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Editlan MacMullen: Faith in Schools?

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Introduction

HOW SHOULD a liberal democratic state respond to parents who want their children to attend a religious school, preferably at public expense? What principles should govern public regulation and funding of religious schools? One cannot adequately answer these questions without inquiring into the proper goals of liberal education policy and, more generally, into the principles that underlie liberal democracy: in other words, to settle these important practical policy questions we must first engage in normative political philosophy. When the state makes education policy, what are its responsibilities to parents, children, religious communities, and the citizenry at large? What values may reasonably be invoked to justify and guide public policy in a pluralist state where few if any values are universally accepted among citizens? What are the limits of the state's legitimate authority over children's education? In the pages that follow, I seek both to identify the legitimate and proper goals of public education policy in liberal democratic states and to explore the implications of these goals for arguments about public funding and regulation of religious schools.

In most liberal democratic societies today, a significant minority of parents desire a religious school education for their children. But different states respond in very different ways to these desires. In the Netherlands, the state undertakes to provide a publicly funded school affiliated with almost any religious tradition as long as local parents support the project in sufficient numbers to make it economically and educationally viable. Families in Great Britain are increasingly likely to be able to access free education with their preferred religious orientation as the government continues its controversial policy of expanding both the number and the range of faith schools funded by the public purse. Since the Islamia Primary School opened in London in 1998, several Muslim schools have joined the list of Anglican, Catholic, Methodist, Jewish, and Sikh schools that are funded by the British state. In France, all publicly managed schools are secular, but nonetheless, large amounts of public money flow to privately managed religious, predominantly Catholic, schools. In the United States, the established principle has long been that children go to religious schools only if their family (or some other private body) is willing and able to pay, but there is a powerful movement in favor of "voucher" schemes that would enable parents to send their children to private religious schools

at public expense. Trial voucher schemes have been implemented in Milwaukee and Cleveland; since the U.S. Supreme Court upheld the constitutionality of the Cleveland program in 2002,¹ proponents of “school choice” have stepped up the pressure for widespread adoption of such voucher schemes across the country. But, at the other extreme, some academic writers argue that even the option of a privately funded religious education should be legally curtailed or regulated virtually to the point of nonexistence. These differences and disagreements—in theory and in practice, within and between countries—suggest the need for careful consideration of the proper goals of public education policy and their implications for religious schools.

Why do I focus on religious schools² to the exclusion of the many other types of schools that parents might desire for their children: military schools, schools for Democrats, etc.? Arguments about public policy toward religious schools are of special interest because all sides of the debate perceive the stakes to be so high: religious parents may believe that their deepest values and their children’s souls are on the line; the state may worry that schools that are segregated along such fundamental lines of difference will undermine the foundations for mutual understanding, respect, and appropriate cooperation between citizens; liberals may fear that religious education is a form of indoctrination that leaves its victims unable to rationally endorse, revise, or reject the way of life they have been taught. Religious schools are central to the upbringing certain parents seek to give their children, but they may also pose a threat both to the civic health of the state and to the embryonic autonomy of children. If we are to find a just and principled solution to this controversy, rather than merely deferring in each country to the most powerful political lobby or to the uncertain authority of historical precedent, we shall need reasoned answers to some fundamental questions in political and educational theory.

Do liberal democratic states have any legitimate grounds for concern about religious schools, or are all such concerns ultimately rooted in

¹ *Zelman v. Simmons-Harris* (2002).

² Nothing in the argument of this book hinges on the special nature of religion vis-à-vis other nonreligious comprehensive doctrines: when I refer to religious schools, I should be understood to reference all schools that seek to educate children within a comprehensive system of values and beliefs. Here, I follow John Rawls (1993/1996, p. 13) by calling a system comprehensive if “it includes conceptions of what is of value in human life, and ideals of personal character, as well as ideals of friendship and of familial and associational relationships, and much else that is to inform our conduct, and in the limit to our life as a whole.” In contemporary liberal democratic states, most schools that endorse and promote a comprehensive conception of the good life are religious schools, but my arguments apply equally to parents who want their children to attend a school that teaches a particular secular philosophy of the good life.

an illiberal intolerance of and disrespect for citizens of faith? If the liberal state does have good reasons to worry about religious schools, what are those reasons and what public policies do they warrant? Is there sufficient justification for policies, such as we find in America, whereby rich parents are virtually unconstrained in choosing a religious school for their child while poor families are stuck with the state-funded secular schools? And how should the important differences between primary and secondary education be recognized in public policy toward religious schools?

