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“Liberalism, Autonomy, Diversity, and Education”

Introduction*

In my contribution, I would like to take into exam some positions regarding the autonomy of the individual, the relationships between autonomy and education, and the presence or absence of a duty from the state as regards the promotion of autonomy.

The general subject I would like to deal with is the significance and the worth of the concept of individual autonomy: autonomy will be interpreted as the capacity of self-direction of one’s own life (opposed to external direction) and as the rational self-examination. Autonomy is development of reflective capacities implying examination of traditional values. Connected to this theme, is the debate of the existence of a right and even of a duty from the state in defending and in promoting autonomy. The corresponding question is whether the state has the right to defend the autonomy of the individuals in relation, for instance, to the group to which they belong, and whether the state has the duty to intervene for the promotion of the autonomy of individuals against the groups to which individuals belong.

In particular, the subject of education of children is strongly connected to the mentioned themes. The defence or even the promotion of autonomy of the individuals from the state can collide, in case of the question of the public education of the children, with the right of the parents to choose for their children a determined way of education and a determined way of living. Some elements taken from the legal space in the countries of common law could help to bring forward the discussion.

My analysis will moreover deal with concepts like the possibility of the presence of a value pluralism in a society and the compatibility between freedom and multiculturalism. Furthermore, I will examine the question whether the educational system must reckon with the presence of different cultures in a society, or whether the educational system ought to be uniform for all children.

In this contribution, different positions concerning education, aims of education, rights of children and of pupils and duties of parents will be exposed. The beginning point will be the sentence of the Supreme Court in *Yoder vs. Wisconsin*; actually, this sentence will represent only a point of departure in order to find elements for a discussion on the role and the aim of education for children and on the kind of relationship holding between parents and children. In spite of the fact that the sentence only regards a particular case, the presence or the absence of the right possess by an Amish community to withdraw their children from the obligatory school in Wisconsin at age 14 instead as at age 16 (the new law of Wisconsin at that time foresaw that the obligatory period of school had to be extended up to 16 years), the discussion and analysis of this sentence in different thinkers and the different position adopted by these thinkers on this sentence can furnish us many elements for reflection on the following points:

- What is the aim of education?
- Which duties does a government or a state have as regards education?

* I am already working on this draft: therefore, up to the Congress in Lucerne I shall add modifications.

- How should education be (critical, socratic, promoting autonomy¹, or should education be subdued to tradition)?
- What does liberalism mean (for instance, is autonomy an essential component of liberalism, or is diversity an essential component of liberalism? Are the conceptions of liberalism as diversity and liberalism as autonomy compatible or are they not compatible?)
- Up to which point does the right of parents in the education of their children arrive?
- Is the educational programme of the state or of the government prevalent over the choice of the parents, or is the choice of the parents prevalent over the educational programme of the state or of the government?
- Should a state pose only minimalistic levels of education?
- Should a state pose greater levels of education than those present in an exclusively minimalistic perspective?
- There are rights only for individuals or there are rights for the community or for the groups too? Which kind of right should be considered as superior?
- Which education do a citizen need in order to be a good citizen?
- What is the aim of education?
- Are children a form of possession of their parents or of their trustee?
- Who decides on the education of children?
- Should the educational programmes of the state be prevalent over the projects the parents have on the children, or should these projects be prevalent over the educational programme of the state?
- Should education be a preparation, among other things, to the citizenship's life?
- Should a child be allowed to reach maturity with a maximum of potentialities and with the autonomy needed to choose which of them to develop?
- The more competences, the greater the freedom (or not?).

The point is that the rights of the children to the educational development may not be sacrificed to any claim of a community.

Personalities

- Arneson, Richard (1945-): Teaching at the University of San Diego, California.
- Barry, Brian (1936-2009): Teaching at the Universities of Birmingham, Keele, Southampton, Essex. Works: *Theories of Justice* (Berkeley 1989); *Culture & Equality: An Egalitarian Critique of Multiculturalism* (Cambridge, U.K., 2001).
- Galston, William A. (1946-): Teaching at the Brookings Institutions; formerly Professor at the School of Public Policy at the University of Maryland; Works: *Liberal purposes : goods, virtues, and diversity in*

¹ Examples of definition of autonomy:

- capacity of self-direction of one's own life (opposed to external direction) and as the rational self-examination.
- development of reflective capacities implying examination of traditional values.

the liberal state (Cambridge, U.K., 1991); *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice* (Cambridge, U.K., 2002).

- Raz, Joseph (1939-): Teaching law at the Columbia University Law School and at King's College London; formerly teaching Philosophy of Law at the University of Oxford; Works: *The Authority of Law* (Oxford 1979); *The Morality of Freedom* (Oxford 1986).
- Shapiro, Ian (1956-): Professor of Political Science at Yale University; Works: (ed.) *Democracy's Place* (Ithaca, N.Y., 1996); (ed. with Will Kymlicka) *Ethnicity and Group Rights* (New York and London 1997); *The Real World of Democratic Theory* (Princeton, N.J., 2010).

Analyses

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Guttman, A., *Children, Paternalism, and Education: A Liberal Argument*, in: *Philosophy & Public Affairs*, Vol. 9, No. 4 (Summer, 1980), pp. 338-358.

Galston, W. A., *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice*, Cambridge, U.K., 2002.

Macedo, S., *Liberal Civic Education and Religious Fundamentalism: The Case of God v. John Rawls?*, in: *Ethics*, Vol. 105, No. 3 (Apr., 1995), pp. 468-496.

Raz, J., *The Morality of Freedom*, Oxford, 1986.

Yoder vs. Wisconsin (406 U.S. 205, 1972)

Three Amish students from three different families were withdrawn from school in New Glarus, Wisconsin (the name of the school was New Glarus High School) after the end of the eighth grade because of the religious belief of their parents.

The three families were represented by Jonas Yoder (one of the fathers involved in the lawsuit). The families lost the case in the Green County Court. The Wisconsin Supreme Court decided in favour of Yoder. The Supreme Court of Wisconsin motivated its decision on the basis of the fact that compulsory school-attendance would violate the rights of the parents under the Free-Exercise Clause of the first Amendment. appealed to the United States Supreme Court.

Under Amish church standard, high education was considered as being unnecessary for the way of life Amish children were destined to and as endangering the salvation of Amish children. The families appealed therefore for exemption from compulsory education.

- The Supreme Court of the United States found that Amish Children might not be placed under compulsory education after 8th grade.
- The parents' fundamental right to freedom of religion was considered as outweighing the state's interest in educating children.

The U.S. Supreme Court held as follows:

- 1. States cannot force individuals to attend school when it infringes on their First Amendment rights. In this case, the state of Wisconsin interfered with the practice of a legitimate religious belief.
- 2. Not all beliefs rise to the demands of the religious clause of the First Amendment. There needs to be evidence of true and objective religious practices, instead of an individual making his or her standards on such matters. The Amish way of life is one of deep religious convictions that stems from the Bible. It is determined by their religion, which involves their rejection of worldly goods and their living in the Biblical simplicity. The modern compulsory secondary education is in sharp conflict with their way of life.
- 3. With respect to the State of Wisconsin's argument that additional modern education beyond 8th grade is necessary to prepare citizens to participate effectively and productively in America's political system, the Court disagreed. It argued that the State provided no evidence showing any great benefit to having two extra years in the public schools. Furthermore, the Court contended that the Amish community was a very successful social unit in American society, a self-sufficient, law-abiding member of society, which paid all of the required taxes and rejected any type of public welfare. The Amish children, upon leaving the public school system, continued their education in the form of vocational training.
- 4. The Court found no evidence that by leaving the Amish community without two additional years of schooling, young Amish children would become burdens on society. To the contrary, the Court argued that they had good vocational background to rely upon. It was the State's mistaken assumption that Amish children were ignorant. Compulsory education after elementary school was a recent movement that developed in the early 20th century in order to prevent child labor and keep children of certain ages in school. The State of Wisconsin's arguments about compelling the school attendance were therefore less substantial.
- 5. Responding to Justice Douglas's dissent², the Court argued that the question before it was about the interests of the parents to exercise free religion, and did not relate to the child's First Amendment's rights. As such, the argument pertaining to the child's right to exercise free religion was irrelevant in this case.

Positions of Guttman

² Here is the text of the dissent of Judge Douglas:

"I agree with the Court that the religious scruples of the Amish are opposed to the education of their children beyond the grade schools, yet I disagree with the Court's conclusion that the matter is within the dispensation of parents alone. The Court's analysis assumes that the only interests at stake in the case are those of the Amish parents on the one hand, and those of the State on the other. The difficulty with this approach is that, despite the Court's claim, the parents are seeking to vindicate not only their own free exercise claims, but also those of their high-school-age children....

On this important and vital matter of education, I think the children should be entitled to be heard. While the parents, absent dissent, normally speak for the entire family, the education of the child is a matter on which the child will often have decided views. He may want to be a pianist or an astronaut or an oceanographer. To do so he will have to break from the Amish tradition. It is the future of the students, not the future of the parents, that is imperiled by today's decision. If a parent keeps his child out of school beyond the grade school, then the child will be forever barred from entry into the new and amazing world of diversity that we have today. The child may decide that that is the preferred course, or he may rebel. It is the student's judgment, not his parents', that is essential if we are to give full meaning to what we have said about the Bill of Rights and of the right of students to be masters of their own destiny. If he is harnessed to the Amish way of life by those in authority over him and if his education is truncated, his entire life may be stunted and deformed. The child, therefore, should be given an opportunity to be heard before the State gives the exemption which we honor today."

