Civic Education and Liberal Legitimacy*

Harry Brighouse

Liberalism is potentially a precarious doctrine. It not only specifies principles of justice which prescribe how individuals should treat each other, but also contains an independent condition of legitimacy, proclaiming that justice must not only be done but must freely be affirmed by the citizens whose behavior the liberal state aspires to regulate. So something is puzzling about the idea that liberal states may regulate the educational curriculum by mandating a civic education aimed at inculcating the values on which liberalism is based and behaviors which sustain it. If the state helps form the political loyalties of future citizens by inculcating belief in its own legitimacy, it will be unsurprising when citizens consent to the social institutions they inhabit, but it will be difficult to be confident that their consent is freely given, or would have been freely given.

Just as troubling, it might seem, is the idea that the state should take an explicit hand in trying to form the ways of life that children come to adopt, by mandating the promotion of autonomy in the educational curriculum. While civic education in general is relatively uncontroversial among contemporary liberal theorists, its content is disputed. In particular, the idea that the state should require a curriculum designed to teach the skills associated with autonomy is controversial, with some liberals arguing that it is entirely impermissible, and others that it is an essential part, or an unavoidable side effect, of civic education.[1]

* I am grateful to Jonathan Barrett, Shelley Burtt, Claudia Card, Lynn Glueck, Daniel Hausman, Andrew Levine, Darrell Moellendorf, Laura Purdy, Francis Schrag, the editors of *Ethics,* and others acknowledged in specific notes for valuable comments on previous drafts.

1. On the side of teaching autonomy, see Amy Gutmann, *Democratic Education* (Princeton, N.J.: Princeton University Press, 1987), and "Civic Education and Social Diversity," *Ethics* 105 (1995): 557–79; Stephen Macedo, *Liberal Virtues* (Oxford: Oxford University Press, 1990), and "Liberal Civic Education and Religious Fundamentalism: The Case of God v. John Rawls?" *Ethics* 105 (1995): 468–96; Eamonn Callan, "Political Liberalism and Political Education," *Review of Politics* 58 (1996): 5–33; and against, see Loren Lomasky, *Persons, Rights, and the Moral Community* (Oxford: Oxford University Press, 1987); William Galston, *Liberal Purposes* (Cambridge: Cambridge University Press, 1992), and "Two Concepts of Liberalism," *Ethics* 105 (1995): 516–34. For a liberal who rejects both civic education and autonomy-facilitating education, see Shelley Burtt, "Religious Parents, Secular Schools: A Liberal Defence of an Illiberal Education," *Review of Politics* 56 (1994): 51–70,

Ethics 108 (July 1998): 719–745

I shall argue that the near consensus among liberals on the permissibility of civic education is mistaken, and that the two policies—civic education and autonomy-facilitating education—raise very different sets of theoretical problems. Whether autonomy-facilitating education should be mandated depends on how authority over children's upbringings should be divided between parents and the rest of society; while the permissibility of civic education turns on questions of what are the legitimating conditions of the liberal state. I shall argue that although autonomy facilitation is not, properly speaking, an element of civic education, the proper division of authority over children's upbringings obliges the state to take some steps to ensure that children have the opportunity to become autonomous. Taking these steps, in turn, helps to mitigate what I argue are very serious problems concerning legitimacy with mandating civic education. But they do not suffice to make civic education permissible: I shall argue that civic education is permissible *only if* it includes elements that direct the critical scrutiny of children to the very values they are taught.

Two prefatory comments are in order. First, although I'm concerned with purported requirements on *education*, this is couched in terms of mandates on the *school* curriculum. Schooling and education are not identical. But the focus on schools makes sense because they do provide much education, and they can be publicly regulated and monitored much more effectively than other institutions, many of which educate only as a side effect.

Second, some comments about legitimacy. Liberals offer differing accounts of legitimacy. I shall not try to offer a new or thorough account here, but shall rely on three features widely shared among liberal conceptions. First, to be legitimate, a state must seek the consent of the governed. Since unanimous consent is unlikely to be forthcoming, and since some citizens are not expected to give their consent (e.g., lunatics, the congenitally bloody-minded), a weaker condition is that the state should be susceptible of hypothetical consent: it must be true that citizens would give their consent if they were reasonable, informed, and not overly self-interested.

Backing off to the more realistic demand for merely hypothetical consent forces us to strengthen other requirements, lest legitimacy become too easy. A state to which no one consents even though all *could* consent should not congratulate itself on its legitimacy. So some concern that the state aspire for the actual consent of at least a majority, and preferably a vast majority, is usually added to the hypothetical conditions.

Finally, liberals are not satisfied with actual consent achieved by

---

and "In Defense of *Yoder:* Parental Authority and the Public Schools," in *NOMOS XXXVIII: Political Order*, ed. Ian Shapiro and Russell Hardin (New York: New York University Press, 1996), pp. 412–37.

coercion or manipulation. The state cannot demonstrate legitimacy by merely showing that citizens could reasonably have consented to the arrangements under certain hypothetical conditions and that most do actually consent; it must also show that the actual consent is free and authentic. It is not simply caused by the state itself through mechanisms which have nothing to do with the appropriateness of the arrangements: for example, through the persecution of dissenters (which is prohibited by the substantive principles of liberalism), or a program of indoctrination or the placing of a "loyalty drug" in the water supply (neither of which is straightforwardly prohibited by the substantive principles).

Note also that substantive principles of justice offered by liberals and the conditions of legitimacy are, at least in principle, independent of one another. John Rawls's theory of justice, for example, is constituted by two principles of justice. But Rawls adds a conception of legitimacy, that "our exercise of political power is fully proper and hence justifiable only when it is exercised in accordance with a constitution the essentials of which all citizens may reasonably be expected to endorse in the light of principles and ideals acceptable to them as reasonable and rational."[2] Legitimacy may be achieved without justice being implemented, and vice versa. They can, furthermore, be in tension: there may be circumstances in which the only policies available to promote one of the values violate the strictures of the other.

I. TWO ARGUMENTS FOR CIVIC EDUCATION

William Galston has recently argued that the state may legitimately use public education to teach children those virtues required for the continued stability of the state, but may not require that they be exposed to a curriculum which facilitates personal autonomy. Galston endorses a special case of Locke's argument that the state may legitimately require those who accept its benefits to contribute to the stability required for their provision. The liberal state's right to educate us (and our children) in those virtues which serve its stability is grounded in the requirement to share the burdens of social cooperation fairly.[3]

Galston describes the liberal virtues programmatically, tying public excellences to offices and positions which are not held by all: judges should have fair judgment, elected representatives should be attentive to those they represent, and so on. He explicitly advocates inculcating two broad virtues in all citizens: "a willingness to coexist peacefully with ways

2. John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), p. 137. Rawls appears to think that constitutions could be legitimate while failing to implement his theory of justice: see his "The Law of Peoples" in *On Human Rights*, ed. Steven Shute and Susan Hurley (New York: Basic Books, 1993), pp. 41–82. For criticism of Rawls's view expressed in that paper, see Darrell Moellendorf, "Rethinking the Law of Peoples," *Pacific Philosophical Quarterly* 77 (1996): 132–54.

3. See Galston, *Liberal Purposes*, p. 250.

of life other than one's own," and "the minimal conditions of reasonable public judgment" (which, he says, do not require the skills associated with autonomy).[4]

The argument abstains entirely from describing any obligations the state has toward children. Individuals have an interest in preserving what they can of their private conscience, so children are taught to uphold conditions favorable to freedom of conscience. The state is obliged to all citizens to preserve the conditions in which they can pursue their ways of life, and hence obliged to sustain itself. This duty yields the permissibility of a minimal civic education, involving the cultivation of loyalty and civic virtue as defined above.

