Becoming Free
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7. Education for Citizenship

I have argued throughout this book that a liberal polity should encourage individuals to live their lives from the inside and to engage in the rational scrutiny of their projects and goals as they examine, question, and revise or reaffirm them. The liberal polity, then, is committed both to the maintenance of background conditions for individual autonomy and self-development and to a culture of diversity that contains a plurality of options. But these values themselves are often incommensurable, and the tension between them emerges with particular clarity in conflicts over the proper education of future citizens. This conflict appears, for example, in John Rawls's description of the political virtues required in a stable liberal democracy, which include toleration, mutual respect, and a sense of fairness and civility. He rejects the values of autonomy and individuality as too comprehensive and therefore too exclusive to be publicly fostered in citizens, arguing that political liberalism requires "far less." Education should inculcate knowledge of citizens' basic constitutional and civic rights; it should "prepare them to be fully cooperating members of society and enable them to be self-supporting; it should also encourage the political virtues so that they want to honor the fair terms of social cooperation" (199). In other words, citizens may embody these virtues, Rawls suggests, without engaging in critical reflection on their projects and goals. Therefore, his political liberalism is unlikely, he concludes, to exclude those who do not value personal autonomy.

Personal autonomy, I have maintained, is marked by the process of rational scrutiny and critical reflection through which we decide on our projects and goals, not by the intrinsic nature of these goals themselves. Precisely because of its hospitality to diversity, the liberal polity must avoid easy conclusions that ways of life that we may dislike or disapprove cannot represent autonomous choice and that therefore we are entitled to exert pressure on citizens to make different choices. This does not mean, however, that the liberal polity need do nothing to influence choice. First, as we have seen, the liberal polity, like other polities, is the legal expression of a particular cultural structure. Ontologically, it cannot be neutral with regard to law, culture, religion, or sexuality but always represents some common moral standpoint. That is, even a liberal polity never "does nothing." Thus, it must pay attention to what it does do, even by default.
Second, if the individual capacity for autonomy is central to liberalism, as I believe, the liberal polity must encourage and foster the development of this capacity. It cannot legitimately instruct citizens in what to choose, but it can and should provide instruction in how to choose. This should be the focus of civic education. Because a liberal polity should not, I believe, exert pressure at the first-order level of actual choice, its role at the second-order level of how choices are made becomes crucial. Therefore, in spite of Rawls's attempt to avoid education for autonomy, I do not believe that eschewing this kind of civic education is compatible with liberalism as I interpret it.

This conclusion of course leaves untouched the very dilemma that Rawls attempts to solve, that of offering a civic education that does not force the value of personal autonomy on those who are indifferent to it or who reject it altogether. We are then confronted with three options. The first is to accept the conflation of comprehensive and political liberalism, make a virtue of necessity, and conclude that a stable liberal democracy requires education for autonomy. This option is exemplified by Amy Gutmann and Eamonn Callan. The second alternative is to backpedal, to decide that if political liberalism requires education for autonomy, political liberalism in itself, at least in its Rawlsian incarnation, should be rejected. This option is exemplified by William Galston. The third alternative is to redefine the requirements of political liberalism in such a way that they do not constitute the constraint on the development of our privately held comprehensive ethical convictions that some observers believe that these requirements are. This option is exemplified by Stephen Macedo.

I argue that the civic respect necessary for liberal democratic citizenship requires a sympathetic and imaginative engagement with other ways of life. I shall outline the controversy between adherents of autonomy and of diversity as competing core values of education for citizenship in the liberal polity, agreeing with Gutmann and Callan that true respect for diversity requires the development of the capacity for autonomy. Then I examine two court cases in which parents have sought to withdraw their children from the threat they perceived public education to pose for freedom of conscience. The decision in one champions the claims of diversity; the other can be interpreted to support the claims of autonomy. Even if we accurately deduce both the nature of the virtues required of liberal democratic citizens and the moral constraints the state should respect in trying to engender these virtues, I agree with Callan that we must still strike the correct balance between "a self-defeating cultural aggressiveness" and "an equally destructive cultural complacency." In the first case, we must be careful that in our zeal to inculcate the virtues of toleration and mutual respect, we do not violate their spirit. In the second case, we must take
care that honoring these virtues does not cause us to abdicate attention to the framework or context of choice that perpetrates them. Overall, I believe that the practice of critical reflection is incumbent not only on those who to liberals appear to live unexamined lives but on all of us.

Autonomy versus Diversity

I have maintained that autonomy requires that we develop the capacity for critical reflection on our projects and goals and that diversity requires both a range of possibilities and the ability to envision what those possibilities entail. If we attempt to maximize pure diversity, the range of choice is increased, but so is the possibility that some individuals and groups will discount or even denigrate the development of the capacities and imagination required for envisioning other choices. Yet if we impose conditions that mandate efforts to develop these capacities, we risk foreclosing some options or types of options, thereby impoverishing the existing supply of possibilities overall. Either way, one of the core values of liberalism is the loser.

Amy Gutmann argues that all citizens should be taught to engage in rational deliberation and critical reflection so that they can evaluate competing ways of life, including modes different from those of their parents. The pluralism fostered by diversity among citizens or families who may each represent an uncritical or unreflective consciousness "serves as little more than an ornament for onlookers." The goal of civic education both authorizes and obligates professional educators "to cultivate in future citizens the capacity for critical reflection on their culture." For example, a liberal democratic society must cultivate the capacity "to choose rationally (some would say 'autonomously') among different ways of life" (77), and it "must aid children in developing the capacity to understand and to evaluate competing conceptions of the good life and the good society." Moreover, Gutmann’s conception of civic education incorporates a specific goal, that of preparation for citizenship in a society that advantages those who can participate in collective deliberation on public policy (34, 42).

Gutmann implicitly agrees with Rawls's specification of toleration and mutual respect as political virtues required in a stable liberal democracy. But she is more definite about what these seemingly uncontroversial virtues entail. Mutual respect requires not simply toleration, she argues, but also "requires a favorable attitude toward, and constructive interaction with, the persons with whom one disagrees." More specifically, mutual respect characterizes "individuals who are morally committed, self-reflective about their commitments,
discerning of the difference between respectable and merely tolerable differences of opinion, and open to the possibility of changing their minds or modifying their positions at some time in the future if they confront unanswerable objections to their present point of view.” Although she maintains that political liberalism intends only to educate for citizenship, not for autonomy, Gutmann admits the near impossibility of teaching the virtues of democratic citizenship without also teaching the skills of personal autonomy. Children should learn to think for themselves, she argues, even about issues with little explicit political content, because only thus will they learn to make judgments about what issues are or are not political. Advocacy of this position may appear partisan, but it is no more so, she contends, than the competing position that parents can use their own religious freedom as a basis for preventing their children from learning to think for themselves (575). For Gutmann, the civic virtue of mutual respect does not deny the value of diversity but instead promotes it by exposing children to the potential value inherent in different ways of life.

Along similar lines, Callan notes that the sense of fairness or capacity for a sense of justice in Rawls requires both a commitment to moral reciprocity and a willingness to recognize the burdens of judgment, or the sources of permanent and irreconcilable disagreement among reasonable persons. Recognition of the latter conditions citizens’ willingness to employ public reasons in public deliberation that are independent of privately held comprehensive doctrines. But from an epistemological standpoint, imaginative engagement with other viewpoints will not only develop a sense of justice but will also “profoundly affect” our comprehensive views or conceptions of the good. Attempting to understand the reasonableness of convictions alien to our upbringing “cannot be carried through without inviting the disturbing question that these convictions might be the basis of a better way of life, or at least one that is just as good. That question is unavoidable because to understand the reasonableness of beliefs that initially seem wrong or even repellant I must imaginatively entertain the ethical perspective the beliefs furnish, and from that perspective my own way of life will look worse, or at least no better, than what that perspective affirms.”

When we are examining or questioning the projects and goals that constitute a way of life, then, the same mental capacity is at work whether we are evaluating our own current conceptions of the good, on the one hand, or endeavoring to understand our fellow citizens, on the other. “What is required in each case is the ability to envisage a life alien to one’s own from the inside so that the goods it makes possible can be understood to some degree in their vivid particularity.” This quality of imaginative engagement and sympathy
requires a high level of self-reflection and openness. In sum, the educational requirements of political liberalism, like those of comprehensive liberalism, seem to require that we develop the capacity both to live life or imagine other lives from the inside and to question, examine, and understand the value of various sorts of projects and goals, whether these are our own or those of others. Argues Callan, “The political virtues that implement the fair terms of cooperation impose educational requirements that bring autonomy through the back door of political liberalism . . . [which then] is really a kind of closet ethical liberalism . . . . The partition Rawls labors to erect between ethical and political liberalism has collapsed.”\(^\text{10}\) Why not exit the closet and admit the centrality of autonomy?

Galston, on the other hand, charges that a public commitment to the development of the capacity for autonomy excludes and threatens individuals and groups that do not place a high priority on rational deliberation and personal autonomy. “Liberal freedom entails the right to live unexamined as well as examined lives.”\(^\text{11}\) Liberalism should protect diversity rather than valorize choice. To champion the latter “is in fact to narrow the range of possibilities available within liberal societies. It is a drive toward a kind of uniformity, disguised in the language of liberal diversity.”\(^\text{12}\) Galston believes that rational deliberation must on the practical level take second place to rhetoric in the formation of future citizens. Philosophic education focuses on the pursuit of truth and the conduct of rational inquiry and thus may have “corrosive consequences” for “structures of unexamined but socially central belief.” The focus of civic education, however, is on individual effectiveness within the context of a specific political community, or “education within, and on behalf of, a particular political order.”\(^\text{13}\) This calls for instruction in “a core of habits and beliefs supportive of the liberal polity”\(^\text{14}\) rather than through training in the exercise of rational deliberation.