Guttman's position are clearly in favour of civic education, of development of autonomy in children and of a system of schooling favouring the birth of critical thinking. There is no point in speaking of an actual freedom if systems of education are not backed up which lead to the development of autonomy in children. Guttman thinks that parents may exercise a kind of paternalism in relation to their own children: this means that parents have power over children. This power may be exercised, though, only towards the development of a plurality of life perspectives in the children:

“To determine who ought to have educational power over children, I begin by looking for a standard of paternalism: a standard justifying interference with a child's freedom of action by reference to the child's present or future interests. I assume that a liberal justification of paternalism toward children must rest upon an equal consideration of the interests of children as potentially rational beings, beings capable of choosing freely among a range of competing conceptions of the good life and of intelligently governing themselves in a democratic society.”³

Parents' power may be used only to promote the development and the opening of perspectives for children.

“The most obvious primary goods we as rational persons would want provided to us as children are adequate nutrition, health care, housing, familial affection, and an education adequate to choosing among available economic and social opportunities and to becoming informed, democratic citizens. Yet, from the point of view of some citizens within our society, even this short list is controversial. Many Jehovah's Witnesses and Christian Scientists do not think that their children should be forced to take certain medicines or undergo certain medical treatments that are necessary to good health and normal physiological development, and sometimes to life itself. The Old Order Amish do not believe that formal secondary education is a primary good in our society. But these examples need not upset the plausibility of a primary good standard of paternalism applied to children.”⁴

Parents' authority may only aim at the development of children:

“Primary goods justifiably guide paternalistic interventions only if certain conditions hold. The subject's reason or will must be too weak to guide his actions or evidently must have failed to do so. And we must be incapable of knowing enough about the subject's more settled aims and preferences. (...) We know that children (at least below a certain age) lack adequate reason to make many important decisions for themselves, and we cannot take their aims or preferences to be settled.”⁵

The familiar environment proves to be inferior in comparison to the society as regards the opening of perspectives:

³ See “Children, Paternalism, and Education: A Liberal Argument”, pag. 338.

⁴ See “Children, Paternalism, and Education: A Liberal Argument”, pag. 340.

⁵ See “Children, Paternalism, and Education: A Liberal Argument”, pag. 340.

“Rarely, if ever, does a family furnish its children with as broad a range of resources and opportunities to choose among free and adequate adult lives as does a wider society. While parents often do give their children some of the essential goods of life, they still have a duty to permit, if not to prepare, their children to choose among a range of conceptions of the good life that differ substantially from those held by the family. As citizens of a society offering a broad range of choices to its adult members, parents have an obligation to allow their children to be exposed to the choices available in their extra-familial society.”⁶

Guttman underlines the insufficiency of the family environment in comparison to the society: a family cannot offer the plurality of perspectives, for instance, of one’s own realization in life, which a society can give. Parents have the duty to introduce their children into the plurality represented by the society, that is, they may not hold children away from the society. Guttman, therefore, is against the closing of children into the limitations of the family. The introduction of children into society is a precise obligation of the parents. Therefore, a community may not, no matter, how great the community is, close its members into the community itself:

“If my argument so far is correct, it will not suffice to claim that the Amish *community* has the right to impose its standards upon Amish children. Even if the Amish community were an economically and politically self-sufficient unit within our society, the Amish would still have a duty to expose their children to a greater range of choice than they now do. If they were self-sufficient enough, it might be the case that no state surrounding the Amish community would have a clear right to intervene in the education of Amish children so as to enforce the duty of Amish parents. The parental duty, nonetheless, would remain. Of course, the Wisconsin Amish today are not a self-sufficient community, nor do they provide their children with as broad a range of choices among good lives as the larger society does.”⁷

The parental duty of introducing children into societies existing outside a precise community holds no matter how great and how strong the community is. Guttman is of the opinion that a precise right of the children to receive an education introducing them into the society, a right to be socialized exists: children have the right to be enabled to choose among different conceptions of the good:

“... we must briefly examine the meaning of a child’s right to education within a liberal society. If children have rights in virtue of their basic needs and interests as future adult citizens, one of those rights will be a right to education, or what some theorists have called “a right to socialization”. The content of children’s right to education will depend upon what is adequate for living a full life within their society – for being capable of choosing among available conceptions of the good and of participating intelligently in democratic politics if they so choose. I have no doubt that this criterion imposes substantially greater obligations upon us than we fulfill by our current educational, and other related, practices. But beyond this point, education ceases to be a right, even if it remains an important human good. On this understanding, a child’s right to compulsory education is a precondition to becoming a rational human being and a full citizen of a liberal democratic society.

Without any formal schooling, children will be incapable of intelligently exercising their civil or political rights within our society. The assertion on the part of the parents of an unconstrained right of free exercise therefore

⁶ See “Children, Paternalism, and Education: A Liberal Argument”, pag. 342.

⁷ See “Children, Paternalism, and Education: A Liberal Argument”, pp. 342-343.

entails the assertion of a right to deprive their children of two fundamental goods for which a liberal democratic state exists: the making of an informed choice among components of the good life, and participation in meaningful democratic self-government.”⁸

The fundamental point is that without schooling, children will suffer a diminution in their own development or will not reach the due development: children without education cannot reach the level in which, as adults, they exercise in the due way their civil and political rights. Freedom cannot be completed without education:

“Without education, liberal freedoms lose a great deal, even if not all, of their value.”⁹

Parents must supply children with a plurality of possibilities, that is, with a plurality of possible goods in life. This implies, among other things, that parents do not have the right to retire children from environment in which they could have different choices. In spite of the fact that parents have a power over children, this power does not imply that parents may direct children to a determined good or that they may close them the plurality of life perspectives. They ought to make their children acquainted with a plurality of goods.

The positions of Arneson-Shapiro

I shall now deal with the – in my opinion – principal reflections contained in Arneson – Shapiro’s article. The fundamental point in Arneson-Shapiro’s meditation is, in my opinion, that children are not the property of their parents. Throughout the whole article of Arneson-Shapiro we can see that the two authors refuse any conception of patriarchalism as principle holding between children and parents. This is the main assumption: children are not property, therefore, children may not be used for the aim of the parents. In particular, as we shall see, children may not be used in order to ensure the survival of a religious community. As children live in the relation of trusteeship with their parents, they have the right of being endowed with an education aiming at least at a certain degree of autonomy. If children are not educated to autonomy, they are not free.

“In this chapter we take up a small piece of the newly discovered terrain: we explore the limits of parents’ authority in the education of children who have been committed to their charge. Our use of this formulation, rather than parents’ authority over “their children,” prefigures one of the central claims we seek to defend and employ: that the relationship between parents and children is best thought as one of trusteeship; children are in no sense the property of their parents. Although most people will find the claim thus stated unexceptionable, and few would go so far as to describe their children as their property, many of the convictions to which people find themselves drawn in thinking about the authority of parents over children nevertheless reflect the archaic idea that the child is

⁸ See “Children, Paternalism, and Education: A Liberal Argument”, pag. 348-349.

⁹ See “Children, Paternalism, and Education: A Liberal Argument”, pag. 349.

the chattel of the parent (which once went hand in hand with the patriarchal idea that the wife is the chattel of the husband).”¹⁰

Already this passage furnishes important elements:

- There are limits to the parents’ authority in relation to the children.
- Children are no possession of parents.
- The relation between parents and children is a relation of trusteeship.

“The free exercise interests in question were the interests of the Amish parents in practicing their religion in their traditional way. But the state’s expressed interest concerned the education of Amish children. On the face of it, there was a gap between the rights claimed by the parents, having to do with their practice of religion, and the claims of the state having to do with *the children’s education*.”¹¹

Arneson-Shapiro individuate the existence of a contrast between the claim of the state for children’s education and the claims of the parents consisting in the practice, and in the preservation of the practice of religion. They underline the contrast existing between the interest of the Amish community, which lies in the practice of the religion and in the possibility of the preservation of the life and continuity of the community, and the interest of the state, which consists in the education of the children, no matter which consequences this can have for the survival of the life of the Amish community. The contrast lies, among other things, in the fact that Amish considers a higher degree of education a danger since the greater the education the greater the probability is that children of the community abandon the community.

“Although the Amish believe that vow of baptism must be taken voluntarily by a mature person, they go to great lengths in designing their system of education and acculturation to ensure that Amish children will take the vow and join the church¹². Herein lies the source of the half century of conflict between the Amish and secular educational authorities which culminated in the *Yoder* decision. The Amish educational system is designed to prepare children for life in the Amish community, not the outside world. To this end, the Amish try to shield children from the secular world, and they actively discourage critical questioning of Amish values and beliefs. They are particularly opposed to high school education, which they see as threatening to their entire way of life. By age fourteen the Amish child knows everything necessary to live successfully in the Amish community; as a result the Amish oppose further schooling, preferring on-the-job vocational training that will ease children into the community.”¹³

Arneson-Shapiro point out in their study that the education system of the Amish is structured so that children are prepared for life in the community; their system of education exclude Amish from a participation to the life of the

¹⁰ See Richard Arneson and Ian Shapiro, “Democratic Autonomy and Religious Freedom: A Critique of Wisconsin v. Yoder, in: Ian Shapiro (ed.), “Democracy’s Place”, pp. 137-138.