Amy Gutmann makes a different kind of argument for mandatory civic education and understands civic education to make different and apparently more extensive demands on the content of the curriculum than Galston would permit. For Gutmann the need for civic education flows from the "democratic ideal of sharing political sovereignty as citizens."[5] Gutmann's civic education has both substantive and formal components. She claims that the ideal of sharing political sovereignty requires both behavior which is in accordance with political authority and critical thinking about authority. Democratic civic education aims at inculcating in children the habits and values which the good democratic citizen will possess: "Deliberative citizens are committed, at least partly through the inculcation of habit, to living up to the routine demands of democratic life, at the same time as they are committed to questioning those demands whenever they appear to threaten the foundational ideals of democratic sovereignty, such as respect for persons." In order to produce such citizens it is permissible for the state to regulate education to predispose "children to accept ways of life that are consistent with sharing the rights and responsibilities in a democratic society" as well as foundational democratic values.[6]

Unlike Galston, Gutmann claims that civic education requires teaching the skills associated with autonomy. Her case appeals to the requirements for effective participation in political discussion and debate. Gutmann argues that *mutual civic respect* is needed to secure the "minimal conditions of reasonable public judgment."[7] Mutual civic respect is contrasted with mere tolerance: when we are merely tolerant we refrain from coercing those with whom we disagree, but when we accord them civic respect we take them—and their ideas—seriously. The idea is that in order to take adherents of other beliefs—and their beliefs—seriously, children must learn skills such as how rationally to evaluate different moral claims. The basic idea is that unless citizens know what other

4. Ibid., p. 253.
5. Gutmann, *Democratic Education*, p. 51.
6. Ibid., pp. 52, 42.
7. Gutmann, "Civic Education and Social Diversity," p. 578.

citizens believe and are able to evaluate their arguments, their abilities to press their own interests effectively in democratic processes and to assess the arguments pressed by others are both hampered.

But the skills involved in "political reflection cannot be neatly differentiated from the skills involved in evaluating one's own way of life." "Most (if not all) of the same skills and virtues that are necessary and sufficient for educating children for citizenship in a liberal democracy are those that are necessary and sufficient for educating children to deliberate about their own ways of life, more generally (and less politically) speaking."[8] Education for autonomy is, then, a by-product of what is needed to teach civic respect, which in turn is an element of civic education.

II. CIVIC EDUCATION VERSUS LIBERAL LEGITIMACY

Gutmann's and Galston's arguments for, and recommendations regarding, civic education flow from quite different liberal traditions. Galston's picture of the just liberal state places a premium on freedom and diversity: the fact that people have different ways of life requires the state to inculcate those virtues needed to underwrite diversity. Gutmann, by contrast, emphasizes democratic deliberation. In her just liberal state citizens are obliged to care about those projects and circumstances they share with their fellow citizens. But her argument resembles Galston's in one crucial respect: it appeals to the value of what is taught for the perpetuation of a just state. This causes serious problems for both views.

Take Galston's account first. The problem is that giving the state presumptive authority to inculcate its values in future citizens violates liberal legitimacy. If we carefully foster the virtues among those who are not yet able rationally to assess the legitimacy of the state itself, what basis do we have to think they would have freely supported it on the basis of their reason alone? Galston says we are supposed to cede as much of our own private conscience as is necessary to preserve the conditions for securing the exercise of private conscience. But what confidence can we have in a judgment of how much conscience to cede to a body which we know has deliberately shaped our judgment to cede?

The objection might be less telling if Galston's civic education focused less on traditionally conservative civic virtues (although we shall see that Gutmann's more critical content also faces problems). But he cites precisely the virtues which sustain the subservient relation of the individual to the state. Citizens should certainly be independent in that they do not have to rely on others; tolerant in that they do not violate the rights of others; and moderately capable of deferring gratification. But other virtues are: the work ethic; the adaptability which enables workers to accommodate the vagaries of the market; "the capacity to discern the

8. Ibid., pp. 578, 573.

talent and character of candidates vying for office and to evaluate the performance of individuals who have attained office"; as well as the general virtues of "courage" (by which he appears to mean patriotism), law-abidingness, and loyalty—"the developed capacity to understand, to accept, and to act on the core principles of one's society."[9]

The minimal sense in which citizens should be independent and the extent to which these virtues incline them to obedience to the state make it especially difficult to be assured that actual consent to the state is offered in conditions where informed critical scrutiny is a realistic possibility for the citizen. This lack of assurance is compounded by Galston's prescribed *methods* of teaching civic loyalty. Rather than inspiring loyalty by explaining truthfully the history of the state and its relations with others, teachers are to be economical with the truth. Galston says that:

> it would be rash to conclude that the clash between rational inquiry and civic education in liberal societies has ceased to exist. . . . On the practical level, few individuals will come to embrace the core commitments of liberal society through a process of rational inquiry. If children are to be brought up to accept these commitments as valid and binding, the method must be pedagogy that is far more rhetorical than rational. For example, rigorous historical research will almost certainly vindicate complex "revisionist" accounts of key figures in American history. Civic education, however, requires a nobler, moralizing history: a pantheon of heroes who confer legitimacy on central institutions and are worthy of emulation. It is unrealistic to believe that more than a few adult citizens of liberal societies will ever move beyond the kind of civic commitment engendered by such a pedagogy.[10]

The moralizing pedagogy Galston recommends, of course, is not free of practical dangers. When a liberal government permits or mandates such a pedagogy, it places the elite with easy access to the "revisionist" history in the uncomfortable situation which can lead to contempt either for the institutions of the state or for the mass whose loyalty is grounded in falsehoods. A liberal society which supports free inquiry and allows relatively easy access to its results also makes it easy for agitators from that elite to exacerbate the periodic crises of legitimacy to which any free society is prone. Loyalty is more secure in a crisis when grounded in informed rational reflection than when grounded in a demagogic pedagogy.

More important, in principle, than the dubiousness of Galston's political calculation is the relationship of his pedagogy to the prospects for achieving actual legitimacy. Not only do Galston's civic educators aim to

9. Galston, *Liberal Purposes*, pp. 222, 223, 224, 221 (emphasis added); courage is "the willingness to fight and die for one's country" (p. 221).

10. Ibid., pp. 243–44.

inculcate an unacceptably deferential citizenship, but their method involves systematically misleading future citizens, erecting serious barriers to the critical and informed consent to which liberal legitimacy aspires.[11]

Gutmann's account might seem less problematic than Galston's. Her civic education, unlike Galston's, has a formal component which inculcates an inclination and ability critically to scrutinize values and ideals, so her model is less susceptible to the complaint that it simply implants the values of the liberal state and hence unacceptably conditions consent. It *does* condition assent, but it simultaneously equips prospective citizens with the capacity to challenge those values rationally.

But her account is not unproblematic. Civic education, on her account as on Galston's, teaches values. Gutmann insists that values be inculcated prior to encouraging rational reflection because: "Children are not taught that bigotry is bad, by offering it as one among many conceptions of the good life, and then subjecting it to criticism on the grounds that bigots do not admit that other people's conceptions of the good are 'equally' good. Children first become the kind of people who are repelled by bigotry, then see the force of the reasons for their repulsion. The liberal reasons to reject bigotry are quite impotent in the absence of such sensibilities."[12] But it could appear self-effacing to teach values prior to critical scrutiny. Autonomy-facilitating education depends on and promotes the idea that rational scrutiny of evidence and arguments is a more reliable means of truth acquisition than trusting the proclamations of the authorities. But children might reasonably ask themselves why liberal values must be taught prior to critical scrutiny, if rational scrutiny genuinely has the power claimed for it by autonomy-facilitating education. If they are true values, why do the authorities give them favorable treatment? Shouldn't teaching critical skills and encouraging their deployment suffice to get students to adopt true values?

