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# STRENGTHENING CIVIL SOCIETY

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After an overview of the importance of voluntary associations and other civil society institutions, especially those with a religious character, for the social and political health of liberal democracies, we will consider how well-meaning public policies can do grave damage to the viability of civil society and thus to democratic freedoms, while wiser policies can help to strengthen both.

## 1. Civil Society as a Limitation on Tyranny

Mary Ann Glendon of Harvard Law School reminded us, a quarter-century ago, that *"the institutions of civil society help to sustain a democratic order, by relativizing the power of both the market and the state, and by helping to counter both consumerist and totalitarian tendencies"*.[1] As we will see, this is not all that they do, but it is crucially important.

This is not to say that what the state does, when it acts appropriately, is not vitally important. *"The public sector tends to be better [...] at policy management, regulation, ensuring equity, preventing discrimination or exploitation, ensuring continuity and stability of services, and ensuring social cohesion"*.[2] An argument for the independence of civil society is not an argument against this oversight role of the state; indeed, Osborne and Gaebler argue that the state becomes more effective as it focuses on 'steering the boat' while leaving it up to civil society to pull on the oars.

One classic summary of the purposes of government in a free society is found in the Preamble to the United States Constitution, adopted in 1787: *"We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare,*

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1 Mary Ann Glendon: *Rights Talk: The Impoverishment of Political Discourse*. New York, Free Press, 1991. 137.

2 David Osborne – Ted Gaebler: *Reinventing Government*. Reading, MA, Addison-Wesley, 1992. 45.

*and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."* This Constitution, and its subsequent amendments, was concerned not only to define the authority and functioning of the national government, but also to state clearly the limits on that authority, and to define the rights of the people.

But no constitution is self-enforcing. With respect to the tendency of government to encroach upon the freedom of citizens, it is surely not necessary to point out that constitutional and statutory limitations upon governments have proved again and again insufficient. Only a strong countervailing force in the form of a variety of civil society institutions can resist the temptation of legislators and government officials to continually expand their interventions into the lives of citizens. These interventions are especially insidious because they are so often motivated by the conviction that those exercising governmental authority, like Plato's Guardians, possess a superior wisdom about what is in the best interest of citizens.

We should not overlook the other power to be resisted, in Glendon's formulation: that of the market. She is not referring, I think, to what French writers are fond of calling *"Anglo-Saxon savage capitalism,"* but rather to the insidiously seductive power of consumerism and the market's continual generation of new temptations to fill one's life with diversions.

Kept in their place, markets (like government) are a very good thing, as the dismal failure of 'planned economies' has shown again and again, but, as with government, there is danger that markets will undermine the ability of men and women to live lives of steady purpose informed by moral conviction, and to do so in trustful cooperation to meet their common needs and those of others. Markets depend upon, but do not foster, trust.

But markets and government are not the only alternatives. Much of the policy debate in the European Union and in North America over recent decades has been about how to balance the roles of government and the market, debates over "public goods" and privatization. This public/private dichotomy is over-simplified; it misses the essential role, in a free society, of what has been called the "third sector" of voluntary associations, which *"tends to be best at performing tasks that generate little or no profit, demand compassion and commitment to individuals, require extensive trust on the part of customers or clients, need hands-on, personal attention [...] and involve the enforcement of moral codes and individual responsibility for behavior"*.[3]

Or, to put it another way, such *"mediating structures are the value-generating and value-maintaining agencies in society"*.[4] Governments can prescribe what is legal and illegal, but not what is good and what is evil and how we should seek to live

[3] Osborne–Gaebler op. cit. 46.

[4] Peter L. Berger – Richard John Neuhaus: To Empower People (1977). In: Michael Novak (ed.): *To Empower People: From State to Civil Society.* Washington, DC, American Enterprise Institute, 1996. 163.

decent and purposeful lives. Simple compliance with laws is not enough to sustain a healthy society.

There are many different types of associations and institutions making up a healthy civil society, derived from the common concerns of citizens. Few are explicitly intended to limit the power of governments or the influence of markets, but many in fact have this effect. The degree to which this is the case tends to reflect the reason for the existence of the association: those formed to promote a hobby or sport may be quite susceptible to market incentives or government regulation, while those based on a shared religious faith and worldview may be highly resistant to both. This is a reason why religious liberty is one of the most basic of human rights, and is indeed the first freedom protected by the Bill of Rights in the American Constitution.

Religious liberty is important not only as a protection for the conscience of the believer, but also as a limit on the intrusions of the state into civil society. As sociologist Peter Berger has pointed out, *"it can be argued that it is the single most Important right and liberty."* In fact, *"religious liberty is fundamental because it posits the ultimate limit on the power of the state. The status of religious liberty in a society is a very good empirical measure of the general condition of rights and liberties in that society"*.[5]

This is because *"religion ipso facto relativizes, puts in their proper place, all the realities of this world, including all institutions. This proper place, of course, is an inferior place – mundane, profane, penultimate."* Thus, *"the state that guarantees religious liberty does more than acknowledge yet another human right: it acknowledges, perhaps without knowing it, that its power is less than ultimate"*.[6] José Casanova makes a similar point, that *"religion has often served [...] as a protector of human rights and humanist values against the secular spheres and their absolute claims to internal functional autonomy"*.[7] Today, Berger and Casanova are saying, it is not – at least in the West – religion which is making hegemonic claims, but secularism as a militant and intolerant faith, often in alliance with government, that seeks to marginalize or suppress contrasting views. Vibrant religions serve to keep open a sphere of freedom of conscience and of action.

Attempts by the state to intrude upon the sphere of religious freedom has been one of the most common – and bitter – sources of social conflict throughout recorded history. As law professor Douglas Laycock has pointed out, the violence and bloodshed, the 'religious wars,' that we associate with the Reformation in Europe were primarily the result of actions by government rather than by churches. He asks, "what was the dominant evil of these conflicts? Was it that people suffered for religion, or that religions imposed suffering? Is the dominant lesson that religion has a 'dark side' that is 'inherently intolerant and prosecutory' or that efforts to coerce

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5 Peter L. Berger: The Serendipity of Liberties. In: Richard John Neuhaus (ed.): *The Structure of Freedom: Correlations, Causes, and Cautions*. Grand Rapids, MI, Eerdmans, 1991. 14.

6 Berger op. cit. 14.

7 José Casanova: *Public Religions in the Modern World*. Chicago, IL, University of Chicago Press, 1994. 39.

religious belief or practice cause great human suffering?" Even today, *"[m]uch has changed since the Reformation, but one constant is that the State punishes people for disapproved religious practices"*.[8]

On the other hand, the insistence of religious individuals and associations on living out their convictions, in public as well as in private, helps to sustain a vibrant civil society. The legal, political, and social arrangements crafted to accommodate the non-negotiable concerns of religious groups serve also to shelter forms of association with less ultimate agendas, and thus allow a rich pluralism to flourish.

## 2. Voluntary Associations Nurturing Trust

Strongly-held religious convictions can help to create the firm foundation upon which an ordered liberty must rest. Tocqueville famously concluded that *"[r]eligion, which never intervenes directly in the government of American society, should therefore be considered as the first of their political institutions, for although it does not give them the taste for liberty, it singularly facilitates their use thereof"*.[9] A recent author, seeking to answer the secularist charge that religion is dangerous, has made the point more universally: *"[i]t is fairly clear to any unbiased observer that in most societies, most of the time, religion is one of the forces making both for social stability and for morally serious debate and reform"*.[10] Religion and faith-based associations do this through their power to build communities of trust and to imbue them with shared purpose and moral order.

