

Liberalism, Neutrality, and the Child's Right to an Open Future

Frank Dietrich

1. Introduction

The distribution of control over child education between the family and the state is a highly controversial issue in modern pluralistic societies. Parents typically wish to raise their offspring in a manner consistent with their own conception of a good life. For members of religious minorities, even the continued existence of their faith group may depend on the successful transmission of their convictions to the next generation. On the other hand, it is nowadays widely agreed that parents do not enjoy unlimited discretion in deciding on how to raise their children. As John Locke ([1690] 1988, 303–18) argued against Filmer, begetting a child does not bestow any ownership rights on the biological father or mother. Instead, parents function as trustees who are obliged to act in their children's best interest until they reach the age of maturity. If the parents gravely neglect or otherwise endanger their children's well-being, the state is duty-bound to intervene in the children's upbringing. However, in societies whose members hold conflicting moral and religious views, it is contested what the children's most relevant interests are and how much leeway for interpretation parents should have. As the individuals differ in their conceptions of a good life, they disagree with one another on the educational goals and practices that should be tolerated.

The child's right to an open future plays a prominent role in the recent philosophical debate on the proper scope of parental authority. Since it was first proposed by Joel Feinberg (1980), a great number of writers have referred to this right. Its advocates consider the developmental interest, which the right protects, as a sufficient reason for constraining the exercise of parental liberties. Their arguments for recognizing the child's right to an open future mainly focus on the importance of becoming an autonomous agent. The justification of coercive state action necessary to enforce the right against dissenting parents has received relatively little attention.¹ However, if the right to an open future is meant to be a legal entitlement—not just a moral claim—of the child, the exercise of political power has to be defended. In this article, I will examine, within a broadly liberal framework, the theoretical requirements for the legitimization of state interventions into parental authorities.

The discussion is divided into seven sections. In the second section, I will give a more detailed account of the right to an open future and discuss some

interpretational issues raised by Feinberg's concept. In modern pluralistic societies, there is, as I will outline thereafter, considerable disagreement on the meaning and value of autonomy. The conflicting opinions on the child's interest, which the right to an open future purports to protect, pose a serious problem to the justification of state coercion. In the third section, I will examine how the most influential versions of liberal political theory—John Rawls's neutralism and Joseph Raz's perfectionism—respond to this challenge. Based on this distinction in the fourth section, I will argue that the right to an open future cannot be reconciled with a neutralist understanding of the liberal state. My core thesis is that children cannot be adequately prepared for participating in a modern, widely secularized society *and* for living in a traditional religious community, such as the Amish. It is impossible to give children an education allowing them to choose freely between such radical alternatives when they reach adulthood. State educational policies which aim at providing every child with an open future inevitably discriminate against reasonable conceptions of the good. Their justification must, at least implicitly, rely on a perfectionist ideal of leading an autonomous life which is not shared by every reasonable person. In the fifth section, I will discuss a possible objection to my argument which draws on Jonathan Quong's approach to liberal justification. I will try to show that even his modified version of a neutralist theory cannot consistently draw on Feinberg's open future argument. Thereafter, in the sixth section, I will elaborate on some problems associated with perfectionist conceptions of individual autonomy. Since liberal perfectionism has very strong and—in my view—unattractive implications, I will defend a neutralist position which refrains from state interference with the educational authority of religious minorities in order to protect their children's open future. Finally, in the last section, I will conclude by briefly summarizing the main findings of this article.

It should be made clear from the outset that my thesis is restricted in scope. Liberal neutralists may resort to a line of argument that is not concerned with the protection of a child's interest in autonomy. Advocates of a neutralist position may base their defense of state interventions into parental authorities on the need to adequately prepare each child for her/his future role as a citizen of a democratic state. They may assert that democratic societies have a legitimate interest in the creation of citizens who are able and willing to participate in the political decision-making process.² In the following, I will disregard arguments which draw on societal interests; I will solely examine justificatory strategies that focus on a child's interest in becoming an autonomous agent. Consequently, I will not be able to demonstrate that neutralist theories fail to warrant state interferences with educational liberties. Rather, my claim is that a line of reasoning which plays an important role in recent debates on the restriction of parental authorities is incompatible with liberal neutralism.

2. The Child's Right to an Open Future

Joel Feinberg developed the concept of a child's right to an open future in response to a controversy over Wisconsin's compulsory school attendance law.³ The legal dispute was caused by the refusal of some Amish parents to send their children to public or licensed private schools after finishing the eighth grade. In their view, the anti-modern and withdrawn way of life to which the Amish community is devoted did not require the acquisition of additional knowledge. Receiving a "higher education" appeared to be of little help for traditional farming or craftsmanship and the performance of one's religious duties. On the contrary, continued school attendance was seen as potentially dangerous because it exposed the children to many influences that might alienate them from their community (Meyers 2003, 102–06). In 1972, in the case *Wisconsin vs. Yoder*, the U.S. Supreme Court sided with the Amish viewpoint, thereby reaffirming a prior ruling of the Wisconsin Supreme Court. According to the judges' majority opinion, compulsory school attendance beyond the eighth grade unduly restricted the parents' religious liberty.

In his analysis, Feinberg (1980, 136–37) did not deny that it might be justified to allow the Amish or other religious groups to remove their children from school at the age of fourteen. He was mainly troubled by the court's one-sided emphasis on parental rights and its failure to adequately address the children's interests. Feinberg made a distinction between two kinds of child rights which derive from their present dependency and their future autonomy, respectively. Rights of the first type demand that the children's most urgent needs, for example, food and clothing, are met until they are able to take care of themselves. These rights are also possessed by dependent adults, for example, elderly or handicapped persons, who have to rely on the help of others. The second type of rights anticipates a child's development into an autonomous person who will be capable of making her/his own choices. For the future adult it is important that key options s/he may wish to realize are not obstructed at an early period of life. For instance, the administration of performance-enhancing drugs that bear a high risk of causing infertility does not frustrate a child's present preferences. However, it deprives the soon-to-be adult, who may consider starting her/his own family, of a significant choice. Feinberg subsumed entitlements, which are meant to safeguard a child against the foreclosure of options, under the heading of a "right to an open future."

In Feinberg's view, the U.S. Supreme Court's reasoning in the case *Wisconsin vs. Yoder* largely ignored the vulnerability of a child's prospective autonomy. The judges had to address the question of whether a shortening of compulsory school attendance would endanger a child's open future. If they answered in the affirmative, "religious liberty must retreat before the claim of children that they be permitted to reach maturity with as many open options, opportunities, and advantages as possible" (Feinberg 1980, 130). To be sure, Feinberg did not deny

the Amish or any other religious minority the right to transmit their specific values to their offspring. However, the authority of parents is limited in that they are not permitted to determine their children's whole way of life. Insofar as growing up in the Amish community tends to make many options inaccessible, state interventions are legitimate. As Feinberg (1980, 132) emphasized: "An education that renders a child fit for only one way of life forecloses irrevocably his other options. He may become a pious Amish farmer, but it will be difficult to the point of practical impossibility for him to become an engineer, a physician, a research scientist, a lawyer, or a business executive."