The facts of developmental psychology do support Gutmann's view that some values must be taught before critical reflection is possible: the fear of self-effacement just has to be answered by saying that those values can be subjected to critical scrutiny after the capacity for it can be developed. But Gutmann does not recommend that critical attention to the values underlying democratic authority be encouraged. She argues only that citizens should be committed to questioning practical demands which "threaten the foundational ideals of democratic sovereignty." In other words, the critical faculty contributes to the state's survival rather than its legitimacy. Although her civic education *equips* citizens to

11. For an excellent and far more detailed critique of Galston's civic education, see Eamonn Callan, "Beyond Sentimental Civic Education," *American Journal of Education* 102 (1994): 190–221. Callan focuses not on the problems for liberal legitimacy but on the moral problems with this sort of education, and the possibility of providing a nonsentimentalizing civic education which engages citizens in public life.

12. Gutmann, *Democratic Education*, p. 43.

scrutinize the values inculcated, it does not encourage scrutiny. Yet confidence that liberal legitimacy is met requires that the values inculcated have survived critical scrutiny, for only then have we any reason to believe that the commitments are not merely conditioned by the state.

The most decisive problem with Gutmann's account is that she deploys an overly demanding conception of democratic citizenship. It is an uncontroversially fundamental aspect of democracy that all citizens have the opportunity to engage in potentially effective participation in political decision making. It is also proper to require that social institutions not impose barriers to children's ability to develop into effective participants. But it is not part of the ideal of democracy that all citizens actually choose to engage in politics. Gutmann says that "the good of children includes . . . identification with and participation in the good of their family and the politics of their society."[13] But abstention from the political process is, and should be, a viable and permissible option for the good citizen of at least a *liberal* democratic state. One can live well pursuing projects none of which involve the state or considerations of public policy within the limits set by justice. While good democratic citizens may be required to premise actual political participation on a willingness coolly to consider the arguments and evidence adduced for different proposals, they have no obligation actually to participate in civic affairs except, perhaps, when justice itself is under threat.[14] In short, while Gutmann's proposal includes elements which mitigate the legitimacy problem, her arguments for those elements rest on a mistaken conception of democracy.

III. CIVIC EDUCATION AND AUTONOMY-FACILITATING EDUCATION

While Gutmann and Galston prescribe different curricular content, their arguments for civic education are suspect for similar reasons. Both of them license the state to promote in children loyalties, habits, and beliefs conducive to its continued stability, without simultaneously encouraging critical reflection on those commitments. But liberal legitimacy, as described earlier, demands that the state seek the free and unmanipulated assent of reasonable citizens. By conditioning consent

13. Ibid.

14. Gutmann's civic republicanism is not essential for radically egalitarian democracy. Consider the analogy with equality of resources. Egalitarians say that all should have available roughly equal resources, but would not say that all should consume the resources available to them: those who prefer to consume less than equality gives them may do so. Similarly, one can say that all citizens should have available roughly equal influence, without advocating that all citizens should take up the equal influence available to them. Radical democracy privileges politics as a sphere of activity because it advocates a principled insulation of the distribution of political power from the distribution of other goods, but it does not necessarily require citizens to *use* that power. See my "Egalitarianism and Equal Availability of Political Influence," *Journal of Political Philosophy* 4 (1996): 118–41.

without encouraging reflection, the state seeks consent while giving it the wrong kind of character, thus undermining its own capacity for legitimacy.

One response to this problem would be that civic education may not be mandated or even encouraged by a legitimate liberal state. Perhaps liberal legitimacy simply rules out civic education, not from a concern with parental freedom, but because in providing civic education the state does a direct wrong to children, by making them persons who cannot give legitimating consent to liberal institutions.

This response, though, does not resolve the problem. Even given complete abstention from involvement in the educational curriculum, the most conscientiously self-limiting state is unlikely to refrain entirely from encouraging consent in ways that bypass or preempt citizens' rational scrutiny. The state has a monopoly on the legitimate use of coercive power—some of the just uses will likely encourage consent. It (quite properly) sets the rules which establish the background to the institutions of civil society. In setting these rules it is liable to produce an atmosphere in which consent develops other than through the scrutiny of individuals. The state issues official reports and official histories, sets national holidays and operates within traditions which it thereby maintains. It also, unavoidably, pronounces on its own legitimacy through the mechanisms for protecting the fundamental rights liberalism guarantees. Even publicly guaranteeing rights encourages citizens to view themselves as rights-bearers, thus conditioning support.

Weak conditioning of consent is a predictable consequence of many proper activities of the liberal state: so abandoning civic education does not sidestep, though it may mitigate, the problem of legitimacy. A second response would be to assert that justice has priority over legitimacy within liberalism, and that if, as both Gutmann and Galston suggest, civic education is required to secure justice, then that it inhibits legitimacy is no objection to it. I am skeptical of this response, since it makes legitimacy a far less interesting condition than liberals usually take it to be. But it is hard to evaluate without a theory of the relationship between the two values. Instead I shall develop a third response to the tension, which identifies a policy on which justice and legitimacy appear to converge. Explicitly distinguishing the policy of teaching children the skills associated with autonomy from civic education proper, this response suggests mandating autonomy-facilitating education in the school curriculum *independently* of civic education. The conflict between civic education (if it *is* provided) and/or the effects of other state activities and legitimacy may be resolved, and is at least mitigated, by autonomy-facilitating education. And there are independent grounds of justice for mandating autonomy facilitation.

What is the relevant conception of autonomy? Conceptions of autonomy vary among moral theorists and among metaphysicians. Some

conceptions, such as Kant's, are implausibly strong. But some common features are plausibly valuable, and could usefully guide institutional design.

Most conceptions of autonomy impugn at least the following forms of belief and preference formation: preferences formed where coercion limits the available realistic options; preferences and beliefs formed where someone deliberately manipulates an agent by providing false information about the options available or costs and benefits attached to the options; the familiar processes whereby people adapt their preferences (or beliefs) subconsciously to apparently unchangeable circumstances (sour grapes); or consciously accommodate their preferences to unjust background conditions (stoic slaves).

Some of these types of nonautonomy are somewhat present in each of our lives. However, teachable skills can enable us to avoid or overcome many instances of nonautonomy. Broadly speaking, the capacities involved in critical reflection help us to live autonomously. We can be taught methods for evaluating the truth and falsehood, or relative probability, of various claims about the world. We can be taught, for example, the difference between anecdotal and statistical evidence and the differences in the reliability with respect to the truth. Manipulation can be avoided, to some extent, by ensuring that we have the developed ability to investigate truth claims with somewhat reliable tools, on our own. We can be taught that adaptive and accommodationist preference-formation are features of human behavior and that most people, to some extent, can avoid these by "stepping back" from their commitments and reflecting on how they were formed.

I have focused on the processes of preference and belief *formation.* But many of our commitments must be formed nonautonomously. Many of our most deeply held beliefs were not selected through careful and rational weighing of the reasons for holding one belief or another, but by internalizing impressions, by trusting the testimony of others, or by trusting our intuitions or hunches. A theory of autonomy which impugned *all* such beliefs or commitments would make autonomy a rare and hard-to-attain condition. But commitments can be autonomous in a second way. Commitments generated by nonautonomous processes become autonomous when the agent reflects on them with an appropriate degree of careful critical attention. The person whose commitment to socialism originated in childhood stories told by her much adored grandmother is not forced to choose between nonautonomously remaining a socialist or becoming an autonomous renegade: she can subject her socialist beliefs to rational criticism in the light of some viable alternative contending ideologies. If the socialist commitments survive, they are now held autonomously. The same holds for many commitments.