Although the capacity for rationality and reasonable public judgment requires an appreciation of the need for social rules, an ability to respond to rational persuasion, and a disposition to employ public reasons in public deliberation about matters requiring collective action,\(^\text{15}\) writes Galston, a Socratic emphasis on the capacity for critical reflection on different ways of life is a controversial notion of the good. It cannot and need not claim the allegiance of all liberal democratic citizens. For example, adherents of religious doctrines that require close control over individuals’ formative social and political environments view the traditional liberal insistence that they forswear this demand as a restriction on free exercise of religion. Most individuals and groups in a liberal society will find expression for “their distinctive conceptions of the good.
But for those who are left out, it is hard to see how liberalism can be experienced as anything other than an assault.\textsuperscript{16}

For Galston, then, a liberal society or government that values and tries to inculcate the capacity for autonomy in all citizens does not promote diversity but undermines it. At the heart of liberal tolerance is not critical reflection on various ways of life but "the refusal to use state power to impose one's own way of life on others. Such refusal need not be incompatible with an unreflective commitment to one's way of life."\textsuperscript{17} To refrain from inculcating in all citizens the idea that toleration requires mutual respect among those who practice different ways of life does not contradict the ideal of tolerance but instead exemplifies and instantiates it. Galston doubts, however, "that tolerance, so understood, can be cultivated without at least minimal awareness of the existence and nature of those ways of life." Therefore, the state may pursue "this compelling interest" in tolerance, but without explicitly requiring or inviting students to criticize their own ways of life.\textsuperscript{18} But first, how minimal can our awareness be? Apparently it must be minimal enough that we are not encouraged to become skeptical or critical of our own practices, yet comprehensive enough that we find reasons to tolerate other practices. This is a fine line to tread, and it is not apparent that this balance can be achieved easily if at all.

David Johnston distinguishes between moral autonomy, which implies the capability of having both a conception of the good and also a sense of justice, and personal autonomy, which suggests the capability of subjecting projects and values to critical appraisal and fashioning them into a life that functions as a coherent whole. Personal autonomy is not "an essential ingredient in a good human life in association with others,"\textsuperscript{19} and the subjection of one's projects and values to critical appraisal is less important than the simple pursuit of these projects with accompanying adherence to their values. The projects of individuals who discount personal autonomy should nonetheless be taken seriously; social measures to promote personal autonomy may range from despotic paternalism, at worst, to a disorientation from one's original values, at best, which may undermine effective agency.

Yet just as Galston suggests that liberal tolerance requires a minimal awareness of the nature of other ways of life, Johnston suggests that "some degree of ability to appraise or reappraise one's projects and values critically is essential to a good life for human beings in association with others" (97). If, as Johnston argues, moral autonomy involves both the recognition of other agents whose claims deserve respect and also an according self-limitation on our own claims, the critical self-appraisal required for personal autonomy should help us to restrain our own claims and recognize others' projects and values, thereby
contributing to our effective sense of justice. Although Johnston concedes that moral autonomy requires to some degree the skills constitutive of personal autonomy, he still suggests that a society should foster personal autonomy "only insofar as . . . those conditions can be expected to contribute to individuals' capacities to be effective agents" (97–98). But if effective agency means the imaginative capacity to formulate projects and values independent of our own experiences, as Johnston suggests (22–24), then a greater degree of personal autonomy would contribute more to the development of this imaginative capacity than would a lesser degree. Thus, the ability to engage in critical self-appraisal that is characteristic of personal autonomy contributes both to effective agency and to the moral autonomy through which we recognize and respect others' projects and values, facilitating our sense of justice and the cooperation required for a life in association with others.

To place this point in the present context, liberal democracy requires the inculcation of the virtues of tolerance and mutual respect. But in my view, this requires the imaginative capacity to view circumstances as others might, to recognize and respect their claims, and to restrain our own. And these dispositions in turn require the capacity to understand and evaluate different ways of life. That is, they require the development of the capacity for personal autonomy. This conclusion casts doubt on Rawls's contention that the political virtues of toleration, mutual respect, and the sense of fairness necessary for social cooperation require "far less" substantive civic education than would the inculcation of the comprehensive values of autonomy and individuality. It also impels one to question whether the ability to respond to rational persuasion and the disposition to employ public reasons in public deliberation, crucial elements in Galston's conception of the capacity for rationality, can be fully developed without the corresponding capability of subjecting one's projects and values to critical reflection and appraisal. This process conditions our ability to perceive the value in others' projects and goals as well as to commit to our own. Moreover, the ability to respond to rational persuasion and the disposition to employ public reasons suggest one of the components of mutual respect for Gutmann: openness to the possibility of modifying or changing one's position in the face of unanswerable objections to the current one.

Galston's first point to which I have responded is that tolerance requires only minimal awareness of other ways of life. Second, he maintains that his "Diversity State" need not imply moral indifference but is also compatible "with engaged moral criticism of those with whom one differs. Tolerance means . . . the commitment to competition through recruitment and persuasion alone." Despite his commitment to diversity and pluralism, then, Galston's
Diversity State does not practice toleration simply by refraining from interference with objectionable practices. We may criticize constructively the ideas of others whom we believe to be in error, and we may attempt to persuade them that our own beliefs or practices are preferable. But not only does this activity require a greater understanding of other ways of life than Galston admits; it also implies the practice of mutual respect as Gutmann describes it. It would seem to involve constructive interaction, a reciprocal positive regard, and an openness to the possibility of changing our minds—unless, of course, we expect self-reflection and openness to characterize only those whom we criticize but not us ourselves! This suggests that the requisite awareness of other ways of life and the inculcation of the competencies and virtues of liberal citizenship (529) demand the sort of sympathetic and imaginative engagement with other beliefs and practices that Callan describes. Galston may want to backpedal from what he sees as the rigid structure of a seemingly perfectionistic Rawlsian political liberalism, but his own, purportedly more inclusive, alternative requires similar political virtues that lead ineluctably to the development of a capacity for autonomy.

Third, Galston advocates decentralized political decision-making on many contested issues, pairing a strong freedom of association with an emphasis on a meaningful right of exit. This latter requires an awareness of alternatives, a capacity to assess these alternatives, freedom from brainwashing, and the individual ability to participate effectively in other ways of life besides that being abandoned. Yet these conditions point not simply to a bare awareness of alternatives but toward, in Callan’s words, “the ability to envisage a life alien to one’s own from the inside so that the goods it makes possible can be understood to some degree in their vivid particularity.” The capacity to assess alternatives requires the developed capacity to engage in critical reflection on these goods if we are to make the best choice for us. And the ability to participate effectively in other ways of life means that not only our specific skills but also our ways of thinking must be flexible enough to allow us to make successful transitions. If, as both Gutmann and Galston believe, individuals should be educated to function effectively within and to support their political community, they should be able to do this in more than one role. Therefore, even if we leave aside the question of whether tolerance in the liberal democratic polity requires the teaching of mutual respect, our freedom and ability to live a good life for us requires the development of the capacity to engage in rational deliberation and critical reflection.

Fourth and finally, Galston’s concrete policy recommendations do not always protect across the board the diversity that he valorizes, and in some cases
they reconstruct practices that seem coercive to some citizens. I cannot here engage in detailed analysis, but among the policies stemming from his advocacy of a functional traditionalism aimed at bolstering beliefs and habits that he associates with the security of liberal rights are measures that privilege intact two-parent families and discourage divorce, support for state law embodying morally traditional attitudes toward homosexuals, and similar support for state law requiring a moment of silence at the start of the school day. I am less concerned here about the intrinsic validity of his particular stands than I am about the combination of his moral traditionalism with his conviction that rational deliberation must take second place to rhetoric in the formation of future citizens. Because disputes about the human good cannot be definitively settled philosophically, Galston maintains, “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 to accept these commitments as valid and binding, the method must be a pedagogy that is far more rhetorical than rational” (243).

I am extremely wary of what seems to be a recommendation that we paper over moral complexity and ambiguity. I agree with Callan, first, that although Galston cites courage, law-abidingness, and loyalty as fundamental virtues of the liberal state (221), “law may be enacted or administered in ways that betray the fundamental values of liberal democracy” that Galston is anxious to uphold. Because the historical and political tradition in which we are embedded is subject to varying interpretations, “the pressing question is, What is the best of this tradition? Rather than, What are the dominant or most powerful elements in this tradition?” Second, I agree with Callan in rejecting the consensual conception of common education, according to which “the proper content of common education is given by whatever corpus of substantive educational values can be supported by a highly extensive agreement in our society.” Consensus itself is not negative, but “the relevant consensus cannot be complacently identified with the one we happen to have at this moment in history” (260). Galston’s rhetorical approach is far too likely simply to endorse the current consensus rather than requiring “a serious intellectual and imaginative engagement with the plurality of values to which my fellow citizens adhere . . . where the plurality of values is really embodied in the lives of different participants” in this engagement (264). True openness to cultural diversity, in my view, is grounded not in a consensual conception of common education but in equal respect, which in turn requires civic education grounded in more than rhetoric.

Macedo’s liberalism is a muscular version that is unapologetic about the fact
that communities or families with totalistic belief systems may be undermined by public policy that advances critical thinking and public argument as appropriate means of political justification. Although freedom is central to liberal politics, “successful constitutional institutions must do more than help order the freedom of individuals . . . they must shape the way that people use their freedom and shape people to help ensure that freedom is what they want.”

Accomplishing these goals “requires liberalism with a spine” and a recognition of “the supreme importance of constituting diversity for liberal ends.”

On the other hand, unlike Callan, who holds that liberal citizens should develop the ability to enter into sympathetic and imaginative engagement with different ways of life, Macedo argues that “it would go too far to suggest that good citizens must have positive regard for each others’ extra-political beliefs and practices.” The promotion of sympathetic and imaginative engagement with rival views, particularly with religious ones, “comes too close to espousing a ‘comprehensive’ ideal of life as a whole, such as autonomy, and would seem to infringe on individuals’ freedom to disagree deeply and vigorously about religious and moral matters. Political liberalism stands for the importance of critical self-examination in politics. Citizens decide on their own what attitude to take toward their religious beliefs.”

Children should learn that diversity is both typical and persistent and that respect for diversity is a part of citizenship. But although this might be hard to learn “without being ‘open to the possibility’ that the religious convictions of one’s parents are unreasonable, public school educators should not seek directly to sow religious doubt” (311).

Macedo admits that teaching equal respect for fellow citizens but not positive regard for their beliefs may seem a specious distinction. “Teaching children the importance of thinking critically about public affairs may have the effect of encouraging them to think critically about religious matters as well” (312). As with Rawls, Gutmann, and Callan, education for citizenship may actually constitute education for autonomy. Yet Macedo still desires a balance between neutrality and perfectionism. “Explicitly or not, liberal regimes endorse and promote autonomy. But we still respect the non-autonomous: people have the right to lead lazy, narrow-minded lives, and we minimize and soften interference with their choices.” Like Gutmann and Callan, then, Macedo advocates a comprehensive civic education that develops the capacity for rational deliberation and critical reflection about public affairs; but like Galston, he rejects the explicit use of this capacity with respect to citizens’ private and more comprehensive religious, philosophical, and moral convictions. “Public schools may seek to inculcate the civic importance of religious toleration” but “have no business speaking to the religious dimensions of toleration, equal respect, or other
political questions.” Yet to maintain this distinction, Macedo relies on a “transformative constitutionalism” in which emphasis on the segmentation of religion and politics tends indirectly to diminish the centrality of religious convictions in tension with liberal democratic values. In fact, he argues that the defenders of individuals who feel censored or marginalized because they will not compartmentalize their political and religious beliefs should realize that the true difficulty is these believers’ hypersensitivity. And their defenders’ “real problem is in thinking there is something necessarily wrong with practices that in effect marginalize those who reject liberalism” (79, n. 53).