The concept of an open future raises some interpretational questions which need to be addressed before proceeding with the main argument. Feinberg did not explain his criteria for assessing an option as being open or closed in much detail. Evidently, young adults are incapable of choosing an alternative if they are not aware of its existence because relevant information has been withheld from them. Moreover, they fail to have an option if they did not acquire the necessary qualifications and skills for choosing it. As Feinberg pointed out, becoming an engineer or a physician may be practically impossible for children who left school at an early age. However, options which a person fails to appreciate because s/he espoused the values of her parents should not be classified as closed. Provided that s/he possesses the necessary knowledge and competences, an alternative is within the range of her/his choice. It seems implausible to assert that an option is inaccessible for a person who is capable of choosing it but has no desire to do so. Furthermore, Feinberg (1980, 133) clearly states that parents "are permitted and indeed expected to make every reasonable effort to transmit by example and precept their own values to their children."⁴ The right to an open future does not imply a parental duty to present competing religious or philosophical worldviews in an impartial manner to their children.⁵

Feinberg's statement that it may be "difficult to the point of practical impossibility" for Amish children to choose between a wide range of professions indicates another problem of interpretation. On the one hand, one may hold that options should only be classified as being closed if they are entirely inaccessible to an agent. Alternatively, one may regard a child's right to an open future already as violated if her/his upbringing has made it extremely difficult (though not impossible) to realize important options. It seems reasonable to assume that young adults who leave the Amish community can still gain access to many occupations. Modern societies typically offer a variety of adult education programs, allowing school-leavers to make up important qualifications. There are few examples of state regulations which impose strict age limits on certain professional careers. Thus, Amish children are not irreversibly excluded from the wider job market, although they face much greater challenges and bear a higher risk of failure than the offspring of liberal parents. Consequently, the right to an open future would lose much of its critical potential if it were only applicable to cases of complete impossibility. The proposed interpretation remains, however, vague insofar as it

cannot be stated more precisely which degree of disadvantage is required to deprive a child of her/his open future. All that can be said is that the drawback has to be significant if an inflationary talk of right violations is to be avoided.

Feinberg's claim that a child should "reach maturity with as many open options as possible" raises further questions. His formulation suggests that the sheer quantity of available alternatives is the only relevant aspect for assessing a person's autonomy. However, as Joseph Raz (1986, 375) persuasively argued, what ultimately matters for the achievement of autonomy is not the number but the variety of the options. In his view, a choice between a town flat and a suburban house is preferable to a choice between hundreds of almost identical suburban houses. Hence, the normative claim underlying the right to an open future should be understood as emphasizing the importance of providing a child with as many qualitatively distinct options as possible. Closely related to this point is the problem of how to distinguish between the alternatives from which a person can choose. Feinberg apparently regards each professional career a person is able to pursue as a separate option. Consequently, he takes the view that young adults who have been raised in liberal families have significantly more choices than members of the Amish community. However, from an Amish perspective, all opportunities a modern society has to offer are instances of a superficial and godless life. Whereas an Amish may fulfill her religious duties in different ways, the options within the liberal culture appear qualitatively similar. Thus, already Feinberg's differentiation and counting of options may be predicated on controversial assumptions (Mills 2003, 500–01).

Finally, it has to be asked what it means for parents to pursue the educational goal of ensuring an open future for their child. As I mentioned above, a child's ability to make use of ample opportunities crucially depends on the acquisition of relevant knowledge and skills. Parents willing to provide their children with a high number of choices may, for instance, invest in language training or musical education. However, these qualifications can only be acquired by their children in specific ways, for example, by learning a particular language or a particular musical instrument. Hence, parents need to make a decision whether their children shall learn, let us say, Russian or Chinese (piano or violin) which will influence their set of options later in life. Although a young adult who has become a proficient Russian speaker (skilled piano player) has gained many additional opportunities, she will presumably find it difficult to still achieve a high competence in Chinese (playing the violin). Furthermore, the development of different general qualifications, such as language skills and musical skills, are competing goals. The more time, effort, and money parents invest in the language training of their offspring, the less time, effort, and money they are able to spend on their musical education, and vice versa. Hence, even parents who aspire to open up important options for their children inevitably close alternative routes by their educational decisions. The goal to provide a child with an open future cannot be achieved without shaping, to a certain extent, her/his further course of life.

3. Autonomy and Liberalism

As outlined in the preceding section, the right to an open future aims at protecting the autonomy of the mature person into which a child will normally develop. According to Feinberg, to protect this right the state may, if necessary, interfere with the parents' educational decisions. Since the exercise of coercive political power encroaches on important liberties, it needs to be justified toward the citizens concerned. In modern pluralistic societies, however, the legitimization of state action to safeguard a child's right to an open future faces a serious challenge. Members of different religious or cultural communities typically hold conflicting views on the meaning and value of autonomy. Thus, the child's right to an open future may presuppose a specific concept of autonomy that is not shared by all citizens. Hence, the question arises whether restrictions of parental authority can be justified within the framework of a liberal theory that strongly supports societal diversity.

Some groups, for instance, reject an individualist understanding of autonomy and emphasize, instead, the constitutive role of social relations. In their view, an autonomous life is characterized by a practice of shared and consensual decision-making within the family or other important communities (Fagan 2004). Moreover, pluralistic societies are also confronted with religious or cultural groups who do not value autonomy in any imaginable interpretation. The Amish, for instance, are guided by an ideal of piety and strict observance of God's commands. From their perspective, living a humble life and fulfilling one's religious duties are the paramount goals one should try to achieve. Accordingly, they fail to see independent decision making—either as an individual or as a member of a harmonious group—as contributing to a valuable life. However, even fundamentalist religious communities who frown on any concept of autonomy may refrain from violating individual liberty rights.⁶ They may be prepared to tolerate other people's ways of life and to allow for substantial exit options for their own members. Hence, the protection of individual freedoms does not necessarily provide sufficient justification for the prohibition of groups who do not support any concept of autonomy.

Contemporary liberal theory is divided into “neutralist” and “perfectionist” versions, which respond differently to the challenge of pluralism.⁷ These two strands of liberal political thinking are best exemplified by the seminal works of John Rawls and Joseph Raz, respectively. In his influential book *Political Liberalism*, Rawls (1993, XVI) sought to accommodate his theory of justice to the fact of reasonable pluralism within modern democratic societies. As before, he described citizens as possessing two moral powers: a capacity for a sense of justice and a capacity for a conception of the good. The latter moral power comprises the ability to form, revise, and rationally pursue one's religious or moral convictions (Rawls 1993, 29–32). The parties in the hypothetical original position that are to decide on fair terms of social cooperation act as the citizens'

representatives. Therefore, they must take account of the higher order interests any member of society is presumed to have in the protection of her/his moral powers. According to Rawls, the guarantee of liberty rights is the most important precondition for the development and exercise of these powers. Consequently, the parties in the original position give highest priority to the granting of essential freedoms, such as freedom of conscience and freedom of association (Rawls 1993, 75–77 and 334–40).

In response to the challenge which the fact of reasonable pluralism poses to the justification of state coercion, Rawls defends a purely political conception of justice. By characterizing the principles that are chosen in the original position as being political, he wishes to highlight their independence from comprehensive doctrines in two respects. First, the principles of justice are not formulated in terms that are associated with a specific conception of the good. Second, and more importantly, they do not presuppose a particular philosophical or religious worldview but can be accepted from the standpoint of any reasonable comprehensive doctrine (Rawls 1993, 174–76). Qualifying as reasonable, a comprehensive doctrine needs to abstain from repressing dissenters who are equally willing to refrain from imposing their values on others (Rawls 1993, 58–66).⁸

For the discussion at hand, it is important to note that, in Rawls's view, a political conception of justice must not be based on any ethical ideal of an autonomous or self-realizing life. His political liberalism draws on a less demanding understanding of autonomy, which primarily refers to the basic liberties of citizens (Audard 2015). "This full autonomy of political life must be distinguished from the ethical values of autonomy and individuality, which may apply to the whole of life, both social and individual, as expressed by the comprehensive liberalisms of Kant and Mill. Justice as fairness emphasizes this contrast: it affirms political autonomy for all but leaves the weight of ethical autonomy to be decided by citizens severally in light of their comprehensive doctrines" (Rawls 1993, 78).