What, then, is the argument for having the state impose an autonomy-facilitating education on all children? The case cannot rest on

the stability needs of the liberal state: making autonomy available is more than mere stability requires, and, as Galston points out, may even undermine stability by setting the state against the values and practices of many loyal citizens.

But one argument, which I shall call the *instrumental argument*, is entirely unconnected with stability, appealing instead to direct obligations to the children who will receive the education.[15] The instrumental argument starts by asserting that justice requires that each individual have significant opportunities to live a life which is good for them. Liberals are properly reluctant to have the state comment on the substantive ends of citizens. But if someone has all the resources and liberties that justice requires, but has, as an avoidable result of the design of social institutions, no, or hardly any, opportunity to live well, she has not been treated fully justly. One purpose of delivering the resources and liberties which justice requires is that they enable people to live well, and to live well by their own judgment. But to live well one needs more: one needs also some sense of what constitutes living well.

Were learning how to live well an entirely mysterious matter, or if equipping people with the skills associated with learning how to live well *conflicted* with other elements of justice, we might concede that justice requires only the delivery of external resources and conditions. But the basic methods of rational evaluation are identifiably somewhat reliable aids to uncovering how to live well. This is especially important in modern conditions, with "fast changing technologies and free movement of labour [which calls for] an ability to cope with changing technological, economic and social conditions, for an ability to adjust, to acquire new skills, to move from one subculture to another, to come to terms with new scientific and moral views."[16] Without autonomy-related skills we are easily lost in the moral (and economic) complexity of modernity. This does not imply that none will hit on, or at least approach, good ways of life without their aid, nor that rational deliberation is infallible. As in other areas of knowledge, inspired guesses, trusting the reliable communication of another, and manipulation by reliable others can help us find out how to live well. And rational deliberation confronts barriers. But in the absence of fortunate guesses and well-informed parents, children will be significantly more able to live well if they are able rationally to compare different ways of life.[17]

Some clarification is needed of the notion of living well. Living well

15. The following argument appears in very truncated form in my "Liberal Egalitarians and School Choice," *Politics and Society* 22 (1996): 457–86, p. 465. See also Ian Shapiro, *Democracy's Place* (Ithaca, N.Y.: Cornell University Press, 1996), pp. 167–71 (in a chapter coauthored with Richard Arneson) for a similar argument.

16. Joseph Raz, *The Morality of Freedom* (Oxford: Oxford University Press, 1987), pp. 369–70.

17. See the discussion in ibid., pp. 370–78.

has two aspects, one concerning the content of the way of life and the other concerning the way the agent relates to it. Living well requires that the way of life be good; and the person living it must endorse it "from the inside," as it were.[18] Some religious and communitarian ways of life are not good, and children whose parents pass them down cannot live them well even if they endorse them: those children have no opportunity to live well unless they are able to find other, better, ways of life. Other religious and communitarian ways of life are, of course, good. But some children will not endorse them from the inside: although the ways of life are good, these people cannot live them well. They have opportunities to live well only if they can exit into other good ways of life. How able they are to exit into another good way of life depends, partly, on whether they possess epistemically reliable ways of evaluating different ways of life.[19]

These facts support a strong presumption that children should have the opportunity to learn the skills associated with autonomy, so that should either of the above conditions obtain they can exit into a way of life that is better for them, and that parental preference is not sufficient reason to deny them that opportunity. In waiving this opportunity parents would be depriving their children of skills which are of great value in working out how to live well. Does the argument, though, support intervention in the school curriculum? It is important to see that the primary question here concerns the institutional distribution of authority over children. The instrumental argument suggests that the state (as an agent on behalf of society) has the authority to provide children the opportunity to be autonomous. Whether this requires intervention in schooling, and what form that intervention should take, will depend on the character of noneducational institutions and facts about developmental psychology.

If, for example, a robust public culture provided abundant opportunities to develop the relevant skills, and parents could not shield their children from those aspects of the public culture, then perhaps no intervention would be needed. I assume that this is false in most liberal democracies; and many parents who would exempt their children from

18. See Will Kymlicka, *Multicultural Citizenship* (Oxford: Oxford University Press, 1995), pp. 80–84 for an elaboration of the idea of living a life from the inside.

19. It might be objected that this notion of living well unacceptably demotes unchosen commitments—e.g., commitments to the welfare of our parents or other relatives. I think that is wrong: whether one lives well in carrying out such commitments depends not on rationally choosing them, but on whether the obligations flowing from them are accepted "from the inside." The obligations are undertaken from the inside if the agent identifies with them. She does not live well if she undertakes them with deep resentment and anger, even if what she is doing is good. But she can live well consistent with undertaking them, without choosing them or the commitments from which they flow.

autonomy-facilitating education at school also refrain from teaching them the relevant skills at home.[20] In the United States, parents who waive autonomy-facilitating education for their children typically live in tight-knit communities which limit opportunities for exposure to other ways of life and for the development of critical faculties.

Assumptions about developmental psychology underlie all discussions of the educational curriculum. If children were hardwired to be rational rebels, perhaps a repressive and religiously sectarian education would be an autonomy-facilitating education.[21] I am assuming, with other participants in this debate, that to hold one's moral commitments autonomously requires the use of skills and knowledge which, for most people, must be taught explicitly in a controlled environment. If this is false, then, while the claim about the distribution of authority stands, the recommendations concerning autonomy-facilitating education may be undermined.

The conception of autonomy invoked looks rather abstract. Rational reflection does not suffice to weigh different alternatives of how to live, or different immediate choices about what to do, as propositional logic suffices when evaluating the validity of arguments. However, no other (known) device is so reliable in this area of human understanding. Rational reflection can help us to detect inconsistencies and fallacious argumentation and to uncover misuse of evidence. It helps us to see whether a choice coheres with our given preferences, including our higher-order preferences. It helps us therefore in determining the relative plausibility of different positions both on the grounds of evidence and coherence.

Notice that the instrumental argument is structured entirely differently from Galston's and Gutmann's arguments for civic education. This argument starts with the obligation which adults have toward prospective adults, to provide them with certain kinds of opportunity to live well. The state is charged neither with maintaining its own stability nor with promoting the attitudes and abilities which will make the institutions of the state healthy and just, but with providing prospective citizens with the substantive means to select pursuit of a better rather than worse conception of the good. The fundamental interest each has in living well yields

20. See Stephen Bates, *Battleground: One Mother's Crusade, the Religious Right, and the Struggle for Control of Our Classrooms* (New York: Simon & Schuster, 1993) for an account of *Mozert v. Hawkins,* in which parents demanded that textbooks teaching, among other things, that a central ideal of the Renaissance was a belief in the equal worth of all human beings, be removed from the school. The Mozert parents, like the Amish parents in *Wisconsin v. Yoder,* took the prospective autonomy of their children as a threat to their continued adherence to their religion.

21. I owe this example to Laura Osinski, who helped me identify the different levels of abstraction relevant to my argument.

an obligation on all to provide prospective adults with an instrument for selecting well among ways of life. Confidence that others have a real opportunity to live lives that are good *for them* is only possible if we provide the means to select one.