¹¹ See Richard Arneson and Ian Shapiro, “Democratic Autonomy and Religious Freedom: A Critique of Wisconsin v. Yoder, in: Ian Shapiro (ed.), “Democracy’s Place”, pp. 150.

¹² The point is that, at least in the opinion of Arneson-Shapiro, the free choice is only appearance, since the whole education aims at closing Amish children in the community.

¹³ See Richard Arneson and Ian Shapiro, “Democratic Autonomy and Religious Freedom: A Critique of Wisconsin v. Yoder, in: Ian Shapiro (ed.), “Democracy’s Place”, pp. 140-141.

world outside. The system of education is thought out in order to move children from the outside world; moreover, Amish values and Amish beliefs are never subdued to a critical questioning. Amish are against high school education, since they consider high school education as a danger for their way of life. Amish are against a schooling overcoming the eight year of school, since an education going further than that is not necessary for the life in the community. Actually, the educational system of Amish is organized and structured in order to avoid that children leave the community. It represents a kind of education thought out in order that the community can endure: there is, actually, no worry for the development of a critical thinking in the children; education is there in order that the community can be preserved, in order that the survival of the community can be ensured. Therefore, every element which could represent a danger for children's remaining in the community is as far as possible eliminated from this kind of education. Arneson-Shapiro expresses the following considerations on education:

"... we suppose that a significant aspect of citizenship includes the requirement that people have the capacity to vote in an informed way in elections that determine the membership of legislative assemblies, hence the content of the laws, as well as the identity of public officials and judges who execute and apply the laws. To be able to participate competently in democratic decision making, voters should have an adequate knowledge of contemporary science in its bearing on public issues, and understanding of modern world history and particularly the history of democratic institutions and the culture of their own society, and critical thinking skills that include the ability to represent the situation of others in imagination, to intuit their experience, and sympathetically to analyze and assess their attitudes, principles, and policy arguments. Citizens should have the capacities to keep themselves briefed on current events relevant to governmental decisions to be made. In a diverse democracy composed of disparate creeds, faiths, races, world views, and concerns, arriving at fair and reasonable decisions about public policy is a task of delicate and complex judgment."¹⁴

Arneson-Shapiro's model of education aims at endowing children with a civic education: children ought to receive an education enabling them to participate at the life of the public sphere. Of course, individuals may, as adults, autonomously decided to not participate at the public life. One thing is, anyway, to be able to participate and to decide not to make use of this capability, another thing is to be not able to participate at the public life since this capability has not been reached because of an insufficient education.

Arneson and Shapiro object against the educational model of Amish (and, of course, against similar educational model) that this system of education cannot prepare for citizenship. Arneson-Shapiro consider as a constitutive character of citizenship the capacity to vote in an informed way and to participate in democratic decision. Arneson-Shapiro believe that, in order to reach this degree of competence enabling person to participate in democratic decisions, voters should possess the following knowledge:

- Knowledge of contemporary science as regards the connections between contemporary science and public issues.
- Knowledge of modern world history.
- Knowledge of the history of democratic institutions.
- Knowledge of the culture of their own society.

¹⁴ See Richard Arneson and Ian Shapiro, "Democratic Autonomy and Religious Freedom: A Critique of Wisconsin v. Yoder, in: Ian Shapiro (ed.), "Democracy's Place", pp. 147.

Of course, these can be regarded as ideal conditions; anyway, it is important that the duty of the state to provide this kind of education is affirmed: it is important that precise aims for the education be set.

Moreover, voters ought to possess critical thinking skills in order to be able to represent to oneself the situation of other people, to be able to intuit the experience of other people, to analyse and to assess without prejudices the attitudes, the principles and the policy arguments of other people. Furthermore, citizens should be able to inform themselves about the events that could be important for the decision a government could take. The point of Arneson-Shapiro consists in asserting that in a pluralistic society to reach a decision requires a due preparation; this preparation can be obtained only through an adequate education, through a critical education.

“Without entering into an extended consideration of what sort of education best prepares children for the responsibilities of democratic citizenship so conceived, we submit that education beyond basic literacy is needed to increase to an adequate level the likelihood that an individual will have the skills needed for democratic deliberation and the disposition to exercise these skills on appropriate occasions. In this regard although a high school education is not a panacea, it does provide some skills and knowledge needed to be a competent democratic deliberator.”¹⁵

Arneson-Shapiro do not specify which kind of education could be the best one in order to prepare the future citizens for the accomplishment of their duties as citizens; they do believe, nonetheless, that the responsibility connected to democratic citizenships requires a degree of education overcoming the simple basic literacy. Of course, Arneson-Shapiro acknowledge that a high school education cannot solve all the problems connected to the difficulties of a democratic deliberation; notwithstanding, a high school education is necessary and indispensable at least as a basis for endowing citizens with the skills and competences needed for deliberation in democracy. In other words, certainly the degree offered by the high school education cannot solve all the difficulties that a citizen can have to cope with in the process of democratic deliberation; the high school education cannot give an answer to all the questions and themes citizens can have to face in the use of their democratic rights and of their responsibilities as citizens (no education could manage it). Notwithstanding, a high school education can furnish at least some orientation instrument, without which an individual would not manage to understand the situation and the problem he/she has to face. That is, some contents of knowledge are absolutely indispensable for the exercise of the citizenship.

“Although we would not go so far as to argue that people necessarily have an obligation to vote in a democracy, there surely is a defensible obligation to vote in any tolerably functioning democracy. Voting by many is necessary if the system is to function properly, and there is no obvious, fair way to select a subset of voters to whom the obligation does not apply. No doubt there are circumstances in which refraining from voting is permissible and even obligatory. For example, it may well be the case, for all that we say in this chapter, that the Amish practice of withdrawal from society is justified. But informed judgment about these matters can only be made by people who understand how democratic systems work and what the issues at stake in democratic elections are. One needs

¹⁵ See Richard Arneson and Ian Shapiro, “Democratic Autonomy and Religious Freedom: A Critique of *Wisconsin v. Yoder*,” in: Ian Shapiro (ed.), “Democracy’s Place”, pp. 147.

to be educated for competent citizenship in order to determine whether it is permissible or obligatory to abstain from exercising this or that function of citizenship.”¹⁶

Arneson-Shapiro do not agree with the withdrawal from voting which is habitually adopted by Amish. They do not think that there is an obligation to vote in democratic systems; nonetheless, the obligation to vote is a presupposition for the functioning of a democracy. They acknowledge the right to the withdrawal from public life; nonetheless they think that the decision to withdraw from voting and from public life may be made only if there is a corresponding preparation and a corresponding education capable of furnishing argumentation for the justification of this decision. Knowledge is indispensable in order to give grounds for one’s own decision to withdraw from the use of the rights connected to citizenship. Without knowledge, without education, the decision to withdraw from some aspects linked to citizenship cannot be grounded. In other words, withdrawal and not-participation may be accepted; there ought not to be a participation at the public life at all costs. However, not-participation ought to be motivated; otherwise, not-participation is only a diminution of the development of the person. Arneson-Shapiro are clearly influenced by the tradition of civic republicanism, that is, by the conception that participation at the public sphere represents a completion, an indispensable completion of the individual, whereas the not-participation is a diminution of the individual¹⁷.

“Now the parents in *Yoder* did not invoke a fiduciary obligation to their children in support of their actions. Instead they appealed to a mixture of the right of the Amish community to reproduce itself and free-exercise rights of the parents. The first of these rests on an exceedingly powerful claim for group rights, for which it is difficult to see a coherent justification. Groups and classes are groups and classes of individuals, and talk of the “right” of the Amish community to reproduce itself glosses over the reality that group members may have conflicting rights and interests. If it is in the interest of Amish children to receive an adequate education, and their receiving it will threaten the existence of the group (assuming for now that this is true), then a conflict of this kind is evidently present. Our claim is that in such an eventuality there is no defensible reason to sacrifice the interests of the children in their education to their parents’ desire to reproduce the Amish community in the name of group rights.”¹⁸

The point is that the Amish parents grounded their request for withdrawing their children from school at 14 on the basis of the right of the Amish community to reproduce itself and on the basis of the free-exercise rights of the parents. Arneson-Shapiro remark that the request for withdrawal of the children is based on the exercise of the own religion and on the right of the community to reproduce itself: in the logic of the argumentation of the Amish, the right of the children to attend public school up to the 16th year ought to be sacrificed to the right of the community to reproduce itself. The group rights of Amish overtake the right of the children to go to school. In this way it is ignored that it is possible that the right of the members of the community contrast with the right of the children to receive a proper education. In the view of Arneson-Shapiro there is no reason, there is no ground to

¹⁶ See Richard Arneson and Ian Shapiro, “Democratic Autonomy and Religious Freedom: A Critique of *Wisconsin v. Yoder*,” in: Ian Shapiro (ed.), “Democracy’s Place”, pp. 149.

¹⁷ Children’s interest in education depends on Arneson-Shapiro’s conviction that formation of individuals through the particular discipline of civic education is better than absence of formation. If we confront their positions with Galston’s we are immediately transferred into another form of interpretation: a person can receive and have, in Galston, an inferior degree of education but be better in other fields; education is not the greatest value. Arneson-Shapiro considers the development of the faculties of individuals as better than the absence of development.