I shall focus my attention on two educational goals that have often been thought to justify some degree of state opposition to religious schools: civic education (teaching students the virtues and capacities of the good citizen) and education for autonomy (teaching students to think critically and reflectively about their ethical commitments). We need to establish four things about each of these goals in turn. First, what the goal really amounts to: what it means to be a good citizen or an autonomous person. Second, whether and how the goal can justifiably be adopted as a universal goal of education policy in a liberal state that is committed to respecting the plurality of religious, cultural, and other ethical views held by its citizens. Third, what implications the goal would have for religious schools, assuming that we designed our schools to realize that single goal. Fourth, what degree of normative force the goal has and how it should be balanced against other educational goals and broader liberal values in cases of conflict.

As we work our way through this agenda of inquiry, we shall confront two of the most important questions in contemporary liberal political theory. Does the importance of reproducing and improving our liberal democratic political community take priority over the private interests of individuals and families? Can the liberal state legitimately appeal to the contested value of individual autonomy to justify its use of coercive power? In the process of identifying the principles that should govern liberal education policy toward religious schools, I shall propose and defend answers to both of these questions.

The first question arises when we ask whether a general refusal to provide public funding for certain types of religious school would be sufficiently justified if it could be shown that such schools do a poor job at preparing children for their role as citizens of a multicultural, multireligious state. Should the political goals of education enjoy primacy in the policy process or should they be weighed against the private values of parents and religious communities in cases of conflict? Evidently this is only a particular application of a much more general question for liberal politics. Laws that serve important liberal public purposes may nonetheless impose significant burdens on certain citi-

zens' pursuit of the good life as they understand it: how should the liberal state respond to such conflicts? According to one influential view, advanced by so-called political liberals, the goals of the state take priority as long as they are suitably circumscribed to include no more than the preservation of the liberal democratic regime upon which all citizens depend for the protection of their rights and freedoms. In chapter 2, I argue that the case for this kind of political primacy collapses once we recognize that it is only the degree of flourishing and not the continued existence of the liberal democratic regime that is at stake in most conflicts between civic values and private interests.

The second question introduces a cross-cutting cleavage as we seek to decide which noncivic values are legitimate goals for the liberal state or parents to pursue through children's education. Can the liberal state legitimately claim that religious education is objectionable to the extent that it amounts to indoctrination, that religious schools do a disservice to children to the extent that they resemble cocoons? Or, conversely, are religious parents entitled to have their (sometimes deeply held) opposition to autonomy counted in the decisions that shape their child's schooling? In short, does the liberal state have to remain neutral in the controversy about the value for individual lives of reflecting autonomously on one's conception of the good, or does the value of autonomy necessarily underpin the principles of a liberal regime? Even if the concept of autonomy is coherent and plausibly attractive, which several skeptics have doubted, is it any more suitable than religious doctrine for adoption as a public value in the liberal state? In chapters 3 through 5, I aim to rehabilitate and defend the autonomy liberal position both by rejecting a number of influential caricatures of autonomy and by grounding public justification in the instrumental rather than the intrinsic value of autonomy to individuals seeking to live a good life. Although civic values are insufficient to settle disputed questions of public policy, it does not follow that the liberal state must permit citizens' opposition to autonomy to weigh against these civic values.

It should be clear, therefore, that although my primary focus is on one particularly contentious issue in education policy, I hope through my arguments to improve our understanding of liberal political philosophy more generally. This should come as no surprise: issues concerning children, especially those characterized by a conflict of authority between parents and the state, often serve both to illustrate and to illuminate broader controversies in liberal political theory. We cannot decide how liberal education policy should balance, protect, and promote the potentially conflicting freedoms of children, parents, and other citizens without developing a general account of the distinctive meaning

and value of the liberal freedoms, but consideration of the policy dilemma may nonetheless guide our inquiry into the abstract principles. Similarly, the liberal state's proper response to religious parents' desires to transmit their values and beliefs to their children is bound up with the general question of how and why such states should respect ethical pluralism, but we may find it easier to answer the general question if we simultaneously interrogate its implications for education policy. In short, my argument oscillates between abstract questions in liberal political philosophy and more concrete questions in education policy because of my conviction that such an approach is the best way to answer both types of question: in the methodological spirit of Rawls (1971/1999, pp. 18–19), we should seek a kind of "reflective equilibrium" in our considered judgments about political principles at different levels of generality.

