Diversity and Distrust: Moral Plurality, Civic Education and American Liberalism

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Liberalism, Diversity and Civic Virtue

Diversity is the great issue of our time: Nationalism, religious sectarianism, a heightened consciousness of gender, race and ethnicity, and a greater assertiveness with respect to sexual orientation, are but a few of the forms of particularity that stubbornly refuse to yield to individualism and cosmopolitanism. These striking historical developments have been accompanied by a rising insistence among many moral and political thinkers that greater weight be given to the characteristics that distinguish particular groups from others. Traditional liberalism -- with its demand that political power should be guided by public reasons and standards of justice that can be shared by all -- is increasingly regarded as unfairly homogenizing, "hegemonic" and exclusionary. Liberalism is held to be guilty of the cardinal sin of "denying difference," and is therefore condemned as outmoded and unfair.[2]

This essay, and the larger project from which it is drawn, are motivated by the conviction that claims advanced in the name of diversity and difference are too often overblown and uncritical. Of course, discrimination on the basis of race, religion, gender, sexual orientation and other arbitrary grounds is to be deplored, and I in no way mean to suggest that the project of combating discrimination should now be concluded. I do very much want to argue, however, that cultural and religious diversity is not to be celebrated uncritically, and that not all forms of what can be labeled "marginalization" and "exclusion"are to be regretted or apologized for, and indeed, that some basic forms of sameness or at least of convergence are not only to be prayed for

but even to be planned for without embarrassment.

These large themes and problems will be explored here in a context that is peculiarly American, though the larger lessons of this story are not limited to America. The context is the institution of American public schooling. Of special concern will be some conflicts between the asserted imperatives of civic education, and the claims of families, churches and other groups to be free to raise their own children in their own way. On the one side is an insistence on the importance of civic education; on the other side are a host of claims involving parental rights, the free exercise of religion and the good of cultural and religious diversity.

My central point here will be to emphasize that it is not good enough just to celebrate diversity and difference. To establish a political order that is stably committed to shared liberal principles and practices, we need to think about shaping and constituting diversity in all its forms to make it conform with our shared political project. I will focus on some debates that have swirled around the American public school system because American anxieties about diversity have often come to a head in and around our public schools. These debates bring into dramatic relief some of the conflicts over diversity that go to the core of liberal politics.

I should also emphasize at the outset that this project is motivated in part by the desire to defend a certain view of liberal politics. Liberalism has recently been attacked by a variety of critics, including those who argue that liberalism neglects the values of community, citizenship and a shared understanding of the virtues.[3] I take these criticisms seriously, and I accept the charge that liberal theorists often have not had enough to say about these ideals. But liberalism is about more than individual freedom and the defense of rights, even if it is centrally about these things. As I have argued elsewhere, there are positive ideals of citizenship, community and civic virtue implicit in the institutions and practices of the liberal constitutional order.[4]

I want to pick an intellectual bone not simply with certain critics of liberalism, but with those liberals who focus single-mindedly on particular liberal commitments that are indeed important items on the liberal agenda, but by no means the whole of that agenda. The freedom to choose among diverse ways of life and to help fashion new options is central to liberalism, but the commitment to freedom should lead us to plan politically for a system of tolerably peaceful, respectful and responsible freedom. Liberalism is first and foremost a political theory committed to the preservation of basic individual freedoms, but the survival of freedom and the pursuit of liberal justice requires a certain kind of citizenry. An important if somewhat neglected part of the liberal agenda is to foster a citizenry capable of preserving and furthering the liberal agenda.

Liberal democracies do not survive and thrive without at least some citizens who are willing to take an active part in extending liberal rights to groups whose legitimate claims have never been fully recognized (in the past, blacks, women and other racial and religious minorities;—nowadays, homosexuals and others). Liberal democracies need a wider group of citizens who have a degree of knowledge of public affairs and the positions of major parties and candidates, and who are willing to vote, read the newspaper and take an

active role in some aspects of civic life. At their best, I have argued elsewhere, liberal citizens participate in a process of public reason: They provide and demand public reasons to justify the use of political power. Liberal constitutional institutions, including the separation of powers and judicial review, are designed to facilitate opportunities to challenge the use of power, and demand justifications of those who wield it. The ultimate fidelity of our political institutions to basic constitutional principles depends on popular support for these principles. The complex institutional structures of the American political order can only check the popular will in the (relatively) short run. Unless the people themselves become convinced of the value of basic liberties and principles of justice, there is no reason to expect liberty and justice to survive beyond the next few presidential and congressional elections.[5]

If there are liberal virtues and character traits on which the health of a liberal regime depends, the natural next question is: Where do these virtues come from? What can a liberal state properly do to promote them? When does the state go too far? When may religious communities, for example, object to civic exercises and pull their children out of public schools?

2) American Public Schooling in Historical Perspective

We can gain better understand the problem of civic education and diversity in a liberal democratic polity by looking at some of the conflicts that have swirled around the public school system. That is not because the public schools are the crucial props for citizen virtue in America. Indeed, they may not be. They have, however, been the arenas in which much of America's anxiety about moral diversity has been focused. Here is where particular normative communities have experienced their most basic and most intense conflicts with the educative ambitions of the American polity. These discussions may not, in the end, tell us much about the most efficacious means of civic education, but they do reveal important insights into just how problematic are the ends of even a liberal civic education.

The American public school system, as we have come to know it, is not an ancient institution. That is, the idea of a common school system with a monopoly on public funding did not become widely espoused until the 1830s, '40s and '50s. Mandatory schooling, even for the primary grades, did not become widespread until the 1860s and '70s.[6] Education was subsidized by the public before the emergence of the public school system. In New York City and elsewhere, a wide variety of private schools -- religious schools, secular academies, charity schools -- were subsidized on a per pupil basis.