As we saw in Callan’s critique of Rawls and as Macedo himself admits, however, critical thinking about civic concerns readily spills over into critical self-examination about more comprehensive matters as well. First, Macedo asserts that “the stability of a liberal regime requires that the personal moral and religious views of many people will (when illiberal) be mended to support the liberal settlement. Ideally, this transition will take place via candid, open public arguments.” And marginalized groups whose beliefs are under threat from the wider liberal culture and whose practices are imperiled by the public policies of the liberal state may need to make adjustments themselves rather than to petition for exemptions from these policies. But these statements do not comport with Macedo’s assertion that citizens should determine their own attitudes toward the imperatives of their religious beliefs, even if they cannot always carry through these imperatives in a liberal polity. If marginalized groups must make adjustments, his formulation suggests that dialogue between those who support the dominant consensus and the members of dissenting groups is a one-way street. The latter must simply adjust when the former declare that atypical practices are illiberal. Those who think I need to alter my supposedly illiberal views are in fact challenging my personal moral and religious views when they point to the need for change. And by implication, they are inviting the critical self-evaluation of my comprehensive views the insistence on which Macedo thinks an infringement on religious and moral diversity.

Second, even if Macedo were consistent when he advocates critical reflection about public affairs but withdraws his insistence with respect to private, comprehensive convictions, there is no inherently clear distinction between the political and the nonpolitical. Practices that stem from my comprehensive beliefs may seem to me to carry political implications that make them fit subjects for political discussion and critical examination. If I may decide what attitude to take toward my beliefs, this includes my deciding to what extent they are political or not, especially if my ability to adhere to them is affected by political decisions on public policy. Rawls’s overlapping consensus is abstracted
from religious, philosophical, and moral doctrines that citizens support; even it is not exclusively nonpolitical in the sense of having no nonpolitical origins.

Third, although Macedo contends that it is only illiberal views that must be adjusted or mended, once again, there is no inherently clear distinction between the liberal and the illiberal. Competing sets of social facts may be adduced, each of which points to a different conclusion about the liberality or illiberality of particular beliefs and practices. It is through rational deliberation and critical reflection that we decide what is benign or injurious in its effects on the liberal settlement as we understand it. Although Macedo says that the mending of intolerant views should occur through open public argument, those on both sides of the argument ought to display reciprocal positive regard, self-reflection, and openness to unfamiliar arguments. After all, if I am to mend my views or to make adjustments in them, I must be able to enter into sympathetic and imaginative engagement with conceptions of the good other than my own. And you who want me to make these adjustments should do the same if you want to determine accurately how radical these adjustments should be. Once again, all citizens of the liberal polity should develop the capacity to engage in rational deliberation and critical reflection. Liberalism makes demands on all its citizens, not only on those who liberals think are illiberal. Although Macedo focuses on the importance of the capacity for autonomy, his manner of doing so impels me to prefer Gutmann’s and Callan’s formulation.

For Diversity

The theorists whose views we have examined hold specific views on education for citizenship. Although none believes that the instantiation of cultural neutrality is compatible with the maintenance of liberal values, all evidence strong support for the virtue of tolerance and for policies of toleration. But while Gutmann and Callan argue that tolerance requires the inculcation of mutual respect, Galston maintains that such a program threatens liberal hospitality to diversity, specifically to individuals who reject the critical self-reflection that the development of mutual respect seems to require. And although Macedo endorses a robust sense of civic or political respect, he implicitly rejects the necessity of respect for nonpolitical beliefs and practices. Although on a theoretical level I support Gutmann and Callan more than Galston or Macedo, I believe that the disposition of this issue must take place with reference to the particulars of specific cases.

This issue is not merely a theoretical one. The transformative constitutionalism of Macedo is reflected in a 1994 resolution of the Lake County School
Board in Florida, which required teachers to “instill in our students an appreciation of our American heritage and culture such as our republican form of government, capitalism, a free enterprise system, patriotism, strong family values, freedom of religion and other basic values that are superior to other foreign or historic cultures.” The local teachers’ union charged that the resolution violated both the right to free expression and a state multicultural education law requiring education that fosters “appreciation and respect for people of other ethnic, gender, socioeconomic, language and cultural background.”

Supporters of the resolution, however, argued that opposition was animated mainly by the fact that right-wing Christians on the school board supported it, which was an illegitimate basis for opposition. “That’s the way they do it in other, inferior cultures.” On this view, the “ burgeoning multicultural industry” has intimidated us into public reticence about this country’s superiority and its attractiveness to others who have sought refuge and a good life here.

This controversy serves to highlight some of the issues under discussion. First, one can teach about our socioeconomic and political system in many different ways, some of which are compatible with an attitude of thoughtfulness and self-criticism. A unit on freedom of religion could emphasize primarily the ban on establishment, the enabling of free exercise, or both equally. The teaching of “strong family values” is not necessarily incompatible on its face with the strengthening of nontraditional family units. Second, although the mandate that the culture of the United States be portrayed as superior might appear congruent with Macedo’s argument that the health of modern liberal democracy must not be taken for granted, even he confines these injunctions to the political level, where he also recommends the inculcation of civic or political respect for the diversity of views that will influence public judgment. All who desire the continued flourishing of the liberal polity seem to agree that the conditions for this flourishing require attention, but they disagree about what sort of attention is required. That is, the liberal polity is worthy of this effort and is thus superior in some sense to cultural and political manifestations that might replace it if care is not taken. But controversy centers on how heavy-handed this effort must be.

In *Wisconsin v. Yoder*, the Supreme Court in a six-to-one majority upheld Old Order Amish communities in Wisconsin in their desire to terminate their children’s formal schooling after eighth grade, in accordance with their “fundamental belief that salvation requires life in a church community separate and apart from the world and worldly influence,” which was thus deserving of protection under the free exercise clause. Beyond eighth grade, formal education is supplemented in Amish communities by the learning of manual work
and self-reliance and by experience that promotes values favoring community welfare and spiritual growth. The record “abundantly supports the claim that the traditional way of life of the Amish is not merely a matter of personal preference, but one of deep religious conviction, shared by an organized group, and intimately related to daily living” (216). If education is compulsory until age sixteen, in accordance with state law, pressure to conform to the larger society poses a real danger that the Amish community and its religious practices will be undermined. The fact that the dispute involves conduct typically required of all does not absolve the state from the free exercise limitation on its power or from the possibility that it unduly burdens this exercise (219–221).

Although Wisconsin argued that the standard educational requirement was necessary both for effective and intelligent political participation and also for self-reliant and self-sufficient social participation, the Court ruled that further compulsory education that may be necessary preparation for life in modern society may be optional “if the goal of education be viewed as the preparation for life in the separated agrarian community that is the keystone of the Amish faith.” Moreover, Amish practices historically foster productive and law-abiding membership in “a highly successful social unit within our society,” as recognized by Congress in exempting such groups from the payment of social security taxes (222). Children who may choose to leave the community before traditional adult baptism carry with them a readily marketable vocational education through their training in reliability and self-reliance. Finally, the case centered on the free exercise rights of the parents, not on any conflict between parents and children. Therefore, despite fears that parents might foreclose their children’s opportunities “to make an intelligent choice between the Amish way of life and that of the outside world” (232), the fundamental interests of parents in guiding their children’s religious education combined with their free exercise rights outweigh any demonstrated state interest in compulsory education (230–236).

Justice William Douglas concurred in the result because the child who testified in this case asserted that it was her religious beliefs that kept her from attending high school. But he dissented from the idea that the religious interest of children had no bearing. Parental notions of religious duty should not be imposed upon their children, and if a mature Amish child does wish to attend high school, the state might want to override parental objections. “It is the future of the student, not the future of the parents that is imperiled by today’s decision. If a parent keeps his child out of school beyond grade school, then the child will be forever barred from entry into the new and amazing world of diversity that we have today” (245). If the child rebels against this
course of action, the child’s judgment must be preferred to that of the parents (241–249).

The majority’s ruling fits the interpretation in which freedom of conscience means to theorists like Sandel the right of an encumbered self to exercise a duty, not the right of an independent self to make a choice. The Court emphasized the extent to which the Amish claim stemmed not from personal preference but from deep religious conviction constitutive both of the members of the Amish community and of their way of life itself. Although the long, historic tradition of Amish practice demonstrates the sincerity of the Amish claims, I argue that it should not matter whether one’s religious affiliation is regarded as stemming from the affirmation of a duty, from the making of a choice, or in fact from the affirmation of a first-order duty that results from the making of a second-order choice. That is, whether I am born into an Amish community or “convert” upon learning the virtues of that way of life, an admittedly unlikely prospect given the nature of that community, I should be accorded the same freedom of conscience and right to engage in the free exercise of my faith. Either way, my doing so is an expression of autonomy as I live my life from the inside and perhaps question, examine, and revise or reaffirm my projects and goals.

I see at least two important issues in Yoder with respect to education for citizenship. The first concerns the adequacy of preparation of children for effective political participation and for self-sufficient social participation. For Jeff Spinner, liberal virtues need not be encouraged among the Amish because they do not want full membership in the mainstream of the liberal polity but, instead, partial citizenship. As we saw in Galston, “This shows a paradox of liberal theory: liberalism allows people to reject liberal values. The liberal state cannot insist that its citizens embrace liberalism. Liberalism allows people to think for themselves, to make their own decisions—or even to decide not to think for themselves.” Although the liberal virtues of “self-reflectiveness, equality, and autonomy” should typically characterize both the public sphere and the non-public institutions of civil society that serve the public, Amish involvement in both these areas is minimal. “When they do become politically active, it is almost always to protect their way of life,” as in Yoder (98). In other words, schooling need not inculcate or develop the capacity to engage in rational deliberation and critical reflection, because the Amish consistently reject the facets of life in the liberal polity that would call upon these capacities. On this interpretation, some citizens of the liberal polity can opt out of certain liberal virtues.