Regarding the classification of Rawls' theory as being neutralist, it is important to distinguish between different meanings of the term neutrality. As outlined above, the derivation of the basic principles regulating cooperation in liberal societies does not build on any comprehensive doctrine. Thus, Rawls's approach achieves "neutrality of justification" by not presupposing the acceptance of any specific conception of the good. Moreover, political liberalism does not intend to promote certain religious, philosophical, or moral doctrines while placing others at a disadvantage. Since Rawls's theory does not purport to create conditions that are only favorable for some communities, it satisfies "neutrality of aim." However, in societies granting individual liberty rights, not all reasonable comprehensive doctrines will be equally successful in gaining adherents. According to Rawls, "neutrality of effect" must be abandoned as an ideal because it is impracticable and potentially dangerous. There is no way consistent with individual freedoms to guarantee each community a relatively stable number of members (Rawls 1993, 195–99).⁹

To give an example of the practical application of his conception, Rawls briefly comments on the education policy a liberal state may legitimately pursue. He clearly states that granting special support for any comprehensive doctrine would fail to meet the requirements of neutrality. As Rawls (1993, 200) put it: "Justice as fairness does not seek to cultivate the distinctive virtues and values of the liberalisms of autonomy and individuality, or indeed of any other comprehensive doctrine. For in that case it ceases to be a form of political liberalism. Justice as fairness honors as far as it can, the claims of those who wish to withdraw from the modern world in accordance with the injunctions of their religion, provided only that they acknowledge the principles of the political conception of justice and appreciate its political ideals of person and society." In Rawls's view, however, the state is warranted to ensure that the children are properly prepared for their future role as citizens. Public and private schools are required to equip their pupils with essential knowledge of political institutions and individual liberties. Moreover, Rawls regards the development of political virtues, such as tolerance and a sense of fairness and civility, as a legitimate goal of state education policy.¹⁰

In contrast to the position outlined above, Joseph Raz rejects the idea of neutrality in his influential book *The Morality of Freedom*. In his view, the goal of strict political impartiality between competing conceptions of the good is impossible to achieve. A liberal state which guarantees basic freedoms, inevitably favors individualistic values while disfavoring communitarian life plans (Raz 1986, 117–24).¹¹ Even more basically, Raz believes that the goodness of an aim provides a *pro tanto* reason for pursuing it. Consequently, liberal states have a reason to encourage the realization of valuable objectives and to discourage the realization of bad ones.

At the heart of the perfectionist theory advocated by Raz is the ideal of leading an autonomous life. This conception of the good is explained as follows: "The autonomous person is a (part) author of his own life. The ideal of personal autonomy is the vision of people controlling, to some degree, their own destiny, fashioning it through successive decisions throughout their lives. ... It contrasts with a life of no choices, or of drifting through life without ever exercising one's capacity to choose." (Raz 1986, 369 and 371) Evidently, a person's ability to lead an autonomous life is critically dependent on the availability of an adequate range of options. Hence, the state is responsible for providing social background conditions that enable the individuals to make meaningful choices. As mentioned in Section 2, not only the number but also the diversity of the available options is important for the realization of autonomy. However, in Raz's (1986, 378–81) view, occasions for wicked actions do not contribute to the required variety of alternatives. As he sees it, autonomy is only valuable insofar as it allows an agent to choose between a wide range of morally acceptable objectives.

To understand Raz's position correctly, it is important to note that he does not regard personal autonomy as a universal value. In his view, the specific form in

which human flourishing has to be achieved largely depends on social and historical contingencies. In modern societies, many significant aspects of human life, such as one's professional career, marriage, or place of residence, are based on individual decisions. Therefore, Raz (1986, 391) concludes: "For those who live in an autonomy-supporting environment there is no choice but to be autonomous: there is no other way to prosper in such a society." However, the development and exercise of one's capacity to choose is not under all conditions necessary for the achievement of the good. In traditional societies, which fail to provide their members with a wide range of options, it is nevertheless possible to lead a happy and fulfilled life.

For the discussion at hand, it needs to be stressed that the concept of liberal perfectionism propagated by Raz is inherently pluralist. Since the exercise of one's capacity to choose is at the heart of his conception of the good, no specific values are imposed on individuals. Raz's perfectionist theory is compatible with a large range of objectives and life plans between which individuals may decide.¹² However, religious or moral doctrines which attach no value to the realization of autonomy, are excluded from his conception. Hence, Raz's perfectionism is—in a way directly relevant for fundamentalist religious groups—more restrictive than Rawls's neutralist account of the liberal state. Rawls only disapproves of "unreasonable doctrines" that do not refrain from using political power for the subjugation of dissenters. Raz, additionally, rejects conceptions of the good that accept the "fact of pluralism" but fail to share the ideal of leading an autonomous life.

As regards the practical implications of Raz's view, it is important to note that nobody can be coerced to lead a self-determined life against her/his will. Hence, it would be counterproductive to prohibit religious communities that do not support their members' autonomy. Most likely, the individuals concerned would be outraged and not prepared to embrace the ideals propagated by the liberal state. However, from a perfectionist perspective, religious doctrines that oppose individual autonomy are not worthy of protection. According to Raz (1986, 424), a liberal state is 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."

4. The Justification of State Intervention

In the preceding section, I have outlined two competing versions of political liberalism—neutralist and perfectionist theories. Based on this distinction, I will now explore the possibility of justifying a child's right to an open future within a liberal framework.¹³ More precisely, I will ask whether the neutralist version of liberalism is capable of legitimizing state interference in the educational authority of Amish parents with reference to Feinberg's argument. The answer to this question crucially depends—as I will argue shortly—on the relationship between the sets of options that are open for the offspring of Amish and liberal families, respectively.¹⁴ In what follows, I will assume that modern secular societies

provide young adults with many more opportunities than traditional religious communities. I will not discuss the problem, briefly mentioned in Section 2, that already the individuation and counting of alternatives may presuppose a specific worldview.¹⁵

For my argument, it is important to distinguish between two ways of how the options available in fundamentalist religious communities might be related to the options offered by the wider society. First, the options open to Amish people might be a—rather small—subset of the options that can be chosen in the liberal majority culture. Accordingly, children having grown up in liberal families would be provided with all the opportunities open to Amish children plus a high number of additional opportunities. Second, the options of Amish people might be totally distinct from or only partly identical to the options that can be chosen in the liberal majority culture. Thus, young adults stemming from liberal families would have many more alternatives than their Amish counterparts but could not make use of exactly the same options. Feinberg apparently believed that the options provided by fundamentalist religious communities are a small subset of the options provided by the larger society. In his view, Amish adolescents lack the knowledge and qualifications necessary for practicing a large number of highly skilled professions, whereas everybody prepared to lead the withdrawn and anti-modern life of the Amish people can decide to become a farmer or craftsman.

If Feinberg's view were correct, advocating a child's right to an open future would be compatible with a neutralist understanding of liberalism. Compulsory school attendance beyond eighth grade would enable each child to choose between a wide range of occupational activities. However, nobody would be urged to make full use of her or his qualifications by pursuing a demanding professional career. After leaving school, any young adult would be able to withdraw from the majority culture and to devote her/his life to prayer and traditional farm work. State regulation did not intend to hinder the pursuit of life plans that are cherished by the Amish or other religious communities. The imparting of higher knowledge would rather serve the purpose of permitting the child to freely decide between different ways of life at the age of maturity. Since the choice of anti-modern orientations were not deliberately discouraged, the "neutrality of aim" requirement would be satisfied.

Moreover, an argument for the enactment of a compulsory school attendance law would not have to rely on any reasonable comprehensive doctrine. Most importantly, it need not presuppose a conception of the good based on the ideal of leading an autonomous life, as defended by Raz. Consequently, state interference into the educational authority of Amish parents would meet the "neutrality of justification" requirement. To be sure, compulsory school attendance is considered necessary to guarantee each individual a free choice of her/his life plan. However, what school education is supposed to accomplish is the capacity to decide between competing conceptions of the good. The available options comprise life plans which place a high value on individual self-rule and life plans that reject

this ideal. Arguing for a capacity to choose between, *inter alia*, autonomy-affirming and autonomy-negating conceptions does not draw on any specific view of the good and is, therefore, compatible with neutrality in the above-specified sense.

There is no doubt that compulsory school attendance after the age of fourteen can adversely affect fundamentalist religious communities. Most probably, they will find it more difficult to keep their children away from worldly influences and to tie them to their parish. However, as noted in the last section, Rawls explicitly dismissed the “neutrality of effect” because this goal is inconsistent with political liberalism. Even a substantial loss of young people who feel attracted by the majority culture would not militate against the legitimacy of a state’s educational policy. The Amish, for their part, could not provide a neutral justification for their claim to be exempted from compulsory school attendance. Excluding their children from higher school education would be tantamount to withholding a wide range of options from them. The only reason for denying their children the opportunities offered by the wider society which the Amish could adduce is the superiority of a pious and God-pleasing life. Therefore, any argument against extended school attendance would have to resort to a perfectionist theory.