¹⁸ See Richard Arneson and Ian Shapiro, “Democratic Autonomy and Religious Freedom: A Critique of *Wisconsin v. Yoder*,” in: Ian Shapiro (ed.), “Democracy’s Place”, pp. 154.

prefer the interest of the parents to reproduce the Amish community in comparison with the rights of the children to receive an adequate instruction. In other words, Yoder offers a clear example of incompatibility of interests between members of a community and a clear example of a conflict between individual rights (namely, the right of the children to receive a proper education) and group rights (namely, the right of the Amish community to live further as a community without disappearing).

“Our argument for resisting the notion that there is a right of the Amish community qua community that has to be weighed against other relevant interests should not be misinterpreted. In particular it does not amount to an affirmative claim that the Amish community has no right to exist, that it should be stamped out by the state. Any such claim would run headlong into freedom of association arguments that constitutional democrats would be bound to endorse. But it is a far cry from saying that adults have a right to violate the rights of children to an adequate education, or to violate the legitimate interests of third parties in the education of children, in order that they may associate freely as an Amish community. If rights violations of either sort really are necessary conditions, then the claims of the Amish adults must give way. This is not because the Amish ought to be stamped out but because there is no reason that children and third parties should have to endure rights violations so that the Amish may freely associate.”¹⁹

Arneson-Shapiro specify in their analysis that their intent is not to deny the Amish community the free exercise of its religion. Arneson-Shapiro point out that adults do not have the right to violate the rights of the children to a proper education so that they can continue to associate as Amish community. The education of children should have the precedence over the rights of the community. It has no reason that children cannot have an adequate instruction, thus being deprived of a right, in order that the Amish community can continue to exist.

“Several commentators on *Wisconsin v. Yoder* and related issues in family law have found the key to the puzzle to be a strong value of individual autonomy which finds appropriate expression in the “child’s right to an open future.” On this view, the aim of education is to prepare children for lives of rational autonomy once they become adults. A “rationally autonomous” life is one that is self-chosen in a reasonable way. Education for rational autonomy thus encompasses two requirements: (1) upon onset of adulthood individuals should be enabled to choose from the widest possible variety of ways of life and conceptions of the good and (2) individuals should be trained into habits and skills of critical reflections, so that they attain to the greatest feasible extent the capacity to choose rationally among these alternative ways of life. We refer to these two aspects of education for autonomy as (1) the maximization of options and (2) the development of critical reason.”²⁰

Arneson-Shapiro present their theory: a strong value of individual autonomy²¹ should lie at the basis of the education of the children. The child should have right to an open future. The significance of this theory of autonomy applied to the children’s education is the following one:

¹⁹ See Richard Arneson and Ian Shapiro, “Democratic Autonomy and Religious Freedom: A Critique of *Wisconsin v. Yoder*,” in: Ian Shapiro (ed.), “Democracy’s Place”, pag 154-155.

²⁰ See Richard Arneson and Ian Shapiro, “Democratic Autonomy and Religious Freedom: A Critique of *Wisconsin v. Yoder*,” in: Ian Shapiro (ed.), “Democracy’s Place”, pag. 158.

²¹ This is the point: education ought to be education to autonomy; education ought to aim at the development of an attitude of autonomy in the individuals.

- The aim of education is to prepare children for life inspired by rational autonomy.
- The target of education is to render children capable of rational autonomy.
- Rational autonomy is the real objective of education.
- A life being rational autonomous means that the particular kind of life corresponds to a life having been self-chosen by the individual with the respect of certain criteria of reasonableness.
- Autonomous education ought to enable individuals at the beginning of their adult life to choose from the widest possible variety of ways of life and from the widest possible conceptions of the good.
- Autonomous education imply that individuals are educated to the critical reflection, so that individuals are able to choose in a rational way between the alternative ways of life.

Arneson-Shapiro synthesize the two aims of the education to rational autonomy in the maximization of options offered to the individuals and in the development of critical reason implanted in the individuals. The attainment of autonomy is the first aim of education. An open future can be ensured only if there is a correspondent education: if the education is closed, there will be only few options or no option at all. Arneson-Shapiro propose as a model for education towards autonomy the development of critical reason and the maximization of options.

“The conflict between the child’s right to autonomy so conceived and the claims of the Old Order Amish parents is clear and direct; for the Amish straightforwardly believe that they should educate their children so that they embrace the traditional Amish way and that skills of critical reasoning would alienate their children from wholehearted identification with the right way to live and would therefore be corrupting.”²²

The problem is that the education to critical thinking is exactly the kind of education which Amish parents does not accept: education is for Amish a preparation to embrace a given and indisputable traditional apparatus; the education to critical thinking could move children to put in doubt this apparatus of traditional values. In the view of Amish, critical reasoning and autonomous education would distance the children from the values of the Amish community. This kind of education would, therefore, represent a corruption for the children. Introducing the concept of critical thinking, Arneson-Shapiro express the following contents:

“What marks education for autonomy is development of skills and habits of critical thinking. The autonomous person is not the person who bears allegiance only to spontaneously self-chosen values untainted by environmental influence. The autonomous person is, rather, one who is capable of standing back from her values and engaging in critical reflection about them and altering her values to align them with the results of critical reflection. The difficulty with the Amish program of socialization is not that it instils prejudgments – for any educational program does that – but rather that it fails to train children in skills of critical thinking and to encourage them to place a positive value on engagement in critical thinking about one’s fundamental values. The Amish acculturation program is expressly designed to limit critical thinking, to get children to accept things on faith without submitting them to reasoned reflection.”²³

²² See Richard Arneson and Ian Shapiro, “Democratic Autonomy and Religious Freedom: A Critique of Wisconsin v. Yoder, in: Ian Shapiro (ed.), “Democracy’s Place”, pag. 158.

²³ See Richard Arneson and Ian Shapiro, “Democratic Autonomy and Religious Freedom: A Critique of Wisconsin v. Yoder, in: Ian Shapiro (ed.), “Democracy’s Place”, pp. 162-163.

The constitutive characteristics of education for autonomy consists in its developing the skills of critical thinking. Characteristic of the autonomous person is the capacity to distance herself from the value she has and the capacity to lead a critical reflection of her own values; moreover, autonomous persons are able to change their values as a consequence and as a result of the analysis of their values. The autonomous person is, therefore, not simply the person who is able to choose by herself values without having been or without being conditioned by the environment in which the autonomous person lives. An autonomous conduct is not only defined through the way in which certain values are chosen and accepted; an autonomous conduct of life implies that the person is able to further analyse the values freely accepted and after a critical examination to modify them, if the upshot of the critical examination is that particular values must be modified. Autonomy is a quality of life that is continuously exercised; it is not a quality that is exercised only once in life.

The problem of the Amish way of education is in the view of Arneson-Shapiro that it does not teach critical thinking. Critical thinking is not taught and critical thinking is not encouraged. The attitude to critical thinking is not considered as a positive value in the plan of education of the Amish community. Arneson-Shapiro points out that the real problem of the Amish strategy of education is not the implanting of prejudicial contents through the contents of education, since every kind of education contains prejudices; the real problem is the absence of an attitude to critical thinking, for instance, critical thinking of one's own values. Not only is the attitude to critical thinking absent in the educational programme of Amish community, not only is the attitude to critical thinking not mentioned and not encouraged at all in the educational programme of the Amish community; critical thinking is not desired in these programmes. Critical thinking is a negative value in this programme of education, which wants children to accept certain traditional values and certain faith principles without any critical thinking at all. Arneson-Shapiro do believe in citizens of a democracy having precise responsibilities, which they can fulfil only if they receive educational instruments:

“Member of a democratic society are obligated to fulfil the responsibilities of democratic citizenship, which centrally involve the assessment of public policy proposals. To assess policy proposals as a citizen one must be able to exercise critical reason by imagining what can be said for and against candidate policies from the different points of view represented in the electorate.

The claim that one ought to exercise critical reason in evaluating policies and candidates is in conflict with the claim that one is entitled to eschew critical reason altogether in forming and affirming a view of one's own individual good.”²⁴

Arneson-Shapiro point out that the democratic citizenship requires certain skills and certain competences. If policy proposal should be evaluated, critical reason is needed in order that individuals be able to evaluate these proposals. In other words, the participation to the public sphere without critical reason is not an adequate participation. Individuals have the right to receive an adequate degree of critical reasoning in order that they can evaluate the different political proposals.

“Our argument has been that in a democracy, where citizens are affected by the collective actions of the majority, it is necessary that citizens develop the capacities needed to understand and evaluate the policies by which their

²⁴ See Richard Arneson and Ian Shapiro, “Democratic Autonomy and Religious Freedom: A Critique of Wisconsin v. Yoder, in: Ian Shapiro (ed.), “Democracy's Place”, pag. 165.

lives might be affected and through which they might affect the lives of others. Children in a democracy should be educated to an age when critical reason is developed and can be deployed, and third parties have a right to expect parents and other educators to try to provide children with such an education.”²⁵

In a democracy, certain capacities are required in order that citizens can orientate themselves among the different proposals. Otherwise they will not be able to effectively participate to the activities of the public sphere. Since the different proposals could affect their own lives too, it is in the interest of every citizen to acquire the skills needed to an effective understanding of the political dimension. Therefore, the education of children ought to encompass the development and the cultivation of critical reason in order that they are able, in their adult age, to adequately analyse the different proposals of the political dimension. Correspondingly, parents and educators ought to direct the education of their children to this aim. In other words, Arneson-Shapiro means that a right to a determined education exist for children, that is, the education to autonomous thinking and to the development of a critical reason, on the one hand, and that a duty for all who deals with children (parents and educators, for instance) to promote and to further this kind of education.

