

The London School of Economics and Political Science

Liberalism, Education, and Promoting 'British Values' in Schools

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Declaration

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Abstract

Since 2014, all schools in England have been required to “promote the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs”. This prompts the question of whether teaching liberal values can be justified in a way that is consistent with the core principles of liberalism. This thesis addresses this and other philosophical questions relating to the values that are taught in state educational institutions.

I begin by setting out the ‘British values’ policy, including its political motivations and the way that it has been implemented in schools. I then turn to liberalism itself, proposing a new account of the distinction between comprehensive and political forms of liberalism. I reject the political liberal view that legitimate policy requires a neutral justification, arguing instead for what I call ‘comprehensive minimally controversial liberalism’.

I discuss three applications of political liberal thought to education policy – the issue of compulsory high school education for Amish children, the place of Religious Education on school curricula, and the proposal that a norm of neutral discourse should operate in classroom discussions of political issues – and show how each is problematic for political liberalism.

Throughout, I emphasise the importance of discussion, yet discussing political issues can evoke some difficult, harmful forms of student speech. I therefore also address how teachers ought to respond to their students’ ‘words that wound’.

I finish by applying the theoretical conclusions of previous chapters to the ‘British values’ policy and offering recommendations for how the policy could be brought closer to liberal ideals. I argue that not only is it legitimate to teach liberal values, but sometimes schools ought to teach with the aim that their students come to adopt highly controversial beliefs.

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“It is in the case of children that misapplied notions of liberty are a real obstacle to the fulfilment by the State of its duties. One would almost think that a man’s children were supposed to be literally, and not metaphorically, a part of himself, so jealous is opinion of the smallest interference of law with his absolute and exclusive control over them... Consider, for example, the case of education. Is it not almost a self-evident axiom, that the State should require and compel the education, up to a certain standard, of every human being who is born its citizen?”

“That the whole or any large part of the education of the people should be in State hands, I go as far as any one in deprecating. All that has been said of the importance of individuality of character, and diversity in opinions and modes of conduct, involves, as of the same unspeakable importance, diversity of education. A general State education is a mere contrivance for moulding people to be exactly like one another: and as the mould in which it casts them is that which pleases the predominant power in the government, whether this be a monarch, a priesthood, an aristocracy, or the majority of the existing generation; in proportion as it is efficient and successful, it establishes a despotism over the mind, leading by natural tendency to one over the body.”

John Stuart Mill, *On Liberty*

Introduction

1. “British values?!”

Back in 2014, as a Head of Department in a secondary school, I sat in an empty classroom with my colleague, a ‘newly qualified teacher’ (NQT). We were working our way through the *Teachers’ Standards* (Department for Education (DfE), 2013), assessing what further hoops she needed to jump through in order to formally complete her NQT induction process. Our serious mood was jolted when we discovered that in order to demonstrate good “personal and professional conduct”, we needed to evidence that she was “not undermining fundamental British values” (p.14). But what on earth were “fundamental British values”? Could we cite her attendance at the pub after school on Fridays as evidence? Yet as a teacher of Philosophy and Religious Studies, I was particularly sensitive to the fact that for many Brits, Friday has an entirely different meaning to the one it had for me and my colleague. For many Muslims, for example, Friday is a day of gathering for prayer, and certainly not a day for going to pub. How could we possibly talk of ‘British values’ in a pluralist society?

The document goes on to say that these values include “democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs” (DfE, 2013, p.14). Yet these values did not strike me as in any obvious way distinctively *British*. Rather, this seemed to me to be an incomplete list of some core *liberal* values. When I later discovered that schools were now also required to *promote* these British values to their students, the philosophical problems surrounding this played on my mind. How liberal is it to have a compulsory education in liberal values? Is it tolerant to aim to stop people from holding intolerant views?

I was teaching John Stuart Mill’s *On Liberty* as a set text at the time, and carried it around with me just as some of my colleagues carried a Bible. As the two quotes with which I began this thesis show, Mill was somewhat conflicted about the state’s involvement in education. On the one hand, he felt that there was *too much liberty* when it came to the upbringing of children and that people were wrong to be ‘anti’ any state interference in this area. Education is a means to liberty in later life, and is so central to children’s well-being that it ought to fall within the remit of the state to ensure that every child has access to an adequate education. But on the other hand, liberals value a “diversity in opinions and modes of conduct” (Mill, 2006, p.119 [ch.5, para.13]). We do not want the state, as Napoleon sought, “to cast a whole generation

in the same mould” (Napoleon Bonaparte, quoted by Markham (2010)). Yet the moment we state *what* compulsory education consists in, it seems we must bring in a controversial vision of “the good education” (Easton, 2017a). I was inspired to investigate this liberal dilemma further. This thesis is the result.

2. Core questions

The 2014 policy for schools to promote British values might appear to be about promoting ‘Britishness’, national pride and patriotism. Indeed, some schools have interpreted the policy in this way, with activities including ‘pie week’, dressing up as the Royal Family, and eating fish and chips in the playground under Union bunting. However, when we look at the background, motivations, and stated aims of the policy, as I do in detail in Chapter 1, it is clear that the policy should not be interpreted in this way. The policy is first and foremost a response to the threat of extremism, in particular the heightened threat of terrorist violence that the UK (and other countries) experienced in the first two decades of this millennium. The thought behind the policy is that this threat is reduced if we can successfully teach respect, tolerance and other liberal democratic values. However, the policy is also part of a wider citizenship agenda aiming at stabilising the state by cultivating in the next generation of citizens a desire to comply with, support, but also critically engage with, liberal democratic institutions.

I take the core philosophical question arising from the British values policy to be whether promoting liberal values (such as liberty) and inculcating civic virtues (such as tolerance) can be justified in a way that is consistent with the core principles of liberalism.¹ Justifying the promotion of liberal values and virtues poses a number of problems for liberals. For a start, liberalism is associated with allowing a diversity of ways of life, and yet this policy seeks to promote specific values – liberal values – to everyone. Perhaps the avoidance of talk of ‘virtue’ in the policy was intentional, for the idea of inculcating virtue may strike a particularly illiberal chord, especially given the roots of virtue theory in Aristotelian views of human flourishing (McTernan, 2014, p.101). Even if we insist that liberals adopt a ‘thin’ conception of the relevant virtues,

¹ I often talk of ‘values’ and ‘virtues’ interchangeably in this thesis. This is, in part, because I address the British values policy, which lists a mixture of beliefs, values and virtues. I acknowledge that inculcating virtues may face somewhat different challenges to inculcating certain beliefs or values (see, for example, McTernan (2014)). Generally when I talk about ‘liberal values’ or ‘British values’, I am referring to the liberal values and virtues listed in the policy, in particular, the values of democracy and liberty, and the virtues of respect and tolerance.

one that can be defended from a diversity of perspectives, there may be a concern that any attempt to inculcate virtue is too invasive in the inner lives of citizens. As Emily McTernan (2014, p.101) puts this point, the concern is that it may involve “illiberal ‘soul engineering’”.

Attempts by the state to inculcate certain beliefs and character traits might be thought to be particularly concerning in the case of children, who are especially vulnerable to influence. They do not yet have a fully-formed ‘conception of the good’ or ‘comprehensive doctrine’, nor are they able to rationally evaluate views that are taught to them to the extent that most adults are.² For these reasons and others, children are especially vulnerable to indoctrination. Indoctrination is a disputed concept in philosophy of education, but is understood here to mean coming to hold beliefs non-rationally, on some other basis than evidence and argument, such as by manipulation or a selective presentation of evidence (Hand, 2018, p.6). Liberals especially should want to avoid indoctrination in education. Instead, students should make use of their developing autonomous and rational faculties to form their own views. The idea that schools should teach liberal values thus lends itself rather too easily to accusations of liberal hypocrisy and an indoctrination into liberal values. For example, one right-wing public figure accused “liberal teachers” of “bullying and brain-washing children with their own intolerant views” (Hopkins, 2017). Muslims in Birmingham protesting in 2019 against children being taught about LGBT+ relationships held signs reading “education, not indoctrination” (Duffin, 2019), presumably the thought being that children should not be taught a view on these controversial matters as part of their state schooling.

Reflecting on the case of the Birmingham protests brings out some further justificatory challenges that the defender of teaching liberal values must answer. First, many of the Muslim protesters claimed that the views being taught to their children at school interfered with their freedom to bring up their children according to their own beliefs.

² The distinction between ‘conception of the good’ and ‘comprehensive doctrine’ is drawn in varied ways in the literature. I understand ‘conception of the good’ as a set of beliefs about what is valuable in life, with implications for how we should live, as well as “attachments to other persons and loyalties to various groups and associations” (Rawls, 2005, p.19). I understand ‘comprehensive doctrine’ to have broader scope: it includes beliefs about the nature and constitutive elements of a valuable life as well as metaphysical beliefs that impact upon questions of how we should live, such as beliefs about the status of a foetus. Importantly for both definitions, these beliefs are controversial – not every reasonable person accepts them. Since the distinction is not key to any of my arguments, I use the terms somewhat interchangeably throughout this thesis.

Liberals seek to protect a wide scope for freedom of religion, and yet religious objections to the state curriculum are almost inevitable. In Chapter 3, I discuss a case where the religious objections were to attendance at school itself – the case of *Wisconsin v. Yoder* (1972). Here the Amish were granted an exemption to keep their children out of high school, with the Supreme Court ruling that to require their attendance would violate the parents’ right to freedom of religion. The liberal needs to be able to justify why teaching liberal values trumps respect for parents’ religious beliefs in some cases.

Second, some Muslim parents spoke of children being “confused” by being taught positive attitudes towards homosexuality (Parveen, 2019), with this teaching conflicting with home and community values. Extrapolating from this to a more general worry, the values taught by schools can (and indeed, are sometimes intended to) lead children to question the values taught to them by their parents and community. This can prove disruptive to parent-child bonds (Levinson & Reid, 2018). The good of familial relationships is fairly non-controversial, and yet cultivating and maintaining these deep, intimate relationships relies, to some extent, on sharing values in common (e.g. Brighouse & Swift, 2014).

This point is brought into sharp relief in *Educated*, Tara Westover’s memoir of leaving her isolationist upbringing in rural Idaho to eventually complete a PhD in Intellectual History at Cambridge (Westover, 2018). Tara did not set foot in a classroom until the age of 17, and, having previously only read scripture, initially found herself only able to read text as pure authority. As she developed her own identity and critical abilities, she gradually distanced herself from her family’s beliefs and values, eventually finding herself so transformed that she could no longer return home. Although the story is highly unusual in so many ways, it is still instructive. Education rescued Tara from the extreme and harmful beliefs that caged her, and allowed her to escape a dangerous and oppressive way of life. In more everyday cases, school education gives children the chance to consider views that are different from those that they encounter at home. In the words of Amanda Spielman, Chief Inspector of Ofsted:³

“... for some children, school may be the only time in their lives that they spend time every day with people from outside their immediate ethnic or religious

³ Ofsted is the government body that inspects schools in England.

group, or at least where the values of people outside their own group can be explained and openly discussed.”

(Spielman, 2018)

This process inevitably leads children to the disturbing question “what if the beliefs and values that I have been taught are wrong?”. This questioning of parental and cultural upbringing will sometimes strain parent-child relationships to such a great extent that, like in Tara’s case, a continued relationship is impossible. Education can be transformative; it enables children to change shape, and yet in doing so, they may take a shape that no longer fits in the family slot. When conceived in this way, it is no wonder that some parents with non-mainstream beliefs fear giving their children over to the state for large portions of the day.

Many of the issues just discussed arise because of the *compulsory* nature of state education. It is not possible to withdraw one’s child from the British values elements of the curriculum. It is possible to withdraw your child from the curriculum itself, but home schooling is not a viable option for many parents due to economic, social or other reasons. For this reason, we should see policies such as the British values policy as a form of coercive policy, with the justificatory burden that this carries.

However, even for non-parents, who are not as directly affected by education policy, potential objections to the policy need addressing, for all citizens have a stake in education. First, state schools are funded by taxation, money which is contributed by citizens regardless of whether they are parents. Second, education policy has effects on wider society. As Brian Barry points out,

“Liberals, in particular, are committed to the belief that the education of the next generation is a matter in which all citizens have a legitimate interest.”

(Barry, 2001, p.204)

When considering what to teach in schools, we are considering how to ‘train’ the next generation of citizens, and the beliefs and values taught now may affect the quality of tomorrow’s democracy. Third, law and policy serve a symbolic function. A policy may express the subordination of certain individuals or groups because, for example, it is justified by beliefs which these individuals or groups oppose. This can be so even when these individuals or groups are not directly affected. The teaching of British values might, therefore, be opposed even by individuals or groups not directly affected by what is taught in schools.

For all these reasons, liberals need to think carefully about the defensibility of teaching liberal values as part of a compulsory, tax-funded state education. If this is justifiable, how ought it to be justified?

There are a number of related philosophical questions that stem from this core question and from the British values policy, which I also seek to go some way to answering in this thesis.

First, there is the wider question of how broad a value-base it is acceptable to draw on in political justification. Should law and policy be neutral, in the sense of having a justification that does not require adherence to controversial, sectarian beliefs? Former Prime Minister David Cameron, key to the political background of the British values policy, advocated a “muscular liberalism” that does not stand “neutral between different values” (Cameron, 2011). In contrast, others have seen neutrality as one of the “central ingredients of the liberal vision of politics” (Larmore, 2003, p.53) and even as “the hallmark of liberalism” (Merrill, 2014, p.1). There is a need to arbitrate this debate over the extent to which the liberal state ought to strive to be neutral, a debate which I address in Chapters 2 and 3.

Second, to what extent must a policy promoting liberal values be justifiable to a pluralist Britain that includes non-liberal citizens? In this thesis, I am interested in what John Rawls refers to as “the fact of pluralism as such” (Rawls, 2005, p.36) – liberal democracies (like the UK) “characterised by religious diversity in which some religions reject liberal restraints on the use of political power” (Clayton & Stevens, 2014, p.69). As Matthew Clayton and David Stevens point out, the growth of fundamentalism (and, I would add, of right-wing parties) suggests that we should be less hopeful than Rawls that views which oppose the values central to liberalism will stay in the background and not threaten the functioning of liberal institutions (2014, p.69). Indeed, the policy under consideration is motivated by a perceived threat coming from non-liberal views. How should we respond to those who do not adhere to liberal values? Are these people ‘unreasonable’ and thus not relevant to the justificatory debate? Or should we adopt a wider definition of ‘reasonable’ that includes non-liberals in the scope of civic debate? I go some way to addressing this question in Chapter 3.

Third, Cameron set in motion policies that seek to eliminate certain ideologies and beliefs from the minds of citizens, *even where these are non-violent* (Chapter 1, Section 2.4). In the same year as Cameron’s speech on this topic, the political liberal philosopher Jonathan Quong argued that the state can legitimately intervene to prevent the proliferation of ideas that are antithetical to a liberal democratic regime,

even where these beliefs are not going to be acted upon (2011, p.303). However, other liberals are suspicious of the state interfering with the beliefs of citizens. Mill, with whom we began, would be especially worried about the damage that this would have on freedom of speech and “experiments of living” (Mill, 2006, p.65 [ch.3, para.1]). Is it justified to seek to eliminate certain beliefs in the way that the British values policy hopes to? I go some way to addressing this question in Chapters 3, 6 and 7.

Fourth, the Religious Education classroom is a prime site for values education, due to the set-up of the English state curriculum. Yet the place of this subject on state curricula has been challenged by some liberals (Clayton & Stevens, 2018). In Chapter 4 I respond to this challenge and defend the place of a reformed Religious Education on state curricula. In Chapter 7, I argue that British values need to be discussed in a distinct curriculum subject taught by experts, and I suggest reformed and compulsory Religious Education as a potential home.

Fifth, assuming that it is right that schools have a role in promoting “mutual respect”, what does this imply for the norms that should guide classroom discussion? I address this question in Chapter 5, arguing against the suggestion by Blain Neufeld and Gordon Davis (2010) that classroom discussion of political issues must be restricted to neutral reason-giving.

Sixth, when students are prompted to engage in discussions about values, this can sometimes evoke responses from students that threaten the equal standing of other students. These occasions present teachers with ethical dilemmas as to how to appropriately respond. In Chapter 6, I address these dilemmas, suggested a four-part test for when it is right for teachers to silence their students’ ‘words that wound’.

Last, if we judge that schools can legitimately teach liberal values, how should we interpret these values and how should these values be taught? For example, does teaching ‘tolerance’ imply that children should be taught that homosexual relationships are morally equal to heterosexual relationships? If it does, should this be taught as ‘the truth’, or should the aim be for students to be informed of relevant arguments and then left to make up their own minds? I address these questions in Chapter 7.

3. Overview of chapters

In Chapter 1, I set out the historical background and political motivations leading to the 2014 policy to promote British values in schools. Since the policy is so tied up with

Prevent (the Government's strategy aimed at preventing people from being drawn into extremism), I also provide an account of this policy and some controversies surrounding it. I explain the policies themselves in detail, including how Ofsted and schools have gone on to interpret the requirement to promote British values. The philosophical reader may wish to jump straight to the conclusion of this chapter in order to get the key 'takeaways' required for later chapters.

When considering whether teaching British values is justified, we first need to know how broad a value-base it is acceptable to draw on when justifying public policy. Some liberals seek to avoid *perfectionist* justifications, roughly, those that require acceptance of a controversial conception of the good. Indeed, some have even argued that the reverse side of the coin from perfectionism – neutrality – is one of the "central ingredients of the liberal vision of politics" (Larmore, 2003, p.53). Chapter 2 addresses whether this is the case: is it key to liberalism that justifications for policy be 'neutral'? What different liberal responses are there to this question? A distinction has commonly been made between comprehensive and political forms of liberalism. The standard account of this distinction says that the difference lies in whether liberal principles are neutrally justified. Whereas comprehensive liberals justify liberal principles by invoking values that are reasonably disputed, political liberals seek to provide a justification for liberalism that does not require adherence to a particular view of the good life or to controversial metaphysical beliefs. Political liberalism is thus said to be distinguished by an additional, 'meta-level' of neutrality which comprehensive liberalism lacks. I propose and justify an alternative account of the distinction, arguing that comprehensive liberalism and political liberalism are located on a sliding scale of how controversial the grounds are that they appeal to in order to defend political principles or public policies. Consequently I prefer to talk of political liberalism as requiring 'minimally controversial' justifications rather than 'neutrality', and as justifications as 'more' or 'less perfectionist' rather than 'perfectionist' or 'anti-perfectionist'. I conclude that minimising controversiality is a distinctive concern of a particular type of liberalism, political liberalism, and should not be viewed as central to the liberal enterprise. Rather, liberalism is marked out by its concern for basic liberty, equality and rights.

In Chapter 3, I explore the implications of the difference between comprehensive liberalism and political liberalism for a concrete policy problem – whether the Amish should be required by the state to send their children to high school – and then argue for a particular position on the spectrum of liberal views. I argue that the political liberal requirement for minimally controversial justifications for policy is problematic. Whilst

respect for persons does mean we should *aim* at providing minimally controversial justifications, other considerations, especially concern for basic liberty, equality and rights, mean that sometimes states will legitimately introduce policy with more perfectionist justifications. I refer to this view as 'comprehensive minimally controversial liberalism'. I then look specifically at the distinctive case of children to show why we should expect to need more perfectionist policies in the realm of education.

Having addressed the classic, much-discussed question of Amish attendance at high school in Chapter 3, in Chapter 4 I turn to the newer, less-discussed question of the place of Religious Education on state curricula. Focusing on the political liberal arguments made by Clayton and Stevens (2018) against Religious Education in England and Wales, I show the problems that arise when attempts are made to put in practice a requirement that curricula be neutrally justifiable. I also argue that even if we accept a political liberal perspective, it would be wrong to remove Religious Education from the curriculum, for there are sufficiently weighty, non-partisan reasons for a curriculum subject similar to that which is currently taught in schools. In arguing this, I make space for the view that I propose in the final chapter, that a reformed and compulsory Religious Education may be an appropriate home for teaching British values.

The 2014 policy requires that schools promote "mutual respect and tolerance of those with different faiths and beliefs" (DfE, 2014c, p.5). In Chapter 5, I discuss the question of what "mutual respect" might imply for classroom discussion; in particular, whether students should be taught that respect requires that they provide neutral reasons in defence of their views. Neufeld and Davis (2010) have argued that schools should aim to teach "civic respect", which includes that students learn that "they cannot appeal to reasons that depend on the truth or correctness of their particular comprehensive doctrines when deciding fundamental political issues" (p.98). I provide a number of arguments against their claim, arguing that much of value would be lost by a focus on neutral discourse in the classroom. For example, I argue that the arguments in favour of neutral discourse rely on a distorted understanding of what it is to respect others, and that a norm of neutral discourse would stifle the development of epistemic and civic virtue in the next generation of citizens. Even from the perspective of political liberalism, there are good reasons to favour critical discussion of non-neutral reasons. Education policy should therefore accord greater priority to discussion of students' actual motivating reasons than to discussion constrained by a norm of neutral discourse. This chapter lays the ground for the

emphasis that I place on discussion, in particular discussion of comprehensive doctrines, in my final chapters.

This emerging emphasis on the importance of discussion brings with it some problems, and I address some of the dangers of discussion in Chapter 6. Specifically, how should teachers respond to their students' 'words that wound'? I focus my analysis on two possible responses – silencing and discussion – and draw on classic arguments from the literature on free speech to defend a default position of discussion. The level of teacher regulation of a discussion can vary: teachers can be 'neutral facilitators', or they can skilfully steer discussion so that students are likely to come to hold certain beliefs. I provide criteria for when a discussion should be steered, arguing that this depends on the extent to which the question under discussion is 'open' in a liberal society. This is decided by analysing how controversial the question is, whether basic liberty, equality and rights are at stake, and whether certain answers to the question increase expected harm to children, to other members of society, to other sentient beings, or to the environment.

In my final chapter, Chapter 7, I evaluate the policy to promote British values in schools in light of my conclusions from earlier chapters. I argue that the British values policy, taken 'in the abstract' as a policy requiring that values like tolerance and democracy are taught to children in schools, is justifiable in a minimally controversial way. However, the policy cannot be implemented 'in the abstract', and when we come to look at the way that the policy has been applied in practice, such as 'tolerance' being understood as requiring a positive attitude towards homosexuality, the justifications become controversial, conflicting with some reasonable comprehensive doctrines. At this point, in deciding what specific content is taught in schools, we need to balance the aim of minimising controversiality against other considerations, especially considerations of what is best for children and whether basic liberty, equality and rights are at stake. I set out how comprehensive minimally controversial liberalism applies here. I argue that teaching aimed at students coming to hold liberal values, as well as more specific beliefs such as the belief that homosexual relationships are of equal moral status to heterosexual relationships, is justified. I then make a series of recommendations for how the British values policy might be improved. First, the values we hope students to develop should not be framed in nationalistic terms. Second, further guidance for schools is required regarding *which* values are to be taught and *how*. I argue that even when the aim is for students to come to hold certain values, students should be encouraged to question these values. Genuine discussion, where teachers model epistemic humility (a willingness to

consider that their beliefs need revising), should be a prominent method by which values are taught. Third, the values should be taught as part of a distinct and compulsory curriculum subject by trained experts. Fourth, the teaching of liberal values should be detached from counter-extremism policy.

4. Conclusion

The British values policy seeks to mould the beliefs and values of citizens in a way that initially seems anathema to liberal concerns. Liberals want citizens to freely develop their own conceptions of the good life, and aim to respect the plurality of different views that arise from this exercise of autonomy. Yet this impulse towards accommodation must be balanced against important functions of the liberal state: protecting citizens from harms such as indiscriminate terrorist violence, ensuring citizens' basic liberty, equality and rights, and preserving the stability of the liberal polity. These concerns mean that sometimes the state must introduce policies that conflicts with the beliefs and values of some citizens. We should particularly expect the state to need to do this in the case of education policy concerning children, who we have especially stringent obligations to protect from harm and to ensure their basic liberty, equality and rights. Therefore, not only is it acceptable to promote liberal values to children, but state education may even promote more controversial beliefs, such as the belief that homosexual relationships are of equal moral status to heterosexual relationships. It is crucial, however, that these values are taught as part of a genuine discussion, where students are encouraged to question these values and where every participant is open to the possibility that they may need to revise their beliefs. Genuine discussion helps to ensure that schools are plural spaces where all students feel that they can contribute to the dialogue, and prepares students for civic life by teaching them what true respect and tolerance look like.

Chapter 1 Introducing the policy to promote ‘British values’ in schools⁴

1. Introduction

Since 2014, all schools in England have been required to promote the “fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs” (Department for Education (DfE), 2014c). In this chapter, I show that the primary political motivation for this policy was to reduce the threat of extremist violence. However, the policy also represents an attempt to promote shared, liberal values in the next generation of citizens, ultimately contributing to a flourishing, socially cohesive society.

Although my interest lies in the policy to promote British values, in this chapter I also consider Prevent, a branch of the Government’s counter-terrorism and deradicalization strategy. This is because the policy to promote British values is tied together with Prevent by its origins, motivation and ongoing implementation. It is in a Prevent policy document that the British values are first listed in the form adopted by the 2014 policy, and it is through public sector organisations such as schools that Prevent is implemented. In 2015, the link between these policies became even more explicit, and was embodied in law.

Since no comparable account exists in the current literature, this chapter explains the policies of promoting British values in schools and Prevent in some detail, including the historical and political context and the resultant aims of these policies. In Section 2 I give a chronological account of political and historical developments of significance to the British values policy. I explain the policies themselves in detail, including how Ofsted (the government body that inspects schools in England) have gone on to interpret the requirement to promote British values. In Section 3, I summarise some of the controversies surrounding the Prevent policy. In Section 4, I summarise how the policy to promote British values has been interpreted and put into practice by schools. I conclude in Section 5 by linking the chapter content with some of the philosophical issues explored in the remainder of this thesis.

⁴ Parts of this chapter overlap with Easton (2017b), Easton (2018a), and Chapter 2 (which I authored) of Easton et al. (2019).

2. British values and Prevent in schools: The politics and the policies

2.1 The birth of the Prevent strategy (2003-2007)

Contest is the UK Government's counter-terrorism strategy. It was first conceived in 2003 under a Labour Government, and has four strands: Pursue, Prevent, Protect and Prepare. The Prevent strand was only implemented following the July 2005 London bombings (Busher et al., 2017, p.11), which killed 52 people and injured many more. Because the attackers were young, 'home-grown' terrorists, this led some to ask questions about the success of multicultural Britain (Elton-Chalcraft et al., 2017) and the role of education in preventing people from being drawn into terrorism.

Though Prevent has always aimed "to stop people becoming terrorists or supporting terrorism" (HM Government, 2011, p.6), the way that Prevent is implemented has changed. In its first iteration, set out in April 2007, Prevent was explicitly focused on Muslims and the threat from Al-Qaeda and similar groups. Implementation was primarily via local community projects, especially youth work in mosques. The approach was one of "winning hearts and minds" (Department for Communities and Local Government, 2007, p.5), the hope being that disaffected young people could be brought away from beliefs that might lead them to commit violent acts.

2.2 British values on the Labour political agenda (2006)

Though it was a Conservative-led government who introduced the policy to promote British values in 2014, much of the groundwork was laid by the Labour Government in the previous decade. In a January 2006 speech responding to the London bombings, Gordon Brown (Chancellor of the Exchequer) argued for the need to emphasise shared "British values" in order to find the "essential common purpose without which no society can flourish" (Brown, 2006). He argued that the Union flag and the concept of 'Britishness' needed to be re-captured from the far-right and instead associated with progressive values, including tolerance, liberty, inclusion, fairness and responsibility.

In December 2006, Prime Minister Tony Blair gave a speech which also responded to the London bombings and raised similar themes, but with an additional emphasis on integration. Blair argued that in one sense, the London bombers were integrated: they were brought up in and worked in the UK. But in another sense, they were not integrated. Blair argued that:

"Integration, in this context, is not about culture or lifestyle. It is about values. It is about integrating at the point of shared, common unifying British values.

It isn't about what defines us as people, but as citizens, the rights and duties that go with being a member of our society."

(Runnymede, 2006, p.2)

Blair talked about the importance of "precisely defining our common values" and went some way to articulating what he thought these were, including "belief in democracy, the rule of law, tolerance, equal treatment for all, respect for this country and its shared heritage" (p.2).

Whilst David Cameron, the Prime Minister of the next government, would later talk about the failure of multiculturalism, Blair affirmed its widespread success: "integrating people whilst preserving their distinctive cultures, is ... the norm" (p.2). However, Blair also spoke of a "challenge to our values" and a "duty to integrate" (p.3). Whilst multicultural Britain is something to be celebrated (p.3), this does not mean that all differences should be accepted.

2.3 Community cohesion and schools (2006-7)

The *Education and Inspections Act 2006* introduced a new duty for schools to promote community cohesion, which would be assessed by Ofsted from September 2008. In 2007, the Government published the *Guidance on the Duty to Promote Community Cohesion*. 'Community cohesion' is explained here as "working towards a society in which there is a common vision and sense of belonging by all communities" (Department for Children, Schools and Families, 2007, p.3). Although there is talk of "promoting shared values", the content of these values is unspecified. Extremist Muslims are not the focus of this document. Rather, the focus is on *everyone* working "to avoid the corrosive effects of intolerance and harassment" (p.4) and to remove barriers to inclusion such as negative attitudes towards immigrants. It talks of learning *from* different groups, and the need for mixing between different groups so that they can learn about each other. This is in marked contrast to the later Conservative-led policy, where the required changes in values are to be made entirely by one side.

2.4 Cameron's 'muscular liberalism' (2011)

In May 2010, Labour lost its power to a Conservative–Liberal Democrat coalition. In February 2011, Conservative Prime Minister David Cameron delivered a speech at the Munich Security Conference which has since been viewed as a turning point in government policy towards both counter-terrorism strategy and multiculturalism. It was here that Cameron first highlighted *ideology* as the gateway to terrorist violence:

“... we need to be absolutely clear on where the origins of ... these terrorist attacks lie. That is the existence of an ideology, Islamist extremism.”

(Cameron, 2011)

Cameron identified as a threat not just violent extremism, but also *non-violent* extremism. This is significant as it lays the groundwork for the later link between Prevent and the British values policy. If extremist ideology is the cause of terrorism, and this ideology can be countered by promoting British values, then promoting these values is part of the fight against terrorism.

Cameron blamed the fact that extremist ideology had been ‘allowed’ to develop in Britain on the failure of multiculturalism. He suggested that one cause for young people being drawn into terrorism was a lack of identity and an absence of shared values, which he blamed on the “hands-off tolerance” that he saw as the existing norm (Cameron, 2011). Cameron proposed as a remedy “a much more active, muscular liberalism”. Rather than trying to be neutral between different values, we need to actively promote the values of liberalism:

“A passively tolerant society says to its citizens, as long as you obey the law we will just leave you alone. It stands neutral between different values. But I believe a genuinely liberal country does much more; it believes in certain values and actively promotes them. Freedom of speech, freedom of worship, democracy, the rule of law, equal rights regardless of race, sex or sexuality. It says to its citizens, this is what defines us as a society: to belong here is to believe in these things.”

(Cameron, 2011)

In common with Brown and Blair, Cameron’s speech sought to address the issue of how to balance integration and pluralism, and he too saw a need to find common, progressive values. However, the message differed by its attack on multiculturalism. Carol Vincent argues that this speech firmly put in place “an ‘us’ and ‘them’ dynamic, with ‘them’ needing to be more effectively assimilated into ‘our values’” (Vincent, 2019, p.22).

2.5 Prevent (2011)

Shortly after it was formed, the Conservative-Liberal Democrat Coalition Government ordered a review of Prevent, resulting in the publication of the new Prevent Strategy in June 2011. The new strategy differed in several significant ways from the previous iteration.

First, 'extremism' was defined as opposition to British values and so as to include *non-violent* extremism. Specifically:

"Extremism is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs."

(HM Government, 2011, p.107)

Second, the 2011 document makes explicit that Prevent is not just concerned with Muslims. Whilst still seeing Islamic extremism as a major threat, the target is now "all forms of terrorism" and includes the threat of right-wing extremism (p.6).

Third, it shifted the locus of Prevent from community engagement projects to public sector workers (in public healthcare and education settings, prisons, etc.), who were now tasked with spotting and reporting signs of radicalisation (Holmwood & O'Toole 2018, p.46). Individuals who are deemed by a 'Designated Safeguarding Lead' to be at risk are referred to 'Channel', the Government's multi-agency deradicalisation programme. These Prevent responsibilities apply to all forms of public sector organisation; in the words of the report, "there should be no 'ungoverned spaces'" (HM Government, 2011, p.9).

2.5.1. Prevent and schools

Prevent (2011) emphasised the key role that schools play in implementing Prevent.⁵ This focus on educational settings was justified by the fact that the majority of terrorists are under 30 years old (HM Government, 2011, p.64), with most referrals to Channel being amongst 15-19 year olds (p.67). Prevent (2011) emphasised that Prevent in schools is to be subsumed under existing safeguarding duties, which are responsibilities held by all educational staff in relation to the vulnerable people in their care.

"Schools can help to protect children from extremist and violent views in the same ways that they help to safeguard children from drugs, gang violence or alcohol... The purpose must be to protect children from harm and to ensure that they are taught in a way that is consistent with the law and our values."

(HM Government, 2011, p.69)

⁵ Schools are mentioned 138 times in the 2011 Prevent Strategy (HM Government, 2011).

The main message to schools was that teachers must monitor students so as to protect them from extremist views. However, there was some ground laid for the later British values policy, with an emphasis on the role that schools can play in giving students the tools to resist ideology:

“Schools are important not because there is significant evidence to suggest children are being radicalised – there is not – but because they can play a vital role in preparing young people to challenge extremism and the ideology of terrorism and effectively rebut those who are apologists for it.”

(HM Government, 2011, p.64)

There was also talk of schools as the right place for discussion of terrorism, as part of a discussion of “wider issues” such as “the values ... of democratic government” (p.70). It also talks of an increased focus in Ofsted inspections on provision of spiritual, moral, social and cultural (SMSC) development in order to “identify inappropriate practice, including the promotion of messages that undermine community cohesion” (p.71). This laid the ground for the later incorporation of British values into the SMSC agenda in schools.

2.6 Teachers’ Standards (2012)

The first mention of ‘British values’ in an official education document was in 2012, in a change introduced to the *Teachers’ Standards*, a statutory document used to appraise new and continuing teachers. The section on “Personal and professional conduct” was amended to include that teachers enact good professional conduct by “showing tolerance of and respect for the rights of others” and by “not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs” (DfE, 2013, p.14).

2.7 Events triggering the 2014 duty to promote British values and the Prevent duty being made statutory (2013-5)

When the new Prevent Strategy was published, the Government said that “We envisage no changes to the legal framework for *Prevent*-related work” (HM Government, 2011, p.6). Less than five years later, the legal obligations surrounding Prevent changed. Between 2012 and 2014 there was also a move from teachers being required to ‘not undermine’ British values to schools having to ‘actively promote’ these values. In this section, I highlight some of the key events that contributed to this strengthening of existing policies.

In 2013, soldier Lee Rigby was murdered near his barracks in Woolwich, London. The killers were two Islamic extremists who said that they killed him “because Muslims are dying daily by British soldiers” (Telegraph, 2013). The murder was the “impetus” for the Prime Minister establishing a Task Force addressing radicalisation, resulting in the report *Tackling extremism in the UK* being published the same year (HM Government, 2013, p.1).

2013-5 was marked by an increasing number of Brits leaving the UK to fight for so-called ‘Islamic State’. Particular media attention was given to the departures of Shamima Begum, Amira Abase (both aged 15) and Kadiza Sultana (aged 16), who were studying for their GCSEs at Bethnal Green Academy in London. These departures were viewed as especially worrying because of the concern that these young people were being radicalised in-country.

The most crucial event leading to the British values duty in schools was the so-called ‘Trojan Horse Affair’ (Vincent, 2019; Arthur, 2015).⁶ In March 2014, the story broke of an ‘Islamist plot’ to take over Birmingham schools, resulting in a number of snap Ofsted inspections and formal inquiries. 15 teachers had professional misconduct cases brought against them for “undue religious influence”. Several years on, the misconduct charges were dropped for 14 out of 15 of the teachers (Adams, 2017b), and the anonymous letter that sparked the scandal is now widely viewed as a hoax (Holmwood & O’Toole, 2018, p.10). John Holmwood and Therese O’Toole (2018) make a strong case for the Affair representing “a serious miscarriage of justice” (p.15). They evidence the shambolic nature of the investigations into the schools and the flaws in the subsequent reports (p.14). For example, schools were criticised for following what was in fact existing government advice, and were judged against criteria that were not yet fully in place (Holmwood & O’Toole, 2018, p.62). There was, however, some evidence of problematic gender segregation and of a failure to promote liberal values (BBC, 2017c), although this was not in breach of government policies at the time.

A House of Commons briefing report on *Counter-extremism policy in English schools* sees the 2014 British values policy as following *directly* from the Trojan Horse Affair (Long, 2017, p.3). The ‘plot’ is cited as “evidence of extremism in our institutions” in

⁶ Although as Holmwood and O’Toole (2018) observe, the events of the Trojan Horse Affair were as much an *effect* of political events and persuasions of the time as they were a *cause* of new developments.

the Government's 2015 document justifying counter-extremism strategy (HM Government, 2015, p.13). In much media reporting, the policy to promote British values was seen as a direct response to the Affair (e.g. Sparrow & Quinn, 2014). Even *after* the collapse of the hearings of the teachers involved, the media continued to use the Affair to explain and justify current interventions (e.g. Adams, 2017a).

2.8 The duty to actively promote British values (2014)

In 2014, the announcement came that not merely were teachers to 'not undermine' British values but schools must "actively promote" them. Ofsted would now inspect on this basis, evaluating both how schools promote "fundamental British values" and how they prepare pupils for "life in modern Britain" (DfE, 2014b). Within days of the guidelines coming into force on 29th September 2014, several schools had their Ofsted ratings downgraded after failing inspections on this basis (Adams & Weale, 2014).

Since this policy will be the focus of my attention in Chapter 7, it is worth stopping to reflect in some detail on the wording of the DfE's non-statutory advice document *Promoting fundamental British values as part of SMSC in schools* (DfE, 2014c).

According to this document,

"Schools should promote the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs."

(DfE, 2014c, p.5)

The list of British values is taken from Prevent (HM Government, 2011), and this is referenced in a footnote.

The title and contents of the document emphasise that the promotion of British values falls within the already-existing SMSC agenda, rather than being something new.⁷ SMSC is a whole-school approach, rather than something that is taught in a specific curriculum subject. The document gives example "ways of ensuring pupils' SMSC development", including the following: "collective worship, establishing a strong school ethos supported by effective relationships throughout the school, and providing relevant activities beyond the classroom" (p.4). From my own experience

⁷ This may be (in part) because schools were already being held to this standard – including the schools at the centre of the Trojan Horse Affair.

and knowledge, schools primarily address SMSC through whole-school assemblies and form time (time at the start of the day during registration), as well as in Religious Education classes (where these take place).

The document contains little concrete guidance of what is expected of schools. It lists some aims, which include encouraging respect for democracy, respect for other people, enabling students to distinguish right from wrong and furthering “tolerance and harmony between different cultural traditions by enabling students to acquire an appreciation of and respect for their own and other cultures” (p.5). It also lists some knowledge and understanding that is expected, for example, the contribution of the rule of law to public safety, an understanding of how citizens can influence democratic decision-making, and “an acceptance that other people having different faiths or beliefs to oneself (or having none) should be accepted and tolerated” (p.5). It then goes on to give examples of how schools might action the policy, including lessons on how democracy in Britain works and (for appropriate ages) the “advantages and disadvantages of democracy”, an active ‘pupil voice’ (for example, through the school council), “mock elections to promote fundamental British values and provide pupils with the opportunity to learn how to argue and defend points of view” and “teaching resources from a wide variety of sources to help pupils understand a range of faiths” (p.6). The last suggestion seems to point towards the role played by Religious Education classes, although this is not made explicit.

The document does little to fill out how to understand each of the British values. The only expansion is on the ‘rule of law’ in the introduction:

“The school’s ethos and teaching ... should support the rule of English civil and criminal law and schools should not teach anything that undermines it. If schools teach about religious law, particular care should be taken to explore the relationship between state and religious law. Pupils should be made aware of the difference between the law of the land and religious law.”

(DfE, 2014c, p.4)

This cannot sensibly be read without the context of concerns with Islamic extremism and the Trojan Horse Affair. Schools sometimes talk about the work of the Suffragettes or Rosa Parks in a positive light, and this tends to be viewed as positive role modelling rather than as problematic. It is clear that the guidance has sharia law in mind. However, there is little in the document itself to explain the justification or background of the policy in fears over Islamic extremism. There is no mention of ‘extremist’, ‘Islam’ or ‘Muslims’ at all in the guidance document.

There was, however, an official Press Release which accompanied the guidelines. Lord Nash, the Parliamentary Under Secretary of State for Schools, explained:

“A key part of our plan for education is to ensure children become valuable and fully rounded members of society who treat others with respect and tolerance, regardless of background. We want every school to promote the basic British values ... This ensures young people understand the importance of respect and leave school fully prepared for life in modern Britain.”

(DfE, 2014b)

Again, without understanding the context, this presents the British values policy like it is part of a general citizenship agenda aiming to promote civic virtues. However, the Press Release does also say that in a letter to the Education Select Committee in March 2014, Lord Nash had explained that the changes were designed to

“tighten up the standards on pupil welfare to improve safeguarding, and the standards on spiritual, moral, social and cultural development of pupils to strengthen the barriers to extremism”.

(DfE, 2014b)

As we have seen from our look at the historical context, this is much closer to the true motivation for the policy than is a concern about a lack of civic virtue or ‘well-roundedness’ amongst the next generation of citizens. The thought seems to have been that by actively promoting the values that are seen as the antithesis of extremism – values of tolerance, freedom and democracy – an effective barrier to radicalisation will be formed.

2.9 The Prevent duty made law (2015)

As part of the *Counter-terrorism and Security Act 2015*, introduced on 1st July 2015, Prevent duties became statutory. Section 26 of this act says that schools (and other public sector organisations) must show “due regard to the need to prevent people from being drawn into terrorism”. Ofsted inspect to check that schools have the right procedures in place for “keeping pupils safe from the dangers of radicalisation and extremism” (Home Office, 2019b).

Prevent duties being given the force of law gave legal force to the duty to promote British values in schools, because the latter was explained by the Government to be one way of implementing Prevent in schools. As explained in the DfE’s *The Prevent duty: Departmental advice for schools and childcare providers*:

“Schools and childcare providers can also build pupils’ resilience to radicalisation by promoting fundamental British values and enabling them to challenge extremist views.”

(DfE, 2015a, p.5)

At this point, there was no hiding that preventing extremism is the main point of the British values duty. In the Policy Paper *Preventing extremism in the education and children's services sectors*, all that is said under “Fundamental British Values” is that

“We believe an education that promotes fundamental British values will give young people the ability to challenge and resist the influence of extremist views.”

(DfE, 2015b)

2.10 Ofsted’s subsequent actions and new policy developments (2016-20)

In 2016, Amanda Spielman was appointed as the Ofsted Chief Inspector. She has been seen as a “crusader” for British values in schools (Wilby, 2018). Under her auspices, Ofsted have appealed to the British values requirement to justify a number of controversial interventions in schools. For example, in 2016 Ofsted judged the Al-Hijrah school, a Muslim school in Birmingham, as ‘inadequate’ and put it into special measures, saying that its policy of separating the sexes was discrimination under the 2010 Equality Act. The case went to the Court of Appeal in October 2017, with the school losing. Spielman commented:

"The school is teaching boys and girls entirely separately, making them walk down separate corridors, and keeping them apart at all times ... This is discrimination and is wrong. It places these boys and girls at a disadvantage for life beyond the classroom and the workplace, and fails to prepare them for life in modern Britain."

(BBC, 2017a)

In explaining why gender segregation within a school is wrong, Spielman takes up the wording that was used to justify the British values policy (DfE, 2014b): the school is failing to prepare students for “life in modern Britain”.

In November 2017, Ofsted were in the headlines again after inspectors apparently quizzed young girls as to why they were wearing the hijab. Spielman said that girls wearing the hijab could be a “breach of equality laws” and expressed concern about “sexualising young girls” (Osborne, 2017). In February 2018, Spielman voiced her

support for a London primary school headteacher who planned to ban girls under eight years old from wearing the hijab in class. Spielman presented this move as a legitimate attempt on the part of headteachers to promote fundamental British values, and in her response was explicit that “school leaders should be promoting a muscular liberalism” (Busby, 2018).

Throughout Spielman’s time in office, there has been an ongoing conflict with conservative religious groups arising from Ofsted’s apparent interpretation of British values as requiring that schools teach a positive attitude towards LGBT+ individuals (e.g. Rudgard, 2017). For example, there have been tensions between Ofsted and the Charedi Jewish community as increasing numbers of Charedi schools have failed inspections (Rocker, 2018). Charedi schools have been “particularly disturbed at being told by inspectors they should talk about issues such as same-sex relations or gender reassignment as part of the British values curriculum to teach respect for others” (Rocker, 2018). These tensions have not lessened. The *Jewish Chronicle* reported in December 2019 that in just three weeks, three strictly Orthodox schools had their status downgraded by Ofsted because they were failing to teach LGBT+ equality (Rocker, 2019). In May 2020, a group of rabbis wrote to the Government arguing that there was no room for compromise on this matter (Rocker, 2020).

There has also been vocal opposition from evangelical Christian organisations. For example, the *Christian Institute* has called Ofsted’s inspection regime “alarming” and accused it of being “a tool for promoting political correctness” (Christian Institute, 2017). Gill Robins, of *Christians In Education*, accused the DfE of launching “an all-out assault on faith values, sanctity of family and parental rights” (Price, 2017).

In Summer 2019, this issue of schools teaching a positive attitude towards LGBT+ relationships led to some of the largest education protests in UK history. These were sparked by some primary schools teaching the *No Outsiders* programme. Authored by Andrew Moffat, the Assistant Headteacher at the school at the centre of the controversy, the programme introduces children to the characteristics protected by the Equality Act 2010, including sexual orientation and disability. For example, one book read as part of the programme, *Tango Makes Three*, tells the story of two male penguins that raise a chick together. The school has predominantly Muslim students, and most, but not all, of the protesters were Muslim. The Muslim protesters argued that the subject matter contradicted the Islamic faith and that primary-age children were too young to be aware of same-sex relationships (Kotecha, 2019). In response to the heavy protests, Andrew Moffat has now published a new version of the

programme, which changes the terminology from “celebrating” to “accepting” LGBT+ people (Lightfoot, 2020). However, these conflicts seem set to escalate rather than dissipate, because Relationships Education, including LGBT+ content, becomes compulsory in all English schools from September 2020.

In July 2018, Spielman gave a speech defending the British values policy. Focusing on the role that schools play in cohesion, integration and in shaping the next generation of citizens, she argued that it was right that Ofsted intervened to ensure that schools were performing this role well (Spielman, 2018). Her speech was, in part, a response to recent criticisms made by a Lords Select Committee in the report *The Ties that Bind: Citizenship and Civic Engagement in the 21st Century* (Committee on Citizenship and Civic Engagement, 2018), part of which had questioned why the values are referred to as ‘British’. Spielman defended the description of the “four core values” (democracy, rule of law, liberty and tolerance) as “British values”, citing empirical evidence that these were far from universally held values. Additionally, she emphasised that “Ofsted has no anti-faith bias or secular agenda”, pointing to the Ofsted reports of several faith schools that were judged ‘outstanding’ when it came to promoting British values (Spielman, 2018).

The latest Inspection Framework remains unchanged in terms of how it will inspect British values. Schools are still assessed on pupils’ “acceptance of and engagement with the fundamental British values” (Ofsted, 2019).

3. Responses to Prevent

A huge amount has been written about Prevent – a substantial proportion of which is critical – and I cannot hope to do justice to these debates here. In this section, I highlight a few key themes that have emerged in discussions of the Prevent Strategy.

3.1 The definition of extremism and the targeting of Muslims

Prevent got off to a bad start with Muslims. In its first iteration, funding was specifically allocated by the number of Muslims in a geographic area, thus associating them with security risk (Holmwood & O’Toole, 2018, pp.48-9). Even since explicitly extending its focus to all forms of extremism, it is still common to hear Prevent accused of being an Islamophobic policy (e.g. BBC, 2017c). In their national survey of school and college staff, Busher et al. (2017) found concern about Prevent leading to increased stigmatisation of Muslim students. Over half of their 225 survey respondents said that the Prevent duty has made Muslim students more likely or considerably more likely

to feel stigmatised, with this figure rising to 76% when only the views of black and minority ethnic respondents were taken into consideration (Busher et al., 2017, p.54).

In the same year, the Runnymede Trust, an independent race equality think tank, published a report accusing Prevent of being disproportionately aimed at Muslims, harming Muslim young people, and falsely legitimising Islamophobia. They conclude that Prevent is “discriminatory, disproportionate and counterproductive” (Runnymede, 2017, p.3). They point out that the definitions used in Prevent, especially the definition of extremism “permit varied individual interpretations, including those infected by prejudice, leading to implementation based on Islamophobic stereotypes and discrimination” (p.42).

This report is not the first to highlight the problematic definition of ‘extremism’ given by the Government. It casts its net so wide that if implemented strictly, it would sweep up Marxists, conservative religious groups, and even some political philosophers (Easton, 2017b). Whilst such strict application has not been forthcoming, environmental and animal rights activists (including Extinction Rebellion, PETA and Stand Up to Racism) have been referred to Prevent (Grierson, 2020). The calls to revise the definition and application of non-violent extremism adopted by the Government continue to the present day (Committee on Citizenship and Civic Engagement, 2018; Grierson, 2020).

3.2 A chilling effect on discussion in schools?

With regard to Prevent in schools, concern has been raised over teachers taking the role of ‘state informants’ on student-teacher trust and the negative effects of this on classroom discussion. Rob Faure Walker, an ex-secondary school teacher and now researcher, has led the discussion here. He claims that Muslim students in his Tower Hamlets classroom fell silent with Prevent; they no longer felt that they could challenge the views of others that they perceived to be extreme, and feared speaking out on sensitive issues. Faure Walker argues that his focus group research suggests that a similar response was seen in other schools (Faure Walker, 2016; Faure Walker, 2017).

The fear that Prevent has a ‘chilling effect’ on free speech has been raised far more widely (e.g. Bowcott & Adams, 2016; see Busher et al. (2017, p.9, pp.15-6) for a long list of examples), and some evidence for a ‘chilling effect’ has been found in interview studies (e.g. Rights Watch UK, 2016).

However, other research in this area suggests that a majority of teachers do not perceive Prevent to be having a 'chilling effect' in classrooms. In their interview study of education professionals and Prevent practitioners (conducted alongside the survey referred to previously) Busher et al. (2017) found "relatively little support ... for the idea that the duty has led to a 'chilling effect' on conversations with students in the classroom and beyond" (p.6). They suggest that this might be because of pre-emptive action taken by staff to minimise this effect, such as reinvigorating debating clubs and "promoting more discussion of Prevent-related issues in the classroom" (p.6).