However, a closer look at the customs and values of religious minorities, such as the Amish, casts serious doubts on Feinberg’s account. The occupational activities to which Feinberg restricts his attention constitute an integral part of a comprehensive religious practice. Leading the life of an Amish encompasses much more than traditional farming or craftsmanship and cannot be reduced to the performance of unskilled labor. Therefore, it is highly questionable whether the options available within the Amish community are merely a subset of the options from which the wider society may choose. Young adults having grown up in liberal families typically lack the knowledge and personal qualifications required for the life of the Amish people. To begin with, they are not familiar with the religious beliefs and rules of conduct that organize the Amish’s whole social life. Important patterns of behavior, concerning, *inter alia*, mate finding or the visiting of neighbors, differ significantly from the mainstream culture (Hostetler 1993, 145–49 and 219–22). The same holds true for the specific signs and symbols of the Amish, such as their dress code, which are hardly understood by outsiders (Hostetler 1993, 235–56).

A further obstacle to integration into the Amish community is the traditional language in which its members communicate. The offspring of liberal families is hardly ever familiar with Pennsylvania German—an Alemannic (South German) dialect that has survived from the seventeenth century.¹⁶ Moreover, the value orientation of the Amish is in sharp contrast to the consumption-oriented and highly competitive majority culture. Members of the Amish are expected to show obedience to religious and paternal authority, dedication to the community, and modesty in public appearance. By contrast, the children of liberal families are prepared for a very different life in which individual independence and economic success play a central role. The education they receive and their daily contact with

a modern life style are likely to exert a formative influence on their personalities. They typically develop character traits that are only adaptable to the life practices of fundamentalist religious groups with significant difficulties.

Certainly, the imparting of a basic knowledge of the Amish's faith and life-style could be included in the general school curriculum. However, even if liberal children had some abstract ideas of the most important tenets, traditions, and values, they would still be ill-prepared for participating in the Amish community life. By stressing this difficulty, I do not wish to assert that persons who were raised in liberal families are fully incapable of integrating into the Amish community. Here it is important to recall my discussion of the conditions under which an option can be characterized as being closed. In Section 2, I argued that an option may already count as being closed if its realization is extremely difficult (though not impossible). The children of liberal parents would have to overcome substantial obstacles if they tried to become fully participating members of fundamentalist religious groups. Hence, the options provided by the Amish way of life are closed to them in the sense specified above, insofar they are in a similar situation as the Amish offspring in regard to the options the wider society may choose from. While children of Amish families may eventually succeed in integrating into the liberal majority culture, they would have to go through a long and difficult process of adjustment and bear a high risk of failure.

If the above given account is correct, the set of options of the Amish is not (fully) included in the set of options provided by the modern majority culture. As a consequence, compulsory school attendance beyond the eighth grade would fail to enable children to choose every reasonable conception of the good. The Amish typically accept the "fact of pluralism"—they renounce the use of political power to repress dissenters—and must, therefore, be considered reasonable in the relevant sense. If the education were successful, school-leavers would enjoy a wide range of options available in a modern society. However, the life plans typically pursued by members of the Amish or other fundamentalist religious communities would be largely inaccessible to them. As explicated in the last section, neutralist theories need to focus on the "justification" and the "aim" of political measures—not on their "effects." To meet the requirement of a neutral justification for a compulsory school attendance law, they must neither explicitly nor implicitly rely on a comprehensive conception of the good. The proponents of liberal neutralism have to adduce arguments for the restriction of parental authority which are not predicated on a specific moral or religious doctrine.

In the case under consideration, the crucial question is what reasons can be given for enabling each child to choose from the larger rather than the smaller, yet partially distinct, option set. I can only think of two types of arguments for the preferability of the more expansive option set defenders of a compulsory school attendance law may advance. On the one hand, they may maintain that some options that are only included in the larger set are especially valuable and should, therefore, be available to every mature person. They may, for instance, hold that

everybody should be able to devote her life to medical research or to some sort of aesthetic refinement—opportunities not offered by the Amish community. Thereby they would, however, fail to provide a neutral justification by presuming the superiority of conceptions of the good that can only be realized in the majority culture. On the other hand, the advocates of a compulsory school attendance law may emphasize the greater number of options available in a modern society. They may argue that every child, when reaching maturity, should be able to choose between as many qualitatively distinct options as possible. Thereby they would, however, assume that independent decision making constitutes an essential component of a good life. They would rely on the Razian ideal of leading an autonomous life not shared by the Amish and other fundamentalist religious communities. Consequently, the requirement of providing a neutral justification, which can be accepted from the standpoint of every reasonable comprehensive doctrine, would not be met.

For similar reasons, a compulsory school attendance law that intends to protect each child's open future cannot satisfy the neutrality of aim requirement. The aim to provide young adults with the opportunity to choose between as many qualitatively different options as possible is closely linked to a specific conception of the good. Having the opportunity of deciding between a high number of alternatives is only important for persons who appreciate individual self-determination and independence. The ideal of leading an autonomous life is, however, not shared by the adherents of every reasonable comprehensive doctrine. The members of fundamentalist religious groups, such as the Amish, do not value the ability to choose between a wide range of different options because they believe that God has made a definite way of life compulsory. A state educational policy, which restricts the parental liberties of religious minorities in order to achieve a goal set by majority society, fails to be neutral toward every reasonable citizen.¹⁷

Let me conclude this section with three clarifying remarks on the scope of my core argument and some of its implications. First, it is important to recall that in this article I exclusively address the question of whether liberal neutralists are able to defend restrictions of parental liberties with reference to the open future argument. Advocates of neutralist theories, however, may give other reasons why it is justified to subject the members of fundamentalist religious groups to a compulsory school attendance law. For instance, they may fear that children raised in the Amish or some other fundamentalist community will not develop qualifications good democratic citizens should possess. Therefore, a liberal state may legitimately interfere in the educational authority of parents in order to promote political virtues, such as tolerance and civility (Rawls 1993, 190–05). The case for the inculcation of political virtues does not rely on a moral concept of autonomy and is, therefore, not exposed to the same criticism as Feinberg's open future argument. Although I believe that liberal neutralists who appeal to political virtues face their own problems and are unable to justify far-reaching restrictions of parental liberties, I have not refuted their position in this article.¹⁸

Second, it is worth noting that even children from liberal families are unable to choose every option provided by majority society. For two reasons they have only access to (different) subsets of the existing options: first, which options will be available to a child later in life depends in part on socioeconomic factors such as family income and place of residence; second, as my analysis of Feinberg's open future concept has shown, liberal parents inevitably take educational decisions which obstruct certain life paths. The fact that the offspring of liberal families cannot make use of the complete set of options offered by the wider society is, however, irrelevant to my argument. Usually, liberal adolescents are nevertheless capable of choosing from many qualitatively different activities and goals. Contrary to children raised by fundamentalist parents, they mostly receive an education which enables them to realize the ideal of leading an autonomous life. Therefore, the state—with few exceptions—need not take action to protect the open future of children growing up in liberal families.¹⁹

Third, although the argument presented in this section is particularly relevant for compulsory school attendance laws, which oblige parents to send their children to public schools, it should not be overlooked that it also applies to education laws, which permit private schools or homeschooling in order to allow the children of fundamentalist parents to stay in their communities. Typically, the state regulates the practice of private schools or homeschooling families by stipulating basic educational objectives and a core curriculum. Insofar as these legal requirements try to ensure that the children are properly prepared for participation in the liberal majority culture, they contravene the principle of neutrality. If the children are enabled to choose from the many options provided by a modern society, they will be ill-prepared to realize the much more limited but distinct options offered by fundamentalist religious communities. State regulations pursuing the goal of making the wider set of options accessible must rely on a perfectionist assumption of the importance of leading an autonomous life. Therefore, they cannot build on a neutral justification, which adherents of every reasonable comprehensive doctrine would accept.²⁰

However, it should be noted that neutralist theories can demand state control of private schools and homeschooling families for three reasons. First, a neutral state may deprive private schools or homeschooling parents, who seek to impart unreasonable conceptions of the good, of their educational authority. If children are exposed to teachings that propagate the suppression of other religious communities or nonbelievers, the state may rightfully intervene. Second, the state must guarantee that the children of fundamentalist families receive an education, which enables them to lead a satisfying life—either in modern society or in their traditional community. Most notably, cases of gross negligence, when the children are not even adequately prepared for realizing the community's own goals, must not be tolerated. Finally, a neutral state can possibly draw on general features of a good human life that every reasonable conception shares in order to justify regulations of private schools or homeschooling. Although the importance

of a person's ability to choose between a wide range of qualitatively different options can be plausibly disputed, there may be components of a good human life, for example, the absence of physical pain, on which every reasonable doctrine agrees. This line of reasoning raises, however, new and intricate questions that I cannot discuss within the scope of this article.