“We do not go so far as to assert that citizens in a democracy are obligated to participate in political life. We do insist, however, that even if, when they become adults, those who accept the Amish way of life choose to withdraw from participation in the political order, they need critical reasoning capacities if such a choice is to be authentic. It is because the Amish acculturation program is explicitly designed to prevent the development of critical reason that the Amish should have lost in *Yoder*. To accept a person’s choice of an Amish way of life, one must have some reasonable confidence in that person’s choice-making competence. This competence, we have argued, is developed in education for autonomy.”²⁶

Arneson-Shapiro specify that their intent is not the proposal of a compulsory participation to the political life. The point is that even in case a person decides to withdraw from the public sphere into an exclusively private sphere, this person will nonetheless need an education to autonomy, if the decision is an authentic individual decision (not dictated, for instance, by external pressures). Without education for autonomy no choice can be a real choice, a free choice.

Summary of Arneson-Shapiro’s positions

- There are precise limitations to the authority of parents.
- The relationships between parents and children ought to be considered as a trusteeship.
- Trusteeship excludes that children are property of their parents.
- The patriarchal assumption that a child is chattel of his/her parents is refused.

²⁵ See Richard Arneson and Ian Shapiro, “Democratic Autonomy and Religious Freedom: A Critique of Wisconsin v. Yoder, in: Ian Shapiro (ed.), “Democracy’s Place”, pag. 173.

²⁶ See Richard Arneson and Ian Shapiro, “Democratic Autonomy and Religious Freedom: A Critique of Wisconsin v. Yoder, in: Ian Shapiro (ed.), “Democracy’s Place”, pag. 173.

- The right of children to education trumps the right of the Amish community to preserve the life of their community.
- Education ought to prepare children and pupils for a life in the world generally, not for a life in a particular community to the exclusion of all the other forms of life.
- Education ought to be education to citizenship; education ought to enable pupils to participate at the public life, if they want to.
- The state has precise duties as regards education. A state may not be content with the minimum feasible.
- The fundamental point is that education is a value as such: without education there is no mature citizenship. The point, the element distinguishing the position of Arneson-Shapiro consists in their regarding civic education as the instrument for reaching a complete citizenship.
- Participation at the public sphere is a reasonable obligation: Arneson-Shapiro do not show any indifference whatsoever in relation to participation or not-participation at voting. They plead for an active model of citizenship.
- As a postulate holds that participation is better than withdrawal.
- Group rights may not have the overhand on individual rights.
- The conception that group rights can overtake the individual right to education cannot be accepted.
- Education is education for autonomy.

Positions of Galston

The fundamental idea of Galston is that the core commitments of the liberal democracy place limits on the measures the state may legitimately employ. The first quotation I like to refer to perfectly explains, in my opinion, the fundamental general position of Galston:

“Objective goods cannot be fully rank-ordered. This means that there is no common measure for all goods, which are qualitatively heterogeneous. It means that there is no summum bonum that is the chief goods for all individuals. It means that there are no comprehensive lexical orderings among types of goods. It also means that there is no “first virtue of social institutions” but, rather, a range of public goods and virtues the relative importance of which will depend on circumstances.”²⁷

As we can see,

- There is not a rank for goods.
- There is no measure for goods.
- Goods are qualitatively heterogeneous in relation to each other.
- There is no summum bonum, that is, there is no absolute, no greatest value for all individuals.
- There is no ordering among kinds of goods.
- There is no first virtue in the social institutions.

²⁷ See William Galston, “Liberal Pluralism: The Implication of Value Pluralism for Political Theory and Practice”, pag. 5. For further elements on Galston’ views see “Diversity, Toleration, and Deliberative Democracy: *Religious Minorities and Public Schooling*” and “Liberal purposes: goods, virtues, and diversity in the liberal state”.

- There are different goods and different virtues, whose importance and relevance are not absolute.
- Importance and relevance of the different goods and of the different virtues can be measured not absolutely, but only with reference to the different circumstances.

Already on the basis of this quotation we can see that we find ourselves in a completely different way of thinking in comparison with Arneson-Shapiro's. If in the view of Arneson-Shapiro's the development reached through civic education does constitute an absolute value, Galston's position are undoubtedly oriented on the basis of the context and of the circumstances: goods can have more value in a circumstance and less value in another circumstance; moreover, there is no due ranking on the basis of which goods can be measured. With reference to the civic education, we can already see that civic education will not be considered by Galston as representing an absolute value. Galston's orientation originates in his interpretation of liberalism as diversity, which opposes the conception of liberalism as autonomy: if liberalism has been interpreted as a conception which promotes and ought to promote the development of autonomy in the individuals²⁸, Galston interprets liberalism as a conception which ought to respect diversity and guarantee the conditions for coexistence between the different communities living in a state; the state ought not to promote autonomy in the individual, but content itself with a minimum feasible promoting the social peace between the different groups. Therefore, autonomy is not an absolute value that state and system of education ought to aim at. Galston expresses, for instance, the following observations on Yoder:

“Consider, finally the case of *Wisconsin v. Yoder*, decided by the Supreme Court (...). This case presented a clash between a Wisconsin state law, which required school attendance until age sixteen, and the Old Order Amish, who claimed that high school attendance would undermine their faith-based community life. The majority of Court agreed with the Amish and denied that the state of Wisconsin had made a compelling case for intervening against their practices: “[H]owever strong the State’s interest in universal compulsory education, it is by no means absolute to the exclusion or subordination of all other interests. ... [T]his case involves the fundamental interest of parents, as contrasted with that of the State, to guide the religious future and education of their children.”²⁹

The freedom of intervention of the state into voluntary associations has many limits:

“... from a liberal pluralist point of view, I argue, there are multiple types of legitimate decision making, and democracy is not trumps for all purposes. Another example: From a liberal pluralist point of view, public institutions must be cautious and restrained in their dealings with voluntary associations, and there is no presumption that a state may intervene in such associations because they conduct their internal affairs in ways that diverge from general public principles.”³⁰

In Galston's interpretation of liberalism, there is not only one form of legitimate decision making. In other words, not only the types of decision making which take place in public institutions are legitimate. As a consequence, democracy and democratic institutions are not necessarily endowed with the power of intervention in relation to all kinds of associations; there is not a ranking between associations which legitimates the intervention of public institutions into the voluntary associations being present in a state. As such, a state has no legitimacy to intervene

²⁸ It could be said that Arneson-Shapiro follow this interpretation of liberalism, since autonomy is for them the absolute value.

²⁹ See William Galston, “Liberal Pluralism: The Implication of Value Pluralism for Political Theory and Practice”, pag. 19.

³⁰ See William Galston, “Liberal Pluralism: The Implication of Value Pluralism for Political Theory and Practice”, pag. 9.

in associations since these associations have different principles, way of behaving and way of conduct different from the principles, the ways of behaving and the ways of conduct present in the public sphere.

Galston is for an interpretation of liberalism which coincides with liberal pluralism: under this point of view, public institutions must always be prudent when they are dealing with voluntary associations. A state has not automatically the right to intervention in case that the principles of these associations are different from the public principles. That is, the adoption of a liberal pluralistic perspective implies that the state should observe at least at the beginning a strategy of non-intervention into the internal affairs of the voluntary associations. In particular, civic norms may not automatically be enforced to voluntary associations:

“The relationship between voluntary associations and publicly enforced civic norms has emerged as a key point of disagreement among contemporary liberals. Some argue that civic goods are important, or fragile, enough to warrant substantial state interference with civil associations. It is a mistake, they believe, to give anything like systematic deference to associational claims. I disagree. I begin with the intuition that free associations yield important human goods and that the state bears a burden of proof whenever it seeks to intervene. My accounts of value pluralism, expressive liberty, and political pluralism lend theoretical support to this intuition and help explain why we should not see state power as plenipotentiary.”³¹

There is a contrast of opinions as regards the relationships between public norms and voluntary associations in the contemporary conceptions of liberalism. In the view of some sustaining a determined conception of liberalism, the conditions for the distribution of civic goods among the citizens of a state authorize an intervention into the associations not allowing the presence of these or of some of these civic goods in their organization. In other words, the state has both the right and the duty to intervene in order to compel whichever association not allowing the fruition of determined civic goods to its members. The fruition of the civic goods has the prevalence over the independence and the sovereignty of whichever voluntary association. Galston does not sustain the existence of this right and of this duty of the state: the state has, in Galston's view, the burden of proof if the state can intervene, that is, the state must bring proofs as to the legitimacy of its intervention.