The research by Busher et al. led Lord Nash to dismiss the idea that Prevent shuts down debate as a "myth" (Nash, 2017), but this conclusion is too premature. To say this with any confidence would require research into the actual practice in schools, as well as student perceptions of Prevent, rather than just the teacher perceptions that Busher et al. studied (Busher et al., 2017, p.53).

We should note that the Government has always emphasised that Prevent should not be perceived as a threat to classroom discussion, nor that it should imply silencing or indoctrination.

"It is important to emphasise that the Prevent duty is not intended to stop pupils debating controversial issues. On the contrary, schools should provide a safe space in which children, young people and staff can understand the risks associated with terrorism and develop the knowledge and skills to be able to challenge extremist arguments."

(DfE, 2015b, p.5)

However, clearly it is possible that even with the best intentions, this may be an unintended side-effect of Prevent.

3.3 Public safety

All this must be balanced against the role that Prevent plays in ensuring public safety. There are indicators that it has been at least somewhat successful in preventing people from being drawn into terrorism. The Government reported in November 2019 that

"Since 2012, Prevent's voluntary and confidential Channel programme has helped more than 1,500 people who were considered to be vulnerable to exploitation from terrorist influences."

(Home Office, 2019a)

Sean Arbuthnot, a former Prevent Officer, claims that between the summer of 2015 and the following year, at least 50 people were dissuaded from travelling to Syria (Arbuthnot, 2016). Clearly we cannot know the extent to which Prevent also has negative effects on public safety – through stirring up resentment, or preventing views from being aired in the classroom in a helpful way – but defenders of Prevent would argue that clearly some mechanism does need to be in place to prevent young people from being drawn into terrorism.

4. Responses to the British values policy

The British values policy does not prescribe particular content nor dictate where in school life the values should be taught, leading to a variety of responses from schools. However, there have been some identifiable trends in how schools have sought to fulfil the requirements of the policy. Vincent (2019) identifies four main approaches that schools have taken: representing Britain, re-packaging, re-locating within school values, and engagement. Schools do not necessarily adopt a single approach, and these approaches sometimes run into each other (Vincent, 2019, p.23).

The first approach – representing Britain – focuses on teaching children about *symbols* of Britain (Vincent, 2019, p.23; Keddie, 2014). For example, schools might have a day where they dress up as members of the Royal Family and eat fish and chips. This response was particularly seen in the early days of the British values policy, but is still frequently seen today, especially in nurseries and primary schools. To cite one particularly amusing example, the Pocklington Post (2019) reported a pie-making competition at one school, with the Headteacher saying

“The children love to get involved in Pie Week; it’s another way that we can reinforce British Values while having a lot of fun.”

The second approach – by far the most common – is to re-package a school’s existing activities so as to accommodate the new policy (Vincent, 2019, p.23; McGhee & Zhang, 2017, p.938). Schools taking this approach audit, and then emphasise in relevant policy documents, existing activities, to demonstrate that they already promote British values.

The third approach, also a form of accommodation, relocates British values as school values. This involves schools taking active steps to disseminate the values – throughout school practices and often explicitly (Vincent, 2019, p.24).

The fourth approach is engagement with the values. These schools take “a critical approach to the values by, for example, looking at the advantages and limitations of democracy” (Vincent, 2019, p.24). Vincent reports seeing a fairly limited amount of this approach, something which she partly blames on the assessment-focused context in which teachers work. Current pressures and curriculum arrangements limit “the time given to discussion generally and to subjects which validate debate” such as Religious Education, with the consequence that little discussion of the British values takes place, even where there is teacher support for this (Vincent, 2019, p.29).

There is limited research as to teacher perceptions of the British values policy, although there is some indication that perceptions vary depending on the geographical area and school make-up. Busher et al. found significant variation in levels of teacher support for the British values policy:

“While some were broadly supportive, most were not and several respondents identified fundamental British values as the most problematic element of the Prevent duty.”

(Busher et al., 2017, p.27)

Several of their respondents were most worried by the labelling of the values as “British” (p.27), and some schools had responded to this by adopting alternative language such as “democratic” or “universal values” (p.28).

However, some teachers have bought into the British values policy. For example, one of Vincent’s interviewees saw teaching British values as part of his school’s work safeguarding children against the conservative views of their parents. He felt that through his school’s equalities work, the school is “kind of flying the flag for those children” (Vincent, 2019, p.27).

There is a new, but growing, academic literature by educationalists on the British values policy. This has been uniformly negative, though raising a number of different lines of criticism. The primary concern is with the exclusionary effect of the policy, with particular concern about the stigmatisation of Muslims. Holmwood and O’Toole (2018) argue that the British values have been given “a ‘particularist’ construal” (p.29) and exacerbate an ‘us’ and ‘them’ dynamic (p.30). Some view the British values policy as being part of a retreat from multiculturalism to “muscular liberalism” (McGhee & Zhang, 2017, p.938; Holmwood & O’Toole, 2018). At the more dramatic end of this criticism, Elton-Chalcraft et al. (2017, p.43) claim that “whether it is by accident or

design the use of policy to embed an assimilationist perspective advances whiteness and reinforces its supremacy.”

5. Conclusion

The terrorist attacks in London in July 2005 set in motion a series of policy interventions that ultimately led to a requirement for schools to promote British values. In 2007, the Government began its implementation of Prevent, a strategy for preventing people from supporting terrorism. This primarily involved work with Muslim community projects with the aim of keeping young people off the path to terrorist violence. At the same time, Labour politicians Gordon Brown and Tony Blair began emphasising shared British values as a means to better integration of minority groups, with the aim of reducing the risk of terrorist violence. This led to increased emphasis on the role of schools in promoting community cohesion through the development of shared values.

Conservative Prime Minister David Cameron continued this focus on shared values, but presented this as an antidote to the failure of multiculturalism. Cameron advocated a “muscular liberalism” which would not remain neutral, but rather would actively promote liberal values (Cameron, 2011).

For all three of these political leaders, shared values are seen as an answer to a problem of how to balance integration and pluralism. More generally, these leaders were grappling with two questions that underlie this thesis: How should liberal societies respond to those who hold beliefs in tension with liberal values? To what extent should liberalism be neutral about which values its citizens ought to hold?

With Cameron’s leadership came a new emphasis on the need to counter *all* kinds of extremist views, not merely those associated with *violent* extremism. This was reflected in a new iteration of Prevent introduced in 2011, which defined extremism as “vocal or active opposition to fundamental British values” (HM Government, 2011).

This new iteration of Prevent moved the locus of Prevent from community engagement to public sector organisations. All public sector workers, including teachers, now have a role in identifying people at risk of radicalisation and reporting these people so that they can receive ‘support’. Schools were identified as having a particularly important role, for in addition to being able to provide close monitoring of individuals at risk, education can help give students values and tools that enable them to challenge extremist narratives.

Prevent, in its post-2011 iteration, seeks to eliminate illiberal views *even where these are not expected to be acted upon*. This raises questions about the limits of legitimate state action taken to preserve the stability of the liberal polity, another question lying in the background of this thesis.

Several events in the years that followed prompted the Government to subsequent strengthening of policies in this area: the murder of Lee Rigby by Islamic extremists, the steady trickle of British citizens, including children, leaving the UK to fight for so-called 'Islamic State', and the Trojan Horse Affair, an alleged Islamic takeover of Birmingham schools. This last event is widely regarded as directly linked with the introduction in 2014 of the policy requiring that schools promote "fundamental British values". This policy requires that through a whole-school approach, schools promote values such as liberty, tolerance and respect for others. Since the values listed are liberal values, the policy prompts the central question of this thesis: whether promoting liberal values can be justified in a way that is consistent with the core principles of liberalism.

Whilst the 2014 DfE guidance on promoting British values does not specify how we should understand values such as 'tolerance', subsequent Ofsted inspection reports indicate more specific expectations of schools, including teaching a positive attitude towards LGBT+ relationships. This has led to clashes between Ofsted and conservative religious groups, an instance of the conflict between the beliefs held by conservative religious individuals and core liberal values, a recurring theme in the chapters that follow. A central challenge for the liberal state is to delineate the limits of accommodation in response to religious objections.

In the absence of concrete guidance from the DfE, schools have implemented the British values policy in a number of different ways. Some have focused on the 'British' element and found new ways to prompt patriotic sentiments; others have looked at the values their school already promotes and 're-packaged' these as 'British values'. The lack of guidance leaves it an open question as to how best to interpret the values. For example, what are the implications of tolerance for what content is taught and how, and what does respect imply for norms of classroom discussion? These are questions that I seek to address in the chapters ahead.

The British values policy is marketed by the Government as part of a citizenship agenda that aims for young people to "become valuable and fully rounded members of society" (DfE, 2014b). It is, according to the Ofsted Chief Inspector, part of "a real civic education" (Spielman, 2017). Yet as we have seen in this chapter, the political

and social context of the British values policy was “informed ... by acute anxiety around Islam and extremism” (Vincent, 2018, p.226) and “there is a clear link between anti-radicalisation, anti-extremism and the requirement that schools promote British values” (Vincent, 2019, p.18). Indeed, we cannot understand the British values policy apart from the Prevent policy, for they are tied together in their justifications and their shared language. Since 2015, they are also tied together by law. Schools are legally required to act to protect children from extremist views, where ‘extremist’ is defined as opposition to British values, and where a means by which they are to do this is by promoting British values.

There has been a great deal of opposition to Prevent, particularly by groups concerned with the exclusionary effect of a policy that predominantly targets Muslims. Prevent also has implications for how the British values are taught. As I will argue in future chapters, discussion is of the utmost importance to a “real civic education”, and thus if critics are right that through casting teachers as state informants, Prevent silences students, this is highly problematic.

Chapter 2 Two types of liberalism

1. Introduction

In this chapter, I dispute two ideas that are dominant in liberal political philosophy.

First, I dispute the idea that neutrality is central to liberal political thought. Neutrality has been variously described as “the nerve of liberalism” (Dworkin, 1985, p.183), “the hallmark of liberalism” (Merrill, 2014, p.1), and as one of the “central ingredients of the liberal vision of politics” (Larmore, 2003, p.53). I argue that this is mistaken, for neutrality is a distinctive concern of only one particular type of liberalism – political liberalism. Rather, what is central to liberalism is concern with basic liberty, equality and rights.

Second, I question what I shall refer to as the ‘Standard Account’ of the distinction between comprehensive liberalism and political liberalism. This account holds that the difference between these types of liberalism lies in whether a neutral justification is given for liberal principles (Rawls, 1987; Larmore, 1990; Mulhall & Swift, 1996; Waldron, 2004; Quong, 2011). According to this account, whereas comprehensive liberals justify their liberal principles by invoking ideals and values that are reasonably disputed, political liberals seek to provide a justification for liberalism that does not require adherence to a particular view of the good life or to controversial metaphysical beliefs. Political liberalism is thus said to be distinguished by an additional, ‘meta-level’ of neutrality which comprehensive liberalism lacks.

Though this account has been influential, I shall argue that it does not fit with the literature as a whole. Instead, I shall put forward a different understanding of the distinction, which I shall refer to as the ‘Alternative Account’. This alternative is implicit in some of the literature, particularly in discussions surrounding the practical import of liberalism for policy. According to the Alternative Account, comprehensive liberals and political liberals are located on a sliding scale of how controversial the grounds are that they appeal to in order to defend political principles or public policies. Thus comprehensive liberalism and political liberalism sit on a continuous scale rather than being dichotomous as the Standard Account suggests. Whilst political liberals seek to avoid appeal to reasons that can be rejected by reasonable people, comprehensive liberals allow thicker, more controversial grounds to be brought in to support political principles or public policies. Thus my account is further distinguished from the Standard Account by recognising that comprehensive liberalism and political liberalism differ not only in how they justify abstract political principles, but also in the

type of grounds that they allow in discussions of public policy. I therefore reject the influential version of the Standard Account adopted by Jonathan Quong (2011), since I deny Quong's claim that the *only* difference between comprehensive liberalism and political liberalism lies at the 'meta-level', in the way that they justify their liberal principles.

The two ideas that I scrutinise and reject – neutrality as the core of liberalism, and the Standard Account – are best dismantled simultaneously. This is because the different grounds invoked by comprehensive and political liberals lead to two related, but slightly different, principles: comprehensive liberals support *tolerance* whereas political liberals support *neutrality*. I conclude that neutrality is best seen as a distinctive concern of political liberalism rather than being the central concern of all liberals, and thus it will be clearer if we reserve 'neutrality' as a term of art for discussions within and about political liberalism.

This chapter arose as a result of my work on neutrality in education, where at first I ran into difficulties because of these two confusions about the core of liberalism and the Standard Account. I aim to clear up these confusions, which can hinder progress in the normative debates over the extent to which the state should avoid perfectionism. This chapter is not, therefore, purely a descriptive exercise in the history of ideas, with the aim of categorising various thinkers. Rather, it is a step required for a fruitful discussion of more practical political issues, for this will need clarity over the concepts we bring to bear on these issues, as well as answers to basic normative questions about what liberals ought to be concerned about.⁸ Furthermore, my account has implications for the way we understand 'perfectionist'. I argue that it should be understood as something that comes in degrees rather than being applied as an all-or-nothing label. This suggests that opposition to perfectionism needs to be more sophisticated than it sometimes is.

I proceed in this chapter as follows. In Section 2, I explain why there has been a tendency to see neutrality as key to liberalism, by showing how some classic liberal thinkers might be thought of as concerned with neutrality. Charles Larmore is one example of someone who thinks that neutrality is at the core of liberal thought, and in

⁸ This chapter makes both descriptive and normative claims. For example, when I argue that neutrality is not central to liberalism, I am making both a claim about the history of liberalism and a normative claim about what liberals should care about. In this sense, the chapter is similar to the 1990 paper by Larmore that (partly) prompted it.

Section 3 I explain his influential view that comprehensive liberalism and political liberalism are distinguishable by their different approaches to justifying this supposedly core liberal principle. In Section 4, I argue against Larmore's view. I suggest that his presentation is misleading, in that it suggests a 'principle of neutrality' held in common between comprehensive liberals and political liberals. In fact, identifying a principle of neutrality held in common between all liberals is surprisingly hard, and I argue that Larmore's own suggestion fails. In Section 5, I consider other, more plausible versions of the Standard Account and identify the feature held in common between such accounts. In Section 6, I present my Alternative Account, and in Section 7, I give three arguments for preferring this Alternative Account. The Alternative Account has implications for our understanding of 'perfectionism', and in Section 8 I suggest that we should see thinkers (and arguments and theories) as sitting on a sliding scale of perfectionism, rather than adopting a binary understanding that applies the labels 'perfectionist' and 'anti-perfectionist'. Thinkers (and arguments and theories) can be seen as more or less perfectionist, depending on how controversial the assumptions are that are brought in as justification.

2. Neutrality in the liberal tradition

Numerous thinkers have drawn attention to the important role that neutrality has had in the liberal tradition. For example, John Rawls (2005, p.190) suggests that it has been a common theme of liberal thought that the state should avoid favouring a particular conception of the good. Others have made explicit attempts to trace back the lineage of neutrality to the origins of liberal thought. Roberto Merrill argues that

“the ideal of neutrality seems well rooted in the history of liberalism. In fact, it seems that neutrality is a requirement that liberals have endorsed since at least Locke's *A Letter Concerning Toleration* (1689). Another important lineage of neutrality is expressed through the harm principle.”

(Merrill, 2014, p.13)

I will look briefly at this supposed lineage of neutrality.

John Locke, often described as the 'Father of Liberalism', argued in his *Letter Concerning Toleration* that “the business of laws is not to provide for the truth of opinions” (2020). Laws should exist to protect basic goods rather than to promote particular views of what is right. Locke (2020) gives the following example: It would be acceptable to prohibit the slaughter of cows if this were necessary for the sake of preventing starvation, but it would be unacceptable if this prohibition were motivated

by the belief that this is a heretical religious practice.⁹ Thus we see that at this early stage of liberal thought, a constraint is being placed on the *sort of reasons* that might be invoked in support of coercive laws. Reasons must be ‘neutral’ in the sense that they should not be based on a controversial view on a disputed theological matter.

John Stuart Mill’s harm principle can also be viewed as a landmark in the liberal tradition of restricting the sorts of reasons that should motivate coercive state intervention. According to the harm principle,

“the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant.”

(Mill, 2006, p.16 [ch.1, para.9])

On Mill’s view, a necessary condition for state intervention with some act A is that A must cause harm to others. It is not acceptable to interfere with A merely because it is believed to be better for the agent, i.e. because A is bad for them. Mill’s approach to drunkenness helps draw this out. Mill says that drunkenness is not normally “a fit subject for legislative interference”. Even if we view drunkenness as degrading for the drunk, that is not a legitimate reason for the law to intervene. However, if drunkenness is causing harm to others, such as in the case of someone with a history of violent behaviour when drunk, Mill deems “it perfectly legitimate that a person ... be placed under a special legal restriction” (p.110 [ch.5, para.6]).

Since the harm principle substantially restricts the power of governments to promote what it views as good, some have viewed it as an anti-perfectionist principle. Quong (2011, p.19) refers to Mill’s view as “substantive state neutrality” and to Mill as a “comprehensive anti-perfectionist”. Mill’s liberal state, restricted by his harm principle, is neutral in the sense that it will not justify coercive intervention on the basis that some ways of life lack worth. Gerald Gaus (2008, p.84) concludes that Mill’s liberalism is “strongly neutralist”.

3. Larmore’s critique of comprehensive liberalism

Larmore (1990) takes Mill’s liberalism to be the quintessential example of what has now become known as ‘comprehensive liberalism’. In an influential critique, he contrasts this with his own ‘political liberalism’, which is now often associated with

⁹ Quong (2011, p.18) drew my attention to this example.

Rawls' (later) thought. According to Larmore (1990, p.342), "Kant and Mill sought to justify the principle of political neutrality by appealing to the ideals of autonomy and individuality". Autonomy and individuality are *controversial* values – there is reasonable disagreement over whether these contribute to the ideal human existence.¹⁰ For example, there are reasonable people who disagree with Mill's view that a self-chosen life has greater "comparative worth" than a life of imitation (Mill, 2006, p.68 [ch.3, para.4]).¹¹ Indeed, Mill's view could be said to be distinctive of a secular, post-Enlightenment philosophy. In particular, Larmore notes that the Millian ideal has come under attack from Romanticism. As Larmore (1990, pp.343-4) characterises the movement, Romantics stress the value of belonging and custom rather than individuality; value comes from 'moving' within and 'having our being' in the traditions to which we belong, rather than value coming from choosing one's position on the good from a position of critical detachment.

Similar criticism has been levelled at Locke's defence of religious toleration (Waldron, 2004, pp.90-1; Greenawalt, 2003). Though Locke argued for toleration of theologically controversial practices, his justification for toleration was itself theologically controversial. Locke appealed to controversial premises such as that religious belief must be voluntary and that it is unimportant what specific forms of worship are engaged in (Greenawalt, 2003, p.259). Since these arguments are about as controversial amongst reasonable people as religious toleration itself, they may not be able to persuade an opponent of toleration. This is why Jeremy Waldron (1991, pp.98-9) comments that Locke's arguments for toleration are "insufficiently general".

¹⁰ Larmore (1990, p.340) defines "reasonableness" as "thinking and conversing in good faith and applying, as best as one can, the general capacities of reason which belong to every domain of inquiry". This definition encompasses both a moral element (a willingness to engage 'in good faith' with fellow citizens) and an epistemic element (use of rational capacities). When I use 'reasonable', I mean something similar. Reasonable people have a cooperative attitude and respect the basic equality and liberty of fellow citizens. They also successfully make basic use of rational faculties in their attempts to find right answers. Reasonable views are those that have at least one somewhat plausible argument supporting them and no knockdown arguments against them. I discuss this understanding of 'reasonable' in Chapter 3, Section 10.

¹¹ See Appendix 1 for a brief critical discussion of Larmore and Rawls' interpretation of Mill. Despite their interpretation of Mill being somewhat controversial, I assume throughout this chapter that it is correct that Mill's liberalism is justified by a controversial conception of the good. This is because, regardless of the exegetical controversy, many thinkers who have built on Mill's liberalism or who are seen as occupying a comprehensive liberal position (e.g. Feinberg, 1992; Raz, 1986) have justified liberal principles with reference to autonomy.

What Waldron means is that the arguments lack sufficiently wide appeal to do more than just be part of the problem of disagreement.

This is certainly Larmore's complaint about Millian comprehensive liberalism. Larmore argues that liberal theories should be viewed as "solutions to the political problem of reasonable disagreement" within society, and yet comprehensive liberalisms fail to offer this solution. By giving neutrality a controversial justification, comprehensive liberalism is "simply another part of the problem" (Larmore, 1990, p.345). In contrast, "if liberals are to follow fully the spirit of liberalism they must also devise a neutral justification of political neutrality" (Larmore, 2003, p.53).

Larmore's own suggestion is to base neutrality in the more minimal moral conception of respect for persons. This idea of respecting persons as ends is Kantian in origin, but it does not require uptake of the Kantian view of autonomy and personhood. Rather, it appeals to a minimal idea of personhood as "simply the capacity of thinking and acting on the basis of reasons" (Larmore, 1990, p.349). Whilst there is disagreement over whether this capacity is sufficient for personhood, Larmore thinks that most people can accept the minimal claim that this is part of the essential nature of personhood and that this gives a foundation for respect for persons.¹² Recognising this essential aspect of personhood should lead us to realise that it would be wrong to base political principles on force, for this would treat people only as a means (p.348). Rather, "To respect another person as an end is to insist that coercive or political principles be as justifiable to that person as they are to us." (p.349) This is how, according to Larmore, we can derive the principle of neutrality from the norm of equal respect for persons (p.348).

Since there is less controversy over respect for persons than there is over whether the good life is the self-chosen life, and since the "principle [of neutrality] carries whatever burdens of controversy weigh upon the reasons for affirming it" (Larmore, 1990, p.345), Larmore finds political liberalism preferable to comprehensive liberalism.

¹² Larmore seems to be making an empirical claim about what people in society accept, rather than a normative claim about what it would be reasonable to accept. This interpretation is backed up by Larmore saying that neutrality only requires that we attend to what people in society do, as a matter of fact, believe, rather than the range of possible options of what they might believe (1990, p.358, n.3). For further discussion of the different ways that we might understand controversiality, see Section 6.

According to Larmore's analysis, what distinguishes comprehensive liberalism from political liberalism is *the way that the liberal principle of neutrality is justified*. Larmore's analysis is represented in Figure 2.1 below.

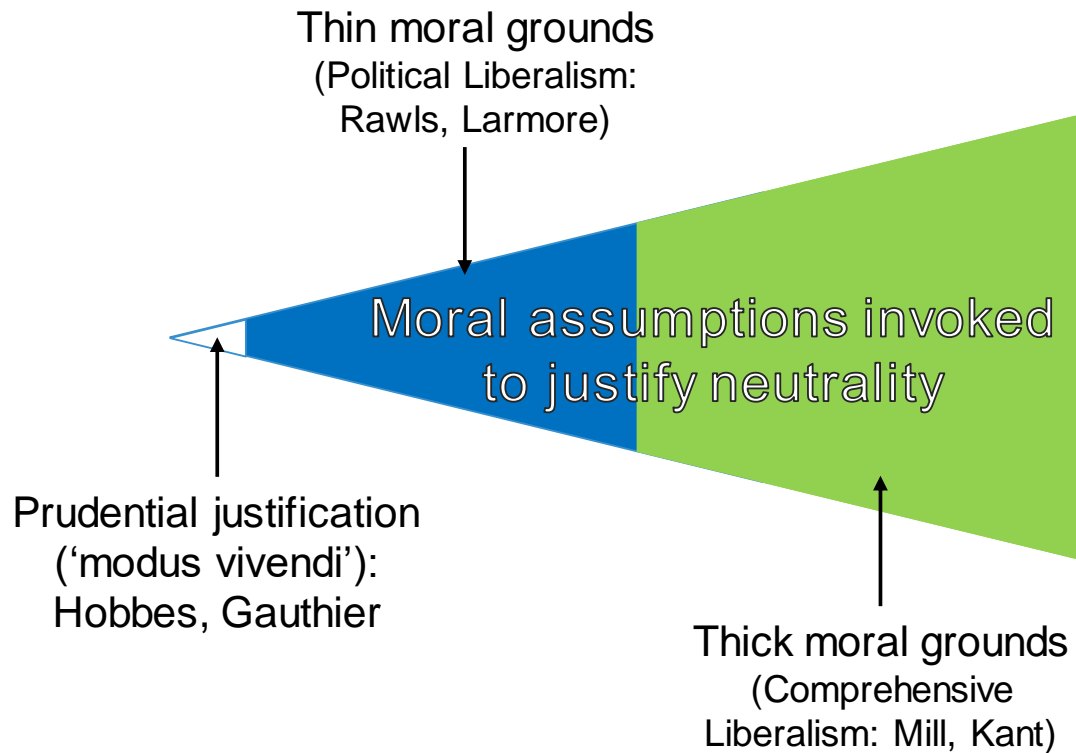


Figure 2.1 Larmore's Analysis

According to this analysis, justifications of neutrality sit on a sliding scale according to the thickness of moral grounds brought in to justify the principle of neutrality. At one extreme, we have political neutrality justified by purely strategic considerations of self-interest, as in the approaches of Thomas Hobbes (1651) and David Gauthier (1986) (Larmore, 1990, p.359, n.14). Here the balance of power is such that it makes sense for all parties to agree on a principle of neutrality in order to secure co-operation.¹³ At the other extreme, comprehensive liberals have thick moral grounds for neutrality: the justification lies in ideals of the good life that place autonomy and individuality centre-stage. Larmore speaks of political liberalism as “finding a mean between these two extremes” (1990, p.346) by referring only to a thin moral

¹³ Rawls refers to this as a “modus vivendi” (2005, p.147) and worries that the lack of a moral basis will result in instability. Since the endorsement of neutrality relies on the contingent balance of power (rather than a moral justification), if circumstances change then the equilibrium will be unbalanced and the motivation to be neutral will disappear.

conception, one that is common ground amongst reasonable people. In doing so, it avoids the problems that face each of the two extremes. It has greater stability than approaches based purely in self-interest, since it does not rely on the fragile contingency that is the current equilibrium of power. It has wider appeal than approaches based in thick moral grounds, since it avoids appeal to conceptions of the good that are rejected by some reasonable people.

We should note that although Figure 2.1 captures Larmore's idea of political liberalism as "finding a mean between ... two extremes", it does not capture an important feature of his view. This is that for Larmore, the difference between comprehensive liberalism and political liberalism is not merely a difference in *degree*, but also a difference in *kind*. Because of its (supposed) 'neutral justification for neutrality', political liberalism has second-level neutrality in addition to first-level neutrality, whereas comprehensive liberalism only has first-level neutrality.¹⁴ Thus political liberalism possesses a 'meta-neutrality' which comprehensive liberalism lacks. This view is distinctive of what I call the 'Standard Account' of the difference between comprehensive liberalism and political liberalism, and is a view that I dispute in my own, Alternative Account.

4. Problems with Larmore's analysis

Larmore's talk of disagreement over how to justify a "principle of neutrality" (1990, p.342) suggests that there is some principle of neutrality on which comprehensive liberals and political liberals agree. However, when we try to formulate a principle of neutrality held in common by all liberals, we run into difficulties. Larmore (1990, p.341) acknowledges that "the notion of neutrality can itself be variously understood", before going on to suggest that "neutral principles are ones that we can justify without appealing to the controversial views of the good life to which we happen to be committed".¹⁵ In the same discussion, Larmore talks of this account as having

¹⁴ This wording of 'first-level' and 'second-level' neutrality comes from Gaus (2008, p.83). Here Gaus does not dispute the Larmorian way of distinguishing comprehensive liberalism and political liberalism. However, it is implicit in his earlier work (2004) that we should not understand the distinction in such a binary way. As I explain in Section 6, Gaus' view seems to be closer to my 'sliding scale' view. It is not clear from what Gaus says in Gaus (2004) and Gaus (2008) that he recognises how different these two views are.

¹⁵ Larmore is here talking about liberalism *in general*, not political liberalism. For this proposed account to make any sense in light of his other views, we have to interpret 'principles' as encompassing both abstract political principles and concrete public policy decisions.

normative implications¹⁶, and so we can put these claims together to suggest that Larmore thinks that the ‘principle of neutrality’ held in common between liberals is as follows:

N1: Government principles must be justified without appeal to controversial views of the good life.

Yet comprehensive liberals cannot sign up to this principle of neutrality. Larmore’s criticism of comprehensive liberalism is precisely that political principles are justified by a controversial view of the good life. For example, if Mill’s harm principle is justified by the value of individuality, then it cannot meet the demands of N1, for individuality is only held to be valuable under certain conceptions of the good. So, N1 cannot be the principle of neutrality held in common amongst liberals.

We can try to help Larmore out here by appealing to Peter de Marneffe’s (2002, p.223) suggestion that liberalism is committed to the following:

N2: The government should not prohibit an activity or speech solely because it is thought to be intrinsically worthless or false.

This has greater plausibility as the principle of neutrality held in common between liberals. Even comprehensive liberals such as Joseph Raz say that we should not prohibit activities *solely* because they are worthless (even if this is only because of contingent features of state coercion which mean its use tends to damage autonomy) (Raz, 1986, pp.418-9).

So, one might think that we can keep the essence of Larmore’s point: The disagreement between comprehensive liberals and political liberals is over whether there can be a neutral justification for N2. One problem with this is that N2 is quite far from what is normally meant by ‘neutrality’ in the literature – N2 seems more aptly described as ‘tolerance’ (Section 7.2). But a second problem is that by conceiving of the difference between comprehensive liberalism and political liberalism in terms of the meta-level *justification* of their first-level liberal principles, Larmore ignores that there are often significant differences in the *content* of the first-level principles of comprehensive liberals and political liberals. As we will see, the different sorts of

¹⁶ “Political neutrality is a moral principle, stipulating the conditions on which political principles can be justified. But how should the principle of neutrality itself be justified?” (Larmore, 1990, p.342)

justification accepted by comprehensive liberals and political liberals will affect what first-level principles they end up with.

5. More plausible versions of the Standard Account of the difference between comprehensive liberalism and political liberalism

Various thinkers have taken up the Standard Account outlined in the last section whilst avoiding the specific problems just discussed in relation to Larmore's view. Rawls (1987), Mulhall and Swift (1996), Waldron (2004), and Quong (2011) all suggest that the disagreement between comprehensive liberals and political liberals is over how to ground *liberal principles* (leaving open that these might be different between comprehensive and political liberals), not over how to ground a *principle of neutrality*.

In an explicit discussion of comprehensive versus political liberalism, Waldron (2004, p.89) explains that the different liberalisms arise as a result of two different responses to the problems that pluralism poses for how we should justify liberal principles. He summarises the difference as follows:

“The political liberal insists that the articulation and defence of a given set of liberal commitments for a society should not depend on any particular theory of what gives value or meaning to a human life. A comprehensive liberal denies this.”

(Waldron, 2004, p.91)

This is the dominant view, one that tends to be expressed wherever the question of the difference between comprehensive liberalism and political liberalism is specifically addressed. A further example comes from Quong, whose account I set out in detail here because he provides a clear and recent account of the distinction.¹⁷

Quong (2011, p.15) explains the different “varieties of liberalism” with reference to how different thinkers answer the following two questions:

“1. Must liberal political philosophy be based in some particular ideal of what constitutes a valuable or worthwhile human life, or other metaphysical beliefs?

¹⁷ Quong's account is based on that of Mulhall and Swift (1996, pp.251-2.) They suggest that the disagreement between comprehensive and political forms of liberalism is over “the proper conduct of political theorizing”; that is, what sorts of defence or justification of one's particular vision of the state's role is acceptable.

2. Is it permissible for a liberal state to promote or discourage some activities, ideals, or ways of life on grounds relating to their inherent or intrinsic value, or on the basis of other metaphysical claims?"

Quong suggests that the key difference between comprehensive liberals and political liberals is over how they answer the first question. According to Quong, "what divides political and comprehensive liberals is the question of whether liberalism must be grounded in some particular view or views about human flourishing, or metaphysical theories" (2011, p.16, n.9). Comprehensive liberals answer "yes" to (1), whilst political liberals answer "no".

Quong says that it is important to understand that an answer to the first question does not dictate an answer to the second question (p.19). Quong gives the following illustration: Both Mill and Raz answer "yes" to the first question, making them both comprehensive liberals. But they diverge in their answers to the second question; Mill answers "no", making him a comprehensive anti-perfectionist, whilst Raz answers "yes", making him a comprehensive perfectionist (p.19).¹⁸ Similarly, Quong thinks that it is possible to answer "no" to his first question whilst answering "yes" to his second question. He points out that some political liberals avoid controversial justifications for their liberal principles, but do think that it is permissible for a liberal state to promote or discourage actions based on controversial conceptions of the good. This would be "political perfectionism", the "thesis that liberalism is not grounded in any particular conception of the good, but that the liberal state can nevertheless justify laws and policies by reference to beliefs about the good life" (Quong, 2011, p.20). Quong suggests as proponents of this view George Sher, Joseph Chan, Peter de Marneffe, and Simon Caney, although Quong says that all of these thinkers are unlikely to endorse the 'political perfectionist' label.¹⁹ That such a position can be coherently

¹⁸ To the contrary, Mill may in fact answer "no" to Quong's second question. There are indications that Mill only views it as impermissible for *coercive* policies to be grounded in views about what ways of life have worth. For example, Mill indicates that it is acceptable to have an education programme run by the state if "carried on for the purpose of example and stimulus, to keep the others up to a certain standard of excellence" (Mill, 2006, p.120 [ch.5, para.13]). Hence Ryan comments that for Mill it is acceptable "that the state may do things that private individuals may do, where its role is not coercive but educative..." (Ryan, 2011, p.662) Nussbaum suggests that Mill even goes as far as to express enthusiasm for Auguste Comte's idea that there should be state sponsorship for an atheistic doctrine of extensive sympathy (Nussbaum, 2011, p.21, n.41).

¹⁹ In fact, Chan explicitly does adopt this label. But Chan does not identify his position as liberal, for he associates liberalism with being neutral in the policy sense captured by Quong's second question: "Liberals want to exclude the state from the social pursuit of perfectionist goals" (Chan, 2000, p.41).

taken up is an important implication of Quong's view, with two important consequences. First, it means liberals can accept perfectionist justifications for policy.²⁰ Second, it puts Quong's view in direct conflict with the Alternative Account that I set out in the next section, since it shows that Quong thinks that comprehensive liberalism and political liberalism are distinguished entirely by their view of how to justify liberal principles.

Even if most other thinkers have not been as explicit as Quong in saying that the difference between comprehensive liberalism and political liberalism lies *only* at the second-order level, what is key to the various versions of the Standard Account is that the divergence is over how they *justify* their second-order principles. The Standard Account therefore retains the thought from Larmore that the difference is that political liberalism has a meta-level of justification (or 'meta-neutrality') which comprehensive liberalism lacks. Whilst this analysis initially appears plausible, seeming to capture a key difference between many thinkers, I do not think it works, for reasons that I will explain in Section 7. However, first I present my Alternative Account so that we can see what else is on offer.

6. An Alternative Account of the difference between comprehensive liberalism and political liberalism

I suggest that it is more useful to see comprehensive liberalism and political liberalism as representing different positions on a sliding scale of how controversial (or 'thick') the grounds are that are relied upon to defend political principles or public policies. This account is represented in Figure 2.2.

²⁰ That is, liberals may accept what I call 'policy perfectionism' (Appendix 2).

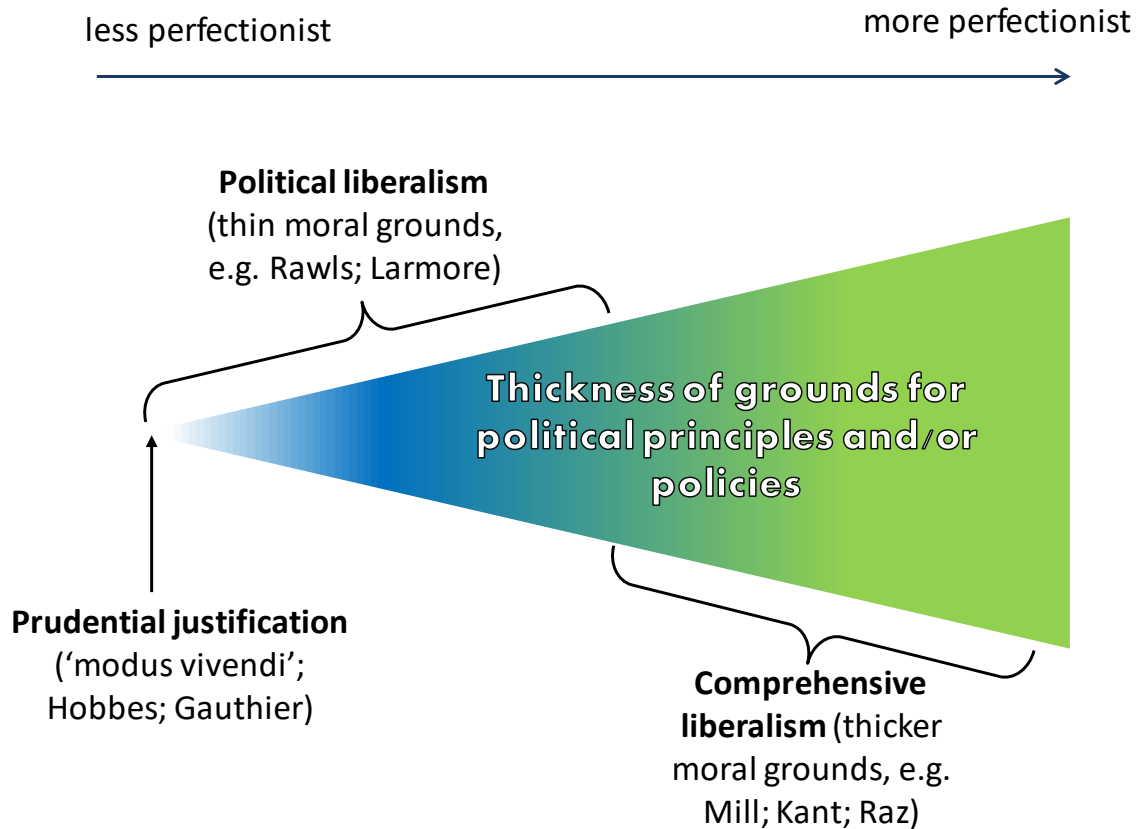


Figure 2.2 The Alternative Account

The disagreement between comprehensive liberals and political liberals is over the thickness of grounds that it is acceptable to invoke in favour of one’s political principles or policies. This is similar to Larmore’s position in that it identifies the dispute as one of thickness of grounds. But it differs from the Standard Account by denying that these must be grounds for abstract political principles, and so denies that the difference is over whether there is ‘meta-neutrality’. There *can* be disagreement over the thickness of grounds for abstract political principles (such as a principle of neutrality, tolerance or moral equality), but the disagreement may also be over the thickness of grounds brought in to justify concrete policies (such as a policy on healthcare). So, Rawls and Larmore (political liberals) justify a principle of neutrality by a thin, less controversial notion of respect for persons. In contrast, Mill and Raz (comprehensive liberals) motivate a principle of tolerance by thicker, more controversial notions of individuality and autonomy. We see something similar when it comes to justifications for policy. A political liberal would not allow a tax exemption for some activity to be justified on the basis that this activity promotes autonomous behaviour, because there are some reasonable conceptions of the good that reject

individual autonomy as an essential part of the good life. In contrast, a comprehensive liberal may find this justification for policy acceptable.

On the right of Figure 2.2 will sit views that are justified by more controversial beliefs. These will often be non-liberal views, but could, in theory, be liberal views, depending on where one sets the boundaries of liberalism and what one identifies as liberalism's core principles. Former UK Prime Minister Tony Blair felt that his Christian beliefs justified the principles of New Labour; he said that

“the Christian stress on community, on man's relationship, not only with God but also with his fellow man, is the essential reason why I am on the left rather than the right.”

(Burton & McCabe, 2009, p.3)

I suggest that we see liberalism as marked out by a concern with basic liberty, equality and rights.²¹ In my view, the *content* of principles and policies is more central to liberalism than is neutrality of justification. It is more important to ask “Do these principles and policies protect citizens' basic liberty, equality and rights?” than “Do these principles and policies have a minimally controversial justification?”. Thus we could take the case of Blair to be an example of a liberal view being justified with reference to Christian principles. This point helps clarify that I am not seeing the left-hand side as ‘more liberal’ than the right-hand side. If that were my view, Hobbes would, in this respect, be the ultimate liberal. Rather, we might make a similar diagram for conservatives or other non-liberal groups; within these groups, it may be that some theorists are more concerned than others with avoiding controversial justifications.

As we go further to the right of the diagram, the beliefs invoked as justification get thicker, in the sense that they are more controversial. How should we understand ‘controversial’ here? Controversial in what way, and amongst whom? This is an issue over which thinkers disagree, and so I cannot set out how we should understand ‘thickness’ in Figure 2.2 in a way that would satisfy all.

²¹ Others have argued that liberalism should be defined not by neutrality, but by the value placed on liberty, equality and rights. For example, Barry (2001, p.122) argues that “The defining feature of liberalism is ... the principles of equal freedom that underwrite basic liberal institutions: civic equality, freedom of speech and religion, non-discrimination, equal opportunity, and so on.” Laborde says that “the liberal credentials of particular laws are a function of their substantive content” (2017, p.123). Quong (2011, pp.14-5) also sets out the key commitments of liberalism without any recourse to neutrality or anti-perfectionism.

One view, which I shall call the 'Actual View', is to say that we should be concerned with the current views of actual, reasonable citizens. Larmore says that "the liberal state need not be neutral ... with respect to whatever ideas about the good life are a matter of agreement in society" (1990, p.358, n.3), suggesting that whether a justification is acceptably neutral or not depends on the contingent circumstances of what views exist in a society at a particular time. Thus Larmore is concerned with *de facto* agreement, i.e. how much disagreement there is over a view in this society, at this moment in time. Similarly, Cécile Laborde, with her "empirical theory of public reason" (2017, p.128), is also concerned with the current views of actual citizens, rather than the potential future views of actual citizens or the views of potential future citizens.

It is right to be concerned with actual citizens, since these are the people actually restrained by the laws and policies of the state, and therefore it is these people who should be the subject of Larmorian respect for persons (Section 3). However, a worry for the Actual View is that one can imagine a society where everyone holds racist views. Because of this convergence on racist views, policies that treat members of a particular race as second-class citizens look legitimate according to the Actual View. This would be an unacceptable implication of the Actual View. But this implication is avoided because of the constraint set on the content of liberal law and policy that it protect citizens' basic liberty, equality and rights.²² This constraint also deals with a further worry that has been raised against the Actual View, which is that it leaves liberalism open to the charge of relativism (Quong, 2011, p.151). The set of allowable laws and policies are restrained by an appeal to objective moral values, and thus it is not the case that morality is entirely relative to the views of the citizenry.

A last worry for the Actual View is the possibility of (for example) a society that is uniformly Catholic, where a policy could legitimately be justified by papal authority.²³ This at least *looks* illiberal. For this reason, one might think that it is preferable to be concerned not with actual citizens, but with the set of potential reasonable views, including the potential future views of actual citizens and the views of potential future

²² In any case, racist views will be pushed out because they are not reasonable – they fail to respect the equality of fellow citizens (see n.10).

²³ Laborde (2017, p.128) accepts this consequence of her view. Provided every citizen can access the justification – which might be possible in a religious homogenous society – then her 'accessibility condition' is met.

citizens. I shall call this the 'Potential View'. The Potential View avoids the problems that arise with the Actual View by restricting attention to the views of an idealised set.

Even if, as for Laborde (see n.23), the worry about the possibility of a religiously homogenous society is not decisive, there are practical reasons to accommodate the Potential View. As Rawls (2005, pp.30-1) argues, it is part of one's rights as a citizen to be able to change your mind about one's fundamental commitments, whilst one's political identity (and the obligations from the state that accompany it) remains the same. Rawls uses the example of Saul's conversion on the road to Damascus; even such profound change "implies no change in our public or institutional identity" (p.31). Since actual citizens can and do change their minds, they should be able to do so without having to campaign for a change in the laws and policies governing society. This suggests that we should be concerned with potential reasonable views *in addition to* the views of the actual, only partially idealised public.²⁴

Whether we are concerned with actual or potential views, how controversial something is should not be understood solely as a numbers game. Damage to respect is not an all-or-nothing thing; some actions by the state are more disrespectful than others. Imagine Paulo, a Catholic who lives and breathes hockey. Then imagine two potential policies and their respective justifications:

P1: State schools are given funding for children to play football rather than hockey, justified by the view that football is a more worthwhile sport than hockey.

P2: State school students are required to attend Protestant worship, justified by the view that Protestantism is the right interpretation of Christianity.

P1 is not as disrespectful and damaging to Paulo's integrity as P2. Paulo would have to travel more of a 'moral distance' in order to accept the justification for P2 than he would in order to accept the justification for P1. Giving up one's religion comes at greater moral cost than giving up one's opinion on which sports are most worthwhile. Our understanding of controversiality should take these differences into account. Justifications can therefore be seen as more controversial the larger the 'moral distance' they ask us to travel. This I shall call the 'Distance View' of controversiality.

²⁴ There is still some idealisation on the Actual View as we are only concerned with the views of *reasonable* people, with 'reasonable' defined as per n.10.

We can ask of some Justification J: “How far does accepting J make me step from the dictates of my conscience? To what extent does it ask me to give up on my deepest commitments, which are central to my integrity as a moral person?”²⁵

Drawing together the above discussion, I propose that we take into account all three views, the Actual View, Potential View, and Distance View, and thus see controversiality as assessable according to three dimensions:

1) *The proportion of actual reasonable people that actually reject the view that is invoked as justification.*

The state ought to respect the views of actual citizens, and so this dimension is about the proportion of actually existing people in society who actually reject the view. This dimension asks us to consider how wide or narrow the appeal of a particular justification is amongst existing citizens.

2) *The proportion of the set of reasonable views that are or could readily be held by citizens of the society that the view conflicts with.*

Existing citizens may change their views and the citizens that compose society change, and so this dimension asks us to consider what reasonable views could potentially exist in society that conflict with the justification under consideration.

3) *Moral distance – the cost of accepting a policy based in this justification.*

Motivated by the idea that damage to respect for persons comes in degrees, this dimension asks us to consider the (actual and potential) dissenting parties and ask “How much of a distance would they have to travel in order to accept this view?”. For example, would they have to accept a religious worldview when they are non-religious? Would they have to accept a specific religion? A specific interpretation of a religion? Or even a personal revelation?

My understanding of controversiality has the advantage that a unified explanation can be given as to why we should care about controversiality: respect for persons.²⁶ This,

²⁵ My discussion here is influenced by Laborde’s discussion of “conscientious duties” (2017, pp.61-2ff).

²⁶ A fourth way to understand controversiality, which I do not consider here, is epistemic: some disagreements are more intractable than others. Quong’s view is that political liberals should be concerned only with avoiding justifications about which there is “foundational disagreement”, that is, where “participants do not share any premises which can serve as a mutually acceptable standard of justification” (Quong, 2011, p.193). Quong thinks that, in cases of “justificatory disagreement”, we can at least draw on shared assumptions, even if we disagree on how to weigh up those assumptions and thus disagree over substantive

I argue in Chapter 3, Section 6, is the most persuasive defence of neutrality, and thus is also the best defence of why we should seek minimally controversial justifications. It is actual people that we seek to respect, those that are, as a matter of fact, restrained by the laws and policies of the state, and so we should be concerned with minimising controversiality amongst actual people – hence our first dimension. However, society is dynamic: the individuals that compose society change over time. Moreover, existing individuals may change their views, and it is part of respecting people as free and equal that they are free to revise and then pursue their view of the good life at any point (Rawls, 2005, p.30). New, different views will therefore also need respecting. Since it is impractical to change laws and policies every time someone switches their view or a new citizen is added to society, when considering controversiality we should consider the proportion of potential reasonable views the justification conflicts with – hence our second dimension. Lastly, disrespect comes in degrees. Government spending on Christmas lights is more disrespectful to those with religious objections than to those with aesthetic objections to red and green lighting, because, in general, people would have to give up a great deal more in terms of their personal integrity to switch their religion than they would to switch their colour preferences. Hence our third dimension, where we must consider the moral distance to be travelled in order for this justification to be accepted.

We can now return to the distinction between comprehensive liberalism and political liberalism. On my understanding, these are not entirely discrete categories (hence why the colours in Figure 2.2 fade into each other). Rather, comprehensive liberalism and political liberalism should be understood as *broad heuristics*. They are *quantitatively* different (the quantity being how controversial the grounds are that are invoked to support their principles and policies), not simply *qualitatively* different (Larmore and Quong’s suggestion that the difference lies in political liberalism having a meta-neutrality that comprehensive liberalism lacks).

This way of understanding political liberalism requires that we depart from Larmore’s view (represented in Figure 2.1) that pragmatic or ‘modus vivendi’ justifications for political principles are a *distinct* approach from political liberalism (Larmore, 1990,

conclusions. I am not convinced that the distinction between foundational and justificatory disagreement is morally relevant in the right way; basing policy on justifications subject to either type of disagreement pulls against respect for persons. Nor is it clear that the distinction can be made in a non-circular or convincing way. See Chapter 3, Section 9.1 and Laborde (2017, pp.99-109).

p.346). According to my analysis, these pragmatic approaches are a form of political liberalism. Political liberalism is distinguished by its concern with providing minimally controversial justifications. Since pragmatic justifications appeal only to self-interest, something that all reasonable people possess to some degree, they fall into the political liberal category.²⁷

On the Alternative Account, the distinction between comprehensive liberalism and political liberalism has import for at least two reasons.

First, even where comprehensive liberalism and political liberalism deliver similar policy outcomes, as they often will (see n.29 and n.37), the different ways that they theorise about issues may be morally significant for relations between citizens. At least *prima facie*, political liberalism, with its concern with providing minimally controversial justifications, is more respectful to its citizens.²⁸ By engaging in a search for shareable commitments as a basis for political principles and policies, it aims for a state where citizens that act under these principles and policies do so autonomously, and thus the relationship between the state and its citizens is non-oppressive. The political liberal view may also fit better with a concern with equality. As Martha Nussbaum (2011, p.35) has argued in defence of political neutrality,

“When the institutions that pervasively govern your life are built on a view that in all conscience you cannot endorse ... you are, in effect, in a position of second-class citizenship.”

Second, there will be occasions where comprehensive liberalism and political liberalism deliver different policy outcomes. This will be especially likely in the case of non-coercive policy interventions justified by controversial conceptions of the good, as in the tax exemption example from earlier in this section. But it might extend to coercive policy too. It might, for example, be that comprehensive liberals require schools to have a curriculum subject that explicitly encourages students to reflect on

²⁷ My view does not stand alone here: Quong (2011, p.17) talks about “*Modus vivendi* versions of political liberalism”.