When one looks at the early debates over the need for a public system -- publicly run schools for all -- the moral and political dimensions of education stand out starkly. The distinctive mission of the new institution of public schooling was to build a common culture, a national identity; to create shared allegiances; to wean children away from the sectarian commitments of parents and the ethnic and religious communities into which children were born.

The public school system was a response more than anything to anxieties about diversity, and that was not a frivolous worry. By the 1850s, the populations of cities like New York and

Boston were more than 50 percent foreign born. Among the immigrants were massive numbers of Irish Catholics.[7] While racism and prejudice were powerful factors in the fear of Irish immigration, we should also remember that the nineteenth century Roman Catholic Church was decidedly and stridently anti-liberal.

Lawrence Cremin argues that public schools furnished a substitute for the political leverage over moral culture once provided by established churches. With established churches under siege, it was increasingly believed that a new instrument for moral training was needed:

> the fact that schooling became public in a de jure sense at precisely the time that churches remained public solely in a de facto sense had prodigious consequences for the future; for localities and states found a political leverage with respect to the schools that they no longer enjoyed with respect to the churches. The result was that the schools became the public's agencies for recreating publics.[8]

Public schools helped take the place of established churches as guardians of a new civil religion: less sectarian than the religious establishments that had fallen away, more capable of securing the support of a broad consensus of Protestants, and so more efficacious in crafting a shared identity among rising generations of Americans.

Protestantism was a crucial part of the matrix of ideas advanced by the public schools, not only because it was the dominant religion, nor because religious uniformity was sought for its own sake. Protestantism was also seen as the foundation of republicanism. Horace Mann, the intellectual leader and one of the most progressive and liberal of the reformers, rejoiced in America's "Protestant liberty," which sustained both free institutions and common schooling:

> It may, indeed, be said, that it was freedom of thought, constituting as it did, the main element of Protestantism, which has given superiority to the communities where common schools have flourished. But if Protestantism, from which systems of public instruction emanated, has always tended toward free institutions, yet could Protestantism itself have survived without the alliance of a system of public instruction?[9]

These were far from idiosyncratic sentiments: Protestantism was widely viewed as inseparable from the American republican idea, and a purely secular public education was simply inconceivable to nearly all. A Kansan put it quite simply:

> This age is purely American. . . . Americanism is Protestantism. . . . Protestantism is Life, is Light, is Civilization, is the spirit of the age. Education with all its adjuncts, is Protestantism. In fact, Protestantism is education itself.[10]

The Protestantism of the burgeoning common schools was a broad native Protestantism: School prayers were ones common to most Protestants, and Bible reading without commentary was the core religious exercise -- and was understood to be the *sine qua non* of moral instruction. Other sectarian intrusions were strictly forbidden. The reasons for this emphasis no doubt varied. In sparsely populated regions including much of the Western frontier, pan-Protestant cooperation was a necessity if there were to be any formal schooling at all. The interdenominational spirit that infused the schools was not simply a matter of compromise, but represented a widely shared commitment to

fostering a common national identity, one grounded in what was widely regarded as the only firm foundation for morality -- a "pure, unsectarian, Christian culture."[11] A broad, though by no means unanimous, consensus of Protestants supported the new common schools.[12]

The agenda of the common school was to forge an identity capable of unifying a diverse polity. It sought to accomplish this aim by bypassing "sectarian" quarrels and reinforcing shared commitments, including religious beliefs and practices, with the inevitable result that more particular identities would be reshaped or supplanted. Horace Mann and many other school reformers advocated staying to the middle, stressing the beliefs shared by all -- or at least most citizens and avoiding sectarianism.[13] The problem was that what Mann and his many allies saw as an effort to enlighten and elevate democracy, to bolster the moderate beliefs shared by all, and to stick to what would nowadays be described as an agenda "neutral" with respect to competing sectarian views, others saw as public partisanship on behalf of a distinctive version of Protestantism.

The obvious problem raised by the early public schools was: How could this system be justified to the partisans of more particularistic religious identities? How could it be seriously maintained that the schools were nonsectarian or "neutral" with regard to religion?

In one of his Annual Reports on Massachusetts' schools, Mann praised the public school system as the "one place in the land where the children of all the different denominations are brought together for instruction, where the Bible is allowed to speak for itself."[14] The problem is that "allowing the Bible to speak for itself" to the individual believer conveys a substantive message about who has the authority to interpret scripture. Mann's message was anathema to Catholics, as Dr. John Power, a vicar-general in the New York diocese, observed in 1840:

> The Catholic Church tells her children that they must be taught their religion by AUTHORITY. The Sects say, read the bible and judge for yourselves. The bible is read in the public schools, the children are allowed to judge for themselves. The Protestant principle is therefore acted upon, slyly inculcated, and the schools are Sectarian.[15]

There were, and are, two obvious ways in which the schools could maintain a kind of neutrality toward religion. One option would be to try and achieve neutrality through inclusion: to present the various versions of religious truth present in the polity in an evenhanded way. Many Catholics and others objected to this option, for they believed it would imply the unacceptable notion that religion is a mere choice, like styles of dress. A second option was to exclude religion altogether from the public schools, and to seek neutrality through exclusion. Some favored this option. But to many Catholics, it, too, was unacceptable because, as Bishop Hughes put it:

> To make an infidel what is it necessary to do? Cage him up in a room, give him a secular education from the age of five years to twenty-one, and I ask you what will he come out, if not an infidel?. . . They say that their instruction is not sectarianism; but it is; and of what kind? The sectarianism of infidelity in its every feature.[16]

For "sect of infidelity" read "secular

humanist," and Bishop Hughes can be seen as speaking to today's controversies over the exclusion of school prayer, bible-reading and creationism from the public schools. Then, as now, many believers charged that a purportedly "neutral" school policy excluding religion from the schools is actually a way of favoring agnosticism, wishy-washy forms of belief or the "sect of anti-religion."[17]

Excluding religion altogether from the public schools would have been acceptable to very few, for religion was seen as an essential foundation for popular morality. The public schools remained a sacred space defined by tenets accepted by a broad swath of Protestants. A central tenet of this civil religion is that charity toward others should take precedence over different and more particular claims to religious truth. Horace Mann captured the essence of the public school creed in an anonymous article in his *Common School Journal*, entitled, "What Shall Be My Sabbath Reading?"