The second issue centers on the context of choice for Amish youth. Although the Court suggested that the training provided within the Amish com-
munity constitutes a marketable vocational education for young people who wish to leave it, the context of choice is limited by children’s lack of exposure to a range of options within their own community. The intent of the Yoder parents was precisely that of shielding their children from influences that might induce them to leave the community. Cultural membership is a context of choice that provides both a range of meaningful options for choice and also a source of beliefs about value. Together these offer “a secure sense of identity and belonging.”

I have argued, however, that although one’s culture of origin functions as a ground, context, or framework for choice, it is not itself a choice unless the individuals within such a framework engage in critical self-reflection by examining, questioning, and either affirming or revising their commitments. And as we have seen, Galston’s conditions for a meaningful right of exit include not only an awareness of alternatives but also the capacity to assess these alternatives and the ability to participate effectively in other ways of life. This capacity and ability, then, bear both upon the question of education for citizenship and on the conditions for agency, moral autonomy, and personal autonomy.

Should education constitute preparation for life only in one’s community of birth, or should it enable one consciously to weigh alternatives and to make those alternatives realistic options? Both Gutmann and Galston suggest that civic education is situated and particularistic in nature. Despite their differences, both involve civic education in the virtues necessary for the perpetuation of effective citizenship in a liberal democracy. Similarly, the Amish parents in Yoder focused on the perpetuation of the Amish community. Although one could argue that a greater proportion of Amish will leave their communities than the proportion of U.S. citizens who will become expatriates, and that we properly show greater concern for the acculturation of those within our borders than for the acculturation to the cosmopolitan community of those who choose to leave, the point remains. If we are concerned about civic education, either we are concerned about the practical aspects of Amish social and political participation, or we believe on some level that regardless of practicalities, the values of the larger culture are morally preferable to those of the Amish community. If the former, evidence suggests that Amish children learn in their community what they need after eighth grade to function effectively. If the latter, those who disagree with Yoder or who disagree contingently, like Douglas, must justify their desire to impose more civic education than the Amish parents desire.

Douglas suggested that he would take a child’s part who rebelled against her Amish parents by wanting to attend high school, because not to do so would
foreclose to her a range of choices that he believed should be available to her. But how broad must this range be? Noting that many Amish communities run their own elementary schools, Spinner asks, “How can the state know that people actually choose to join the Amish when their children live their entire lives in the Amish community and do not attend public schools?”

No one enjoys a context of choice that includes every conceivable option; people who are not Amish are neither encouraged nor required to spend time in Amish communities in order to render meaningful the right of exit from the larger culture. Spinner concludes that we may safely assume that the Amish choose to be Amish. As members of a minority culture, Spinner argues, they are aware of alternatives, and some Amish teenagers experiment with some of these before the time comes for baptism. They therefore fulfill three of the conditions Galston outlines for the meaningful right of exit: awareness of alternatives fulfills the awareness condition, and the existence of experimentation could be taken to fulfill both the capacity condition and the psychological condition. They possess the capacity to assess alternatives, and they are not brainwashed into remaining in the Amish community.

The sticking point is what Galston calls the fitness condition, or “the ability of exit-desiring individuals to participate effectively in at least some ways of life other than the ones they wish to leave.” Spinner notes that although few Amish leave to become nuclear engineers, many join more liberal Anabaptist communities where they may use many of the same skills in farming and manual labor that they learned in the Amish community. The fact that a number do leave evidences their ability to survive outside; the fact that large percentages do not leave, or that if they do they join similar communities, evidences the fact that their communities are indeed preparing them for the lives most will lead. But “if the number of young adults leaving the community for mainstream society increased from a trickle to a stream—then the Yoder decision would have to be revisited,” perhaps by dictating mandatory attendance at public schools, the better to prepare children for their adult lives. Although economically, it appears that the context of choice allows the Amish to fulfill Galston’s fitness condition, I suggest, however, that individuals should be able to function effectively in more than one sort of role. That is, we may be aware of alternatives, possess the capacity to assess them, and be able to participate effectively in other ways of life, but the range of alternatives about which we possess this knowledge may be exceedingly narrow. This casts doubt on the proposition that the Amish choose to be Amish, at least with respect to engaging in a critical examination of a broad range of alternatives.

To put this differently, when Spinner notes that no one enjoys a context of
choice with unlimited breadth, he is suggesting that individuals choose to be Amish on a first-order level. That is, they are presented with several actual options and choose among them, most deciding to remain in the Amish community. My concern is the second-order level, that of preference formation. Exposure or access to different kinds of options provides the raw material that enables us to live our lives from the inside, to examine, question, and revise or reaffirm our current projects and goals. This distinction is hinted at in Spinner’s point that because only small numbers of individuals leave the Amish community, their education is adequate. If larger numbers were to leave, the state might require more education. In other words, their education is adequate for the actual choices that they confront. From the viewpoint of preference formation, on the other hand, it could be argued that the current education of Amish children might better be shown as adequate if larger numbers did leave. These individuals would be demonstrating a meaningful right of exit, including an awareness of alternatives, a capacity to assess them, and a confidence in being able effectively to participate in other ways of life, especially, in theory, if they engaged in occupations other than farming or manual labor. Although they are assuredly not brainwashed into staying, they also assuredly do not enter into anything resembling a sympathetic and imaginative engagement with other ways of life. The question here is that of how broad the context of choice must be.

First, I do not reject Spinner’s paradox that liberalism allows people to reject liberal values. The notion of constitutive choice encompasses my ability to make a second-order choice, through which I may then become encumbered by duties that I view as constitutive of my identity on a first-order level. But first I must examine a range of values, including liberal ones, and decide that I want a way of life that thus encumbers me, whether this is a reaffirmation of my traditional way of life, or another that I recently discovered. I am more troubled, however, by Galston’s assertion that “liberal freedom entails the right to live unexamined as well as examined lives.” Does this mean lives that are never examined? Or can this mean that once an initial critical examination has taken place, we might make a constitutive choice that limits further self-reflective choices? In a likely scenario, I may make a constitutive choice that entails subsequent constitutive duties. But when I encounter other opportunities to choose as my life unfolds, I engage in self-reflection that results in my reaffirmation of the constitutive choice I made originally. Here, although my life may be unexamined and therefore rejects liberal values on the first-order level, it is continually reexamined on the second-order level. But in any scenario, self-examination should occur at some point.
Second, the ability to understand and to interact with a broad range of alternatives not only promotes our capacity to live what are good lives for ourselves but also allows us a greater understanding of the limitations of our choices, even when we continue to adhere to them. As Walter Feinberg suggests, learning about other cultures enables us to understand them and “also involves using that learning in a reflexive way to understand one’s own behaviour and practices as a culturally constructed product.” For example, Macedo, in discussing public justification, asserts that “being a self-critical reason-giver is the best way of being a liberal and a good way (liberals must suppose) of living a life.”

But even the situated autonomy that he advocates (213–227) requires not only that we possess the capacity to be self-critical reason-givers, but also, I believe, that we understand that this is what we are.

With respect to minority cultures, the liberal concern is both that children unexposed to other ways of life will have fewer opportunities and “that the children will not develop the capacity to choose whether or not they want to take advantage of those opportunities. It is not that the child will therefore end up repeating the life practices of the parent, but rather that the child will have no other choice but to do this.” At the second-order level, I need not only alternatives, and a broad range of types of alternatives, but also the qualitative and developed capacity to assess these alternatives and what they might mean for my own life. Even if I reaffirm my current way of life, engagement with these alternatives may help me to understand facets of my own life that have hitherto been unexamined.

What stands out is the importance of culture as a context of choice and the extent to which culture shapes the existence of alternatives, the nature of these alternatives, and the capacity of its members to assess and to utilize those alternatives of which they are aware. Although I have argued that cultural membership in any particular culture functions as an expression of autonomy rather than as a precondition of autonomy, I focused on mature membership as a product of rational deliberation and critical reflection. For children or youth, however, membership may function as a precondition in a different sense. Like membership in a family, cultural or religious membership in one’s culture or faith of origin situates the individual in a particular context and grounds him or her in a specific constellation of options for choice and beliefs about value. But the mere fact of familial, cultural, or religious membership itself, however secure the sense of identity and belonging that it imparts, is not a sufficient condition for the development of the capacity for autonomy. Whether it functions as a precondition of autonomy depends upon its nature, its values, and the ways in which it seeks to inculcate these values. Precisely because liberal
autonomy as I perceive it does allow us to eschew the practice of autonomy in our adult lives, it can be argued that we should initially in some forum develop and exercise the capacity to engage in critical self-reflection about our future course. Therefore, it behooves us to consider carefully when we examine the merits of dispensations from educational requirements.

The Amish and their supporters fear that the very education that may develop the capacity for autonomy will also increase the dilution of cultural homogeneity and cause the Amish way of life to disappear. The possibility of assimilation to the larger culture signifies a larger range of options for these individual members, but a narrower range overall, with the possible disappearance of that particular option for everyone. As Spinner puts the dilemma, it is easy to say with theorists like Kymlicka that members of the Amish community should interpret their identities as they wish, but we should then also allow the Amish community to reject some self-interpretations. In this regard Spinner resembles Chandran Kukathas in the latter's point that outside interference violates the associational freedom at the core of liberalism and that the right of exit is the ultimate liberal safeguard against coercion. The dilution or disappearance of the Amish way of life "will mean that the interpreters will live in a non-Amish community anyway but that those who wanted to live in an Amish community will not be able to do so," thus allowing less overall choice. Spinner implies that cultural structure devoid of the ability to maintain cultural character renders the structure a hollow shell and that eventually the structure will disintegrate without continuity of content to maintain its form.

We could respond that because Spinner himself notes that no context of choice includes every conceivable option, the disappearance of some options simply exemplifies the inevitability of change. Moreover, despite efforts to preserve cultural character, cultures are never self-contained. Jeremy Waldron contrasts one model of cultural membership, in which individual identity is constructed within one culture, with a second model, in which identity in a multicultural society "will comprise a multiplicity of cultural fragments, bits and pieces of various cultures from here and there." Individuals in a multicultural situation are never members of only one culture; cultures are always "implicated" with one another, even internationally through war and trade (107). Respecting or preserving a cultural framework as a basis for identity "means that one has to pin down a favored version of the cultural framework to be understood in this regard. But cultures and communities are developing things—their boundaries blur and their identities shift" (113). Waldron thus wants to avoid essentialism, or the notion that certain facets or characteristics
of a culture constitute its essence, as any given constellation of facets is only one interpretation of that culture. Similarly, individual identity is itself multicultural, in that “individuals can no longer be regarded . . . as mere artifacts of the culture of the one community to which we think they ought to belong” (114).