Some may be unpersuaded that *justice* requires that all children have the opportunity to become autonomous and that the state should be involved in its provision. The key to seeing why justice is involved here is to think about the requirement of equal opportunity. Equality of opportunity impugns unequal life prospects when they arise from unequal circumstances, but not when they arise from conscious choices. But children who learn the skills associated with autonomy face prospects for living well superior to those who do not, and those inequalities are the result of their circumstances rather than their choices.[22]

A stark example will help. Gay American teenagers exhibit an attempted suicide rate several times that of heterosexuals. One possible explanation for this differential is that gay teenagers discovering their sexuality feel that the world lacks a place for them: many have no role models in their everyday life, and are presented with no examples at home or school of people who live fulfilling lives while maintaining intimate and sexual relations with people of the same sex. The disproportionate attempted suicide rate, which plausibly represents an objectionable inequality of opportunity, may be explained by this alienation. If so, we are plausibly obliged to ensure that children are exposed to experiences and reflective skills which may lessen this alienation.[23] Homosexuality is, to be sure, an exceptional case: not a way of life so much as a morally permissible choice within many ways of life.[24] But the general point—that, where unequal prospects result from circumstances, intervention is a prima facie requirement of justice—holds for the less extreme cases on which our discussion has focused.

What are the curricular consequences of autonomy facilitation? It is difficult to be precise about this, for the reasons given above. But we can identify four important curricular elements which are likely to facilitate autonomy in democratic societies. Children would learn, at the age when they are capable of understanding it: (1) the traditional academic content-based curriculum; (2) how to identify various sorts of fallacious arguments, and how to distinguish among them, as well as between them and nonfallacious arguments; (3) about a range of religious, nonreligious, and antireligious ethical views in some detail, about the kinds of reasoning deployed within those views, and the attitudes of proponents

22. In the case of children, furthermore, it is not clear that the principle of equal opportunity even permits inequalities arising from choices.

23. Thanks to Jocelyn Johnson for this example.

24. I doubt that homosexuality would be a way of life in nonoppressive circumstances, any more than heterosexuality is in most contemporary societies: but in oppressive circumstances it sometimes is.

toward nonbelievers; (4) about the diverse ways (including non-reason-based ways) in which secular and religious thinkers have dealt with moral conflict and religious disagreements, and how individuals have described conversion experiences, losses of faith, and reasoned abandonment of ethical positions. Teaching children how to be rationally reflective will involve teaching them, at the appropriate age, literature, drama, art, history, and some philosophy.[25] Despite the programmatic nature of the above description, I do not envisage autonomy facilitation as being conducted within a class separate from all other academic subjects. Teachers would want to use opportunities that arise in the course of the year to show children how to reason about particular cases. That said, some space should probably be provided for allowing proponents of particular moral views to address children in the controlled environment of the classroom. Thus while the instrumental argument is connected to the liberal humanism which is anathema to many religious sectarians, the implementation of autonomy-facilitating education would probably require a nuanced attitude to the exposure of children to religion in schools.[26] A child cannot be autonomous either in her acceptance or rejection of a religious view unless she experiences somewhat enthusiastic advocacy. Autonomy, though susceptible of an abstract description, cannot be practiced outside the specific situation of individual lives; the education provided should reflect this.

The recommendations above resemble Gutmann's, but they also diverge. Here children are taught that diversity is a fact, but they are not taught that it is desirable. Correlatively they are not taught sympathetically to address views about the good life other than their own; only about such views, and *how* to engage them seriously. They are taught neither Gutmann's virtue of civic respect nor Galston's of tolerance.[27] Though not value-free, these recommendations favor knowledge and skills over virtue.[28] This is because the recommendation is for autonomy-*facilitating* rather than autonomy-*promoting* education. The argument claims that equipping people with the skills needed rationally to reflect on alternative choices about how to live is a crucial com-

25. See Callan, "Beyond Sentimental Civic Education," esp. pp. 205–14, for a detailed discussion of two texts that contribute to an education of the sort I am suggesting.

26. As Mill says of adults, "Nor is it enough that he should hear the arguments of adversaries from his own teachers, presented as they state them, and accompanied by what they offer as refutations. That is not the way to do justice to the arguments, or bring them into real contact with his own mind. He must be able to hear them from persons who actually believe them; who defend them in earnest and do their very utmost for them." John Stuart Mill, *On Liberty* (New York: Norton, 1975), p. 36.

27. There may be reasons that children should be taught these virtues. The instrumental argument does not provide them.

28. Although I have focused on the "skills associated with autonomy" I am skeptical that any cognitive skills can be taught without teaching knowledge. See E. D. Hirsch, Jr., *The Schools We Need and Why We Don't Have Them* (New York: Doubleday, 1996), chap. 2.

ponent of providing them with substantive freedom and real opportunities, by enabling them to make better rather than worse choices about how to live their lives. The education does not try to *ensure* that students employ autonomy in their lives, any more than Latin classes are aimed at ensuring that students employ Latin in their lives. Rather it aims to *enable* them to live autonomously should they wish to, rather as we aim to enable them to criticize poetry, do algebra, and so on without trying to ensure that they do so. The argument suggests that, other things being equal, people's lives go better when they deploy the skills associated with autonomy, but does not yield any obligation to persuade them to deploy them: autonomy must be facilitated, not necessarily promoted.[29]

Although the methods recommended will be more somber than evangelizing, it may still be hard to distinguish autonomy-facilitating from autonomy-promoting education in practice. Compare with teaching some sports: it is hard to teach the skills without also communicating that the sport is worth playing. Furthermore, if autonomy requires that an agent has the self-confidence to regard herself as capable of assessing claims of authority, in teaching that attitude the state will appear to be promoting autonomy.[30] These are serious problems for winning and maintaining widespread political support for a policy of autonomy-facilitating education, but do not impugn the real difference in the justificatory strategies.

What are the connections between autonomy-facilitating education, civic education, and liberal legitimacy? Civic education is problematic because legitimacy deprives governments of the authority to condition the consent of future citizens. Such conditioning is especially troubling when, as Galston advocates, it involves the teaching of a civic history which is "noble and moralizing" but is also problematic when it involves teaching any virtues.

How could autonomy-facilitating education facilitate legitimacy? First, autonomy-facilitating education appears necessary for the state to fulfill any obligation to provide a real opportunity for children to give the kind of consent that matters for the legitimacy of liberal institutions. How does autonomy-facilitating education help do this? Saying that legitimacy depends on acceptability to autonomous citizens does not imply that there are no restrictions on the legitimate coercion of the nonautonomous. There are restrictions, and they are the same as those that

29. I have not shown that autonomy facilitation is *all* that is owed to children and am open to the possibility that autonomy should be actively promoted. However, the considerations I invoke concerning legitimacy, while they do suggest that critical reflection on the values underlying social institutions should be actively encouraged, make me uneasy about active encouragement of autonomy.

30. Thanks to Erik Olin Wright and an editor of *Ethics* for pointing out these difficulties.

obtain on coercion of the autonomous. However, as we have seen, the liberal state does not seek uncritical and unreasoned consent. In evaluating legitimacy we need some assurance that those who give consent have had real opportunities to become critical and reasonable citizens. Yet a state which allows children to be denied autonomy-facilitating education denies those children such opportunities. It is empty to claim that a state is legitimate because its coercive actions would have been accepted by autonomous citizens unless that same state has ensured that each person has been able to become autonomous. So the state has an obligation to ensure that all future citizens have the opportunity to become such citizens.[31]

While autonomy-facilitating education helps ensure that children have the real opportunity to become the kind of people whose consent matters for legitimacy, it does not suffice. Autonomy-facilitating education equips children to reflect on alternative ways of life but does not encourage critical reflection on the design of social institutions. Autonomy-facilitating education partially equips children for such reflection: many of the skills involved are the same as those involved in reflecting on how to live one's own life. By equipping prospective citizens to review social arrangements rationally, as well as the values that have been inculcated in them, the policy diminishes room for reasonable suspicion on their part that reason does not support their acceptance of those arrangements. It does this even if they choose not to reflect critically: knowing that the state has enhanced my ability rationally to criticize its structure and policies may diminish my suspicion of its motives in inculcating the virtues.