Trust is a quality without which a democratic society cannot flourish: it is the indispensable inclination of citizens to have confidence that most of their fellow-citizens will behave honestly and reliably. Francis Fukuyama has pointed out that *"while contract and self-interest are important sources of association, the most effective organizations are based on communities of shared ethical values. These communities do not require extensive contract and legal regulation of their relations because prior moral consensus gives members of the group a basis for mutual trust"*.[11]

In my study of education before and after the collapse of Communism in Eastern Europe, I noted the significance of trust for a healthy civil society and democratic political order, and that this had been damaged much more profoundly in the Soviet Union than in Poland and other Central European countries where, despite decades of communist rule, the habits of trust and cooperation had been preserved at the grass

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[8] Douglas Laycock: Continuity and Change in the Threat to Religious Liberty: The Reformation Era and the Late Twentieth Century (1996). In: *Religious Liberty, Volume One: Overviews and History*. Grand Rapids, MI, Eerdmans, 2010. 652–653.

[9] Alexis Tocqueville: *Democracy in America*. [J. P. Mayer (ed.); George Lawrence (trans.)] New York, Harper & Row, 1988. 292.

[10] Keith Ward: *Is Religion Dangerous?* Grand Rapids, MI, Eerdmans, 2006. 55.

[11] Francis Fukuyama: Trust: The Social Virtues and the Creation of Prosperity. In: Don E. Eberly (ed.): *The Essential Civil Society Reader: The Classic Essays*. Lanham, Rowman and Littlefield, 2000. 259.

roots within Catholic and other religious organizations.[12] The effort of Communist regimes to eliminate all forms of social organization not directly subordinated to the State and Party did profound damage to the ability of the successor states of the Soviet Union – which were under such a regime for a generation longer than were the other members of the Warsaw Bloc, and most before that under a tsarist autocracy – to the demands of freedom. What Christopher Lasch noted in a Western context, that *"[t]he replacement of informal types of association by formal systems of socialization and control weakens social trust, undermines the willingness both to assume responsibility for oneself and to hold other accountable for their actions, destroys respect for authority, and thus turns out to be self-defeating"* [13], was even more universally true under a totalitarian system. The result was "*that hypertrophy of central authority which became so very characteristic of Communist society, and with the achievement of the erosion or total destruction of rival centres of countervailing power".*[14] A comparison of the vigorous progress of democracy and the economy in Poland – where even under Communism the Catholic Church sustained alternative forms of association – with the stagnation of both in Ukraine and Belarus as well as in Russia over the past post-Soviet quarter-century suggests that these fears were well-founded.

Of course, religious associations and loyalties are not the only source of such trust, but *"democracy requires extra-democratic virtues associated with the commitment to some reasonable comprehensive account of the good, secular or religious. For without the deeper groundings (and I emphasize "groundings" in the plural), the political cooperation is placed at unacceptable risk".*[15] What churches and other religious associations provide is the expectation and thus the habit of gathering regularly, often several times a week, for worship and instruction that help to reinforce this grounding, repairing the damage done to it in other settings through encounters with the dominant culture of materialism. In addition, these regular gatherings solidify the bonds and the trust among the members of the local religious fellowship; it has been suggested that *"any observant coreligionist, at least in a demanding faith, is [considered] naturally trustworthy".*[16] The importance of regular gathering to *"spur one another on toward love and good deeds [...] encouraging one another"*[17] is emphasized in the Christian scriptures and has become an essential feature of non-Christian religious traditions as well as they adapt to American life.

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12 Charles L. Glenn: *Educational Freedom in Eastern Europe.* Washington, DC, Cato Institute, 1995.

13 Christopher Lasch: *The Revolt of the Elites and the Betrayal of Democracy.* New York, W. W. Norton, 1995. 98.

14 E. Gellner: Civil society in historical context. *International Social Science Journal,* vol. 43, 1991/3. 495.

15 David Blacker: Civic Friendship and Democratic Education. In: Kevin McDonough – Walter Feinberg (ed.): *Citizenship and Education in Liberal-Democratic Societies.* Oxford, Oxford University Press, 2003. 238.

16 Nicholas Wade: *The Faith Instinct: How Religion Evolved and Why It Endures.* New York, Penguin Books, 2009. 203.

17 *Hebrews* 10:24f (NIV).

### 3. Prophetic Challenges to Societal Norms

In addition, communities based upon strongly-held religious faith usually nurture worldviews that are to some degree – sometimes to a very large degree – at odds with that prevalent in the majority culture. They offer an alternative understanding of what really matters, and thus the possibility of a critical stance toward the dominant system or culture, one that is not simply idiosyncratic but rooted in a tradition and a supportive community.

It is common for individuals with strong religious convictions, whether Christians or Muslims (or adherents to any other religion) to perceive conflicts between those convictions and elements of the surrounding culture. This may, in fact, make them *better* citizens, since they are more likely to press for positive changes than those who are complacent about the culture, the economic system, or the political order.

While in earlier generations the role of prophetic minorities was often to challenge conventional morality in the name of authenticity or of justice, today they are more likely to assert that a healthy society cannot function without shared norms, even if those are sometimes violated. Hypocrisy, it has been said, is the tribute that vice pays to virtue. The fact that, in recent years, hypocrisy has been judged by many a greater evil than vice is but another sign of what Hunter has called *"the loss of the languages of public morality in American society"*.[18] In fact, the change American society is experiencing goes much deeper than simple differences over, for example, what are often called 'life-style choices' or behavioral preferences.

What is ultimately at issue are not just disagreements about 'values' or 'opinions'. Such language misconstrues the nature of moral commitment. Such language in the end reduces morality to preferences and cultural whim. What is ultimately at issue are deeply rooted and fundamentally different understandings of being and purpose.[19]

Religious perspectives and value-judgments, at least for the adherents of what we are calling 'strong religion', are foundational. Of course, they may change on particular issues as a result of further instruction or reflection, but it is of their essence that they 'go all the way down'. In this they are closely related to and indeed often associated with deeply-held cultural norms of the sort that the superficial multiculturalism purveyed in public schools, the multiculturalism of foods, fashions, and fiestas, cannot do justice to.

What do we mean by 'strong religion'? We use this term, not to distinguish among the usual denominational identifiers, but to describe those individuals and groups who seek to live by the specific requirements of their religious tradition, and do so in a manner which to some extent set them at odds with the surrounding society.

The first thing to note is that strong religions tend to challenge the norms of the surrounding culture, often in ways that make others quite uncomfortable. This may indeed be part of their attraction for those who find the culture either hopelessly perverse or empty of transcendent meanings and assurances. Legal scholar Stephen

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[18] James Davison Hunter: *Culture Wars*. New York, Basic Books, 1991. 316.

[19] Hunter op. cit. 131.

Carter points out that, *"[a]t its best, religion in its subversive mode provides the believer with a transcendent reason to question the power of the state and the messages of the culture."* This in turn leads to government efforts to 'domesticate religion', to seduce or compel religious leaders and their followers to become supporters of the status quo and to stop questioning it on the basis of their scriptures or traditions.[20]

David Wells, writing from an Evangelical perspective, offers a characteristic statement of such disruptive 'strong religion': *"[u]ntil we acknowledge God's holiness, we will not be able to deny the authority of modernity. What has most been lost needs most to be recovered - namely, the unsettling, disconcerting fact that God is holy and we place ourselves in great peril if we seek to render him a plaything of our piety, an ornamental decoration on the religious life, a product to answer our inward dissatisfactions. God offers himself on his own terms or not at all"*.[21]

Sometimes it is observers from another religious tradition who recognize, perhaps a little enviously, the power of such strong religion. Thus Cardinal Ratzinger, later Pope Benedict, recognized the attractiveness of the evangelical and pentecostal churches that, especially in Latin America, are challenging the Catholicism that, for centuries, has been in a monopoly position. These churches, he wrote, are *"able to attract thousands of people in search of a solid foundation for their lives [...] the more churches adapt themselves to the standards of secularization, the more followers they lose. They become attractive, instead, when they indicate a solid point of reference and a clear orientation"*.[22]

A similar acknowledgment, in this case in a publication by a Church of England organization, is that English converts to Islam *"say that they find in Islam all the things that 150 years ago converts said they found in Christianity. These include clear guidance on living; a sense of community or family; a sense of God at the centre of life; meaning and purpose for everyday living; an unequivocal moral code; authoritative scriptures to live by"*.[23]

Keith Ward makes the case that strong religion serves to keep raising issues that contemporary Western culture would rather forget, questions of the significance of human life and of the right way to live. It keeps alive questions of whether there is a supreme human goal, and of how to attain it. And it keeps alive the question of whether there is an absolute standard of truth, beauty and goodness that underlies the ambiguities and conflicts of human life.[24]

For adherents to strong religion, living a moral life is not a matter of adhering to rules nor of consulting one's values, but of *"a living relationship to a personal*

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[20] Stephen L. Carter: *God's Name in Vain: The Wrongs and Rights cf Religion in Politics*. New York, Basic Books, 2000. 30.