We could apply Waldron’s point to the Amish in two different ways. First, if every individual is indeed multicultural because of the blurring of boundaries, we need to do nothing to protect Amish youth against the limitations of their own communities. All Amish cannot but be conscious of the influence of the larger culture, with all the particularistic cultural influences that constitute it. Their belief that it is their religious duty to set themselves apart is a response to the larger culture, and their doing so is an affirmation of the project that being Amish represents. The Amish are defining for themselves the meaning of their overall membership in the larger culture and becoming self-interpreting.

On the other hand, we could argue that because individuals are never purely members of one culture but are always to some degree implicated in other cultures, Amish youth need the sort of civic education that will develop their capacities for rational deliberation and critical reflection, even if they remain in their communities their entire lives thereafter.

In the Amish case, in the end I must reluctantly agree with the Court in Yoder. I do so because I believe that the Amish way of life is a matter of self-interpretation by Amish individuals over time, and the Amish community comprises individuals who agree on the meaning of their at least nominal membership in the larger community. Separation is not instrumental to being Amish but is intrinsic to and constitutive of what being Amish means. As we have seen, even Macedo holds that although critical self-examination is required by liberal politics, citizens should decide on their own attitudes toward their religious beliefs. And here, the religious beliefs that the Amish affirm require separation from the larger society.

I am still troubled by the fact that Amish youth will not be exposed to the diversity they would otherwise encounter; the free exercise of religion by Amish parents in effect constitutes an establishment of religion for Amish youth. Therefore, I believe that Douglas’s dissent makes an important point. Although children do not carry the full legal status of adult agents, their more limited agency deserves respect, and they should be canvassed in such cases for their own viewpoints. If they themselves desire further education, I agree with Douglas that they should be accorded this right against their parents’ desires. Absent disagreement, however, the parents’ free exercise rights should be honored, even as we uncomfortably recognize that the children’s assent is not only not a mature one but also one not likely to be informed by critical self-reflection.
Beliefs are not automatically matters of faith and therefore removed from civil jurisdiction simply because an individual or group thinks they are or should be. The state could have decided, of course, that the deprivation of exposure to a diversity of beliefs and values constitutes worldly injury sufficient to render the dispensation from educational requirements an inappropriate expression of religious belief and practice. The criterion of worldly injury renders irrelevant any consideration of or reference to the validity or appropriateness of religious practices on their own terms. Recognizing the line between the civil and the religious as a matter of civil determination, however, does not mean that the state is necessarily correct in these determinations. When individuals with differing conscientious beliefs desire exemptions from civil requirements, some entity must possess the authority to arbitrate if we are not to face a situation in which any individual or group, for better reasons or for worse, can claim exemptions simply because this claim flows from these conscientious beliefs. In the modern world, that entity is the nation-state.

If we as citizens of the liberal polity, through the civil authority, do agree that the sincerity, logic, or worth of a belief is such that we allow a practice we could have forbidden, we should accord the same respect to this belief and practice that we do to others. Spinner suggests that we may allow a practice without approving of it in the sense of endorsing it. “Toleration of the Amish . . . does not mean celebration; liberal democrats . . . should not glorify the Amish . . . A grudging tolerance of the Amish is different from a celebration of their culture and the pronouncement that it is equal to liberal cultures.” Although I am reluctant to grant the educational dispensation in *Yoder*, I would shrink from labeling my tolerance a “grudging” one. We may as a polity decide to accord what Galston terms “some intermediate status . . . for groups that are willing to abide by the basic laws of the community without making full claims upon it, in return for which they might be exempted from some of the requirements of full citizenship.” But if we do this, it is with full knowledge of what we may see as the lacunae in the Amish conception of liberal citizenship. Therefore, although we may never agree with them about the proper constituents of the latter, acceptance of their practices with appropriate qualifications means, in my view, full acceptance under the terms of the agreement.

This is why I am wary of Macedo’s assertion that illiberal moral and religious views may require mending, or that marginalized groups may need to make their own adjustments rather than petitioning for exemptions. He argues that we should each determine our own attitudes toward our religious beliefs. Along these lines, we did not require that the Amish take a different attitude toward their own beliefs to secure a decision like that in *Yoder*. Even if *Yoder*
had been differently decided, we still would not have required an alteration in Amish attitudes toward their own beliefs. We would simply have been saying, quite properly in my view, that the distinction between the civil and the religious is a matter of civil determination and that here is where the line is. Even Gutmann says that the democratic state is not required to recognize an educational exemption if this would shorten the exposure of Amish youth to essential components of democratic deliberation. In other words, the matter is very much a contingent one.

Galston suggests that “it seems possible for liberal societies to manage the inevitable conflict with marginal groups in a spirit of maximum feasible accommodation” in a “particularized, but neither uncharacteristic nor unprincipled, practice of liberal generosity.” If the exceptionalism of the Amish community dictates that we in turn ought to make exceptions, generosity requires that once the agreement is made, we should accord full respect to the Amish, even if we continue to disagree with their views. To do otherwise is to make them “pay” for our generosity. I believe that on some level, a sympathetic and imaginative engagement with their views is what persuaded the Yoder Court to grant the educational dispensation. The dialogue between this marginalized group and those representing the dominant consensus was not a one-way street, and the larger society was the entity that made the “adjustments.” Although we might wish that the views of the Amish were other than what they are, we ourselves cannot meet the requirements of liberal citizenship if we deny the possibility of constructive interaction and reciprocal positive regard. We may decide future confrontations of this nature differently. But we should not make a group pay reparations through the back door, in effect, for costs that we did not extract through the front door.

For Autonomy

In the second case to be discussed, Moore v. Hawkins County Board of Education, seven families of fundamentalist Christians sued a Tennessee school board on the grounds that their religious beliefs were violated by the content of a series of textbooks that taught or inculcated values contrary to their beliefs. This case was litigated at the district level with decisions favoring the defendants, was appealed but returned to the district court for further development of the evidence, and was decided a second time at the district level in favor of the plaintiffs. On a second appeal, the appellate court agreed with the trial court’s initial decision in favor of the school district. Although originally one of the parents had secured agreement from the school principal for an alternative reading pro-
gram, subsequently the school board eliminated all alternatives and required all students to attend classes using the one basic reading series.

In his opinion for the appellate court, Chief Judge Lively addressed three issues. First, although the plaintiffs objected to repeated exposure to objectionable material, Lively argued that exposure to ideas objectionable on religious grounds does not constitute a burden on the free exercise of religion. Moreover, structuring a public school curriculum to satisfy religious principles or prohibitions violates the establishment clause (1063–1064). Second, in successful free exercise cases like Sherbert v. Verner, free exercise was burdened by requiring the plaintiffs to perform specific actions that violated their religious convictions or else to forego benefits such as unemployment compensation, a job, or public education. But reading and discussing assigned materials is not compulsion as exists in cases “where the objector was required to affirm or deny a religious belief or refrain from engaging in a practice contrary to sincerely held religious beliefs” (1066). Third, although the plaintiffs maintained that they could not be tolerant in the sense of accepting other religious views as equal to theirs, only “a civil tolerance, not a religious one,” was required. No one was required to believe or affirm that all religions are equally valuable, and although the school system encouraged the exercise of critical judgment and choice, these also were nowhere required (1069). In sum, the reading requirement did not unconstitutionally burden the plaintiffs’ free exercise. It did not require religiously forbidden conduct but only elicited apprehensiveness that this reading might lead students to conclusions contrary to their families’ beliefs (1070).

The other two appellate judges, Kennedy and Boggs, concurred with Lively but for different reasons. Kennedy suggested that a compelling state interest in teaching “students how to think critically about complex and controversial subjects and to develop their own ideas and make judgments about these subjects” would outweigh the plaintiffs’ free exercise rights even if these were found to be burdened (1070–1071). Moreover, the readers’ introduction of subjects and themes discussed across the curriculum would lead to students’ dismissals from other classes in which objectionable themes arose, to the requirement that teachers determine in detail what materials were objectionable, and to the creation of a precedent for those of other religions who might request religious exemptions from core subjects (1071–1073). The more sympathetic Boggs argued that reading means engaging in acts or conduct as surely as reading books on the Roman Catholic Church’s prohibited Index would have meant before 1962 (1073–1076). More important, if the plaintiffs were pressured to believe “that values come from within oneself, rather than
from an external religious source . . . I think it clear that such teaching would violate the Establishment Clause,” which would outweigh any compelling state interest prohibiting accommodation (1076–1077). Nevertheless, because the Court typically does not interfere with the setting of school curricula on free exercise grounds, schools need not justify refusals of individual requests for exemptions (1079). Moreover, civil toleration may indeed be taught without religious toleration. “Thus, the state may teach that all religions have the same civil and political rights, and must be dealt with civilly in civil society. . . . It may not teach as truth that the religions of others are just as correct as religions as plaintiffs’ own” (1080). And even materials that appear unbalanced by seeming to preach religious toleration need not constitute an establishment.

Mozert differs from Yoder most obviously because the Mozert parents did not seek to sequester their children from public education as preparation for life in a separatist community but instead desired the benefits of public education minus the features they found offensive to their religious beliefs. Because these children will presumably function as citizens in the mainstream of the liberal polity, we can argue that they need to develop the capacity for rational deliberation and critical reflection. This in turn requires exposure to varying viewpoints and ways of life through a sympathetic and imaginative engagement with them. The deprivation of exposure to a diversity of beliefs and values constitutes worldly injury sufficient to make dispensation from these educational requirements an inappropriate expression of religious belief and practice. As Joseph Raz argues, “The autonomous life depends not on the availability of one option of freedom of choice. It depends on the general character of one’s environment and culture. For those who live in an autonomy-supporting environment there is no choice but to be autonomous: there is no other way to prosper in such a society.”

The admission that educational requirements are necessary to generate or develop the capacity for critical self-reflection potentially betrays a fault line, however, in the traditional liberal effort to maximize both liberty and tolerance. Although a liberal society will value all ways of life grounded in autonomy, it may be unable both to promote autonomy and a policy of tolerance or inclusiveness toward ways of life that do not espouse this value. According to Susan Mendus, liberals who assume that autonomy itself is chosen optimistically wager, like John Stuart Mill, that it will always be chosen and never be voluntarily discarded. Therefore, the liberty of those who would renounce it can seemingly be restricted, as they obviously have not achieved autonomy. Other liberals, of whom Raz is one, believe that “the state of autonomy is surely the
state from which I choose, not itself an object of choice . . . that autonomous life is not itself a matter of choice, but the basis on which choices are made.”