²⁸ In Chapter 3, I challenge the idea that political liberalism adequately respects persons. See also Pallikkathayil (2019) for some further reasons to doubt that political liberalism has the moral high ground here.

their own conception of the good, justified by the value of autonomy. Political liberals would not allow this policy if the justification lies in the value of autonomy.²⁹

There are some hints at this Alternative Account in the literature (e.g. Macedo, 1995; Rawls, 2005; Gutmann, 1995; Fernández, 2010). I discuss some of these in Section 7.3 below. However, the Alternative Account is never presented as an alternative, conflicting account to the Standard Account, nor is it made explicit that this is the difference between comprehensive liberalism and political liberalism. The most explicit discussion of something resembling the Alternative Account is by Gaus (2004), and so I now consider what he says in order to illustrate how my Alternative Account differs.

Similar to my Alternative Account, Gaus talks of different comprehensive liberalisms as sitting on a spectrum, where some “more modest versions shade off into Rawlsian political liberalism” (2004, p.100).³⁰ However, we disagree over the *content* of the spectrum. Gaus takes up Rawls’ account of the difference between comprehensive liberalism and political liberalism as “a matter of scope: that is, the range of subjects

²⁹ Political liberals may, however, support this compulsory subject for minimally controversial reasons, and accept that students reflecting on their conception of the good is an unintended side-effect. See Chapter 5, Section 6 for discussion of this issue. Gutmann (1995, p.563) says that “It is probably impossible to teach children the skills and virtues of democratic citizenship in a diverse society without at the same time teaching them many of the virtues and skills of individuality or autonomy.” Macedo (1995, p.477), who defends political liberalism, concedes that the critical thinking that political liberalism requires schools to teach is likely to ‘spillover’ into life as a whole. Clayton and Stevens (2018, p.77) think that political liberalism implies that “every child has an entitlement to an education that develops his or her understanding of different conceptions of the good so that he or she has the resources to develop his or her own view, reflect upon it in an informed manner, and rationally pursue it”. For the contrary view on what political liberalism permits in this regard, see Neufeld and Davis (2010) and Neufeld (2013), who argue that a subject encouraging students to reflect on their conception of the good must be optional.

³⁰ It is notable that Gaus does not dispute the Standard Account or present his view as an alternative. His chapter in the *Handbook of Political Theory* comes directly after Waldron’s (2004) chapter setting out the Standard Account, yet Gaus does not set up his view as in contrast to it. In the same way, elsewhere Gaus (2008) describes Larmore’s way of conceiving of the distinction between comprehensive liberalism and political liberalism, but he does not dispute it. Now, the Standard Account and Alternative Account are not necessarily in conflict. (However, Quong’s version of the Standard Account does explicitly conflict with my Alternative Account, since Quong indicates that the difference between comprehensive liberals and political liberals lies *entirely* in how they answer Quong’s first question about the basis of liberalism (2011, p.19).) To avoid these accounts conflicting, we just need to say that comprehensive liberals rely on thicker conceptions of the good to either justify their liberal principles, or to justify public policies, or both. This does seem to be Gaus’ view: there can be differences both at the level of how we justify liberalism and at the level of the content of liberal principles (Gaus, 2004, p.105). But we should just note that there is something rather odd about Gaus (and others) not acknowledging that the distinction as it is usually explicated is incomplete.

to which a conception applies and the content a wider range requires” (Rawls, 2005, p.13). Thus for Gaus, it is a spectrum of comprehensiveness. For him, the relevant question for where to place a view on the spectrum is “How many areas of life does this view bear on?”.³¹ To use Rawls’ example, a view that invokes utilitarianism would sit on the more comprehensive side of the spectrum because it is “usually said to hold for all kinds of subjects ranging from the conduct of individuals and personal relations to the organization of society as a whole as well as to the law of peoples” (Rawls, 2005, p.13). According to my Alternative Account, the spectrum is of how controversial the views are that are brought in as justification. So, the relevant question for where to place a view on the spectrum is “How controversial is the view?”.

Of course, these two spectrums will often relate, for if your view has wide scope, it will be more difficult for reasonable people to ‘sign up to it’, because it is more likely to come into conflict with some view they hold. But how comprehensive a view is and how controversial it is can come apart.³² A particularly important example here is Larmore’s ‘neutral justification for neutrality’ – respect for persons. This surely has implications “for all kinds of subjects ranging from the conduct of individuals and personal relations to the organization of society as a whole as well as to the law of peoples”. Indeed, Larmore *needs* his view to be comprehensive in this way – he thinks it leads to certain norms for political discourse (1990, p.349) and to a prohibition on force-based compliance, thus affecting what laws are legitimate (1990, p.348). Larmore’s view sits towards the left, political liberal end of Figure 2.2 not because his notion of respect for persons covers fewer areas of life than autonomy or individuality,

³¹ If Gaus is truly following Rawls, it is more complicated than this. For, as Clayton (2006) points out, “political liberalism avoids appeal to conceptions that are general or comprehensive” (p.41, n.7). Here ‘generality’ is about the range of subjects that the doctrine applies to and ‘comprehensiveness’ is about the content of the doctrine (roughly, whether the content includes claims about value that will inform our non-political conduct) (Rawls, 2005, p.175). If the explanations of ‘generality’ and ‘comprehensiveness’ just given are what Rawls intended (and they do fit with the quote from Rawls (2005, p.13) just given), then this differs from both ordinary language usage of ‘comprehensiveness’ and what is often taken to be Rawls’ understanding (e.g. Laborde, 2017, pp.62-3). For this reason I continue to use ‘comprehensiveness’ as referring to scope (or what Clayton calls ‘generality’).

³² It seems that how comprehensive a view is and whether the view hits on certain non-political content can also come apart, and so I disagree with Clayton and Rawls on this matter. Clayton says that “Rawls rightly claims that the more general a conception is, the more comprehensive its content must be” (2006, p.41, n.7). (Remember that here, ‘general’ means what I have been meaning by ‘comprehensive’, and ‘comprehensive’ refers to the doctrine hitting upon certain non-political content.) We could have a view that is very general, without it necessarily having comprehensive content. For example, Larmore’s view of respect for persons could be taken up without it *necessarily* having implications for “ideals of personal virtue and character” (Rawls, 2005, p.175) and other areas.

but because it is less controversial. Thus it seems to me that comprehensiveness is not the morally salient factor. In sum, my view is distinctive because it takes *controversiality*, and not *comprehensiveness*, to be the central factor in determining how acceptable a justification is.

7. Arguments for disposing of the Standard View

In this section, I discuss three reasons to favour the Alternative Account, focusing on why it should be favoured over Quong's (2011) version of the Standard Account.

7.1. Comprehensive liberals are often not concerned with the question of how to justify liberalism

Quong implies that comprehensive liberals consciously endorse a non-neutral justification for their liberal principles. He writes:

“Political liberalism parts company with comprehensive liberalism when the strong claim is made that the only way to successfully justify liberal principles is via reference to some particular liberal view regarding human flourishing.”

(Quong, 2011, p.22)

But many liberals that sit towards the comprehensive side of the spectrum simply do not make claims about the limits of available justification for liberalism. What Quong says here might be true of some modern thinkers such as Ronald Dworkin (2000), but it seems odd to present a thinker like Locke as making claims about the limits of available justification for liberal principles or about the appropriateness of different types of meta-justification. As Waldron (2004, p.92) points out:

“It does not seem to have occurred to Locke, Kant, and Mill that these foundational positions would pose a problem for the politics of liberalism in a society whose members disagreed about the existence of God, the nature of reason, and the destiny of the human individual. They just took it for granted that liberalism required a philosophical foundation of this kind...”

This is only a minor problem for Quong's Standard View, easily rectified by saying that the difference between comprehensive liberals and political liberals lies in the sort of justifications invoked, regardless of whether attention has been paid to this matter.

7.2. Different grounds lead to different principles and policies: The example of tolerance versus neutrality

Quong (2011, p.19) says that it is important to understand that how someone answers his first question (about how to justify liberalism) does not dictate how someone answers his second question (about what kinds of state intervention are acceptable). This does not seem right, for there is a sense in which the answer to the first question ‘infects’ the answer to the second question. *Because* comprehensive liberals allow that liberal political philosophy may be based in particular ideas of the good life, they (sometimes) end up with *different political principles*.³³ In particular, I suggest that comprehensive liberal justifications tend to result in a principle of *tolerance* whereas political liberal justifications tend to result in a principle of *neutrality*. Whilst ‘tolerance’ and ‘neutrality’ have sometimes been used interchangeably in the literature (Waldron, 1993, p.144; Macleod, 1998, p.189), we should see them as having different *scope* and *implications*, as well as the principles tending to be *justified* in different ways.³⁴ Drawing this distinction between tolerance and neutrality is significant, as the proclivity to see tolerance and neutrality as the same thing goes some way to explaining why neutrality has mistakenly been seen as at the core of liberalism.

- (a) Scope. The notion of tolerance was motivated, in part, by the bloody religious wars of the Reformation.³⁵ But since that time, it has been recognised that disagreement runs deeper than just over religious fault lines. Mill expands the scope of tolerance to cope with cultural, social and political pluralism (Forst, 2012). But even then, tolerance focuses on the state constraining coercive

³³ Indeed, we might even understand ‘principle’ such that it is individuated by both the *content* of the principle and its *justification*. Waldron (2004, p.96) suggests that a “principle is perhaps best understood as a normative proposition together with the reasons that are properly adduced in its support”. This would have the consequence that “the principle of toleration arrived at by the Christian route is different from the principle of toleration arrived at by Mill’s route”. Other theorists have suggested that the grounds adopted in support of a principle affect what principle you end up with (e.g. Nagel, 1987, p.223; Laborde, 2017, p.71).

³⁴ I draw on Colin Macleod’s (1998) account here, although at no point does he set out to explicitly distinguish tolerance and neutrality in these terms. Macleod says that “tolerance is less comprehensively anti-perfectionist” than neutrality (p.187). Macleod never explains what is meant by this, but from what follows in his article, he seems to agree with (b) and (c) below: tolerance allows non-neutral justifications for funding X rather than Y and is often justified by thicker grounds.

³⁵ Or so we are often told, as part of a story about liberalism arising as a response to the widespread suffering caused by wars resulting from religious intolerance (e.g. Appiah, 2007, p.141; Midgley, 2017, pp.31-2; Galston, 1991, p.7; Shklar, 1984, p.5; Larmore, 1990, p.340). For the view that this historical story about the origins of liberalism is a myth, see Cavanaugh (2009).

actions against religious, cultural, or political views. Neutrality generalises even further, by asking that we avoid *any* appeal to controversial conceptions of the good.³⁶ Many political liberals go even further, in that they are concerned not just about appeal to controversial *values*, but by appeal to *any* reasons that can be reasonably rejected (Klosko, 2003), including non-moral but controversial beliefs such as metaphysical beliefs about the status of the foetus.

Political liberalism's recognition of disagreement over a wide variety of issues results in the distinctively political liberal concern with public justification and 'reasons that all can accept'; justification should be by reasons that "all citizens ... may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason" (Rawls, 2005, p.137). Acceptable justifications will be the subject of agreement amongst reasonable people, and it is for this (distinctively political liberal) view that we should reserve the term 'neutrality'.

- (b) Implications. Tolerance usually results in some sort of *restraint on interference*. For example, a state might show tolerance by allowing a religious practice to take place, despite having the power to restrict it, and whilst believing it to be worthless or even morally degrading. Neutrality asks for this and more: It asks that the state avoid *any* appeal to justifications that are the subject of reasonable disagreement. Defenders of neutrality will therefore be unlikely to allow non-coercive state action (such as state support of religion or opera) justified by appeals to controversial conceptions of the good. In contrast, tolerance does not try to rid decision-making of all appeals to conceptions of the good. Tolerance "permits state action designed to secure the background ... conditions most conducive to autonomous choice of conceptions of the good" and so is consistent with the state making "judgements about which elements of culture are valuable and merit support" (Macleod, 1998, p.201). For example, Mill suggests some non-coercive state

³⁶ I have since come across several examples in the literature of tolerance and neutrality being distinguished by way of scope. Rawls talks of political liberalism as extending "the movement of thought that began three centuries ago with the gradual acceptance of the principle of toleration" (2005, p.154). Waldron (2004, p.92) comments that "Liberal neutrality may be seen as a generalization of religious toleration into the realm of ethical choice generally." For additional examples, see Zelletin (2012, p.42, n.2), Galston (1991, p.7) Laborde (2017, p.27) and Arneson (2003, p.192)

interventions that he would find acceptable, despite his concern with tolerance (see n.18).

My claim here about this difference between comprehensive liberalism's tolerance and political liberalism's neutrality sits comfortably with a quote from Rawls where he identifies what he sees as a key difference between these liberalisms. Rawls says that on a political liberal view "the state, at least as concerns constitutional essentials, is not to do *anything* intended to favour any particular comprehensive view" and follows this with "At this point the contrast between political and comprehensive liberalism becomes clear and fundamental." (Rawls, 2005, p.196, my italics)

- (c) Justification. Neutrality tends to be justified on thinner grounds than tolerance. Whereas Larmore's neutrality is grounded in respect for persons, Mill's tolerance is (largely) grounded in the value of autonomy and individuality. Other thick justifications for tolerance are possible. For example, religious tolerance might be justified on the basis that God wants us to freely arrive at religious belief, or on the Quranic verse "Let there be no compulsion in religion" (2:256). Or, tolerance might be viewed as a virtue, the exercise of which is constitutive of the good life. Steven Wall explicitly adopts a "perfectionist account of toleration", arguing that the "optimal societal ethic" requires that we exercise restraint towards dis-esteemed objects (Wall, 2003, p.242).

Thus although tolerance and neutrality are closely related political principles, they are different. This is why Gaus (2008, p.84) and others are wrong to diagnose Mill as 'neutralist'. First, think of scope: Mill's tolerance does not require being neutral about *all* controversies. Although Mill does show some concern with giving wide-ranging reasons (see Appendix 1), it would be anachronistic to say that Mill was concerned with 'public justification' in the sense that political liberals today use this notion. Second, think of implications: Mill allows the state to draw on controversial views to weigh in on some disputes, such as how public funding should be distributed. And third, think of justification: a major justification for Mill's tolerance is the important role of freedom in human flourishing.

This last point about different types of justification for tolerance and neutrality is what has been incorrectly identified by the Standard Account as the central difference between comprehensive liberalism and political liberalism. This mistake can partly be explained by recognising the history of the thought processes involved here. Rawls talks of political liberalism as extending "the movement of thought that began three

centuries ago with the gradual acceptance of the principle of toleration” and as applying “the principles of toleration to philosophy itself” (2005, p.154). In generalising tolerance to all areas of controversy, political liberalism generated the new and distinctive concern with neutrality. This concern made it important to have a neutral justification for core principles like tolerance and neutrality, i.e. it then became important to have second-order neutrality (cf. Waldron, 2004, p.92). Perhaps because the concern with second-order neutrality came hand-in-hand with the new, general concern with neutrality, people have mistakenly come to think that second-order neutrality is the central concern of political liberalism.

7.3. The example of civic education

There is a clear basis in the literature to support the Alternative Account over the Standard Account, which we particularly see when we look at the application of liberal theory to policy. When we look at how supposed comprehensive liberals theorise about policy issues, what is distinctive is *not* that they make use of a liberal principle that they back up with a non-neutral justification. Rather, we see that they *directly* apply a non-neutral justification to public policy.

Looking at a specific application of liberal theory will help here. Much debate has taken place amongst liberals over what a civic education should consist in and whether this must be compulsory for all future citizens. Often when discussing this issue, comprehensive liberals do not simply invoke their principle of neutrality (or ‘liberal principles’) and apply these abstract principles to the issue at hand. Rather, they apply their belief in the value of autonomy *directly* to the issue.³⁷ This point is evident in Amy Gutmann’s comment that

³⁷ This does not necessarily mean that comprehensive liberals will always end up with distinct policy outcomes to political liberals. Comprehensive liberals and political liberals allow *different theoretical justifications* for their views (in the sense of how thick the grounds are that they bring in) and this affects their *theorising about a concrete case* (i.e. the sorts of reasons that they present as relevant). But often, the *outcomes* of the theorising about the concrete case will be similar between comprehensive and political liberals – they end up with similar policy suggestions. Gutmann has made this point persuasively in relation to civic education. She argues that your substantive conception of citizenship makes more difference to your policy suggestions than whether you are a comprehensive or political liberal (1995, p.558). Gutmann says: “Despite their foundational differences, comprehensive and political liberals who share the same demanding conception of civic education and agree that publicly controlled schools can teach mutual respect turn out to be closer together on the issue of accommodating diversity than their metatheoretical allies.” (Gutmann, 1995, p.564) However, a “strong convergence thesis” that says that comprehensive liberals and political liberals will *always* reach the same conclusions is false (see Fowler (2011), although I do not agree with all of the arguments he makes here, nor is it clear that anyone actually

“Unlike Millian or Kantian liberalisms, which are comprehensive, political liberalism does not try to cultivate individuality or autonomy through public education ...”

(Gutmann, 1995, p.559)

If comprehensive liberals are trying to cultivate individuality and autonomy through education, then this suggests that they are bringing in individuality and autonomy not merely as a justification for a principle of neutrality (or whatever their second-order liberal principles are). Rather, they are drawing on these controversial values to directly inform public policy decisions.

For a concrete example, take Joel Feinberg’s (1992) discussion of *Wisconsin v. Yoder* (1972). In this case, which I discuss in detail in Chapter 3, a number of Amish parents objected to the Wisconsin state law requiring high school attendance until age sixteen on the basis that this exposed the children to an ethos in conflict with Amish values. The Supreme Court ruled in favour of the Amish parents, arguing that the Wisconsin law violated the parents’ right to freedom of religion by preventing them bringing up their children in the separation and simplicity essential to Amish life. Feinberg (1992, p.86) expresses philosophical (as opposed to legal) objections to the outcome, worrying that the children are having their rights-in-trust to autonomy violated. He speaks approvingly of the view that the state has a legitimate interest in ensuring that children learn about a number of different options or lifestyles (p.87). Here Feinberg invokes the value of autonomy directly to justify his view on a concrete issue. He says:

“An impartial decision would assume only that education should equip the child with the knowledge and skills that will help him choose whichever sort of life best fits his native endowment and matured disposition. It should send him out into the adult world with as many open opportunities as possible, thus maximising his chances for self-fulfillment.”

(Feinberg, 1992, p.84)

argues for the strong convergence thesis). We may, for example, find there to be more of a difference in policy outcomes for comprehensive and political liberals when it comes to non-coercive policy decisions, such as whether to put additional funding into the arts or whether to have an opt-out system for a subject that encourages students to engage in critical reflection on their conception of the good (see n.29). Because comprehensive liberals are not concerned with generalised neutrality (Section 7.2), they may be more open to non-coercive interventions based on non-neutral grounds.

Here Feinberg invokes the value of (a specific idea of) self-fulfilment directly, rather than using it to justify abstract liberal principles.

The way that *Wisconsin v. Yoder* is talked about more generally in the literature also suggests that comprehensive liberals bring autonomy directly to bear on their view of the case. For example, Christian Fernández says that

“the divergent interpretations of *Wisconsin v. Yoder* are often thought of as corresponding with the divide between what John Rawls (1993) called *comprehensive* and *political* liberalism. The divide serves as an explanation of why some liberals think that the ruling of the Supreme Court was correct and why others think it was not.”

(Fernández, 2010, pp.279-80)

Fernández explains that whilst comprehensive liberals are concerned with autonomy and therefore want a school system that provides children with a variety of options to choose from, political liberals value toleration of diversity and therefore want “a school system ... that carefully avoids getting in the way of diversity and of parents’ rights to care for their children’s upbringing” (2010, p.284). There are issues with Fernández’s analysis, and he says himself that reconceptualising the role of the school leads to greater alignment between the comprehensive and political liberal views. But my point is that when discussing this case, the fact that comprehensive liberal thinkers are bringing in thicker justifications such as autonomy when discussing public policy is regarded as sufficient to make them comprehensive liberals. Indeed, there is no allusion at all to the Standard View throughout Fernández’s discussion.

We see the same understanding of comprehensive liberalism underlying Stephen Macedo’s (1995) analysis of the case of *Mozert v. Hawkins* (1986). In this case, some Christian families objected to the compulsory reading programme at their children’s public school on the basis that it offended their religious beliefs. They wanted the school to accommodate their religious beliefs by providing alternative reading instruction. In discussing the case, Macedo says that the “most straightforward justification of the reading program would be on the basis of a comprehensive liberal ideal of life as a whole centered on autonomy or individuality” (1995, p.473). If the reading programme was to be justified in this way – by saying that it promoted autonomy and individuality by introducing students to a diversity of views – then this would be directly justifying public policy on the basis of a (fairly) thick conception of the good.

The view that runs implicitly through Macedo's paper seems to be closest to the Gaussian one explained in Section 6. Macedo seems to view the difference between comprehensive liberalism and political liberalism as one of comprehensiveness, with his own political view being set against liberalisms that wish to "directly promote ideals (such as autonomy) in *all spheres of life*" (Macedo, 1995, p.470, my italics). Political liberalism, he thinks, is marked out by giving an account of why "political justification need not and should not depend on a particular account of the whole truth" (1995, p.495). So, what Macedo takes to be wrong with comprehensive liberalism is that it invokes values which are too broad and which have implications for too many areas of life. The problem is not the failure to provide a neutral justification for liberal principles.

When Macedo comes closest to an explicit discussion of the distinction between comprehensive liberalism and political liberalism, he says the following:

"political liberalism stands for a restraint that would be unnatural for one committed to the political authority of a vision of the good life as a whole informed by autonomy or individuality. Political liberals will reject in principle a public program that teaches a religious doctrine of toleration or one that advances John Dewey's claim that science is the "one sure road of access to truth." Political liberalism aims to open its doors to those who reject the wider moral ideals of Kant, Mill, or Dewey. Comprehensive liberalism stands for values that really are broader and deeper and more stridently partisan than those of political liberalism."

(Macedo, 1995, p.476)

This supports the Alternative Account. The values that comprehensive liberalism appeals to in policy decisions are "broader", "deeper" and "more stridently partisan", suggesting a quantitative difference between comprehensive liberalism and political liberalism, rather than the difference being that political liberalism possesses a second-order neutrality that comprehensive liberalism lacks.

Macedo implicitly contradicts Quong's view that political liberalism is distinguished by its second-order neutrality. Macedo thinks that "political liberalism may have the advantage of barring coercive perfectionism in principle and at the very base" (Macedo, 1995, p.493). However, as we saw in Section 5, an implication of Quong's Standard Account is that one can be a political liberal who supports coercive policy perfectionism. These two thinkers' claims are therefore incompatible.

Even Rawls indicates that the difference between comprehensive liberalism and political liberalism does not simply live at the level of second-order justification. In discussing the subject of children's education, Rawls says that

“The liberalisms of Kant and Mill may lead to requirements designed to foster the values of autonomy and individuality as ideals to govern much if not all of life. But political liberalism has a different aim and requires far less.”

(Rawls, 2005, p.199)

We can only make sense of this thought alongside the idea that comprehensive liberalism and political liberalism differ over meta-neutrality if we say that the difference is not *just* over whether there is meta-neutrality. We would also have to acknowledge that the different justifications allowed by comprehensive liberals and political liberals affect what principles they end up with. If the difference between comprehensive and political liberalism lies only at a meta-level, then we would not expect autonomy and individuality to feature as justifications governing various aspects of life, including education. Rather, autonomy and individuality should be justifying an abstract principle (such as Mill's harm principle) that itself governs various aspects of life. Rawls' view here thus supports the Alternative Account, where because of the different types of justifications they allow, comprehensive liberals and political liberals end up with different political principles.

Lastly, the Alternative Account fits with the understanding of the distinction between comprehensive and political liberalism drawn in some recent political commentary. 'Muscular liberalism', a view which has dominated Conservative UK politics in recent years (and which influenced the development of the British values policy), is the view that "a genuinely liberal country ... believes in certain values and actively promotes them" (Cameron, 2011). The trend towards muscular liberalism has sometimes been interpreted as a move back from political liberalism to comprehensive liberalism (e.g. Clycq & Levrau, 2017, p.154; Joppke, 2014, p.293; Joppke & Torpey 2013, p.14). This interpretation is offered not because these thinkers see muscular liberalism as failing to have meta-neutrality, but because it involves politicians directly invoking thick values (such as autonomy) to defend their policies.

In this sub-section, I have argued from people's understanding of the distinction between comprehensive and political liberalism in the literature, towards a rejection of the Standard Account. A defender of the Standard Account might respond by saying that these commentators have misunderstood the distinction, and are misapplying the terms, or failing to understand where the root of the difference lies.

In response, I argue that since the terms ‘comprehensive liberal’ and ‘political liberal’ are meant to be heuristic tools designed to help understand different trends of thought within liberalism, it is important that the distinction fits with the current usage of these terms in wider literature. The Alternative Account does this better than the Standard Account.

8. Implications of the Alternative Account for our understanding of ‘perfectionist’

The Alternative Account illustrated in Figure 2.2 suggests that in at least one sense, perfectionism comes in degrees, alongside the sliding scale of thickness of grounds invoked as justification. (There are several other ways that the word ‘perfectionist’ is used in the literature, which I distinguish in Appendix 2.) This contrasts with the usage of ‘perfectionist’ often seen in the literature, where thinkers (or arguments or theories) tend to be referred to either as ‘perfectionist’ or ‘anti-perfectionist’, giving the impression that perfectionism is a binary concept. According to the view implied by the Alternative Account, a thinker (or argument or theory) can be *more* or *less* perfectionist depending on how controversial the grounds are that are invoked as justification. Since controversiality is partly society-relative, in order to know where to place some justification on the ‘scale of perfectionism’, we would need to know about the conceptions of the good of the individuals that compose the relevant society. In the following discussion, I imagine a society roughly like the UK today.

An example may help to make clear how my view of perfectionism differs from the common usage in the literature. Quong (2011, p.23) compares two arguments that might be made in a debate about whether drugs should be criminalised:

Argument A: Drugs should not be banned because it is a violation of a person’s autonomy to coerce them for their own good.

Argument B: Drugs should be banned because seeking pleasure through chemical intoxication is degrading and so drug use is a “debased activity”.

Quong rightly describes Argument B as perfectionist: it relies on a view of what is and is not ‘debased’, which will depend on a controversial conception of the good. But Quong then goes on to say that Argument A is “no less perfectionist” (p.24) than Argument B, since Argument A relies on a controversial assumption about the importance of autonomy. But contra Quong, we can acknowledge that Argument A is perfectionist *to a degree* whilst also saying that it is *less* perfectionist than Argument B. Argument A is one that *more people accept* and is consistent with a greater range

of potential reasonable views, since autonomy holds an important role across a wide range of actual and potential conceptions of the good.³⁸

Argument B is less perfectionist than other arguments that we might imagine. For example, B is less perfectionist than the following two arguments:

Argument C: Drugs should be banned because the Bible says that our bodies are temples of the Holy Spirit.

Argument D: Drugs should not be banned because I had a personal revelation from God whilst high on drugs telling me that drug use should be legal.

Argument C relies on a common interpretation of 1 Corinthians 6:19, a Bible verse invoked by several different Christian denominations to justify their opposition to drug use.³⁹ It might also hold some appeal as a justification for people who do not have Christian faith but who see the Bible as a source of the traditional values that they subscribe to (perhaps agnostics and atheists brought up in the Christian tradition).⁴⁰ But clearly some atheists will find such an argument utterly unpersuasive, and it would come at great moral cost to them to accept it.⁴¹ Argument C is therefore more

³⁸ This example demonstrates that how perfectionist some justification is can be a matter of debate, because it is not always clear how we should weigh up the different dimensions of controversiality. It seems plausible to say that giving up on autonomy comes at greater moral cost than giving up on the idea that drug use is debased, and so someone might push for a different ordering of the arguments here in terms of how perfectionist they are. But even if you disagree over the ordering of these examples, my point remains the same, which is to dispute Quong's claim that Argument A and Argument B are equally perfectionist because they both rely on controversial justifications.

³⁹ 1 Corinthians 6:19 reads: "Do you not know that your bodies are temples of the Holy Spirit, who is in you, whom you have received from God? You are not your own." (New International Version)

⁴⁰ On the possibility of religious reasons being accessible reasons, see Laborde (2017, pp.126-7). Laborde would not, however, consider Argument C to be accessible in a pluralist society, as she says that it is not possible for non-religious people to "understand" such an argument (p.122). This seems obviously false; they can understand it, they simply do not accept its force. Even if we were to accept Laborde's understanding of accessibility, we should still avoid talk of a reason being 'accessible' or 'inaccessible'; rather, reasons are more or less accessible.

⁴¹ In reality, how willing a person is to accept a justification will also be heavily dependent on the policy it is being used to justify. For example, there would be outrage in the UK if a policy of 'no pain relief in childbirth' was introduced, justified with reference to Genesis 3: 16-17 ("To the woman he said, 'I will make your pains in childbearing very severe; with painful labour you will give birth to children...') The public outcry would no doubt attack the religious justification, but it would also attack the policy itself. This point is further supported by the fact that some existing UK policy which is justified with reference to Christianity goes largely unquestioned. For example, all school pupils in England are required to take part in a daily act of collective worship which is "wholly or mainly of a broadly Christian character" (Department of Education, 1994). This is justified, in part, with a religious justification: "to

perfectionist than Argument B, as C will only appeal to those who see the Bible as a source of authority. But C is far less perfectionist than Argument D. D appeals to a personal revelation rather than to a (relatively) publicly accessible source like the Bible. Other individuals cannot access this message from God. Additionally, this religious experience was had under conditions that act as defeaters to this being a genuine revelation from God. The veracity of this revelation will be widely rejected, even amongst deeply religious citizens, and so D will be an acceptable justification according to very few, or no, reasonable conceptions of the good. It is a maximally thick, maximally controversial ground. If a justification for state policy is one that fits with *no* other reasonable conceptions of the good, it could be said to be maximally perfectionist.

Given the above implication of the Alternative Account, we should be wary of talk of ‘perfectionist’ and ‘anti-perfectionist’. This is not to say that we should give up on use of these terms; the terms retain a useful heuristic function. But for the sake of clarity, we should be clear about the way that we are using these terms (see Appendix 2), and keep in mind that in some important senses of ‘perfectionist’, these terms do not designate discrete categories.

9. Conclusion

If ‘comprehensive liberalism’ and ‘political liberalism’ are to be useful labels at all, they should be understood as broad heuristics rather than discrete categories. Contra Larmore and Quong, the distinction cannot be upheld as operating primarily on a meta-level. Rather, different comprehensive and political liberal views sit on a sliding scale based on how controversial the justifications are that are invoked, whether this be to support abstract political principles (such as a principle of neutrality) or more concrete policies (such as an education policy). Political liberals are concerned with providing minimally controversial justifications for political principles and policy, whereas comprehensive liberals are not. I proposed that ‘controversiality’ should be understood as assessable by three dimensions: the proportion of (existing)

provide the opportunity for pupils to worship God” (1994, p.20). Despite low levels of religiosity in England, very few parents have objected to their children’s participation. This, I presume, is partly because parents find the idea of collective worship fairly unobjectionable – they took part in similar assemblies themselves, and many are agnostics with no strong feelings against some Christian influence. None of this is to say that it does not make a difference what the justification is. There would probably be significantly less public outcry in response to a rule of ‘no pain relief in childbirth’ if the rule were given a non-religious justification appealing to reducing potential harms to the foetus.

reasonable people that actually reject the view that is invoked as justification, the proportion of the set of reasonable views that are or could readily be held by citizens of the society that the view conflicts with, and the moral distance that the justification asks actual and potential dissenters to travel.

This Alternative Account is preferable for several reasons. It avoids implying that comprehensive liberals consciously endorse a non-neutral justification for their liberal principles. It takes into account that one's justifications inform the principles one arrives at – political liberals have a principle of neutrality, whereas comprehensive liberals have a principle of tolerance. Finally, it better fits with the understanding of the distinction between comprehensive liberalism and political liberalism that is often implicit in the philosophical and political literature.

This analysis clears up a confusion in the large literature that makes use of the distinction between comprehensive liberalism and political liberalism, a confusion that hinders progress in the normative debates over the extent to which the state should avoid perfectionist influence. Moreover, my account has implications for the way we understand 'perfectionist', with it being more appropriately understood as something that comes in degrees rather than being used as an all-or-nothing label. Justifications are more or less perfectionist, depending on how controversial they are. This suggests that opposition to perfectionism needs to be more sophisticated than it sometimes is. Finally, my analysis questions the oft-heard claim that neutrality is the "nerve of liberalism" (Dworkin, 1985, p.183) or "the hallmark of liberalism" (Merrill, 2014, p.1). My account suggests that this is, in fact, a distinctive concern of political liberals, and so 'neutrality' is best reserved as a term of art for discussions within and about political liberalism. A better candidate for a 'hallmark' of liberalism is its emphasis on protecting basic liberty, equality and rights.

Appendix 1: Rawls and Larmore's interpretation of Mill

Rawls and Larmore interpret Mill as founding his liberal principles upon the values of individuality and autonomy (Rawls, 1987, p.6; Larmore, 1990, p.342). This now appears to have become the standard interpretation (e.g. Wall, 2012; Quong, 2011, p.16; Arneson, 2003, p.193). However, we should note that this has been disputed.

Gaus (2008) has argued that this interpretation is narrowly focused on Chapter 3 of *On Liberty* rather than on the arguments offered throughout the book. According to Gaus, Larmore goes wrong in focusing on Mill's *favourite* defence of freedom and ignoring the broad and non-sectarian arguments that Mill provides. Gaus (2008, p.98) suggests that Mill offers a mixture of consensus justifications (where the same justification appeals to everyone) and convergence justifications (where different justifications are given for the same principle). As one piece of textual evidence, Gaus points to the fact that having offered his case for individuality, Mill says that

“these considerations will not suffice to convince those who most need convincing; and it is necessary further to show, that these developed human beings are of some use to the undeveloped — to point out to those who do not desire liberty, and would not avail themselves of it, that they may be in some intelligible manner rewarded for allowing other people to make use of it without hindrance.”

(Mill, 2006, p.73 [ch.3, para.10])

Mill goes on to provide arguments that might appeal to a broader audience, such as the possibility of learning something from the experiments of others, and the progress achieved in societies where genius is allowed to freely develop (pp.73-6 [ch.3, paras.10-13]). These arguments can be interpreted as (deliberately) avoiding appeal to controversial conceptions of the good. For example, one can interpret ‘progress’ according to one’s own view of the good life. Mill’s arguments all suggest that freedom will increase utility, and utility is something that we all value (even if we disagree over whether it is the *ultimate* value).

These are difficult exegetical issues. However, we might briefly say the following in support of Gaus’ view. Although it might seem ahistorical to ascribe to Mill a wish to provide public reasons, his involvement in politics and policy-making suggests that Mill was concerned with swaying public opinion and did want his arguments to convince the general public, which includes people with a diversity of views of the good, including Victorians who did not agree that autonomy should be given the

priority that Mill assigns to it. If it is the case that Mill was concerned with providing minimally controversial justifications, the distance between this classic 'comprehensive liberal' and political liberals becomes even shorter.

Appendix 2: The ambiguity of 'perfectionism'

According to the view of perfectionism exemplified in the drug use example in Section 8, perfectionism comes in degrees. This indicates one way in which it might be unhelpful to label thinkers as either 'perfectionist' or 'anti-perfectionist': it wrongly implies that 'perfectionism' is a binary concept. Instead, I have suggested that we should think of perfectionism as occupying a sliding scale: thinkers (or arguments or theories) are strongly or weakly perfectionist, depending on how controversial the justifications given are.

There is another, important reason why it can be unhelpful to label thinkers as 'perfectionist' or 'anti-perfectionist'. This is because it is possible to identify at least five different dimensions in the way that one might be perfectionist:

1. Theoretical vs political
2. Constitutional vs policy
3. Coercive vs non-coercive
4. Strong vs weak
5. Justification vs aim

These dimensions intersect and so these different dimensions cannot be explained apart from one another.

Theoretical versus political perfectionism: Theoretical perfectionism is when the arguments justifying the (neutral or perfectionist) political principles are themselves perfectionist, in that they rely on a controversial conception of the good. This is a kind of higher-order perfectionism, operating at the level of the justification of the theory itself (at the 'meta-level'). Chan (2000, p.35) calls this 'philosophical perfectionism' and contrasts it with 'political perfectionism' which is where it is acceptable for policies to promote 'worthwhile goods'. If Larmore were to adopt the language of this distinction, he would say that comprehensive liberalism is politically anti-perfectionist but theoretically perfectionist. In defending the Alternative Account, I have rejected the idea central to Quong's Standard Account that the distinction between comprehensive liberalism and political liberalism depends entirely on whether theoretical perfectionism is viewed as necessary and / or acceptable.

The next two distinctions (constitutional versus policy, and coercive versus non-coercive) come under the umbrella of 'political perfectionism'.

There are disagreements over the *scope* of perfectionist influence: whether controversial conceptions of the good can be used to justify constitutional essentials and/or used to justify policy decisions.

Constitutional perfectionism. Constitutional essentials are justified on the basis of a controversial conception of the good. An example of constitutional perfectionism would be constitutional gender equality based on the New Testament verse stating that there is no “male and female, for you are all one in Christ Jesus” (Galatians 3:28).

Policy perfectionism. State policies are justified on the basis of a controversial conception of the good. These policies might be coercive or non-coercive.

- *Coercive policy perfectionism.* Coercive state policy is given a controversial justification. An example of a coercive perfectionist policy would be attaching criminal penalties to gay sex on the basis that the Bible describes this behaviour as an “abomination” (Leviticus 18:22), or compulsory art classes on the basis that aesthetic appreciation is part of the good life.
- *Non-coercive policy perfectionism.* Non-coercive state policy is given a controversial justification. Mill is an example of someone who is against coercive policy perfectionism but allows non-coercive policy perfectionism (see n.18). An example of non-coercive policy perfectionism would be for the state to subsidise opera, but not gambling, on the basis that the former is a more worthwhile activity. Wall (2012) also includes under the banner of non-coercive perfectionism the state creating new, valuable options.

Some libertarians might insist that we should refer to non-coercive policy perfectionism as ‘indirectly coercive’ policy perfectionism, arguing that *all* state action is coercive.⁴² They would argue that even though the inducement to attend opera over gambling is non-coercive, the taxation used to fund this inducement is coercive. Others might argue that the state creating certain options and designing these so as to best encourage people to take this option

⁴² For example, left-libertarian Mike Otsuka objected to my use of “non-coercive” in relation to these state activities when reading an earlier version of this chapter.

is in some way damaging to autonomy.⁴³ My own view is that there is a significant moral difference between what I am calling ‘coercive’ and ‘non-coercive’ policy perfectionism. *Actively prohibiting* some activity is much more likely to prevent someone from performing an action than simply *failing to subsidise* an activity. Non-coercive policy perfectionism leaves individuals with significant responsibility for choosing and implementing their conceptions of the good (Macleod 1998, p.205). Coercive policy perfectionism can therefore be seen as a greater restriction of freedom and correspondingly more coercive. I therefore follow the common usage in the literature (e.g. Quong, 2011, p.25; Wall & Klosko, 2003, p.7; Wall, 2012) by referring to this type of perfectionism as non-coercive.

For each of the above distinctions, we can evaluate examples of perfectionism as *strongly* or *weakly perfectionist* (in the sense exemplified in arguments A – D in Section 8, taking ‘strength’ to track the thickness of grounds invoked).

All of the above distinctions focus on perfectionism at the level of justification – the *reasons* given are controversial. But we might also describe *aims* as perfectionist. A policy could be described as having a perfectionist aim when it aims at the promotion of a particular, controversial vision of the good life. Usually perfectionist aims have perfectionist justifications, but this is not always the case. Richard Arneson’s (1990, p.219) example is that there could be a policy of state establishment of religion (perfectionist aim) justified by religion being necessary for civil peace (neutral justification). Similarly, perfectionist justifications usually result in perfectionist aims, but there are exceptions. Arneson (1990, p.219) gives the following example of how these can come apart. There could be a policy of broad religious toleration (neutral aim) that is justified by the belief that Quakerism is the true religion, and among the tenets of Quakerism is a principle that says that the state should not aim to favour one religion over another (perfectionist justification).

We can see from the above that there are a large number of (often intersecting, related) ways of understanding ‘perfectionist’. Once we have recognised this, it is

⁴³ For discussion of whether ‘nudging’ people to take good options disvalues autonomy, see Bovens (2008).

easy to see how confusion results in the literature when some thinker (or theory or argument) is described as 'perfectionist'. For example, we can now make sense of how it is that Mill has been described both as a "comprehensive anti-perfectionist" (Quong, 2011, p.19) and yet has also had his theory described as "perfectionist liberalism" (Wall, 2012). Mill is anti-perfectionist in the sense that he wants to avoid coercive policy perfectionism, but his liberalism might be seen as perfectionist in the sense of theoretical perfectionism.

Chapter 3 Liberal neutrality, compulsory education, and the case of *Wisconsin v. Yoder*

1. Introduction

In the preceding chapter, I argued that comprehensive liberalism and political liberalism should be distinguished by how controversial the justifications are that are invoked when justifying abstract political principles or concrete public policies. In this chapter, I explore the implications of this difference for a concrete policy problem – whether the Amish should be required by the state to send their children to high school. This issue came to the Supreme Court in 1972 with the case of *Wisconsin v. Yoder*. Although I find that the different liberal positions do not dictate a specific position on the case, nor necessarily deliver opposing positions on the case, the different theoretical justifications invoked matter morally and will sometimes make a practical difference to policy-making. I analyse these respective positions to help decide what position the liberal ought to adopt. How essential is it that policy be justified in a way that is minimally controversial? Political liberals think that policy does require a minimally controversial justification, and say that state policy ought to have a neutral justification, in order to show respect for persons. However, I argue that a closer look at the political liberal neutrality principle shows it to be inconsistent with respect for persons. For, I demonstrate, even supposedly neutral justifications rely on a controversial way of prioritising values. It follows that if we take the implications of respect for persons for neutrality to its natural conclusion (that is, one that avoids such controversial prioritisation of particular values), then we get to a much stricter neutrality principle. But, I shall argue, this stricter principle cannot possibly function as a strict constraint on policy-making, for it would be impossibly restrictive and morally undesirable. In the *Wisconsin v. Yoder* case, it would impermissibly neglect the basic liberty, equality and rights of children. I therefore ultimately adopt the position that minimising controversiality should merely be one aim of policy-making, one that must always be balanced against considerations of liberty, equality and rights. I call this position ‘comprehensive minimally controversial liberalism’.

I begin in Section 2 with setting out the case of *Wisconsin v. Yoder*, before showing in Section 3 how some comprehensive liberals have responded to the case. In Section 4 I summarise the main criticism of comprehensive liberalism, which ultimately led to political liberalism. In Section 5, I present the neutrality principle that political liberals have argued for as a way of improving upon comprehensive

liberalism. In Section 6, I explain why respect for persons pushes us in the direction of requiring 'neutral justifications'. In Section 7, I discuss what a political liberal neutrality principle might imply for the case of *Wisconsin v. Yoder*, showing how political liberals have tended to think that they can justify compulsory education with reference to supposedly neutral values. In Section 8, I note the lack of attention to the well-being of children in the responses that have been given by political liberals, but suggest that this is not a problem intrinsic to the theory itself. In Section 9, I present my main concerns with political liberal neutrality. I argue that even supposedly neutral justifications fail to be fully neutral because they rely on acceptance of a controversial hierarchy of values. Moreover, the restriction of reasonable hierarchies to only those that prioritise political values over sectarian values is problematic. So, in Section 10, I set out my own view, arguing that minimising controversiality should be a mere aim of policy-making, rather than a strict constraint. Particularly in the case of children, other considerations will often weigh more heavily than minimising controversiality. In Section 11, I apply comprehensive minimally controversial liberalism to the *Wisconsin v. Yoder* case, ultimately arguing that there is a strong case for state intervention in Amish education, in order to ensure a basic level of liberty and equality for Amish children.

2. The case of *Wisconsin v. Yoder*

The case of *Wisconsin v. Yoder* (1972) has been discussed by the majority of scholars working on liberal accounts of education. As such, an examination of how scholars have responded to the case provides an opportunity for assessing different liberal responses and ultimately deciding what kind of liberalism one ought to endorse.

Wisconsin v. Yoder ultimately reached the Supreme Court. The case involved Old Order Amish parents (Jonas Yoder, Wallace Miller, and Adin Yutzy) who objected to the Wisconsin state law requiring school attendance until age sixteen. The issue was not whether schooling must be compulsory; the Amish did not object to schooling up until fourteen, which could take place in local, Amish schools. The further two years required attendance at high school, exposing the children to an ethos in conflict with Amish values. The court ruled in favour of Yoder, arguing that the Wisconsin law violated the parents' right to freedom of religion by preventing them from bringing up their children in the separation and simplicity essential to Amish life. Chief Justice Burger delivered the opinion of the court that attendance at high school involves an

“impermissible exposure of [Amish] children to a ‘worldly’ influence in conflict with [Amish] beliefs” (*Wisconsin v. Yoder*, 1972, p.211).

Justice Burger accepted that “providing public schools ranks at the very apex of the function of a State” (1972, p.213). However, the Amish accept state education up to fourteen years of age, after which the child continues an informal education within the community in agricultural, carpentry and possibly business work (for men) and domestic work (for women). The issue is therefore *not* whether the state must make education compulsory. Indeed, Justice White (in his concurring opinion) makes clear that the court would not have supported Yoder had the parents been trying to withdraw their children from education entirely (p.238). What was so objectionable about the extra two years was that this required attendance at high school, exposing the children to an ethos in conflict with Amish values. (The schools for children up to fourteen years are usually within the local community and so students and teachers tend to be Amish.) Attendance at high schools also physically takes the Amish teenagers away from their community at the crucial time when (in the view of the parents) they should be developing Amish values.

Tim Fowler (2011) has argued that it is a mistake to use *Wisconsin v. Yoder* as a test case to back up theoretical argument, because the case is so extreme. The parents’ wishes significantly compromise children’s autonomy, and thus the case will “tell us little about how each framework [comprehensive versus political liberalism] deals with the issue of finding the appropriate place for religion in schooling or other religiously motivated objections to state policy” (Fowler, 2011, p.90). I disagree. Whilst I acknowledge the extreme nature of the case, there are resemblances to the sorts of cases that I am interested in in this thesis (such as the content of the compulsory curriculum and the British values policy). These are cases where parents want to restrict their children’s access to knowledge of ways of life that the state wants children to be aware of, and where values of tolerance, autonomy and equality are pitted against the need to respect a diversity of views. As Amy Gutmann puts it, these cases “test the limits of liberalism in accommodating the diversity of religious communities...” (1995, p.565). Moreover, since the case is so well-discussed in the literature, the way that thinkers reason about this case provides an insight into how those situated at the more comprehensive end of the liberal spectrum think, as opposed to how those at the more political end of the liberal spectrum think. Is the comprehensive liberal right that the values of diversity and autonomy can permissibly be invoked to justify the Wisconsin state law? Or should we join political liberals in

seeking a ‘neutral justification’ for the policy, and if so, what would such a justification look like?

3. ‘Comprehensive liberal’ responses

“The distinctive claim of liberal perfectionists is that the just state is whatever set of institutions best enable people to live autonomous lives”, says Tim Fowler (2020, p.72).⁴⁴ But as we saw in the last chapter, this is not always the claim of comprehensive liberals. What distinguishes the comprehensive liberal from the political liberal is that they invoke thicker, more perfectionist justifications for policy – justifications that are somewhat controversial amongst reasonable persons. However, it is true that influential comprehensive liberal discussions of education often invoke autonomy when defending their view on education (see Chapter 2, Section 7.3). In the case of *Wisconsin v. Yoder*, the focus has often been on the need to expose children to a variety of options as a requisite for securing individual autonomy. This was the view defended by the dissenting Supreme Court judge, Justice Douglas. Douglas argued that keeping a child from experiencing the variety that high school brings means that “the child will be forever barred from entry into the new and amazing world of diversity that we have today” (*Wisconsin v. Yoder*, 1972, p.245). He also appealed to “the right of students to be masters of their own destiny” (*ibid*). Underlying the comments seems to be both the idea that there is something intrinsically valuable in encountering diversity, as well as that exposure to options is instrumentally valuable as a necessary condition for autonomy. Liberal writers have tended to focus on this latter idea. For example, Bruce Ackerman (1980, p.159) talks of the entire education system as being like a “great sphere”, where students land at a single point but are prompted to “explore the globe”, learning about different cultural and religious traditions. The aim of this education is that it “permits the child to move from his initial resistances to an ability to define his own objectives in the light of the universal culture defined by all humankind” (p.160). Ackerman does not discuss *Wisconsin v. Yoder* here, but his view supports a rich liberal arts education, far more expansive than the education provided within Amish communities.

⁴⁴ This is not, ultimately, Fowler’s view, for he himself is a liberal perfectionist, yet thinks that “becoming autonomous is not enough ... perfectionism requires designing children’s upbringing to raise the probability that they will choose to live good lives” (Fowler, 2020, p.67).

In similar vein, Joel Feinberg (1992) argues that exposure to options is necessary in order to secure what he calls a child's "right to an open future". By learning about different options, this keeps many paths of life open for the future, so that as an adult, the child can exercise their right to autonomy. Feinberg refers to the rights the child has now for their future rights to be secured as "rights in trust" or "anticipatory autonomy rights" (p.77). We might see taking an Amish child out of high school as a violation of their future right to autonomous decision-making. The "neutral state", Feinberg argues, "would act to let all influences, or the largest and most random possible assortment of influences, work equally on the child, to open up all possibilities to him" (p.85). This points towards a state education that includes children being exposed to a huge diversity of ways of life.

This valorisation of diversity as key to autonomy has its roots in John Stuart Mill's *On Liberty*. Just as different environmental conditions will be required for optimal growth of different plant species, so will a variety of "experiments of living" in society enable diverse individuals to develop to be the best that they can be (Mill, 2006, p.77 [ch.3, para.14]). Applied to *Wisconsin v. Yoder*, the thought might be that just as it is wrong to impose specific environmental conditions on a plant before we know what type of plant it is, it would be wrong to impose a specific lifestyle on a child when we do not know their individual character. Instead, the state must enable children's access to a variety of lives, in order that they can decide which best suits their individual character.

The view that it is the job of the state to secure the conditions required for autonomy has often been spoken of as synonymous with 'the comprehensive liberal view' or 'Millian liberalism' (see Gutmann (1995), Fernández (2010), and many others). This, Brian Barry argues, is a "travesty" (2001, p.120). It seems to me that there are two main reasons that justify Barry's concern.

First, there is an exegetical worry. Crucially, it is not Mill's view that the role of the state is to secure the conditions required for autonomy. Indeed, Mill was averse to state power being used to mould character (Barry, 2001, p.119). This holds true when applied to state education. Whilst Barry is wrong to claim that "Mill insisted that the state should stay out of the process of education entirely" (p.119), given that Mill wanted state education to include the acquisition of a certain amount of knowledge, tested by public examinations (Mill, 2006, p.121 [ch.5, para.14]), Mill also famously declared that "a general State education is a mere contrivance for moulding people to be exactly like another" (Mill, 2006, p.119 [ch.5, para.13]). Mill wanted "diversity of

education” (ibid), not the education *in* diversity that Douglas and Feinberg advocate.⁴⁵ So, it might be that Mill would accept the Amish way of life as one ‘experiment of living’, part of which involves passing it on to their children through an independent education system.