> Is there not a danger of my becoming proud even of my religious opinions? I must, therefore, not read anything that diminishes my charity for my fellow-creatures, -- for their character, their purposes, or their opinions. Whatever is written in an uncharitable spirit, no matter what name it has, I will endeavor to avoid. . . [no less if it is] under the cloak of a sermon or a religious tract. . . . Whatever renders me uncharitable must be wanting in that Christian spirit.[18]

The common school creed was ecumenical and, in its way, nonsectarian. It held that concern with particular truths -- truths that divide rather than unite different religions -- is positively unchristian and un-American. The schools represented a decidedly religious nonsectarianism, however, which was far from being equally attractive to all Christians, let alone non-Christians or skeptics.

The public schools, then, were thought to be an appropriate public instrument for promoting the reasonableness and cooperation that a healthy free republic depends upon. Concentrating public funds in schools with a relatively ecumenical, "nonsectarian" religious content was bound to have the result of favoring tolerant and ecumenical beliefs and practices, and thereby, of reforming religion to suit the political project of American democracy. Even if the religious content of the public school curriculum was low -- and even if it had been nonexistent -- its mission with respect to religion and other "private" normative systems was crucial: That mission was to promote liberalized, ecumenical, tolerant and "charitable" forms of religious and ethical belief. The question of religious partisanship does not turn solely on the explicit religious content of the curriculum. Public schools lacking in religious instruction will be interpreted by many as downplaying the importance of religion in people's lives, though it should also be noted that they do this less directly, and that is not unimportant.

Now all this will sound to many like the height of illiberality. If liberalism stands for anything, after all, it is the separation of church and state: the conviction that politics should respect religious freedom. Well, of course, that is true (and I certainly do not mean to defend every aspect of the nineteenth century public school agenda), but it is not the whole truth or the most interesting part of the truth. The fact was that many "private" communities in mid-nineteenth century America -- including some religious ones

-- did need to be transformed in order to generate greater support for liberal democratic principles.

3) The Lockeian Roots of the Transformative Agenda

To what extent did Mann and the common school idea go beyond the proper aims of a liberal constitutional order? Perhaps not so far as it may seem at first. To consider this question, let us recall the argument of a crucial founding document of the liberal tradition: Locke's Letter Concerning Toleration.

The most memorable part of Locke's important argument is his strident insistence on the separation of the spheres of religion and politics. Politics is not concerned with religious ends, only certain defined "civil interests": the rule of law, the preservation of the peace and the protection of the "just possession of the things of this life."[19] And that's it. The whole political jurisdiction is contained in these civil interests, which are not our highest goods, but the most basic: things of the body, not the soul. Civil magistrates have no expertise in matters of religion, no authority in its realm. Political and religious authority are entirely different and so, Locke said, the church is a thing,

> absolutely separate and distinct from the Commonwealth. The boundaries on both sides are fixed and immovable. He jumbles heaven and earth together, the things most remote and opposite, who mixes these two societies; which are in their original, end, business, and every thing, perfectly distinct and infinitely different from each other.[20]

The language here is conclusive: a hard liberal line for the separation of church and state. However, that is far from all that Locke has to say on the subject. He also makes the equally important if less noted point that the security of the state -- the sustainability of a liberal political order -- depends upon the religious beliefs that citizens form and act upon. This point is most dramatically apparent in his insistence that Catholics and atheists could not be good citizens.[21]

Locke recognized that a political order in which church and state occupied separate spheres was itself a constructive achievement, requiring the reform of political authority and religious belief and practice. Liberal politics cannot in fact leave religion to one side: It cannot altogether leave the soul alone and care only for the body, for the soul and religion need to be shaped in accordance with political imperatives. This point is clear right from the start of the Letter. The argument does not begin with an account of rights or an appeal to political values; rather, it begins with an account of our religious duties: of what is right as a religious matter.

The very first sentence of the Letter insists that toleration is "the chief characteristical mark of the true church." So toleration (the basic liberal virtue) is in the first instance defended as a religious mandate. And soon thereafter: "I appeal to the conscience of those that persecute. . ."[22] That Christ and the Gospels command toleration is the principal theme of much of the Letter. All of this signals the dependence of Locke's liberalism on the prevalence of religious sensibilities that support toleration: Liberalism needs the support of private beliefs and practices; it depends on a certain ordering of the soul.

The boundaries between politics and religion are not, therefore, as sharp and "immovable" as Locke seems to assert.