Therefore, again, the liberty of those who do not value it should be restricted until they learn to act autonomously. In either case, “liberalism’s claim to pluralism and tolerance are [sic] undermined or radically transformed. Tolerance becomes not a virtue, but merely a temporary expedient against the day when all are autonomous” (108).

On my own interpretation of constitutive choice, however, personal autonomy may indeed be discarded at the first-order level if I choose or affirm a way of life that encumbers me with duties that I view as constitutive of my identity. Moreover, I may choose or affirm a life that emphasizes critical reflection, coming to see this activity as a constitutive and unquestioned duty even when it might appear easier to follow some courses of action unthinkingly. I believe that we may “autonomously” renounce autonomy if our process of preference formation engages us in critical reflection before doing so. Thus, the commitment to an autonomous or nonautonomous life is in my view an object of choice. Autonomy at the second-order level, however, is the state from which we choose, or the basis on which choices are made. But precisely because here it cannot be an object of choice, education must address the inculcation at the second-order level of the capacity for autonomy. If we do not possess this capacity at the second-order level, we do not have the choice of using it or not at the first-order level. Because I allow for the renunciation of the practice of autonomy at the first-order level, I do not view toleration as a temporary expedient; rather, there is permanent need for it under ongoing conditions of cultural, religious, philosophical, and moral diversity. But because I do prefer that all develop the capacity for autonomy at the second-order level, my tolerance here appears more provisional, and I am therefore more exposed to Mendus’s criticism that liberals often promote autonomy at the expense of inclusiveness.

In Yoder, the Amish parents’ concern was that the education that shaped preference formation would influence not only the process through which ways of life are chosen or affirmed but also the outcome of this process. That is, inculcation of the capacity for autonomy at the second-order level predisposes us to opt for the practice of autonomy at the first-order level. Once the capacity for autonomy becomes the basis on which choices are made, a nonautonomous life is less likely to be a realistic object of choice. In Mozart, the fundamentalist parents shared a related concern that the manner in which we hold our religious, philosophical, and moral beliefs is not confined to the realm of form or procedure but also exerts an influence on the substance of these
beliefs. If we ourselves are to enter into a sympathetic and imaginative engagement with ways of life that resist even exposure to competing viewpoints, we must understand these concerns about such exposure.

**THE FUNDAMENTALIST VIEWPOINT**

In *Moertz*, the plaintiffs felt that their free exercise of religion was not violated so much by exposure to particular hostile values that they did reject, like evolution, as by exposure to a diversity of values. “In other words, the plaintiffs objected to the very principles—tolerance and evenhandedness—traditionally used to justify liberal education.” Although the school district argued that mere exposure did not inculcate alien values, to the parents this exposure itself constituted interference with their free exercise. Invoking *Sherbert* and its recognition of the compulsion to breach religious duty as a burden on religious rights, they implicitly defined the condition of being exposed through reading objectional material, some of it aloud, as the participatory act of reading this material (600–604). The fear of the *Moertz* parents was not state influence on belief-formation, as might occur in a ritualized profession of belief like a flag salute, but the possibility of “state-inflicted injuries to already-formed beliefs” (607), as in requirements that one violate religious obligations addressed by *Sherbert*. That is, their claim viewed mere exposure as value inculcation and the program’s encouragement of critical thought as a type of indoctrination (611).

Instead of accepting the conventional wisdom that critical reflection functions as a safeguard against indoctrination, the *Moertz* parents viewed seemingly neutral exposure to hostile beliefs as a mechanism for undermining religious absolutes in favor of personal opinion, aimed at reproducing pluralism (612–613). Mere exposure to other viewpoints itself implies that beliefs are simply subjective opinions and that fundamentalism, in the words of Nomi Maya Stolzenberg, is “just one among many possible belief-systems from which an individual might choose” (627). Where liberals believe that the development of the capacity for critical reflection is accomplished through education about different viewpoints or ways of life, fundamentalists believe that this process constitutes education into a particular normative and cultural tradition, that of secular humanism or liberalism. The *Sherbert* doctrine honors the claims of sincere belief over those of purportedly objective truth (630–631); appeals to individual reason are themselves coercive influences on individual beliefs. “In this conception, interference with the processes of belief-formation is defined not by coercion, but rather by the disruption of one culture’s processes of socialization by another’s” (634).
In my view, the core issue raised by Mozert is whether the diversity sanctioned by liberalism extends to the right to hold one's beliefs in a particular manner, in this case one which we do not typically regard as congruent with liberal values. As Stolzenberg notes, the parents fear both their children's rejection of their values and "the case in which their children remain attached to their parents' views, but only after coming to see those views as such—as subjective, contestable matters of opinion. There is a subtle difference between the faith that is innocent of alternatives and that which is not" (587, n. 26). One might, for example, be subject to a process of indoctrination yet through self-reflection become conscious of a desire to retain one's original beliefs. "But at this point, a degree of self-consciousness about beliefs has been introduced, which may well alter the experience of belief itself" (609, n. 162).

These parents would agree with Callan that political liberalism is a "closet ethical liberalism." As we have seen, on the latter view exposure to a variety of viewpoints not only facilitates a sense of justice toward others but also influences our conceptions of the good. Attempting to understand the reasonableness of other ways of life means that I must imagine myself in another context, in which my own way of life will appear no better than the one I am imaginatively entertaining. We would expect these fundamentalists to object to attempts to involve children in sympathetic and imaginative engagement with other ways of life, simply the consciousness that competing viewpoints represent contestable matters of opinion to many people, rather than a conflict between right and wrong, will exert a pervasive influence on our ethical convictions and cause us to hold our beliefs in a different manner than otherwise. My original beliefs become just one possible narrative among others instead of the one that transcends all others.

From a fundamentalist standpoint, then, this knowledge of consciousness of alternatives is a harm that, once introduced, can never be mended. Fundamentalist parents would take little comfort from Rawls's assertion that the acceptance of reasonable disagreement need not promote skepticism about the validity of one's own beliefs, even if these beliefs were never seriously threatened. This is because the manner in which these beliefs are held is not only threatened but actually damaged, and the way in which beliefs are held becomes an intrinsic part of their content. Secular liberals and fundamentalists, then, not only espouse different beliefs with regard to the proper role of reason and critical reflection but also differ in their metatheories of the way in which beliefs ought properly to be held. Callan notes that sophisticated believers self-consciously adhere to faith beyond reason yet also eschew the use of arguments.
from faith in political argument. "This is a high-wire act" or unstable equilibri­um, requiring a difficult and finely tuned balance between the demands of one's comprehensive doctrine and the imperatives of public reason. Though Callan concludes that the educational requirements for political and ethical liberal­ism are more alike than Rawls wants to recognize, his argument also demonstrates why fundamentalist parents could experience "mere exposure" as a threat to their children's faith. In other words, it confirms the fundamen­talist suspicion that an innocent-looking political liberalism in reality contains the tenets of ethical liberalism and that it is therefore the proverbial wolf in sheep's clothing.

INADEQUATE COMPROMISE

A possible compromise would encourage a weakened variety of autonomy, thereby avoiding a full-blooded commitment to autonomy at the expense of inclusiveness. I do not believe that this will work, but the suggestion is an attractive one. Kenneth Strike suggests that because any doctrine that accommodates reciprocity and tolerance should be regarded as reasonable, it need neither assume the inevitability of diversity nor promote character traits required by an assumption of irreconcilable disagreement. A discourse ethic suitable for reciprocal public dialogue will nevertheless emerge, because most Western religions and philosophies "have, after all, both conditioned and been conditioned by liberalism."

Will this strategy not still require the sort of reasoned argumentation that both requires and develops the capacity for autonomy?

For Strike, a view that affirms autonomy as instrumental to public dialogue and the construction of an overlapping consensus differs from one that affirms autonomy as an intrinsically central part of a good life. The instrumental view would encourage the capacity for tradition-constrained reasoning without allowing critical reflection to dominate, as in the teaching of biblical exegesis at a religious school. "In one theory [the instrumental one] autonomy is a requirement of reasoning within and between traditions. In the other it is the core commitment of a tradition" (45–46). Moreover, because all faiths implicitly admit the need for reflection, reason, and dialogue, a modest version of autonomy may be a commitment of most moral traditions anyway (46). This sort of discourse approach is hospitable to education within a particular tradition and to the idea that one can both view other traditions with hostility and respect others' rights, a stance reminiscent of Yael Tamir's rights-based liberalism. Where theorists like Gutmann and Callan in effect confirm the suspicion that liberalism is a comprehensive religion of secular humanism, Strike
"would prefer to persuade people of faith that they can continue to be people of faith and liberals as well" (47).

I agree with Strike that we may be simultaneously both people of faith and liberals. The issue is what kinds of people of faith, or what kinds of liberals. Callan believes that Strike, like Rawls, accepts the justificatory ideal embedded in the recognized necessity of public discourse but nevertheless will not acknowledge its subversive implications. Because on Callan's view the capacity for autonomy is a necessary feature of any sort of liberalism that rests on the public justification of authority, both ethical and political liberalism, relying on public justification, require the development of the capacity for autonomy in liberal citizens. Strike's reliance on the congruence of our traditions with the imperatives of liberal democratic politics ignores illiberal cultural currents, eschewing "liberal aggressiveness by embracing liberal complacency." 3

Strike's attempt at compromise is grounded on good intentions, but it also reveals the pitfalls of such an effort. I have argued, using Johnston's terms, that under conditions of permanent and irreconcilable disagreement, moral reciprocity requires the capacity for personal autonomy, or the capability of subjecting one's projects and values to critical appraisal and self-consciously constructing from them a life that functions as a coherent whole, as a precondition for the effective deployment of moral autonomy, or the capability of having a conception of the good and a sense of justice. Thus defined, personal and moral autonomy collapse in my view in the same way that ethical and political liberalism collapse for Callan. The sort of equivalency that Strike advances, however, will unduly limit the scope of public discourse if his goal is an overlapping consensus formulated by individuals capable of moral autonomy.