“First, in a liberal democracy, there is in principle a division of authority between parents and the state. The state has the right to establish certain minimum standards, such as the duty of parents to educate their children, and to specify some minimum content of education, wherever it may be conducted. But parents have a wide and protected range of choices as to how the duty to educate is to be discharged. Suitably revised and extended, these considerations apply to the liberties of civil associations as well. Second, there are some things the liberal state may not do, *even in the name of forming good citizens*. The appeal to the requisites of civic education is powerful, but not always dispositive when opposed by claims based on the authority of parents or the liberties of individuals and associations.”³²

Galston maintains the principle of the division of authority between parents and the state. The state has, in Galston's view, the right to determine certain minimum standards. As examples of these standards, Galston mentions the following ones:

³¹ See William Galston, “Liberal Pluralism: The Implication of Value Pluralism for Political Theory and Practice”, pag. 9-10.

³² See William Galston, “Liberal Pluralism: The Implication of Value Pluralism for Political Theory and Practice”, pag. 19.

- The duty of the parents to educate their children.
- The duty of the state to specify the minimum content of education.

At the same time, Galston points out that parents do possess the range of choices regarding the modality of the accomplishment of duty to educate the children. The civil associations possess this same range of choice due to an extension of the rights of the parents. The main point is that the right to intervention of the liberal state has precise limits; furthermore, the liberal state has precise limits even though the state must cope with the subject of forming good citizens. The requirements of civic education are not immediately prevalent in relation to the rights of parents and of the associations. In other words, the claims of parents and the liberties of the associations are not immediately less powerful than the appeals to the civic education of the children. In other words, in Galston's views the requirements of civic education does not have in every case a superior power than the rights of parents and of associations.

“A liberal polity guided (as I believe it should be) by a commitment to moral and political pluralism will be parsimonious in specifying binding moral public principles and cautious about employing such principles to intervene in the internal affairs of civil associations. It will, rather, pursue a policy of *maximum feasible accommodation*, limited only by the core requirements of individual security and civic unity.

That there are costs to such a polity cannot reasonably be denied. It will permit internal associational practices (for example, patriarchal gender relations) of which many strongly disapprove. It will allow many associations to define their membership in ways that may be seen as restraints on individual liberty. And it will, within limits, protect those whose words and way of life express deep disagreement with the regime in which they live. But unless liberty – individual and associational – is to be narrowed dramatically, these costs must be accepted.”³³

If a politics inspired to a liberalism adopting moral and political pluralism is pursued, public authorities will be careful as regards the determination of moral public principles; they will be careful, moreover, in Galston's view, as to the intervention in the internal affairs of civil associations because of these principles. The policy that a state ought to adopt is, in Galston's opinion, a policy that ought to follow the maximum feasible accommodation as regards groups and relations between groups; the limits of this policy ought to be represented by the respect of individual security and by civic unity: the state might intervene only when individual security and civic unity would be in danger because of the way of conduct and because of the principles of the voluntary associations. Galston's intent of limiting the range of possible intervention of the public authority is clear. Galston contends two points as to the inspiring strategy of the state in determining compulsory public principles and in applying the determined public principles:

- A state should be cautious in determining compulsory public principles.
- A state should be cautious in applying these compulsory public principles.

It is clear Galston's aim to reduce the sphere of intervention of the state in the internal affairs of voluntary associations. The state should intervene as little as possible in the internal affairs of the voluntary associations. The programme a state can follow should be based on individual security and on civic unity. The state ought not to trespass the limitations imposed by individual security and by civic unity. Galston admits that there are precise

³³ See William Galston, “Liberal Pluralism: The Implication of Value Pluralism for Political Theory and Practice”, pag. 20.

costs that are to be paid if this strategy is adopted; Galston mentions, for instance, that as consequences of this strategy the following situations could happen:

- Patriarchal gender relations would be allowed³⁴, that is, public institutions would have no right to intervention in order to eliminate these kinds of relations.
- Memberships of certain associations implying restraints of civil liberty would be allowed, that is, public institutions would have no right to intervention in order to eliminate these restraints of civil liberty.

Due to the acceptance of liberal pluralism, the state ought to tolerate determined forms of associations which would not be accepted in other interpretations of liberalism.

The point is that, if this strategy is not adopted, the individual liberty and the liberty of associations would be limited. That is, in order that individual liberty and associational liberty are guaranteed, it has to be accepted that the state does not have a right of intervention for instance in the associations admitting patriarchal relationships or conditions for memberships limiting civil liberty.

In general, Galston does not accept an interpretation of liberalism as autonomy; neither he accepts an interpretation of liberal associations as associations which ought to promote the development of autonomy in the individuals. His interpretation of liberalism is a different one. He expresses following considerations on liberalism as autonomy:

“Liberal autonomy, I shall argue, is linked to an historical impulse often associated with the Enlightenment – namely, liberation through reason from externally imposed authority. Within this context, reason is understood as the prime source of authority; the examined life is understood as superior to reliance on tradition or faith; preference is given to self-direction over external determination; and appropriate relationships to conceptions of good or of value, and especially conceptions that constitute groups, are held to originate only through acts of conscious individual reflections on and commitment to such conceptions.

Liberal diversity, by contrast, is linked to what I shall call the post-Reformation project – that is, to the effort to deal with the political consequences of religious differences in the wake of divisions within Christendom.”³⁵

The representation of liberal autonomy is for Galston the following one:

- Liberal autonomy means liberation through reason from externally imposed authority.
- Reason is considered to be the prime source of authority.
- Way of live subdued to critical examination is regarded as being superior to a way of living based on tradition or on faith.
- A way of life based on self-direction is deemed as superior to a way of life based on external determination.
- Belonging to or entering a group are considered as rationally legitimated only after reflections on the principle of the groups.

Galston adheres to a conception of liberalism as liberal diversity: liberal diversity does not aim at autonomy and at the promotion of autonomy, but at the appeasement between the differences holding between the different groups of a society. The aim of liberal diversity is the social peace between the different groups. The point is that a

³⁴ Polygamy in text ""

³⁵ See William Galston, “Liberal Pluralism: The Implication of Value Pluralism for Political Theory and Practice”, pag. 24-25.

conception of liberalism as autonomy suits a civic republic, but liberal democracies are not, for Galston, civic republics:

“Liberal democracies are not civic republics. The liberal democratic state does not have plenipotentary power, and public-spirited aims need not govern the actions of its citizens in all spheres and circumstances. (...) If the liberal democratic state were to legislate a conception of child or governmental interests that in effect nullified parental educational choice, it would exceed the legitimate bounds of its authority.”³⁶

Here too we can observe that for Galston a liberal democratic state does not have plenipotentary power. The principles of the public sphere have no legitimacy in governing the deeds of the citizens in all realms of life. In particular, a liberal democratic state may not have prescriptions eliminating the educational choice made by parents. The authority of a liberal state does not extend itself up to this point. In general, Galston sees the existence of an opposition between civic liberalism and associational liberty:

“The tension between the advocates of civic liberalism and the defenders of individual and associational liberty is rooted in two quite different variants of liberal thought based on two distinct principles, which I shall summarize under the headings of autonomy and diversity. By “autonomy” I mean individual self-direction in at least one of many senses explored by John Locke, Immanuel Kant, John Stuart Mill, and Americans writing in an Emersonian vein. Liberal autonomy is frequently linked with the commitment to sustained rational examination of self, others, and social practices – whence Mill’s invocation of Socrates as liberal hero. By “diversity” I mean, straightforwardly, legitimate differences among individuals and groups over such matters as the nature of good life, sources of moral authority, reason versus faith, and the like.”³⁷

Galston opposes a conception of liberalism as autonomy to a conception of liberalism as diversity:

- The contrast between those who sustain an interpretation of liberalism as civic liberalism and those who are in favour of the individual and associational liberty originates in the different interpretations of liberalism, which for the first ones is autonomy, for the second ones is diversity.
- Liberal autonomy is associated to the rational, critical examination of self, of the society. Liberal autonomy signifies critical exam of opinions.
- Diversity is associated to the legitimation of the differences between individuals and groups. Diversity implies a pluralism of ideas in the society.

Galston does not see the possibility of a compatibility between liberalism as autonomy and liberalism as diversity: the two forms exclude each other:

“A standard liberal view (or hope) is that autonomy and diversity fit together and complement one another: “The exercise of autonomy yields diversity, while the fact of diversity protects and nourishes autonomy. By contrast, my less optimistic view is that these principles do not always, or usually, cohere; that in practice, they point in quite different directions in such currently disputed areas as education, rights of association, and the free exercise of religion. Indeed, many such disputes can be understood as a conflict between these two principles. Specifically,

³⁶ See William Galston, “Liberal Pluralism: The Implication of Value Pluralism for Political Theory and Practice”, pag. 94.