Consider how Locke describes the duties of Christian preachers:

It is not enough that Ecclesiastical men abstain from Violence and Rapine, and all manner of Persecution. He that pretends to be a Successor of the Apostles, and takes upon him the Office of Teaching, is obliged also to admonish his Hearers of the Duties of Peace, and Good-will toward all men; as well as toward the Erroneous as the Orthodox; towards those that differ from them in Faith and Worship, as well as towards those that agree with them therein: And he ought industriously to exhort all men, whether private Persons or Magistrates. . . to Charity, Meekness, and Toleration; and diligently endeavor to allay and temper all that Heat, and unreasonable averseness of mind, which either any man's fiery Zeal for his own Sect, or the Craft of others, has kindled against Dissenters.[23]

The striking thing here is that Locke's account of our religious duties are virtually identical to the creed that Mann prescribes for the common schools. Whereas Locke is exhorting private preachers to teach the Christianity of "charity, meekness, and toleration," Mann sees the common school as the fit instrument for this purpose: a fit instrument, presumably, because if the public ends are important, then adequate public means should be found.

The common schools were intended to represent to all the liberal morality that it was hoped would come to be shared by all. For it to be widely shared, let alone shared by all, takes a good deal of political work, work that is far from complete, for this morality -- even if conceived and presented in more strictly political terms than was the case in seventeenth century England or nineteenth century America -- is far from equally appealing to all religious communities. It was, is and will be regarded as partisan by those who reject Locke's liberal Christianity, or liberalized versions of other religions. The point of liberal constitutionalism is not to avoid partisanship, even at the deepest level, it is rather to take care to promote liberal partisanships in all spheres of life.[24] That is, at least in part, what the public schools sought to do.

Of course, those schools also sought to do more than inculcate what we would understand as a political agenda. They also sought to promote a particular brand of religiosity. They did so at least partly for the political reason that religion was seen as a crucial prop for republican self-government, but no doubt also in many instances because some American Protestants sought to favor Protestantism as the true religion. I certainly do not mean to endorse the nineteenth century common school program. On the other hand, however, the common school program had a proper perception, nowadays neglected, that republican self-government was not compatible with every normative orientation, let alone with unlimited diversity and difference.

Any tolerably complete account of our disposition toward diversity needs to take account of the dependence of our political order of the habits, values and interests formed in "private" communities, including religious communities. The degree of support these communities provide for our shared political project is a vital public concern; indeed, there is ample reason to think that a modern mass liberal democracy cannot survive -- or at least thrive -- without the support of certain patterns and kinds of groups and associations, as we will see later on. Modern liberal democracy needs the right sort of civic culture, and religious

communities of the right sort are an important part of this culture.[25]

The moral of this story is not that we should revive the link between Protentatism and liberalism, or that we should use public institutions to propagate religious truth -- whatever that might be -- as such. It is true enough that the means that were employed by nineteenth century proponents of common schooling were often deeply objectionable. (In Massachusetts, these means included whipping children who refused to read the King James Bible.) Nevertheless, there was a recognition often lacking today that civic aims and values would need to find support in people's deepest moral and religious commitments, which would require a convergence of people's deepest normative convictions. There was a recognition, finally, that public policy should foster this convergence.

4) Public Schooling's Moral Agenda Today

The founding era of the American public school system contains an interesting set of debates that focus on the moral and civic ambitions of education, a focus that is largely missing from today's discussions of educational reform. We are, of course, a long way from the days of Horace Mann, but there is no reason to believe that the moral and civic dimensions of public education policy are unimportant.

Obviously, the moral character of schools has changed since Horace Mann's day. In the twentieth century, control over the schools has been removed somewhat from the local community. School districts have become much larger; there are far fewer school districts today, serving much larger populations, than there were in 1940.[26] Schools are also themselves larger and more inclusive, and, of course, explicitly religious exercises have been eliminated from the schools.

Some say the public schools are now morally empty, lacking in any fundamental moral purpose. This claim is untrue. Inclusion and respect for diversity remain watchwords of public schools. Schools that contain some of the diversity of society in a setting that emphasizes mutual respect are also bound to some degree to furnish an education for personal choice and individuality. The structure and ethos of public schools makes them, even now, apt instruments for the pursuit of some core liberal democratic values. Many of those who criticize the public schools of today recognize that they are far from lacking in a substantive moral agenda. Public schools are often animated by an ethos of tolerant pluralism and mutual respect. Powell, Farrar and Cohen, in their study of American high schools, found that even teachers critical of the laxity of big city public schools praised their ethos of tolerance:

> The one thing that schools can rally around is tolerating differences. This is what they are least neutral about. . . . Indeed, the only objective officially listed by the school which bore on moral character was the intention that students become "more understanding of the problems of others." The "others" included those of different race, religion, cultural background, economic status, talent, sex, and mental or physical capacities.[27]

Big, inclusive public schools teach toleration because "the whole society is there" -- they are microcosms of the diversity of society as a whole -- and when "racial or ethnic slurs occurred within the classrooms, teachers virtually never ignored

them. They pounced on them as educational opportunities."[28] The structure and ethos of common schooling, the very remoteness of the authorities who control the schools, and the power conferred by a public system with a monopoly on government support, all help public schools to advance values that overarch particular communities.

So there is a sense in which publicly controlled common schools, open to all, remain well-suited to the educative aims of a liberal society. The spirit of diversity and choice do indeed seem to pervade many of today's high schools, not only in theory but in practice as well. As Powell, Farrar, and Cohen put it, the big public high school is like a shopping mall,

> a neutral environment where a do-your-own-thing attitude prevails. High schools take few stands on what is educationally or morally important. Yet one thing they cannot be neutral about is diversity itself. Pluralism is celebrated as a supreme institutional virtue, and tolerating diversity is the moral glue that holds schools together. But tolerance further precludes schools' celebrating more focused notions of education or of character.[29]

"Community" has come to mean differences peacefully coexisting rather than people working together toward some serious end. Today's public schools continue to be animated by a civic mission: educating children from diverse backgrounds, representing to all the values of tolerance and mutual respect that it is hoped will be shared by all.