First, the tradition-constrained reasoning that he recommends may call upon reflection, reason, and dialogue. But if, on the one hand, it is constrained enough not to threaten people of faith like the Mozert parents, it is less likely to promote the understanding necessary to the formation of a conception of the good and a sense of justice under permanent conditions of diversity. Disagreement exists as to what beliefs and practices are intrinsic to a given tradition and which are extrinsic to it. As Alasdair MacIntyre suggests, the common life of any institution bearing a tradition of practice is "partly, but in a centrally important way, constituted by a continuous argument as to what a university is and ought to be or what good farming is or what good medicine is. Traditions, when vital, embody continuities of conflict." 6 The tension between the maintenance of cultural structure and the perpetuation of cultural character applies equally to traditions. Parents should of course be able to opt out of public education for their children, but public education itself should not be confined to
the narrowest possible definitions of reason and reflection in deciding what pedagogical techniques to deploy, in order to define the liberal tradition as inoffensively as possible.

If, on the other hand, tradition-constrained reasoning is more broadly defined and includes critical reflection, along with attempts at sympathetic and imaginative engagement with practices and ways of life that liberal hospitality to diversity might suggest, it will not satisfy people like the Mozert parents. Exposure to different ways of life at issue in this case could be described as simply instrumental to the construction of a consensus, not as an intrinsic part of a good life. But because this dialogue implicitly introduces the idea that competing viewpoints might have value and that this value is a contestable matter of opinion, it teeters on the verge of suggesting that the capacity for autonomy is central to a good life if one is to make discerning judgments about these values. Although the development of this capacity may not be promoted as the core commitment of the liberal tradition, developing and using it to the degree required for reasoning within and between traditions may result in its spilling over into the areas of personal belief-retention and belief-formation. As Callan recognizes, the same mental capacities are in play whether we are evaluating our own conceptions of the good or attempting to understand our fellow citizens. Moreover, the development of the capacity for autonomy is not an end in itself even for those who cherish it as a core value. Rather, it is instrumental to deciding what constitutes a good life for each individual. Therefore, the distinction that Strike implies between autonomy as a constitutive feature of a good life and autonomy's value as derivative from the goal of forming an overlapping consensus tends to collapse.

Second, Strike's suggestion that a modest version of autonomy may contribute to or derive from most extant moral traditions renders the meaning of autonomy so broad as to render the concept vacuous in the context of the current discussion. Where Callan assimilates political liberalism to ethical liberalism because of their common dependence, in his view, on the need for critical reflection, Strike assimilates liberalism to Western moral traditions in general, because this move allows for a less demanding liberalism, one that need not insist upon a full-bodied interpretation of autonomy. Strike's notion of autonomy is perhaps akin to the concept of agency, or in Johnston's terms the imaginative capacity to formulate projects and values independent of our own experiences. Agency is indeed crucial to consensus, but the sufficiently reciprocal public dialogue that Strike suggests is also required calls for more, for moral autonomy and in my view also for personal autonomy. But these qualities are not part of a majority of moral traditions to the extent that he proposes.
Even within the Western tradition, as we have seen, vigorous disagreement exists between theorists who, like Rawls, conceive of citizens "as self-authenticating sources of valid claims," which carry weight apart from duties and obligations owed to society under a political conception of justice, and those who interpret claims as deriving from a higher source of transcendent value. The liberal emphasis on the liberty and welfare of the individual is unique. To equate liberalism with other traditions in this regard blurs the significance not only of autonomy but also of liberalism itself.

Finally, Strike suggests that public dialogue will be sufficiently reciprocal absent the capacity for critical reflection because the religious and philosophical traditions of the West "have conditioned and been conditioned by liberalism." In other words, the rough edges of most comprehensive doctrines have been smoothed by the liberal tradition, rendering them—and their adherents—tractable without the necessity of any particular cognitive effort at understanding. But this claim is a circular one. If the workability of comprehensive doctrines bootstraps on the culture of liberal societies, but liberal culture also seems to bootstrap on the tradition of dialogue among comprehensive doctrines, where is the fulcrum that perpetuates this reciprocity? We are back to Callan's warning against liberal complacency. Developed nations in particular encompass increasing ranges of diversity, and the types of diversity that manifest themselves are often new to the liberal tradition, as the liberal tradition is new to them.

I must conclude, then, that Strike's attempt at compromise fails and that both Callan and the Mozart parents are correct to perceive "subversive" implications in educational preparation for critical reflection and participation in public discourse. We are back to the question of what accommodation liberals owe to those whose belief systems, religious or otherwise, extend to claiming a right to hold their beliefs in a particular manner, a manner that is innocent of the understanding of alternatives. I believe that we can be simultaneously people of faith and also liberals. We cannot, however, be people of faith who perceive competing viewpoints simply as conflicts between right and wrong and also be liberals or constructive citizens of a liberal polity. As liberals, we may hold to the conviction that our own viewpoints are correct, but we must also recognize that this correctness is a matter of opinion that is contestable. It is appropriate, therefore, for public education to expose students to ways of life and points of view in such a way that they are "threatened" with the prospect of developing the capacity for rational deliberation and critical reflection if they are to be prepared for the option of active citizenship.

Liberals nevertheless sustain a dilemma. Because the Mozart decision forced
the fundamentalists to forego a free public education as the cost of sustaining their own interpretation of their way of life, it exposes the limitations of liberal tolerance. To put this differently, a decision against the parents appears to be a decision against toleration, while a decision for the parents would appear to be one against teaching the values of toleration. Liberalism is historically inclusive of diversity, but the application of liberal principles can be inexorably assimilationist in its impact.

INADEQUATE ACCOMMODATION

A possible accommodation would defer to parents’ wishes for their children’s educations under specific circumstances but would override these wishes under others. Although such accommodations should be judged on a contingent basis, Shelley Burtt’s modified principle of parental deference provides an interesting example that I believe is still inadequate for the needs of the liberal polity. Burtt argues that although a decision for the Mozart parents would have appeared to militate against teaching the value of toleration, excusing religious children from objectionable requirements teaches respect for differences as surely as requiring their exposure to discussions of toleration. Deeply religious parents should not be regarded as opposing rational inquiry per se, but as simply desiring to preserve “a sense of the transcendent” as “the touchstone of moral reflection” or the true guide needed in the face of a materialistic culture (63–64). Moreover, because much theological work addresses questions of value formation, the rejection of secular standards of reasoning simply represents a choice of “civic responsibility grounded in religious faith against one grounded in secular certainties.” Finally, from a pragmatic standpoint, liberal democracy benefits from the ethos contributed by religiously committed citizens, argues Burtt, and children should not be presented with opposing ways of life that in effect do not offer a choice but instead make a secular choice for them. Moreover, because religious parents can opt out entirely through private schools, the liberal polity should accommodate their partial objections in order to preserve students’ exposure to the remainder of the curriculum.

Overall, Burtt supports a modified principle of parental deference that recognizes children’s moral and spiritual developmental needs as well as their membership in distinct cultural communities. Like Douglas in his Yoder dissent, she would uphold children’s rights of free exercise if they desire ordinarily mandated education to which their parents object, like a state-required biology course. She would not, however, support children in objections to their parents’ request for an alternative biology textbook in a course to which these
parents had in principle assented, as parental authority over the manner of presentation is acceptable (432–433). More generally, she would support the state over parents if their religious beliefs or practices forbade the acquisition of fundamental skills like basic literacy or dictated “the active subversion of constitutional principles,” like advocacy of racial segregation as a tenet public education should inculcate. But educators should defer to parents in the absence of constitutional affirmations. Parents whose religion affirms the legitimacy of sex roles, for example, should be able to excuse their children from classes that teach otherwise. “Girls raised in this way will make decent, law-abiding citizens, even if, from the standpoint of liberal democratic ideals, they have not been treated entirely justly.” 

Finally, Burtt would make a clear exception to parental deference when the principal objection to a curriculum is its antipathy to the “triumphalist” perspective, which advocates political activity that would lessen the distance between church and society at large, a viewpoint opposed by many religious as well as secular critics (68).

Burtt’s is a reasoned and in many ways attractive account of a modified principle of parental deference. She is correct to suggest that the universal availability of condoms at school or a disciplinary policy that includes paddling cannot be completely counterbalanced at home by thoughtful discussion of the virtues of sexual abstinence or by completely nonviolent discipline. Yet difficulties remain. First, failure to mention God as “the touchstone of moral reflection” is not the direct contradiction to familial upbringing that condoms or paddling represents toward the values of abstinence or nonviolence. This failure should be viewed, rather, as a lacuna in moral or spiritual training that can be filled by families who see it as such. Although I agree with theorists like Stolzenberg that the way in which beliefs are held exerts an impact on the substance of beliefs themselves, many different forces will contribute to this impact in a modern society. If we value the capacity for autonomy and civic competency, as Burtt says she does also, I believe that educational programs that promote this capacity on a secular basis have a legitimate claim to be part of this mélange.

Second, Burtt notes that theological works assuredly engage in rational deliberation about the good life and that education for both autonomy and civic competency can be grounded in religious faith rather than in secular values. I hasten to agree. But theological works, like secular ones, that engage in rational deliberation and critical reflection are certainly written by individuals who have been exposed to and have grappled at least intellectually with alternative beliefs, practices, and ways of life. Whether they consider alternative interpretations of their own religious traditions or alternative traditions, religious or secular, altogether, they are engaging in intellectual practices that prompt them to
examine, question, and revise or affirm their current beliefs, practices, projects, and goals. Any sort of education for autonomy and civic competency, whether grounded in religious faith or in secular values, must in my view inculcate the capacity for rational deliberation and critical reflection. This education requires that the manner in which we hold our religious, philosophical, or moral beliefs be such as to admit that alternative viewpoints and ways of life, including our own, are matters of opinion the correctness of which is contestable, even though we may ourselves be thoroughly committed to our own. If we can develop and maintain this stance, we may be people of faith or not, but either way, we will nevertheless be liberals.

Third, Burtt argues pragmatically that because citizens of faith contribute a beneficial ethos to the liberal polity, we should not threaten religious faith and the beneficial ethos it promotes before it has fully developed. I believe, however, that we should also want citizens who embrace faith and the duties that flow from it as self-constitutive to do so self-consciously, as the result of critical reflection. Because we cannot have it both ways—faith is either self-conscious or not—I fear that we must take the chance that some who would have affirmed and maintained their faith if they had not been required to reflect on it will indeed lose it if they must reflect on it self-consciously. But if we welcome citizens of faith as beneficial to the liberal polity, as liberals we should want them to live their lives from the inside, to embrace faith because of its centrality to them as individuals, rather than because this embrace helps to sustain the polity. Burtt’s point that accommodation may keep students in public education who might otherwise depart for totally sectarian educational settings is an incisive one. I still believe, however, that even at this risk, public educational programs must commit to development of the capacity for critical reflection if they are not to risk “selling out.” Although parents should have wide latitude in transmitting their values, Richard Arneson and Ian Shapiro suggest that “to deny the moral appropriateness of requiring all guardians to promote in their charges the disposition to critical reasoning and the skills needed to practice it, it would seem that one must deny that an individual of normal potential competence is likely to benefit from such exercise of critical reasoning skills.”