Besides addressing these general questions of liberal political philosophy, I also take aim at the particular shape of established American public policy toward religious schools. On pain of inconsistency and unfairness, governments cannot justify the general policy of permitting the operation of a wide range of private religious schools while refusing to fund a similar education in the faith for those who cannot afford it. There is simply no principled justification for privileging the wealthy in this fashion. Whether the goals of public education policy are mistakenly believed to be merely civic in nature or are acknowledged to include the cultivation of children's autonomy, the availability of religious schooling should be determined by the balance of legitimate educational values in each particular case, not by the size of the parents' bank balance: it is arbitrary and indefensible for religious schools to be available only and always to those who can afford private education. All too many liberal theorists of education believe that wealth brings with it the privilege to buy one's way out of the educational principles that are thought proper to govern children educated at the state's expense; I argue that there should be no such possibility of opting out from regulations designed to strike the appropriate balance between the legitimate interests of children, parents, and the state.

While the first two parts of this book engage respectively with the aforementioned two major issues in liberal *political* theory, the third part primarily addresses a central question in liberal *educational* theory: do religious schools pose a threat to children's future autonomy? In chapters 7 and 8, I argue that the extensive debate on this issue in the last twenty years has become unnecessarily polarized, in large part because of the tendency to overgeneralize about "religious schools" as if there were no important differences between the many institutions

that belong to this broad category. The suitability of religious schools to cultivate children's autonomy is a more complex and nuanced matter than most liberal theorists of education have realized: progress on this question depends upon making a number of key distinctions, especially between primary and secondary education and between pedagogical and curricular features of religious schools. The autonomy goal does not warrant prohibition of or a general refusal to fund religious schools, but there should be an extensive scheme of public regulation, especially to ensure that religious secondary schools expose children to and encourage open-minded, rational engagement with significant ethical diversity. Primary schools, however, should be treated quite differently: the developmental needs and capacities of preadolescents suggest that primary schools most effectively lay the foundations for children's future autonomy not by exposing them to diversity but rather by consolidating their grasp of their primary culture and encouraging a limited form of ethical reasoning within that framework.

My argument proceeds mainly at the level of theory and philosophy. While this is obviously appropriate to address the normative issues of principle in chapters 2 through 5, some readers may feel that the questions I pose about the relative effectiveness of religious schools to achieve certain educational goals are empirical questions that should be answered using the methods of social science. As I shall explain, however, the prospects for successful empirical work in these fields look bleak because the "dependent variables" are exceptionally difficult to operationalize and quantify. Good citizenship cannot simply be measured by counting acts of political participation, and autonomy cannot be gauged by observing the rate at which children defect from the doctrine in which they were raised. Education for autonomy and citizenship aims to give a certain form and character to a person's ethical reflection and political participation, but these qualities are scarcely amenable to measurement by social scientists. Fortunately, and as I hope to show, we can make considerable progress in identifying the types of educational institutions that are likely to foster the virtues and capacities of citizens and autonomous persons via a careful and nuanced analysis of the concepts involved, with a little help along the way from developmental psychology and a few uncontroversial empirical observations about the social conditions of contemporary liberal democracies. It should also be emphasized that I do not address the specific constitutional issues that surround government policy toward religious schools in America. My purpose in parts 1 and 3 is to scrutinize the implications for policy toward religious schools of the state's adopting certain goals, assuming that the only constraints on public

policy are those given by the correct normative theoretical account of liberal democratic politics.

In chapter 1, I begin by identifying the distinctive civic goals of education in a liberal democratic state and defending the legitimacy of pursuing these goals through public education policy. I then consider the political liberal view that the state's legitimate interest in and authority over children's education is exhausted by the pursuit of these civic goals and, in particular, that the state may not act paternalistically by invoking the noncivic value of autonomy as a justification for education policy. After noting the covert ways in which this kind of paternalistic reasoning has nonetheless been used to smuggle autonomy into influential accounts of the civic goals of education, I conclude the chapter by examining and tentatively endorsing the view that religious schools, at least of a certain sort, are inferior instruments of civic education in a multireligious liberal democracy.

In chapter 2, I consider and reject the political primacist's view that important civic goals and values presumptively outweigh all other concerns in policy-making and therefore that the inferiority of narrowly religious schools to realize civic educational goals would suffice to justify liberal states in a general refusal to fund these types of school. An important premise of my argument is that the reproduction and flourishing of the liberal democratic state is a matter of degree. Both in an individual citizen and in the citizenry as a whole, the possession of civic virtues and capacities is a matter of more or less, not all or nothing. The extent to which a particular level and distribution of civic virtue sustains a *liberal democratic* state, not just a functional and stable set of political institutions, is a matter for normative evaluation. Arguments for the trumping status of civic educational goals based on assigning priority to the survival of the liberal democratic state are therefore rarely appropriate: survival is not really the issue. A more flourishing liberal democracy is certainly to be preferred, and the state quite rightly takes this as one important consideration in setting education policy, but there is no reason to accept that this civic goal should always prevail over reasonable private values in cases of conflict. Indeed, this argument need not be limited to questions of education policy, which leads me to propose the more general rejection of political primacy, a move that would have broad implications for liberal theory and practice.