Second, education justified by autonomy does not represent the totality of options for a comprehensive liberal view. The comprehensive liberal might justify their view on education with reference to other thick values – the importance of having a “love and esteem of knowledge” (Locke, 1880, p.171), for example, or the importance of developing an anti-consumerist and “deep green ethos” (Fowler, 2020, p.86). Perhaps the reason that comprehensive liberal views tend to be seen as synonymous with autonomy-promoting views is because all comprehensive liberals value autonomy, and paternalist state intervention justified by other values might come at the expense of autonomy.⁴⁶ Since this worry – that interventions will diminish autonomy – is not present to anywhere near the same extent when considering policy that involves children, including education policy, we should expect that perfectionist considerations beyond autonomy will hold more sway here. It is thus surprising that comprehensive liberals have tended to be so focused on autonomy when justifying their views on education.

Barry’s discussion of *Wisconsin v. Yoder*, which comes down firmly in support of the Wisconsin state law, is illustrative of how comprehensive liberals might invoke perfectionist considerations in addition to autonomy. Secular education, Barry argues, does not *merely* expose children to options; it does so much more, opening up the “opportunity to become acquainted with the greatest achievements of the human mind and spirit” (Barry, 2001, p.245). A broad liberal arts education is therefore justified not merely because it promotes autonomy, but because it promotes other aspects of human flourishing too. Education “provides people with the opportunity to live better lives”, lives where they can appreciate culture and the arts (p.221). Still, autonomy is central to Barry’s case. He argues that “the key issue is the voluntariness of membership of Amish communities” (Barry, 2001, p.243). Whilst the state cannot get rid of the intrinsic or associative costs of leaving the community, he posits, it can get rid of the external costs of leaving, by ensuring that those who leave are sufficiently

⁴⁵ The discussion here overlaps with Easton (2017a).

⁴⁶ My discussion of this second point was influenced by Fowler (2020, pp.67-75), who discusses why “autonomy might crowd out the promotion of other aspects of wellbeing” (p.74).

well-educated that they do not find themselves at a “severe social and economic disadvantage” (ibid).⁴⁷ For Barry, high school education is justified by the need to protect future autonomy, *in addition to* other paternalistic considerations about the general well-being of the child.

In this section we have seen that although securing the conditions for autonomy is key to many comprehensive liberal responses to *Wisconsin v. Yoder*, no single ‘comprehensive liberal view’ exists. Thick values beyond autonomy, such as the value of cultural appreciation or the importance of there being “diversity in education”, could be invoked to justify support for either side in the debate. In light of this, when evaluating comprehensive liberalism’s response to *Wisconsin v. Yoder*, it would not do to just evaluate the extent to which it is acceptable to bring in autonomy. In common between the various comprehensive liberal views is that the justifications invoked are the subject of disagreement amongst reasonable people, and so central to our evaluation of comprehensive liberalism should be whether it is acceptable to invoke such justifications.

4. Evaluating ‘comprehensive liberal’ responses

Feinberg thinks that he is setting out what “the neutral state” would say about education (1992, p.85). He says that “No court has the right to impose its own conception of the good life on a child over its natural parents’ objections” (p.88). For Feinberg, it would be wrong to (for example) have a state education that promoted Marxism or Christianity. But as many have pointed out, the comprehensive liberal position ‘smuggles in’ a conception of the good. Whilst an education based in the value of autonomy is *less* controversial than (for example) an education based in Marxism or Christianity, it is still controversial amongst reasonable people. For example, the idea that autonomy is essential to the good life has come under attack from Romanticism (Chapter 2, Section 3).

Importantly, many religious people do not share the Millian or Feinbergian vision of the good life. Mill’s vision of “open, fearless characters and logical, consistent

⁴⁷ Barry (2001, pp.150-1) distinguishes between three types of costs. *Intrinsic* costs cannot be ameliorated by the state; for example, the cost of not being part of the Amish community once you leave. *Associative* costs arise from behaviours of group members (such as shunning); the liberal state must allow these so as to avoid being overly intrusive. In contrast, the state can and should do something about *external* costs such as someone becoming destitute because they lack the education to get a job outside of the Amish community.

intellects” (2006, p.40 [ch.2, para.19]) is no doubt anathema to Amish parents, who value humility, obedience, and submission. Indeed, the most central value for the Amish is *Gelassenheit*. As explained by the Young Center for Anabaptist and Pietist Studies (2020), this is about “self-surrender, submission, yielding to the will of God and to others, contentment, and a calm spirit”. *Gelassenheit* seems to pull against the central importance given to autonomy in many comprehensive liberal perspectives.

As Bruce Baum (1997, p.239) has pointed out in his discussion of Mill and Mormonism, “Freedom of action for some people is more a matter of pursuing their deepest religious or cultural commitments rather than of *choosing* their religious or cultural identities.” Whereas Mill thinks that the flourishing person should be asking questions such as “What do I prefer?” and “What would best suit my character?”, this simply is not the sort of question that a conservative religious person would ask (p.241).

Baum’s point seems particularly relevant when applied to the Amish, who value a life of goodness over a life of intellect, where what is good is (at least in part) interpreted as obedience to church authority. The Amish presumably think that ‘fulfilment’ comes from a life lived in submission to God, and ultimately the fulfilment of eternal life in heaven. From the Amish perspective, one’s “chances for self-fulfillment” will more likely be *reduced*, not increased, by exposure to a variety of options (contra Feinberg 1992, p.84).

The comprehensive liberal position can therefore be criticised for claiming to be committed to allowing a variety of conceptions of the good, whilst at the same time ruling out those that disagree with its commitments. For example, Feinberg claims to be “neutral” whilst at the same time assuming that everyone shares his commitment to a particular understanding of autonomy. From an Amish perspective, being forced to send their children to high school on the basis of autonomy can reasonably be seen as forced indoctrination into a secular, liberal set of values.

5. A principle of neutrality

This concern with comprehensive forms of liberalism leads some liberals to commit to abstain from *all* appeal to controversial values when it comes to political matters. For many political liberals, policy decisions should be constrained by a principle of neutrality: decisions may not be grounded in religious, ethical, metaphysical or

epistemological assumptions that are the subject of reasonable disagreement.⁴⁸ George Klosko (2003, p.168) proposes the following Neutrality Principle:

“governments should not base their actions on grounds that can be reasonably rejected”.⁴⁹

Klosko is concerned with *grounds* or *justifications* for government action. Grounds may be ‘reasonably rejected’ because they are bad grounds (for example, the basis in logic or evidence is weak). However, neutralists like Klosko tend to focus on grounds that are objectionable because they can only be supported with reference to a controversial conception of the good, one that can be reasonably rejected. Thus the Neutrality Principle requires that for policy to be legitimate, there must be plausible, non-sectarian grounds available.

In response to the critique of Section 4, a comprehensive liberal might ask: Why not be open about our reliance upon a conception of the good that values autonomy? Why insist on a generalised neutrality over a limited tolerance?⁵⁰ The most plausible answer, I shall now argue, stems from respect for persons.

6. Respect for persons

Why might respect for persons be thought to ground neutrality, and what are the merits of this ground over other potential grounds for neutrality?

Klosko himself believes that the most defensible forms of neutrality are “an expression of a particular value commitment, part of what it means to treat people with adequate

⁴⁸ I ignore here that some political liberals, most notably Rawls, have officially constrained the scope of neutrality to “political questions [concerning] constitutional essentials and questions of basic justice” (Rawls, 2005, p.214). Many others that have followed Rawls have not constrained neutrality in this way; Wall (2019) says that “the principle of state neutrality, on its common formulations ... [has] ... wide, if not completely unrestricted, scope”. This may be because there are few persuasive reasons for restricting the scope of neutrality in this way, especially if one hopes to remain consistent with what motivates neutrality in the first place. In any case, Rawls’ use of exactly the issue discussed in this chapter suggests that Rawls may view education as a matter of basic justice. Nussbaum (2011, p.39, n.65) suggests that one might argue that “schools are part of the basic structure” of society on the basis of “the pervasive influence of public education on all of one’s life as a citizen”.

⁴⁹ I recognise that there are many possible formulations of a neutrality principle. I choose to focus on Klosko for two reasons. First, he offers a clear and simple statement of a neutrality principle. Second, Klosko grounds his principle in respect for persons, which I view as the most plausible ground for neutrality. Klosko (2003, p.169) thinks his version of neutrality is roughly co-extensive with other versions of neutrality.

⁵⁰ See Chapter 2, Section 7.2 for the distinction between tolerance and neutrality.

respect” (2003, p.169). I agree that a plausible ground for neutrality will be moral. Non-moral grounds for neutrality face too many problems.⁵¹

Neutrality might be grounded in epistemological reasons (for example, in the sceptical idea that it is difficult or impossible to know what is good, or the idea that there is reasonable disagreement over the good). Epistemological reasons are problematic because they involve epistemological assumptions that not every reasonable person accepts. Additionally, they will not serve as sufficient grounds for neutrality, for you could still want to coercively impose your preferred view, whilst acknowledging that it is hard (or impossible) to know whether your view is the correct one.

Alternatively, neutrality might be grounded in pragmatic reasons, such as that perfectionist projects will generally fail, or that states cannot be trusted to draw on right and true perfectionist justifications, or the need for stability in society. These pragmatic justifications for neutrality are problematic because they are unstable. For example, if circumstances change such that the state is a more reliable promoter of the true good, or the balance of power changes such that stability can be achieved by imposing a single conception of the good on everyone, then the motivation for neutrality will disappear. In contrast, respect for persons remains stable, because it is a response to a stable feature of fellow citizens.

There is also a strong, positive case for basing neutrality in respect for persons. A moral ground is required in order to serve the function that neutrality is meant to serve. The neutrality principle will require that sometimes we leave out of our political deliberations what we think are salient moral considerations. For it to make sense to leave out salient moral considerations, there must be a weightier moral consideration in play that overrides these (or renders them inoperative). Respect for persons serves this purpose.

There are other potential moral grounds for neutrality – most notably, autonomy. But autonomy is insufficient to ground neutrality. It grounds only a limited tolerance; only ways of life consistent with a high value being assigned to autonomy are tolerated, rather than the more expansive neutrality of political liberals. Additionally, defenders of neutrality want all reasonable citizens to be able to accept the principle of neutrality,

⁵¹ Merrill’s (2014, pp.11-13) discussion of the different grounds for neutrality informed the next two paragraphs.

suggesting a need for a minimally controversial ground, a role that respect for persons is purported to fulfil (see, for example, Larmore (1990)).

How exactly is respect for persons meant to lead to a principle of neutrality? This is somewhat under-explored, but it seems that there at least five, related ways of fleshing out the thought.

First, neutrality is a way of legitimising coercive power, such that its exercise is non-oppressive. So, for example, John Rawls states his “liberal principle of legitimacy” as follows:

“Our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason.”

(Rawls, 2005, p.137)

Even in a democracy, where political power is the power of the public, this power is still a coercive power, placing restrictions on the free actions of individual citizens. If coercive decisions are made on the basis of reasons that cannot be reasonably rejected by citizens, then in one sense they are endorsed by the reason of each citizen. In that case, the constraints can be regarded as the self-imposed rules of a self-determining individual (see Clayton and Stevens, 2018, p.69). Charles Larmore (1990) makes the link between respect and coercion explicit. He takes Kant as his “guide” and says that we must avoid treating others merely as means, something that Larmore thinks coercion always does when it is justified by reasons that can be reasonably rejected. It does so because it fails to treat the coerced individual fully as a person; it fails to give due weight to their standing as a free, equal and rational agent.

Second, since one’s beliefs are an important part of one’s identity, being forced to behave in a way that rubs up against one’s beliefs is damaging to personal integrity. Since one’s beliefs are central to one’s integrity as a moral person, respect is shown towards the belief-holder by avoiding basing policy on reasons that conflict with these beliefs.

Third, because of the way that one’s beliefs form an integral part of one’s identity, coercive policy based on beliefs that are reasonably rejected undermines the equal status of citizens. Martha Nussbaum (2011) argues that because of the “deep and

pervasive role of the political in all citizens' lives" (p.21), if government endorses a particular conception of the good, this will "send a message" that this conception of the good is superior, with the effect that other views are marginalised and demoted (p.20). For this to be an argument against non-neutral *justifications* for policy (rather than non-neutral aims), the thought must be that by accepting a particular justification, this shows government acceptance of this conception of the good. This, Nussbaum thinks, denigrates those who do not subscribe to the same conception of the good; it "puts those people at a disadvantage, suggesting that they are less worthy than other citizens, and in effect, not treating them as fully equal ends in themselves" (p.22).

Fourth, Cécile Laborde (2017, p.122) suggests that offering 'accessible', non-sectarian reasons shows respect for people as democratic reasoners. Even if ultimately the policy arrived at is disagreed upon, if it is based on reasons that cannot be reasonably rejected, interested parties are at least able to continue the conversation, engaging with and criticising the 'neutral reasons' that have been provided.

Fifth, it may be disrespectful to base policy on justifications that can reasonably be rejected because of the message that this sends out about the epistemic standing of those who reject these justifications. If policy is based on some justification J, the message sent out is that those with beliefs implying $\sim J$ are wrong. Whilst I do not think that peer disagreement necessitates suspension of belief (contra Feldman, 2007), nor do I think that states can only act when they are completely certain about the truth of some proposition, it seems to me that basing coercive policy on J implies a degree of confidence in J that *is* unwarranted in the face of (genuine) peer disagreement.⁵² Going ahead and basing coercive policy on J is disrespectful because it implies that you do not view dissenters as epistemic peers.⁵³

⁵² This can only apply in cases where the policy is not urgent. For example, writing during the Covid-19 crisis, there seems to be genuine peer disagreement amongst the scientific community about the best course of action that governments should take. But clearly each government has to take *some* course of action, right now. Policy-making here is different from say, deciding whether gambling shops should be kept out of public view or whether school children should be taught about LGBT+ relationships. It is different because it is more urgent, but also because beliefs about the best way to respond to Covid-19 are not central to one's integrity as a person in the same way that beliefs about what activities and relationships are valuable are.

⁵³ An epistemic peer is someone roughly equal with respect to intelligence, reasoning powers, background information, etc. (Feldman, 2007, pp.6-7). Of course, the government could give a kind of "might is right" argument, but this is not acceptable in a modern, liberal democracy.

Although we can distinguish these different reasons for why one might think that respect for persons implies a neutrality principle, in the remainder of this chapter, I refer to ‘respect’ to refer to any broad, moral ground for a neutrality principle. So, for example, this includes Jonathan Quong’s (2011, p.291) “fundamental moral ideal ... that citizens are free and equal”.

The different arguments offered here for why respect for persons should lead to a neutrality requirement are controversial.⁵⁴ I will not delve into the debate on what respect implies here, but will simply note that this is an open and important question that requires more work. There is at least a *prima facie* case for why justifications for coercive policy must be restricted to reasons that cannot be reasonably rejected. What would this restriction imply for our case of *Wisconsin v. Yoder*?

7. ‘Political liberal’ responses

It would be surprising if there was a single ‘political liberal’ view on the *Wisconsin v. Yoder* case. Whilst political liberals are united by requiring minimally controversial justifications, and for many political liberals this means endorsing a neutrality principle like Klosko’s, what this actually implies for this particular case is controversial. Despite this, some talk as if the mainstream political liberal view is to support the majority judgment of the Supreme Court. For example, Christian Fernández identifies political liberalism as being fundamentally about “toleration of diversity” (2010, p.282).⁵⁵ Consequently,

“a school system aligned with political liberalism, then, is a system that carefully avoids getting in the way of diversity and of parents’ rights to care for their children’s upbringing.”

(Fernández, 2010, p.284)

Fernández says that “most political liberals are responsive to parental claims like these [he has just quoted from the *Wisconsin v. Yoder* judgement], especially when

⁵⁴ Some have argued respect for persons points in a different direction than to neutrality. One might, for example, think that respecting others means putting in place policy that ensures that an individual’s rights are respected, even if that disregards what their views are (Pallikkathayil, 2019). Or, you might think that respect “requires the state to justify its support for sound or true conceptions of the good by presenting valid reasons to its citizens for doing what it is doing” (Wall, 2019).

⁵⁵ Although Fernández does not reference him, Fernández’s characterisation of comprehensive and political liberalism mirrors that of William Galston (1995), where the “Two Concepts of Liberalism” are distinguished by whether they prioritise autonomy or diversity.

they are couched as matters of religious liberty” (p.286). This is odd, as I have come across no political liberal who is comfortable with the outcome of *Wisconsin v. Yoder*. Those who ultimately agree with the outcome do so reluctantly, as an example of “principled exception-making” made on the basis of the unusual position of the Amish as “partial citizens” (Macedo, 1995, p.483).⁵⁶

Why then have some thought that political liberals agree with the outcome of *Wisconsin v. Yoder*? One major reason is because Rawls (2005, p.199) claims that political liberalism “requires far less” than comprehensive liberalism, and makes this claim in the context of discussing precisely this issue. But Rawls goes straight on to discuss what these supposedly more minimal requirements are, and we see that they would require an education different from that which is provided by the Amish. Whilst education within the Amish community *may* teach children to be “self-supporting” and provide them with “knowledge of their constitutional and civic rights”, it is not clear that it prepares them “to be fully cooperating members of society” or that it teaches “the political virtues” (p.199). Elsewhere, Rawls says that the political virtues include “the virtues of civility and tolerance, of reasonableness and the sense of fairness” (p.194). These are demanding requirements, and thus I think Rawls was simply mistaken in thinking that political liberalism “requires far less” than comprehensive liberalism. Rawls himself goes some way to admitting this: having granted that political liberal education may sometimes have the same outcomes as comprehensive liberal education (p.199), he says that

“The unavoidable consequences of reasonable requirements for children’s education may have to be accepted, often with regret.”

(Rawls, 2005, p.200)

There is good reason to think that ultimately, Rawls’ position does imply compulsory high school attendance for Amish children.

What is crucial to a political liberal in diagnosing the right response to this case (as with any case) is not, as Fernández (2010) and Galston (1995) suppose, what will preserve diversity. What matters is whether there are neutral reasons available, reasons that cannot be reasonably rejected. Rawls thinks that such reasons are

⁵⁶ The phrase “partial citizens” was coined by Jeff Spinner (1994, p.98).

available to justify civic education for all. Indeed, he follows his description of political virtues by saying that

“The crucial point is that admitting these virtues into a political conception does not lead to the perfectionist state of a comprehensive doctrine.”

(Rawls, 2005, p.194)

The political virtues are grounded in reasons that are “shared by citizens and do not depend on any particular comprehensive doctrine” (p.194), and thus they cannot be reasonably rejected. These reasons are in part, the contribution that these virtues make to right relations between citizens, which in turn contributes to the self-respect of individual citizens and ultimately to the overall stability of society (Voorhoeve, 2005).

Following Rawls, contemporary political liberals also argue that neutral reasons justify a fairly substantive civic education. For example, Matthew Clayton (2006) details what he calls “education for justice”. This includes learning deliberative virtues, for example, “listening skills; the ability charitably to understand the views of other; analytical skills...”, as well as learning the “virtue of political restraint”, that is, learning that in the political sphere, reasons must be neutral reasons. Children should also be taught about reciprocity and “to appreciate the injustice of political ideologies (for example, libertarianism) that do not afford citizens the right kind of concern and respect” (pp.149-50). Children should be taught to have a willingness to participate in political institutions (p.155), to comply with the law, yet also to question the justice of particular laws (p.153). Note though, that Clayton leaves open how these aims might be achieved. It might be possible to achieve these aims outside of formal education (although this seems less likely in the case of a separatist group like the Amish). Nevertheless, we can see that within the political conception, one that constrains itself to reasons that cannot be reasonably rejected, a substantive account of educational requirements can be given.

Clayton does not discuss cases like *Wisconsin v. Yoder*, but other contemporary political liberals have made comments that imply the court case had the wrong outcome. Quong (2011) says that the state should intervene where children are being educated into beliefs that pull against the liberal order, for example, where children are taught that their religious group is superior to all others and that “the wider society in which they live is not a valuable moral project” (p.302). The context of Quong’s discussion is “containment” of “unreasonable doctrines”, the spread of which “undermines the normative stability of the liberal democratic system” (p.302). Quong

argues that state intervention is required *even where no action will follow from these illiberal beliefs*. Although people are entitled to hold these beliefs, the state should act to prevent their spread (p.303). In the case of “partial citizens” like the Amish, where spread of their ideas to wider society is unlikely, intervention may still be justified on the basis that the education “may also harm the children’s capacity to develop and exercise one of their two moral powers: their capacity for justice” (p.304). All of these reasons are meant to be neutral reasons, those that cannot be reasonably rejected as dependent on a particular comprehensive doctrine. Yet they lead to interventionist, demanding requirements for education.

Lastly, Nussbaum (2011, p.36), with the Amish in mind, argues that children being exposed to options can be grounded in neutral reasons: it can be justified without an “announcement ... by the state that lives lived under one’s own direction are better than lives lived in submission to some form of religious or cultural or military authority”. The thought here is that exposure to options can be justified by an appeal to a minimal conception of freedom that cannot be reasonably rejected; in particular, it does not require an appeal to a controversial, Millian, enlightenment concept of moral autonomy.⁵⁷ Groups like the Amish reject the Enlightenment ideal of the self-chosen life where all values are subject to critical reflection, but they do value freedom in the sense of arriving at decisions without compulsion. This is evidenced by their practice of *rumspringa* (literally ‘running around’), where teenagers may be allowed to experience alternative ways of life outside the community before committing to baptism.⁵⁸ Indeed, this minimal conception of freedom seems like a non-sectarian idea, one that is supported by a variety of conceptions of the good. All the major religious traditions want to avoid straightforward coercion or indoctrination. For example, the Qur’an indicates that people are to come to Islam through free choice; “Let there be no compulsion in religion.” (2:256) This basic, less value-packed idea of freedom, which is sometimes referred to by political liberals as ‘political autonomy’, requires “protecting the spaces in which people may leave one view and opt for another, and also the spaces in which children learn about options so that they can

⁵⁷ Note that by describing the freedom to choose between some options as a more “minimal” conception of freedom, I am not saying that it is a less important freedom; arguably it is a more valuable freedom than the Millian idea of critical reflection. Rather, the thought is that it is thinner (less controversial) because it relies only on premises that cannot be reasonably rejected.

⁵⁸ Although as I discuss briefly in Section 11, it is not clear that the *rumspringa* contributes much to the level of freedom the Amish experience.

really live their own lives” (Nussbaum, 2011, p.36). This indicates that Nussbaum thinks that there are reasons that cannot be reasonably rejected for requiring that Amish children spend time outside of their communities where they can learn about alternative ways of life.

This section has discussed some political liberal justifications for requiring the Amish to attend high school, such as the contribution that it may make to developing political virtues and political autonomy. These justifications are said to meet Klosko’s Neutrality Principle: they do “not rest on single sets of controversial premises” and thus are non-sectarian and compatible with a variety of conceptions of the good (Klosko, 2003, p.168). Importantly, these reasons point to an education beyond that offered within the Amish community. The political liberal requirements for education would probably not be met by the Amish agreeing to extend their own community schools to the age of sixteen.

8. Evaluating ‘political liberal’ responses to children’s education

One concern with political liberal discussions of education generally, and that particularly stands out with the discussion of *Wisconsin v. Yoder*, is that the well-being of children seems to have fallen out of the equation.⁵⁹ Rawls says that “Society’s concern with [children’s] education lies in their role as future citizens...” (2005, p.199). If this is the political liberal position, then it is highly relevant that the group under consideration are ‘partial citizens’ and that most Amish individuals choose to stay within their community. It is the main reason that Stephen Macedo, who advocates “a political liberalism with spine” (1995, p.470), ultimately allows the exemption:

“The Amish case was, in a way, politically easy, since being Amish is not a growth industry: the Amish pose no threat to the health of the wider liberal society.”

(Macedo, 1995, p.472)

Something has gone wrong if this case is “easy”. At stake are the basic interests and well-being of children. I think political liberalism has gone astray here in its focus on children as potential contributors or burdens to society. The reasons it has done so

⁵⁹ This began with the Supreme Court case itself, where the rights and well-being of the children were scarcely mentioned – and so it is not just political liberals who are at fault here.

are not intrinsic to the theory itself, for it is possible to also give paternalistic arguments, based in the interests and well-being of children, in a non-sectarian way.

One could, for example, take a capabilities approach (Fowler 2020, pp.24-29; Nussbaum, 2000). On this approach, well-being is understood in terms of people's capabilities – real opportunities to do and be what they have reason to value (Robeyns, 2016). We might then argue that compulsory education is required in order that all children have these capabilities. For example, learning about additional ways of life beyond your own community might be required in order to ensure what Nussbaum calls “Practical Reason”, which includes being able to “engage in critical reflection about the planning of one’s life” (2000, p.79). ‘Practical Reason’, like the other capabilities, is intended to be neutral – the subject of wide, non-sectarian agreement. The political liberal might plausibly argue that the Amish informal and separatist education, led by the value of *Gelassenheit*, actively discourages critical reflection on your life path, instead encouraging acceptance of the path that God has chosen for you.

Alternatively, we could appeal to other aspects of children’s well-being that can be agreed upon from a variety of non-sectarian stances, such as having the opportunity to follow one’s talents or to make basic choices about how one’s life goes. There are a variety of avenues that the political liberal could go down in order to give neutral, but paternalistic, justifications for compulsory education, justifications that attend to the interests of the child.

9. Evaluating political liberal neutrality: The hierarchy of values objection

Whilst it is possible to give a political liberal defence of education that attends to the well-being of children, I will now argue that political liberalism faces such great problems at the level of theory that the position is ultimately untenable. In this section, I will set out my main concern with the theory, which I refer to as the ‘hierarchy of values objection’: Even where citizens abide by the political liberal requirement to restrict themselves to only non-sectarian reasons, supposedly neutral justifications are not adequately neutral. This is because they require that citizens accept a controversial way of prioritising values, one that can be reasonably rejected. This is problematic as it means that policy based in these supposedly neutral justifications fails to show respect for persons, for the very same reasons that led the political liberal towards neutrality in the first place. In our case of *Wisconsin v. Yoder*, the neutral justifications for compulsory high school discussed in Section 7 are shown to not be adequately neutral, even where (taken alone), they cannot be reasonably rejected. I

then go on to question the political liberal restriction on the sorts of reasons that can be brought into political deliberation about policy, noting that this substantially restricts which hierarchies of values count as reasonable. I argue that this is unnecessarily exclusionary and may have an alienating effect that pulls against respect for persons and ultimately disrupts social unity.

9.1. Problematic hierarchies of neutral values

Imagine an Amish parent, Rebekah. Rebekah agrees that her children being exposed to options has value: she avoids deliberate indoctrination of her children and supports the *rumspringa* because she wants her children to freely choose God and the good. The political liberal wants to say that since ‘exposure to options’ is a reason that Rebekah cannot reject, the policy of compulsory high school attendance is neutrally justified and legitimate.

Underlying this is an implausible view of how we evaluate grounds. We do not make a decision about whether we accept something based on one stand-alone value. Rather, we make an overall assessment about whether something is justifiable based on the whole set of values that we hold.

Take the following example. I might suggest that you buy Nestle chocolate on the grounds that it is cheap. Cheapness may appeal to you as a justification, but nevertheless it might reasonably be rejected as a sufficient ground for buying Nestle chocolate because here it is outweighed by other reasons that you consider more important. You might, for example, think that Nestle chocolate is overly-sugary and be concerned by Nestle’s poor ethical record. In that case, cheapness ranks low in your hierarchy of values for deciding which chocolate to buy.

It might be that a company being unethical is so significant to you that if this reason is operative, it excludes consideration of all other reasons. In that case, being unethical functions like a Razian exclusionary reason, which is “a second order reason to refrain from acting for some reason” (Raz, 1990, p.39). It is a principled reason that when operative, always prevails over other reasons.

There is no reason to think that we evaluate grounds differently when it comes to more significant decision-making. Often there will be many, low-weight reasons that we cannot reasonably dismiss as irrelevant, but these reasons existing is not normally taken to have decisive force. And as in the chocolate example, we may have principled reasons that function in certain contexts so as to exclude consideration of all other reasons. So, there can be a reason that you cannot reasonably reject in

general that you nonetheless reasonably reject as a ground for a particular policy, because of the presence of other reasons to exclude it from consideration.

This is a real problem, because different people have different hierarchies of values.⁶⁰ For example, Rebekah has many other things that she values in addition to her children being exposed to options. As an Amish person, Rebekah also believes in the importance of submitting to God's law, and this probably has much greater weight for her than the value of exposure to options. This value pulls against high school attendance, which physically taking teenagers away from their community at the crucial time when, in their elders' view, they should be developing Amish values. The policy requiring attendance at high school will therefore make it very hard to submit to God's law.

It may even be that submission to God's law is so central to Rebekah's worldview that it functions as an exclusionary reason; in the context of situations where the value of submission to God's law is at stake, the value assigned to exposure to options ceases to matter.

However, from a political liberal perspective this ground must be disregarded. In Klosko's words: "such grounds for rejection will be sectarian and so themselves rejectable" (2003, p.181). Neutrality of justification acts as a "filter" (Quong, 2011, p.207) that functions to narrow the set of considerations, and submission to God's law does not pass through the filter. For the moment, we will accept this crucial part of the political liberal argument. This reason is inactive for Rebekah, and therefore other values relevant to the case are active.

But even then, there will be other, non-sectarian reasons on the basis of which Rebekah can reject the policy. It might be that these reasons are an intentional 're-phrasing' of her sectarian reasons, or it might be that her sectarian values influence the ostensibly non-sectarian values she holds.⁶¹ An example of non-sectarian reasons that pull against compulsory high school attendance are the need to avoid

⁶⁰ For empirical support for the enormous amount of diversity in the hierarchies of value adopted by people in the US, see Jacoby (2014).

⁶¹ Both of these options are consistent with Rebekah genuinely believing that these non-sectarian reasons hold. Klosko says that "the requirement is that acceptable arguments must be sincerely viewed as such, whether or not Jones is in fact motivated by them" (2003, p.188, n.36).

temptation or the interest in raising one's children in accordance with one's own view of the good. Let us imagine Rebekah's hierarchy of values to be as follows:

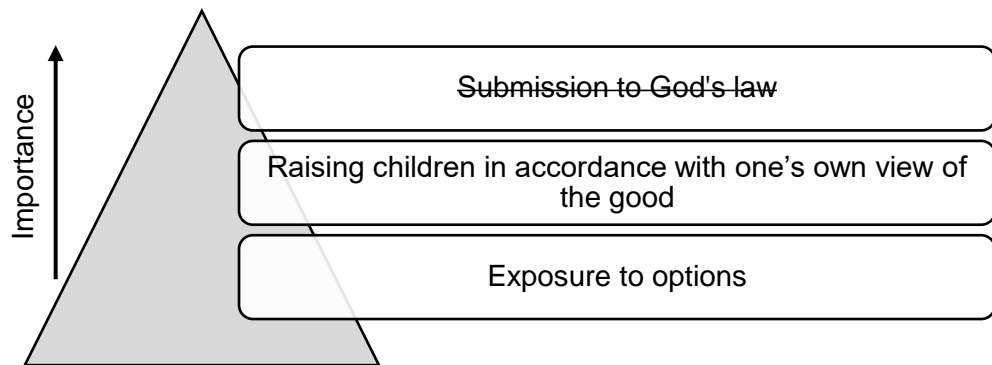


Figure 3.1 Rebekah's hierarchy (version 1)

Submission to God's law is disregarded, because it does not pass through the 'filter'. But the non-sectarian value of wanting to raise her children in accordance with her own view of the good has greater value than exposure to options. When assessed in light of Rebekah's whole set of values, exposure to options can reasonably be rejected as a ground for the policy, because it is viewed as less important than other values at stake. To make matters worse, it seems that to justify the high value of exposure to options, we need to appeal to the high value of autonomy – which seems like a step back to what political liberals were aiming to avoid.

In any case, it is not obvious that latching onto a justification that is the subject of an overlapping consensus is the most respectful or fair way to make policy, and it would certainly be wrong to call the resulting policy 'neutral'. The following example, adapted from Richard Arneson (1990, p.226) may make this clearer. Imagine a three-person society, where the people value three activities in the following hierarchies:

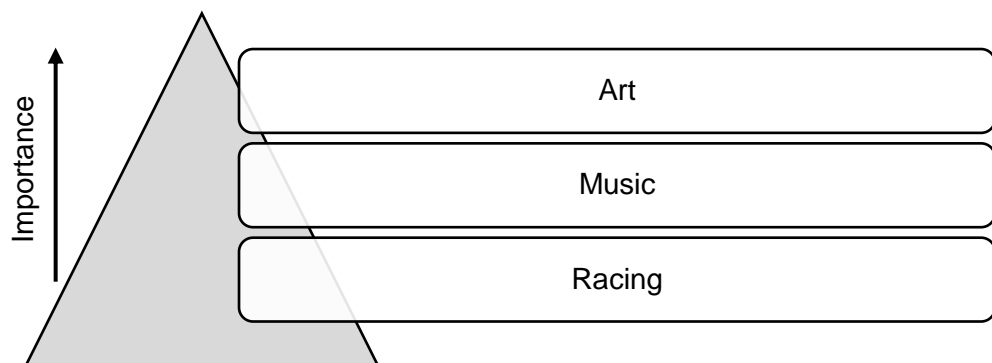


Figure 3.2 Aart's hierarchy

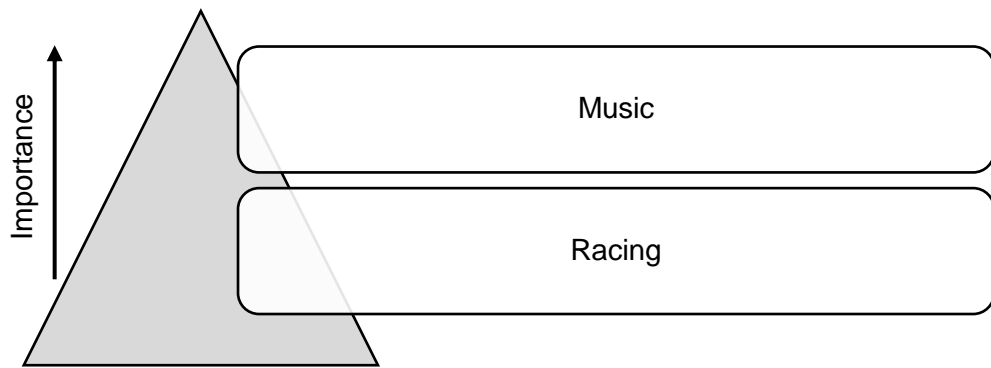


Figure 3.3 Belle's hierarchy

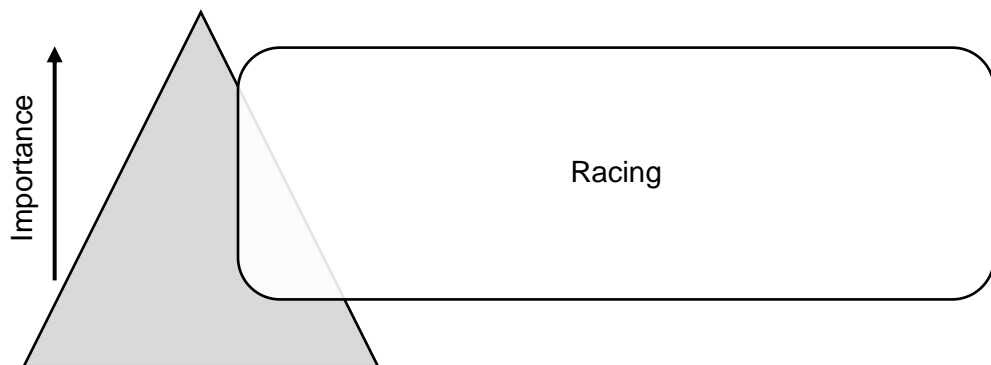


Figure 3.4 Chase's hierarchy

A state subsidy can be spent on only one activity. From a political liberal perspective, we should subsidise racing, because it is the subject of consensus. But it is not clear that we can straightforwardly think of racing as a 'neutral ground' or 'non-sectarian justification'. Aart sees a little, but not much value in racing, whereas for Chase this is all there is to life. Surely Aart can reasonably reject this policy, for it ignores what he most values at the expense of something he sees as having only minimal value. Similarly, even where an Amish parent can see some value in their child being exposed to options, if they only ascribe little value to this, and implementing a policy that brings about this value comes at the expense of something they value far more highly, then it is reasonable for them to reject the grounds for the policy. To be truly neutral, the shared value must be such that it is not trumped for some people in particular choice situations.

The objection thus far can be summarised as follows: Even where a 'neutral justification' exists, with grounds that (taken alone) cannot reasonably be rejected, it is still possible to reasonably reject these as sufficient grounds for the policy on the basis that *in this particular application*, they undermine the importance of other values. Thus it is not sufficient for neutrality that there be a non-sectarian justification for the policy. The Amish cannot reasonably reject the justification (exposure to options) as

irrelevant, but they can reasonably reject the justification as sufficient grounds for the policy.

This is not just a problem affecting a small subset of policy problems. Most (if not all) policy decisions require a delicate balancing of different values, with the final decision being justified by the weight that the overriding considerations have in this case. For every policy, there will be non-sectarian considerations both for and against. For example, imagine that it was shown that segregating high school students according to entry ability improved academic achievement for all ability groups. Let us accept the (plausible) assumption that improving academic achievement is a non-sectarian reason, one that does not require adherence to a controversial conception of the good. Clearly the presence of this reason does not automatically mean that setting is the right policy. Other, non-sectarian considerations will weigh against the policy of setting (for example, the interests that children have in integration with people from different strata of society), and therefore the neutrality principle does not deliver one particular policy outcome for this dilemma.

So far this is unproblematic for the political liberal, because they are not claiming that a neutrality principle is *sufficient* for policy-making. Klosko, for example, says that although he thinks that “neutrality would facilitate resolution of disputes” by narrowing the range of considerations that can be brought to the table, “neutrality will not settle debates” (2003, p.182). Similarly, Quong is happy to acknowledge the “fact of inconclusiveness” in policy decisions like the educational dilemma just mentioned, and says that it would be legitimate for the state to act on the basis of either of the relevant reasons (2011, p.209). Where my disagreement with political liberals lies here is over whether a policy is neutral in the relevant sense when its justification requires that a non-sectarian reason is assigned a weight that a reasonable person can object to. In our case: Is the policy of high school attendance neutral in the relevant sense when exposure to options is assigned a weight that conflicts with Rebekah’s filtered, non-sectarian hierarchy of values? The answer depends on whether it adequately respects persons. So we must ask: Does it “treat people with adequate respect” (Klosko, 2003, p.169) to base policy in non-sectarian reasons, where there are deep disagreements about how to prioritise these reasons? Klosko and Quong think that it does, whereas I think that it does not. Let me expand on the reasons for our disagreement.

Klosko is clear that he is not worried about this hierarchy of values problem. In response to a version of this problem that he considers, he repeats his view that all

that is required for neutrality is a justification based in non-sectarian values. He does not seem worried that policies may be grounded in hierarchies that can be reasonably rejected by some, and says that “Nor is it forbidden that government policy priorities reflect some conceptions more than others.” (Klosko, 2003, p.178) Quong calls disagreement over how to weigh non-sectarian values “justificatory disagreement” and thinks that “The liberal principle of legitimacy is not violated when the state imposes a view that arises out of a justificatory disagreement.” (2011, p.204) Neutrality only applies to foundational disagreements, which occur when there are no shared premises that can serve as a mutually acceptable standard of justification (p.204). The reason that it is morally acceptable for the state to ignore justificatory disagreement but not foundational disagreement is that the former does not involve overruling reasonable citizens’ “ultimate convictions or principles” and uses reasons that all citizens can accept in their capacity as free and equal citizens (Quong, 2011, p.209).

I disagree that there is an important moral difference here, and think it is disrespectful to ignore justificatory disagreement. Disagreements about how to prioritise values have real gravity and sometimes form a significant part of people’s identity. For example, one might see the disagreement between libertarians and liberal egalitarians as a disagreement over how to weigh up the values of liberty and equality. As Fowler (2020, p.63) has argued, right-libertarians

“do not see the creation of welfare states as merely a slightly different interpretation of a principle they already hold. Rather, they see such states as deep threats to their core ethical beliefs ...”

The point here is that even though based on the ‘neutral value’ of equality, the welfare state disregards the high weight assigned to liberty by libertarians, which for many is part of their “ultimate convictions or principles”.

Basing a policy on a controversial hierarchy of values is disrespectful for nearly all of the reasons discussed in Section 6. It oppresses citizens by coercing them for reasons they cannot endorse, because the reasons rely on a hierarchy of values that they cannot endorse. It damages integrity, because it pulls against a value that they hold as absolutely core to their identity. It sends a message that those that disagree with the controversial hierarchy are less worthy, undermining their equal status. Lastly, it implies that their assessment of how to prioritise different values is a poorer assessment than that made by those in power, implying that these dissenters are not to be viewed as epistemic peers.

The only reason discussed in Section 6 that does not apply here is the fourth – the importance of accessibility for democratic discussion. According to Laborde (and others), democratic reasoning is made possible by being able to discuss accessible, non-sectarian reasons. In justificatory disagreements, there *are* shared premises that can be drawn on in discussion.

There is another reason to think that it may be disrespectful to ignore disagreements in how to prioritise values. It seems plausible that one's comprehensive doctrine 'infects' one's supposedly purely political values. For example, even if Rebekah tries to think about exposure to options alone, extricating the value she assigns to this from her religious beliefs, it seems likely that she will assign this low value (as compared to, for example, raising her children in accordance with her view of the good). In that case, basing policy on a controversial hierarchy of non-sectarian values does still undermine a central part of Rebekah's identity, since her rejection of this hierarchy originates in her comprehensive doctrine.

The claim that one's comprehensive doctrine influences one's ordering of political values is an empirical claim, and one that may seem obvious. However, it has been questioned. As part of a defence of political liberalism, Macedo (2018, 2019) has argued that political values are more fundamental than religious values, and that the direction of influence runs from political values to religious values. In support of this idea, one might point to the results of a recent study by Hatemi et al. (2019) which found that evaluative moral judgements are anchored to political beliefs (and not the other way around). This pulls against my claim since it suggests the foundational place of political ideology in our belief systems. Yet even if this study is right, it still might be that religious beliefs are influencing political beliefs. Indeed, a second study, also investigating Moral Foundations Theory but this time in the UK and focusing on religious differences, found that the moral foundations that people endorse tend to be influenced by their religion (Mobayed, 2019).

There does seem to be a weight of evidence supporting the claim that religion has significant influence over political beliefs. For example, studies suggest the importance of religious affiliation in determining views on abortion (Clements, 2014), an association between biblical literalism and lower levels of gender consciousness (Cassese & Holman, 2016) and the influence of religion on views of same-sex marriage (Sherkat et al., 2011; Whitehead, 2011; Kettell, 2019). Moreover, evidence suggests that religion affects one's assessment of empirical evidence relevant to how one evaluates political issues. For example, Andrew Whitehead (2011) found that

religion is strongly associated with the belief that homosexuals choose their sexual orientation and Steven Kettell (2016) found that several of the conservative Christian participants in his study felt that “science” backed up their views on the damage that same-sex marriage does to children.

Evidently this brief survey of the sociological literature is far from complete. For all these issues, a variety of factors will be at play beyond religion, and we cannot know the extent to which these factors are influenced by prior political beliefs. Moreover, the studies cited test the influence of religion on attitudes to concrete political issues, such as abortion, gender and same-sex marriage, rather than the influence of religion on the way people order abstract political values. We cannot be sure that a more ‘macro’ political view is not influencing religious belief, and so more research would be required to say with confidence that one’s comprehensive doctrine affects one’s ordering of political beliefs. However, on the basis of the available evidence, there is good reason to suspect that your comprehensive doctrine influences the way that you prioritise non-sectarian values.

If my claim is right, then this is a problem for political liberalism because when policy is based on a controversial hierarchy of values, it is, in effect, overruling reasonable citizens’ “ultimate convictions or principles” (Quong, 2011, p.209), which is what Quong and others thought we should be avoiding. It is also a problem for our only remaining reason for why respect for persons should support neutrality about foundational but not justificatory disagreement – Laborde’s thought that having non-sectarian justifications respects people as democratic reasoners. If, ultimately, disagreements over how to weigh values are caused by sectarian disagreements (for example, over whether the Bible is a source of truth) then disagreeing parties will reach a stalemate in their discussions. An Amish person and a secular person discussing the issue of compulsory high school education will find that whilst they can dig quite deep, at some point they will hit rock bottom. At this point, they will have reached their differing, sectarian justifications for why they prioritise values the way they do. They can go no further without delving into theology.

When thinking about the trade-off of values involved in some policy decision, Klosko (2003, p.181) seems to want us to ask ourselves: “Would I argue for this trade-off of values if I did not have this additional, overarching reason that comes from my conception of the good?”. But this is an impossible ask. We cannot remove ourselves from our sectarian beliefs; if they are our ‘worldview’, then this will affect the way we see the world and interpret evidence (Easton et al., 2019). Just as some conservative

Christians believe that if they left out their religious beliefs, they would still disagree with same-sex marriage, so it may be for the rest of us.⁶² Confirmation bias and other biases in the way we assess evidence affect all of us, regardless of our religious affiliations. This makes it very hard, if not impossible, to do what Klosko wants, and somehow detach ourselves from our conception of the good when making political judgements.

It may, in addition, be *wrong* to ask of people that they distance themselves from their deepest beliefs in this way. Bernard Williams (1973) made this point in relation to utilitarianism. He argued that no agent should be required to abandon his own life projects to take the ‘impartial point of view’ of utilitarianism. To ask this is

“to alienate him in a real sense from his actions and the source of his action in his own convictions. ... this is to neglect the extent to which *his* projects and *his* decisions have to be seen as the actions and decisions which flow from the projects and attitudes with which he is most closely identified. It is thus, in the most literal sense, an attack on his integrity.”

(Williams, 1973, pp.116–117)

It is an attack on integrity because it fails to take into account the *whole* person – the totality of his projects – and removes his ability to be the originator of his actions (Chappell & Smyth, 2018). Applying this to our case of being asked to remove sectarian considerations from one’s analysis of policy, this attacks the integrity of persons because it asks people to make decisions based on only a sub-set of their beliefs – perhaps beliefs that are less central to their identities than their sectarian beliefs – rather than on the beliefs that together constitute the individual’s identity. Actions that follow from the policy lack individual agency, because the actions do not originate from that person’s own concerns and values. This is particularly problematic given that a key idea motivating neutrality was that by basing the law on neutral reasons, the law is endorsed by every citizen – it is the self-imposed rules of a self-determining individual – and thus individual agency and personal integrity are left intact. But by requiring that people distance themselves from their core beliefs, damage is done to individual agency and personal integrity – and thus the political liberal has failed to respect persons as they hoped. This suggests that perhaps the

⁶² For example, one conservative Christian in Kettell’s study said that “there’s no need to appeal to the religious argument” when arguing against homosexuality because “scientific data” supports it (Kettell, 2016, p.16).

political liberal requirement that we filter out which values go into political deliberation may be unreasonably demanding (something that I discuss further in Section 9.2 below).

I have argued that Klosko's Neutrality Principle has implications that are at odds with its purported rationale. Compulsory education for the Amish can be defended by what Klosko considers to be neutral reasons, but this would fail to show adequate respect to Amish parents, because it would base coercive policy on a hierarchy of values that they reasonably reject. In light of all this, what is the prognosis for neutrality?

If a neutrality principle is to be insisted upon, it will need revising so that it is consistent with the concerns that motivate it. If respect requires that a non-sectarian justification be given for policy, it also requires that the justification does not imply the rejection of the *importance* of other beliefs held by a reasonable person. A more neutral justification is needed, one that does not trample on the values held dear by those who will be coerced. Thus to be neutral in the relevant sense, that is, in a way that respects persons, we need the following:

Strict Neutrality Principle: Government principles, laws and policies must have a plausible non-sectarian justification, and acceptance of this justification must not require the rejection of either the truth or the importance of the values held by reasonable people.

This analysis would widen what can count as reasons for reasonable rejection. Reasons can be rejected because they themselves are reasonably controversial, but so too can ways of weighing reasons be rejected because they are also reasonably controversial. This is a different, far more demanding interpretation of neutrality from the one that Klosko takes.

Following the Strict Neutrality Principle would point against introducing a policy of compulsory high school attendance, because all available justifications undermine the importance of other values held dear by Amish people. Purportedly neutral justifications such as the benefits of exposure to options conflict with the value-hierarchies of reasonable Amish people. But adopting the Strict Neutrality Principle as a constraint would also point against almost every possible policy. Most (if not all) policy decisions involve a delicate balancing of values, and so each potential policy solution will involve conflict with the value-hierarchies of some reasonable people. A society that adopted this principle would be a society where no new laws or policies were put in place. (And if we apply the same reasoning to *omissions* in policy-making,

then failing to make certain policies will also violate the principle.) Adopting the Strict Neutrality Principle is therefore impracticable.

It is also morally undesirable. As I will expand on in Section 11, the case of *Wisconsin v. Yoder* shows that sometimes we need to make policy that is not fully neutral in order to protect children's basic liberty, equality and rights. A state that only makes policy in accordance with the more demanding principle would fail to prevent serious harms to young people.

It therefore seems that the neutralist faces a dilemma. If they take the first horn of the dilemma, they insist that all that is required for neutral policy is that there is a plausible, non-sectarian justification that (considered in isolation) cannot reasonably be rejected. In the case of *Wisconsin v. Yoder*, this seems to point in the direction of compulsory high school education. However, as we have seen, there are good reasons to think this is insufficiently neutral, and that implementing policy on this basis is disrespectful for the very same reasons that motivated the neutralist in the first place. This leads to the second horn of the dilemma: Adopt a much stricter neutrality principle, which is both impracticable and morally undesirable. Neither of these options are attractive and therefore neither the Neutrality Principle nor the Strict Neutrality Principle should operate as a strict constraint when policy-making.