[21] Wells (1994) op. cit. 145.

[22] Joseph Ratzinger: Letter to Marcello Pera. In: *Without Roots: The West, Relativism, Christianity, Islam*. New York, Basic Books, 2006. 119.

[23] Copley (2005) op. cit. xv.

[24] Ward op. cit. 196.

*God of supreme goodness"*.[25] The believer's behavior is based in gratitude and in a desire to express it through concrete actions. By contrast, *"if there really is no transcendent source of the good to which the will is naturally drawn, but only the power of the will to decide what ends it desires",*[26] then there is no reliable basis on which to overcome the selfishness of the consumerist culture that prevails in North America and Western Europe. Appeals to common purpose grow increasingly faint, and it is with a sense of nostalgic regret that many look back to the social movements or national crises of the past.

Societies cannot maintain shared norms for behavior or appeal to their members to make sacrifices for the common good unless those members recognize authority beyond their individual interests and impulses. Sociologist David Martin points out that *"religion acts as a repository of human values and transcendental reference which can be activated in the realm of civil society"*.[27] Philip Rieff made the same point more starkly in The Triumph of the Therapeutic: *"The question is no longer as Dostoevski put it: 'Can civilized man believe?' Rather: Can unbelieving man be civilized?"*.[28] Stephen Macedo, no particular friend of religion, writes that religions *"often challenge the materialism, hedonism, and this-worldliness that is so dominant in our time. And religions provide sources of meaning outside of politics that should help keep alive the intellectual arguments by which truth is supposedly approached in a liberal polity"*.[29]

It is perhaps ironical that the Voltaires and the David Humes of our post-secular age, challenging the prevailing conventions and pieties, may well be those who speak with the authority of strong religion – Christians, no doubt, but also Muslims and adherents of other faith-traditions, as indeed the Dalai Lama has exemplified. They will of course have to learn how to speak with authority in a way that can be heard beyond the circles of those already convinced (and Muslims in particular will need to learn a Western idiom), but there seems little doubt that the complacency of secular materialism will be challenged in ways that, in the general disarray of Western culture, cannot readily be dismissed.

## 4. Civil Society as the Nursery of Citizenship

A pluralistic civil society based upon voluntary associations thus nurtures the habits of trust and cooperation essential to a democratic political order, while encouraging the challenges to injustice and vice that keep it healthy. Alexis de Tocqueville was particularly impressed, on his visit in the early 1830s, by the propensity of Americans

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[25] Ibid. 137.

[26] Ibid. 227.

[27] David Martin: *On Secularization: Towards a Revised General Theory*. Famham (England), Ashgate, 2005. 24.

[28] Philip Rieff: *The Triumph of the Therapeutic: Uses of Faith after Freud*. New York, Harper Torchbooks, 1968. 4.

[29] Macedo (2000) op. cit. 220

to form voluntary associations to meet needs and to carry out functions that in France would be left to the government, and how the habits thus formed contributed to the success of democracy on all levels. *"How can liberty be preserved in great matters,"* he asked, *"among a multitude that has never learned to use it in small ones?"*.[30]

*"Where do citizens acquire the capacity to care about the common good?"* Mary Ann Glendon asks. *"Where do people learn to view others with respect and concern, rather than to regard them as objects, means, or obstacles?"*.[31] She expresses her concern that *"neglect of the social dimension of personhood has made it extremely difficult for us to develop an adequate conceptual apparatus for taking into account the sorts of groups within which human character, competence, and capacity for citizenship are formed."* As a result, these *"seedbeds of civic virtue – families, neighborhoods, religious associations, and other communities – can no longer be taken for granted"*.[32]

There was indeed much discussion, a few years ago, about the alleged decline of organizational life in the United States, as argued in Robert Putnam's best-seller *Bowling Alone* (2000). But if there has been a decline in bowling leagues and Parent-Teacher associations, below the surface there may be more happening than is reported by formal associations. After all *"existing surveys are unlikely to have captured all recent changes in U. S. associational life – for example, the proliferation of faith-based informal »small groups«."*[33]

Putnam recognizes the continuing significance of informal as well as more formal organizations with a religious basis.

*"Faith communities in which people worship together are arguably the single most important repository of social capital in America. [...] nearly half of all associational memberships in America are church related, half of all personal philanthropy is religious in character, and half of all volunteering occurs in a religious context. [...] Churches provide an important incubator for civic skills, civic norms, community interests, and civic recruitment. [...] churchgoers are substantially more likely to be involved in secular organizations, to vote and participate politically in other ways, and to have deeper informal social connections"*.[34]

Political scientist Sidney Verba and his colleagues found, in their massive study of the extent to which Americans volunteer for community-building and other civic activities, that participation in churches – especially African-American and white Evangelical congregations – has a strong positive influence on involvement in the wider community as well.

Religious institutions are the source of significant civic skills which, in turn, foster political activity. The acquisition of such civic skills is not a function of SES but

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30 Tocqueville op. cit. 96.

31 Glendon op. cit. 129.

32 Glendon op. cit. 109.

33 Galston–Levine (1998) op. cit. 31.

34 Robert D. Putnam: *Bowling Alone: The Collapse and Revival of American Community*. New York, Simon & Schuster, 2000. 66.

depends on frequency of church attendance and the denomination of the church one attends. As we shall see, individuals with low SES may acquire civic skills if they attend church-and if the church is the right denomination. Conversely, individuals who are otherwise well endowed with resources because of their high socioeconomic status will be lower in civic skills if they do not attend church regularly – or if the church they attend is the wrong denomination[35].

This positive outcome occurs because *"[t]he domain of equal access to opportunities to learn civic skills is the church. Not only is religious affiliation not stratified by income, race or ethnicity, or gender, but churches apportion opportunities for skill development relatively equally among members. Among church members, the less well off are at less of a disadvantage, and African-Americans are at an actual advantage, when it comes to opportunities to practice civic skills in church"*.[36]

This finding is consistent with the results of a study of adults nationwide who had graduated some years before from various types of high schools: those who had attended "Christian" (that is, Evangelical) schools were especially well-integrated into and active in their local communities though rather less involved politically than graduates of other types of schools. The data showed that in contrast to the popular stereotype of Protestant Christian schools producing socially fragmented, anti-intellectual, politically radical, and militantly right-wing graduates, our data reveal a very different picture of the Protestant Christian school graduate. Compared to their public school, Catholic school, and non-religious private school peers, Protestant Christian school graduates have been found to be uniquely compliant, generous individuals who stabilize their communities by their uncommon and distinctive commitment to their families, their churches, and their communities, and by their unique hope and optimism about their lives and the future. In contrast to the popular idea that Protestant Christians are engaged in a 'culture war', on the offensive in their communities and against the government, Protestant Christian school graduates are committed to progress in their communities even while they feel outside the cultural mainstream. In many ways, the average Protestant Christian school graduate is a foundational member of society.[37]

Even with a significant decline in participation in religious services, as has occurred in France, anthropologist John Bowen points out that there has been *"a flourishing of religion-based associations. Catholic youth movements [...] grew steadily in numbers in both urban and rural areas after 1945"*.[38]

This community-building and civic-education role of religious congregations is attested by a study of patterns of charitable giving and of volunteering. Arthur

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35 Sidney Verba – Kay Lehman Schlozman – Henry E. Brady: *Voice and Equality: Civic Voluntarism in American Politics*. Cambridge, MA, Harvard University Press, 1995. 282–283.