However, autonomy-facilitating education does not fully equip children for the reflection which underpins legitimacy: in particular my description of autonomy-facilitating education includes neither the knowledge base concerning the actual design of institutions, nor the appreciation of the complexities involved in assessing historical feasibility essential to the evaluation of institutions.

How could autonomy-facilitating education be supplemented to support legitimacy? Again, any recommendations are, of necessity, both speculative and underspecific. But three elements, likely to be common among known democratic societies, can be discerned:

> *History as a social science.* To give reasoned consent to the status quo, citizens need an accurate sense of how the institutions work and of how they were designed and reformed over time. The history citizens are taught must meet reasonable standards of completeness, and must be critical, displaying the difficulties with estab-

31. I'm grateful to Shelley Burtt for forcing me to make a number of distinctions I had hitherto missed in this and the ensuing paragraphs.

lishing what the facts are and of assessing the motives of historical agents and the effects of their actions.

Alternative ideologies. Citizens need an appreciation of the range of alternative ideologies concerning political and economic institutions. The consent of citizens of socialist countries cannot be fully reasoned unless they are aware of the moral and pragmatic critiques of socialism provided by defenders of capitalism; similarly, fully reasoned consent to capitalism is possible only if informed by socialist critiques of inequality and property relations and critiques of high-growth "consumer society." It is not essential (or possible) for all competing ideologies to be presented fully: but a range should be presented such that the students can develop the facility to grasp and think through new ideologies as they uncover them. At least some of the ideologies presented must be nonliberal.

Disagreement and conflict. The different ways political thinkers and actors have dealt with disagreement, both within and among ideological traditions, should also be taught. This need not be prescriptive: the aim is to give students an accurate sense of how political actors have perceived and dealt with conflict.

These elements may not exhaust the requirements for a legitimizing education, and institutions of civil society may be sufficiently powerful in fostering careful critical thinking about social institutions in some liberal regimes that some of these recommendations may be omitted from the curriculum. But citizens lacking the knowledge and skills aimed for in these recommendations are ill placed to consent to institutions in the way liberal legitimacy needs.

Does liberal legitimacy rely on too intellectualized a conception of consent? Citizens have busy lives, are properly concerned with a range of demanding projects, and have limited time and energy to "move beyond the kind of civic commitment engendered by [Galston's recommended] pedagogy."[32] Some are simply not very clever.

It does seem optimistic to expect all citizens actually to have the critical understanding of social institutions needed for reasoned consent, and if this were a prerequisite then legitimacy would be almost unachievable. But, perhaps, we should see legitimacy as a matter of degree rather than an all-or-nothing matter. The view would not be that the degree of legitimacy is determined by the proportion of citizens consenting, but that how successfully actual consent legitimates depends on the barriers to free and unmanipulated consent: the fewer the barriers, the more successfully the consent legitimates. Galston's civic history imposes severe barriers to free and unmanipulated consent and deprives most citizens of the realistic opportunity to consent in that way. The education I suggest above does the reverse: without encouraging it, it enhances the opportunities for most citizens to give consent of the kind legitimacy requires.

32. Galston, *Liberal Purposes*, p. 244.

IV. OBJECTIONS TO AUTONOMY-FACILITATING EDUCATION

Serious philosophical objections to mandatory autonomy-facilitating education divide roughly into three categories. Some claim that overriding the desires of parents for their children's education violates their fundamental rights to guardianship. I have discussed several such arguments elsewhere and address them only briefly here.[33] Children, though lacking some abilities which are the standard markers of moral personhood, have the status of persons in that, morally, they count equally with persons, and they count independently of their connection to anybody else. As such, while they lack the obligations of personhood, whoever has those obligations has them toward children, and the connection between children and parents does not dissolve them. To deny this would compromise liberalism's claim to be an individualist doctrine and would deprive liberal legitimacy of much of its appeal, since the formative years of every citizen would be exempt from its conditions. Of course, concern for the interests of children should lead us to assign primary responsibility to those who will best protect those interests, which in most normal cases will be the parents. But this does not imply that parents have a fundamental right to guardianship, prior to their social suitedness to performing that task. If parents have legitimate claims to be the guardians of their children it is only because children's interests are better protected overall if their parents are regarded as their guardians.[34]

A second kind of argument objects that a state that imposes autonomy-facilitating education is unacceptably nonneutral in that it presumes the falsehood of moral commitments of some reasonable citizens. This objection might also claim that the nonneutrality constitutes a failure of legitimacy: how can the state be said to be seeking the consent of people against whose wishes it imposes autonomy-facilitating education on their children?

I doubt that religious parents will object to the above recommendations as strongly as they would to the more morally laden recommendations of theorists like Gutmann. But, anyway, neutrality is an inappropriate constraint on the state regarding policies concerning children. If neutrality should constrain government policies concerning adult citizens, it is for one or both of the following reasons. First, it might help in

33. Some examples of the first kind of argument can be found in Charles Fried, *Right and Wrong* (Cambridge, Mass.: Harvard University Press, 1976); Galston, *Liberal Purposes;* and Lomasky. I discuss them in my "School Choice: Some Theoretical Considerations," in Samuel Bowles, Herbert Gintis et al., *Recasting Egalitarianism: New Rules for Equity and Accountability through Markets, Communities, and Governments* (London: Verso, 1998), in press.

34. Richard Arneson, "Democracy at National and Workplace Levels," in *The Idea of Democracy*, ed. David Copp, Jean Hampton, and John Roemer (Cambridge: Cambridge University Press, 1991), gives a nice statement of this view.

securing the free consent of its citizens which is, in turn, a condition of legitimacy. So neutrality might facilitate (though it may not be a prerequisite of) legitimacy. Second, justice requires that citizens be equal in the sight of the government, and it may be that nonneutral justification of policy treats citizens with unequal respect. People's ideas about the good and their views of themselves are known to be intimately connected, and therefore they might reasonably feel that when coercive force is used on them for reasons they morally reject, the government, acting on behalf of their fellow citizens, not only discounts their views, but, in doing so, fails to respect them equally as persons.

It is controversial whether these are sufficient reasons to license a neutrality constraint on policy. But even if they are, neither supports neutrality concerning children. Children are not yet intimately tied to conceptions of the good, and we do not think that respecting the ties they do have is either a condition of legitimacy of the state or of treating them with respect. Liberals are so impressed with the intimate connection between persons and their conceptions of the good because persons are presumed properly to regard them as their own. But we should not regard children's conceptions as their own, because they are unequipped to make them genuinely their own.

Furthermore, it is not clear to me that the instrumental argument is nonneutral in the relevant way. It invokes not a moral value but a true epistemological claim: that rational evaluation is more reliable than other methods for discovering the good. This is controversial, but the controversy concerns epistemology, not morality. Admittedly, since the epistemological efficacy of autonomous reflection is part of the case for its moral significance, those who deny its moral importance often deny its epistemological efficacy. But neutrality does not prohibit sincere appeal to controversial empirical premises: it prohibits only appeal to controversial moral claims.

Should neutrality prohibit justificatory appeal to some controversial empirical claims? Such a constraint would probably paralyze governments in those areas of action which neutrality constrains. But that is not a sufficient argument against it. A more important argument is that the sources of appeal for neutrality do not support expanding its scope. Neutrality's appeal rests partly on the intimate connection between persons and their conceptions of the good. This intimacy, partly consequent on the view that individuals are morally responsible for working out and living by a set of true moral precepts, supports persons' feelings that they are being shown disrespect when justifications of coercive action undertaken either against them or on their behalf presume their moral views false. The same intimacy is not present in the case of empirical beliefs. While significant revision of our moral beliefs supports revision of our identities, this is not true of our empirical beliefs, especially abstract beliefs such as epistemological beliefs.