5. Quong's Internal Conception of Liberal Justification

In recent years, various authors have further developed and refined Rawls' theory of political liberalism. In his book *Liberalism without Perfection*, Jonathan Quong has offered a detailed defense of the neutralist position which is particularly relevant to my argument. In this section, I will examine whether the modifications proposed by Quong are able to invalidate my criticism of state intervention in the educational liberties of fundamentalist persons. I will try to show that my objection to restrictions of parental authorities that draw on the open future argument also applies to his anti-perfectionist theory. Of course, I cannot discuss every variation of Rawls's political liberalism that has been advanced in the current debate; I think, however, that the findings of this section are relevant for a variety of neutralist theories.

Quong (2011, 138–44) distinguishes between two ways in which the task of justifying political principles to citizens who disagree about the good life can be understood. According to the external conception, the plurality of worldviews constitutes an empirical fact of modern societies, to which a liberal theory must respond. The justification must address the actual citizens over whom political power is exercised, that is, every member of society should be able to endorse the policies concerned.²¹ Quong regards this reliance on the factual agreement of the persons concerned as a crucial shortcoming of the external conception. Since the actual beliefs of the citizens may be affected by ignorance, poor reasoning, self-interest, or other confounding factors, they lack the moral power to legitimize political principles.

Instead, Quong advocates an internal conception of liberal justification, which regards pluralism not as an empirical fact but as a theoretical challenge. Given the burdens of judgment presumed by Rawls's political liberalism, the disagreement of reasonable persons cannot be avoided. Even the members of a well-ordered society who share a sense of justice and are willing to abide by fair terms of cooperation would be divided over many issues. According to the internal conception, it has to be established which political principles, if any, would be accepted by the citizens of such an ideal society. Hence, the justification must be addressed to hypothetical reasonable persons who do not assess a policy from the standpoint of their actual (possibly distorted) beliefs. In Quong's (2011, 144, emphasis in original) words: "The legitimacy of political principles does not depend on whether current liberal citizens do accept them, or whether the principles are congruent with their current beliefs. Instead principles are defined as legitimate if

it is *possible* to present them in a way such that they *could* be endorsed by rational and reasonable people.”²²

From the perspective of Quong's internal conception, the objection to the neutralist position I have raised in the last section may appear wanting. My criticism only shows—so one may argue—that the actual interests and beliefs of the Amish contradict the enactment of a compulsory school attendance law. The factual disagreement of some group of citizens is, however, irrelevant to the justification of a state's education policy. What has to be established is that idealized reasonable persons would not accept restrictions of parental authorities that aim at protecting a child's open future. I agree with the internal conception that the actual dissent of some group of citizens does not automatically deprive a policy of its legitimacy. The question whether a compulsory school attendance law can be justified or not depends essentially on the quality of reasons that can be given for or against it. Consequently, every liberal theory must describe the citizens addressed by the justification in a more or less idealized way.²³

However, Quong's internal conception fails to overcome the concerns I have voiced about the compatibility of the open future argument with a neutralist position. In order to justify a principle or a policy toward idealized reasonable persons, one has to be mindful of the pluralism typical for a well-ordered society. Although one need not reach the actual agreement of real citizens, one has to advance arguments that could be accepted from the standpoint of every idealized reasonable person. Since the members of a well-ordered society are subject to the burdens of judgment, their discord over competing conceptions of the good would persist. Consequently, one must not assume that any comprehensive moral or religious doctrine would be generally accepted and could serve as a basis for the justification of state policies. As Quong (2011, 153) explicitly states, “Many of the traditional ways of justifying liberal rights and institutions—for example, appeals to the comprehensive value of autonomy—are untenable since they rely on premises that reasonable people in a well-ordered liberal society may not accept.”

As explicated in the last section, the kind of education offered by the Amish community provides children—compared to the liberal mainstream society—with fewer, but distinct options. Compulsory school attendance beyond the eighth grade may enable children to make use of the larger set of options, but it cannot at the same time ensure that they will be adequately prepared for living in a fundamentalist religious community. As a result of state education policy, the options provided by the Amish people or similar groups will be less accessible. In order to justify state intervention in favor of the larger set of options, one may appeal to two types of arguments. First, one may hold that some options only included in the larger set are preferable to the options offered by the smaller set. However, thereby one would assume that some conceptions of the good that can only be accomplished in the wider society are more valuable than the life plans of fundamentalist groups. Second, and more in line with the open future argument, one may assert that every mature person should be able to choose from the

greater number of options provided by the modern majority culture. However, the availability of as many qualitatively different alternatives as possible is only important for persons who pursue the aim of realizing an autonomous life. Hence, the second argument draws on a specific conception of the good, which regards individual choice and self-determination as core values.

According to Quong's internal conception of legitimacy, one may disregard the factual disapproval a compulsory school attendance law meets with in society. In order to justify state intervention in parental liberties, one rather has to establish that idealized reasonable citizens would endorse such a policy. However, given the burdens of judgment, the (hypothetical) members of a well-ordered society can be expected to disagree on the value of leading an autonomous life. Persons who place, for instance, obedience to God's commands over individual independence and self-determination are not necessarily unreasonable. There seems to be no decisive argument why one should attach greater value to autonomy than to piety, humility, or other competing values. Since the open future argument is predicated on a controversial ideal of autonomy, which would not be accepted by every idealized reasonable person, it fails to justify state restrictions of parental liberties.

In his discussion of the asymmetry objection—the objection that political liberalism addresses disagreements about the good while ignoring disagreements about principles of justice—Quong has advanced another interesting interpretation of Rawls's theory. In Quong's (2011, 209, emphasis in original) view, “the standard of liberal legitimacy is not, or should not be, *reasonable rejection*. ... The standard of liberal legitimacy asserts that the state should not act on grounds that citizens cannot ‘reasonably be expected to endorse’.” According to Quong, one has reason to expect other citizens' approval of a policy if one can appeal to a generally accepted principle of justice. He admits that reasonable people may hold conflicting views on the correct interpretation of the relevant principle of justice—what he calls a justificatory disagreement. But even if citizens of a well-ordered society might reject the specific interpretation a policy is based on, the state is justified to subject everyone to this policy. Quong's proposal has the obvious advantage of expanding the policies a liberal state may legitimately pursue. Quong (2011, 206–07) clearly states, however, that this reasoning does not apply to the foundational disagreements reasonable people may have about the good life. If there is no common justificatory framework (no shared principles of justice), the endorsement of other persons must not be presumed.