Conflicts between civic educational goals and parental preferences will arise systematically because a robust civic education inevitably encourages the development of children's autonomy against the wishes of some religious parents. States that take no position on the value of autonomy must balance their civic grounds for opposing narrowly reli-

gious schools against their responsibilities to religious parents who want to send their children to such schools in order to prevent them from developing autonomy. Without making claim to the justificatory resources that might entitle one to deny that children are less well off as a result of developing autonomy, one cannot assert that the public values of a liberal democracy always trump the autonomy concerns of religious families. But, at the end of the second chapter, I argue that the normative force of liberal democratic principles actually presupposes the noncivic value of autonomy, and therefore that it is incoherent to value the reproduction of a specifically liberal democratic state without taking a stand on the value of autonomy.

In the second part (chapters 3 through 5), I develop a conception of ethical autonomy and argue for its adoption as a public value and, specifically, as a goal of public education policy. In chapter 3, I offer a more sophisticated and nuanced conception of autonomy than the ones that often underlie discussions of public policy. I argue that ethical autonomy involves both the capacity for and the commitment to ongoing, distinctively rational reflection about one's beliefs and values. Several influential critiques of autonomy should be rejected as caricatures of the ideal: rational autonomy is not incompatible with having meaningful commitments; it does not depend on an incoherent notion of radically free, criterionless choice; it does not require that people reject the values and beliefs with which they were raised. But nor is autonomous reflection in an ethically pluralist world simply a matter of auditing and weighing pre-existing values and desires: drawing on a hermeneutic tradition that is often used to attack caricatured conceptions of autonomy, I argue that autonomous reflection is actually a creative process of self-interpretation wherein reason plays a vital, liberating role.

Chapter 4 presents my positive argument for adopting autonomy as a public value in a liberal, pluralist state. I begin by distinguishing claims about the *intrinsic* worth of an autonomous life from the very different claim that the practice of autonomous reflection is *instrumentally* valuable to persons seeking to find and lead a good life for themselves. Political and civic liberals are right to insist that appeals to autonomy's supposed intrinsic value have no place in liberal politics, but they fail to see that appeals to its instrumental value are not similarly prohibited. Rational reflection is a demonstrably reliable way to evaluate and improve one's conception of the good, especially because it enables one to root out false beliefs and resolve inconsistent values within one's conception. Of course, claims about autonomy's instrumental value are not uncontroversial, but the liberal state is not barred from acting on controversial epistemological premises of this sort; we

must insist upon the distinction between the substantive content of reasonable ethical values and beliefs, about which the liberal state must remain neutral, and the manner in which such beliefs and values are best reached and held, which is a matter on which the state quite rightly makes a judgment. The correct judgment—that rational reflection is valuable for individuals seeking to identify and lead a good life—does not warrant paternalizing adults by forcing them to attend autonomy boot camps, but it does appear to provide a legitimate basis on which to override parents' claims that the development of autonomy is contrary to the best interests of their children.

In chapter 5, to defend the legitimacy of adopting autonomy as a goal of public education policy, I argue against a series of objections, most notably those grounded in claims about parental rights and the liberal state's obligation to respect traditional ways of life. The independent interests of parents and children must be considered and balanced as we distribute educational authority and design educational institutions; in cases of conflict, it is sometimes legitimate for parents to act in ways that do not best serve their children's interests. But this does not imply that parents have the right to deny their children a formal education for autonomy. Given the dangers associated with authorizing routine public intervention in domestic life, liberal states should seek to preserve a balance between the interests of parents and children by permitting parents broad discretion to direct the upbringing of their children at home while insisting that children's independent interests be the first priority at school. (This distinction will be hard to draw in the difficult case of home schools, but the imperative that all children be educated for autonomy suggests the need for significantly greater regulation of home schooling arrangements than is seen in most liberal democratic states.) In response to the charge that mandatory education for autonomy is unfair to certain traditional ways of life that are incompatible with autonomy, liberals must insist that the inability to make rational judgments about one's way of life is simply too high a cost to allow parents to impose on a child in order that she should be raised in the traditional culture, especially when one remembers that autonomous persons can and often will exercise their autonomy to endorse the substantive values and beliefs with which they were raised.