³⁷ See William Galston, “Liberal Pluralism: The Implication of Value Pluralism for Political Theory and Practice”, pp. 20-21.

the decision to throw state power behind the promotion of individual autonomy can undermine the lives of individuals and groups that do not and cannot organize their affairs in accordance with that principle without undermining the deepest sources of their identity.”³⁸

In some liberal views autonomy and diversity are compatible. Galston does not agree with the compatibility between autonomy and diversity: a liberal view of autonomy and a liberal view of diversity tend to different conclusions and ideas as to education, rights of association, and free exercise of religion. On the contrary, Galston believes that many contrasts regarding education, rights of association and free exercise of religion do derive from the contrast between autonomy and diversity. If autonomy is taken as the fundamental principle for the strategy of the state, the handling of the state will collide with all individuals and all association that do not acknowledge autonomy as their fundamental principle. Autonomy as a principle of government action would imply a contrast towards all individuals and groups not accepting autonomy as a principle:

“Properly understood, liberalism is about the protection of legitimate diversity. A liberal state need not and should not take sides on such issues as purity versus mixture or reason without tradition. To place an ideal of autonomous choice – let alone cosmopolitan bricolage – at the core of liberalism is in fact to narrow the range of possibilities available within liberal societies. In the guise of protecting the capacity for diversity, the autonomy principles in fact exerts a kind of homogenizing pressure on ways of life that do not embrace autonomy.”³⁹

Galston sustains a conception of liberalism based on legitimate diversity and on the protection of legitimate diversity. A liberal state must remain neutral on contrast such as that between reason and tradition. Galston does not agree with the conception of liberalism putting the autonomous choice at the centre of liberalism. If autonomous choice is put at the centre of liberalism, if autonomous choice is considered to be the essence of liberalism, the possibility of diversity in liberal societies would be strongly limited. Placing autonomy as the condition and essence of liberalism is incompatible with a real diversity of views, of associations, of way of living in the society. The result of autonomy as constitutive principle of liberalism cannot but be the homogenizing of the elements of the society: autonomy destroys diversity:

“Value pluralism is offered as an account of the actual structure of the normative universe. It advances a truth-claim about that structure, not a description of the perplexity we feel in the face of divergent accounts of what is valuable. So value pluralism is not to be confused with emotivism, noncognitivism, or Humean arguments against the rational status of moral propositions. Like monism, it advances a “realist claim about the metaphysical structure of value.”⁴⁰

Galston’s proposal bases itself on value pluralism:

“Pluralism is not the same as relativism. Philosophical reflection supports what ordinary experience suggests – a nonarbitrary distinction between good and bad or good and evil.”⁴¹

³⁸ See William Galston, “Liberal Pluralism: The Implication of Value Pluralism for Political Theory and Practice”, pag. 21.

³⁹ See William Galston, “Liberal Pluralism: The Implication of Value Pluralism for Political Theory and Practice”, pag. 23.

⁴⁰ See William Galston, “Liberal Pluralism: The Implication of Value Pluralism for Political Theory and Practice”, pag. 30.

⁴¹ See William Galston, “Liberal Pluralism: The Implication of Value Pluralism for Political Theory and Practice”, pag. 30.

“Does respect for a child’s religious freedom mean that the parent is required to treat all comprehensive views equally, taking the child on a tour of different faiths and secular philosophical outlooks and then saying, in effect, you choose? Few parents, whatever their outlook, would accept this proposition; even fewer would endorse its enforcement by the state. And I do not see considerations weighty enough to warrant such a sharp break with established practices. At the very least, parents are entitled to introduce their children to what they regard as vital sources of meaning and value, and to hope that their children will come to share this orientation. One might also argue that instructing children within a particular tradition, far from undermining intellectual or religious freedom, may in fact promote it. Knowing what it means to live within a coherent framework of value and belief may well contribute to an informed adult choice between one’s tradition of origin and those encountered late in life.”⁴²

“The Amish community is not a prison. Young adults must explicitly choose to become full members. Substantial numbers decide not to join at the threshold, and others leave later. While there are transitional difficulties for some, there is no evidence that many former members find themselves unable to cope with the demands of a modern economy and society.”⁴³

The point is that the respect of religious freedom cannot consist in showing all religions proposal to a child and then let the child to decide freely which religion to follow. Parents are allowed to introduce children to their own religion.

“... the active deliberative/participatory virtues are not the only virtues of citizenship we should care about. Law-abidingness, personal and family responsibility, and tolerance of social diversity are also important for the successful functioning of contemporary liberal democracies. In these respects, among others, the Amish score high. They may not be the best of citizens, but may we not say that they are good enough? At least they fulfil the political version of the Hippocratic oath – to do no harm. I might add that if nonvoting and civic withdrawal are taken as sufficient evidence of parental and pedagogical failure warranting state intervention, then or indictment extends far beyond the minute numbers of Amish to implicate more than half the families and graduates of public schools in the United States.”⁴⁴

Against all those who maintain that the lack of autonomy compromises the deliberative/participatory virtues, Galston answers that these virtues do not exhaust the virtues of citizenship. There are other virtues of citizenship as law-abidingness, personal and family responsibility, tolerance of social diversity that are as important as active deliberative/participatory virtues as regards the system of citizenship virtues.

Some moral presuppositions favour the active deliberative/participatory virtues; other moral presuppositions do favour, on the contrary, law abidingness, personal and family responsibility, tolerance and social diversity and so on. If, therefore, some moral presuppositions are better for the instilling of determinate values, other moral presupposition prove to be better for the instilling of other moral values. There is no way to say which moral

⁴² See William Galston, “Liberal Pluralism: The Implication of Value Pluralism for Political Theory and Practice”, pag. 104-105.

⁴³ See William Galston, “Liberal Pluralism: The Implication of Value Pluralism for Political Theory and Practice”, pag. 106.

⁴⁴ See William Galston, “Liberal Pluralism: The Implication of Value Pluralism for Political Theory and Practice”, pag. 107-108.

presuppositions are the best ones. Galston remarks that Amish does score high as to the second list of citizenship virtues. Anyway, they do not harm. The fact that nonvoting and civic withdrawal are considered as a sign of parental and pedagogical failure, this should not hold only for Amish but for very many citizens too.

“If families, schools, or local communities are acting in ways that violate the basic rights of citizens, then the state must step in. And if the result is resistance – even “massive resistance” in the face of compulsory school desegregation – that is the price that must be paid for defending the rightful claims of all citizens. My point is, rather, that the state must be parsimonious in defining the realm in which uniformity must be secured through coercion. An educational program based on an expansive and contestable definition of good citizenship or civic unity will not ordinarily justify the forcible suppression of expressive liberty.”⁴⁵

Galston does not exclude in any case the intervention of the state. In all cases in which the basic rights of citizens are violated by families, by schools and by local communities, the state has a duty to intervention. Galston’s view consist in the duty of the state to be cautious as to the definition of the field of values in which uniformity in the state must hold. The list of values that have to be common in the society and that must be ensured through coercion should, in Galston’s view, not be too far extended. The point which seems to lack in Galston is the consideration of the development of the individual. It does not seem that Galston gives a particular value to the civic education as instrument of the development of the individuals since he regards autonomy as one of the possible good, but not as the good or as a value superior to the other ones.

I have the impression that the main difference between the conception of Arneson-Shapiro and of Galston consists in Arneson-Shapiro’s evaluating the possibility of participation at the common life of a state as an absolute value, whereas Galston seems to deem it as one value among many others, being not necessarily greater than others. The question is, in this sense, what would happen if the principle were extended to all citizens: what would happen if no citizen participated at the common life of a state? Galston seems to have a certain scepticism as regards the presence of a model for education and of a model for development. Galston seems to think that, if one aspect is not developed, another aspect of life is developed. There is no ranking between values, but a compresence of different values. The development of a value can be a compensation for the absence of the development of the other. I find in Galston rights for the parents, rights for the associations, rights for communities, but I do not find in his observations a real interest for children: he seems to speak of everybody but children. The point is that Arneson-Shapiro speak and have in mind an interpretation of life community in the development of one’s own faculties: this implies a certain level of scholar education, among other things. It does not seem, at least I do not have the impression, that Galston reasons in the same way. The development of the individual is one of the elements, not the principal element.

Galston takes into account the freedom of families and of associations, but he does not take into account the freedom of the individuals living in the associations. Without autonomous development, there is nearly no way to be able to take the due distance from the community.

Galston minimizes the difficulty that an individual has in case that the individual does not reach a sufficient degree of education. A person that has not reached a sufficient degree of education is a person who is not in the condition or that at least experiences serious difficulties in finding an integration in the society existing outside the

⁴⁵ See William Galston, “Liberal Pluralism: The Implication of Value Pluralism for Political Theory and Practice”, pag. 108-109.

community in which the person has been grown up. Galston does not taken into consideration, in my opinion, that the certain kinds of education are there in order that they can be an obstacle to the exit from the community. The individual is not free of deciding between the leave or the remain in the community if the whole education is constructed in order that it is an obstacle to the leave. Moreover, this person does not have a free choice if the elements which could let her tend to the leave are held far from her. Galston speaks as if a person were all the same developed, no matter whether there has been or not a due education.

Raz on autonomy

Offering now a model for autonomy, I would like to take into consideration some observations of Raz contained in his volume “The Morality of Freedom”. Raz says on the concept of autonomy:

“Autonomy is a constituent element of the good life. A person’s life is autonomous if it is to a considerable extent his own creation. Naturally the autonomous person has the capacity to control and create his own life. I called this the capacity sense of autonomy, for ‘autonomy’ is sometimes used to refer to that capacity alone. That capacity, which involves both the possession of a certain mental and physical abilities and the availability of an adequate range of options, is sometimes referred to as positive freedom.”⁴⁶

- Autonomy is a constitutive element of the good life, that is, autonomy cannot not belong to the conception of good life.
- As regards a definition of an autonomous life, a life is autonomous if a life is creation of the individual.
- The autonomous individual has, since he is autonomous, the capacity to control and create his own life.
- The capacity for autonomous life has as own presupposition the possession of mental and physical abilities. The availability of an adequate range of options too is a presupposition of the capacity of autonomous life.
- Not to forget is the definition of positive freedom: positive freedom is the capacity sense of autonomy.