Given the complexity of such arguments, it can be difficult to classify disagreements about a state policy as justificatory or foundational, respectively. Education policy, for instance, relates to the issue of equal opportunities (a matter of justice) and raises the question of the kind of life children should be prepared for (a matter of the good).²⁴ The dispute over a compulsory school attendance law on which this article focuses is, however, characterized by conflicting views of the good. Both parties, the Amish and the advocates of restrictive state policy, are

worried that Amish children may not be able to realize—what each party regards as—a meaningful and rewarding life. Although justificatory issues may also be relevant, this foundational disagreement appears to be at the heart of the conflict. Consequently, it cannot be assumed that every reasonable citizen would endorse state intervention in the educational liberties of fundamentalist parents.²⁵

The discussion of this section has shown that the neutralist position defended by Quong cannot draw on Feinberg's open future argument. Thus, the problem analyzed in the preceding section does not exclusively concern neutralist theories, which appeal to the factual beliefs of real citizens. Neutralist theories, which seek a hypothetical agreement of idealized reasonable persons, are no more able to justify state interference in educational liberties of fundamentalist parents. Since the open future argument is premised on a moral conception of autonomy, it cannot be reconciled with a neutralist position.²⁶

6. Why Not Resort to Perfectionism?

In the last two sections, I have demonstrated that Feinberg's open future argument cannot be reconciled with a neutralist position. Accordingly, state interference with parental authority must rely on a perfectionist theory if it aims at protecting a child's prospective autonomy. The discussion so far leaves us with two alternatives: either we accept that the concern for a child's open future fails to trump the educational liberties of fundamentalist parents or we have to embrace a perfectionist ideal of autonomy. In this section, I make a case for liberal neutralism by elaborating on several problems associated with perfectionist theories. I start with a brief discussion of the social dependency thesis Raz's argument relies on; subsequently, I offer two points of criticism, which also apply to other versions of liberal perfectionism.

According to Raz, the values a person espouses are in general closely related to the particular historic and cultural conditions under which s/he lives. Although Raz rejects a strong form of relativism, he believes that only a few values, for example, pure sensual and perceptual pleasures, exist independently of social practices.²⁷ In his (2003, 36) view, the most important values that “can give a meaning and a purpose to life are socially dependent.” Thus, the realization of an autonomous life is only significant for members of modern societies, which attach great importance to individual choice. Raz concedes that people living in a completely different cultural and social environment could be able to lead a fulfilling life without having access to a wide set of options.²⁸

Raz's social dependency thesis implies that the traditional ways of life practiced by the Amish and other fundamentalist groups are not *per se* deficient. Outside a society that strongly supports individual autonomy these religious communities may be able to afford their members a meaningful and worthwhile life. Evidently, the Amish and other fundamentalist groups take great effort to keep themselves aloof from the liberal majority culture. They protest against

compulsory school attendance laws precisely because they do not want to expose their children to the arbitrariness of a modern life style. Up to now the Amish have quite successfully secluded themselves from the larger part of society and preserved their traditional way of life. As long as they can avoid involvement with the autonomy-affirming majority culture, they may be able to realize a valuable life. Hence, Raz's (weakly) relativist version of liberal perfectionism fails to justify state interference with the educational authority of fundamentalist parents.

Of course, the advocates of liberal perfectionist theories need not subscribe to the social dependency thesis discussed above. Contrary to Raz's view, leading an autonomous life can be understood as a universal value, which applies to all ages and cultures. Thomas Hurka (1993, 28–31 and 148–52), for instance, argued that the value of individual autonomy is intrinsically linked to human nature and does, therefore, not depend on specific circumstances. Within the scope of this article, I cannot engage with the meta-ethical assumptions on which universalist versions of liberal perfectionism draw. I have to confine myself to elucidating a radical and—I think—highly questionable implication of this position. Evidently, the ideal of individual autonomy is a relatively modern phenomenon, which has predominantly emerged in Western societies. Broadly speaking, before the Enlightenment period, the idea of being the author of one's own life was widely unavailable. Moreover, many non-Western societies are greatly influenced by teachings—for example, Confucianism—which do not place high value on individual autonomy. Hence, universalist versions of liberal perfectionism do not only deny that religious minorities, such as the Amish, pursue worthwhile goals. They are committed to the much more radical thesis that whole ages and cultures have failed to recognize what makes a human life valuable.

What I find particularly disturbing is that the negative assessment of heteronomous life plans conflicts with the self-perception of many persons concerned. Members of traditional societies leaving little room for individual choice often experience their lives as being meaningful and rewarding. They identify with their conventional way of life and are not frustrated by the lack of wider options. The same seems to be true for many members of the Amish and other fundamentalist groups who are confined by a tight corset of role expectations and religious rules. Although some Amish long for more self-determination and wish to leave their community, we observe no general dissatisfaction and estrangement. Contrary to liberal perfectionists who regard their way of life as impoverished and wanting, many Amish are convinced of pursuing valuable projects (Prusak 2008, 283). It may be tempting to explain this discrepancy by the ignorance or “false consciousness” of persons who fail to share the ideal of individual autonomy. In my view, it is, however, more plausible to accept that human flourishing can take different forms—autonomous *and* heteronomous ones.

Subscribing to a perfectionist view of liberalism has yet another radical implication the proponents of the right to an open future should be aware of. Adherents of perfectionism cannot plausibly claim to oppose only the educational

goals of the Amish but otherwise to tolerate their way of life. From a perfectionist perspective, the conceptions of the good to which fundamentalist religious communities, such as the Amish, are committed must be rejected wholeheartedly. Even mature persons who submit themselves to religious precepts instead of striving for autonomy are seriously mistaken and in need of correction. Therefore, the adherents of perfectionist versions of liberalism have to advocate assimilation policies toward fundamentalist religious minorities. As already mentioned in the third section, Raz explicitly approves of state measures against communities which condemn their members to an impoverished and unrewarding life. Although other perfectionist theorists (Sher 1997, 243–44; Wall 2003, 238–45) have been more reluctant to embrace assimilation policies, they cannot readily escape this conclusion. They cannot consistently hold that the liberal state is responsible for promoting the good life of its citizens *and* that it should tolerate communities which fail to offer their members worthwhile goals.²⁹

From a perfectionist perspective, one may reply that the above-offered criticism overlooks an important difference between children and adults. While the ability of immature children to take autonomous decisions later in life needs to be protected, mature persons should be free to decide on their own affairs, even if they make bad choices.³⁰ Therefore, one may argue, state interference with the educational practices of fundamentalist religious communities, such as the Amish, is compatible with tolerating their traditional ways of life in other respects. This line of reasoning seems, however, to rely on the “subset view” I have rebutted in Sections 4 and 5. My analysis has revealed that the sets of options available within the mainstream society and within fundamentalist religious communities are (mostly) distinct. Every education a child receives inevitably shapes her/his later life and widely forecloses—in the sense explained in Section 2—either the liberal *or* the fundamentalist set of options. Hence, young adults cannot simply choose between the options offered by the majority culture and the options found within fundamentalist religious communities. They encounter great difficulties and run a high risk of failure if they try to make use of options for which they have not been adequately prepared. Thus, usually the adult members of fundamentalist religious communities do not make a deliberate decision in favor of an anti-modern and God-fearing way of life. Since they have not been educated to participate in the majority culture, they typically do not consider it a genuine alternative. Consequently, respect for the self-regarding decisions of mature persons—irrespective of whether they are right or wrong—fails to give liberal perfectionists a reason for tolerating autonomy-negating conceptions of the good.

Proponents of a perfectionist position may maintain that my argument has no or little bearing on the politics of a liberal state. As Raz has correctly pointed out, one cannot compel persons who yearn for the security of a small-sized, clearly structured community to lead an autonomous life. Therefore, a ban on fundamentalist communities, such as the Amish, and a penalization of their religious activities would most probably be counterproductive. Note, however, that a liberal state can

take many indirect measures to undermine faith groups, which espouse competing views of the good. State officials may, for instance, actively encourage young Amish to leave their community by offering them vocational training and financial support. Alternatively, the state may levy high taxes on the purchase of additional farmland to prevent young Amish families from establishing new households (Lecce 2008, 116–18). From a perfectionist point of view, any attempt to assimilate the members of fundamentalist religious communities to the autonomy-supportive majority culture must be welcomed as an effort to save them from pursuing less worthy goals.³¹

7. Conclusion

In this article, I have explored the question of whether neutralist theories of liberalism can resort to Feinberg's open future argument in order to vindicate state restrictions of parental authorities. I have argued that the options that can be chosen within the Amish community do not form a subset of the options available in the modern majority culture. Therefore, state education policies, which enable every child to choose the wider options of the modern majority culture, make it much more difficult, if not impossible, to choose the options offered in fundamentalist religious communities. The open future argument does not provide a neutral justification for such policies because it relies on assumptions regarding the value of autonomy, which are not shared by every reasonable person. This conclusion also holds for Quong's internal conception of liberal legitimacy, according to which the justification of political institutions or actions must address idealized (instead of actually existing) reasonable persons.