5) The Diversity Trap

We have no reason to regard the project of shaping normative diversity for common civic purposes as the work of the past. The task of shaping diversity for liberal democratic purposes is still work that needs to be done. We can, perhaps, better appreciate the ongoing problem of diversity, and the increasing tendency to neglect the transformative agenda of liberalism, by considering some of the discussion that has surrounded the Federal Court case of *Mozert v. Hawkins County Board of Education*.

In *Mozert v. Hawkins*, fundamentalist families charged a primary school reading program with denigrating their religious views. The complaint was not so much that any particular religious claim was directly advanced by the readings, but that the program taken as a whole exposed their children to a variety of points of view, and that this very exposure to diversity -- including religious diversity -- interfered with the free exercise of the families' religious beliefs, and it did so by denigrating the truth of their particular religious views.

The families asked that the children be allowed to opt out of the reading program, while remaining in the public schools. At first, a few of the local schools acceded to the parents' request, but within a few weeks the County School Board resolved to make the reading program mandatory for all and to suspend children who refused to participate. A number of children were indeed suspended, after which some withdrew and went to Christian schools, others resorted to home schooling, some transferred out of the county schools and a few simply returned to their public schools.

The case bears some resemblance to the famous case of *Wisconsin v. Yoder*, in which some Amish parents sought an exemption from the state's mandatory high

school attendance laws. The Supreme Court ruled that the Amish had a fundamental right to take their high school aged children out of public school on the ground that high school attendance would expose their children to a wide variety of "alternative life styles" and undermine the simplicity and other-worldliness essential to their religious community.[30]

Mozert differs from *Yoder* not only in the ages of the children involved, but also in that the right claimed in *Mozert* is to have children selectively "opt out" of a part of the school curriculum that offends religious convictions, while otherwise remaining in public school. *Mozert* is interesting in its own right because Protestant fundamentalists are not a small and powerless sect like the Amish: Fundamentalists are not withdrawn from politics; they often seek and in some places wield real political power. *Mozert* is also interesting because of the academic controversy it has generated, and what this controversy reveals about the allure of a misguided notion of diversity.

At first blush, accommodating the fundamentalist families, extending multicultural concern to the *Mozert* families and thereby to the political right, looks like the most liberal position. Liberalism is about religious diversity and freedom, after all, so how could a liberal oppose accommodation in this case?

In an important article in the *Harvard Law Review*, Nomi Stolzenberg defends the plausibility of the fundamentalist charge that teaching "diverse viewpoints in a tolerant and objective mode threatens the survival of. . . [the fundamentalist] culture," and is a liberal means of assimilation, which Stolzenberg calls "that insidious cousin of totalitarianism."[31]

Stephen Bates also defends the accommodation of the fundamentalist families of *Mozert* in his searching study of the controversy. Bates approvingly quotes two British educators: ~~to the effect that~~

> What makes a particular culture identifiably that culture might include essentially sexist or racist practices and principles. . . . Sexism can be, in theory, rooted in beliefs which are among the most strongly held and which are crucial to cultural identity. That is, they can be the very sort of belief which those of us who value a multicultural society think that minorities have the right to preserve.[32]

Furthermore, Bates suggests, "tolerating everything except intolerance is circular. As Tom Lehrer once put it, 'I know there are people in this world who do not love their fellow men. And I hate people like that.' This circularity becomes more obvious in an era of multicultural education."[33]

So, should liberals applaud this proposed extension of multicultural concern to these fundamentalists? The answer, I would suggest, is "no." It would be something to applaud only if the truest liberalism were one that refused to stand up even for liberal values.

The seed from which the jump to accommodation springs -- multiculturalism and the politics of difference -- rests on a fundamental misconception of our liberal political order. It fails to see that liberalism is not grounded in an uncritical acceptance of diversity or pluralism. At base, rather, liberal politics is grounded in a shared commitment to a range of liberal political values: tolerance and mutual respect among citizens, at the very least, but also a willingness to think critically about public affairs, respect for the rule of

law and the democratic process, and a willingness to affirm the political authority of reasons that can be shared with fellow citizens of religious faiths other than one's own.

Multiculturalists such as Stephen Bates importantly underestimate the role of citizenship in a liberal democratic political order. "The First Amendment," he says,

> requires the *state* to treat all faiths as equally valid. But *citizens* aren't obliged to follow suit. On the contrary: The separation of church and state is intended to safeguard each citizen's liberty to believe that his faith is valid and, if he chooses, that all others are heretical. [34]

Bates seems to suppose that the truest liberalism refuses to stand up even for liberal values. But multiculturalism that refuses to defend tolerance and other basic features of liberal democracy is multiculturalism run amok.

Bates takes account of only a part of what citizenship means in a liberal democratic order. Liberalism does not impose demands only on the state: Liberal citizenship carries with it not only privileges but also obligations. A liberal democratic political system cannot endure without citizens willing to support its fundamental principles. We are not subjects but citizens of a democratic society, after all. Political power is our shared property and not something that is wielded over us. The obligations of citizenship include respecting the equal rights of fellow citizens, whatever their faiths. As citizens, we are also obliged to think of our relations with our fellow citizens from a public point of view: We are obliged to honor the political supremacy of public standards of justice, which means recognizing that our particular religious convictions are not an appropriate basis for shaping fundamental principles of justice. Even if the obligations of liberal citizenship are not, and should not be, legally enforceable, liberal citizenship is nevertheless a kind of office.