36 Ibid.

37 *Cardus Education Survey: Do the Motivations for Private Religious Catholic and Protestant Schooling in North America Align with Graduate Outcomes?* Hamilton, Ontario, 2011. 13.

38 John R. Bowen: *Can Islam Be French? Pluralism and Pragmatism in a Secularist State.* Princeton, NJ, Princeton University Press, 2011. 181.

Brooks found that, in 2000, *"religious people – who, per family, earned exactly the same amount as secular people, $49,000 – gave about 3.5 times more money per year (an average of $2,210 versus $642). They also volunteered more than twice as often (12 times per year, versus 5.8 times)."* Nor is this giving directed only to their own churches and related institutions; Brooks found that *"religious conservatives are more likely to give to secular charities than the overall population"*.[39]

The findings of this study are especially critical of the stinginess of secular liberals, who are 19 percentage points less likely to give each year than religious conservatives, and 9 points less likely than the population in general. They are even slightly less likely to give to specifically secular charities than religious conservatives. They give away less than a third as much money as religious conservatives, and about half as much as the population in general, despite having higher average incomes than either group. They are 12 points less likely to volunteer than religious conservatives, and they volunteer only about half as often.[40]

Brooks found that the same pattern prevails in Europe. In France in 1998, *"73 percent of the population were secularists. The [...] French churchgoer was 54 percentage points more likely than a demographically identical secularist to volunteer, and 25 points more likely to volunteer for secular causes. Similarly, a religious British person would be 43 points more likely to volunteer than a demographically identical British secularist (and 24 points more likely for nonreligious causes)"*.[41]

It appears that being part of a voluntary association or community whose guiding ethos emphasizes trust and mutual support is a good preparation for engaged civic life beyond that association, contrary to the charge advanced by secular elites that it tends toward selfishness and hostility toward outsiders. Thus *"religion matters to public life because it is an important teacher of moral virtues such as self-sacrifice and altruism. The transmission of religious beliefs to one's children can be thought of as instilling a valuable moral resource that contributes to participatory attitudes."* As a result, *"on average, those growing up in homes with religious instruction and practice will be better socialized to contribute to society than those who do not, and a solid body of social science research can be mustered to support this contention"*.[42]

A word of caution is necessary at this point: the fact that religious associations and religiously-motivated individuals make important contributions to civil society and thus to liberal democracy should not be seen as the primary argument for religious freedom. Religious freedom is important above all because it respects the essential humanity, at its deepest level, of every individual in a free society. As political scientist William Galston reminds us, *"religion is valuable, not only for the*

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[39] Arthur C. Brooks: *Who Really Cares: The Surprising Truth About Compassionate Conservatism*. New York, Basic Books, 2006. 34., 47.

[40] Ibid. 49.

[41] Ibid. 126.

[42] James G. Gimpel – J. Celeste Lay – Jason E. Schuknecht: *Cultivating Democracy: Civic Environments and Political Socialization in America*. Washington, DC., Brookings Institution Press, 2003. 122–123.

*contribution it may make to politics and society, but in its own right, and there is no guarantee that religion faithfully practiced will always support the existing political or social order. Instead, political pluralism regards human life as consisting of a multiplicity of spheres, some overlapping, but each with distinct inner norms and a limited but real autonomy".*[43]

## 5. Do Civil Society Associations and Institutions Divide Society?

It is commonly asserted – in the tradition of the post-war discussion of *"the authoritarian personality"*[44] – that religion is a primary source of social division and intolerance; in fact, however, apart from situations of inter-communal conflict in which religion serves as a convenient marker of identity, the social science evidence tends to point in the other direction. The most intolerant individuals are often those who claim a religious identity but are not actively engaged in a religious community. Gordon Allport and J. Michael Ross found, in their 1967 study, that *"frequent church attenders were less prejudiced than infrequent attenders and often less prejudiced than nonattenders. [...] Several studies revealed that casual and irregular fringe members of churches were the most prejudiced".*[45] A study by pollsters George Gallup and Timothy Jones of Americans who are strongly committed religiously, *"found that 'The Saints Among Us', are more tolerant of other creeds and cultures than the uncommitted (1992). In fact, the further down the scale of religious commitment, the less tolerant people are".*[46]

Studies of attitudes toward immigration and immigrants have found that individuals with strong religious commitments tend to be more accepting than individuals sharing the same religious identity who do not make it a central part of their lives. *"Those who attended church services every week ranked about 4 percent higher on the tolerance scale than those who never attended church at all. Viewed in total, the results for diversity confirmed the findings of previous researchers that it is those of nominal-to-middling religious commitment among Protestants, Catholics, and Jews, not the most observant, who are the least accepting of immigration".*[47]

According to Michael Sandel, this is only to be expected, since *"intolerance flourishes most where forms of life are dislocated, roots unsettled, traditions undone. In our day, the totalitarian impulse has sprung less from the convictions of confidently situated selves than from the confusions of atomized, dislocated, frustrated selves, at sea in a world where common meanings have lost their force".*[48] Faith-based schools,

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[43] William Galston: On the Reemergence of Political Pluralism. *Daedalus*, Vol. 135, No. 3, On Body in Mind (Summer), 2006. 120.

[44] Theodor W. Adorno – Else Frenkel-Brunswik – Daniel J. Levinson – R. Nevitt Sanford: *The Authoritarian Personality*. New York, Harper and Row, 1950.

[45] Lewy (1996) op. cit. 101.

[46] Elmer John Thiessen: *The Ethics of Evangelism*. Downers Grove, IL, InterVarsity, 2011. 113.

[47] Gimpel–Lay–Schuknecht op. cit. 133.

[48] Sandel (1984) op. cit. 7.

by anchoring youth firmly in a particular tradition and worldview, may give them the security to recognize the value of other traditions and worldviews to their adherents.

At least in the American context, then, weak religion, religion that makes minimal claims on its adherents but can serve as an identity over against other identities, is associated with intolerance, while strong religion that shapes habits and convictions is associated with tolerance. Such tolerance is a necessary but not sufficient ingredient of productive civic life. After all, as Christopher Lasch has pointed out, *"democracy [...] requires a more invigorating ethic than tolerance. Tolerance is a fine thing, but it is only the beginning of democracy, not its destination"*.[49]

Quite apart from the promotion of tolerance, there is abundant evidence that religious associations play an important role in developing the more constructive skills and habits crucial to civic life. Some of these are quite basic, but not otherwise available to groups on the margins of society. Sociologist David Martin explains how, in Latin America, the intense and supportive community of Pentecostal churches *"takes those marooned and confined in the secular reality by fate and fortune, and offers them a protected enclave in which to explore the gifts of the Spirit such as perseverance, peaceableness, discipline, trustworthiness, and mutual acceptance among the brethren and in the family"*.[50] These habits, in turn, tend to make them good and productive citizens.

