these homeschooling parents are going above and beyond to provide the best education for their children and should not have their decisions questioned and educational approaches monitored.

Supporters of homeschooling regulation, both in the United States and abroad, frequently say that it’s really no big deal. If you’re one of the vigilant homeschooling families then you shouldn’t mind state oversight. But that’s like saying if I have nothing to hide, it’s okay for the government to search my house and read my emails—without a warrant. It presumes guilt over innocence.

Intentions may be good. The Salem Puritans wanted to root out witchcraft and what they saw as the work of the devil. The PATRIOT Act aimed to prevent terrorism through government surveillance. Monitoring homeschooling families is presented as protecting children. But in all cases, innocent people are suspected of guilt and must prove themselves worthy. It’s antithetical to the values of a free society.

I wanted to tell my daughter that we’re so much better now than those Puritans, that “innocent until proven guilty” now prevails. But I’m honestly not so sure.