Of course, in their private affairs, liberal democratic citizens are free to regard as heretical those who hold religious views different from their own. The lives of liberal citizens are properly divided: We have a public and a private side, and the public side is guided by imperatives designed to make our shared life together possible -- and not only possible, but civil and respectful. Citizens of our constitutional order must be constituted: They do not come into existence naturally. Contrary to Bates, therefore, we have no reason to apologize for taking reasonable measures to educate children toward the virtues needed by liberal citizens.

The particular claims of the fundamentalist families in this case are weak. The source of the apparent "unfairness" here, the cause of the "disparate impact" of the public school reading program, is a reasonable attempt to inculcate core liberal values. The bedrock liberal insistence on toleration is a constraint on the range of religious practices that can be tolerated. Schools cannot avoid running afoul of complaints about "exposure to diversity" and still fulfill the core liberal civic mission of inculcating tolerance and other basic civic virtues. Since "exposure to diversity" is a pre-requisite of a basic civic virtue, liberals cannot count it as a burden on religious beliefs.

All of us must accept limits on our liberty designed to sustain a system of

equal liberty for all. Each of us can reasonably be asked to surrender some control over our own children for the sake of reasonable common efforts to insure that all future citizens learn the minimal prerequisites of citizenship. There is no right to be exempted from measures necessary to secure the freedom of all.

We have so far left aside the fact, moreover, that in *Mozert* we are dealing with children who are not mere extensions of their parents. The religious liberty of parents does not extend with full force to their children. Adult Christian Scientists might be allowed to refuse medical treatment for themselves, but not for their children. Insulating children from diversity is less serious than keeping them from needed medicine, but some level of awareness of alternative ways of life is a prerequisite not only of citizenship but of being able to make the most basic life choices.[35] This ground alone might well be adequate to deny the claimed right to opt out.

A liberal democratic society does not and should not guarantee a level playing field for all the religions and ways of life that people might adopt and sincerely espouse. That some people have a hard time passing on their convictions to their children in liberal democratic political circumstances is not necessarily anything to apologize or adjust for. We have no reason to be equally fair to the reasonable and the unreasonable, to those prepared to accept the political authority of public reasons that can be shared with others and those who refuse to do so.

Whenever we consider religious accommodations in public institutions, and if we embrace the reform of the public school system in the name of privatization and parental choice, we need to keep in mind the paramount political need to constitute not just political institutions but the patterns of community life and personal allegiance necessary to sustain these institutions. Perhaps the necessary work of shaping diversity can be accomplished through indirect means, but it must be done somehow. Any responsible call for school reform or multiculturalism should have some story to tell about how this will happen.

6) American Catholicism and the Triumph of Transformative Liberalism

There was without question in the nineteenth and early twentieth centuries much xenophobia, prejudice and sheer racism bound up in the nativist Protestant suspicion of Catholics. There was also, however, a legitimate worry about the compatibility of the authority structure of the Catholic Church with that of a liberal democracy. Prejudice against Catholics is to be distinguished from not unreasonable fears that those educated in relatively authoritarian religious doctrines may be more prone than others to reject liberal democratic political norms and institutions. The fears and suspicions of "Americanizers" were only in part the product of religious prejudice, xenophobia, racism and an exaggerated sense of political and moral fragility. We should not forget that the nineteenth century Catholic hierarchy characterized the Catholic embrace of liberal democratic values as the "heresy of Americanism," since this tendency was especially characteristic of the American Church.[36]

Recent research supports the notion that traditional institutionalized Catholicism, with its "vertical" patterns of authority, discourages the formation of an

associative civic culture supportive of liberal democracy. Robert Putnam, for example, provides evidence showing that in areas of contemporary Italy where organized Catholicism is strong (especially the South), patterns of civic community and political engagement are weak. In the North of Italy, the church itself is characterized by a greater degree of the sort of trusteeship that manifested itself in nineteenth century America -- with active lay control and relatively "horizontal" patterns of authority. Only where the Catholic Church itself adopts the sort of leveling of authority patterns that is associated with Protestantism does it appear to promote a social order supportive of active citizenship and healthy liberal democracy.[37]

Consider an even more striking finding. Students of democratization movements around the world have argued that until the mid-1960s (pre-Vatican II), "the greater the proportion of the population that is Protestant, the higher the level of democracy."[38] Having surveyed much of the evidence, Samuel P. Huntington concludes that, "The social scientists of the 1950's were right: Catholicism then was an obstacle to democracy. After 1970, however, Catholicism was a force for democracy because of changes within the Catholic Church."[39] A historic transformation was apparently brought about in the 1960s.

After centuries of often quite effective opposition to liberal democracy, the Catholic Church reversed its position and became a positive force for democracy around the world. Those changes within Catholicism were, in important respects, concessions to liberal democratic political values, and were also in part the consequence of the Catholic experience in America. Of the factors that made the Catholic church more supportive of democratic reform around the world, "particularly important," according to George Weigel, was the influence of the United States and the American bishops. Their influence culminated in Vatican II and its Declaration on Religious Freedom, which was "a child of the American experience and experiment," and especially of the American theologian, John Courtney Murray.[40]

The importance of this story can hardly be overestimated. The suggestion here is that the Catholic encounter with America led to the eventual liberalization of the Catholic Church,making that institution a positive and in many places decisive force for liberalization around the world. The indirect, educative effects of American liberal democracy may have altered, in this way, not only the beliefs of American Catholics, but the official doctrine of the Roman Catholic church itself, and thereby the beliefs of Catholics around the world. This story represents a dramatic triumph of the transformative potential of liberal democratic institutions and patterns of life.

Is this change something we should regret? adjust for? Should we accommodate and exempt from public institutions and general requirements those citizens who can argue that these public institutions and requirements make it harder for them to pass along to their children their normative commitments and beliefs, as the uncritical multiculturalists would suggest?