While religious associations are by no means the only setting within which these skills and habits can be developed, they are by far the most widespread in American society, and they tend to persist as other forms of association wax and wane. Whether religious or secular in their fundamental motivation, *"only many small-scale civic bodies enable citizens to cultivate democratic civic virtues and to play an active role in civil life. Such participation turns on meaningful involvement in some decent form of community, by which is meant commitments and ties that locate the citizen in bonds of trust, reciprocity, and civic competence"*.[51]

Islam, often cited as an example of a religion-based threat to American and Western-European society, provide evidence of the positive influence of community-based religious associations. Islamic terrorism in the West is not generally based in practicing Muslim communities, but in isolated individuals and networks formed in prison or on the internet. A study of the careers of several hundred jihadists found that Islamist terrorists find religion fairly late in life, in their mid-twenties, and do not have an adequate background to evaluate the Salafi arguments and interpret the material they read. The new-found faith and devotion to a literal reading of early Islamic texts are not a result of brainwashing in madrassas; their fervor results from their lack of religious training, which prevents them from evaluating their new beliefs in context. Had they received such training, they might not have fallen prey to these

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[49] Lasch op. cit. 89.

[50] Martin (2002) op. cit. 71.

[51] Jean Bethke Elshtain: Civil Society, Religion, and the Formation of Citizens. In: Diane Ravitch – Joseph P. Viteritti (eds.): *Making Good Citizens: Education and Civil Society.* New Haven, CT, Yale University Press, 2001. 264.

seductive Manichaean arguments. It follows that more religious education for these young men might have been beneficial.[52]

The research I have been directing over several years in Islamic secondary schools in different parts of the United States found that parents and staff share a deep concern that students be prepared to be good American citizens, while maintaining their commitment to Islamic beliefs and suitably-adapted behavioral norms. Our interviews with the students themselves found that they shared this understanding of their future, along with a concern to correct the popular identification of Islam with terrorism. One student told us, *"America is kind of like a melting pot, right? And to be able to blend in, you have to stand out in a way. I think faith gives you that edge."*

## 6. The Importance of Structural Pluralism

If it is the case that voluntary associations and not-for-profit institutions, and especially those with a religious character, are an essential part of a healthy civil society and of a democratic political order, how should public policy treat them? Certainly, it should not be by entering into an alliance with a particular religious organization, as was the case with the Catholic Church in Franco's Spain; that is unhealthy not only for democratic freedom but for the religious organization itself, clasped in the fatal embrace of the state. Arguably, one of the reasons for the relatively flourishing condition of Christian churches in the United States is that there has never been a national established church and the last (quite attenuated) state establishment, in Massachusetts, was abolished as long ago as 1830. Similarly, as Casanova points out, *"throughout Europe, nonestablished churches and sects in most countries have been able to survive the secularizing trends better than has the established church. [...] it was the very attempt to preserve and prolong Christendom in every nation-state and thus to resist modern functional differentiation that nearly destroyed the churches in Europe"*.[53]

Religious freedom includes, centrally, the right to believe as one's reason and conscience dictate and to act upon such beliefs, within broad constraints that protect the public interest and the rights of others. It includes also the right to reject a particular religion or all religions, and to choose as freely to leave as to enter a religious association. Public policy best protects these rights by refraining carefully from endorsing a particular set of beliefs or of unbeliefs. Thus it must not be secularist. Philosopher Jürgen Habermas points out that the neutrality of the state authority on questions of world views guarantees the same ethical freedom to every citizen. This is incompatible with the political universalization of a secularist world view. When secularized citizens act in their role as citizens of the state, they must not deny in principle that religious images of the world have the potential to express truth. Nor

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[52] Marc Sageman: *Leaderless Jihad: Terror Networks in the Twenty-first Century*. Philadelphia, University of Pennsylvania Press, 2008. 60.

[53] Casanova op. cit. 29.

must they refuse their believing fellow citizens the right to make contributions in a religious language in public debates.[54]

True neutrality of the state, in an age when so much of social life is organized, directly or indirectly, by some level of government requires a recognition of the need for structural (or institutional) pluralism. 'Civil society', Michael Walzer reminds us, *"is a project of projects; it requires many organizing strategies and new forms of state action. It requires a new sensitivity for what is local, specific, contingent – and, above all, a new recognition [...] that the good life is in the details"*.[55] It is in the nature of government bureaucracies to seek to achieve efficiency and impartiality through the imposition of formal rules and treating identical situations (defined as such by external characteristics) identically. This serves very well for issuing driver's licenses and other routine tasks, but not at all well for the human care of human beings, including the education of children.

Children differ on a wide range of characteristics, but the most significant for education is the moral formation that children have received at home and the hopes that parents have for the sort of lives their children will choose to lead, and by what norms these lives will be guided. For a free society, this means that institutional pluralism should extend to the sphere where it is most severely challenged, that of k-12 education. Rather than – as often alleged – subjecting children to indoctrination, the *"best guarantee against institutional indoctrination is that there be a plurality of institutions"*[56] among which families can choose.

What I have called *"the myth of the common school"*[57] contends that civic peace and cooperation around common tasks require that all children be arbitrarily assigned to schools from which any distinctive worldviews are rigorously excluded. This has been the source of bitter conflict in a number of other countries[58], and of a mind-numbing blandness in most American public schools. Stephen Carter protests against the contention that all children should be exposed to a common culture that, increasingly, is made up of relentless consumerism and ever-new fads.

Of course believers should have avenues of escape from the culture. Of course believers should have space to make their own decisions, without state interference, about what moral understanding their children need, both to function in this world and to prepare for the next. Of course a society that truly values diversity and

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[54] Jürgen Habermas: Pre-political Foundations of the Democratic Constitutional State? In: Brian McNeil (ed.): *Joseph Cardinal Ratzinger and Jürgen Habermas. Dialectics of Secularization: On Reason and Religion*. San Francisco, CA, Ignatius Press, 2006. 51.

[55] Michael Walzer: The Idea of Civil Society: A Path to Social Reconstruction. In: E. J. Dionne, Jr. (ed.): *Community Works: The Revival of Civil Society in America*. Washington DC, Brookings Institution Press, 1998. 143.

[56] Elmer John Thiessen: *Teaching for Commitment: Liberal Education, Indoctrination, and Christian Nurture*. Montreal, Quebec, McGill-Queen's University Press, 1993. 274.

[57] Charles L. Glenn: *The Myth of the Common School*. Amherst, MA, University of Massachusetts Press, 1988.

[58] Charles L. Glenn: *Contrasting Models of State and School: A Comparative Historical Study of Parental Choice and State Control*. New York–London, Continuum, 2011.

pluralism should support the development of communities that will reach radically different conclusions from those of the dominant culture. The answer is to nurture many different centers of meaning, including many different understandings on how to find meaning, so that the state will have competition.[59]

These different 'centers of meaning' cannot find expression in individual consciences alone; they require support through voluntary associations and institutions that are free to express and to live out of *"different understandings of how to find meaning"*. This is not a prescription for social isolation or for mutual incomprehension; to the contrary, as George Weigel points out, *"genuine pluralism is built out of plurality when differences are debated rather than ignored and a unity begins to be discerned in human affairs – what John Courtney Murray called »the unity of an orderly conversation«"*.[60]

Such rightly-understood pluralism *"does not abolish civic unity. Rather, it leads to a distinctive understanding of the relation between the requirements of unity and the claims of diversity in liberal politics"*.[61] Defining those requirements of unity with respect to schooling has always been a source of contention, but never more so than today, when society and culture are roiled by competing norms for personal and group behavior, each claiming for itself authoritative status. Those holding these norms claim for them universal validity and seek to communicate them to such to schoolchildren. The Sixties motto of "different strokes for different folks" as the expression of tolerant non-judgmentalism is seldom heard today; the new mood is expressed by a different catch-phrase: *"my way or the highway"*.

Those exercising strong cultural influence today reject the idea that it is enough simply to tolerate behaviors (especially but not exclusively sexual) that until recently – and for many generations – were not tolerated; they should instead be celebrated and shielded from challenge or question. In particular, these new cultural arbiters tend to be actively hostile toward strongly-held religious beliefs, disparagingly referred to as *"fundamentalism"*[62].