9.2. The problematic restriction to neutral values

In setting out the objection above, I allowed that Rebekah leaves out of her reasoning her major concern relating to high school attendance – the detrimental effect it will have on submitting to God's law. Notice that for Rebekah to accept this, she must already accept a version of neutrality – she must accept that all sectarian considerations must be entirely left out of political decision-making. To accept this, a person must prioritise values in a certain way: respect must hold a higher priority than the other values that are at stake. (Alternatively, respect needs to function as an exclusionary reason, such that all sectarian reasons cease to become considerations. To function in this way, respect would still need to have great normative weight.) So, in our example, respect for persons must hold greater value than submission to God's law if Rebekah is to accept that it would be wrong to base policy on the value of

submission to God's law.⁶³ Rebekah's hierarchy of relevant values must actually look like this:

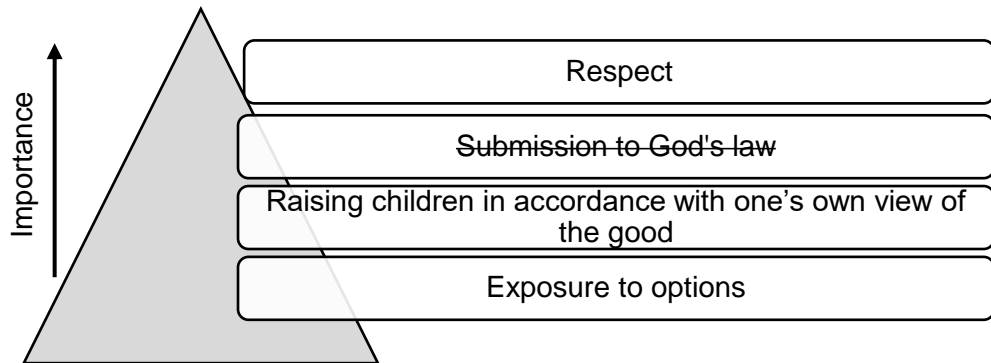


Figure 3.5 Rebekah's hierarchy (version 2)

This is why Larmore says that “for political liberalism, the norm of equal respect must ... take precedence.” (1990, p.349) From most political liberal perspectives, reasonable hierarchies of values do prioritise respect in this way. For example, Quong (2011, p.291) says

“Unreasonable citizens reject at least one, but usually several of the following: (a) that political society should be a fair system of social cooperation for mutual benefit, (b) that citizens are free and equal, and (c) the fact of reasonable pluralism. Similarly, one qualifies as unreasonable if one accepts these ideals, but fails to accord them deliberative priority in one's practical reasoning. For reasonable people, these should be regulative ideas that generally limit one's beliefs about permissible actions or activities.”

Yet for many Amish, respect may not be prioritised in this way. We might, for example, have Samuel, with the following hierarchy of values:

⁶³ It might be objected here that I am incorrectly talking as if respect is just one value to be weighed up against other values, and that I fail to understand the special role that respect is meant to play. It is true that respect is a foundational value that results in a special constraint on what actions follow from our other values. But to serve this role, respect (or take ‘respect’ as a proxy for whatever moral grounds you think motivate neutrality) must have very high weight in comparison to your other beliefs – which (as will become clearer as the discussion in this section proceeds) is not always the case.

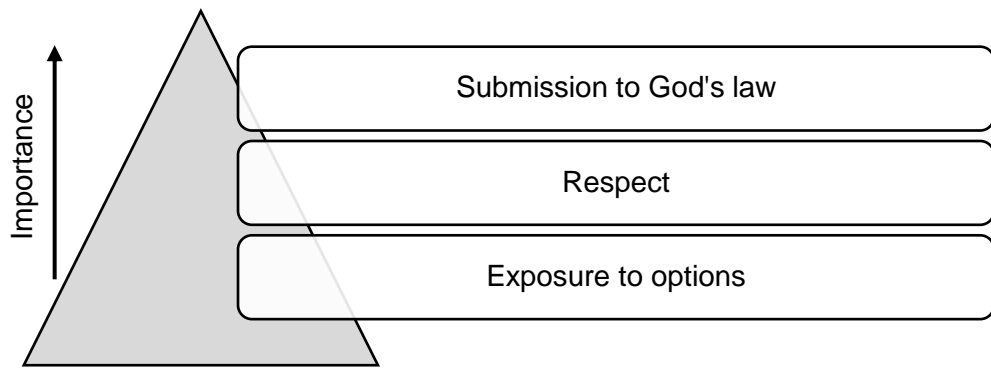


Figure 3.6 Samuel's hierarchy

Respect (or whatever foundational moral values you think prompt neutrality) does not function in a regulative way for Samuel, because he has other values that are more significant to him. According to political liberals, this means that Samuel is unreasonable. Quong (2011, p.291) is clear that it is unreasonable to want to impose your sectarian view on others, for it shows contempt for the moral ideal underlying the political liberal project. Rawls says that reasonable people “recognize the burdens of judgement and ... accept their consequences for the use of public reason in directing the legitimate exercise of political power...” (2005, p.54). These “consequences” are that it is not acceptable to use political power to enforce a view based in a sectarian justification. Part of the idea here is that you have to ‘buy in’ to neutrality (to leaving out sectarian reasons) in order that you are the subject of neutrality. Since Samuel does not buy in to neutrality, we need not take his hierarchy of values into account when considering whether a policy is neutrally justifiable.

The political liberals with whom I have been engaging in this chapter are not worried by this. Klosko, for example, says that “defense of neutrality presupposes a basic liberal culture”. Quong (2011) is clear that he is giving an internalist defence of liberalism, and says that

“I think it is a mistake to spend much time worrying about whether liberalism can be justified to these illiberal people ... I do not think the problem we confront [of illiberal people] is a philosophical one.”

(Quong, 2011, p.8)

In contrast, I think this is a central problem for philosophers to address, and do find it worrying that for neutrality to serve its intended purpose, it requires that citizens accept neutrality. It is worrying first because it is a much wider problem than many political liberals acknowledge, and second because it means that the most difficult problems that face liberalism are left unresolved.

First, the set of those excluded from the realm of the reasonable is wider than many political liberals assume. For it is not just people like Samuel who fall outside the scope of the reasonable. The requirement that reasonable people accept some version of neutrality (they must accept that sectarian beliefs must be left out of political decision-making) significantly narrows the scope of 'reasonable' comprehensive doctrines. In particular, many religions make high-stakes claims, claims that have such great import for the believer that they outweigh the import of 'political' or 'neutral' values, including the foundational value of respect. This fact has often not been recognised. For example, some have indicated that we can require toleration whilst completely abstaining from 'taking sides' on religious disputes. Macedo, for example, says that "Asserting the public unacceptability (or even falsehood) of religious imperatives requiring the persecution of heretics ... does not depend on a particular account of religious truth." (Macedo, 1995, p.492) In one sense, this is right: we can refrain from committing to whether the persecutors are right or wrong about the theological issue at stake. But *some* claims about religious truth must be made, namely that whatever the truth of the matter is, it is not important enough to undermine the grounds for toleration. The *importance* of the theological issue at stake is being denied, and with it, the claim that harsh measures are required to promote the true answer.

This problem is not, in theory, exclusive to religion. Any comprehensive doctrine that makes high-stakes non-political claims will face the same problem. Matthew Clayton and David Stevens (2014, p.78) make this point clear with a hypothetical example:

"suppose someone claimed that there should be a legal requirement that everyone has a shaven head, because unless every citizen's head is shaven the world will end."

In such a case, the political liberal would have to allow that the world ending is a weightier concern than political values, and thus can override them. The political liberal does, therefore, have to deny the truth of the claim, for to deny the significance of shaven heads is to deny the truth of their belief. In light of this, it seems like political liberals can only avoid denying people's comprehensive doctrines in a world where these comprehensive doctrines do not make highly significant claims. In the words of Clayton and Stevens (2014, p.79):

"Political liberalism's refusal to take a stand on comprehensive matters is appropriate in a world in which very high stakes do not turn on the choice of one's comprehensive doctrine."

This is not our world, unfortunately. As I have said, many comprehensive doctrines, particularly religious ones, do make high-stakes claims. Klosko says that “neutrality will contribute markedly to acceptable resolution of disputes” because by eliminating sectarian arguments, it allows “a clearer grasp of what is at stake” (2003, p.182). But some of the most fundamental disagreements are over what is at stake. For example, for some people, eternal damnation is at stake – and so the stakes are very high. For political liberalism to work, people need to have beliefs that are not of high significance. You can be religious and reasonable, but not if that involves any high-stakes beliefs. This might be why Clayton (2006, p.148) suggests that one aim of “education for justice” is that children “acknowledge the importance of holding comprehensive values they endorse, or come to endorse, in a liberal spirit”. What I understand Clayton to mean here is that the children should not want to impose their comprehensive values on other people – but as we have just seen, that does limit the set of possible comprehensive doctrines to those that do not make any high stakes claims.

It does seem that Rawls recognised this problem. Rawls includes in “reasonable comprehensive doctrines” that they have a certain hierarchy of values. He says that doctrines distinguish themselves from others by “singling out which values to count as especially significant and how to balance them when they conflict”, and “by giving certain values a particular primacy and weight” (2005, p.59). In some cases, “whenever someone insists, for example, that certain questions are so fundamental that to insure their being rightly settled justifies civil strife”, we may have to act in a way that goes against someone’s particular ordering of values. Thus sometimes we have to deny certain hierarchies in a way that is less than ideally neutral:

“At this point we may have no alternative but to deny this [their comprehensive doctrine], or to imply its denial and hence to maintain the kind of thing we had hoped to avoid.”

(Rawls, 2005, p.152)

Since Rawls saw a major part of the project of *Political Liberalism* as being to accommodate religious diversity, he clearly thought that most religions practised within a liberal culture do not raise these problems.⁶⁴ I think this is wrong and that a

⁶⁴ In his *Introduction to the Paperback Edition*, Rawls notes that “an obstacle to reading *Political Liberalism* is its failing to identify explicitly the philosophical question it addresses” (2005, p.xxxvi). He then goes on to attempt to rectify this, summarising the question as “How

substantial portion of religious belief-systems do raise these problems. If you believe that what is at stake in debates about abortion is human life, or that what is at stake in debates about same-sex marriage is eternal damnation – both of which are reasonably common beliefs globally – then these beliefs and values may trump the value of respect, such that it ceases to have a regulatory function and does not lead you to accept the neutrality principle.

Second, all this is problematic because it leaves unresolved the most difficult problems that liberal philosophers should be facing up to. Issues such as how to resolve *Wisconsin v. Yoder* and whether the British values policy is justifiable in a pluralist Britain arise because some citizens hold sectarian beliefs with great passion and strength. These beliefs have great import, import that extends to political action. It is unsatisfactory to respond to these problems by simply designating their source as ‘unreasonable’. If we are to make genuine progress, we will need tools that will work for ‘outsiders’.

Moreover, uninviting those who reject neutrality from the political discourse (by designating them as ‘unreasonable’) is unhelpfully divisive (Pallikkathayil, 2019). It seems likely to have an alienating effect, pulling in the opposite direction from what we hope respect for fellow citizens might achieve. This is problematic even from within the perspective of political liberalism, because instead of social unity, we have alienation and oppression – the problems that political liberalism set out to avoid.

Reflecting on this in relation to our case of *Wisconsin v. Yoder*, it seems highly likely that the most pressing reasons for objection to the policy were sectarian reasons, and that for the Amish who took the case as far as the Supreme Court, this value was, to them, more significant than the value of respect for persons that motivates neutrality. For these people, it simply was not the case that “values of the political are very great values and hence not easily overridden” (Rawls, 2005, p.139). We can, like Klosko and Quong, just say that these people have unreasonable hierarchies that do not need to be considered. But to do so commits the political liberal to having to say

is it possible for those affirming a religious doctrine that is based on religious authority, for example, the Church or the Bible, also to hold a reasonable political conception that supports a just democratic regime?” (p.xxxvii) He explains that not all reasonable comprehensive doctrines are liberal comprehensive doctrines, and he wants to address how a society that contains these different beliefs can live together in a stable way. (This interpretation of Rawls is also taken by Laborde (2017, p.27), who talks of political liberalism as “explicitly designed” to be acceptable to religious believers.)

something similar for various other individuals and groups, with the alienating effects that brings. In the case of the Amish, who have limited political activity, this alienation is unlikely to have negative effects on society (beyond those intrinsic to the alienation itself). But in other cases – for example, in the case of British Muslims and the British values policy, discussed in Chapter 7 – the effects are civil and political unrest.

Thus, it is a problematic part of the political liberal project that a tight circle is drawn around what hierarchies are ‘reasonable’.⁶⁵ Anyone who has religious (or other) beliefs so significant as to outweigh respect for persons, and therefore who does not already accept some version of neutrality, is outside the circle of ‘reasonable’. This puts many substantive comprehensive doctrines in our world outside the circle, which may have an alienating effect that pulls against respect for persons and ultimately disrupts social unity.

10. Comprehensive minimally controversial liberalism

Thinking about the different ways that people prioritise values demonstrated two problems for political liberalism. First, it showed that even where policy is made on the basis of a reason that cannot reasonably be rejected, this may still fail to be sufficiently neutral and fail to show respect for persons because it requires accepting that this reason has a weight that can be reasonably rejected. Second, it showed that political liberalism relies on restricting the set of reasonable hierarchies to only those for whom the “values of the political are very great values and hence not easily overridden” (Rawls, 2005, p.139). In this section, I set out my own view, comprehensive minimally controversial liberalism, which is intended to respond to these two worries whilst still attending to respect for persons. I argue that we should reject neutrality as a strict constraint on policy-making, and instead aim to minimise controversiality. Rejecting neutrality as a strict constraint on political decisions does not mean that we are throwing out a central aim or feature of liberalism. As I argued in the last chapter, liberalism is not marked out by neutrality, but by concern with liberty, equality and rights. I also suggest that whilst we should still only consider controversiality *amongst reasonable persons*, we should loosen the boundaries of ‘reasonable’ from that which has tended to be adopted by political liberals.

Instead of neutrality, the relevant aim that we should be concerned with is ‘minimising controversiality’, where ‘controversiality’ is assessed by the three dimensions set out

⁶⁵ I discuss political liberal understandings of ‘reasonable’ further in Chapter 4, Section 2.

in Chapter 2, Section 6: the proportion of (existing) reasonable people that actually reject the view that is invoked as justification, the proportion of the set of reasonable views that are or could readily be held by citizens of the society that the view conflicts with, and the moral distance that the justification asks actual and potential dissenters to travel. This is what respect for persons requires of us.

Minimising controversiality should be understood as a mere aim. What I mean by this is that minimising controversiality forms part of an all-things-considered judgement about what policy to adopt. This will mean that sometimes we go with a policy with a more perfectionist justification, because, for example, this policy is necessary for equality or liberty. Or, more controversially, we may go with some policy because the perfectionist justification has overwhelming scientific support, even though there exists large societal disagreement over it.

I have expressed concern with the restriction on 'reasonable hierarchies' placed by political liberals. But *some* restriction is needed on 'reasonable'. Even when minimising controversiality is only one aim, as opposed to a strict constraint, the views of citizens still feed into decision-making. Yet some views are so deplorable – many racist ones, for example – that they should not be influencing political decisions *at all*.

I suggest the following, more relaxed understanding of 'reasonable', encompassing moral and epistemic elements. First, 'reasonable people' are those who have a cooperative attitude and respect for the basic liberty and equality of fellow citizens. Second, 'reasonable people' successfully make basic use of rational faculties in their attempts to find right answers. That is consistent with their belief set as a whole failing to form a fully rational, coherent set, and with them holding some unreasonable views. 'Reasonable views' are those that have at least one somewhat plausible argument supporting them and no knockdown arguments against them. Given these definitions, many individual beliefs held by reasonable people will fall short of what we think should follow from a flawless exercise of rational capacities and some may even be viewed as 'unreasonable' in common parlance.

This still restricts which hierarchies are reasonable – those that prioritise white supremacy or the joys of visiting violence on others over other values are ruled out – but it does not imply that religion must have a restricted role in public deliberation and policy-making. It therefore diverges significantly from the political liberal position.

Let me give a few examples to demonstrate comprehensive minimally controversial liberalism. Take the introduction of money containing beef gelatine to the UK. This

was objected to by several groups of British citizens, including Hindus, people who identify as Indian, and vegans. There were neutral reasons for including non-vegetarian products in the money (for example, durability and cost). But money is essential to the everyday life of every citizen, and the ability to carry out essential daily activities without violating one's core values is a neutral value, widely held to be of high importance. It is therefore important for money to be as uncontroversial as possible. Since the neutral reasons were not especially weighty in this case, and the aim of minimising controversiality is particularly salient because of the unavoidability of handling money, there is a good case for thinking that the money should not have been introduced. The existing policy is strongly perfectionist, in the sense that it is highly controversial for some people, and these people cannot avoid being affected by the outcomes of this policy decision. Generalising from this case, the aim of minimising controversiality will often be most salient in cases where there is strongly perfectionist policy that adults cannot opt out of. Because individual liberty is an important consideration, state intervention for more perfectionist goals will rarely be acceptable in such cases.

Sometimes the aim of minimising controversiality will give way to other considerations. Usually these will be cases where harm to children or non-consenting others is at stake, or where there is non-consensual damage to liberty, equality or rights. For example, I argue in Chapter 7, Section 5 that even though it is highly controversial whether or not homosexual behaviour is sinful, because of the expected harms that arise from the view that it is, it is right for schools to teach the contrary view (that homosexual relationships have equal status to heterosexual relationships).

Comprehensive minimally controversial liberalism allows for the possibility that strongly perfectionist reasons might sometimes feature in policy decision-making because they are such weighty reasons, even where they do not obviously pull against liberty, equality and rights. One possible example might be in environmental decision-making, where we might make appeal to the value of species-retention (or more generally, the value of nature), as pulling against (for example) neutral economic reasons, to justify banning an environmentally damaging practice.

Where we do invoke more perfectionist considerations, it is important that we are honest and open about the values that we are relying on. To help ensure that trust runs horizontally (between citizens) and vertically (between citizens and the state), we should not attempt to present our motivating justification as a neutral justification if it is not, nor should we invent a neutral justification that is, in reality, not a major

motivation. Being honest about the values relied upon is more respectful than searching around for neutral justifications that might appeal to your opponent. As I discuss in Chapters 5 and 7, we should have ongoing political deliberation and questioning of the values that the state invokes. This deliberation will go better when there has been honesty about the motivations underlying a particular policy.

Where does this view sit on the comprehensive versus political liberal spectrum? Well, first we should remember that one implication of the last chapter is that this distinction does not have great import; these positions sit on a continuum and slide into one another. Still, it might help clarify my position to explain where I sit on this spectrum. In Chapter 2, I argued that the disagreement between comprehensive liberals and political liberals is over the thickness of grounds invoked in favour of one's political principles or policies. My view is that, absent other considerations, we should go with minimally controversial policy, policy that has thin grounds justifying it. In this sense, I share the concern of political liberals. However, political liberals are strict about minimising controversiality and think this is a necessary condition of legitimate policy, whereas I do not. My view is therefore more closely aligned with a comprehensive liberal perspective, since I do not insist that minimising controversiality must constrain all policy decisions. In reality, there will often be other salient considerations that pull against the concern to minimise controversiality, and I allow appeal to thicker grounds in these cases. Hence I describe my view as *comprehensive* minimally controversial liberalism.

10.1. The case of children

How does the involvement of children affect our deliberations about policy? The morally salient features which demand that we attempt to minimise controversiality in the case of adults are present to a lesser extent in the case of children. When the subjects of coercion are children, each of the five interpretations of respect for persons discussed in Section 6 seems less applicable. First, children are not yet fully rational, and so we need not be so worried about failing to give due weight to their standing as free, equal and rational agents. As Fowler (2020, p.34) argues

“The harm of domination occurs because it disrespects the agency of the other, but children cannot be disrespected in this way.”

Second, children do not yet have a fully-formed identity that being made to follow a particular policy will rub up against. They are therefore less vulnerable to having their integrity damaged. Third, because their identity and integrity are not at stake,

government policy is less likely to be perceived as sending a message that the group to which they belong is less valued than other groups in society. Fourth, we need not be concerned about children being able to continue debates as democratic reasoners, because they are not yet fully politically active. As I argue in Chapter 5, it is more beneficial for children to be discussing all sorts of truth-claims, including those made as part of comprehensive doctrines, than for their discussion to be restricted to neutral reasons. And fifth, it is not particularly problematic to imply that a child is not a policy-maker's epistemic peer.

Not only is the respect requirement less pressing in policy matters that regard children, but considerations of liberty, equality and rights, as well as paternalistic considerations about harm, are comparatively more important. As Fowler (2020, p.60) argues

“children’s interest is not in having their beliefs respected (since young children do not have beliefs of this kind), rather it is in *acquiring* a conception of the good that is right for them and does not cause them to undermine the interests of others.”

Because of their malleability and vulnerability (Fowler, 2020, p.11), we have special obligations to children to make policy that guides them and protects their future liberty, equality and rights, as well as protects them from harm. “Children have weighty interest in both well-being and future agency” and this means that “children have a right to be treated paternalistically” (Brighouse and Swift, 2014, p.70). In a sense, this does not really need arguing; everyone agrees that paternalism is appropriate for children. So why is it not straightforward that children should be educated in a way that will promote their well-being and protect their future liberty, equality and rights?

The answer is because many believe that parents have (some, limited) rights over the upbringing of children, rights that need weighing against the interests of children and the interests of the state. How these parental rights should be justified, and how expansive these rights are, is the subject of huge amounts of debate. Harry Brighouse and Adam Swift (2014), for example, justify parental rights by appeal to the interests of children in such rights existing and to adults’ interests in parenting. As such, parents’ rights are limited and conditional upon parents protecting children’s interests. Based in Aristotle’s idea from the *Nicomachean Ethics* that a child is “a sort of other self” to their parent, Jean Kazez (2017) has argued that parents have rights over their children because they are, in a sense, “second selves” of parents. Tim Fowler (2020) defends the “project view”, where parental rights exist to protect the freedom of those

who wish to embark on the project of parenting. Each of these views is attractive, and each has its problems.

How we justify parental rights is absolutely central to answering the question of the limits of parental rights, and so will affect how we resolve the sorts of educational dilemmas I am interested in. Despite the importance of this debate, I am unable to wade into this dispute here. Rather, I will just continue to assume the common-sense view that has lain in the background so far: parents have some, limited rights over their children, and so in an important sense, policy regarding state educational institutions is a form of coercive policy. Therefore as with all coercive policies, we should *aim* to minimise controversiality for education policies. However, we will find that in these cases involving children, considerations of liberty, equality and rights, as well as considerations about harm, will often outweigh the concern to minimise controversiality.

11. Implications for *Wisconsin v. Yoder*

What are the implications of comprehensive minimally controversial liberalism for the *Wisconsin v. Yoder* case? If we are seeking to minimise controversiality alone (and are not considering omissions of policy-making in this analysis), then a policy of compulsory high school attendance for all, including the Amish, is unacceptable. Although ostensibly neutral justifications such as the need for exposure to options can be put forward to ground the policy, these would require acceptance of a controversial hierarchy of values that even reasonable Amish people may reject.

However, as I argued in the last section, we need to weigh the aim of minimising controversiality against other considerations. What other considerations are salient for our analysis of this case?

Political liberals have tended to focus on the interests of *society* in the education of children. Considering these societal interests alone, there are no strong, countervailing considerations that pull against minimising controversiality, because of the special place of the Amish as “partial citizens”. The Amish tend not to be politically active, nor do they seek to impose their values on others. Because of their sincere commitment to self-imposed isolation, they may be absolved from the responsibility to learn and practise civility (Spinner, 1994, p.98). It is unlikely that there will be destabilising political consequences to any clash of values between the Amish and the rest of contemporary society. Moreover, the Amish are renowned for being hard-

working, peaceful and law-abiding. We therefore do not really need to be worried about Amish children being unprepared for political and economic life.

Yet if we focus instead on the child, we immediately see that there are strong countervailing considerations that outweigh the concern with minimising controversiality. Crucially, there is the paternalistic interest in ensuring that the child has some exposure to options. It is a basic liberal right that one should be free to exit a restrictive community, which requires that there is at least a possibility of leaving the group.

Some might say that a basic level of autonomy is secured by the *rumspringa*, a period where Amish teenagers may be encouraged to learn about (and even participate in) other ways of life before committing to Amish baptism. However, I do not think that the *rumspringa* adequately ameliorates the concern about the restricted liberty of Amish children. It seems that the idea of the *rumspringa* as a time to experiment outside the Amish community exists largely in the popular imagination (Wikipedia contributors, 2020). The Amish primarily use the term '*rumspringa*' to refer simply to adolescence, a time when some misbehaviour might be expected and is not condemned in the same way as it would be if conducted by adult, baptised members of the community. Amish teenagers are not necessarily allowed outside of their communities, and some groups do not have the concept of *rumspringa* at all. Therefore for many or most Amish children, a period of experimentation in other ways of life, where they can freely choose to leave their communities, does not exist.

In any case, even if every Amish child did have such an opportunity, this would not be sufficient for adequate freedom. First, if alternative options have always been framed in such a way that they are obviously unattractive, then they are not truly viable options. For example, if the option of leaving a group has always been framed as 'joining the sinful', then it is not a realistic option.⁶⁶ If there has been no genuine engagement with the possibility that other ways of living might be acceptable ways of living, then it is hard to see how the child really has genuine options and reaches a basic threshold of autonomy. Second, also required for leaving to be a realistic option is that Amish children have sufficient education and skills to survive in the outside

⁶⁶ The perceived unreality of the option of leaving fundamentalist religious groups is made clear in the autobiography of Megan Phelps-Roper (2019), ex-member of Westboro Baptist Church. Church members had always been taught that by leaving, they are joining the sinful and submitting to eternal torment.

world. This is what Barry means when he says that we must mitigate the external costs for those who choose to leave their communities (Barry, 2001, p.243).

An additional concern beyond the lack of exposure to genuine options is the significant gender inequality within the Amish community, which children are exposed to from birth. Girls are brought up with a focus on domestic chores and are taught that wives are to be subordinate to their husbands. Because women's informal education is so focused on domestic matters, women are even less prepared than men for life outside the community (Nussbaum, 2000, p.233).

To respond to this situation in a way that ensure children's future equality would require such a high level of intervention in family life that it would be too damaging to the liberty and rights of Amish adults. However, compulsory school attendance would go some way to mitigate the negative effects of gender inequality. First, it would mean that male and female students have equal access to this education. Second, Amish children would be exposed in childhood to the different views on gender taken by the majority of non-Amish individuals, which might influence gradual, positive change in the direction of gender equality in their future family lives in the Amish community.

These considerations relating to the need to secure future liberty and equality weigh heavily here, because it is children under consideration. They give a strong case in favour of compulsory high school attendance, so that leaving the community is a genuine option, and to partly mitigate the negative effects of gender inequality in Amish communities. Yet two caveats must be made to this position: First, we should note that other policy responses are available beyond requiring Amish children to attend high school. Second, if high school attendance is insisted upon for Amish children, these schools should adapt.

First, other policy options are available beyond requiring compulsory attendance at large, out-of-town, non-Amish high schools. Most obviously, Amish schools could be required to change so that the worries raised above are ameliorated. Children could be required to stay in formal education in Amish communities until a later age. During these additional years, it could be required that children learn a wide variety of topics and skills, comparable to those learnt by children in non-Amish schools, in order that Amish children are prepared for employment outside the community. These schools might still be gender-segregated in teenage years, but the curriculum would be the same, so that females are not more 'trapped' within the Amish community than males because of lack of preparedness for life on the outside.

Additionally, and more problematically, the Amish curriculum would need to include some introduction to ways of seeing the world and ways of life beyond the Amish community. These need to be taught about in an accurate and honest way, that genuinely engages with at least the possibility that these views of life may be true.⁶⁷

There would need to be some monitoring by the state to check that Amish schools are meeting these requirements. This would make the situation somewhat analogous to that in English schools, where faith schools are expected to teach about “mutual respect and tolerance for those of different faiths and beliefs” as part of the “British values” (Department for Education, 2014a).

Second, we should remember that the high school is hardly a melting pot of different ways of life. Most US high schools have a distinctive ethos and set of aspirations, one that is particularly objectionable from the Amish point of view. As Justice Burger pointed out in the Supreme Court, the high school “tends to emphasize intellectual and scientific accomplishments, self-distinction, competitiveness, worldly success, and social life with other students” (*Wisconsin v. Yoder*, 1972, p.211). Although awareness of one alternative might be better than no awareness of alternatives, this does make Wisconsin particularly vulnerable to the accusation that it is simply indoctrinating Amish children into a particular way of life. Whilst Amish children are free to hold onto their Amish values and practices throughout high school and beyond, the reality of peer pressure and the need to conform (particularly amongst teenagers) will promote homogenisation of views. Although this is partly inescapable, changes could be made to high school to try to make these less homogenous spaces. In any case, it seems unfair that all the ‘change’ resulting from this discussion impacts negatively on the Amish. We can ask that change be two-way without requiring that burdens be completely equal. Therefore schools in general, but particularly those with

⁶⁷ If these alternative ways of life are introduced as ‘ways of sin’ or ‘routes to hell’, for example, then learning that these ways of life exist is not going to make much difference to the levels of freedom these children have. This was the case for children in the Westboro Baptist Church. Phelps-Roper (2019, p.22) tells us that Westboro children were allowed to attend state high schools because Westboro parents “weren’t especially afraid that we would be unduly influenced by our peers or teachers ... The intensity of our daily religious education at home was a bulwark against such heresies.” (This might be thought to pull against my general view about the importance of state education, since school education was ineffective against strong family influence. But Religious Education is absent from the US curriculum and Social Studies provision varies considerably, and so these children were never explicitly looking at alternative ways of life and trying to understand how they disagreed with their own.) Phelps-Roper identifies the turning point in her decision to leave the church as recognising for the first time the very possibility that her church’s teachings might be wrong.

large Amish intakes, should actively promote the questioning of majority values such as self-achievement, and ensure that active consideration is given to ways of life that pull against majority values.

Whichever route we go down (interfering with Amish schools, or insisting that Amish children go to non-Amish high schools), both options are far more interventionist in Amish communities than many liberals would find palatable. Both of these policies would be damaging to at least some aspects of Amish life, and would probably result in larger numbers leaving Amish communities. Thus I agree with Barry (2001, p.128) that it may be that “liberalism cannot accommodate ‘deep diversity’ and ... it is right not to do so”. Though this seems like a regrettable conclusion, really we should not regret a change to a community that means that it will be more respecting of basic liberty, equality and rights. In any case, I do not think that we need to see these recommendations as being a death sentence for the Amish community. The Amish already do not lead a complete life of separation from the rest of contemporary society (for example, they do business deals with, and work for, non-Amish people). This is just a further step away from complete segregation. It is plausible that the community can adapt and survive, just as religious groups have for all of history. Clearly the Christian community today does not exist in the form it did 100 or even 2000 years ago, but it has evolved, rather than ceased to exist. It is possible that the Amish could survive as a distinctive group, with values very different from the mainstream, whilst also avoiding harm to children and protecting children’s future liberty, equality and rights.

12. Conclusion

This chapter looked at a problem for liberals: what should be done when Amish parents wish to withdraw their children from compulsory state education? We might take this as an example of a much wider, more general problem: how should the state cope with clashes of values when policy-making? To what extent should liberals be concerned by policies having controversial justifications?

Comprehensive liberals invoke thicker, more controversial values to justify policy. This position does not direct them towards one particular response to *Wisconsin v. Yoder*. A comprehensive liberal might, like Douglas and Feinberg, focus on the crucial importance of autonomy to the good life, and emphasise the importance of an education in diversity to securing an adequate level of autonomy. A different comprehensive liberal might come to the same conclusion about the outcome of the case, but like Barry, justify their conclusion with thick reasons beyond autonomy, such

as the contribution that appreciation of higher arts and culture makes to well-being. Or a comprehensive liberal might, like some think Mill would, say that the Amish way of life must be allowed to continue uninterrupted (including their separatist education for their children), because it is one of a diversity of experiments of living.

All of these comprehensive liberal views face the same problem: they rely on thick values that some reasonable people reject. For example, the Amish will reject the assumption that autonomy is a crucial part of the good life. Political liberalism seeks to respond to, and improve on, this position. It seeks to deal with the clash of values in society by constraining policy by a neutrality principle. In Klosko's formulation, "governments should not base their actions on grounds that can be reasonably rejected" (2003, p.168). This principle might be justified in a number of ways, but the most plausible justification lies in respect for persons. State policy must be neutrally justified so that the exercise of state power is non-oppressive and respects each individual's agency, integrity, equality, and epistemic standing.

There is no one answer as to how political liberals apply their neutrality principle to the case of *Wisconsin v. Yoder*. However in general, political liberals have given purportedly neutral reasons in defence of quite a demanding, interventionist education. For example, Nussbaum and others have pointed to the importance of children being exposed to more than one option in order for them to achieve a basic threshold of autonomy. This would seem to imply that an education solely in Amish values and practices is unacceptable.

I went on to discuss some problems with the political liberal argument. I expressed concern with the focus on 'neutral reasons' that concentrate on the well-being of society. I suggested that 'neutral reasons' might more importantly address the well-being of children, and argued that there is nothing in the political liberal position that prevents this re-calibration. I then raised what I called the 'hierarchy of values objection'. Even when only allowing non-sectarian justifications, those that pass through the political liberal 'filter', supposedly 'neutral justifications' can reasonably be rejected on the basis that they undermine the importance of other values. Ignoring disagreements over how to prioritise non-sectarian values by going ahead and making policy that tramples on the values held dear to some reasonable people is disrespectful for the very same reasons that motivated neutrality in the first place. I then questioned the political liberal filter itself, and argued that hierarchies of value should not be designated as unreasonable purely because they prioritise non-political values.

The upshot of the discussion surrounding the hierarchy of values objection is that if neutrality is to be consistent with respect for persons, then we need a much stricter principle than most political liberals have supposed. This stricter neutrality principle would insist that policy should not be justified in a way that undermines either the truth or importance of reasonable people's values. Yet a principle like this is both morally undesirable and impracticable. Since it should not, and cannot, operate as a strict constraint on policy-making, minimising controversiality should function as a mere aim, to be balanced against the fundamental liberal concerns of protecting liberty, equality and rights. This view I call 'comprehensive minimally controversial liberalism'.

I then discussed how these theoretical considerations might apply for policy-making that concerns children. Whilst minimising controversiality is not completely irrelevant to cases of education policy, because parents have some rights to determine their children's education, I argued that the aim of minimising controversiality weighs less heavily here. This is because when the persons involved are children, respect for persons does not require us to give minimally controversial justifications. Moreover, children are especially vulnerable to harm, and we have stringent obligations to protect the current and future liberty, equality and rights of children.

The upshot for the case of *Wisconsin v. Yoder* is that the outcome of the original case was wrong. When we take paternalistic concerns with Amish children's wellbeing into account, we see that some sort of state intervention is required. Either change needs to be made to education within the Amish community, or Amish children must be required to attend high school. Intervention is required for two reasons. First, children need an awareness of alternative ways of life and an ability to survive outside the community so that they can choose to leave if they wish. This is necessary in order that they can attain a minimally acceptable level of autonomy. Second, it mitigates the negative effects of the gender inequality that is part of Amish communities.

My discussion in this chapter has wide implications, including for other areas of education policy. In the next chapter, Chapter 4, I discuss the implications of this discussion for whether Religious Education should form part of the compulsory curriculum, and in Chapter 7, I discuss the implications for the British values policy.

Chapter 4 Religious Education: Reform, not abolition⁶⁸

1. Introduction

In the last chapter, I looked at what the political liberal neutrality principle required for the classic, much-discussed case of *Wisconsin v. Yoder*. I used the case to demonstrate my concerns with the political liberal approach and to set out my own view on how minimising controversiality should feature in policy-making. In this chapter, I look at a new, less-discussed question: whether the neutrality principle rules out a place for religious education on state curricula.⁶⁹ My focus is the case against the place of religious education on school curricula made by Matthew Clayton and David Stevens (2018).

Following the tradition of political liberalism, Clayton and Stevens (2018) endorse a neutrality principle, similar to the formulation by George Klosko (2003) that was the focus of the last chapter. They refer to this as the ‘acceptability requirement’:

Government principles and policy should be justified by reasons that cannot be rejected by reasonable citizens.

Clayton and Stevens draw out one implication of this principle for education policy: any compulsory subject must pass the test of being justifiable to reasonable citizens. They argue that religious education stands out as failing this test. Clayton and Stevens identify a strong *prima facie* case for thinking this: citizens who reject theism will reject an emphasis on learning about and from traditional theistic religions (p.72). Subsequently, they consider a number of arguments that might be used to justify religion having special priority on the curriculum. They argue that these arguments either fail the acceptability requirement – they are not public (neutral) reasons – or they are over-inclusive, failing to pick out religious views as especially significant.

Clayton and Stevens do not make explicit the practical implications of their argument. They “endorse ... a subject content that is geared toward examining arguments for different religious and anti-religious claims” (p.73) and acknowledge that there are public reasons for studying religions at least “to some degree” (p.66). These include

⁶⁸ This chapter expands and updates Easton (2019a).

⁶⁹ When capitalised, ‘Religious Education’ refers to a specific curriculum requirement. In contrast, ‘religious education’ refers to a form of education (like ‘moral education’ or ‘arts education’).

the need to foster “toleration and civic unity” and to help students adequately grasp other subjects such as History (p.67). In this chapter, I shall argue that this imprecision about the target of attack lends an unwarranted attractiveness to their argument. If interpreted broadly, their view is implausible, but if interpreted narrowly, their view is one that is already widely endorsed. Moreover, the acceptability requirement on which their argument turns is problematic, something that becomes particularly evident when we reflect on its implications for concrete education policies and specific curricula.

I proceed as follows. In Section 2, I problematise the ‘acceptability requirement’ used to justify Clayton and Stevens’ conclusions, drawing on the arguments of the previous chapter. I then seek to disambiguate the key claim made by Clayton and Stevens. In Section 3, I argue that if interpreted broadly, as an attack on curricula that teach about religions, their claim is implausible, and not one that the authors themselves should endorse. However, as I discuss in Section 4, if interpreted narrowly as an attack on the prioritisation of religion at the expense of non-religious views, then their view is one that is already widely endorsed. In Section 5, I clear up some relevant empirical considerations about current Religious Education policy and practice in England and Wales. In Section 6 I discuss the implications of this discussion for policy. Since there are sufficiently weighty, non-partisan reasons for a curriculum subject similar to that which is currently taught in schools, I conclude in Section 7 that Religious Education should be reformed, not abolished.

2. The acceptability requirement

Clayton and Stevens hope that they have “shown that the acceptability requirement is both attractive and has significant consequences for the design of the curriculum” (2018, p.78). Whether they succeed is an important question, because it is religious education’s supposed failure to meet the acceptability requirement that leads to their negative appraisal of the subject.

Have they succeeded in showing the acceptability requirement to be attractive? As we have seen in earlier chapters, the acceptability requirement or ‘neutrality principle’ is a key idea within political liberalism, one that has been subject to huge amounts of

critical discussion.⁷⁰ The authors present two reasons in support of the acceptability requirement.

First, Clayton and Stevens argue that the acceptability requirement is “an element of the best interpretation of what it means for the state to respect the freedom and equality of its citizens” (p.69). From the discussion that follows, it seems clear that they have in mind the first reason for the neutrality principle discussed in Chapter 3, Section 6: that it is a way of legitimising the coercive power of the state. As we saw in Chapter 3, and will be discussed again here, the restriction of ‘reasonable’ that must accompany the acceptability requirement makes this problematic. The citizens that fall outside the scope of the reasonable will be coerced to abide by law and policy that they would endorse if only they were reasonable, but that they do not in fact endorse. Additionally, this argument relies on taking a controversial position on an open debate in liberalism about what a deep concern for freedom and equality requires. Other positions that assign similar weight to freedom and equality come to a different conclusion to Clayton and Stevens. For example, as we have seen, some comprehensive liberals seek to *directly* promote autonomy through their public education policies, rather than adopting a principle of neutrality to guide policy-making. I, as a liberal, share their concern with freedom and equality, but see something akin to the acceptability requirement as a mere aim for policy, not a *requirement* (see Chapter 3).

Second, Clayton and Stevens argue that the acceptability requirement is “a condition of social unity” (p.71). But no justification is offered for thinking that it is a necessary condition for social unity – they just say that this is how we “ought” to strive for social cooperation (p.70). Clayton and Stevens quote from John Rawls here: citizens are ready to “propose fair terms of social cooperation and to abide by them provided others do” (Rawls, 2005, p.54). But here Rawls is explaining a definition of the ‘reasonable’ citizen, not giving an argument for why the acceptability requirement is a necessary condition of social unity. Perhaps their thought is that true social unity requires that the vast majority of citizens endorse the principal institutions of society and the laws and policies that it makes, and that the acceptability requirement ensures this. But as it stands, this seems false: there are other ways to pursue social

⁷⁰ For critical discussions of neutrality, see the last chapter, as well as Merrill (2014), Pallikkathayil (2017), Pallikkathayil (2019), Wall (2019) and Wall and Klosko (2003). Pallikkathayil (2016, p.173) specifically argues against what she also calls political liberalism’s “acceptability constraint”.

unity, such as by aggressive persuasive measures and/or large levels of state control, in the way that (for example) the Chinese Communist party maintains strong social unity. Presumably Clayton and Stevens want to say the following: in liberal states committed to acting in a manner consistent with the liberty and equality of citizens, the acceptability requirement is required for social unity. But as argued in Chapter 3, and as I will now argue in relation to a specific policy example, there are reasons to think that a strict adherence to the acceptability requirement in policy-making is actually likely to result in civic discord.

Clayton and Stevens give English Literature as an example of one subject that passes the acceptability requirement. English Literature can be publicly justified on the basis that it helps children “develop their sense of morality and their capacity to form and revise a conception of how to live a life” (p.72). Yet similar arguments justify the place of Religious Education on the curriculum: in order to cultivate reasonable citizens, a curriculum subject is required that focuses on exposure to and engagement with different comprehensive doctrines. This I take to be (at least a part of) the essential essence of Religious Education.

Clayton and Stevens would no doubt reply that a subject prioritising religious claims at the expense of non-religious claims is unjustifiable to secular citizens. But this argues against a *particular instantiation* of a possible Religious Education curriculum – one which, I will argue shortly, is highly unpopular within the profession. It is also possible to reasonably object to particular instantiations of the English Literature curriculum. For example, someone might reasonably object to the dominance of texts written by white, English men. By equivocating between the *essence* of the subject (which is capable of public justification) and *particular instantiations* of the curriculum (which face reasonable objections), Clayton and Stevens make putting the acceptability requirement into practice seem less problematic than it in fact is, as well as wrongfully excluding Religious Education from the set of publicly justifiable subjects.

An example will help bring out how the acceptability requirement might disrupt, rather than ensure, “social unity”. There have been several cases of parents who are Jehovah’s Witnesses objecting to their child studying specific texts as part of the English Literature curriculum (for example, *Macbeth*, which discusses witchcraft) (TES, 2013; LoveGrove, 2013). Unlike in Religious Education, where individual exemptions are currently allowed, there is no requirement for schools to allow exemptions in this case, because English Literature is a National Curriculum subject.

A political liberal can endorse this policy position by saying that the Jehovah's Witness parent is not offering a *reasonable* rejection of the curriculum, because it is based in sectarian reasons. It is part and parcel of adopting the acceptability requirement that you must have an accompanying definition of 'reasonableness', since policies need only pass the test of being justifiable to *reasonable* citizens. In Clayton and Stevens' own words from an earlier article, "For political liberals the appropriate justificatory constituency is limited to reasonable citizens" (2014, p.69).

A distinction has sometimes been made between 'ethical' and 'epistemic' notions of 'reasonableness' within political liberalism.⁷¹ Roughly, on the former understanding, a person is 'reasonable' if they hold certain, co-operative attitudes towards other citizens and to law-making, whilst on the latter understanding, they must hold 'reasonable comprehensive doctrines' that adhere to certain epistemic standards. Clayton and Stevens seem to take the 'ethical' interpretation of 'reasonableness'; reasonable citizens are "citizens who respect the rights and interests of other individuals" (p.71). But on this understanding, the Jehovah's Witness is not obviously 'unreasonable'. The parent is perfectly willing to respect the rights of other citizens, and has no wish to *ban Macbeth* as a curriculum text (i.e. to impose a policy *on others* based on their own, non-public justification). She just wants her child to be exempt from study of this text.

The ethical notion of reasonableness must therefore be taken to require more than just that citizens "respect the rights and interests of other individuals". This is the route taken by most political liberals. Rawls (2005, p.138) says that reasonable citizens recognise that since reasonable people can arrive at different, conflicting views, it would be wrong for exercises of political power to be based in non-public reasons. Roughly: reasonable citizens accept the acceptability requirement. The Jehovah's Witness goes wrong by presenting a non-accessible, non-public, and therefore inadmissible reason for rejecting the curriculum. However, even if the Jehovah's Witness accepts that it would be wrong to invoke non-public reasons to justify a law that will coerce *other* citizens, it requires a further step to say that she is unable to appeal to her sectarian beliefs in response to coercive policy that has an influence on *her*. The Jehovah's Witness can accept "other people should not be subject to coercive policy based on my sectarian beliefs" whilst at the same time rejecting

⁷¹ For discussion of ethical versus epistemic notions of reasonableness, and the difficulties interpreting Rawls on this matter, see Nussbaum (2011, pp.22-31).

“sectarian beliefs should be entirely left out of decision-making about coercive policy”.⁷²

Political liberals believe these two propositions are connected, and that the reasonable person will accept them both. Rawls, for example, assumes that if you are reasonable and are showing sufficient respect for others, you will accept that the constraints apply to you too. But it is not straightforward that the second proposition follows from the first. If your primary motivation for neutrality is to avoid damage to personal integrity (the second of the reasons discussed in Chapter 3, Section 6), then it is not clear that it follows at all. Respect for personal integrity might require making general laws based on neutral reasons, but then considering exemptions for cases where the law damages personal integrity because of its conflict with sectarian beliefs.⁷³ Whilst I acknowledge that a full acceptance of reciprocity might justify the second proposition, further explicit argument is needed for the political liberal to fully justify why sectarian objections to coercive law are illegitimate. In its absence, there may be a good case for an exemption here and in similar cases. This fits with the wider understanding of reasonableness that I adopted in Chapter 3, Section 10, where those who reject the requirement to leave sectarian beliefs out of political deliberations are not automatically designated as unreasonable and consequently excluded from consideration.

Even if we accept that sectarian beliefs must be completely left out of all deliberations about policy, the Jehovah’s Witness may still be able to reasonably reject the policy. As we saw in Chapter 3, Section 9.1, even when only considering how to prioritise non-sectarian values, the Jehovah’s Witness may reasonably reject the hierarchy of

⁷² This argument loses much of its force in this case because the Jehovah’s Witness does want to coercively impose her beliefs on another person – her child. I have ignored this important fact in setting out these objections to the political liberal argument. A more straightforward case of an exemption in similar circumstances is the famous ‘Hobby Lobby’ case (*Burwell v. Hobby Lobby* 573 U.S (2014)). The US Government required businesses to purchase health insurance plans that included cover for contraceptive measures that end life after conception, even where this is in conflict with the beliefs of the business owners. At the Supreme Court an exemption was granted for Hobby Lobby, a family-run business, to avoid violating their sincerely held religious beliefs (de Vogue, 2014).

⁷³ I am not alone in questioning the political liberal assumption of symmetry between you leaving your sectarian beliefs out of deliberation about coercive policy on others and you leaving your sectarian beliefs out of deliberation about coercive policy affecting you. Though she does not address the issue specifically, Laborde (2017) allows an asymmetry here. On her view, laws must not be made on the basis of sectarian beliefs, but sectarian beliefs can feature in justifying exemptions. Indeed, for Laborde, claims for individual exemptions do not even need to be intelligible or coherent, provided they are connected to the ethical integrity of the claimant (2017, p.304, n.90).

values on which the policy is based. Even if she accepts that English Literature is required in order for children to “develop their sense of morality”, this value may have lower weight than other ‘neutral’ values she holds, such as her child sharing central values with her. Since accepting the neutral justification requires acceptance of a hierarchy of values that she reasonably rejects, English Literature as a curriculum subject fails to be publicly justifiable.

A second possible route for the political liberal is to appeal to the epistemic notion of reasonableness, as Rawls at times appears to do. Rawls (2005, p.59) says that “reasonable persons affirm only reasonable comprehensive doctrines”, where “a reasonable doctrine is an exercise of theoretical reasons”, is “more or less consistent and coherent”, and expresses “an intelligible view of the world”. Martha Nussbaum follows Samuel Freeman in arguing that

“Rawls defines ‘reasonable comprehensive doctrines’ epistemically, as doctrines that are responsive to evidence and possess certain other theoretical features.”

(Freeman, 2007, p.24; quoted by Nussbaum, 2011, p.24)

If we adopt this understanding, arguably we can safely ignore the Jehovah’s Witness objection when reasoning about the specifics of state curricula because it is not part of a reasonable comprehensive doctrine. We can argue that it fails to be part of a coherent worldview, is impervious to evidence or “too fanciful or piecemeal to contain what we could call an ‘intelligible’ view of the world” (Nussbaum, 2011, p.26).

This stricter view of reasonableness may exclude many, more mainstream religious citizens from the fold of the reasonable (see also Nussbaum, 2011, pp.26-28). Several religions require that believers hold doctrines on the basis of faith, even where they conflict with reason. For example, many Christians believe in the ‘mysteries’, which must be believed by faith and are (to varying degrees) impenetrable to reason. The Trinity is a good example of this; St. Jerome said that “The true profession of the mystery of the Trinity is to own that we do not comprehend it”. At least for Catholics, to accept the dogma of the Trinity is to accept that it is a mystery (Joyce, 1912).

An advocate of the epistemic view of reasonableness may be willing to bite this bullet regarding the implications for religious citizens (and it would not worry ‘New Atheists’ and those who push for a strongly secular agenda). But it is not clear that such a view would be consistent with the motivations of political liberalism.

First, as we have seen, political liberals aim to minimise controversiality and avoid strongly perfectionist justifications. Nussbaum (2011, p.29), who says that she is defending a form of political liberalism, says that the state should not be in the business of scrutinising the comprehensive doctrines of citizens (except to the extent that they violate an ethical conception of reasonableness). To do otherwise brings in an element of perfectionism; it violates the “abstemiousness towards controversial epistemological and metaphysical doctrines that political liberalism rightly asks us to insist on” (Nussbaum, 2011, p.33).

Second, dismissing the Jehovah’s Witness doctrine and potentially other religious doctrines as ‘unreasonable’ does not seem consistent with equal concern and respect for persons, an idea which we saw in Chapter 3 plays a large part in motivating the acceptability requirement.⁷⁴ Indeed, all of the ways discussed in Chapter 3, Section 6 for why basing coercive policy on reasons that can be reasonably rejected might be disrespectful apply here. For example, since the set of Jehovah’s Witness beliefs are so central to the identity of the Jehovah’s Witness, requiring her to follow policy that goes against her beliefs may damage her integrity. Nussbaum (2011, p.33) also seems to think that simply designating a comprehensive doctrine as ‘unreasonable’ is disrespectful:

“For a public official in a leading role to say “X’s doctrine is not as well grounded as Y’s” is, inevitably, to denigrate X...”

Given all these misgivings about the epistemic notion of reasonableness, it is not surprising that Clayton and Stevens, along with most other political liberals, have taken the ethical notion of reasonableness (e.g. Quong, 2011, p.295). Indeed, Rawls himself is unlikely to have been happy with the implications of what he says about reasonable people affirming reasonable comprehensive doctrines. Rawls is clear that he wants political liberalism to accommodate religious diversity and to be acceptable to those with religious comprehensive doctrines (Chapter 3, Section 9.2; Rawls, 2005, p.xxxviii). But if some significant religious doctrines are excluded because they fail to pass the test of being reasonable comprehensive doctrines, then Rawls has not addressed the issue that he hoped to address.

⁷⁴ Clayton and Stevens (2018, p.76) explicitly mention this justification in their paper: “The reasonable acceptability requirement we proposed earlier is a partial interpretation of the requirement of concern and respect.”