In the third part (chapters 6 through 8), I venture into educational theory to explore the implications of the autonomy goal for public policy toward religious schools. But before we contemplate regulation or prohibition of religious schools on grounds of autonomy, we need to ask both whether secular schools can reasonably be expected to advance children's autonomy and whether public regulation of education

might actually be inimical to the autonomy goal. If the alternatives to largely unregulated religious education are themselves ill-suited to promote autonomy, religious schools have no serious case to answer; so, in chapter 6, I review a number of prominent autonomy-based criticisms of secular education, public control of schools, and the institutional form of the school. Critics of secular education have variously charged that it amounts to promotion of a comprehensive secular philosophy, or that it aspires to a chimerical neutrality, or that the effect of neutrality is to encourage children to be relativists or subjectivists about ethics. Following John Stuart Mill, critics of public management and regulation fear that schools will simply become conduits for transmitting to children the beliefs and values of the (local) adult majority. And radical critics like Ivan Illich suggest that all schools, as sites of compulsory education, are inherently authoritarian institutions that cannot be expected to encourage children's autonomy. In responding to these diverse concerns, I argue that many of them are well-founded but none is insurmountable: suitably designed secular public schools supported by a vigilant citizenry can reasonably be expected to be effective in cultivating children's autonomy.

In chapter 7, I assess the autonomy case against religious secondary schools. Since autonomy is a cognitive ideal, mere exposure to ethical diversity outside of and after school cannot be relied upon to develop children's autonomy—secondary schools need to teach and model the appropriate methods of rational deliberation and inquiry. Some religious secondary schools are poor instruments of education for autonomy because they provide children with inadequate exposure to and rational engagement with ethical diversity: a degree of separation is needed between the ethical environments at home and school, but this requirement does not justify prohibiting or even presumptively denying public funding to religious secondary schools. Rather, a scheme of extensive public regulation should be implemented, enforcing curricular and pedagogical standards designed to ensure that all secondary schools effectively cultivate children's autonomy. The interpretation and application of these regulations may lead to some undesirable entanglements between religious groups and the state, but this is a price worth paying to secure the best interests of children without unfairly prohibiting religious schools whose educational methods are perfectly compatible with the autonomy goal.

In chapter 8, I argue that religious primary schools should be treated differently from secondary schools because of the particular developmental needs and capacities of preadolescents. Our conception of autonomy, coupled with observations of contemporary liberal democratic societies and insights from developmental psychology, suggests

treating primary and secondary education as two distinct stages on the path to autonomy. Religious schools may often be desirable at the first stage, providing young children of religious parents with the opportunity to consolidate and begin reasoning within a framework of values that they are not yet cognitively equipped to challenge. The curriculum of these schools need not expose students to ethical views other than those found within their own religion, but some regulation of pedagogical methods is still appropriate and necessary to ensure that children develop the primitive ethical reasoning skills and instincts that can later be expanded into full-blown autonomy. Religious primary schools that meet these pedagogical standards are the best educational institutions to lay the foundations for autonomy in young children from religious families.

Liberals have been too easily dissuaded from placing the ideal of individual autonomy at the heart of their political philosophy: properly understood, autonomy has an important instrumental value for individuals that can be demonstrated without illicitly appealing to substantive ethical principles. Rawlsian political liberals wrongly maintain that the claims of liberalism lose none of their normative force when appeals to the value of autonomy are eschewed. The political liberal position relies on two false notions: first, that liberal democratic civic values enjoy priority over all competing claims of value, and second, that liberal political principles can be detached from claims about the importance of autonomy to individuals seeking to lead a good life. Liberalism will look very different, in theory and in practice, when we dispense with these two false notions: in the conclusion of this work, I sketch some of the broader implications for liberal politics of adopting autonomy as a public value and of rejecting the principle of political primacy. But my central purpose in the chapters that follow is to explore these issues in liberal political philosophy as they appear in the politics of religious schooling.

A robust liberal political philosophy must include education policies that aim to cultivate the virtues and capacities of both citizenship and autonomy, but the implications of this statement for religious schools are far less stark and clear than both liberals and nonliberals have commonly assumed. There are good reasons to believe that narrowly religious schools are poor instruments of civic education in a pluralist society, and secondary schools of this sort are definitely at odds with the goal of cultivating children's autonomy: the combined force of civic and autonomy-based reasons is sufficient to justify more stringent public regulation of religious secondary schools than we see in most liberal democracies today. But a general prohibition of religious schools is unwarranted, and therefore, more controversially,

the liberal state cannot justify presumptively denying public funding to religious schools without doing an injustice to poor parents who wish to send their children to a moderate religious school. In particular, religious primary schools have some distinctive advantages as sites of the first stage in education for autonomy for the children of religious parents, and therefore, subject to certain pedagogical regulations and any concerns about the civic educational pedigree of such schools, the state should be willing to fund a wide range of religious primary schools.