In contrast with this insistence on replacing one set of unquestionable norms with another, genuine societal and cultural *"pluralism is an achievement, not simply a sociological fact. A true pluralism [...] is a pluralism in which everyone's truth claims are in play, through a language that is accessible to all, in a public discourse conducted within the bonds of democratic civility"*.[63] Surely that is the pluralism a

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59 Carter op. cit. 116.

60 George Weigel: Roman Catholicism in the Age of John Paul II. In: Peter L. Berger (ed.): *The Desecularization of the World: Resurgent Religion and World Politics.* Grand Rapids, MI, Eerdmans, 1999. 34.

61 William A. Galston: *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice*. Cambridge, Cambridge University Press, 2002. 10.

62 Louis Bolce – Gerald De Maio: Our Secularist Democratic Party. *The Public Interest*, Fall, 2002.; George Yancey: *Hostile Environment: Understanding and Responding to Anti-Christian Bias*. Downers Grove, IL, IVP Books, 2015.

63 George Weigel: Achieving Disagreement: From Indifference to Pluralism. *The Journal of Law and Religion,* VIII, 1990/1–2. 184.

liberal democracy should seek to achieve, one that recognizes, protects, but is not afraid to question and debate the different ways in which we understand the nature of a flourishing human life.

## 7. Good Intentions Weakening Civil Society

There is something to be said for this new mood, or at least for its rejection of the rather demeaning idea that certain beliefs and behaviors – those at issue presently having to do largely with sexuality and with identity – should be "tolerated," in what some have called a flight from judgment. George Washington, in a celebrated letter to a Jewish congregation in Newport, Rhode Island, in 1790, wrote that the *"citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy – a policy worthy of imitation. All possess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of as if it were the indulgence of one class of people that another enjoyed the exercise of their inherent natural rights, for, happily, the Government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens in giving it on all occasions their effectual support"*.[64]

We might elaborate upon that by saying that what citizens owe to other citizens is not mere tolerance but respect for their common humanity, a respect that takes seriously enough how they live out that humanity to be willing to question it. For Jews and Christians it requires that we should see each other as *persons,* valued not only for our characteristics and behaviors, but also – whatever our shortcomings – as made in the image of God;[65] Habermas, no believer, refers to *"the religious origins of the morality of equal respect for everybody"*.[66]

Unlike tolerance, respect cannot properly be undiscriminating, since it does not simply accept uncritically but also entails judgments about character and achievements. We want to be accepted but also respected not only for just our mere existence, but also for what we have done and become. So Washington expected the Jews of Newport to behave as good citizens, with the implication that, if they did not, they would forfeit the positive regard of their country.

This is the crux of the present controversy over how to deal with sexuality issues in schools in the United States. Most Americans have become tolerant of homosexuality and even of gender-switching as phenomena (however deplorable these may be in the view of many) that exist in the wider society and should not be subjected to public disabilities. As schools teach about these behaviors and identities, however, an inevitable evaluative dimension is added. Are they deserving of respect, as equally-valid choices? If public schools respond affirmatively, are they not taking a partisan

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64 George Washington: *Writings*. New York, NY, Library of America, 1997. 767.

65 Jacques Maritain: *The Person and the Common Good*. (Trans. John J. Fitzgerald) University of Notre Dame Press, 1966. 42.

66 Habermas op. cit. 27.

position on an issue about which the public is deeply divided? And, if some faith-based schools teach that such practices are contrary to God's will for how people should exercise their sexuality, are these schools engaging in bigotry that calls into question their right to provide a state-approved (if not publicly-funded) education? To receive tax exemption? To satisfy mandatory school attendance laws?

If, as we have argued above, associations motivated and drawn together by shared religious conviction are an important element in a healthy civil society, and serve as what Mary Ann Glendon has called "seedbeds" of the virtues of citizenship, then efforts to impose a single set of moral norms, whether religious or secular, – or, indeed, to deny that moral norms have any authority apart from what we choose to give them – have seriously negative consequences.

Liberal tolerance (as distinct from religiously grounded tolerance) could be lethal to many seedbeds. Not only is liberal tolerance intolerant of its rivals, but it slides all too easily into the sort of mandatory value neutrality that rules all talk of character and virtue out of bounds. […] Liberalism, in order to survive, may need to refrain from imposing its own image on all the institutions of civil society. […] The best hope for unpopular, non-liberal seedbeds of virtue may be the tolerant liberal polity whose ultimate values are at odds with theirs.[67]

Schools are of course not the only focal point of such religious freedom issues, as the role of government in funding and regulating non-government providers of human services continues to expand,[68] but they represent a particularly sensitive arena for controversy because of the impressionable age of their clientele and the guiding and protective urges of many parents. Until the post-war expansion of the role of state governments and of national associations, the intensely local character of American public schools ensured that they reflected the values of most parents in the communities they served. In addition, for many decades non-public schools – especially Catholic schools between the 1850s and the 1960s, and increasingly Evangelical, Jewish, and Islamic schools in recent decades – have served as an alternative for families unwilling to expose their children to public schools.

Today, however, it is not clear that such alternatives will be allowed to retain their distinctive character if they are considered to promote moral norms and perspectives that conflict with the prevailing orthodoxy. The issue is not limited to sexual norms but includes the insistence, on the part of some influential liberal voices, that every school should take as its primary mission to promote the moral autonomy of its students and thus to set them free from any familial or traditional norms. This educational goal is clearly inconsistent with schools that seek to nurture students in a particular religious or cultural tradition, and thus with genuine pluralism.

In supporting separate schools for the children of non-liberal cultural minorities liberals should be able to recognise the gains that will be made [for those minorities]

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[67] Mary Ann Glendon: Forgotten Questions. In: Mary Ann Glendon – David Blankenhorn (eds.): *Seedbeds of Virtue: Sources of Competence, Character, and Citizenship in American Society.* Madison Books, 1995. 12.

[68] See Glenn (2000) op. cit.

in terms of cultural congruence and a sense of belonging but they will also have to accept that this entails a loss of individual autonomy. This is only problematic if autonomy is granted absolute status as some kind of foundational human value. As [Isaiah] Berlin observes, the reality is a trade-off between human values. There comes a point where we have to make a choice, and for Berlin the genuine liberal does not require that individuals choose autonomy.[69]

Ironically enough, given the liberal elite's scorn for American consumer culture, this emphasis on autonomy is thoroughly consistent with and encourages a lifestyle based on consumerism with no fixed goals. In what philosopher Charles Taylor has called the Age of Authenticity, the only obligation of the fulfilled human life is *"bare choice as a prime value, irrespective of what it is a choice between, or in what domain".* The corollary of this defining value is the obligation to respect the choices that others make; thus the only *"sin which is not tolerated is intolerance",*[70] expressing moral judgments on forms of behavior.

Ironically, the most striking aspect of the emphasis, by liberal education theorists, on autonomy and unconstrained choice is its intolerance: it is not itself represented as a choice. There is instead for every child, at least in intention, a compulsion to become autonomous. Thus Meira Levinson asserts unapologetically that *"[f]or the state to foster children's development of autonomy requires coercion – i.e., it requires measures that prima facie violate the principles of freedom and choice. [...] The coercive nature of state promotion of the development of autonomy also means that children do not have the luxury of 'opting out' of public autonomy-advancing opportunities in the same way that adults do".*[71] Nor should this educational objective of autonomy itself be subject to public debate, since, she insists, it is a fundamental premise of the liberal state which is not open to question![72]

Rob Reich would extend this requirement to homeschooling, now a very widespread phenomenon in the United States. He urges that government *"provide a forum"* for homeschooled children where their *"educational preferences should be heard and duly considered when they are contrary to the preferences of the parents."* Government should also require homeschooling parents to use curricula that ensure *"exposure to and engagement with values and beliefs other than those of a child's parents."* Compliance could then be ensured by subjecting the children to *"periodic assessments that would measure their success in examining and reflecting upon diverse worldviews".*[73] Schools, and even homeschooling families, who fail to promote such autonomy should, in this view, be subject to corrective government

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[69] Neil Burtonwood: Must Liberal Support for Separate Schools Be Subject to a Condition of Individual Autonomy? *British Journal of Educational Studies*, Vol. 48, No. 3, (2000/Sep.) 282.