If my reasoning has been correct, state interference with parental authority for the purpose of protecting a child's open future must rely on a perfectionist concept of autonomy. As I have demonstrated in the last section, however, perfectionist theories of liberalism face serious problems and do not offer an attractive alternative to liberal neutralism. From a neutralist perspective, the educational practices of religious minorities who espouse autonomy-negating doctrines of the good must be largely tolerated. To meet the neutrality of justification requirement and the neutrality of aim requirement, a liberal state must refrain from promoting the ideal of individual autonomy. In particular, the goal to enable each child to participate in the modern majority culture fails to vindicate state interventions in the educational authority of fundamentalist parents.

Finally, it should be noted that a liberal state need not refrain from running a public school system that enables children to choose between a wide range of qualitatively different options. To be sure, according to the preceding analysis, public schools cannot adequately prepare children for the realization of every reasonable conception of the good, including conceptions that oppose individual autonomy. However, if the state allows fundamentalist religious communities to pursue their own educational goals, providing the vast majority of parents with public schools does not conflict with the relevant neutrality requirements.³² An educational policy that tolerates the imparting of heteronomous life plans cannot

be accused of contravening the neutrality of justification by relying on a perfectionist conception of autonomy. Moreover, evidently a school system that admits private schools and homeschooling does not intend to favor the life plans of liberal parents and fails, therefore, to violate the neutrality of aim.

Earlier versions of this article were presented at the University of Bonn, the University of Duisburg-Essen, the University of Kassel, the University of Mannheim, the University of Münster, and the Autonomy and Education conference in Tutzing. I am grateful to Alexander Bagattini, Joachim Wündisch, and three anonymous reviewers of this journal for their extensive comments and helpful suggestions.

Notes

¹See, for instance, Davis (1997), Lotz (2006), and Darby (2013).

²For this type of argument see, for instance, Arneson and Shapiro (1996), Callan (1997), and Costa (2011).

³A related argument was advanced by Gutmann (1980, 342–43).

⁴For an understanding of educational authority that takes the “expressive interests” of parents into due consideration, see Galston (2011, 294–99).

⁵An argument for a parental duty to refrain from transmitting one’s specific religious or moral values to one’s children has been advanced by Matthew Clayton (2006, 87–128; 2012). In his view, any practice of what he calls “comprehensive enrolment” violates a child’s right to decide freely on her/his life goals.

⁶By labeling a community as fundamentalist, I mean that it “takes fundamental truths about the right and the good as given and aims to convey these truths intact to the next generation” (Burt 2003, 244). The characterization of a group as fundamentalist in this sense does not imply an attitude of intolerance or a readiness to use violence.

⁷The distinction between neutralism and perfectionism is, as William Galston (2002, 24–26) has persuasively argued, deeply rooted in the historical development of liberalism. It originates from the tension between the post-Reformation project, which propagated tolerance for a wide spectrum of religious beliefs, and the Enlightenment project, which strove for man’s liberation from traditional authorities by the force of reason.

⁸For a more demanding interpretation of the term “reasonable,” see Quong (2011, 290–319).

⁹Since the term neutrality has a strong connotation with the latter interpretation, Rawls (1993, 195) speaks out in favor of avoiding it. For an instructive discussion of the concept of neutrality, see Zellentin (2012, 12–41).

¹⁰The here cited passage from *Political Liberalism* reappears, with only a few modifications, in *Justice as Fairness* (Rawls 2001, 156–57).

¹¹Several formulations suggest that Raz’s criticism is predicated on an understanding of neutrality as a “neutrality of effect” which Rawls has explicitly rebutted in *Political Liberalism*.

¹²This point is also emphasized by Thomas Hurka (1993, 148, emphasis in original) who remarks: “Broad perfectionism can most easily affirm a liberty principle by treating *autonomy*, or free choice from many life options, as itself an intrinsic good. If self-determination is itself a perfection, any restrictions on it are *prima facie* objectionable.”

¹³It should be noted that “liberal neutralism” and “liberal perfectionism” are umbrella terms that comprise a variety of different positions; see Crowder (2002, 21–43), Wall and Klosko (2003), Gaus (2004), and Quong (2011, 12–44). Even though I cannot examine the whole range of liberal theories, in section five I deal with a modified version of Rawls’s neutralist position.

- ¹⁴Here I use the term “liberal” as shorthand for families who are fully integrated in modern society and endorse its basic institutions. The intention of liberal parents to prepare their children for successful participation in modern society is, of course, compatible with a wide range of religious beliefs.
- ¹⁵Evidently, if this critique were correct, one could not argue on neutralist grounds in support of a child’s right to an open future. For a defense of Feinberg’s approach, see Lotz (2006, 540–43).
- ¹⁶By contrast, Amish children learn English as a second language and possess at least a passive knowledge of High German, which is indispensable for a proper understanding of the Bible (Hostetler 1993, 241–44).
- ¹⁷One may object to my argument that state educational policies, which seek to protect a child’s open future, do not aim at foreclosing any option. To the contrary, if the options provided by the Amish community could be included in the larger option set, the increase of choice would be welcome. However, since the aim to safeguard children’s prospective autonomy is closely linked to a comprehensive moral doctrine and since pursuing this aim factually discriminates against fundamentalist religious communities, I still think it cannot count as neutral. Moreover, it should be noted that the policies of a liberal state have to satisfy the neutrality of justification *and* the neutrality of aim requirement (Arneson 2003, 194). Thus, even if my interpretation of the neutrality of aim requirement could be rejected, my criticism of the open future argument would not be undermined.
- ¹⁸I am grateful to an anonymous reviewer of this journal for urging me to clarify this point. I discuss the shortcomings of the civic education argument in Dietrich (2017).
- ¹⁹Arguably, the right to an open future is also relevant for parents who train their child for a highly specialized career, for example, for becoming a professional tennis player, if thereby many other options are closed. Although the questions raised by the application of the right to an open future to a nonreligious context are important, I cannot discuss them within the scope of this article.
- ²⁰An informative overview of the empirical and normative literature on homeschooling is provided by Robert Kunzman and Milton Gaither (2013). An argument that homeschooling should be strictly regulated because it tends to inhibit the development of autonomy in children is advanced by Rob Reich (2002); for a critical assessment of his position, see Merry and Sjoerd (2010, 507–10).
- ²¹According to Quong (2011, 145–53), the external conception cannot plausibly limit the justification of political principles to reasonable actual citizens.
- ²²The here proposed idealization of the justificatory public requires a reinterpretation of the overlapping consensus, as it has been originally presented by Rawls (Quong 2011, 180–87). For a detailed critique of this adjustment, see Vallier (2017).
- ²³For the discussion at hand it can be left open whether the extensive idealization suggested by Quong or the more moderate idealization of the convergence account advocated by Gerald Gaus (2011, 232–58) and Kevin Vallier (2014, 145–80) is preferable.
- ²⁴For an interesting discussion of the problems concerning the distinction between the right and the good, see Sher (1997, 37–44).
- ²⁵Quong only touches on educational issues with regard to unreasonable people who wish to inculcate beliefs which contradict the ideal of a well-ordered society. He argues that a liberal state may legitimately prevent the proliferation of, for instance, racist or sexist views. Quong (2011, 304) clearly states, however, that people such as the Amish, who oppose the modern way of life and desire to be left alone, are not necessarily unreasonable.
- ²⁶Within the scope of this article, I cannot address in detail Alan Patten’s (2014, 104–48) novel justification of neutrality as a derivative value. According to Patten, the state ought to adopt a stance of neutrality toward different conceptions of the good in order to guarantee each of its citizens a fair opportunity for self-determination. However, in Patten’s (2014, 108–11) view, the state has no reason to treat persons or groups neutrally who reject the value of self-determination on which the neutrality requirement is based. Although Patten intends to provide a justification for state neutrality, his approach appears to rest on a perfectionist assumption about the superior importance of leading a self-determined life, which cannot be easily reconciled with a Rawlsian understanding of political liberalism.