That the instrumental argument is neutral, whatever its theoretical interest, may have little practical significance. It shows only that even if neutrality were an appropriate constraint on government action regarding children, any justified complaint religious parents could advance against autonomy-facilitating education could not be on the grounds of nonneutrality. This need not mean that opponents will press their case less strongly, even if they acknowledge neutrality is fulfilled.[35]

So where does this leave the concern with legitimacy? If legitimacy is the more basic value, then showing that neutrality is fulfilled should not satisfy us. This is the point, then, at which liberals have to take a stand. Eamonn Callan, criticizing Rawls's claim that political liberalism supports only a minimal civic education and not an autonomy-facilitating education, says that parents who object to their children becoming autonomous must be regarded as unreasonable to some degree.[36] To that degree, then, their consent does not legitimate, and their objections do not delegitimate. Callan's response preserves the possibility of maintaining the conventional view that legitimacy could be an all-or-nothing affair. An alternative response, which gives up that possibility and accepts the suggestion I made earlier that liberal legitimacy may be achieved to greater or lesser degrees, would say that when the legitimacy-related interests of children clash with the demands of reasonable adults, the interests of children should take precedence, even at the cost of losing the legitimizing consent of those adults. Both these responses have some appeal to me: but the important point is that to refrain from making either response would be to neglect the separate and vulnerable status of children and thus, again, abandon liberalism's claim as an individualistic doctrine. The legitimacy objection can be sustained only at the cost of disregarding the way in which children ought to count in a liberal polity.

However, autonomy-facilitating education is not yet out of the woods. I now turn to a third kind of argument, which claims that children's interests are best served if parents are guaranteed a preponderance of authority over children, allowing them to exempt children from autonomy-facilitating education.

Two clarifications are in order. First, any argument of this form must be somewhat speculative and to that extent will be inconclusive. Second, it is important to see why the argument needs to appeal to the arrangement's benefits for children's interests, and not just to overall social benefits. The expected *general* bad consequences of some policy—say for the

35. I discuss the possibility that neutrality must be seen to be done in "Neutrality, Publicity, and State Funding of the Arts," *Philosophy and Public Affairs* 24 (1995): 36–63.

36. Callan, "Political Liberalism and Political Education," esp. pp. 22–23. Callan's more general argument is that political liberalism is in fact "a kind of closet ethical liberalism" (p. 22), and that the distinction between political liberalism and ethical (or comprehensive) liberalisms is thus of limited interest. I make a similar argument in "Is There Any Such Thing as Political Liberalism?" *Pacific Philosophical Quarterly* 75 (1994): 318–32.

general culture—do not suffice for its rejection if justice requires the policy. If justice requires a measure, then it must be shown that the expected consequences are sufficiently bad to undermine the tendency of the policy to generate the goods the provision of which is required. This is because, to use Ronald Dworkin's metaphor, justice trumps mere social benefit.

Shelley Burtt has recently provided a partial defense of the view that mandating autonomy-facilitating education violates a general policy of parental deference which is grounded in concern for the interests of children. She responds to common fears that a policy of parental deference will undermine a tolerant social order by claiming that liberals generally misunderstand the aims of deeply religious parents. Far from aiming to inculcate intolerance, or to impose a religious education on other children, religious parents have two central purposes: they seek to "provide and preserve a sense of the transcendent in the face of an aggressively materialist culture," and "to supply their children with the resources necessary to live a righteous life, to prevent . . . the corruption . . . from too early or overwhelming a temptation to sin."[37]

Burtt then argues that children "need an upbringing that enables them to pursue and live a good life as they come to understand it." Providing a consistent moral and religious upbringing is one important way "of building the psychological and cognitive resources the child will need" for this task. But if the home environment provides such an upbringing, efforts to facilitate autonomy in the school curriculum will send conflicting messages, thus undermining the capacity of parents to deliver the goods in the home. The authorities governing public schools would, she says, "do better to encourage parental efforts to create a moral environment filled with consistent, not conflicting, messages."[38]

Finally, the policy of parental deference is supported by the character of some deeply religious ways of life. Burtt invokes the importance of autonomy to support her proposal, by arguing that in materialist secular societies "certain of these [religious] lives may depend for their possibility on not being exposed too early or too insistently to secular alternatives," so that "if children are truly to have the choice of a strong religious faith, their early contact with the pluralistic and secular values of a modern society must be guarded and carefully supervised."[39]

Two possible criticisms of Burtt should be avoided. Why not object that if the messages from home and school conflict, that is as much the fault of the parents as the school? This is true, but irrelevant, because the family is already assumed as the basic unit of organization for child rear-

37. Burtt, "Religious Parents, Secular Schools," p. 63.

38. Burtt, "In Defense of *Yoder*," pp. 425, 426; and see p. 428: "Children need a moral and sentimental education: we owe them an upbringing that provides the material and psychological resources that allow for a full and flourishing human life."

39. Burtt, "Religious Parents, Secular Schools," pp. 66, 67.

ing, by advocates and opponents of autonomy facilitation alike. They accept that relationships between parents and children, even when they are not good, are important for the development of a child's moral capacities, including their capacity for autonomy: in ceding a great deal of influence to parents, advocates of autonomy-facilitating education make schools de facto secondary authorities with respect to upbringing.

A second objection might deny that liberals should be concerned that the opportunity to choose deeply religious ways of life is made less real for children. These options are still available: children will learn about them, and will not be prevented from adopting them. Why should liberals be concerned with the substantive ability of children to choose ways of life, rather than their formal freedom to choose among them?

The response is that a concern with substantive opportunity underlies the interest in autonomy-facilitating education. Autonomy-facilitating education makes the formal freedom to form, revise, and pursue conceptions of the good substantive. An advocate of autonomy-facilitating education cannot consistently resort to formalism with respect to the ways of life for which autonomy causes difficulty.

Burtt's position is genuinely liberal because it accepts that children have a powerful interest in becoming autonomous persons, and takes the interests of children as paramount in determining the institutional distribution of authority over upbringings. Her view is thus unlike those of Galston, Fried, and even Gutmann (who, though she conceives of children's interests similarly, gives more weight to the interests of society). Any liberal position which accepts the institution of the family must concede some degree of deference to parents, since it accepts that the family provides goods which children are owed as a matter of justice. The question is not whether to defer to parents, but *how much* to defer, and over what aspects of upbringing.

The policy of autonomy-facilitating education I have described may trouble Burtt's deeply religious parents less than Gutmann's policy. Gutmann's policy inculcates a substantive value, civic respect, which requires that we take the conflicting ways of life of others seriously, and this genuinely conflicts with the teachings of many religious parents. Autonomy-facilitating education merely aims to enable children to take different ways of life seriously if they wish. Similarly, it does not inculcate an inclination to participate in public life, but only equips them to do so rationally. The recommendations I have made with respect to legitimacy, unlike Gutmann's, seek to enable children to think critically about the justification of the status quo, which may even buttress some of their parents' antimaterialist values.[40]

Deeply religious parents are still likely to object. Those who do, how-

40. Gutmann's recommendations would, in my view, be likely to have similar effects, but that is not part of her aim.

ever, must point to the conflict between autonomy and their ways of life, not to a conflict with the values taught at home. If they object to autonomy per se their position is much weaker, on Burtt's argument. Burtt places great emphasis on the fact that autonomy is displayed in many religious, even deeply religious, ways of life. Canons of rationality govern argument concerning scripture in many Protestant churches and argument concerning the Torah in much of the Jewish tradition; knowledge of scripture and nondeference to authoritative interpretation are emphasized in some religions which liberals typically find troubling.