[70] Charles Taylor: *A Secular Age*. Cambridge, The Belknap Press of Harvard University Press, 2007. 478., 484.

[71] Levinson (1999) op. cit. 38–39.

[72] Ibid. 139.

[73] Rob Reich: Testing the Boundaries of Parental Authority over Education: the Case of Homeschooling. In: Stephen Macedo – Yael Tamir (eds.): *Moral and Political Education*. New York, New York University Press, 2002. 304.

intervention. In the face of this prospect, William Galston urges that there are some things that the government may not rightly require all schools to do, even in the name of forming good citizens. The appeal to the requirement of civic education is powerful, but only in civic republican regimes it is dispositive. In polities that embrace a measure of political pluralism, as does the United States, claims based on religious liberty may from time to time override the state's interest in education for civic unity.[74]

After all, as Galston wrote earlier, *"liberalism is about the protection of diversity, not the valorization of choice. [...] To place an ideal of autonomous choice – let alone cosmopolitan bricolage – at the core of liberalism is in fact to narrow the range of possibilities available within liberal societies. In the guise of protecting the capacity for diversity, the autonomy principle in fact represents a kind of uniformity that exerts pressure on ways of life that do not embrace autonomy"*.[75]

The ugly political mood in recent years in the United States (and in a number of other Western democracies) reflects a growing resistance to the imposition of newly-discovered or invented elite values on a population that does not share them. In some cases the issues involved hardly seem to justify the furore that they have caused, such as (for example) that over trans-gender bathroom use. A little sympathetic imagination makes it possible to understand, however, that millions of Americans brought up since childhood with the unquestioned assumption that boys and men go to one bathroom or changing room and girls and women to another react to a mandate from the federal government that individuals who are biologically male be allowed to use the facilities provided for women or girls. It is not difficult to imagine that, on complaint from a transgender individual, a zealous government official might enforce this requirement against a church or other house of worship on the grounds that it was "open to the public," perhaps by canceling a property tax exemption.

It seems foolish to devote any attention to such largely-symbolic issues, but cumulatively they could have grave consequences. After all, *"If the large number of Americans committed to religious belief and experience come to believe, as many of them already do, that the political system does not respect their way of life to the same extent it respects secular lifestyles, then they themselves will tend not to respect that system or the government and laws that it generates"*.[76] This alienation, of which we can already see abundant signs, would be serious indeed.

The only remedy is to base public policy on structural pluralism, allowing different worldview-based communities to operate their own institutions reflecting their own norms, provided that – as noted above – individuals be completely free

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[74] William A. Galston: Civic Republicanism, Political Pluralism, and the Regulation of Private Schools. In: Patrick J. Wolf – Stephen Macedo (eds.): *Educating Citizens: International Perspectives on Civic Values and School Choice*. Washington, DC., Brookings Institution Press, 2004. 321.

[75] William A. Galston: Two Concepts of Liberalism. *Ethics*, Vol. 105, No. 3, (1995/April) 523.

[76] Frederick Mark Gedicks: Some Political Implications of Religious Belief. In: Margaret J. Early – Kenneth J. Rehage (eds.): *Issues in Curriculum: A Selection of Chapters from Past NSSE Yearbooks. Ninety-eighth Yearbook of National Society for The Study of Education: Part II.* Chicago, IL, University of Chicago Press, 1990. 438.

to enter or to leave them. There was a wise provision under the federal law known as Charitable Choice, that faith-based social-service agencies competing for public funding be allowed to retain and express their religious distinctiveness *provided that* an alternative service without religious character be available to clients. That is certainly as it should be: neither denying nor requiring counseling or other services with a religious character.[77]

To adopt institutional pluralism would entail abandoning the civic republican strategy for social and educational policy, a strategy (as philosopher Charles Taylor and a colleague write) favoring, in addition to respect for moral equality and freedom of conscience, the emancipation of individuals and the growth of a common civic identity, which requires marginalizing religious affiliations and forcing them back into the private sphere. The liberal-pluralist model, by contrast, sees secularism as a mode of governance whose function is to find the optimal balance between respect for moral equality and respect for freedom of conscience.[78]

## 8. Redefining the Role of Government

The relationship of government and civil society differs considerably among Western democracies and even more in other societies, and this is especially evident in the sphere of popular schooling, entailing as it does so many value-laden choices and conflicting interests.[79] Only a totalitarian regime can seek, however imperfectly, to absorb all of the functions of civil society into its own domain, but it is inherent in the very nature of any government to seek to extend its influence if not direct control over ever more aspects of life, often for the most commendable reasons of efficiency and social justice. It was, for example, one of the goals of the Progressive Era a century ago in the United States to entrust progress to an elite of 'social engineers' who would apply rational scientific method to eliminating a wide range of problems and ensuring a better future.

This agenda of government-managed progress showed very little deference toward democratic decision-making, or toward the diversity and intense localism of American life. John Dewey's influential *Democracy and Education* (1916), for example, showed no appreciation for the process of decision-making about schooling at the local level that had always, until then, characterized American popular education. Dewey called, instead, for teachers to decide the goals and the means of education, creating on the basis of their superior understanding *"an educational institution which shall provide something like a homogeneous and balanced environment for the young. Only in this way can the centrifugal forces set up by the juxtaposition of different groups within*

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77 See Glenn (2000) op. cit.

78 Jocelyn Maclure – Charles Taylor: *Secularism and Freedom of Conscience.* (Trans. Jane Marie Todd) Cambridge, MA, Harvard University Press, 2011. 34

79 See Charles L. Glenn – Jan De Groof (eds.): *Balancing Freedom, Autonomy, and Accountability in Education* (four volumes). Nijmegen, Wolf Legal Publishing, 2012.

*one and the same political unit be counteracted"*.[80] The role of parents and families is seldom mentioned in Dewey's copious writing about education, except occasionally as an influence which teachers should seek to counter.

In the nineteenth and early twentieth centuries in a period of heavy immigration in North America and of nation-building and consolidation in Europe, this government-controlled common school strategy – David Tyack's (1974) "One Best System" – functioned reasonably well in promoting literacy, while inculcating national loyalty and the habits required by industrial employment. It did so by treating all children of a given social class as though their needs and goals were similar, not only ignoring the distinctive beliefs of families and their hopes for their children, but treating these as a problem to be overcome by the effects of schooling.

More recently, however, this common school model has fallen into confusion, struggling to respond to a radically-changed economy, and to a loss of confidence in the possibility of teaching a coherent set of moral norms. What seemed self-evident to Horace Mann and his allies (and to Hofstede de Groot and other Dutch education reformers, to Jules Ferry and his allies in France, to philosophers Kant and Fichte in Germany, and to countless others in the nineteenth century) that popular schooling on a uniform basis would reliably create virtuous citizens[81] is no longer convincing. This is not the place to detail how civic education has given way to a multiculturalist recital of grievances, how character education has been replaced by a focus on nurturing the self-esteem of students. Nor are these developments necessarily inappropriate in contrast with what they have replaced, but they do not provide any sort of basis for a uniform system of forming the personal and civic virtues required by a healthy democracy.