We need to keep in mind what might be thought of as the "transformative" dimension of liberalism. Only by doing so can we assure ourselves that we will maintain a commitment to a liberalism that

is powerful enough to aspire to normative transformations similar to what we have observed with respect to Catholicism, so that principles of liberal democratic political morality find support in the larger normative systems that people espouse.

We may sometimes have good reasons to accommodate those on whom public policies and practices impose special burdens on account of their deepest religious convictions. Where the religious burden is great, and the accommodation or exemption has a point or purpose that is not central to core liberal democratic values, then the project of making accommodations and providing special exemptions should be taken seriously
We should not, however, confuse a liberal constitutionalist policy of accommodationism with an uncritical or radical embrace of diversity. Accommodationism should not aim at the "equal" treatment of all religious beliefs and communities. We should not apologize for the fact that some communities will have a harder time than others retaining their members or convincing the young to join, or that religious communities within the liberal democratic state seem to adopt religious views that might seem akin to liberal democracy. If the actual workings of liberal democracy promote congruence with itself, that is far from a bad thing, as the example of the Roman Catholic Church in America illustrates.

We have every right and plenty of reason, in the end, to aim at a "moderate hegemony" of liberal public values. "Hegemony," because we should not shirk from accepting the pervasive effects and influences of liberal political practices. "Moderate," because transformative constitutionalism confines itself to political virtues,[41] seeks to respect freedom, and takes advantage, where possible, of indirect and nonoppressive means.

Notes

1. My sincere thanks to audiences at Indiana University's Poynter Center for the Study of Ethics and American Institutions, and the Political Science Department, for their helpful comments on the arguments contained in this paper. I am especially grateful to David H. Smith and Judith Failer for their hospitality and to Jeffrey Isaacs for extended conversation on these matters. Parts of this essay have appeared elsewhere. Parts 2, 3 and 6 are adapted from "Transformative Constitutionalism and the Case of Religion: Defending the Moderate Hegemony of Liberalism," *Political Theory*, forthcoming; Part 5 is adapted from "Liberal Civic Education and Religious Fundamentalism: The Case of God vs. John Rawls?" *Ethics* 105 (April 1995): 468-96. The larger project from which these pieces are derived is a book that will be published by Harvard University Press in 1998.

2. See, for example, postmodernist critics of liberalism such as Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990), and see Donald Moon's excellent critique of various attempts to suggest that liberalism is exclusionary and silencing with respect to difference, *Constructing Community* (Princeton: Princeton University Press, 1995).

3. The critics include Alasdair MacIntyre, *After Virtue* (Notre Dame, Ind.: Notre Dame University Press, 198?); Charles Taylor, especially "Atomism," and "What's Wrong With Negative Liberty?" in *Philosophy and the Human Sciences: Philosophical Papers*, vol. 2 (New York: Cambridge University Press, 1985); and Michael Sandel, *Liberalism and the Limits of Justice* (New York: Cambridge University Press, 1982) and *Democracy's Discontent: America in Search of a Public Philosophy* (Cambridge: Harvard University Press, 1996).

4. These claims, and those of the paragraph that follows, are elaborated in Stephen Macedo, *Liberal Virtues: Citizenship, Virtue, and Community in Liberal Constitutionalism* (Oxford: Clarendon Press, 1992); Stephen Macedo, "Charting Liberal Virtues," in William A. Galston and John W. Chapman, eds., *NOMOS XXXIV: The Virtues* (New York: New York University Press, 1992); and Stephen Macedo, "Liberal Virtues, Constitutional Community," *Review of Politics*, 50 (No. 2 , Spring 1988): 215-240.

5. See *Liberal Virtues.*

6. See Carl Kaestle, *Pillars of the Republic: Common Schools and American Society, 1780-1860* (New York: Hill and Wang, 1983); David B. Tyack, *The One Best System: A History of American Urban Education* (Cambridge: Harvard University Press, 1974), pp. 74-77; Charles Leslie Glenn, Jr., *The Myth of the Common School* (Amherst: University of Massachusetts, 1988), especially Chapters 1 and 3.

7. On New York see Diane Ravitch, *The Great School Wars* (New York: Basic Books, 1974), p. 27. The situation was similar in Boston, although immigrants arrived somewhat later, see Oscar Handlin, *Boston's Immigrants: 1790-1865* (Cambridge: Harvard University Press, 1941).

8. Lawrence A. Cremin, *Traditions of American Education* (New York: Basic Books, 1976), pp. 49, 50. See also Kaestle, *Pillars of the Republic*, p. x.

9. Horace Mann, "Prospectus of the Common School Journal," 1838, *Life and Works of Horace Mann*, VII (Boston: Lee and Shepard, 1891), pp. 29, 3. See also Ernest Lee Tuveson, *Redeemer Nation: The Idea of America's Millennial Role* (Chicago: University of Chicago, 1968), Chapter 4 and passim.

10. A resident of Atchison, Kansas, writing in *Freedom's Champion*, a local newspaper, quoted in James Carper, "A Common Faith for the Common School? Religion and Education in Kansas, 1861-1900," *Mid-America: An Historical Review*, Vol. 60 (1978), p. 149, and 147-61, discussed in David Tyack and Elizabeth Hansot, *Managers of Virtue: Public School Leadership in America, 1820-1980* (New York: Basic Books, 1982), p. 76.

11. Illinois Department of Public Instruction, Seventh Biennial Report of the Superintendent. . . 1867-8 (Springfield, 1868), p. 229, quoted in Timothy L. Smith, "Protestant Schooling and American Nationality, 1800-50," *Journal of American History* 53 (March 1967): 679-95, p. 694.