In light of the above discussion, it seems that we are in the following position. Either (a) the Jehovah's Witness is designated as 'unreasonable' because she wants to bring sectarian beliefs into her plea for exemptions, or (b) a justification is given that she rejects because it conflicts with her hierarchy of non-sectarian values, or (c) she is designated as 'unreasonable' because she fails to meet the state's standards for epistemically reasonable doctrines. Each of these options seems likely to make the Jehovah's Witness feel that she is not being treated as an equal citizen, ultimately disrupting social unity, thus undermining one of Clayton and Stevens's defences of the acceptability requirement.

This one example is indicative of a wider problem. The political liberal must define 'reasonable', and yet their attempts to do so run into problems. These problems become particularly evident when we come to look at specific instantiations of curriculum content (like the decision to include texts involving witchcraft), rather than general justifications for a subject's 'essence'. And yet it is at this specific level that Clayton and Stevens judge Religious Education to fail the acceptability requirement.

3. The need for exposure to different conceptions of the good: Arguing against the broad claim

At some points Clayton and Stevens appear to be making a broad claim: roughly, that there should be no curriculum requirement to learn about religion. For example, they say that they want to critically examine "whether the curriculum should be used to foster an understanding of religious viewpoints" (p.66). Their abstract promises that the article will challenge the requirement that schools "offer non-directive but, specifically, religious education as part of the curriculum" (p.65). Yet if by "challenge" they mean "offer reasons to reject such a requirement", then their view is implausible.

There are, after all, numerous good reasons for why a political liberal should value a subject that exposes children to different conceptions of the good.⁷⁵ In Chapter 5, I give a number of reasons for why someone who endorses the acceptability requirement should also endorse discussion of and engagement with a diversity of

⁷⁵ Religious Education may have additional, publicly justifiable aims beyond those mentioned here. For example, we might argue that Religious Education contributes to 'values-affirmation', helping children to feel secure and confident in their values. Note also that my focus here is on providing arguments that might be acceptable to a political liberal. No doubt there exist many thicker, more perfectionist justifications for Religious Education's place on the curriculum. For example, we might refer to the importance to individual development of learning about the "great sphere" (Ackerman, 1980, p.159).

(religious and non-religious) conceptions of the good as part of the compulsory curriculum. For example, dedicated discussion of different conceptions of the good contributes to the development of civic virtues that reasonable people should value in future citizens. By being given the opportunity to practise having the difficult disagreements that will take place in the wider world outside the classroom, this helps develop the ability to have honest, candid and fruitful discussions. It is through conversations with others about their differing conceptions of the good that children can grasp the reality and permanence of deep disagreement, and this understanding is required for genuine respect and tolerance.⁷⁶ Critical discussion of different views and their respective justifications also aids with the development of epistemic virtues. For example, it helps develop discernment, and helps teach children how to aim towards objectivity in their judgements. Since part of what it is to be a good citizen is to be able to distinguish between plausible and implausible reasons, the political liberal should be concerned with these types of justifications.

There are good reasons to think that in fact Clayton and Stevens do not endorse the broad claim. They say that

“every child has an entitlement to an education that develops his or her understanding of different conceptions of the good so that he or she has the resources to develop his or her own view, reflect upon it in an informed manner, and rationally pursue it.”

(2018, p.77)

Elsewhere, Clayton (2006) talks about the virtues that deliberative citizens possess that might be part of children’s “Education for Justice”. These include “skills related to articulating a position and the reasons for its affirmation; listening skills; the ability charitably to understand the views of others; analytical skills that facilitate a critical assessment of different positions; an appreciation of the benefits of exchanging ideas” (p.147). This statement sums up well some of the main aims of the religious educator.

⁷⁶ Clayton and Stevens do consider the argument from tolerance. They suggest that “different educational means” beyond “curriculum design” could be used to teach tolerance; for example, it could be taught via the school ethos and/or teacher-student interaction (p.68). Note that this is currently how most schools teach British values. I argue in Chapter 7, Section 8 that this needs reforming so that it is taught as part of a distinct curriculum subject. My concern is that teaching about values through assemblies, school ethos, teacher-student interaction, etc. rather than in a situation where students are able to critically engage with the complexity of different value-positions, in the company of a teacher with the relevant expertise, will not achieve the same benefits.

At present, Religious Education is the only subject on the curriculum in England and Wales that allows for a dedicated pursuit of these aims. Thus, the acceptability requirement points towards a compulsory subject whose essence is consideration of different conceptions of the good, many of which will be religious.

4. The majority position in Religious Education today: Agreement with the narrow claim

It seems more likely that Clayton and Stevens wish to endorse a narrow claim: roughly, that there should not be a curriculum subject that prioritises religion *at the expense of* considering non-religious views. They present this as a controversial claim, yet it is noteworthy that they do not identify a specific opponent who makes this “special pleading for theistic views” (p.66).⁷⁷ In fact, their view is widely endorsed: by political theorists, by scholars of religious education, by Religious Education teachers, by advisory bodies, and now also by the Welsh Government.

It is true that in the past, religious views have often been seen as meriting special political and legal treatment. However, it is now the dominant view amongst political theorists that religious conceptions of the good should not have precedence over non-religious ones, because of the difficulty of picking out what is distinctively normatively salient about religion. Cécile Laborde (2017) calls this the “ethical salience” problem, and she reviews the three most plausible responses. First, we could take the strategy of “dissolving religion” – biting the bullet by saying that there is nothing special about this category (e.g. Dworkin, 2013). Second, we could take the strategy of “mainstreaming religion” – analogising aspects of religion with non-religious, protection-worthy categories (e.g. Eisgruber & Sager, 2007). Third, we could “narrow religion”, protecting only beliefs (religious or non-religious) that prescribe duties (e.g. Maclure & Taylor, 2011). None of these strategies suggest that religion should have special treatment, and Laborde’s own conclusion is that “religion is not uniquely special” (2017, p.3). It is notable that at a recent two-day symposium bringing together leading political theorists to discuss Laborde’s book, none of the participants took issue with this crucial idea within her work.⁷⁸

⁷⁷ This is not to say that such opponents do not exist. Birmingham’s Agreed Syllabus for Religious Education explicitly restricts itself to religious views (Birmingham City Council, 2007). Marius Felderhof, who drafted this syllabus, has been vocal in defending the exclusion of non-religious views from the curriculum (Felderhof, 2012; Felderhof, 2014; Parker & Freathy, 2011).

⁷⁸ Symposium on *Liberalism’s Religion*, Nuffield College, Oxford (31 May and 1 June 2018).

At least since the 1970s, people have been arguing for the inclusion of non-religious views on the Religious Education curriculum. For example, the study of Secular Humanism and Marxism was proposed as part of the 1975 Birmingham Agreed Syllabus. The scholar Andrew Wright has consistently called for a pedagogy of 'critical' religious education, where the key aim is to "enable students to engage with questions of ultimate truth, and attend to the task of living truthful lives in an informed, critical and literate manner" (Wright, 2007, p.3). Wright is explicit that good Religious Education will engage students in discussion of religious and non-religious truth-claims (e.g. 2007, p.113). In our recent book exemplifying what this pedagogy looks like in practice, we argue that the views of the atheist are *as important* as those of the theist (Easton et al., 2019, p.103). Since critical religious education begins with the views of the students, and many students hold secular views, these also need study and critical evaluation. Consequently our chapter exemplifying an Ethics scheme of work gives equal coverage to theistic and non-theistic approaches (including Buddhism, utilitarianism, egoism, and Humanism).

This 'critical' approach to Religious Education is not just a novelty of the academy – it is practised in many schools across England, where it is popular amongst staff and students (Goodman, 2018). A recent study suggested that even before becoming aware of critical religious education as a specific pedagogy, many of the teachers interviewed felt that they were already embracing the approach (Goodman, 2018, p.237).

Regardless of the pedagogy embraced by the teacher, it is near consensus amongst Religious Education teachers that Religious Education should include consideration of non-religious views. In a rough poll on a popular Religious Education teachers' forum, 96% of 161 participants agreed with the statement "non-religious views should form part of the Religious Education curriculum" (Save RE, 2018). In almost all school settings, including many faith schools, non-religious views are considered. This teaching frequently takes place not as a systematic study (for example, of Humanism), but in relation to relevant topics such as funerals or abortion. Often such teaching simply occurs as a natural variation to the religious view or practice under consideration, because of the predominance of secular views within UK society.

Influential advisory bodies recommend including non-religious worldviews on the Religious Education curriculum. Most notably, this is the view taken in a 2018 report by the Religious Education Council of England and Wales (REC), which also recommends a change of name of the subject to 'Religion and Worldviews' (REC,

2018a). The authors say that their view is “widely shared among teachers and subject experts” (REC, 2018a, p.1), further supporting the argument of this section. The non-statutory national curriculum framework for Religious Education (proposed back in 2013) talks throughout about “religions and worldviews” and refers to non-religious worldviews such as Humanism on several occasions (REC, 2013). Secular views increasingly get explicit mention on Agreed Syllabi. For example, the recent Milton Keynes syllabus refers to “secular philosophies” and “secular beliefs” throughout, and the “syllabus both allows and encourages the teacher to teach about secular and Humanist worldviews where they feel it to be appropriate” (Milton Keynes Council, 2017, p.9).

Since Clayton and Stevens wrote their article, the Welsh Government has announced plans to amend the law on Religious Education so that it includes non-religious worldviews on an equal footing to the major religions (Humanists UK, 2019). The subject name will also be changed to ‘Religion, Values and Ethics’ (Welsh Government, 2020). It seems likely that this trend will continue, and that England will follow with these reforms in time.

The clear sway of opinion is in agreement with Clayton and Stevens, so why is it that non-religious views do not already have parity with religious views in the schemes of work current in most schools? It is not possible to fully explain this here, but it is worth briefly mentioning some of the contingent, practical obstacles to such parity. First, change in education is often slow, especially in a poorly funded subject (APPG, 2013), and few resources exist that explicitly teach about non-religious views. Humanists UK provide good resources, but these represent just one of many non-religious positions. Second, many teachers lack understanding of what a systematic study of non-religious views should involve, not helped by the fact that these views are often not systematic or ‘comprehensive’ in the way that many religious systems are. Third, teachers have to prepare students for examinations, and to its shame, the Department for Education did not include a systematic study of non-religious views in their recent ‘reform’ of GCSE examination subjects, despite receiving huge numbers of objections to its non-inclusion.⁷⁹

⁷⁹ The Government justified its decision by claiming that once the campaigning by the (then) British Humanist Association had been discounted from consultation responses, only a “significant minority” (21% of other respondents) shared this view (DfE, 2015c). But it would be wrong to take from this that most teachers were satisfied with the non-inclusion of a

Clayton and Stevens are right to draw our attention to the need to keep pressing for recognition of non-religious views. But they leave us with the impression that they are presenting a highly controversial view, whereas in fact the view which they attack has few supporters.

5. Current policy and practice

Clayton and Stevens take themselves to be examining “whether there are sufficiently weighty reasons to justify the kind of approach to teaching religion that the example of England and Wales typifies” (p.66). It is therefore important that we are clear on exactly what this approach involves.

Clayton and Stevens (p.66) say that

“it remains to be seen whether these aims justify the kind of curriculum taught, for instance, in England and Wales, where Religious Education is a stand-alone, compulsory subject for pupils aged 5 years through to 16 years...”

As it stands, this description lacks a referent. First, there is no requirement that Religious Education be taught as a stand-alone subject and frequently it is not taught in this way (Strangways-Booth, 2017; REC, 2017). Often Religious Education is taught solely through form time and assemblies or is part of a ‘carousel’ with Personal, Social, Health and Economic Education. Second, whilst it is compulsory for schools to offer Religious Education, Religious Education stands in an unusual legal position as the only subject (except for sex education) from which parents can withdraw their child. It is odd that Clayton and Stevens do not mention this, especially since this marks a contrast to the situation with regard to other, controversial topics that are compulsory, such as teaching certain interpretations of ‘British values’ (see Chapter 7) or teaching about evolution.⁸⁰ Third, the statutory entitlement to Religious

systematic study of non-religious views. First, the respondents were not asked for their opinion on this issue; rather, they were directed to comment on questions such as the “level of challenge” and whether the proposed content covered “what students need to know in order to progress to further academic and vocational education” (DfE, 2014a). Second, since 94% of the 2,093 respondents deemed the proposed content “inappropriate”, there clearly were significant, unrelated concerns with this new GCSE which needed to be prioritised in their responses. Third, given the widespread practice of considering non-religious views in relation to most topics anyway, many teachers may have felt that separate consideration on the GCSE was unnecessary.

⁸⁰ Note that the new Welsh legislation will mean that parents can no longer withdraw their child from the subject (Welsh Government, 2020). Given what I argue, both in this chapter and in Chapter 5, I believe this to be the right decision and think that England should adopt a similar policy.

Education remains *throughout* school, and so technically does not stop until 18 years of age (although this requirement is ignored by the majority of schools).

Clayton and Stevens complain about the position of “privilege” (p.78, n.2) which Religious Education occupies, but this complaint does not match reality. Indeed, there are many reasons to view Religious Education as neglected. In many schools, Religious Education is not taught as a stand-alone subject, and in some schools it is not taught at all. Over a quarter of secondary schools (28%) admit to giving *no* curriculum time to Religious Education (REC, 2017, p.5). The subject is frequently taught by non-specialists (APPG, 2013), a situation that is unlikely to improve due to the poor incentives to train to teach Religious Education, with bursaries being roughly a third of what is offered in Geography and Classics (REC, 2018b). Moreover, the non-inclusion of Religious Education in the English Baccalaureate, as well as the exclusion of GCSE Short Course Religious Studies from Attainment 8 (the new accountability arrangements), have further contributed to the lowering of status of the subject (Easton et al., 2019; APPG, 2013; REC, 2018a, p.8).

6. Policy implications

Clayton and Stevens stop short of offering policy recommendations in light of their discussion. The only explicit conclusion that they offer is that “religion cannot continue to be the primary reference point for teaching about ethical and normative matters” (p.78). This is correct. Urgent reform is needed to ensure that policy reflects the practice of the majority of schools of studying non-religious views. Strategies also need to be in place to ensure that it becomes more common to give explicit and systematic consideration to non-religious views. The changes being introduced in Wales, where non-religious views are taught on an equal footing to religious views, and where parents are not allowed to withdraw their children from the subject, provides a model of improvement for England.

The reader could easily draw the conclusion from Clayton and Stevens’ article that Religious Education should be scrapped. This would be a mistake. A subject is needed which has as a key aim that students encounter a variety of conceptions of the good. A public justification can be given for the inclusion of this subject on the curriculum, because it aids the development of civic and epistemic virtues that are required for participation in a healthy democracy. There may also be additional, paternalistic reasons for this subject, such as the benefits to the child of further understanding and solidifying their own values. Additionally, as I discuss in Chapter 7, Section 8, Religious Education is one of the few places in the curriculum where

trained experts can facilitate discussion of 'British values', which is important if this teaching is to fulfil the aims of the policy. If Religious Education were to be scrapped, the risk is that it would not be replaced with a subject that is comparable in this sense. Reform, not abolition, therefore seems like a safer response to current inadequacies with the subject.⁸¹ One important step in these reforms may be a change of name of the subject to reflect non-religious content, as in the recent name change in Wales to 'Religion, Values and Ethics'. Hopefully a similar change will follow soon in England.

7. Conclusion

Clayton and Stevens's article has an imprecise target. If their attack is on a subject that teaches about religion, then the acceptability requirement does not forbid this, but rather, requires it. If their attack is on the prioritisation of religion, then they are right in identifying this as a problem. However, there is already wide agreement on this issue, and so Clayton and Stevens would do well to have a more precise target for who they hope to convince (perhaps the Department of Education). Here and elsewhere in this thesis, I have given reason to question the acceptability requirement upon which Clayton and Stevens' main argument rests. Yet even if this requirement were correct, this would justify a subject dedicated to discussion of different conceptions of the good. As things stand, a revised form of Religious Education, under a new name, is the 'best fit' for fulfilling this requirement. The subject should therefore be reformed, not abolished.

⁸¹ It is notable that Humanists UK have continually campaigned for *improvement* (rather than abolition) of Religious Education.

Chapter 5 Educating in respect: Against neutral discourse as a norm for respectful classroom discussion⁸²

1. Introduction: Teaching respect in schools

Liberals are agreed that an important aim of civic education is to cultivate mutual respect. This agreement is found across the spectrum of comprehensive and political liberal views of the role that controversial values can play in political justification.⁸³ Yet despite this agreement, it is seldom fleshed out how ‘mutual respect’ is to be understood or what its implications are for classroom practice. Specifically, it is unclear what norms are implied for respectful classroom discussion: should students be taught that respect requires that they provide neutral reasons in defence of their views?

The 2014 policy to promote ‘British values’ in schools gives a new urgency to this question. The policy requires schools to promote “mutual respect and tolerance of those with different faiths and beliefs” (Department for Education (DfE), 2014c, p.5). In the official statement that accompanied the guidelines, Lord Nash stated that the Government wants to ensure that “young people understand the importance of respect” (DfE, 2014b).

Given that this British values policy is in place in a multicultural society where people disagree over (1) *what* we should value and (2) how values such as ‘respect’ and ‘tolerance’ should be *interpreted and applied*, one way to make sense of this requirement is by allowing these values to be both promoted and questioned through classroom discussion of controversial issues (Chapter 7, Section 7.1). This fits well with a growing consensus over the importance of critical discussion in the classroom.⁸⁴ In England, the home of such discussions, if they take place, is usually Religious Education, Personal, Social, Health and Economic Education, or Citizenship. In the US, the home of such discussions, if they take place, is usually Social Studies.

⁸² An earlier version of this chapter is published as Easton (2018b).

⁸³ For the view that liberals unite over the importance of mutual respect to civic education, see Gutmann (1995) and Neufeld (2013, p.787).

⁸⁴ See, for example, the work of Generation Global (2017). On the importance of discussion (especially critical discussion), see Hobbs (2017) and Primrose (2017). For arguments and evidence of the benefits of students engaging in critical discussion of controversial issues in Social Studies classes in the US, see Hess and McAvoy (2015).

In all these contexts, a question arises of what ‘respectful’ discussion of controversial issues should look like in practice. Put more abstractly, given that education is (in part) a preparation for civic life, what should be taught as norms for respectful discussion?

One suggestion, arising out of political liberalism, is the idea that neutral reason-giving should be a norm of respectful discussion. I set out this view in Section 2. Drawing on this idea, some political liberals have argued that learning to argue in this ‘neutral’ way should form an important part of civic education. In Section 3, I set out the case made by Blain Neufeld and Gordon Davis (2010) that neutral discussion of political issues should be part of the compulsory curriculum, whilst engagement with comprehensive doctrines should not. In Section 4, I set out my own, contrasting view, which is that engagement with comprehensive doctrines should have priority on the compulsory curriculum. In Section 5, I give a number of different arguments in defence of this claim. In Section 6, I consider the political liberal worry that my view values critical discussion in a way that can be rejected by reasonable people. I reply that the goods that I have been claiming come from non-neutral discussion are the sorts of goods that all reasonable people value, and therefore are within the legitimate scope of a minimal, compulsory civic education. I therefore conclude in Section 7 that schools aiming to teach “mutual respect” should not be focusing on teaching a norm of neutral discourse. Rather, respectful discussion involves engaging meaningfully with those with whom we disagree, over the reasons that we care most deeply about.

2. Respect, political liberalism and neutral discourse

Some trends in political liberal thought point to the idea that neutral reason-giving should be a norm of respectful discussion. Charles Larmore argues that when two people disagree, “each should prescind from the beliefs that the other rejects” (1987, p.53), “retreating to neutral ground, to the beliefs they still share” (1990, p.347). The thought, shared by other political liberals, is that when deliberating together about political issues, we should argue using ‘public’ or ‘neutral’ reasons.⁸⁵ I use these terms interchangeably to refer to reasons that do not rely on accepting a particular,

⁸⁵ For other examples, see Ackerman (1989) and Rawls (2005). Larmore specifies that he does not see the liberal ideal of political neutrality as applicable to public discussion generally, and allows that sometimes we engage in discussion with the aim of convincing others of the worth of our views about the good life (1990, p.348; 1987, p.47). However, as we shall see, other political liberals drawing on these works have taken neutrality as applying to public discourse more generally.

controversial conception of the good or comprehensive doctrine. Public reasons are minimally controversial reasons; they offer grounds that all reasonable people can accept, independently of their views on more controversial matters.

For Larmore, this ideal of public discourse is motivated by respect for persons. As we saw in Chapter 2, Section 3, the concept of respect at play here is broadly Kantian. However, it does not require uptake of the Kantian view of autonomy and personhood: one need not accept that critical self-reflection, encapsulated by the motto “*Sapere aude*”, is essential to the good life (Kant, 1996). From the political liberal perspective, to require this would be to commit the comprehensive liberal mistake of relying on controversial values that not all reasonable people accept. Instead, Larmore appeals to a minimal idea of personhood as “simply the capacity of thinking and acting on the basis of reasons” (1990, p.349). This is a form of “recognition respect”; recognising this feature in a person imposes a constraint on how you may treat them (Darwall, 1977). Specifically, recognition of a person’s rational nature means that it is wrong to *force* someone to comply, for this would not be “engaging directly their distinctive capacity as persons” (Larmore, 1990, p.348). In Larmore’s words, “to respect another person as an end is to insist that coercive or political principles be as justifiable to that person as they are to us” (1990, p.349). So, to be respectful, we should provide grounds that will draw on the reason of our opponent.

A similar idea is found in John Rawls’ *Political Liberalism*. In order to be a legitimate exercise of power, political decisions must be justifiable to the people they constrain. Out of respect for citizens as free and equal, political decisions must be made on the basis of public reasons (Rawls, 2005, p.137). Therefore, to the extent that citizens are involved in the decision-making procedure, their deliberations must also be on the basis of public reasons. Thus, we have an ideal in political liberalism that civic discourse should be neutral discourse.

3. The application of neutral discourse to education

If public reason-giving is a key part of ideal civic discourse, then learning to argue in this way should form an important part of civic education. It should be taught as a norm of respectful classroom discussion of civic issues. This case can be made more strongly if we see schools *not* as part of what Rawls calls the “background culture” (2005, p.14), but as part of the basic structure of society, where public reason

applies.⁸⁶ According to this view, the classroom is a public space, where teachers act in the role of an agent of the state and therefore are required to be neutral (Nussbaum, 2011, p.39, n.65). The teacher must only give reasons that all reasonable people can accept, and should encourage students to do the same.⁸⁷

The implication that classroom discussions should be guided by a norm of neutral discourse has seldom been brought out by political liberals. Matthew Clayton comes close, in arguing that “children should be raised to appreciate the merits of deliberation through public reason and taught the associated virtue of political restraint” (2006, p.148). The most explicit endorsement of this norm comes from Neufeld and Davis (2010). They offer what they argue is the Rawlsian position:

“A political liberal civic education would teach students the skills and concepts necessary for them to interact with other citizens on the basis of civic respect. This would involve teaching them that ... they cannot appeal to reasons that depend on the truth or correctness of their particular comprehensive doctrines when deciding fundamental political issues.”

(Neufeld & Davis, 2010, p.98)

Neufeld and Davis propose that this can be achieved as follows. Students should be required to participate in debates on “politically divisive” issues, where the “rules of the debate” are such that they are only allowed to provide public reasons. Reasons that rely on comprehensive doctrines will be “ruled inadmissible”. This exercise will “help students appreciate the importance of not justifying political actions on partisan religious grounds” (p.99).

We can strengthen Neufeld and Davis’ case by adding that not only will this help students appreciate the *importance* of giving public reasons, but it also enables them to recognise these reasons and practise formulating them. Recognising the difference between someone disagreeing with you because they do not share your comprehensive doctrine and someone disagreeing with you because they think that

⁸⁶ Rawls does not say whether he views schools as part of the basic structure, but his discussion of education (2005, pp.199-200) indicates that this may be his view. For additional reasons to view schools as part of the basic structure, see Nussbaum (2011, pp.38–9) and Neufeld (2013, p.793, n.4).

⁸⁷ I do not address the issue of the extent to which teachers should be neutral (although see Section 5.5 of this chapter for some relevant discussion). For a detailed treatment of this issue, alongside the results of a large, mixed-methods study, see Hess and McAvoy (2015).

you have given a poor quality public justification is difficult, and so is a skill that requires practice.⁸⁸

Neufeld and Davis' practical proposal is also motivated by the need to find a way to promote political autonomy in students without, at the same time, promoting moral autonomy. Moral autonomy involves critical reflection on one's life as a whole and so has wider scope than political autonomy. Rawls (2005, p.78) explains that his political liberalism only "affirms political autonomy", which includes "participating in society's public affairs and sharing in its collective self-determination over time". It "leaves the weight of ethical autonomy to be decided by citizens severally in light of their comprehensive doctrines". Since the value of moral autonomy is controversial, classes that encourage students to critically reflect on their comprehensive doctrines should be *offered*, but not *required* (Neufeld, 2013, p.784, p.789). To require it would be to promote moral autonomy and therefore this policy would not be justifiable to all reasonable citizens.⁸⁹ In contrast, even from the minimalist perspective of political liberalism, the development of political autonomy *is* required. And, since it is part of showing "civic respect" that "citizens employ the ideas and values of public reason when deciding fundamental political questions", practices necessary for learning this skill (such as Neufeld and Davis' proposed practice of debates restrained by a norm of neutral discourse) should be part of the compulsory curriculum (Neufeld & Davis, 2010, p.98).

There is a further, important implication of Neufeld and Davis' view. Since there is no requirement for children to encounter comprehensive doctrines that differ from their own, their view does not push towards the 'common school ideal', where children from a diversity of racial, cultural, religious and socio-economic backgrounds are brought together. Learning the art of public reason-giving can, in theory, be achieved in a homogenous setting, with others who share one's comprehensive doctrine. Homogenous schools (such as faith schools), where students are not exposed to different comprehensive doctrines, are therefore permissible (Neufeld, 2013, p.790).

⁸⁸ Greenawalt (2003) acknowledges this difficulty when he says that as things stand, citizens cannot be expected to draw this distinction. He suggests that perhaps citizens of a "highly educated, participating citizenry" could (p.272). This points towards the need to train the next generation of citizens so that they are equipped to understand and utilise this distinction.

⁸⁹ In Section 6, I suggest that consistency requires that Rawlsian political liberals like Neufeld and Davis should not be concerned if moral autonomy is a by-product of some policy, provided the policy itself is neutrally justifiable.

4. Non-neutral discourse and discussion of comprehensive doctrines

In opposition to Neufeld and Davis, I will argue that students should be encouraged to bring all (relevant) reasons, including those based in their comprehensive doctrines, into class discussions of controversial issues. Engaging with discussion of comprehensive doctrines is *more important* from the perspective of essential civic virtues than is practising the art of public reason-giving. This should, therefore, be part of the compulsory curriculum.

I therefore disagree with Neufeld and Davis over two related issues:

- A. Whether it should be taught as a norm of respectful discussion that students present neutral reasons, or whether respectful discussion is more about listening to one's opponent and engaging seriously with their deepest, most important reasons.
- B. What should take priority as part of the compulsory curriculum: (i) discussion of political issues guided by a norm of neutral discourse, or (ii) engagement with comprehensive doctrines? Neufeld and Davis indicate that *only* (i) should be part of the compulsory curriculum. I do not commit to whether (i) should be compulsory, but say that (ii) should be part of the compulsory curriculum.

My view leaves room for the possibility that neutral reason-giving be part of the compulsory curriculum, without absorbing *all* the debate taking place. The mandatory curriculum could provide opportunities both for discussion of comprehensive doctrines *and* for practising formulating public reasons, depending on the pedagogical aim of the lesson.

In support of my view, I will provide a number of reasons to think that a norm of neutral discourse would pull against other things that reasonable people should value in future citizens, such as epistemic virtue, genuine mutual respect, and honesty. Whilst I seek to avoid taking a position on whether public justification is part of ideal political discourse (so as to appeal to various flavours of liberal), some of the points I raise have negative implications for that ideal. However, I try to emphasise that these worries become especially acute when public reasoning is promoted as the norm for respectful discussion amongst children, in an educational setting. Particularly salient to my evaluation are the following facts:

1. Children are *future*, not current, political decision-makers. The argument for neutral discourse is usually reached via the argument that only neutrally justifiable policy is legitimate (Section 2). But classroom discussions do not

lead to the formation of public policy. The ideal classroom is a safe space where there is freedom to play with different ideas, with little serious consequence.

2. The ‘common school’, where people from a diversity of backgrounds are brought together, is a unique and valuable setting. These ‘plural spaces’, where there are opportunities to engage with genuine diversity, are hard to find in the world outside. Moreover, the ideal classroom has the structure and discipline to engage with this diversity in an organised and sensitive way.
3. Children are not autonomous or rational to the same extent that average adults are. Moreover, they are less likely to have fully-fledged, comprehensive sets of beliefs. Certainly, they rarely have what Rawls (2005, p.13) calls a “fully comprehensive” conception, a “precisely articulated system”. One implication of this is that it is not disrespectful of children (in the sense that Larmore is concerned with) to appeal to reasons that they do not accept. A second implication is that failing to talk about comprehensive doctrines has negative consequences that are not there in the case of adults. Since children are at a crucial stage in belief and character formation, there may be a responsibility to contribute to the development of good beliefs and character that is absent as a consideration when thinking about adults.⁹⁰

In what follows, I try to show how these facts contribute to a norm of public reasoning being particularly inappropriate for the classroom context.

5. Arguments against neutral discourse in the classroom

5.1. Artificially restricts the content of discussion, pushing out important conversations about values

Neufeld and Davis argue that compulsory debates designed to teach “adequate civic respect” must be restricted to “fundamental political questions” (Neufeld, 2013, p.788). Yet as soon as we come to the practical question of which issues to select for discussion on the compulsory curriculum, we encounter the difficulty of drawing a line between the political and non-political sphere. We find that if a line must be drawn, this will be done so artificially and somewhat arbitrarily. Neufeld and Davis’ view

⁹⁰ For further discussion of the special status of children, see Chapter 3, Section 10.1.

therefore implies not only that we should exclude certain types of *reasons*, but also that we should exclude certain *topics*.

Neufeld (2013, p.788) suggests the issue of legal recognition of gay marriage as an example of what might be discussed. Now clearly, secular arguments can be provided both for and against gay marriage. However, much of the strongest opposition to gay marriage is religiously motivated. Indeed, a major reason that disagreement runs so deeply here is because this is a question of faith for some people. For these people, this is not a purely political issue, in the sense that it is not an issue that they can discuss meaningfully when detached from their religious views.

Finding a purely political issue is a practical problem, but its roots are theoretical. Rawls (2005, p.xlvi) argues that political liberalism presents a “freestanding liberal political conception that does not oppose comprehensive doctrines on their own ground”. He insists that “we always assume that citizens have two views, a comprehensive and a political view and that their overall view can be divided into two parts, suitably related” (p.138). But as we have seen in the example of gay marriage, this response is inadequate, for often people’s views cannot be neatly partitioned in the way that Rawls envisages. Often our comprehensive views, particularly if religious, inform our political views.⁹¹

Rawls’ view does not attend to the way that political and religious beliefs actually function in people’s lives. He argues that “political values ... normally have sufficient weight to override all other values that may come in conflict with them” (2005, p.139). This under-estimates how much is at stake in one’s choice of comprehensive doctrine and how much weight people attach to their religious beliefs.⁹² In reality, our choice of comprehensive doctrine affects how we prioritise different values, which then influences our viewpoint on even the most fundamental political matters. For many people, religion and politics have a deep and pervasive role in their lives, such that these domains cannot be compartmentalised without changing the nature of the truth-claims that are held (for example, by re-interpreting them as expressions of preference rather than claims about reality). The views held in one domain interact

⁹¹ See Chapter 3, Section 9.1 for some empirical support for this claim.

⁹² For further argument on this point, see Chapter 3, Section 9.2, and Clayton and Stevens (2014, p.79).

with and affect the views held in other domains, and it is for this reason that issues such as gay marriage are so difficult to negotiate in the complex, real world.

In light of this, I do not think that it will be possible to find purely political issues for discussion that are at the same time important and meaningful. However, if we were to make this our aim, it would be at the expense of discussing more obviously partisan issues. This would represent a loss, for reasons that should emerge throughout this chapter. For now, it is worth highlighting three initial worries with restricting the content of discussion.

First, contemporary debates over values are precisely the sorts of issues we want the next generation of citizens discussing, for as adults, they need to be able to engage intelligently with these unresolved issues. Even if future public deliberation must be neutral, such deliberation will be more successful if we understand each other's beliefs and values.⁹³

Second, there are benefits to be had from discussing values together. Kwame Appiah has argued that it is by evaluating stories together and talking about the values within them that we can begin to align our responses. Even where no alignment of views is achieved, the process of discussing values “keeps our vocabulary of evaluation honed”, so that we at least have a shared moral vocabulary with which to engage with each other (Appiah, 2007, p.30). This ‘shared vocabulary’ and ability to communicate over sensitive issues should be seen as important by anyone who values public deliberation amongst citizens.

Third, as we noted as our third fact in Section 4, children are still in a process of moral development. To deliberately avoid conversations about values leaves a gap in their education. Whilst it may be unacceptable from a political liberal perspective to teach that certain controversial values are the *right* values, this does not imply that schools must not talk about values at all. Nor does it imply that schools must avoid partisan content. Many important conversations about values – such as forgiveness or charity – have traditionally been discussed as part of religious discourse, and these conversations are central to formulating values. By discussing partisan stories, such as the Christian Parable of the Lost Son, students are able to begin reflecting on these values.

⁹³ See Section 5.7 below for further discussion of this point.

5.2. Not conducive to reaching good answers

An important reason for discussing values left out in the last section is that we want children to arrive at good answers to controversial questions.⁹⁴ As we noted in Section 4 as our first fact, the classroom should be a safe space where students can try out and play with different answers to controversial questions. To restrict classroom discussion to only public reason-giving would be to give up too early: we want young people to make good decisions on how to answer controversial questions, rather than (or in addition to) knowing how to proceed if and when disagreements prove intractable.

Restricting classroom discussions by a norm of neutral discourse will often require that students leave out what they believe to be the most salient reasons. This is like asking someone to solve a mathematics problem without using the method that they find most fruitful. By asking people to put aside what they believe to be the most pertinent considerations, we blunt the tools at our disposal for reaching the best answers.

A norm of neutral discourse encourages people to cite reasons that are not the ones that *really* motivate them, and this may also prove obstructive to reaching good answers. A trivial example might help to demonstrate this point. You say: “Come for a drink with me at the George.” I tell you: “I’m too tired.” In response, you provide various counter-arguments: “You’ll wake up once we’re out.” “The enjoyment you get will make it worthwhile.” “We’ll only go for one.” None of these reasons will make any impact on me, because even though I am tired, my real motivation is that I am avoiding one of the bar staff after an embarrassing drunken liaison with them last night. It seems like there is something pointless about this exchange. Since I keep silent about my deepest concern, I do not allow for the possibility that my worry is addressed. I am left worried, and you are left offended that none of your counter-arguments changed my mind.

The same is true for more serious examples. Imagine a classroom discussion on gay marriage. Jenny is an evangelical Christian student whose deep opposition to gay

⁹⁴ We might also talk about ‘finding the truth’ or ‘getting *right* answers’, but I avoid this in order to circumvent meta-ethical controversies over whether there are objective moral and political truths.

marriage is primarily motivated by her belief in the divine truth of Leviticus 18.22.⁹⁵ Jenny obediently follows the ‘rules of the debate’, defending her opposition to gay marriage with the public reason that it will negatively impact children.⁹⁶ However, since the impact on children is not her deepest concern, it is likely that when faced with counter-arguments from her peers, Jenny will continue to defend her opposition to gay marriage. Even if the impact on children does concern Jenny, the way she assesses the evidence that is presented to her regarding the impact on children will be affected by her deepest beliefs, because how we weigh reasons is affected by our ‘ultimate’ reasons. This is why we must bring these ‘ultimate’ reasons to the fore. Jenny will only be persuaded to change her mind on gay marriage by either being shown that her deeply held belief is wrong, or by being shown that she should depart from that belief on this occasion. Both of these options require engaging in controversial questions that fall clearly outside the political realm, such as questions surrounding biblical interpretation and the existence of God.⁹⁷ Even if it is unlikely that Jenny will change her mind, it seems more conducive to resolving the issue to broach these questions than it is to engage in an obfuscatory discussion that fails to get to the heart of the matter.

In fact, there is some reason for optimism about the benefits that discussion can bring for reaching better answers. Drawing on recent empirical research, Hugo Mercier and Dan Sperber point to the epistemic gains that come from reasoning together. Reasoning as a group helps us correct flaws and formulate better, wiser beliefs (Mercier & Sperber, 2017). This is particularly so with children, who often are not as

⁹⁵ Leviticus 18.22 reads: “Do not have sexual relations with a man as one does with a woman; that is detestable.” (New International Version)

⁹⁶ Rawls himself gives this as an example of a possible public reason (1977, p.779). Interestingly, this neutral reason is often included in public statements by evangelical Christian organisations. For example, the Australian Christian Lobby’s three headline arguments during the 2017 campaign before the referendum on same-sex marriage were that it would be bad for children, bad for freedoms and bad for schools (Australian Christian Lobby, 2020). For further examples of evangelical groups invoking neutral reasons, see Kettell (2016). Kettell’s study supports my contention that the way that we assess evidence is affected by our deepest beliefs. Whilst the conservative Christian participants in Kettell’s study justified their use of secular arguments by referring to the need to get the other side on board, some of the same participants stated that they genuinely believed these arguments. For example, in the words of one participant: “science shows and studies show that children do best when raised by a mother and a father” (Kettell, 2016, p.16).

⁹⁷ This is why I suggest in Chapter 7, Section 8, that a reformed Religious Education, taught by specialists, may be the appropriate home within the English school curriculum for such discussions.

wedded to their professed beliefs as are adults and so are more likely to revise them in light of discussion.

Where discussion does lead to good answers, and perhaps even consensus, we can have greater confidence in the longevity of this result when it is achieved without a constraint of neutral discourse. Consensus reached via neutral discussion will not be as strong, meaningful or long-lasting, because it is based in reasons partially made up in order to get the other side 'on board'. In contrast, if consensus is based in values to which the participants are truly invested, participants are more likely to believe in, and abide by, the results of these discussions.

5.3. Too narrow understanding of the purpose of discussion

So far we have worried about the consequences of artificially restricting the *content* of discussion (Section 5.1) and about neutral discourse obstructing the search for good answers (Section 5.2). A third worry reminds us that discussion may have other aims beyond reaching good answers and that forgetting this may lead to something of value being lost.

Larmore's "norm of rational dialogue" is aimed at resolving disagreements in order to reach political settlements (1990, p.347-8). He understands 'justification' as

"... a proof directed at those who disagree with us to show them that they should join us in believing what we do. It can fulfil this pragmatic role only by appealing to what they already believe, thus to what is common ground between us."

(Larmore, 1990, p.347)

William Galston (1991, p.105) has criticised this for being "an excessively rationalistic account" of dialogue. Galston rightly points out that the purpose of much dialogue is to "invite one's interlocutor to see the world the way you do" (p.106). In which case, rather than prescind, we should be "stubbornly bearing witness to one's stance at the precise point of difference" (p.106). This seems right, for many good discussions do not simply appeal to abstract reasons that any reasonable interlocutor will accept, but also appeal to experiences, with the aim of helping your opponent understand why you think what you think.

This sharing of experiences need not always be done with the aim of getting your opponent to switch sides. When I ask my friend why it is that she is so interested in *Love Island*, I hold no hope that she will convince me that there is value in this

programme. Rather, I want to understand her better. There seems to be worth in people just being curious and interested in each other in this way. Even where there is little prospect of discussion changing minds or leading to consensus, there is value in understanding and engaging with those with whom you disagree. One might plausibly say that this is intrinsically valuable, but to be more palatable to a political liberal, one could point instead to the instrumental benefits of this engagement, including the value of forming relationships and being united in the pursuit of social harmony and good answers.

The engagement that comes from sharing our personal stories and deepest beliefs gives value that public political discussions could never give, for it is these sorts of conversations, where we try to *fully attend* to the other, that develop a sense of shared humanity and shared goals. Appiah argues that it is through engagement with the experiences and ideas of others that we can live peacefully together. Such conversations do not have to lead to consensus – indeed, he thinks they rarely will – rather, “it’s enough that it helps people get used to one another” (Appiah, 2007, p.85). To make a slightly different point, and to frame it in the language of political liberalism: it is through these conversations that children will be better able to understand the reality, and permanence of, deep disagreement.

To summarise, seeing discussion as a rationalistic exercise in public reason, aimed purely at consensus, may come at the expense of our attempts to understand each other.

5.4. Does not teach true respect

As discussed in Section 2, those defending ideals of neutrality have often been motivated by a (broadly) Kantian understanding of respect. According to this view, acknowledging the rational nature of a person results in a constraint on the kind of reasons that are admissible for the exercise of coercion. It may be plausible to take from this that respect requires that coercive policy is neutrally justifiable.⁹⁸ But the move from this to the idea that respect requires that *discussion* is neutral is far less plausible.⁹⁹ Presenting reasons based on one’s comprehensive doctrine does not involve *interfering* with the person, for they are free to accept or reject the reasons. It

⁹⁸ For how this move goes, see Chapter 3, Section 6.

⁹⁹ In spite of this, it is relatively common for thinkers to move between neutrality in policy-making and neutrality in public deliberation without justifying this move. For examples, see Klosko (2003) and Galston (1991, pp.98–117).

is therefore unclear why discourse being non-neutral fails to respect a person's rational nature.

It might help to make this point clearer to think about what sorts of behaviours in a discussion would disrespect someone's rational nature. One way would be to fail to provide reasons *at all*. Children sometimes get cut short with the retort "because I told you so", which means something like "I am no longer willing to give you reasons and you should accept this on the basis of my authority". If this is ever appropriate, it is because children are not yet fully rational beings. In many situations, giving this retort to an adult *would* disrespect their nature as a rational being, because it fails to engage with them as a being operating on the basis of reasons. It is not clear in what way giving reasons based on your comprehensive doctrine is similar to this, for in that case, you are still attempting to engage your opponent's rational nature.

One might plausibly think that it is far more respectful to listen to what people genuinely care about, and to attempt to, as far as possible, take these reasons into account. In similar vein, Galston (1991, p.109) suggests that we show others respect "when we offer them, as explanation, what we take to be our true and best reasons for acting as we do".

This kind of genuine engagement with your opponent's *whole set of reasons* might even be supported by further exploration of the Kantian notion of respect. Recognition of the rational will in a person has generally been taken to imply non-interference: we should let the person autonomously pursue their projects, rather than use the person as a means for pursuing our own projects. But it is plausible to think that respect requires more than merely not interfering; perhaps *active engagement* is also required. If you have truly recognised the person as a being acting on reasons, then the correct response should be to engage and interact with these reasons. In cases where the other person is someone with whom you disagree, if we 'stand back' and reflect on them as a rational creature, then the response should be one resembling curiosity. Given that, like you, they seek the best answers to the very same questions, how is it that they have reached this viewpoint to which you object? What reasons are there for why they stand where they stand?

In support of this understanding, we can note that one possible translation of 'Achtung', which was Kant's term for the 'motive of morality', is 'attention' (Velleman, 1999, p.343). This indicates that part of what Kantian respect requires is 'really looking'. I suggest that in our context, children should be taught that responding to a

person as a *rational being* should require *really attending* to that person – which implies attending to, and engaging with, their deepest reasons.

We might go further and say that restricting classroom discussion to only public reasons is actually *disrespectful*. In asking that people set aside their deepest beliefs such as their religious convictions, it treats these beliefs as if they are subjective, personal preferences. One reason we expect a boss to set aside her preference for her son getting a job is because this is a local preference – her reason has weight only for her. In contrast, most religious people hold their religious beliefs as claims about how things really are. They see these as objective truths, of universal relevance, rather than mere expressions of preference. It may be disrespectful to fail to acknowledge religious beliefs as potentially having such weight.

Given all of this, it seems plausible to say that a focus on presenting neutral reasons would not be sufficiently respectful. A better way to be respectful in public discussion would be to be truthful about our different reasons and to try to get to the bottom of where, at root, we disagree.

The defender of neutral deliberation may say that the above comments misfire in searching for why respectful discussion should be neutral discussion. They may insist that neutral deliberation follows directly from the requirement for neutrally justifiable policy, since deliberations feed into policy. But to argue this seems to be to give up too early on the possibility that meaningful agreement on some issue is possible whilst still bringing in comprehensive doctrines. Before we deliberate on an issue, we do not yet know the range of reasons that people think bear on the issue and whether we can agree. Moreover, it is possible for policy-making to be based on neutral reasons despite deliberation not having been neutral. This point seems especially important in the classroom context, where deliberation is not aimed at forming public policy (the first fact in Section 4). Rather, here we have an educational context, where students are learning about the process of reason-giving and the range of views that people hold.

5.5. Conflicts with cultivating epistemic virtues

Defending a version of political liberalism, Martha Nussbaum implicitly raises a worry with focusing on public reason-giving in the classroom: “for a public official in a leading role to say ‘X’s doctrine is not as well grounded as Y’s’ is ... to denigrate X” (Nussbaum, 2011, p.33). This implies that “teachers in public schools should not say that argument is better than faith as a general way of solving all problems in life”

(p.39). Her concern is that if teachers say that non-partisan, secular reasons are better than religious reasons, then this would be doing precisely what political liberalism seeks to avoid: it would be taking a stand on a controversial issue on which the state should remain neutral.

The political liberal can respond as follows: the teacher (qua 'public official') is not saying that non-partisan reasons are *better* reasons. They are merely saying that in a specific realm, that of public political issues, partisan reasons are not the right *sort* of reasons to bring in. It may be for this reason that Nussbaum allows that "teachers in public schools ... recommend argument over faith ... for the purposes of citizenship" and says that "in contexts where citizens of many different views debate about fundamental matters, rational argument is crucial" (2011, pp.38-9).

Nussbaum's view appears to be that how the teacher fulfils his role of neutral agent of the state depends on the topic of discussion. When discussing purely political issues, the teacher should require that students give neutral reasons. Elsewhere, the teacher must not recommend secular over religious arguments, because he must avoid taking a stand on any comprehensive doctrine. But as was discussed earlier (Section 5.1), this relies on a distinction between the political and non-political realm that cannot easily be drawn. If the curriculum avoided all content that implies the falsity of a controversial 'doctrine', then this would involve leaving out important topics. In order to teach areas of the curriculum that would normally be considered non-political (the obvious example here is parts of the Science curriculum such as cosmology and evolutionary theory), the teacher must take a stand on controversial issues. To avoid these topics and restrict content to that which has no implications for comprehensive doctrines (if such content exists) would be to fail in the school's responsibilities towards cultivating an informed citizenry.

But to implement an ideal of neutral discourse would not only fail to impart certain content. If there is a ban on certain types of reasons in the classroom, there is a missed opportunity to discuss the weight that different types of reasons should hold, and in doing so, teach important epistemic skills and virtues. It is right to acknowledge that there is deep disagreement over the best methods for reaching truth (for example, over the weight that should be given to scientific evidence when this is in opposition to revelation). However, there is also widespread agreement that some methods are better at tracking the truth than others. For teachers to pretend otherwise in the interests of neutrality would be to fail in their responsibilities to cultivate epistemically virtuous individuals, equipped with the ability to discriminate between

good and bad sources of information. Nussbaum may be right that it is not the business of a pluralistic society to see adults as inferior because of their epistemic failures (2011, p.29), but it is surely part of the business of a *school* to teach in a way that guards *children* against epistemic failures.

One source of the difficulty here is that, just as we cannot easily separate off political from non-political issues, we cannot separate off civic education from other types of education. This is because a good citizen will be one who is able to distinguish between plausible and implausible reasons on a broad range of topics – they are good decision-makers. On a basic level, we want citizens who function well. We want citizens who go to the doctor when they are ill, rather than rely solely on prayer or their local shaman. We want citizens who understand what scientists tell them about the causes and effects of climate change, and who adapt their behaviour in response to reliable advice.

This links with our third fact from Section 4: in the classroom we have people whose belief-sets and characters are still forming. Since schools will unavoidably influence the formation of belief-sets and characters, they should aim to do so responsibly. This includes the formation of epistemic skills and virtues, which one might see as basic ‘life skills’, the teaching of which is therefore justifiable even from a minimalist political liberal perspective.

What are the practical implications of this? We need to find a balance between on the one hand, being so ‘neutral’ as to imply that all reasons are equally good reasons (which would be to fail to help students reach a basic level of epistemic virtue), and on the other hand, undermining the beliefs of some students by telling them that their reasons are illegitimate. Though the teacher should not be pronouncing that some reasons are illegitimate, that some reasons are more plausible than others will sometimes be implied by both the *content* of what is taught (ostensibly non-political topics which have implications for the truth of certain comprehensive doctrines) and the teachers’ *approach* to some problems (for example, valuing scientific evidence over the Bible when teaching about the origins of human life). At the same time, in the context of discussing controversial issues, teachers should make clear that this hierarchy of reason-types remains the subject of some controversy, and students should be allowed to discuss the advantages and disadvantages of different truth-seeking methods.

The teacher should not be policing the boundaries of what constitute legitimate reasons to put forward in discussion. The students themselves can discuss and

provide arguments against partisan reasons that they deem poor reasons. If the 'student policing' is not working, teachers can (and should) be able to flag that some methods of reasoning have achieved wider consensus or historically been more fruitful than others.

To summarise, it is through discussions involving partisan justifications that students can be taught the epistemic skills that help them discriminate between good and bad reasons.

5.6. Conflicts with cultivating other civic virtues

Neutral classroom discourse may also come at the expense of other civic virtues, including honesty, candour and tolerance.

By asking people to present neutral reasons rather than those that are most important to them, this encourages citizens to be dishonest. It makes them pretend to be concerned with reasons that in fact do not really motivate them. This becomes clearer when we think back to the example of Jenny's opposition to gay marriage (Section 5.2). Although Jenny may genuinely believe that same-sex parenting is bad for children, to put forward this reason as her main source of opposition is a kind of dishonesty. It is not what motivates her at a deep level, and she may even admit that this secular reason only has force for her (if it has force at all) because of her prior belief that homosexual relations are God-forbidden and thus sinful.

A norm of neutral discourse also encourages a lack of candour. It asks that students wear a cloak over their deepest beliefs and motivations. Eamonn Callan (2011, p.13) has argued that candour is "a cardinal virtue in a democratic culture of free speech". We need candour as a condition of free speech, so that viewpoints can be aired and discussed. As such, a lack of candour is bad for the pursuit of truth (Callan, 2011, p.12).¹⁰⁰

Neutral discourse is also obstructive to teaching tolerance, which almost all liberals writing on education agree is an important civic virtue. One reason why Bernard Williams described tolerance as 'at once necessary and impossible' is because one can only be tolerant in response to something that one truly, deeply cares about (Williams, 1996). If students discuss using only reasons which all reasonable people

¹⁰⁰ This adds to the case made in Section 5.2 for neutral discourse obstructing the search for good answers.

accept, then there is little opportunity to show and develop tolerance. In contrast, where students are allowed to bring in the values that they care most about, there is the opportunity to show the deep respect that allows someone to hold their view even though you vigorously disagree with them.