There is, therefore, autonomous life only if the life of an individual is the creation, at least in a certain measure, of the individual. The autonomous life needs some conditions, such as mental and physical abilities and a certain range of options. Without these conditions the autonomous life cannot be realized. There is positive freedom, moreover, if there is capacity for autonomy.

“One’s positive freedom is enhanced by whatever enhances one’s ability to lead an autonomous life.”⁴⁷

The correspondence between autonomous life and positive freedom finds a confirmation: if the capacity to lead an autonomous life is improved, the positive freedom is improved.

⁴⁶ See Joseph Raz, *The Morality of Freedom*, pag. 408

⁴⁷ See Joseph Raz, *The Morality of Freedom*, pag. 409.

“Negative freedom, freedom from coercive interferences, is valuable inasmuch as it serves positive freedom and autonomy.”⁴⁸

Negative freedom is defined by the absence of coercion. It is interesting that negative freedom, in this context, does not possess a value as such, but only inasmuch as negative freedom can give a contribution, can improve, can sustain positive freedom and autonomy. In this interpretation the concepts being at the centre of attention are autonomy and positive freedom.

“So if the government has a duty to promote the autonomy of people the harm principle allows it to use coercion both in order to stop people from actions which would diminish people’s autonomy and in order to force them to take actions which are required to improve people’s options and opportunities.”⁴⁹

In case that a government is assigned a duty to promote the autonomy of people, the harm principle is that which allows to use coercion against every form of diminution of the autonomy of individuals. At the same time, the government has the duty to take measures in order to obtain the improvement of the options and of the opportunities of the individuals. That is, a government ought to eliminate the hindrances posed against the autonomy of individuals and ought to realize the conditions that can improve the options and the opportunities influencing the development of the autonomy of the individuals.

It comes clear out that in this context the government are assigned precise duties: the government ought to avoid the obstacles to the development of autonomy and ought, at the same time, create the conditions for the development of autonomy; the aspect of the duties of the government is, so to speak, double. There is a precise duty of intervention from the government.

“But the autonomy principle is a perfectionist principle. Autonomous life is valuable only if it is spent in the pursuit of acceptable and valuable projects and relationships. The autonomy principle permits and even requires governments to create morally valuable opportunities, and to eliminate repugnant ones. Does not that show that it is incompatible with the harm principle? The impression of incompatibility is encouraged by the prevalent anti-perfectionist reading of the harm principle. That reading is at odds with the fact that the principle merely restricts the use of coercion. Perfectionist goals need to be pursued by the use of coercion. A government which subsidizes certain activities, rewards their pursuits, and advertises their availability encourages those activities without using coercion.”⁵⁰

The autonomy principle is a perfectionist principle, that is, the affirmation of autonomy for individuals implies that determined conditions for the development of autonomy must be accomplished. If there should be autonomy, determined conditions in the society must be ensured and determined conditions of the society must be eliminated. The government cannot remain neutral. Governments must create opportunities and must eliminate negative conditions. In other words, the affirmation of autonomy compels a government to act. In this sense it could seem that the autonomy principle as to the implications it has on the duties of the government is incompatible with the

⁴⁸ See Joseph Raz, *The Morality of Freedom*, pag. 410.

⁴⁹ See Joseph Raz, *The Morality of Freedom*, pag. 416.

⁵⁰ See Joseph Raz, *The Morality of Freedom*, pag. 417.

harm principle: the argument in favour of the incompatibility between harm principle and autonomy principle consists in showing that the harm principle only compels a government to remove hindrances and obstacles to the life of the individuals (it is, therefore, a negative principle, inasmuch as it compels the government to the elimination of something), whereas the autonomy principle compels the government to do something, namely, to create determined conditions, for the development of the individuals to be ensured (it is, therefore, a positive principle, in the sense that it compels the government not to eliminate something, but to produce, to create something). The harm principle does not seem to be a perfectionist principle, whereas the autonomy principle is a perfectionist principle in its very essence. On the other side, the harm principle contains in itself more than the harm principle would seem, at first sight, to contain: insofar as the harm principle compels the government to eliminate the conditions damaging determined forms of development of autonomy, the harm principle is not incompatible with the autonomy principle.

“This vindication of the principle goes hand in hand with its demotion. It is not to be seen as the whole but merely as a part of a doctrine of freedom, the core of which is the promotion of the conditions of autonomy. The harm principle is but one aspect of this enterprise. Manipulating people, for example, interferes with their autonomy, and does so in much the same way and to the same degree, as coercing them. Resort to manipulation should be subject to the same condition as resort to coercion. Both can be justified only to prevent harm. Thus while the harm principle is of lasting value, over-concentration on it neglects the other aspects of the doctrine of freedom. It encourages a false belief that political freedom is freedom from coercion, nothing less nor more. It blinds us to the valid reasons behind our concern about the use of coercion, i.e. that often though not always it is liable to be abused, and that political coercion infringes the autonomy of the coerced.”⁵¹

The harm principle is compatible with the autonomy principle. At the same time, it is nonetheless to be said that the autonomy principle surpasses as to its field the extension due to the harm principle. The harm principle does not correspond to the whole, but only to a part of the doctrine of freedom. The extension of application of the autonomy principle is larger than the extension of application of the harm principle. The essence of the doctrine of freedom lies in the promotion of the condition of autonomy, that is, there is freedom if the conditions for autonomy, the individual and social condition for autonomy are respected and are accomplished. If these conditions are not accomplished, there is no freedom. The harm principle is an aspect of the whole programme aiming at ensuring the conditions for autonomy. The manipulation of the individuals, for instance, is a way of behaving restricting the autonomy of individuals.

“One particular troubling problem concerns the treatment of communities whose culture does not support autonomy. These may be immigrant communities, or indigenous people, or they may be religious sects. It is arguable that even the harm principle will not defend them from the ‘cultural imperialism’ of some liberal theories. Since they insist on bringing up children in their own ways they are, in the eyes of liberals like myself, harming them. Therefore can coercion be used to break up their communities, which is the inevitable by-product of the destruction of their separate school, etc.?”⁵²

⁵¹ See Joseph Raz, *The Morality of Freedom*, pp. 420-421.

⁵² See Joseph Raz, *The Morality of Freedom*, pag. 423.

The point that is of immediate relevance for our analysis is this. It has been said that the autonomy principle corresponds to the affirmation of freedom and of guarantees for freedom in the society: if the autonomy principle is acknowledged as a constitutive principle of the states, if the autonomy principle is considered to be one of the principle of the state, it follows that every government has precise duties to be accomplished in order that the autonomy of the citizens of a state be safeguarded and in order that the development of the citizens of a state be ensured. The government ought to promote the conditions for autonomy: the government must take measure in order that citizens can reach autonomy. The state cannot have a neutral, passive role; states are not observers, nor government are, if they accept the autonomy principle. The problem a government has to cope with and to solve is to understand what should be done in case that in the state there are communities refusing autonomy for their members. The problem is, namely, whether the groups refusing autonomy should be compelled to accept the autonomy principle, since this could amount, presumably, to an elimination of the group itself. The point is that, if the autonomy principle must be observed and respected by the government and consequently be applied to the citizens of the state, the affirmation of the autonomy principle could bring to the destruction of determined groups present in the state. The problem arises every time in a state there is communities not accepting autonomy. Raz mentions as examples immigrant communities, indigenous people, or religious sects: all these are examples of communities that because of their own traditions or because of their statutes does not accept the autonomy for their members. Insofar as these groups does not respect the autonomy principle and consequently does not ensure the conditions for the autonomous development of their members, these groups harm the members of the group. The question is whether the government ought to intervene against these groups or whether the state ought not to intervene against these groups.

“The perfectionist principles espoused in this book suggest that people are justified in taking action to assimilate the minority group, at the cost of letting its culture die or at least be considerably changed by absorption. But that is easier said than done. Time and again I have emphasized that people can successfully enjoy an autonomous life only if they live in an environment which supports suitable social forms. By hypothesis members of the autonomy-rejecting group lack this support in their communities. Wrenching them out of their communities may well make it impossible for them to have any kind of normal rewarding life whatsoever because they have not built up any capacity for autonomy. Toleration is therefore the conclusion one must often reach. Gradual transformation of these minority communities is one thing, their precipitate disintegration is another. So long as they are viable communities offering acceptable prospects to their members, including their young, they should be allowed to continue in their ways.”⁵³

The solution offered in the book seems to be a solution inspired by a certain compromise. Since a government ought to follow a perfectionist strategy, the government ought to apply a strategy of assimilation in case a community is not ready to accept the autonomy principle. This would cause the group to change or to disappear. Nonetheless, since kind of strategy is a difficult strategy. If members of a group not accepting autonomy are taken away from their community, they could find themselves thrown in life situations of complete isolation, since, among other things, they do not have acquired the capacity for living an autonomous life. The consequences of the liberation of the members of a community not accepting autonomy for the members having been living up to that moment only in the community and not being used to living autonomously could be devastating for the

⁵³ See Joseph Raz, *The Morality of Freedom*, pag. 424.

individuals that ought to be given autonomy. Raz supports in these cases a strategy of toleration for these groups. The politics that should be followed is in his view a politics of gradual transformation of these groups, not a politics of immediate disintegration of these groups themselves.

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