12. Kaestle, *Pillars of the Republic*, pp. 98-103; Tyack and Hansot, *Managers of Virtue*, pp. 30-31, 34-38, 43-44, 74-75.

13. See Mann's 12th Annual Report and the discussion in Tyack and Hansot, *Managers of Virtue*, p. 61.

14. Quoted in Charles Leslie Glenn, Jr., "Religion, Textbooks, and the Common School," *The Public Interest*, 88 (Spring 1987): 28-47, p. 33. Similarly, the National Teachers Association (the forerunner of the NEA) resolved in 1869 that "the Bible should not only be studied, venerated, and honored as a classic for all ages, people, and languages. . . but devotionally read and its precepts inculcated in all the common schools of the land." Immediately thereafter, as Tyack and Hansot report, the Association resolved "that the teaching of partisan or sectarian principles in our public schools, or the appropriation of public funds for the support of sectarian schools, is a violation of the fundamental principles of our American system of education," Addresses and Proceedings of the NEA, 1869, pp. 23, 19, quoted in Tyack and Hansot, *Managers of Virtue*, pp. 24-25.

15. *Freeman's Journal*, July 4, 1840, quoted in Ravitch, *School Wars*, p. 45.

16. "Debate on the Claim of Catholics to a Portion of the Common School Fund. . . ," 1840, quoted in Ravitch, *School Wars*, p. 55, and see pp. 52-55. Catholics in the Netherlands raised objections to common schools much like those raised in New York, see Glenn, *Myth of the Common School*, pp. 50-55.

17. As it would be called in U.S. Senate debates over the Blaine Amendment, 4 *Congressional Record*, December 14, 1875, p. 205 and passim. The Senate version can be found at ibid., pp. 5453-55, 5561-87. And see Gary D. Glenn, "The Blaine Amendment's Application of the Religion Clauses to the States: Differences Between a Congressional and a Judicial Understanding of Church/State Separation," unpublished ms.

18. *Common School Journal*, August 15, 1843, quoted in Glenn, *Myth of the Common School*, pp. 143-44.

19. *A Letter Concerning Toleration*, ed. J. H. Tully (Indianapolis: Hackett, 1985; originally pub. 1689), p. 26.

20. Ibid., p. 33.

21. For civil reasons: Catholics insofar as they professed allegiance to a foreign prince, atheists insofar as they could not be trusted to keep their oaths. Ibid.

22. Ibid., p. 23.

23. Ibid., pp. 33-34.

24. Not every liberal democrat agrees. See, for example, George Kateb, *The Inner Ocean* (Ithaca: Cornell University Press, 1994).

25. I provide an account of this dependence in "Community, Diversity, and Civic Education: Toward a Liberal Political Science of Group Life," *Social Philosophy and Policy* 13 (No. 1, Winter 1996): 240-68.

26. See Tyack, *One Best System*, pp. 89, 94-95, 127-29, 156-57. See also Ravitch, *School Wars*, pp. 134-39, 181-86.

27. Arthur G. Powell, Eleanor Farrar and David K. Cohen, *The Shopping Mall High School: Winners and Loses in the Educational Marketplace* (Boston: Houghton Mifflin, 1985), p. 57.

28. Ibid., pp. 57-58, and see p. 199.

29. Ibid., p. 3.

30. *Wisconsin v. Yoder*, 406 U. S. 205 (1971).

31. Nomi Maya Stolzenberg, "'He Drew a Circle that Shut Me Out': Assimilation, Indoctrination, and the Paradox of Liberal Education," *Harvard Law Review* 106: 581-667, pp. 583, 582. Stolzenberg primarily focuses on the seriousness of Fundamentalist complaints, although she also evinces a good deal of sympathy for those complaints. Like Stolzenberg, Sanford Levinson highlights the moral costs to people with totalistic faiths of the liberal "privatization" of religion, and he also gives too much weight to religious objections. See

"The Confrontation of Religious Faith and Civil Religion: Catholics Becoming Justices," *DePaul Law Review*, 39 (1990): 1047-81, and "Religious Language and the Public Square (Review of Michael Perry: *Love and Power: The Role of Religion and Morality in American Politics*)," *Harvard Law Review* 105 (1992): 2061-79.

32. Stephen Bates, *Battleground: One Mother's Crusade, the Religious Right, and the Struggle for Control of Our Classrooms* (New York: Poseidon, 1993), p. 314.

33. Ibid.

34. Bates, *Battleground*, p. 317.

35. This does not depend on a comprehensive commitment to autonomy: An informed choice is not necessarily an autonomous choice.

36. See John Tracy Ellis, *American Catholicism* (Chicago: University of Chicago Press, 1956).

37. Robert D. Putnam, *Making Democracy Work: Civic Traditions in Modern Italy* (Princeton: Princeton University Press, 1993), pp. 100, 107, 126, 172, 175-76.

38. Kenneth A. Bollen, "Political Democracy and the Timing of Development," *American Sociological Review* 44 (No. 4 , 1979): 572-87, p. 583, quoted in Samuel Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991), p. 75.

39. Huntington, *The Third Wave*, p. 77.

40. George Weigel, "Catholicism and Democracy: The Other Twentieth-Century Revolution" in Brad Roberts, ed., *The New Democrats: Global Change and U. S. Policy* (Cambridge: MIT Press, 1990), pp. 20-25. My account of Weigel's argument is drawn directly from Huntington, *Third Wave*, pp. 77-78.

41. In the sense that the aim is to secure a system of political liberty, and other basic political goods. Other systems of values -- religious and otherwise -- will indeed be transformed, perhaps in predictable ways, but our aim in politics is not to promote Protestantism over Catholicism *per se*, little less to promote atheism.