Fourth, Burtt’s modified principle of parental deference does have the virtue of focusing on children’s needs over parents’ conceptions of the good life. But if the principle measures the legitimacy of adult authority by the “ability and willingness to meet children’s developmental needs, broadly conceived,” this yardstick still allows for a good deal of disagreement over the definition of these needs. Arneson and Shapiro, as we have just seen, classify training in the
capacity to engage in critical reasoning as a developmental need; Burtt of course does not. Specifically, I believe that the state should support students against their parents not only in their desire to participate in required courses but also in their desire to use the standard textbooks over alternatives. I would support the state in most instances, even when parents and students are in agreement, if I believed, on a case-by-case basis, that not only basic literacy or the instantiation of constitutional principles was at stake but also the capacity to engage in critical reflection. Burtt’s distinction between the presence and absence of constitutional affirmations is a questionable one, in my estimation, because of the existence of differing interpretations of what is called for by the Constitution. Many would argue that the Fourteenth Amendment’s equal protection clause, for example, applies to sex discrimination on the basis of legislation and its judicial interpretations. In my view, the modified principle of parental deference is not modified enough if it allows parents to shield their daughters from the questioning of sex roles. Such segregation does not meet girls’ developmental needs as I conceive them, even if they as women “will make decent, law-abiding citizens.”

In sum, I would not defer to requests for accommodation that may foreclose the possibility of critical reflection on one’s projects and goals. The difference between Mozert and Sherbert, in my opinion, is that in Sherbert the contested burden on the performance of religious obligation, foregoing unemployment compensation if one rejected a job offer that interfered with Sabbath observance, fell on an activity that carried only religious significance. That is, the decision accommodated an activity, Sabbath observance, that had no intrinsic civil consequences. In Mozert, however, the burden was on an activity, shielding children from exposure to other ways of life, that did have repercussions of civil injury and benefit, in Locke’s terms. That is, the accommodation requested by the Mozert parents does have a bearing on children’s capacities for personal autonomy and civic competence. In cases like Yoder and Mozert, it is admittedly difficult to distinguish the religious and political dimensions from one another. But I am convinced by this very difficulty that the development of the capacity for rational deliberation and critical reflection is crucial, as it is through the use of these capacities that we decide questions of civil injury and benefit, separating out to the extent possible the political dimensions of an issue from the religious.

By championing the development of the capacity for autonomy, especially in a way that requires sympathetic and imaginative engagement with other ways of life, I realize that I am foreclosing the possibility of some kinds of good lives, those that rely on uncritical acceptance of values one has been taught. I
may appear to be doing so, additionally, for one of the same reasons I criticize in Burtt: because this sustains the health of the liberal democratic polity. I have consistently maintained, however, that even the liberal polity cannot remain legally, culturally, religiously, sexually, and now educationally neutral, devoid of determinate principles and commitments. Where it appears neutral, this apparent neutrality serves to maximize particular values, even when this result is unintentional. The liberal polity appears to me to hold particularly strong claims to the legitimacy of autonomy-based neutrality, a nonneutrality that values the development of the capacity to engage in rational deliberation and critical reflection. And if, as Strike and Burtt maintain, most traditions do include a degree of critical reasoning, then they should not fear a fuller development of this capacity.

Moreover, as I have explained, inculcation of the capacity for autonomy at the second-order level increases the chances that citizens will want to engage in the practice of autonomy at the first-order level, but it does not compel them to do so. They may in fact utilize the capacity to examine their assumptions and then reaffirm their original religious, philosophical, or moral beliefs. I grant that they will now engage in this reaffirmation on a conscious rather than on an unconscious level, but I do not see any way around this problem without relinquishing altogether the value of the capacity for autonomy at the second-order level.

Finally, although I believe that a developed capacity to engage in rational deliberation and critical reflection will indeed promote a civic competence that contributes to the health of the liberal polity, my primary concern is neither political stability nor the predominance of “decent, law-abiding citizens.” Critical reflection promotes criticism and questioning of the status quo, because we may be prompted to examine and question our current projects and goals, collectively as well as individually. My primary concern is that of enabling the individual citizen of the liberal polity to flourish as an individual in this context. The critical reflection that contributes to collective self-rule also contributes to individual self-rule; the capacity for collective choice is also the capacity for individual choice.

The Uses of Critical Reflection

I have argued that in a liberal polity, the manner in which we hold our religious, philosophical, and moral beliefs should be such as to admit that alternative viewpoints and ways of life are matters of opinion, the correctness of which is contestable. Although I have applied this argument primarily to adherents
of belief systems outside the mainstream, I believe that this injunction also applies to us who willingly embrace the beliefs and practices of liberals. As we have seen, Macedo suggests that our “transformative constitutionalism” tends to extend our critical thinking about public affairs to religious matters as well, diminishes the centrality of religious convictions in tension with liberal democratic values, and rightly marginalizes those who refuse to compartmentalize their comprehensive beliefs. Although heavy religious burdens should be accommodated, he suggests, when they are “imposed on people for the sake of trivial public purposes . . . we should do so from a perspective that recognizes the supreme political importance of constituting diversity for liberal ends.” And although we should properly regret a transformation that swept away all communities that function as critical alternatives, “we should, however, assess worries such as these at retail, not wholesale. The extinction of many, if not all, of the communities that pose truly radical alternatives to liberal democratic political principles is to be welcomed.”

I obviously agree with Macedo’s emphasis on the centrality of the developed capacity for rational deliberation and critical reflection. I agree that collectively “we must decide which communities are accommodated, and there is nothing wrong with deciding—so far as we can—on the basis of the best reasons that are available, with due confidence in the worth of preserving and protecting liberal institutions” (73). I am uncomfortable, however, with the adversarial tone of Macedo’s arguments and conclusions. When he states that our concern with preserving a range of alternatives should be “at retail, not wholesale,” he seems to imply that we should save our worries for the first-order level of people’s actual choices, rather than fearing that our efforts to structure preference formation at the second-order level will unduly circumscribe the range of options. But this suggestion seems slightly disingenuous. If “successful constitutional institutions must . . . shape the way that people use their freedom and shape people to help ensure that freedom is what they want” (58), the structuring of preference formation at the second-order level will already have taken place “at wholesale,” and concern about the narrowed range of options at the first-order level, or “at retail,” will be too late. In other words, if we dislike the range of merchandise in the retail store, we may wish we had asked the merchant to pressure the wholesaler, who might then have stocked the warehouse differently.

To put this another way, from the second-order perspective I want people to want freedom at the first-order level as much as Macedo does. I welcome the likelihood that the development of the capacity for autonomy at the second-order level will predispose them to the practice of autonomy at the first-order level. Simultaneously, however, I think this same capacity for critical
reflection enables us not only to distance ourselves from commitments that might otherwise be constitutive of our identities but also to distance ourselves from this very ability to maintain distance. One result of critical reflection may be a life that draws regularly on this capacity for reflection, yet another may be a way of life that renounces the exercise of this capacity in favor of the performance of duties in obedience to the tenets of a religious, philosophical, or moral belief system. We can autonomously turn our backs on the practice of autonomy, and I respect this choice, whether it represents the selection of new projects and goals or the reaffirmation of prior ones.

Moreover, although I agree with Macedo that the “we” who are citizens of the liberal polity must decide collectively which communities should be accommodated, we who decide are not and must not think of ourselves as a monolithic entity or fortification, the ramparts of which must be guarded against “them.” Liberalism demands hard work of citizens in a liberal polity. But it makes demands on all of us, not simply on those who liberals think are illiberal. This means that we must recognize the particularity of our own moral stance, even when we believe that this stance is superior. Education that inculcates the capacity for critical reflection not only enables us to identify, choose, or affirm particular projects and goals as our own. By encouraging us in imaginative engagement with other ways of life, it should also enable us to understand ourselves as “autonomy values” and to recognize the strengths and weaknesses of that commitment. Otherwise, we are in danger of being unreflective about the process of critical reflection itself.

Although humility, for instance, is a virtue within Western society that betokens an accurate assessment of oneself and one’s talents and is not inconsistent with personal achievement or ambition, for the Amish, on the contrary, concern about accurate self-assessment itself belies the ideal of humility. Emphasis on accurate self-assessment betokens, on this view, an inappropriate self-centeredness. From learning about the Amish, then, we learn that although we are people for whom accurate self-assessment is a morally legitimate aim, this is only a partial image of humility, or of what humility might mean. Because the humility of the Amish need not stem from oppression, we can come to appreciate the limitations of the moral categories within which we think. Even if we disagree with their views on education, rather than clinging to a position of grudging toleration, we may come to perceive ourselves as people who overemphasize self-assessment and self-understanding (198–200).

To put this differently, we think of ourselves as individuals whose particular experiences constitute a narrative, which told from one perspective possesses a certain unity. But we must also recognize the contingent character of
any particular narrative and the fact that its unity results from the way we have constructed it. Narrative imagination requires the possibility of commitment to different ideals from those to which one is committed, or of giving different narrative readings to the same series of life events. In the context of narrative imagination, rationality can be defined by the capacity to engage in critical reflection on our projects and goals and on the way we pursue them. Because we may affirm both particularistic ideals and also their revocability, in a liberal polity we must examine our particular desires critically.

Instead of maintaining the adversarial position implied by Macedo’s stance, then, narrative imagination impels us to understand how others may be constituted by sorts of values and ideals other than those that animate us. We may even understand how we ourselves might hold different values and ideals if we interpreted our own life events within an alternative narrative structure. This stance, by promoting sympathetic and imaginative engagement with other ways of life, broadens our openness to diversity. Yet it also enhances our capacities for autonomy by allowing us to imagine different ways of living life from the inside and promoting our ability to question, examine, deliberate, and possibly to revise our conceptions of the good, both individually and collectively. An understanding of the contingent character of any particular narrative should be sought not only by those whose liberal credentials seem questionable but also by the liberals doing the questioning.