As we noted as our second fact in Section 4, schooling is a golden opportunity for encountering disagreement: the ideal classroom has a diversity rarely found in the stratified world of adult life. Moreover, it is an environment where disagreements can be carefully structured and sensitively arbitrated according to the rules of the classroom. To restrict classroom discussion by a norm of neutral discourse means missing opportunities to develop the civic virtues that are required when encountering real, uncomfortable disagreement.

5.7. Not the best instrument for teaching the art of giving public reasons

Even if we assume that a primary purpose of classroom discussion is to help prepare students for future public discussions guided by a norm of neutral discourse, it is not clear that the *instrument* that Neufeld and Davis suggest is the most effective one. Presumably Neufeld and Davis' thought is that through their attempts at neutral discussion, students will come to realise what constitute neutral reasons. A student might, for example, attempt to argue against abortion by saying that it is murder, but upon discussion find that her reasons for thinking this are not shared and are part of her comprehensive doctrine.

Though this may be effective, it is not clear why this method should be more effective than allowing critical discussion of non-neutral reasons. If a student puts forward the reasons that really matter to her, and allows these to be the subject of discussion by her peers, then she will better understand how these views differ from those of others. By seeing how people from a diversity of backgrounds respond to her view, she will begin to understand the influence of her identity, background and comprehensive doctrine. In contrast, if she is only ever able to put forward public reasons, it will be hard to form a view on what can and cannot be reasonably rejected. It may even be impossible to do so without knowledge and understanding of the comprehensive doctrines of her peers. Therefore, even if we accept the importance of citizens knowing the art of public reason-giving, we can still take the view that engaged, critical discussion of comprehensive doctrines deserves greater priority on the curriculum than neutral discussion of public political issues.

6. An objection and reply

A political liberal may object that by advocating critical discussion of comprehensive doctrines, this puts moral autonomy on a pedestal. Since the value of moral autonomy is disputed, the view outlined above is just another part of the problem of disagreement, when what we needed was a solution that can be agreed upon by reasonable people.

In response, we can remind the objector that the starting point here was not the value of (moral) autonomy. My emphasis on critical discussion of comprehensive doctrines came as a response to the problem of reasonable disagreement, the same problem that political liberals are concerned with. I am not asserting that critical discussion of comprehensive doctrines be hailed as valuable in its own right. The *aim* of students bringing their comprehensive doctrines into the classroom is not that they develop a critical stance towards that comprehensive doctrine. Rather, I have argued it is a means to, and sometimes necessary for, various other goods. These are the sorts of goods that political liberals can agree are within the legitimate scope of a minimal, compulsory civic education. For example, I have suggested that critical discussion of comprehensive doctrines helps to develop epistemic and civic virtues, and provides opportunities to practise these virtues through the encounter with real disagreement. It helps to develop citizens who are able to weigh in intelligently on pressing disputes and who have thought about how best to answer contemporary problems. It helps ensure social cohesion and a peaceful society, by encouraging shared experiences and a shared language with which to discuss pressing issues. It encourages a truer, longer-lasting respect.

It may be that moral autonomy is developed as a by-product of cultivating these various goods. If this is so, then the *outcome* of a policy requiring critical discussion of comprehensive doctrines is non-neutral. But it would be inconsistent for a political liberal to object to the policy on this basis. This is because political liberals usually insist that they are concerned not that policies have neutral *effects*, but that they have neutral *justifications* (Rawls, 2005, p.194; Larmore, 1990, p.358, n.4; Klosko, 2003). Since critical discussion of comprehensive doctrines can be justified with reference to goods that all reasonable people value, it is legitimate to include this as a compulsory part of civic education.

7. Conclusion

Even if political liberals are right and for a policy to be legitimate, it must have a neutral justification, this does not imply that classroom discussion should operate according

to a similar norm of neutrality. Children can be taught that if and when they obtain the power to make decisions that have implications for the freedom of others (in the legislature, or as a voter), they should do so on the basis of public reasons. They can be taught this without neutral discourse constraining classroom discussion, and indeed, I have argued that they will better understand what constitute public reasons if this norm does not operate.

We have seen that a norm of prescinding from controversial views would clash with other desiderata valued by reasonable people, including the need to have citizens who understand each other, who are capable of tolerance, and who make reasonable epistemic judgements, especially on contemporary topics of dispute. If we focus exclusively on teaching children to deal with the *irresolvability of disagreement*, we give up too early. At this foundational stage, where we have before us *children* rather than policy-makers, we should be more interested in students *trying to resolve disagreements*.

The argument in favour of neutral classroom discourse relied on a mistaken understanding of civic respect. Rather than respect requiring that we avoid bringing comprehensive doctrines into discussion, being respectful is about engaging meaningfully with those with whom we disagree, over the reasons that we care most deeply about. This should be the focus of schools aiming to meet the Government's requirement to teach "mutual respect". Fulfilling the policy will involve hearing children's *true* reasons for their beliefs surrounding pressing, controversial issues.

So, at the level of classroom discussion, public reason-giving should not be enforced as a norm for respectful discussion. Even if we do want children to learn the *art of giving public reasons*, we should prioritise them learning *the art of reasoning in public* instead.

Chapter 6 ‘Words that wound’ in the classroom: Should they be silenced or discussed?¹⁰¹

1. Introduction

In the preceding chapters, I have emphasised the importance of discussing controversial topics in the classroom. But these discussions can sometimes evoke problematic responses from students, resulting in ethical dilemmas for teachers about how to appropriately respond. Here is one such occurrence from my own teaching:

In a class discussion of same-sex marriage, a student argues that homosexual acts are sinful and so they should not be endorsed by the state. At least one student in the room is homosexual.

Student speech like this will, at best, leave some students feeling uncomfortable and embarrassed. But there may be more destructive effects: the speech may reinforce negative social identities and damage the dignity and standing of some students in the class. As a consequence, some students may feel unable to participate fully in future classroom discussion, moving us further from an ideal of equal educational opportunity.

This example highlights that students’ speech can deeply wound their peers, even whilst falling short of hate speech. I refer to such speech as ‘words that wound’ – speech that, given the context, is likely to cause harm.¹⁰² Teachers have special responsibilities to care for the well-being of their students and promote equal educational opportunity. In light of this, how should teachers react to words that wound?

In this chapter I discuss two possible ways that teachers might respond: *silencing* and *discussion*. (In Section 6.1, I discuss a third option, *advocacy*, where a teacher explicitly supports and justifies a particular view.) By ‘silencing’, I mean the use of

¹⁰¹ This chapter overlaps with Easton (2018d), although I have changed some substantive points.

¹⁰² Speech can cause great upset and / or have highly immoral intentions without constituting hate speech. Since I allow that speech may qualify for silencing despite not constituting hate speech, words that wound is a more useful category for the purposes of this chapter (Callan, 2011, p.8). The expression “words that wound” originates in Delgado (1982).

authority to curb any further expression or discussion of the offending speech.¹⁰³ This might be accompanied by sanctions, such as being ‘told off’ by the teacher. By ‘discussion’, I mean critical dialogue, amongst students and facilitated by the teacher, about the claims underlying the speech. Whilst silencing is a narrow category, discussion is broad, since the level of teacher regulation of a discussion can vary. When I talk about discussion, I am usually envisaging *open discussion*, where the teacher aims to be a neutral facilitator and is open as to where a discussion leads. However, I acknowledge that if discussion goes awry in relation to certain topics (such as the wrongness of racism), teachers will need to steer discussion towards a certain outcome, with the aim of students coming to hold certain beliefs. I refer to this sort of discussion as *steered discussion* and suggest in Section 7.3 in what contexts this is appropriate.¹⁰⁴

I argue that it is only in a small number of cases that teachers should silence their students’ words that wound. In most cases, the appropriate response is discussion.¹⁰⁵ This is, perhaps, the common-sense view, but it nonetheless faces some important challenges.

First, there is a challenge to provide a consistent defence of a position that advocates silencing for some cases but discussion for others. If we accept that there are cases where it is right that the teacher silence in order to protect students from harm, applying the same reasoning would appear to require silencing in other cases of harmful speech. Thus there is a theoretical challenge to explain what is morally distinctive about the small number of cases where silencing is appropriate.

Second, having accepted that a relevant distinction exists, there is a challenge to provide a convincing case for discussion over silencing in the remaining cases. Given

¹⁰³ Teachers may need to silence for other reasons, including off-topic speech, excessive speech, or speech that exhibits bad manners not because of its *content*, but because of its manner of delivery (for example, it is an interruption). My claims about the limited use of silencing are intended to apply only to silencing *in response to words that wound*.

¹⁰⁴ Silencing, discussion and advocacy do not exhaust the possibilities for teacher reactions, and these responses may sometimes merge into each other. For example, the teacher may *re-direct*, by re-phrasing student speech so that it raises a question more worthy of open discussion. Note that I have defined each of these options as being about the *method* of teaching (as opposed to the teacher intention).

¹⁰⁵ I make these statements with the average classroom in mind. In classrooms where there is consistent poor behaviour (for example, with students interrupting regularly and making *ad hominem* swipes at each other), the teacher might be silencing in a large number of cases. All I mean to say is that in cases where free speech is at stake, there should be a presumption in favour of discussion over silencing.

the costs of discussion, and the fact that it is often the most vulnerable students who bear these costs, how can we justify discussion as the right response?

Third, there is a practical challenge to provide guidance for teachers on how to apply this theory in the classroom. Emma Arneback (2014) has argued that we should not give moral prescriptions to teachers other than that they attend to context. Her “Deweyan proposal” is that teachers must make use of “moral imagination” in deciding how to act in each individual case (Arneback, 2015, pp.269-70). But we can agree with Arneback on the importance of attending to context, without giving up on providing guidance altogether. The challenge is to be able to make some general statements about *how* context matters so as to enable *some* guidance.

Responding to the third challenge is important. Empirical studies in this area (e.g. Ofsted, 2010; Oulton et al., 2004), alongside my own experiences of working with teachers in schools and universities, suggest that teachers generally lack confidence over how to respond to potentially harmful speech in the classroom. As a result, some teachers try to minimise the chances of such speech occurring. For example, one study found that teachers at an integrated school in Northern Ireland deliberately avoided discussing issues over which Protestants and Catholics disagree, citing fear of “lots of rows” and “confrontation” (Donnelly, 2004, p.11). Similarly, a large, mixed-methods study of political discussions taking place in US high schools suggested that many of the teachers interviewed intentionally avoided discussion of controversial issues. This was justified by reasons of “safety, fairness or personal discomfort” (Hess & McAvoy, 2015, p.174).

Avoiding controversial issues in the classroom is concerning, since these will often be the same issues as those being debated in the democratic sphere. Thinking critically about these issues is therefore an important part of education for civic life. This adds urgency to the need for teacher guidance on how to identify and respond to wounding speech.

I begin in Sections 2 and 3 by discussing what is distinctive about cases where the right response is silencing, adopting Eamonn Callan’s (2011) distinction between ‘easy’ and ‘hard’ cases and offering my own interpretation of ‘hard’ cases. In Section 4 I consider, and respond to, two of the strongest arguments for silencing in hard cases, and in Section 5 I offer some positive arguments in favour of discussion. In Section 6, I identify one way in which Callan’s defence of discussion is incomplete, noting that it cannot recommend discussion in what I call ‘harder’ cases. To be able to defend discussion in these ‘harder’ cases, more argument is required, and I sketch

one such additional argument. In Section 7 I address the practical challenge, by giving a four-part test to guide teachers in responding to words that wound. This test sharpens Callan's distinction between cases where we should and should not silence, as well as providing guidance on when it is right for teachers to steer discussion towards a particular outcome.

Where examples are my own, they come from past experiences teaching children and young adults between eleven and eighteen years of age at English secondary schools. However, similar concerns appear at all levels of education, and what is said in this chapter applies to all age groups, from primary school students to postgraduates. Clearly we need to adjust our responses according to the sensitivity of our students, their ability to engage in fruitful discussion, and other relevant factors that vary with age. However, age is partly accounted for in the guidance given below, since it will factor in how teachers answer each of the suggested questions.¹⁰⁶

2. An easy case

Callan (2011, p.4) gives the following as an example of an 'easy' case:¹⁰⁷

Easy Case: A Political Science lesson is taking place on a topic unrelated to affirmative action. A black student asks the teacher a question. A white student, unimpressed with the question, interrupts with 'That's what you get with affirmative action.'

Clearly this interruption is likely to have negative effects on the black students in the class, especially on the student who is the target of this vilifying speech. Even the most charitable interpreter would struggle to see the speech as a well-intentioned contribution to the discussion, for it does not even relate to the lesson topic. Responding to such rudeness as if it were a legitimate academic contribution would

¹⁰⁶ Since I intend my discussion to be applicable to the 'classroom' in this wide sense, rather than just to *children*, I do not discuss arguments appealing to the special vulnerability of children. Yet it does seem that where children are involved, more hangs on responding appropriately to words that wound. Children are in a process of moral development and may be especially susceptible to picking up negative identity-prejudicial attitudes. Children may also be in a particularly malleable stage in their own identity-formation. For a discussion of arguments relating to the special harmfulness of hate speech when it comes to children, see Simpson (2019).

¹⁰⁷ The example comes from Anderson (1995, p.211), who describes it as an incident occurring at the University of Michigan.

lend undeserved acceptability and credibility to the speech and could exacerbate the negative impact on the targeted individual or group.

Here, and in comparable cases, it is right for the teacher to silence. For example, the teacher might reprimand the student for her rudeness and ask her to stay at the end of the class for a further dressing down.

The fact that someone has made such a hateful interruption might indicate that there needs to be discussion of the issue lying behind the speech. However, this should not occur straight away as a response to the inflammatory remark and is probably better sculpted into a future lesson. The benefits that I will argue can come from discussion are here outweighed by the need to signal to students the unacceptability of such speech.

3. A hard case

This is an adaptation of Callan's (2011, p.4) 'hard' case:

Hard Case: A Political Science lesson is taking place on affirmative action, in a mixed-race classroom that includes black students. During the discussion, Claire (a white student) puts her hand up and says that those who have benefited from affirmative action are academically weak. Their presence has diminished the standard of her education; they ask foolish questions and waste lesson time.¹⁰⁸

As in *Easy Case*, the speech in *Hard Case* is likely to cause hurt; these are undoubtedly words that wound. Indeed, Callan suggests that the speech here may cause *more* offence, for it "cannot be so easily dismissed as mere oafish malice or stupidity which civilized people can be trusted to discount" (p.8). Since the immediate hurt caused by the speech is equal to or worse than in *Easy Case*, there is a prima facie case for responding in the same way here, namely, by silencing.

However, I side with Callan in arguing that discussion, rather than silencing, is the right response here.¹⁰⁹ The *Hard Case* is distinguished from the *Easy Case* by at least

¹⁰⁸ I present the example slightly differently. For example, Callan has a black student speaking first, which I have removed so as to avoid readers assuming that the words that wound are a direct retort to the black student's contribution. In common with Callan (2011, p.19, n.3), I assume that the tone of voice, body language and volume of the speech indicate that this was not a comment deliberately aimed at denigrating other students.

¹⁰⁹ Inviting discussion does not mean that the teacher should ignore that the point should have been better phrased. The teacher might take Claire aside to point out the hurt that her

two features. Firstly, Claire's comment is *relevant* to the discussion taking place. This feature more easily allows the charitable interpreter to see the comment as being what Callan calls "made in good faith", that is, "sincerely expressed views intended to advance a common pursuit of truth" (p.7). Secondly and relatedly, the language used suggests an attempt at an academic contribution. It comments on subjects of affirmative action more generally, unlike the *ad hominem* swipe at a particular individual in *Easy Case*. Although this could be seen as worse since the scope for offence is wider, this same feature of generality makes the comment more easily interpretable as an academic claim.

Although Callan and I agree about the minimal use of silencing, we differ in our interpretation of hard cases. Callan deliberately sets up *Hard Case* as "an instance of serious incivility" (p.4).¹¹⁰ My category of hard cases is broader; even if the speech had been phrased more civilly, it would still count as a hard case because of the potential negative effects brought about by the content of the speech. Callan comments on *Hard Case* that if the point had just been that affirmative action unjustly favours less meritorious students, there would be "no reason for anyone to be offended" (p.4). I disagree. Even civilly-phrased opinions about affirmative action easily result in offence. Indeed, Diana Hess and Paula McAvoy report that in both years that they observed a high school tackle this topic, black students ended up in tears (2015, p.123, p.126). As should become clear when I discuss arguments in favour of silencing in hard cases, civilly-phrased speech will raise similar problems to uncivil speech.

4. Arguments for silencing in hard cases

Silencing in hard cases involves curbing (at least purported) academic speech. Silencing could, over time, amount to censorship, since students may be afraid of making controversial comments. In light of this, powerful considerations need to be present in order to justify silencing. In this section, I discuss two of the strongest of these arguments.

comment caused, and may even ask the whole class to reflect on how similar comments might be phrased in more civil language.

¹¹⁰ The concern of Callan's paper is to identify the right "civility regime" (2011, p.5) for the classroom, with his core question being when it is right to silence in response to a "breach of decorum" (p.4).

4.1. Words as harmful acts

Catharine MacKinnon (1993) has famously argued that speech is not *just words*, for speech also *acts*. She gives the example of someone saying ‘kill’ to an attack dog. Not only does the word indicate a viewpoint (‘I want you dead’), its expression is also a performative act, “an act tantamount to someone’s destruction” (MacKinnon, 1993, p.12). Her analysis suggests that we should not see free speech as purely a matter of expression of opinions that may cause offence, but as potentially involving harmful *acts*. MacKinnon (p.13) argues that “social inequality is substantially created and enforced – that is, *done* – through words and images”. Thus we could argue that the speech in *Hard Case* is not just expressing a viewpoint about affirmative action, but is an act that reinforces existing social identities and re-asserts unequal power relations.

Clearly influenced by MacKinnon’s ideas, Barbara Applebaum (2003) offers a defence of silencing words that wound in the classroom. She discusses an example from her own teaching experience, where a student says that she accepts homosexuals because she “loves the sinner but hates the sin”. We can view this example as a hard case, (roughly) comparable to our *Hard Case*. Applebaum (2003, p.157) argues that silencing is appropriate here and in comparable cases, because the student’s speech is “an instrument of subordination as much as it is an expression of her viewpoint”. In Applebaum’s view, words that wound need silencing so that the classroom can be a “safe zone” for everyone’s identity (p.161).¹¹¹

It is true that speech is often a form of action rather than ‘only words’. However, this does not mean that the words spoken in hard cases are *instruments* of subordination. ‘Instrument’ is suggestive of a user with an aim in mind, whereas in fact the negative effects (of subordination, of reinforcing stigmas and inequalities) may be present as an unintended side-effect of expressing an opinion. (This would be the charitable interpretation of the speech in *Hard Case*.) Additionally, regardless of whether the speech was intended as an ‘instrument of subordination’, we should remember that such speech is at the same time expressing an opinion. Taken as an expression of a viewpoint (that exists regardless of whether it is voiced), such speech needs to be discussed rather than silenced, for the reasons set out in Section 5 below.

¹¹¹ The context for Applebaum’s discussion is the teaching of adults. Her arguments might have even more force with younger students for the reasons discussed in n.106.

We should also be careful not to overestimate the overall harm done to victims of words that wound. In Hess and McAvoy's study, although some minority students reported finding particular discussions uncomfortable, they were nevertheless glad that the discussions took place. These students reported more confidence in their ability to discuss and "respond productively to offensive views" (2015, p.175). The study observed discussion of many sensitive issues that were "extremely difficult for some students". Yet out of the hundreds of surveys and interviews, very few students thought that the issues should be stripped from the curriculum (p.179). This suggests that most students, including vulnerable minorities, felt that discussion of difficult issues was, on balance, worthwhile.

4.2. Stereotype threat

The empirical literature on stereotype threat, beginning with the seminal study by Claude Steele and Joshua Aronson (1995), suggests that words that wound can also affect the *performance* of the subjects of such speech. Stereotype threat occurs when individuals feel at risk of performing in a way that confirms a negative stereotype. Victims of stereotype threat perform worse on relevant tasks than they do when the threat is not present. Even when unaware of stereotype threat, they show signs of a physical stress response, including elevated heart rate and blood pressure (Steele, 2010, pp.119-20).

Stereotype threat is most likely to occur in situations where a group is negatively stigmatised in that particular context and where group membership is made salient (for example, girls performing maths tasks in competition with boys). These are precisely the conditions brought about by the speech in *Hard Case* (and by extension, in *Easy Case*). The speech draws attention to an existing stereotype (that black students are less academically able) and makes black students hyper-aware of their race, potentially activating stereotype threat and leading to under-performance. It can therefore be argued that concern with equal educational opportunity should require silencing in *Hard Case*.

The argument from stereotype threat is particularly worrying for the defender of discussion, for it implies more than just that teachers should silence words that wound in (at least some) hard cases. It also gives a reason for teachers to avoid *any* discussion of topics that draw attention to negative stereotypes. Discussing affirmative action will involve talk of (for example) accepting students with lower test scores. Simply by discussing the issue, race is made salient, potentially activating

stereotype threat. So, perhaps the duty to promote equal educational opportunity requires that teachers steer clear of the topic of affirmative action altogether.

This worry can be alleviated by reflecting on the fact that many stereotypes can be *countered* via discussion. For example, arguments can be given that clear up the common misperceptions and errors of reasoning that lead to negative stereotypes. Where this is possible, discussion is less likely to undermine the confidence and performance of the subjects of such speech than is a negative stereotype being heard but not argued against. Indeed, such discussion may *improve* confidence and performance.¹¹² This intuitive suggestion is supported by a study by Spencer et al. (1999) which found that telling women that a maths test does not show gender differences improved their performance to the extent that they performed as well as men.¹¹³ Additionally, if the stereotype is discussed and argued against, over time opinions may change such that the stereotype gradually disappears, improving educational opportunity for future generations. Thus there is an onus on the advocate of silencing to explain why silencing is better than discussion, given that discussion should have benefits for individuals in subordinated groups.¹¹⁴

5. The positive case for discussion over silencing

The literature has tended to emphasise the negative effects of words that wound without justifying the assumption that silencing is the *best* way to mitigate the negative effects of such speech (e.g. Applebaum, 2003). In this section, I question this assumption by arguing that discussion has better long-term effects.

5.1. Silencing does not address underlying viewpoints

In some, but not all cases, words that wound will be evidence of hateful views lying behind the speech. If silenced, the view is left unaddressed and may be voiced on

¹¹² This coheres with the findings by Hess and McAvoy (2015, p.175) described earlier in this section.

¹¹³ Those who were told the test did show gender differences performed significantly worse than men and at a similar level to the women who were told nothing about gender differences. To be clear, I am using this study to support the idea that countering stereotypes can help improve educational performance. I am not advocating telling 'supportive untruths' to classes to improve the confidence and performance of students (see n.114).

¹¹⁴ This response only works where the stereotype is a false one. If there are (for example) some unpalatable truths about gender or racial differences, then there is a distinct and difficult question to be answered about whether these views should be discussed or silenced. Discussion might have the effect of worsening performance due to activation of stereotype threat. However, honest and frank discussion might help those involved deal with the realities of difference.

another occasion outside the teacher's hearing. Callan (2011, p.10) makes a similar point when he says that a teacher who silences may be able to enforce *civility* (an outward appearance of showing others respect), but cannot enforce *respect* itself (the underlying attitude). If silenced, the disrespectful view is not confronted and is left to linger, only to re-appear as speech and actions in other settings.¹¹⁵ An opportunity is lost to change the person's opinion by subjecting the view to rigorous discussion. Discussion has positive effects for vulnerable groups, as it corrects false stereotypes and helps contribute to *future* equal educational opportunity.

This optimism about the power of discussion to change false, hateful opinions is especially warranted in the case of young people, for often their views are taken unthinkingly from speech heard at home. In my experience, younger students will sometimes voice a viewpoint that they have heard their parents express, but that they have not yet thought through for themselves. Once they realise that the viewpoint is debatable, and are presented with good reasons against their view by other students, they will often change their opinion (or at least temper it from its initial expression).

5.2. Rehearsing arguments

We should also be concerned with the effects of silencing on students who hold views in opposition to the words that wound. When a teacher silences rather than allows discussion, these students lose the opportunity to think through (or rehearse) the reasons for why they hold their view. This is important, for when opposing views surface in the world outside the classroom, students need to be able to provide arguments that defeat these views. This is, of course, a version of John Stuart Mill's 'dead dogma' argument. Mill argued that we should allow false opinions to be heard and be the subject of discussion, for in silencing the opinion we lose the opportunity of "the clearer perception and livelier impression of truth produced by its collision with error" (Mill, 2006, p.23 [ch.2, para.1]). I sometimes ask my students to defend their belief that all races are equal. Their initial response is often silence. When I take up the role of devil's advocate, students are frequently unable to reply to the most basic of objections raised against racial equality. However, post discussion, they are able to do so, and leave armed with arguments to defeat racist views if they encounter them.

¹¹⁵ See Mill's comment that "...there is never any fair and thorough discussion of heretical opinions; and that such of them as could not stand such a discussion, though they may be prevented from spreading, do not disappear" (Mill, 2006, p.40 [ch.2, para.20]).

5.3. Silencing models a response unavailable to students

With the role of teacher comes the authority to silence. But in the ordinary spaces of daily life where words that wound might be heard (pubs, staff kitchens, public transport, etc.), there is no authority to silence. It would therefore be unhelpful to use teacher authority to silence in situations like our *Hard Case*, for this would model a response that will usually be unavailable in the more everyday situations of harmful speech that occur *outside* the classroom. It would be like a rich Oxford don, tasked with educating undergraduates into college life, demonstrating how to tie his black tie by asking his valet to do it. To do so has little educational purpose, for it fails to model to the students a behaviour that will be available to them. In contrast, if the teacher reacts to words that wound by beginning a respectful exchange of arguments, the teacher models a response that students will have open to them in future.

5.4. Practising the virtues of civic discourse

Callan argues that excessive silencing will lead to an undesirable lack of candour in classroom discussions. Intellectual candour is “a cardinal virtue in a democratic culture of free speech” (2011, p.13) because for discussions to be fruitful, we need our speech to reliably express what we stand for and who we are individually. Silencing would therefore come at great cost to free speech and the pursuit of truth (p.12).

We can build up Callan’s case for discussion by seeing candour as one of a number of civic virtues that are developed via discussion of controversial issues (Chapter 5, Section 5.6). Outside the classroom as much as inside the classroom, there is a requirement to carefully moderate one’s speech and to find the right balance between candour and civility, especially when engaging with those with whom one disagrees. Learning the practical wisdom of treading the fine line between candour and incivility requires both modelling and practice. Silencing goes too far towards promoting civility and does so at the expense of candour, whereas discussion is a means by which we can teach students how to get the balance right.

6. Evaluating the positive case for discussion over silencing

6.1. Why discussion over advocacy?

I have only considered the two options of silencing and discussion. An important option not considered here is advocacy, where the teacher supports and justifies a view (for example, they respond to student speech by setting out reasons for why the voiced opinion is false). This omission is partly for simplicity, but there are also a

number of reasons why advocacy should generally be avoided as a response to the sorts of situations considered in this chapter.¹¹⁶

First, this chapter focuses mainly on speech that raises *political, ethical or policy* questions.¹¹⁷ These sorts of questions particularly lend themselves to discussion. Advocacy is often valuable in cases where the questions are *empirical* and *resolved within the academic community*. For example, if a student denies the Holocaust or climate change, it may be appropriate to respond simply by reporting the facts. Hess and McAvoy (2015, p.163) discuss a case where students were given an assignment to discuss whether the Holocaust happened. Unsurprisingly, this caused a great deal of controversy, and the authors conclude that “this is a clear example of why settled empirical questions should be taught as settled” (p.164). This case forms a useful contrast to hard cases for two reasons. First, whether the Holocaust happened is an empirical question, and the academic community of historians are agreed on an answer. Second, the question was set by the teachers, implying that this is a question worthy of discussion. In our context, the *student* has brought up the viewpoint and it therefore needs addressing. Indeed, it is a feature of hard cases that these will often involve viewpoints that the teacher would not have chosen to bring into the classroom for discussion.

Second, there are pedagogical benefits to the teacher attempting to adopt a non-partisan stance on controversial matters and only *facilitating* discussion. In my experience, if the teacher takes a particular side, this has the effect of closing down

¹¹⁶ This is not to say that advocacy is *never* right; teachers must make a professional judgement based on their particular classroom context. It may be, for example, that advocacy is appropriate for very young students, where there is a higher risk that discussion results in confusion.

¹¹⁷ My discussion in this chapter is influenced by Hess and McAvoy (2015), who draw a distinction first between empirical and political/policy questions and second between open and settled questions (2015, p.161). For them, whether a question is “open” depends on whether it is “politically authentic”, that is, whether it has “entered the authentic political sphere of democratic decision-making” (p.168), evidenced (for example) by the issue being discussed in courts and as part of political movements. Hess and McAvoy argue that when selecting issues for discussion in Social Studies lessons, teachers should normally select open political/policy questions. This chapter takes a more inclusive approach to what should be the subject of discussion by allowing discussion of settled questions. This is because our question of how teachers should react to comments *made by students* is a different (though related) question to how teachers should decide which topics to put on the agenda for discussion. (When it comes to how I answer their question, I think their ‘politically authentic criterion’ is overly inclusive. In a United States where large numbers of white supremacists march on Charlottesville and sub-factions of major political parties openly condemn homosexual behaviour (Levinson and Reid, 2018), we need more restrictive criteria that protect basic liberal rights (see Section 7.3).

discussion and pacifying students, either because they wait to be 'instructed' about the correct way to think, or because they disagree with the teacher but feel that the imbalance in power means that there is no point trying to argue.

Educational benefits also follow from allowing students to reach conclusions via group discussion. Drawing on recent empirical research, Hugo Mercier and Dan Sperber (2017) point to the epistemic gains that come from reasoning together. Reasoning as a group helps us correct flaws and formulate better, wiser beliefs. Students may also be more likely to hold onto viewpoints in the long-term if they arrive at these *by themselves*, because they have a sense of ownership. Mill even seems to think that if beliefs are to constitute 'knowledge' at all, we must understand their justification:

“...no one's opinions deserve the name of knowledge, except so far as he has either had forced upon him by others, or gone through of himself, the same mental process which would have been required of him in carrying on an active controversy with opponents”.

(Mill, 2006, p.53 [ch.2, para.33])

We can take Mill's point that opinions have greater stability and resilience when they are reached via a reasoning process, without committing to his stringent understanding of knowledge. Moreover, a belief arrived at in this way is more likely to be a “living belief” (Mill, 2006, p.46 [ch.2, para.26]), “full of meaning and vitality”, that will actually be acted upon (p.47 [ch.2, para.27]). These are, of course, empirical claims that require testing, but they do fit with research pointing towards the positive effects of autonomy-supportive classrooms on learning (e.g. Wang, Ng, Liu & Ryan, 2016).

Third, there are benefits to discussion that go beyond the concern with students leaving with a particular opinion. Discussion helps us better understand and empathise with each other, as well as contributing to the development of civic virtues required for active democratic citizenship (Chapter 5, Sections 5.3 & 5.6). Although it might be possible to develop some of these virtues with only the help of a skilled teacher, other virtues need to be developed *in conversation with each other* over controversial issues, for it is this that teaches students how to respond appropriately to disagreement.

6.2. Is such confidence in discussion justified?

I have not questioned the harms that come from words that wound. Rather, the argument has been that discussion is less harmful in the long-run than silencing. An

objector will question whether this confidence in the power of discussion is justified. Surely there is a real risk that discussion fails to address the harms caused by words that wound; the victim's wounds are left undressed *and* any harmful beliefs that were present remain.

Callan considers a version of this objection and responds that the defender of discussion need not require that the speaker change their views. All that is required is that the discussion *mitigates* the negative effects of the words that wound. Since the words that wound have *already* been voiced, the harm is done, and "it would be foolish to suppose that silencing could simply cancel its effects any more than engagement would" (Callan, 2011, p.15). Discussion is the best way to blunt the potentially adverse effects of words that wound.

For Callan's reply to work, a good dose of optimism is still required, for he is still assuming that the outcome is not *worsened* by discussion. Yet this is a real possibility. Further instances of words that wound may arise in the discussion that ensues, exacerbating the harm already caused to the victimised student(s). Even more worrying is the possibility that other students are 'won over' by a speaker's arguments in favour of harmful views.

Callan's argument also relies on the fact that the words that wound have *already* occurred. Since the harm is done, the question becomes one of how best to mitigate the harm, and this makes the job of defending discussion easier. However, teachers can easily engineer lessons to allow for the possibility of pre-emptive silencing. Here is an example from my own teaching:

Harder Case: Students are working in pairs planning their contributions to a debate on the motion 'Anyone should be allowed to have IVF'. The teacher becomes aware that Rupal is going to put forward the point that being brought up by two lesbians is 'not fair on the child, as they might also turn out a lesbian themselves'. There is at least one 'out' lesbian in the class. The teacher is easily able to avoid picking Rupal so that this contribution is not heard.

Not picking Rupal would have gone unnoticed by the class and would have avoided the negative effects on homosexual students. However, I did pick Rupal and her comment prompted a lively discussion.

This is not a rare situation; teachers can easily set up lesson activities in this way so as to minimise the chances of words that wound being voiced. In these 'harder cases',

we cannot avoid the trade-off between the potential harms that will come from words that wound and the potential benefits of discussion. So, if we want to argue for discussion over silencing in *Harder Case* (which I do, and I suspect Callan might too), we do not just need to show that the situation post discussion of words that wound will be *the same or better* than where there has been words that wound plus silencing. We must also show that the situation post discussion of words that wound will be *the same or better* than where the words that wound were *never heard at all*. This requires that discussion reap greater benefits than Callan assumes that he needs to argue for. Thus we are back to where we began in the need to justify our confidence in the power of discussion.

This is a significant challenge, and the defender of discussion must take this worry seriously. If left unanswered, the challenge provides justification for shaping classroom activities and school curricula so as to avoid words that wound being spoken at all.

In response, we can once again rehearse the importance of engaging with harmful views rather than allowing them to linger and potentially re-appear in less tightly controlled circumstances. Pre-emptive silencing in *Harder Case* allows no opportunity for correction or tempering of the view, even if just by the obvious questions “why would that make the child a lesbian?” and “what’s so bad about being a lesbian anyway?” Moreover, it is a controversial question in society whether same-sex homes provide as good an upbringing for children as traditional homes, and so it is important that the next generation of citizens have discussed this issue.

We might also say the following as a last defence of discussion: The situation of *being in the classroom* (as compared to many other situations) supports confidence in the power of discussion. The classroom is a controlled environment that should have clearly established rules for discussion. The group is united by an educative purpose, the pursuit of knowledge, and is guided towards this purpose by their teacher. Reason should rule here, rather than who can shout the loudest or who has most power. For these reasons, the classroom is the best place for discussion of controversial issues.¹¹⁸ If discussion goes awry and students are being led into unacceptable views,

¹¹⁸ The classroom also gives a “captive audience” (Hess & McAvoy, 2015, p.174), where students have some obligation to take part and cannot easily leave, although this fact is also what obliges the teacher to think so carefully about how to react to words that wound and to work towards students feeling safe and comfortable in the classroom.

then in these ‘emergency circumstances’ the teacher can guide discussion back ‘on track’. A good teacher will have it within their capabilities to skilfully argue in support of the opposite view.

7. Guidance for teachers

Arneback (2014, p.270) claims that no prescriptions should be given to teachers on when to silence, beyond that they must attend to context. In this section, I respond to this by showing *in what ways* context matters. Figure 6.1 gives a simplification of the thought process that a teacher might go through in making the difficult decision on when to silence.

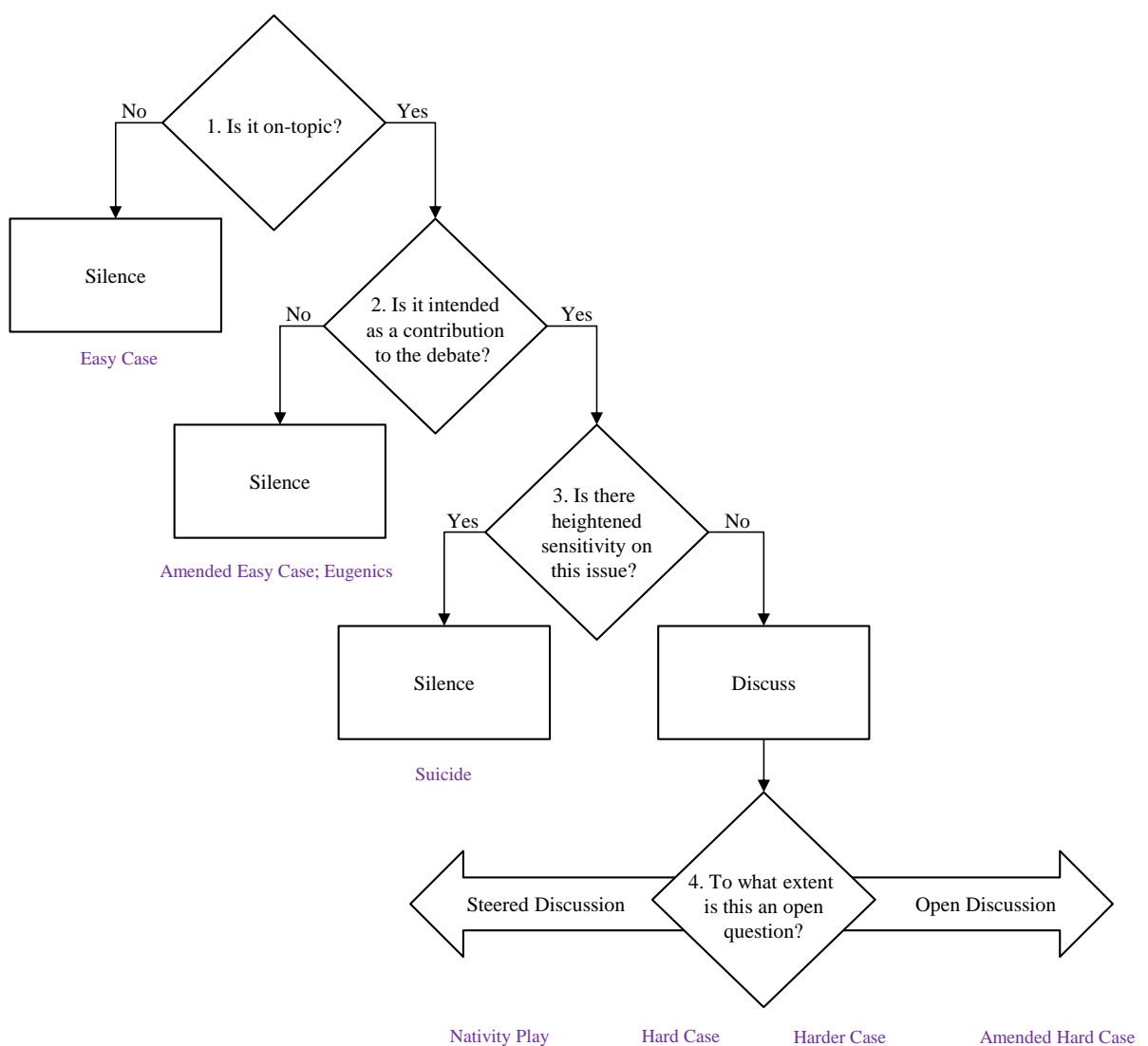


Figure 6.1 Should this wounding speech be silenced?

In the remainder of this section, I discuss some new examples to exemplify each step in the flowchart.¹¹⁹

Amended Easy Case: A Political Science lesson is taking place on affirmative action. John, a white student, unimpressed with a contribution made by a black student, says “That’s what you get with affirmative action.”

Eugenics: A whole-class discussion is taking place amongst 13-year olds on the ethics of genetic engineering. Ajai (who has frequently exhibited disruptive behaviour) suggests that “We could use it to get rid of Gingers.”

Suicide: A discussion on euthanasia is taking place amongst 18-year olds. Simmy suggests that it may be rational for someone to commit suicide when there is nothing of value in their life. A fellow student’s father recently committed suicide.

Nativity Play: A class of 11-year olds are debating whether schools with high numbers of Muslim students should put on Nativity plays at Christmas. Laura suggests that schools should put on Nativity plays because if Muslims don’t like it, they can “go home”.

Amended Hard Case: A Political Science lesson is taking place on affirmative action, in a mixed-race classroom that includes black students. Charlie (a white student) argues that affirmative action schemes may not benefit the disadvantaged after all, because (for example) the beneficiaries of these schemes may struggle to meet the demands of university-level study.

7.1. A pre-condition for discussion

An important pre-condition of discussion, which must be established before we start thinking through the steps in the flowchart, is that the classroom environment must allow for rational, sensitive discussion. The argument favouring discussion ended up hinging on the classroom as a place specially set up for fruitful discussion of controversial issues, yet this is not true of every classroom. A classroom lacking rules for discussion and led by a teacher with poor behaviour management skills will not be the right environment for rigorous discussion. Nor will a classroom where (through no fault of the teacher) behaviour is so challenging that the minimal level of order

¹¹⁹ With the exception of the amended easy and hard cases, these are real examples from past teaching.

required for discussion cannot be achieved. We therefore need a proviso that the teacher has good control of the class and is capable of managing an organised, sensible discussion. He must also be competent in his subject knowledge, since he needs to be able to step in to defend certain views if the discussion goes awry.

Encompassed in 'classroom environment' is the students' own abilities to engage in discussion. Mill designated minors as falling below the line of "capable of being improved by free and equal discussion" (Mill, 2006, p.17 [ch.1, para.10]). My own experience suggests that students of at least eleven years old and above are capable of some 'improvement' through discussion. However, the teacher must make a decision about whether their students can maturely and rationally discuss the particular instance of words that wound.

If the right classroom environment is in place, the teacher is in a position to think through the steps in the flowchart. Each question in the flowchart allows for wide interpretation, and so the judgement and expertise of the teacher continue to be required throughout the decision-making process.

7.2. When to silence

Step 1 asks whether the *content* of the speech relates to the lesson topic, allowing for silencing in cases of off-topic speech such as *Easy Case*. Off-topic speech cannot easily be seen as a 'good faith' contribution aimed at furthering insight into the subject being discussed. So, being off-topic is a good indication that this speech will not pass through the next step.

Step 2 asks about the *intention* of the speech. Is the speech genuinely intended to be a contribution to the debate? Does the student really believe the view to be plausible? Working this out will depend on factors such as the tone of voice and body language. However, we can also look at the words themselves and ask whether there is a general, academic claim explicit in, or lying behind, the speech. Academic claims tend to make general statements rather than being aimed at specific members of the class. These claims may be reasonable or unreasonable; what is key is that the speech is not merely an *ad hominem* swipe.¹²⁰

¹²⁰ Here and in the remainder of this section, I use 'reasonable' according to ordinary language usage rather than according to the technical, restricted usage I set out in Chapter 3, Section 10.

Unlike in *Easy Case*, the comment in *Amended Easy Case* does relate to the lesson topic, but it is not intended to advance discussion on the legitimacy of affirmative action. Rather, John is making an *ad hominem* swipe with the intention of putting a fellow student down. His comment should therefore be silenced.

Similarly, *Eugenics* deserves a negative answer to Step 2. The charitable interpreter could try to see Ajai's remark as raising an academic question about the ethics of selecting for aesthetic features. However, this is a stretch. Given the context, it was clear that Ajai's comment was intended only to cause amusement and de-rail the lesson.

Whether a viewpoint is patently unreasonable or not may factor in your assessment of how to answer Step 2, for a view being utterly unreasonable should increase your scepticism about whether this is a genuine contribution to debate. However, the reasonableness of the viewpoint does not feature in the flowchart as an independent step in deciding whether to silence. This is because if a student *does* genuinely believe the view, then it is worth discussing. Such speech may raise issues that you would not *choose* to discuss if you were *selecting* topics for discussion, because they are not the subject of significant and reasonable disagreement. However, given that a student has spoken the words and genuinely believes them to be plausible, the view needs addressing through discussion.

On rare occasions, speech that it would *normally* be appropriate to discuss must be silenced, due to the heightened sensitivity of one or more students. This is the case in *Suicide*, which gets an affirmative answer to Step 3. Simmy's comment raises an interesting point, which is relevant to the topic and intended as a serious claim. However, in the current context, it is deeply insensitive to discuss it further, and so the right response is silencing. Unlike in the previous two cases, the silencing is not a rebuke. Rather, there is a quiet dismissal of the sub-topic and a re-direction to other aspects of the less sensitive, wider topic.

Although both cases involve potential harm to fellow students, *Suicide* is unlike *Hard Case* (and other cases that should be discussed) because the sensitivity arises as a result of the specific timing of the speech. Discussion of Simmy's point can be delayed for another time when it will be less sensitive. In contrast, discussing affirmative action in a mixed-race classroom will always be sensitive, and yet it remains important for it to be discussed.

7.3. How to discuss

All the remaining examples should be discussed, not silenced. But there are different ways to discuss a topic. *How* the teacher approaches a discussion will be influenced by whether the aim is for students to leave the discussion holding particular beliefs. If the aim is for students to come to hold or to reject certain beliefs, then this is directive teaching. If there is no such aim – the teacher is neutral or non-committal – then this is non-directive teaching (Hand, 2018, p.37). I suggest that the decision about whether teaching of controversial issues should be directive or non-directive depends on the extent to which the issue is an open question in a liberal society, with this question being decided as follows:

To what extent is this an open question in a liberal society?

- How controversial is this question?
- Are basic liberty, equality and rights at stake?
- Do certain answers to this question increase expected harm to children?
- Do certain answers to this question increase expected harm to other members of society, to other sentient beings, or to the environment?

First, how controversial is this issue? Here ‘controversiality’ is assessed according to the three dimensions discussed in Chapter 2: its controversiality amongst reasonable people in society, its controversiality amongst the set of potential reasonable views, and how much is at stake, morally speaking, in this matter. Second, do some answers to the question fail to adequately respect some people’s basic liberty, equality and rights? Third, do certain answers to this question increase expected harm to children? Fourth, do certain answers to this question increase expected harm to other members of society, to other sentient beings, or to the environment? Clearly each of these questions allows significant room for interpretation and debate. Let us now see how this works for our remaining examples.

In *Amended Hard Case*, the teacher can allow open discussion. The question of whether affirmative action benefits the disadvantaged is highly controversial, both in the sense of currently evoking lots of disagreement amongst the people that make up society, and in the sense that somewhat plausible arguments can be provided on both sides resulting in a range of reasonable views. Although questions of equality are at stake here, there is disagreement about what caring about equality tells us for this case. There is also significant disagreement over related normative questions over

whether affirmative action would be legitimate even if it could be shown that it benefits the disadvantaged.

The view voiced in *Nativity Play* has significant public support, as well as being the subject of controversy in society. Despite this, this speech should not be seen as raising an open question. The Muslim children who Laura is referring to *are* (officially) home, and so this view does not feature in the set of potential reasonable views on this topic, and therefore is not controversial in this sense. Moreover, this view fails to treat the people under consideration equally and respect their basic rights. The teacher should therefore be ready to engineer the discussion towards showing why Laura's comment was wrong, and more generally towards cultivating a more respectful approach to British Muslims.¹²¹ The teacher may not need to intervene in order to achieve this aim, because Laura's view may be adequately addressed by the responses of other students. (This is in fact what happened in my classroom. The responses included a Muslim student objecting that "I am home".)

This example demonstrates that often there will be no difference in *practice* between a teacher's approach to open and closed questions, because the student discussion will often 'put to bed' unreasonable views. The difference lies in the teacher's *aim*, for with closed questions the teacher is ready to steer discussion in a particular direction if necessary.

Much speech will be hard to place in the continuum between open and closed questions. In *Hard Case*, some steering may be necessary to correct any false views about standards in Claire's class and to point out the way that diversity might improve 'standards'. However, there remains significant disagreement over whether *if* affirmative action reduced academic standards, this would be a good argument against affirmative action, and so the direction of discussion should not be entirely prescribed.

I have also placed *Harder Case* in the middle. Discussion should be steered so as to bring out the false empirical assumptions underlying the view expressed about lesbians. There should also be some steering against the view that there is something wrong with being a lesbian. As I will argue in Chapter 7, Section 5, although this view

¹²¹ In this and other cases, the teacher may decide to re-direct discussion onto a more open question. For example, Laura's comment could be seen to raise wider issues about immigration and/or the extent to which the more traditional culture should be prioritised.

is highly controversial, pointing towards this being an open question, the belief that being a lesbian is wrong is very harmful, and this means that the question should not be treated as fully open. However, some aspects of the discussion can remain open. There is even more disagreement in society over whether same-sex homes provide as good an upbringing for children as traditional homes, and it is not clear that the same significant harms follow from this view (partly due to the narrower scope of the claim).

Some teachers will disagree with my positioning of *Harder Case*, arguing that it is wrong to present any gay equality issue as open-ended.¹²² Such disagreement is to be expected; these are hugely difficult questions, and my criteria are deliberately open to some interpretation. Teachers will need to engage in continual critical reflection, as well as deliberation with colleagues, on the extent to which discussion of these difficult issues should have a predetermined outcome. Crucially, as I will discuss in the next chapter, those making decisions about curriculum content will also need to make decisions about the extent to which teachers should be engaging in directive teaching of this content.

Even where teachers are teaching directly – for example, by means of advocacy or steered discussion – the teacher should still model epistemic humility. That is, they should demonstrate that they are humble about their abilities as a knower and that they are willing to consider the possibility that they are wrong about the belief that they are leading students towards. Epistemic humility is an important intellectual virtue, and may even be a necessary condition of respectful discussion, for it takes seriously the possibility that your interlocuter may be right.¹²³ Modelling this to students is therefore one important part of civic education.

8. Conclusion

The on-the-spot moral decisions that teachers must make when managing their classroom have high stakes attached. Student speech can wound other students,

¹²² Hess and McAvoy (2015, p.159) report that teachers were split on the issue of whether gay marriage should be framed as a controversial issue. Some saw it as “a human rights question for which there is a correct answer” whereas others pointed to the ongoing political and legal controversies as evidence of its controversial nature.

¹²³ I prefer ‘epistemic humility’ to ‘open-mindedness’. One reason for this is because I wish to sidestep debates over how to define the much-discussed intellectual virtue of open-mindedness (see Kotzee (2018) for an overview). Key to my understanding of epistemic humility is that it is an attitude to oneself as a knower that is consistent with being partial or even strongly committed to a particular stance.

reinforcing social inequalities and taking us further from an ideal of equal respect and dignity for all. The phenomenon of stereotype threat shows that there is at least one reason to worry about the costs of words that wound to equality of educational opportunity.

Whilst acknowledging this, I have endorsed the view that discussion is the best remedy for words that wound. Although there may be costs that come when words that wound are not silenced, in most cases these costs will be outweighed by the benefits of discussion. Words that wound can be symptomatic of harmful views, views which (left unaddressed) may influence behaviour in the school corridors and other public spaces. Classroom discussion provides opportunities for the speaker of words that wound to hear arguments against their view, as well as for students to rehearse or formulate arguments defending the opposite view. Additionally, students learn how to respond appropriately to words that wound that might occur in public spaces in future. By participating in discussion of controversial issues, students develop important skills required for democratic participation. They practise the virtues needed to engage in fruitful, civil political discourse.