Whatever may have been the case in the past, today it is only in individual schools where staff and parents share a clearly-articulated understanding of the goals and the means of character-formation that children and youth experience a coherent education into personal and civic virtue. It is in such schools, and not in the moral confusion of the *"shopping mall high school"*,[82] that children are *"educated towards autonomy"*.[83]

Most Western democracies have in recent years been moving toward policy arrangements that support autonomous or semi-autonomous schools with public funding and recognition of their right to offer an education based on a distinctive worldview, whether religious or secular.[84] As Alessandro Ferrari puts it, this is based on *"an awareness that the state is not the only public 'educator' of youth but rather*

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80 John Dewey: *Democracy and Education* (1916). New York, The Free Press, 1966. 21.

81 See Glenn (2011) op. cit.; or Charles L. Glenn: *The American Model of State and School*. New York–London, Continuum, 2012.

82 Arthur G. Powell – Eleanor Farrar – David K. Cohen: *The Shopping Mall High School*. Boston, Houghton Mifflin, 1985.

83 Elmer John Thiessen: *Teaching for Commitment: Liberal Education, Indoctrination, and Christian Nurture*. Montreal, Quebec, McGill-Queen's University Press, 1993. 131.

84 See Glenn–De Groof op.cit. for many examples.

*the guarantor of a developed and articulated institutional pluralism"*.[85] This finds expression in a rich array of schools that teach the essential knowledge and skills from a variety of perspectives on what it means to live a flourishing human life.

This in turn rests on *"a pluralist conception of civil society as itself constituted by irreducibly different spheres, each with its own relative autonomy. [...] each has its own specific goods, as well as its own specific ways of relating to need, aptitude, competence, interest, or faith"*.[86] Education is one of those spheres, and does not flourish under an imposed uniformity that prevents the articulation, in the schools of a wildly diverse society, of a coherent understanding of the nature of a flourishing human life.

It is not enough, though, for the state to refrain from seeking to impose uniformity in education, a uniformity that (as we have seen) can no longer provide the rich moral content required by a real education. The restraint of American governments in neither supporting nor intrusively regulating non-public schools has been a way of avoiding conflict, but it is not sufficient, as the example of other Western democracies demonstrates. After all, a *"just state is one that upholds structural pluralism as a matter of principle, not as an uncomfortable or grudging accommodation to interest groups, or to individual autonomy, or to its own weakness"*.[87] Policies supporting structural pluralism are not just a way of avoiding conflict over fundamental differences; they are a way of showing respect for citizens for whom those differences are life-defining, and for the associations and institutions through which they give them expression and continuity.

Public policies that seek to nurture the health of civil society in one of its key sectors, that of educating the next generation, should go beyond a hands-off restraint, and instead should value and promote structural pluralism. With schools, as with other civil society institutions, the state must do more than simply leave them alone, more than simply abstain from usurping the functions of these groups. It must actively help these groups in discharging their responsibilities, actively seeking through its laws and public policies to empower them, to enable them to effectively discharge their responsibilities, to effectively pursue their particular ends, by providing them with the direct and indirect assistance they need to do so. Hence, as John XXIII notes, the principle of subsidiarity demands state activity *"that encourages, stimulates,*

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[85] Alessandro Ferrari: Religious Education in a Globalized Europe. In: Gabriel Motzkin – Yochi Fischer (eds.): *Religion and Democracy in Contemporary Europe.* London, Alliance Publishing Trust, 2008. 121.

[86] Joseph Dunne: Between State and Civil Society: European Contexts for Education. In: Kevin McDonough – Walter Feinberg (eds.): *Citizenship and Education in Liberal-Democratic Societies.* Oxford, Oxford University Press, 2003. 109.

[87] James W. Skillen: The Pluralist Philosophy of Herman Dooyeweerd. In: Jeanne Heffernan Schindler (ed.): *Christianity and Civil Society: Catholic and Neo-Calvinist Perspectives*. Lanham, MD, Lexington Books, 2008. 111.

*regulates, supplements, and complements"* the activities of the intermediary groups wherein *"an expanded social structure finds expression"*.[88]

Of course, 'the devil is in the details', and it is a matter of great delicacy and importance to decide what aspects of the operation of a school – or of a social agency or other non-government institution serving the public – should be regulated by government and what aspects should be left free. Different pluralistic democracies have drawn the line and different points, though often with an almost inevitable tendency over time for government officials to seek to extend their prescriptions.

A good starting point for prescribing what government should and should not seek to regulate in schools (and homeschooling) is to distinguish between *education* and *instruction*, with the latter encompassing the skills and knowledge which students should acquire, while the former refers to the formation of character and life-perspectives. Of course, these functions of schooling are frequently intermingled. For example, paying close attention to a problem in mathematics or in translation develops character; indeed, according to Simone Weil, *"the development of the faculty of attention forms the real object and almost the sole interest of studies"*.[89] It is possible, nevertheless, to distinguish between the knowledge and skills that society has a right to expect every school to foster, and the qualities of character that are the business of families and the educators to whom they entrust their children.

It is for the protection of youth and also of the economic interests of society that government may reasonably require that schools provide effective instruction in prescribed areas, though without precluding additional instructional content as the school may determine. Government may also provide oversight to protect the health and safety of students. But it is not government's role to prescribe how schools *educate* students into a responsible, caring, and purposeful life. Democratic pluralism requires that this crucial dimension of each school's mission be left to the educators, parents, and supporters who are directly involved. Thus, as the United States Supreme Court has determined, it is no violation of the free exercise clause [of the Constitution] for states to require private religious schools to meet accreditation requirements and be subject to general state standards of educational quality and governance. Nor is it a violation of the free exercise clause for states to impose instructional and testing requirements in reading, writing, and arithmetic, or in civics, geography, and science. Children who graduate from religious schools cannot be handicapped in their abilities and capacities as budding democratic citizens and productive members of society. Private schools are perfectly free to teach those secular subjects with the religious perspective they deem appropriate.[90]

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88 Kenneth L. Grasso: The Subsidiary State: Society, the State and the Principle of Subsidiarity in Catholic Social Thought. In *Christianity and Civil Society: Catholic and Neo-Calvinist Perspectives*. In: Heffernan Schindler (ed.) op. cit. 51.

89 Simone Weil: Reflections on the Right Use of School Studies with a View to the Love of God. In: *Waiting for God*. (trans. Emma Craufurd) New York, NY, Harper and Row, 1973. 105.

90 John Witte, Jr. – Joel A. Nichols: *Religion and the American Constitutional Experiment*. Third Edition. Boulder, CO, Westview, 2011. 208.

After all, *"one of the many competencies arising from institutional sphere sovereignty is precisely the right to decide on the religious or ideological direction which will guide the institution"*.[91] Upon this right depends the capacity to provide a coherent educational experience, and thus to form the character of students.

Government agencies and the courts, in exercising their oversight responsibility to ensure that every child receive an adequate education, should take care to respect the pluralist character of a healthy civil society, and "must take special care to note whether apparent 'facially neutral' regulations actually create an unfair burden for religious communities." Expecting faith-based organizations and institutions to conform in all respects to the norms of their secular counterparts leads inevitably either to conflict or to a fatal loss of mission. *"Communities of faith contribute to public life in part by offering their adherents alternative modes of meaning and interpretation to the dominant secular culture. If that unique contribution is to be maintained, then the ability of these communities to practice their faith freely becomes especially important"*.[92] Fruitful alternatives must not be regulated away!

In order to promote a flourishing, pluralistic civil society, government agencies and courts need to learn to think in new ways about the nature and goals of regulation and of public funding.

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[91] Jonathan Chaplin: Civil Society and the State: A Neo-Calvinist Perspective. In: Heffernan Schindler (ed.) op. cit. 84.

[92] Ronald E. Thiemann: *Religion in Public Life: A Dilemma for Democracy.* Washington, DC, Georgetown University Press, 1996. 167.