Burtt also stresses the availability of exit: she says that defection rates from the Amish community, for example, show that parents do not disenable a child's ultimate choice,[41] and that her argument "assumes that, despite the best intentions of American parents they will not be able to shield their children completely from the country's largely secular, highly commercialized mass culture. If the evidence were to suggest the contrary . . . the state's responsibility to provide an alternative . . . would be correspondingly stronger."[42] Galston similarly mitigates his opposition to teaching autonomy, because even a minimalist civic education would lead children to quit their parents' ways of life:[43] "From a very early age, every child will see that he or she is answerable to institutions other than the family-institutions whose substantive wishes may well cut across the grain of parental wishes and beliefs. . . . The basic features of a liberal society make it virtually impossible for parents to seal their children off from knowledge of other ways of life. And as every parent knows, possibilities that are known but forbidden take on an allure out of all proportion to their intrinsic merits."[44]

This seems right: it is difficult for parents to hold their children to the religious and moral commitments in which they were raised, because most religious communities in liberal societies are penetrated by the secular materialist culture that surrounds them. So even quite tight-knit illiberal subcultures will usually experience substantial defections.

But liberals have no interest in counting the likely departures from religious subcultures. This may indicate how easy it is to exit a faith, but tells us nothing about the process by which people decide to exit or remain; and it is the character of the *process,* rather than the numbers involved, that interests liberals. Galston and Burtt ignore the circum-

41. Burtt, "In Defense of *Yoder,*" p. 432.

42. Ibid., p. 433.

43. Rawls makes a similar point: "It may be objected that requiring children to understand the political conception in these ways is, in effect, though not in intention, to educate them in a comprehensive liberal conception. Doing the one may lead to the other, if only because once we know the one we may of our own accord go on to the other. It must be granted that this may indeed happen in the case of some" (*Political Liberalism,* pp. 199–200).

44. Galston, *Liberal Purposes,* p. 255.

stances and direction of the defections. The mainstream culture (as they both emphasize) does not always exert its appeal through rationality-respecting mechanisms. If children are exposed to that appeal it seems unfair not to equip them to scrutinize both the way of life they would be leaving and that which exerts such a powerful, nonrational, appeal. If children encounter displays of alternative ways of life, they are better able to deal with these displays, and to have a sympathetic understanding of the creed from which they may defect, if they have the skills associated with autonomy. Autonomy-facilitating education might *mitigate* the tendency of former believers to bitterness, so that when people abandon their parents' way of life for another they do so not irrationally and with resentment, but with a cool appreciation of the goods and bads of both. It may help salvage aspects of the relationships between the defectors and their parents, the good of which relationship motivates some skepticism about autonomy-facilitating education.

Additionally, a powerful ideal of equality of opportunity counts in favor of ensuring that those children who do enter mainstream society have been educated not "to certain minimum standards," but to standards equal to those who already inhabit the mainstream.[45] Such children are doubly disadvantaged, having been less well prepared for the complex demands of modern economies than other children, and having lost, in many cases, the security which comes from good relationships with parents continuing into adulthood, and the sense that short-term failures will be mitigated by parental support.

Still, the worry remains that deeply religious ways of life will be made, in effect, *unavailable* by autonomy-facilitating education, which thus restricts autonomy. But many adults from mainstream liberal society become lifelong adherents to religious ways of life, despite the low popular regard for such ways of life. These ways of life are thus available to people raised in mainstream secular society, and so may be available to children raised within them but exposed to autonomy-facilitating education. The fact of conversion is not *sufficient* proof of availability for these children, since all converts may be nonautonomous. But if it were impossible to enter these ways of life from the outside autonomously, *that* would be evidence against their being compatible with autonomy.

I have no decisive refutation of Burtt's recommendation of parental deference. However, I hope I have shown that the children of deeply religious parents have interests which support less rather than more deference. Furthermore, Burtt's argument does not prohibit that public policy regarding children should be guided, in part, by the goal of a social settlement favorable to autonomy-facilitating education. It may be that the hostility of deeply religious parents to secular education is less well explained by any conflict between autonomy and their considered

45. Burtt, "In Defense of *Yoder*," p. 428.

moral views than by their cultural marginalization from mainstream society, a marginalization which might be lessened, over time, by a nuanced policy of partial deference combined with willingness to allow adherents to represent their views in public schools. The latter policy is no compromise; it is recommended for its own merits. The former policy—partial deference—is indeed a compromise but may be worth making, for the sake of the children, in order to erode their hostility to autonomy-facilitating education. A policy of demarginalization might have a further benefit, of making more permeable the boundaries between ways of life within a pluralistic society, thus making it easier to maintain, across those boundaries, the affective bonds of kinship which are so important to healthy living.[46]

V. CONCLUDING COMMENTS

I have focused on the requirements imposed by liberal legitimacy and the independent obligation to provide children with the realistic opportunity to become autonomous persons. To sum up: civic education can meet the requirements imposed by legitimacy only if tied to autonomy-facilitating education, which in turn can be justified on independent grounds.

The terms of the existing debate support an artificial concentration on religious families and the school curriculum. But it is not only children in religious families whose prospective autonomy is jeopardized by government policy, nor are curricular requirements the only way that the government contributes to autonomy facilitation. In the contemporary United States, the prospective autonomy of children growing up in the urban inner cities is jeopardized by the poverty, violence, and social decay that surrounds them; it would be laughable to counter this only with an autonomy-facilitating curriculum. Children cannot reasonably be expected to become autonomous if they lack the good health, circumstantial stability, and physical security to take up educational opportunities. Even when the skills associated with autonomy are developed, circumstances of great physical and mental stress, such as those caused by poverty and violence, constitute serious barriers to their use. The state should do a great deal (far more than the U.S. government currently does) to ensure that all children enjoy good health care provision, circumstantial stability, and physical security, both because these are pre-

46. Francis Schrag points out, in "Education, Diversity, and the State," *Studies in Philosophy and Education* (in press), that most of the charges laid against deeply religious parents by participants in the mainstream have direct reciprocal analogues (I would be as horrified if my daughter became Amish as an Amish parent would be if her son became a liberal socialist). The desirability of permeability between ways of life seems an exception: religious parents would not welcome more permeability because it would make their children more likely to leave, whereas many secular parents would welcome more permeability even if it raised the probability of their children leaving.

requisites of autonomy and because they are, independently, important for well-being. I have argued that, even when those are provided, the government must do more.

Finally, I should return to the comment about the potential precariousness of liberalism which opened this paper. Liberalism is a self-limiting doctrine: its theory of legitimacy limits what may be done to realize and maintain justice. Arguments for civic education typically disregard these limits and justify civic education by its functionality for maintaining justice. I have faulted such arguments for, among other things, not taking seriously enough the interests of children in the justification of educational policy. But, since all have an interest in justice, erosion of the preconditions for justice will jeopardize some interests of children. If omitting civic education or including within it a strongly critical element makes it impossible for the state to enforce what justice requires, doesn't that support the charge that liberal legitimacy ultimately takes children's interests insufficiently seriously?

I am confident that liberal justice can be secured without the kinds of civic education that I fault. If that is sometimes false, this is a special case of the general problem that there may be circumstances in which liberal justice cannot be maintained legitimately. As I mentioned earlier, I do not know how to answer the question of which should give way when justice and legitimacy conflict: I do not even know what sorts of theoretical resources to draw on in trying to answer this question. I hope to have shown that many advocates of civic education simply assume that legitimacy should give way; and that even if that is true, it should not be simply assumed.[47]

47. I am grateful to Randall Blumenstein for raising this issue with me.