- ²⁷For a critique of an unqualified moral relativism, see Raz's (1999, 161–81) argumentation in his book *Engaging Reason*.
- ²⁸In response to an objection raised by Jeremy Waldron, Raz (1989, 1227) states: "I think that there were, and there can be, non-repressive societies, and ones which enable people to spend their lives in worthwhile pursuits, even though their pursuits and the options open to them are not subject to individual choice." For a detailed defense of Raz's social dependency argument, see Wall (1998, 162–82).
- ²⁹For an insightful discussion of Steven Wall's concept of perfectionist toleration, see Vallier (2013).
- ³⁰I am grateful to an anonymous reviewer of this journal for drawing my attention to this argument.
- ³¹For an instructive critique of the assimilationist implications of Raz's arguments, see Quong (2011, 60–72).
- ³²Arguably, a liberal state that funds a public school system with taxpayer's money must also subsidize private schools and homeschooling parents.

References

- Arneson, Richard. 2003. "Liberal Neutrality and the Good: An Autopsy." In *Perfectionism and Neutrality: Essays in Liberal Theory*, ed. Steven Wall and George Klosko, 191–208. Lanham, MD: Rowman & Littlefield.
- Arneson, Richard, and Shapiro, Ian. 1996. "Democratic Autonomy and Religious Freedom: A Critique of Wisconsin vs. Yoder." *Nomos* 38: 365–411.
- Audard, Catherine. 2015. "Autonomy, Political." In *The Cambridge Rawls Lexicon*, ed. Jon Mandle and David A. Reidy, 27–31. Cambridge: Cambridge University Press.
- Burt, Shelley. 2003. "The Proper Scope of Parental Authority: Why We Don't Owe Children an 'Open Future'." *Nomos* 44: 243–70.
- Callan, Eamonn. 1997. *Creating Citizens: Political Education and Liberal Democracy*. Oxford: Oxford University Press.
- Clayton, Matthew. 2006. *Justice and Legitimacy in Upbringing*. Oxford: Oxford University Press.
- _____. 2012. "Debate: The Case against the Comprehensive Enrolment of Children." *Journal of Political Philosophy* 20: 353–64.
- Costa, M. Victoria. 2011. *Rawls, Citizenship, and Education*. New York: Routledge.
- Crowder, George. 2002. *Liberalism and Value Pluralism*. London: Continuum.
- Darby, Robert J. L. 2013. "The Child's Right to an Open Future: Is the Principle Applicable to Non-Therapeutic Circumcision?" *Journal of Medical Ethics* 39: 463–68.
- Davis, Dena S. 1997. "Genetic Dilemmas and the Child's Right to an Open Future." *Hastings Center Report* 27: 7–15.
- Dietrich, Frank. 2017. "Civic Education in Pluralist Democracies." *Annual Review of Law and Ethics* 25: 3–21.
- Fagan, Andrew. 2004. "Challenging the Bioethical Application of the Autonomy Principle within Multicultural Societies." *Journal of Applied Philosophy* 21: 15–31.
- Feinberg, Joel. 1980. "The Child's Right to an Open Future." In *Whose Child? Children's Rights, Parental Authority, and State Power*, ed. William Aiken and Hugh LaFollette, 124–53. Totowa, NJ: Littlefield, Adams & Co.
- Galston, William. 2002. *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice*. Cambridge: Cambridge University Press.
- _____. 2011. "Parents, Government, and Children: Authority over Education in Pluralist Liberal Democracy." *Law and Ethics of Human Rights* 5: 284–305.
- Gaus, Gerald. 2004. "The Diversity of Comprehensive Liberalism." In *Handbook of Political Theory*, ed. Gerald Gaus and Chandran Kukathas, 100–14. London: Sage.
- _____. 2011. *The Order of Public Reason: A Theory of Freedom and Morality in a Diverse and Bounded World*. Cambridge: Cambridge University Press.

- Gutmann, Amy. 1980. "Children, Paternalism, and Education: A Liberal Argument." *Philosophy and Public Affairs* 9: 338–58.
- Hostetler, John A. 1993. *The Amish Society*, 4th ed. Baltimore: John Hopkins University Press.
- Hurka, Thomas. 1993. *Perfectionism*. Oxford: Oxford University Press.
- Kunzman, Robert, and Gaither, Milton. 2013. "Homeschooling: A Comprehensive Survey of the Research." *Other Education: The Journal of Educational Alternatives* 2: 4–59.
- Lecce, Steven. 2008. *Against Perfectionism: Defending Liberal Neutrality*. Toronto: University of Toronto Press.
- Locke, John. [1690] 1988. *Two Treatises of Government*, ed. Peter Laslett. Cambridge: Cambridge University Press.
- Lotz, Mianna. 2006. "Feinberg, Mills, and the Child's Right to an Open Future." *Journal of Social Philosophy* 37: 537–51.
- Merry, Michael S., and Sjoerd, Karsten. 2010. "Restricted Liberty, Parental Choice and Homeschooling." *Journal of Philosophy of Education* 44: 497–514.
- Meyers, Thomas J. 2003. "Education and Schooling." In *The Amish and the State*, 2nd ed., ed. Donald B. Kraybill, 87–107. Baltimore: John Hopkins University Press.
- Mills, Claudia. 2003. "The Child's Right to an Open Future?" *Journal of Social Philosophy* 34: 499–509.
- Patten, Alan. 2014. *Equal Recognition: The Moral Foundation of Minority Rights*. Princeton, NJ: Princeton University Press.
- Prusak, Bernhard G. 2008. "Not Good Enough Parenting: What's Wrong with the Child's Right to an 'Open Future'?" *Social Theory and Practice* 34: 272–91.
- Quong, Jonathan. 2011. *Liberalism without Perfection*. Oxford: Oxford University Press.
- Rawls, John. 1993. *Political Liberalism*. New York: Columbia University Press.
- _____. 2001. *Justice as Fairness: A Restatement*. Cambridge, MA: Harvard University Press.
- Raz, Joseph. 1986. *The Morality of Freedom*. Oxford: Oxford University Press.
- _____. 1989. "Facing Up: A Reply." *Southern California Law Review* 62: 1153–1235.
- _____. 1999. *Engaging Reason: On the Theory of Value and Action*. Oxford: Oxford University Press.
- _____. 2003. *The Practice of Value*, ed. R. Jay Wallace. Oxford: Oxford University Press.
- Reich, Rob. 2002. "Testing the Boundaries of Parental Authority over Education: The Case of Homeschooling." *Nomos* 43: 275–313.
- Sher, George. 1997. *Beyond Neutrality: Perfectionism and Politics*. Cambridge: Cambridge University Press.
- Vallier, Kevin. 2013. "Can Liberal Perfectionism Justify Religious Toleration? Wall on Promoting and Respecting." *Philosophical Studies* 162: 645–64.
- _____. 2014. *Liberal Politics and Public Faith: Beyond Separation*. London: Routledge.
- _____. 2017. "On Jonathan Quong's Sectarian Political Liberalism." *Criminal Law and Philosophy* 11: 175–94.
- Wall, Steven. 1998. *Liberalism, Perfectionism, and Restraint*. Cambridge: Cambridge University Press.
- _____. 2003. "The Structure of Perfectionist Toleration." In *Perfectionism and Neutrality: Essays in Liberal Theory*, ed. Steven Wall and George Klosko, 231–55. Lanham, MD: Rowman & Littlefield.
- Wall, Steven, and Klosko, George, eds. 2003. *Perfectionism and Neutrality: Essays in Liberal Theory*. Lanham, MD: Rowman & Littlefield.
- Zellentin, Alexa. 2012. *Liberal Neutrality: Treating Citizens as Free and Equal*. Berlin: de Gruyter.