The classroom provides the right conditions for discussion to bear these fruits, for classroom discussion is guided by pre-established rules and is framed by the pursuit of knowledge. The discussion is facilitated by a teacher with the disciplinary and intellectual authority to influence the direction of discussion if this becomes necessary.

Not all cases of harmful speech are the same. My aim has been to show that although no simple formula can be given as to when we should silence, we can pin down at least some relevant considerations for making this judgement. In a small number of cases, the content and context of the speech means that we must silence in order to make clear that such speech is unacceptable or to protect the heightened sensitivities of our students. In the harder cases of words that wound, there is an uncomfortable trade-off to navigate between the adverse effects of hearing such speech and the benefits that come from discussion.

The challenging decision on when to silence will require the professional judgement of the teacher, made in light of their specific context, including a deep knowledge of the individuals in their class. However, contrary to Arneback (2014), some guidance is possible. The flowchart provides a tool to guide teachers in identifying which features of student speech should be attended to when making this difficult decision.

Chapter 7 Evaluating the policy of promoting 'British values' in schools

1. Introduction

This chapter will draw on the discussions from previous chapters to evaluate the policy of promoting 'British values' in schools. I will offer some reflections that tie the policy to theoretical issues discussed in earlier chapters, then give four recommendations for how the policy might be improved.

I argue that the British values policy, taken 'in the abstract' as a policy requiring that values like tolerance and democracy are taught to children in schools, is justifiable in a minimally controversial way (Section 2). However, the policy cannot be implemented 'in the abstract' (Section 3), and when we come to look at the 'applications' of the policy – the way that the policy has been applied in practice, such as 'tolerance' being understood as requiring a positive attitude towards homosexuality – the justifications become controversial, conflicting with some reasonable comprehensive doctrines (Section 4). Political liberals face a particular challenge in adequately responding to these more specific questions of curriculum content. I set out how comprehensive minimally controversial liberalism, the account of liberalism developed in Chapter 3, applies here (Section 5). In deciding what is taught in schools, we need to balance the aim of minimising controversiality against other considerations, especially considerations of what is best for children and whether basic liberty, equality and rights are at stake. I then make a series of recommendations for how the British values policy might be improved: the values we hope students to develop should not be framed in nationalistic terms (Section 6), further guidance for schools is required on *which* values are to be taught and *how* (especially whether teaching should be directive or non-directive) (Section 7), the values should be taught as part of a distinct and compulsory curriculum subject, by trained experts, rather than subsumed in a whole-school approach (Section 8), and the British values policy should be detached from counter-extremism policy as far as is possible (Section 9).

It is challenging to take the philosophical conclusions from previous chapters and apply these to a policy with such a complex and multi-layered history, justification and ongoing implementation. For a start, one consideration when evaluating policy is whether the policy has a minimally controversial justification. But the Government stated more than one justification, and the largest motivator for the policy, countering

extremism, has been played down. Moreover, the policy has been implemented in ways that could not be predicted by the original wording in the Department for Education (DfE) guidance (2014c). A second reason that it is challenging to make recommendations is that there are many difficult empirical questions at stake, some of which have not been clearly answered by existing research. In what follows, I try to attend to relevant evidence that bears on the policy where it exists, as well as highlight where there are gaps that require further research.

2. The policy, taken in the abstract, can be justified in a minimally controversial way

We saw in Chapter 1 that there are two main, interconnected aims of the British values policy. First, to “strengthen the barriers to extremism” so as to lessen the threat of terrorist violence, and second, to promote civic virtues, especially respect and tolerance for others (DfE, 2014b). These justifications are what a political liberal would refer to as ‘neutral justifications’ – they cannot be reasonably rejected. All reasonable people wish to be protected against violence and to live in a socially cohesive, safe society where citizens are tolerant and respectful of each other. Indeed, we might even see the reason ‘being safe from a threat of indiscriminate violence’ as a *paradigm* neutral reason, since it is so fundamental to securing whatever ways of life you consider valuable.

Similarly, according to the understanding of controversiality laid out in Chapter 2, Section 6, these aims are at the uncontroversial end of the spectrum. Looking at the beliefs of actual, reasonable people in society, as well as the potential set of reasonable views that might readily be held by citizens, there is much to support these aims, and little that conflicts with them. Implementing the policy does not cause damage to liberty, equality and rights (indeed, it aims for people to value these) and does not harm children. The British values policy, taken in the abstract, can be justified in a way that is consistent with liberalism.

In objection to this, someone might argue that (even considered in the abstract) tolerance conflicts with some religious comprehensive doctrines, especially those where religious beliefs are held in an exclusivist manner (Davis, 2010; Mason, 2018b). Religious exclusivism is where certain religious beliefs are held to be objectively true and differing religious and non-religious beliefs held to be false. For example, the mainstream Islamic view that the Qur’an is the final revelation of God and earlier revelations are flawed implies that some Christian beliefs such as that Jesus is the Son of God are false. Andrew Davis has argued that religious exclusivism

is incompatible with respecting people with different religious beliefs, and even goes as far as to say that “... a settled conviction that religions conflict ... and that one particular religion is ‘right’ threatens peaceful co-existence” (Davis, 2010, p.190). If this were true, and religious exclusivism were incompatible with the concept of tolerance, then this would be a problem for the view that the British values policy is minimally controversial when taken in the abstract. Introducing policy that asks people to give up on exclusivist religious beliefs would be disrespectful, since for many people, these beliefs are central to their identities.

Fortunately, there are good reasons to think that religious exclusivism is compatible with tolerance and to dismiss Davis’ claim.¹²⁴ On both of the major senses of ‘tolerance’ outlined by Andrew Mason (2018b), there is no conflict with religious exclusivism. One sense of ‘tolerance’ is *forbearance* – refraining from interfering with a belief or practice that one disapproves of, in spite of one having the power to do otherwise. This is the sense of tolerance that philosophers have focused on, and is the understanding of tolerance that I assume in Chapters 2, 3, 4 and 5.¹²⁵ Religious exclusivism does not pose a problem for tolerance as forbearance. It is possible to believe that you hold the truth about religious matters and at the same time think that it would be wrong to interfere with others in these matters. You may, for example, believe that people should be free to arrive at religious beliefs by themselves.¹²⁶

A second sense of ‘tolerance’ is something akin to *open-mindedness* – an inclination not to disapprove of ways of life that differ from your own, except when there is good reason to do so (Mason, 2018b, p.206). This sense has fairly common currency outside of the academy, and may be what the authors of the British values policy had

¹²⁴ I argue against Davis’ claims in more detail in Chapter 2 of Easton et al. (2019).

¹²⁵ In contrast, in this chapter I follow Mason (2018b) in not committing to a specific definition of tolerance. This is because part of what is at issue in this chapter is how tolerance should be understood and how this affects the justifiability of the policy. Teaching tolerance as forbearance seems far less controversial than teaching tolerance as open-mindedness. It may also be that different kinds of tolerance are appropriate in relation to different topics. For example, I argue in Section 5 that teachers should aim for their students to not disapprove of LGBT+ lifestyles, not merely for students to be disinclined to interfere with people who practise these lifestyles.

¹²⁶ To be clear, I am not saying that exclusivist religious beliefs *never* conflict with tolerance as forbearance. If, like members of the Westboro Baptist Church, you believe that it is part of the mission assigned to you by God to stop other people from sinning, then this conflicts with tolerance as forbearance. Here the problem is the *content* of the beliefs that are held in an exclusivist manner, combined with the *manner* in which the beliefs are held.

in mind.¹²⁷ This sense of tolerance initially seems like a more plausible candidate for being inconsistent with religious exclusivism. It makes sense to think that as a Muslim, for example, you should disapprove of Christians because they have failed to recognise the Qur'an as the final revelation, with the result that they do not live their lives in accordance with God's commands. Yet while some exclusivist Muslims might feel like this, many do not. Believing that someone is wrong need not amount to disapproval, if one also holds certain other beliefs, such as the belief that it is hard to find answers to ultimate questions (questions such as where to find the source of true revelation and how to interpret the ethical demands made in revelation). One can hold religious beliefs in an exclusive manner whilst also being tolerant in the open-minded sense.

Thus even a political liberal, who insists that policy pass a test of being neutrally justifiable, can justify the British values policy when taken in the abstract. Thinking more generally, the policy (taken in the abstract) does not pose a great problem for liberalism. Although belief-shaping can be problematic for liberalism (Introduction, Section 2), in a case like this where the aims are as uncontroversial as reducing violence and social discord, it is fairly unproblematic. Teaching the abstract values of tolerance, respect, democracy, etc. to children should not disrupt parent-child bonds through children questioning what is taught to them at home, because these values are relatively uncontroversial (partly because they are open to varied interpretation). Since the policy has a minimally controversial justification, citizens without children should also accept the policy: they should be happy with their taxes being spent on a policy that will have positive effects on society, and the policy does not, in and of itself, undermine the equal status of some citizens. The policy, taken in the abstract, does not undermine respect for persons in the pluralist society to which it applies.

3. The policy cannot be implemented 'in the abstract'

To properly evaluate the British values policy, we need to look beyond the policy 'taken in the abstract'. We also need to attend to how the policy, as a matter of fact, has been applied to schools. But even if my evaluation of the policy was taking place

¹²⁷ The DfE document outlining the British values policy says that schools should "further tolerance and harmony between different cultural traditions by enabling students to acquire an appreciation of and respect for their own and other cultures" (2014c, p.5). The word "appreciation" indicates an understanding of tolerance as not disapproving. Elsewhere, it is common to see 'tolerance' explained as being about *valuing* difference and having a *positive attitude* towards those who are different from yourself (e.g. WikiHow, 2019; Hutchinson, 2019).

prior to its implementation, it would still be important to consider how this policy should be applied, for the policy cannot be implemented ‘in the abstract’. For example, however we understand ‘tolerance’, no sensible view of tolerance suggests that we tolerate *all* views and behaviours: there are some views and behaviours that are rightly disapproved of, and interference will be appropriate for some of these cases. Failing to emphasise this and/or leaving completely empty the content of what should and should not be tolerated risks students adopting what I call ‘umbrella tolerance’, where students think that ‘all views are equal’ and that we should ‘accept everything’. In contrast, students should be developing ‘discriminating tolerance’, that enables them to make discerning judgements about the limits to tolerance (Easton, 2017b).

This concern is not something that has been flagged in the existing literature on the British values policy and its implementation in schools. However, my own school teaching experiences and research suggest that we should be worried about prevalent ‘umbrella tolerance’. School students are quick to understand ‘being accepting of the views of others’ as meaning that they should not criticise the views of others or say that they believe them to be wrong, and this leads some students towards moral relativism.¹²⁸

This tendency to imply that there are no limits to tolerance can also be seen in many of the resources created to help schools promote British values (e.g. Jamieson & Flint, 2017; Yeates, 2017). One such example is shown in Figure 7.1, a commercially available poster targeted at schools. Students are asked to “accept other people’s beliefs”. But neither tolerance as open-mindedness nor tolerance as forbearance requires this. Tolerance as open-mindedness does not necessitate a general attitude of approval to all beliefs held by other people.¹²⁹ And if other people’s beliefs are all ‘accepted’, the need for tolerance as forbearance simply evaporates.

¹²⁸ For example, in focus groups I conducted in a secondary school, 16 out of 17 students designated the statement ‘Hitler was an evil man’ as ‘opinion’, placing this statement alongside statements such as ‘Chocolate is the best flavour of ice cream’ rather than statements such as ‘Copper conducts electricity’. See Easton (n.d) and Easton (2019b). For the view that there is “rampant relativism and non-judgementalism” amongst university students, see Law (2006, p.77).

¹²⁹ In its defence, this may be why the poster also specifies “show you know right from wrong”.



Figure 7.1 British values poster

The concern with avoiding umbrella tolerance gives us another reason to consider how the policy ought to be implemented, and in particular, to consider what might be examples of things that students should be taught to approve of, disapprove of, interfere with and not interfere with, as well as what cases are on the boundaries and therefore ‘up for discussion’.

4. The policy, when filled out, highlights difficulties for political liberalism
 We have seen that political liberals usually endorse a fairly substantive civic education (Chapter 3, Section 7) and that political liberals could endorse the British values policy, taken in the abstract. The policy is grounded in reasons that cannot be reasonably rejected – a safe society where people generally get along together. But what happens when we put flesh on the bones of the British values policy? In this section, I will take the example that has caused, and continues to cause, the most controversy – teaching a positive attitude towards homosexuality – and show how political liberalism faces difficulties when thinking about the details of what values should be taught in schools.

Some schools have failed Ofsted inspections on the basis that they do not give pupils “a full understanding of fundamental British values”, because (as reported by *The Telegraph*), they do not teach students about homosexuality or gender reassignment

(Rudgard, 2017).¹³⁰ Subsequent policy developments indicate that the Government wants schools not simply to teach that these different forms of relationships exist, but that we should have a positive, welcoming attitude towards these relationships.¹³¹ So, the ‘British value’ of ‘tolerance’ is being taken to encompass a positive attitude towards homosexuality. But if *this* is the policy under consideration – with teaching ‘tolerance’ interpreted as teaching a positive attitude towards homosexuality – it is no longer clear that this policy can be justified from a political liberal perspective. The neutral justification of having a safe society where people generally get along together does not ground this particular instantiation of the policy; teaching a positive attitude towards homosexuality is not necessary for a safe, socially cohesive society.

Consider the people who took part in the large-scale protests outside Parkland Community School in Birmingham, in objection to the teaching of the ‘No Outsiders’ programme (Chapter 1, Section 2.10). The protesters were primarily (although not exclusively) Muslim, and so presumably a major reason behind their objections was that the teaching conflicted with Quranic verses indicating that homosexual activities are sinful. A sectarian objection like this will not pass through the political liberal ‘filter’ (Chapter 3, Section 9.1). However, most of the Muslim objections raised publicly were non-sectarian. For example, signs held by protestors read things like “my child, my right” and “say no to undermining parental rights and authority” (Duffin, 2019), suggesting the argument that parents have a right to bring up their children in accordance with their own beliefs. In media interviews, protesters voiced their concern that their children were being taught about homosexuality “too young”, presumably a similar thought to that expressed by a sign reading “say no to sexualisation of children”. Protester Mariam Ahmed claimed that children were being affected “emotionally and psychologically” by the content (quoted in Duffin, 2019).

¹³⁰ I have not been able to find explicit reference to these topics in the school inspection report for Vishnitz Girls School (the school referred to in the Telegraph article). It may be that the references to homosexuality and gender reassignment came from questions asked to children by the Ofsted inspectors, and that this has been incorrectly reported by the Telegraph. The School Inspection Report says “The leaders restrict which groups of which pupils can discuss [*sic*]. Consequently, while pupils understand the importance of tolerance and respect for others in principle, they do not have any real understanding of other faiths or the full range of differences found in modern Britain.” (Ofsted, 2017, p.4) The quotation supports my view that being taught tolerance ‘in principle’ is insufficient.

¹³¹ See Section 7 below for these subsequent policy developments. In any case, it is very hard to teach that these different forms of relationships exist without implicitly conveying a positive or negative moral evaluation of these relationships.

Although these views are no doubt influenced by Muslim beliefs, they are non-sectarian and could also be held by an atheist.

It is a matter of disagreement amongst citizens whether or not homosexual relationships are morally equal to heterosexual relationships. (I understand the view that 'homosexual relationships are morally equal to heterosexual relationships' to be in conflict with the view that 'homosexual relationships are sinful forms of relationships'.) People with different comprehensive doctrines hold different views on this topic (Rawls, 1997, p.779), making it hard to find a neutral justification for teaching a positive attitude towards homosexuality. This might lead a political liberal to conclude as follows: Schools should not be teaching a positive or negative attitude towards homosexuality. Whilst the issue of what rights gay people should have is unavoidably in the political sphere, this question of the morality of homosexual relationships is not, and therefore schools should not be getting involved in this matter. A political liberal might argue that teaching a positive attitude towards homosexuality as part of a purportedly neutral policy is therefore unacceptable, and thus the way that the British values policy has been interpreted here is unacceptable.

Extrapolating from this case, the political liberal will have to refrain from teaching *any* moral stance on issues where there is disagreement amongst reasonable comprehensive doctrines. This is particularly problematic when it comes to teaching the value of tolerance, because (as I briefly argued in the last section) in order to teach tolerance, we need to teach that some things ought to be tolerated whilst others ought not to be – and this will require weighing in on the sorts of questions of value and the good life that political liberals want to keep out of. There will also be implications for other areas of the curriculum, including for teaching evolution in Science lessons.

Some political liberals will want to resist the conclusion that schools should remain neutral regarding the moral status of homosexual relationships. Those political liberals wanting schools to teach a positive attitude towards homosexuality face a challenge to provide an adequate justification for this position.

One obvious route for the political liberal to take is to insist that there are neutral reasons available for teaching a positive attitude towards homosexuality. For example, one might say that this teaching is required to ensure the self-respect of all citizens. John Rawls talks about self-respect as “perhaps the most important primary good” and says that it includes “a person’s sense of his own value” (Rawls, 1973, p.440). It may be hard for a person in a homosexual relationship to view their life as

a valuable project when they are surrounded by people who hold the view that these are sinful forms of relationships. I am sympathetic to this line of argument, and make arguments in this general direction myself, in the next section. But even if this argument is taken to be plausible, the justification fails to be adequately neutral, because it suffers from the hierarchy of values objection discussed in Chapter 3, Section 9.1. Taken alone, one of the Muslim protesters may accept this justification about ensuring self-respect. But to accept that this ground applies to the specific policy of teaching a positive attitude towards homosexuality requires accepting a controversial hierarchy of values, one that prioritises ensuring citizen's self-respect over other values held dear, such as bringing up one's children in accordance with one's own beliefs.

The political liberal may then insist that a comprehensive doctrine that prioritises values in such a way that bringing up one's children in accordance with one's own beliefs is more important than ensuring the self-respect of all citizens is not a reasonable comprehensive doctrine. Doctrines can be unreasonable because they fail to give "deliberative priority in one's practical reasoning" to the political values (Quong, 2011, p.291), and this is the case for our imagined Muslim protester. But as I expressed in Chapter 3, Section 9.2, I am concerned by the political liberal strategy of designating as unreasonable those comprehensive doctrines that assign high weight to non-political values. To do so excludes significant numbers, contributing to the alienation of these individuals, and disrupting the social unity that political liberalism seeks to achieve (Clayton & Stevens, 2018, p.71).

Neither of the political liberal responses to this application of the British values policy are attractive. On the one hand, political liberals can say that schools should refrain from teaching a view on the moral status of homosexuality, as well as on all other issues where there is disagreement amongst reasonable comprehensive doctrines. In that case, we may succeed in having an education policy that is neutral, but it will be bare of content, and risk teaching umbrella tolerance. Students will miss out on being taught important content, content that (as I will argue in the next section) should be taught directly. On the other hand, political liberals can say that teaching a positive attitude towards homosexuality is a neutrally justifiable policy. But the supposedly neutral justification that such teaching is required to ensure self-respect relies on a controversial hierarchy of values, and thus the justification can reasonably be rejected. Whilst the political liberal can respond that only people with unreasonable comprehensive doctrines would reject this policy, this counter-argument is unattractive. It implies dismissing significant portions of the citizenry as unreasonable,

uninviting them from public deliberation. In the case under consideration, this is likely to perpetuate an already problematic ‘us and them’ culture in relation to conservative religious groups in Britain. Political liberals therefore face an important challenge to address whether schools should teach a positive attitude towards homosexuality and if they should, how this should be justified.

5. Evaluating the policy from the perspective of comprehensive minimally controversial liberalism

What happens when we evaluate the British values policy from the perspective of comprehensive minimally controversial liberalism, the account of liberalism developed in Chapter 3? We have already seen in Section 2 that even if minimising controversiality were a necessary condition for legitimate policy (the political liberal view), the British values policy, taken in the abstract, would be legitimate. Additional support for this comes when we remember that the wellbeing of children should be central to our decision-making about education policy. Children have an interest in growing up in a safe school environment where they are free from hateful attitudes and behaviours and where they are not afraid of the effects of expressing their developing identities. Thus even when considered apart from the wider and longer-term effects on society, there are good, minimally controversial arguments for teaching the British values.

What does comprehensive minimally controversial liberalism say about the particular application of the British values policy to teaching a positive attitude towards homosexuality? More specifically, take the view that homosexual relationships are morally equal to heterosexual relationships. This is a highly controversial view. It is controversial across all three dimensions set out in Chapter 2, Section 6.

First, looking at the views of reasonable people in society, there is significant disagreement over the moral status of homosexual relationships. One might object that since my understanding of ‘reasonable’ includes respect for basic liberty and equality of fellow citizens, no reasonable person views homosexual relationships as sinful. But believing that some behaviour is sinful does not imply that people who exhibit this behaviour have lesser moral status. Indeed, some religious people who believe that homosexual relationships are sinful go to great lengths to help secure the equal status and respect of homosexuals. The document *The Wellbeing of LGBT+ Pupils: A Guide for Orthodox Jewish Schools* (2018) produced by the Chief Rabbi provides an instructive example. Whilst recognising the Torah’s prohibitions on homosexuality and that LGBT+ issues are “exceptionally challenging” for Orthodox

Jewish schools (Mirvis & LGBT+ Jews, 2018, p.3), the document gives guidance on how to ensure that LGBT+ students feel “welcome and equal” (p.31) at these schools. The example demonstrates that it is possible to accept someone as a moral equal whilst regarding one aspect of their behaviour as sinful. So, since some reasonable people hold that homosexual relationships are sinful, this issue of the moral status of homosexual relationships is highly controversial across the first dimension of controversiality.

Second, there are at least some, somewhat plausible arguments supporting the view that homosexual relationships are sinful, and no knockdown arguments against this view. Thus the issue is controversial across the second dimension of controversiality, which looks at the set of potential reasonable views.¹³²

Third, for some people, accepting the view that homosexual relationships are morally equal to heterosexual relationships would require travelling a large moral distance, with great cost to personal integrity. A primary reason for disagreeing with the view is because of religious scripture implying that homosexual behaviour is sinful. Denying this requires denying a cherished, deeply-held belief that is central to the identity of many religious people – the belief that their scripture is a true revelation from God. (Additionally, this topic has become an important identity marker for conservative religious groups in largely secular societies, and thus has become central to their self-understanding and group identity.)

Thus the issue of the moral status of homosexual relationships is highly controversial. Given that we should seek to minimise controversiality in policy-making, this suggests a strong *prima facie* case for schools teaching non-directively on the topic of the moral status of homosexual relationships (i.e. treating this as a matter of controversy). An education policy that asks schools to teach that homosexual relationships are morally equal to heterosexual relationships communicates the state’s rejection of one part of the conservative religious worldview, disparaging religious citizens and failing to show

¹³² Note, therefore, that I have a more relaxed standard for ‘reasonable disagreement’ than that of Michael Hand, who is the dominant voice in the debate over when a topic should be taught directly. This example of the moral status of homosexuality is the paradigm example that Hand touts of a case where there is no reasonable disagreement (Hand, 2013; Hand, 2018). According to Hand, subscribing to the moral standard ‘do not engage in homosexual acts’ is unjustified because there are decisive arguments in favour of the opposite view and because none of the arguments defending this standard stand up to rational scrutiny (Hand, 2018, pp.110-1). In contrast, my relaxed criteria allow that appeals to divine revelation might count as ‘somewhat plausible’ arguments.

respect.¹³³ Strong considerations would therefore need to be present to overcome this case.

I think that sufficiently strong considerations are indeed present and therefore it is right to aim for students to come to believe that homosexual relationships are morally equal to heterosexual relationships. These are concerns about the expected harms arising from the contrary view, the view that homosexual relationships are sinful.

First, teaching that homosexual relationships have equal status to heterosexual relationships helps to reduce the immediate harms that come to children from believing that homosexual behaviours are sinful. This belief can cause great psychological harm and make it harder to develop self-respect. This is particularly concerning amid evidence of general poor mental health amongst LGBT+ students. The 2017 *Stonewall School Report*, conducted with the Centre for Family Research at the University of Cambridge, found that more than four in five transsexual young people have self-harmed, as have three in five lesbian, gay and bisexual young people who are not transsexual. More than two in five transsexual young people have attempted to take their own life, as have one in five lesbian, gay and bisexual students who are not transsexual (Stonewall, 2017). Part of the role of schools is to “create affirmative, enabling environments” where children can feel comfortable in their self-identities (Kasstan & Dunne, 2019); this is harder in environments where homosexual behaviours are viewed as sinful.

The *Stonewall School Report* also found that “nearly half of LGBT pupils ... are bullied for being LGBT in Britain’s schools” (Stonewall, 2017). Other research demonstrates a link between victimisation of LGBT+ students and lower academic outcomes and self-esteem (Kosciw et al., 2013), indicating that if we could relieve some of the social pressure and bullying, this might improve mental health amongst LGBT+ individuals. Although there is limited research on the effectiveness of school interventions in this area, existing research supports the view that education can reduce the harms that LGBT+ students currently face. First, a link has been found between being familiar

¹³³ My wording here is influenced by Cécile Laborde (2017, p.91), who makes the point that teaching gender equality or Darwinian evolution communicates the state’s rejection of some features of some religions. However, Laborde goes on to say that the state endorsing a view on gender equality or Darwinian evolution does not necessarily disparage those who disagree (p.91). She does not justify this, but the thought may be that if the policy is required by liberal norms, it does not count as disparagement. In contrast, my view is that policy can be legitimate whilst at the same time being disparaging and disrespectful for some groups, this being an unfortunate effect of the incommensurability of values (Berlin, 1969, pp.167-8).

with someone who identifies as LGBT+ and having a more positive attitude towards these groups (GLAAD, 2015).¹³⁴ Attempts to cultivate a positive attitude towards LGBT+ at school will make students more familiar with these different types of relationships, which should then lead to more positive, welcoming behaviours towards these groups. Second, research has found that a hostile school climate towards LGBT+ students does seriously harm these students, and that curricula that include positive representations of LGBT+ people, history and events are associated with significantly less in-school victimization and higher academic outcomes for LGBT+ students (Kosciw et al., 2013). Thus there are reasons to think that teaching a positive attitude towards LGBT+ individuals will reduce the harms that occur to LGBT+ individuals during childhood.

Second, teaching that homosexual relationships have equal status to heterosexual relationships is in the long-term interests of children. Believing the contrary view, that homosexual behaviours are sinful, is a case where “children’s interests (in egalitarian relationships and in emotional health) are directly imperilled by the content of their own ethical beliefs” (Fowler, 2020, p.82). This is because the belief that homosexual behaviours are sinful may lead people to refrain from having romantic relationships that would otherwise make a major contribution to their living a flourishing life (Fowler, 2020, p.82). Some people holding this belief may choose a life of celibacy (Fowler, 2020, p.82), and research amongst celibate, gay Christians suggests high levels of distressing loneliness (Sadusky, 2019). Others may engage in homosexual relationships, but feel guilt and shame for these relationships, with potential adverse effects on mental health. Still others may have heterosexual relationships that are unfulfilling for both parties. Note that even in religious denominations that exemplify the saying “love the sinner, hate the sin”, all the harms discussed in this paragraph can still occur. Given this and the central role that relationships play to many people’s well-being, it is in children’s interests to be taught that homosexual relationships have equal status to heterosexual relationships.

Third, we should consider the effects of the manner in which LGBT+ content is taught not just on children, but on wider society. The aim should be a society where LGBT+ people do not face discrimination or disadvantage. This is not the current state of

¹³⁴ This research is only able to show a correlation. Rather than familiarity being the cause of the positive attitude, it could be that living in a more left-leaning area means that you are both more likely to know someone who openly identifies as LGBT+ and are more likely to have welcoming attitudes towards these groups.

affairs in the UK. The *National LGBT Survey* found that “more than two thirds of LGBT respondents said they avoid holding hands with a same-sex partner for fear of a negative reaction” and “at least two in five respondents had experienced an incident because they were LGBT, such as verbal harassment or physical violence, in the 12 months preceding the survey” (Government Equalities Office, 2018). These harms are particularly worrying in light of the fact that they are new harms occurring to historically oppressed minorities. If all those who view homosexual relationships as sinful took the approach of “love the sinner, hate the sin”, this would eliminate many of the current harms. But viewing homosexuality as a sin does make responding to LGBT+ individuals in a welcoming manner (at the least) more problematic.¹³⁵ Teaching that homosexual relationships are morally equal to heterosexual relationships is one step towards reducing the harms experienced by individuals belonging to these groups.

Some of these arguments may appeal even to those who believe that homosexual behaviours are sinful. Many Christians believe that both lying and gay sex are sins, and yet teaching children that lying is sinful does not have the same psychological harms attached to it as does teaching that homosexual behaviours are sinful. This is because sexuality is tied up with self-identity and self-respect, and relationships often have great centrality to people’s lives and to their overall flourishing. These facts mean that what one believes about the moral status of different types of relationships has high stakes attached to it. Moreover, some conservative religious people are opposed to discrimination of LGBT+ people and want them to feel welcomed and respected by society. It is plausible that one means to addressing the existing stigmatisation of LGBT+ people would be to teach school children that these relationships are acceptable.

The above discussion implies that we should teach children to be tolerant of homosexuality not merely in the forbearance sense discussed in Section 2 (i.e. refraining from interfering in homosexual behaviour, despite thinking this behaviour is wrong), but in the open-minded sense of not disapproving of homosexual behaviour. Tim Fowler (2020, p.84) illustrates this point (using different terminology) with an example of a family that stops receiving Christmas cards after their son comes out as gay. ‘Social penalties’ like this can occur in a society that is tolerant in the forbearance

¹³⁵ This point is supported by the fact that the Chief Rabbi’s document (referred to earlier in this section) is unique amongst conservative religious groups

sense, and yet they often lead to children being harmed (in this case, through feeling guilty that they have caused their family to be socially isolated). If we are to avoid the significant harms that are currently occurring to LGBT+ children and adults, then we need to aim for a society where people stop disapproving of these types of relationships.

Teaching that homosexual relationships have equal status to heterosexual relationships is not a neutral policy, but this just shows us that not all policy needs to be neutral. A similar reasoning process as has been gone through in this section can be undertaken for other applications of the British values policy (for example, banning the hijab in some primary schools). This would no doubt show that some applications of the British values policy are consistent with comprehensive minimally controversial liberalism whereas others are not. I am not able to attempt this here, and so my evaluation of the British values policy will be left incomplete. Instead, in the remainder of this chapter I will offer some recommendations that relate more to the core of the policy and its ongoing implementation.

6. Recommendation 1: Avoid the ‘British values’ terminology

We saw in Chapter 1, Sections 2.10 and 4, that there have been objections from teachers, academics, and a Lords Select Committee to the use of the phrasing “fundamental British values” to describe the values that schools are to promote.¹³⁶ This framing of the values in nationalistic terms is problematic for a number of reasons.

First, people have complained that these values are not exclusive to Britain. For example, representatives of the Conservative Muslim Forum and the Citizens Commission on Islam, Participation and Public Life have pointed out that these values are shared by other countries beyond Britain (Committee on Citizenship and Civic Engagement, 2018, paras. 39-40). Whilst the phrasing ‘British values’ is consistent with these values being held by other countries, and can be interpreted as ‘the things we value in Britain’, this is not the way the wording has generally been interpreted. A different ‘marketing strategy’ that avoids the whiff of post-colonial arrogance might help the policy be better received.¹³⁷

¹³⁶ See Vincent (2019, p.22) for further references to those who have raised this objection.

¹³⁷ Andrew Mason (2018) discusses a number of ways that we might revise the claim that these values are ‘British values’ to make it more plausible; for example, it might be that we

Second, calling the values ‘British’ has been perceived to be exclusionary, with the message interpreted as being that you do not belong unless you endorse these values (Mason, 2018a, p.39; Busher et al., 2017, pp.27-8). This exacerbates an existing ‘us’ and ‘them’ dynamic (Holmwood & O’Toole, 2018, p.30). One worry with this is that it will push away those who the policy was aimed at – primarily conservative Muslims – rather than make it more likely that people will come to hold liberal values. Another worry is that this language might exacerbate right-wing tendencies. Experiments have found that the mere mention of nationhood tends to result in “harsher” and more xenophobic responses and we therefore need to think carefully about whether to, and how to, prime citizens with national sentiments (Banting & Kymlicka, 2017, p.22).

Third, the mention of ‘British’ has proven distracting for schools. It has legitimised a focus on national symbolism rather than on the values that are mentioned in the policy (Chapter 1, Section 4). This is understandable, as it is far easier to (for example) introduce pie-making and dressing up into the curriculum than it is to tackle the contested concept of ‘tolerance’ and its bounds. It is preferable to remove all mention of ‘British’ so that schools are required to re-focus on the values themselves.

These reasons give a case for omitting talk of ‘British values’ in future incarnations of the policy. There are, however, at least two considerations that point against this.

First, if the aim of the policy is to induce certain stable patterns of behaviour in citizens, behaviours that are conducive to the flourishing of the liberal polity, then there is a case that it might be more efficacious to promote social norms (along with certain beliefs, such as the belief that homosexual relationships are morally equally to heterosexual relationships) than it is to aim to teach virtues such as tolerance.¹³⁸

are meant to value the particular instantiations of the value of democracy that are part of Britain (p.35).

¹³⁸ This is an area where I regret I have made assumptions that are not adequately responsive to empirical research. Underlying the British values policy (and discussions of civic virtue in political philosophy more generally) is the assumption that it is possible to teach civic virtues, and that possessing these virtues will, more often than not, result in behaviours that contribute to the stability (and ideally flourishing) of the liberal polity. Yet Emily McTernan (2014) has argued that this assumption is false, and that political philosophers have failed to attend to the weight of empirical evidence on this matter. She argues that the dominant paradigm in social psychology is that of situationism, which suggests that people’s behaviour results from features of their environment and not from stable character traits. For example, the classic ‘Good Samaritan’ study found that whether participants helped an apparently unwell stranger depended on whether they were in a hurry (Darley & Batson, 1973). Applied to this topic, the worry is that attempts to teach tolerance

Research in social psychology indicates that if people think that members of a relevant group are doing X, they are more likely to do X themselves (McTernan, 2014, p.98). For example, if people think that their fellow citizens are paying their taxes, they are more likely to do so themselves (Lederman, 2003). So, one could speculate that teaching certain behaviours as ‘what Brits do’ could make it more likely that people exhibit the desired behaviours. The problem with this is that many people do not identify as ‘British’ in the way that this would require. For this to work, we would need the desired norms to actually be central to British people’s identity, and we would need the targets of the policy (i.e. those that are not already showing tolerant behaviour) to identify as British (Banerjee, 1992; Bicchieri & Mercier, 2014).

Second, Jonathan Wolff (2020) has recently argued that part of the crisis in liberal democracy is caused by it being unable to accommodate a benign, ‘enlightened’ nationalism into the liberal framework. This echoes similar comments made in politics. We saw in Chapter 1 that Gordon Brown thought that we needed to reclaim the Union flag and the notion of ‘Britishness’ from the far-right (Brown, 2006). In similar vein, when Dame Louise Casey was interviewed for the Lords Select Committee on British values in schools, she stressed the importance of using the word ‘British’ in order to reclaim the word from far-right activists (Committee on Citizenship and Civic Engagement, 2018, para. 41). There is a large and developing academic literature on the possibilities of liberal nationalism (e.g. Tamir, 1993; Banting & Kymlicka, 2017; Miller, 1997). Gina Gustavsson (2019) and others have identified a general trend in European politics to call for greater national identity and then to describe this in universal liberal terms (with the British values policy being one example of this). Gustavsson (2019) defends the coherence of this strategy and makes a case for a self-critical, non-exclusionary liberal nationalism. Yet even if this is a coherent possibility, a problem for our case is that the origins of the British values policy and its links with Prevent (a Government intervention originally focused exclusively on Muslims) mean that it will continue to be perceived as exclusionary. The policy itself

are unlikely to be successful in producing citizens who exhibit tolerant behaviours. Those of us working on this topic ought to be worried by McTernan’s challenge, and should not be continuing with ‘business as usual’. For the moment, all I can offer is the following limited response: This provides further reason to think carefully about what beliefs and values we want to teach, since what one believes affects the way one treats fellow citizens. For example, teaching about LGBT+ people in a positive light has the effect of people being more familiar with the existence of these types of relationships, and evidence suggests that those familiar with LGBT+ people are also more accepting of LGBT+ people (GLAAD, 2015). Clearly more research is needed into what actually makes for an effective educational intervention in order to produce what we decide are the desired aims.

was set up with conservative Muslims in mind (Chapter 1, Section 2.8), and has been used to justify (for example) banning the hijab in primary schools.

There may be a case, however, for aiming at cultivating a sense of *belonging* to British society and to British institutions (Mason, 2018a). This might be developed in addition to or even alongside liberal values, but these liberal values should not be described as ‘British values’. The values that schools are to teach can simply be listed in the relevant policy document, which (if a title is required), might be called ‘values education’.

7. Recommendation 2: Further guidance is needed on *which* values are to be taught and *how*

The 2014 DfE document gave little to expand on how the British values listed should be interpreted (DfE, 2014c). This has led to a wide variety of interpretations by school leaders and teachers (Chapter 1, Section 4). At the same time, inspections by Ofsted have made clear that the Government has specific ideas in mind of what should and should not be tolerated (Chapter 1, Section 2.10). Indeed, the Government has to do something to fill out the boundaries of tolerance if it is to succeed in the policy’s aim of enabling “students to distinguish right from wrong” (DfE, 2014, p.5).

Guidance is therefore needed on *which* values should be taught and *how* this content should be taught. The appropriate *method* of delivering content will depend, in part, on the *aims* of delivering that content. So, for each case we need to know whether the content is to be taught directly or non-directly (that is, whether the aim is for students to come to accept these values).

The case of LGBT+ content is illustrative of the need for additional guidance. This is not mentioned in the original guidance (DfE, 2014c) and yet schools have apparently failed Ofsted inspections because they do not teach about different types of relationships (Rudgard, 2017). From September 2020, LGBT+ content will become part of compulsory Relationships Education for the first time. Yet even with this development, the Government have been slow to offer clarity on the issue of directive versus non-directive teaching. For example, even after it was announced that Relationships Education would be compulsory, the Government kept insisting that the subjects of Sex and Relationships Education “don’t ‘promote’ anything, they educate” (DfE, 2019). This line has since been edited out of the Government webpage, which now makes clearer that LGBT+ relationships should be presented as a form of “loving, healthy” relationship (DfE, 2019). The DfE insist that this “can be done in a way that

respects everyone”, but yet do not offer guidance for schools on how to achieve this. Schools have “flexibility” to teach the content in a way that they deem appropriate, and

“the religious background of pupils must be taken into account when planning teaching, so that topics are appropriately handled. Schools with a religious character can build on the core required content by reflecting their beliefs in their teaching.”

(DfE, 2019)

But what is the appropriate handling of this content? How can faith schools “build on the core required content” with their own beliefs, if their beliefs are directly in conflict with the (admittedly ambiguous) core content? It should not be left to individual teachers to grapple with these difficult questions.

This is why we need criteria for deciding whether content should be taught directly or non-directively. I suggested a set of criteria in Chapter 6, Section 7.3, where I argued that we need to look at the extent to which the question is open in a liberal society. This is decided by analysing how controversial the question is (amongst reasonable people in society, amongst the set of potential reasonable views, and how much moral distance people would have to travel in order to accept the content), whether basic liberty, equality and rights are at stake, and whether certain answers to the question increase expected harm to children or to other members of society, to other sentient beings, or to the environment.

Whether these criteria are met for particular content will often be difficult to decide and will likely be the subject of disagreement. In relation to the issue of whether it should be taught that homosexual relationships are morally equal to heterosexual relationships, I argued in Section 5 above that this is an issue that should be taught directly. There I drew on Fowler (2020), who in fact argues simultaneously that students should be taught the permissibility of polyamorous relationships. In contrast, comprehensive minimally controversial liberalism points towards polyamory being treated as controversial, i.e. being taught non-directively. Polyamory is even more controversial than homosexuality; it is not widely accepted amongst citizens in society, and it is objectionable across a large number of reasonable comprehensive doctrines, religious and non-religious. Whilst one might appeal to the fact that the state does not currently support polyamorous relationships in law as evidence that basic liberty, equality and rights are at stake, this is debated in the literature. For example, Stephen Macedo (2015, p.152) has argued that whilst gay marriage is

necessary to secure basic liberties and the fair opportunity to pursue the good of family life, supporting polyamorous relationships in law is not. Nor is it clear that children are harmed by presenting polyamorous relationships as having debatable moral status. Unless there are people for whom the choice is between pursuing multiple relationships simultaneously or pursuing no relationships, the view that polyamorous relationships are less worthwhile than monogamous relationships is unlikely to stop people from having access to the life good of romantic relationships.

We can apply the same thought processes to show why abstract values such as democracy or liberty should be taught directly – these are minimally controversial, and help secure the basic liberty, equality and rights of fellow citizens. Note that this does not mean that there should be uncritical acceptance of these values, or that specific interpretations of these values should be taught directly. As I will now go on to argue, it is important that students are invited to criticise and engage with these values.

7.1 The importance of discussion when teaching values

We saw in the last chapter (Chapter 6, Section 7.3) that deciding that content should be taught directly does not then dictate a particular method. In the case of the British values policy, although the aim is for students to come to accept these broad values, this should be a ‘light touch’ approach most of the time, with the method of discussion featuring prominently in teaching. Although these will be steered rather than open discussions, undertaken alongside the hope that students will come to share these values, these will also be genuine discussions where students are invited to question the values.

I am not alone in thinking that discussion is crucial to the successful implementation of the British values policy. Every commentator on the policy that I have read has at least mentioned the need for discussion (e.g. Vincent, 2019; Maylor, 2014). Even the Government guidance itself suggests discussing the “disadvantages of democracy” as a possible activity (DfE, 2014c, p.6). The value of critical discussion was defended in Chapter 6, Sections 5 & 6, but in relation to this particular policy there are additional pedagogical, moral, political and philosophical reasons to think that discussion has value.

First, critically discussing the values contributes to the development of critical thinking skills, and these may provide some immunity to extremism (one of the main motivators for the policy). Citizens skilled in critical thinking will be more capable of

examining the ‘facts’ provided to them by social media and of questioning the powerful, persuasive message of Isis (Easton, 2017b; Hobbs, 2017). The DfE has published a report *Teaching approaches that help to build resilience to extremism among young people* which places significant emphasis on the importance of developing critical thinking skills. The most successful interventions were non-prescriptive (in the sense of allowing young people to develop their own views) (DfE, 2011, p.78), created “safe spaces” where controversial issues could be discussed in a supportive environment (p.106), encouraged children to appreciate the value of an evidence-based approach (p.4), and aimed at developing the “harder skills” of critical thinking such as the ability to interrogate evidence (p.68). For example, *Philosophy for Children* was thought to protect young people from extremist ideologies by allowing them to “see through the rhetoric” (p.78). Another successful intervention, *Digital Disruption*, aimed to make young people more aware of the techniques that are used in propaganda and in the media more generally. Here young people participated in activities such as making a conspiracy film to convince viewers that urban foxes can be linked to vampires (p.87).

Second, we want schools to be inclusive places where everyone is made to feel comfortable and welcome, and where people can feed their own views into the debate on British values and how to interpret them. This is important for social unity. Research on integration by the Lokahi Foundation and Lancaster University (conducted on behalf of the Home Office) found some minorities expressing a desire to be involved in shaping British values by feeding their own views into the dialogue (Lokahi Foundation, 2013, p.6). Even in the case of non-liberal views, it is worthwhile for these to be ‘aired’ in environments conducive to rational discussion in order that counter-arguments might be discussed. As the DfE (2011, p.3) report argues:

“Unless facilitators respect young people’s pre-conceptions, they are likely to feel that they are being judged and are thus less likely to constructively engage with resilience-building activities. These pre-conceptions may reflect extremist or otherwise offensive thinking, but rather than ignoring them facilitators should allow the views to be aired and dealt with.”

Moreover, if children and parents feel that liberal values are being uncritically ‘shoved down their throats’, then there is a risk that minority groups will withdraw their children from school (for example, to home school them). A further reason to allow for genuine, inclusive discussion is to help minority groups have the same chances to succeed. Research indicates that minority groups are more likely to achieve academically when

they have a positive identification with own ethnic group (Holmwood & O'Toole, 2018, p.135; Telles & Ortiz, 2008). Making minority groups feel included and helping them to develop self-respect is important both as a matter of justice, and because of the importance of equality to a flourishing society (e.g. Dorling, 2017).

Third, debating rather than dictating the values is less likely to prompt resistance (Easton, 2017b). As John Stuart Mill observed, push values on people and they will “infallibly rebel against the yoke” and “do with ostentation the exact opposite” (Mill, 2006, p.94 [ch.4, para.11]). For this reason, it is better for students to become convinced of (for example) the value of democracy via rational argument and discussion than by dogmatic teaching.

Last, it is not in the spirit of liberalism to push values onto people (whether adults or children). Teachers should acknowledge to their students that the values being taught are not shared by everyone, and discussion should engage with the reasons behind disagreements. As Max Hayward (2016) writes,

“Liberalism should never become ossified and dogmatic. Our current evaluative worldview must be held open for revision in the light of new experiences and circumstances.”

Here again, we see the importance of the teacher modelling epistemic humility and allowing genuine discussion. Although the hope is that students come to share liberal values, discussion should allow for the possibility that this hope is not met, and even for the possibility that the values that teachers are aiming to teach be revised in light of new evidence or experiences.

In Chapter 3, Section 10, I talked about the importance of the state being honest when it is relying upon controversial values, rather than claiming these to be ‘neutral’. I stand by this – schools should be open about the values that they are promoting. Some people might think that this is a somewhat strange view: be open that schools are promoting these values, but at the same time accompany this with the message “but we might be wrong”. I do not think this is especially problematic. It is precisely the approach taken by at least some Church of England schools: their hope, their aim is for students to come to hold Anglican beliefs, but this is not forced upon the children, who are made aware of other options. At present, many (or even most) children who attend these schools leave without Anglican faith. Whilst I am optimistic that the arguments in favour of liberal values will lend themselves to better rates of success

than those achieved by the Church of England, the same possibility remains of people deciding not to accept these views.

Three further objections might be raised to my emphasis on discussion.

First, discussion will be inappropriate in many contexts. In a class of 4 year-old students all from liberal backgrounds, it may be appropriate to read *Tango Makes Three* (a book about two male penguins who brought up a chick together) and to say “and some people have two daddies” and leave the matter there. (In contrast, in a class of 4 year-old Muslim students, it may be appropriate to acknowledge that there is disagreement on this, that they may have heard different views at home, and to present some basic reasons for why there is disagreement on this matter.) So, as I emphasised in Chapter 6, teachers need to use their professional judgement to decide at what points and in what contexts discussion is appropriate.

A second concern is that the emphasis on discussion and epistemic humility might easily lead students towards confusion and relativism.¹³⁹ This is a risk, owing to a tendency amongst students to commit the epistemic fallacy – that is, they think that because disagreement on some topic exists, that this means that there is no answer (Easton, n.d.; Easton et al. 2019, p.83). In response to this worry, I again point to the need to adjust one’s approach depending on the classroom context. In some contexts, particularly those involving younger students, there will be a place for presenting a clear moral vision. But in the context of Religious Education or other classes that allow for in-depth discussion, the epistemic fallacy can be tackled head-on. Easton et al. (2019) provides exemplar teaching resources for doing exactly this that have been tried-and-tested with 11-year olds, but which could be adapted for younger ages. The idea is for students to recognise that just because disagreement on some question exists, this does not mean that all answers to the question are epistemically equal.

A third concern is that emphasising classroom discussion risks creating students who are good orators, but who are lacking in moral compass.¹⁴⁰ In response, we should note that discussion need not be of the style of a debating society, with winners and

¹³⁹ Gideon Calder raised this concern when I presented this chapter at the *Children, Justice and the Future* conference (17/12/19).

¹⁴⁰ This concern was raised in a seminar on *Civility and Democratic Education* by Andrew Peterson (24/10/19), in the form of a concern that an emphasis on critical thinking might “develop a nation full of Borises”.

losers. Good discussion can also be about learning and understanding each other (Chapter 5, Section 5.3). Discussion can have a unifying, socially cohesive effect if we are working together in a common endeavour – perhaps the mutual pursuit of truth – rather than in a competition to ‘win’ the argument.

Therefore although I do not suggest that any of this is easy, I believe it is possible to engage students in discussion of values in a way that achieves an acceptable level of inclusivity at the same time as having the hope that students will come to share in these values.

8. Recommendation 3: Teaching values should be part of a distinct curriculum subject

The current policy includes British values as part of the already-existing spiritual, moral, social and cultural agenda. This means that British values are taught as part of a whole-school approach, by non-specialists, and without dedicated curriculum time. This is problematic given the importance of *how* the values are taught, especially the importance of discussion. Teaching the values should therefore be part of a distinct and compulsory curriculum subject.

Discussion requires both the appropriate setting and significant time. A school assembly on (for example) women gaining suffrage might be an important part of teaching students about British history and its relation to liberal values, but this context does not allow discussion. ‘Form time’, taken by a teacher at the start of the day whilst registering students and addressing pastoral needs, has the advantage of being a more intimate setting, but does not allow the time for discussion (nor the appropriately ‘academic’ setting). This lack of time for discussion was a theme in Carol Vincent’s research on teacher attitudes to the British values policy:

“one point of common agreement across the interviewees was the low status and limited lesson time available for discussion and debate with pupils. Thus, critical reflection, engagement and discussion of the values were not generally foregrounded.”

(Vincent, 2018, p.233)

As a cause of this problem, Vincent points to the low status of “subjects which validate debate” such as Citizenship and Religious Education. This is exacerbated by the “performative context” in which teachers work, where there is excessive focus on written exams and their results (2019, p.19). Whilst the latter problem is not easily

resolved, having a distinct curriculum subject where time is carved out for discussion would go some way to addressing this problem.

We also need a distinct curriculum subject so that those teaching the values have the relevant expertise: expertise at managing discussion of controversial issues and expert knowledge of the likely issues that will arise. Research indicates that teachers generally lack confidence in handling controversial issues (Chapter 6, Section 1), suggesting a need for more training and support for those teaching the values. Teachers also need to possess the knowledge to be able to steer discussion on relevant topics. For example, some key objections to homosexuality are religious, and so in a setting where it has been deemed appropriate to have a discussion about the moral status of homosexuality, the teacher needs to be able to engage in theology here.¹⁴¹ For example, what other interpretations of the scriptural prohibition are on offer, and how might the scriptural prohibition conflict with other divine commands? This same point about the importance of teacher knowledge was made in the DfE report:

“Facilitators must have sufficient knowledge to be able to ... counter stereotypes or mistaken assumptions about a particular religion, or where this is not feasible, know how to access the necessary information.”

(DfE, 2011, p.3)

Creating a distinct and compulsory subject was also the recommendation of the Lords Select Committee that investigated British values. They recommended “creating a statutory entitlement to citizenship education from primary to the end of secondary education”, with every secondary school having at least one trained teacher (Committee on Citizenship and Civic Engagement, 2018).

Another possibility is to make teaching the values part of a reformed and compulsory Religious Education. As we saw in Chapter 4, Religious Education provision is patchy both in terms of whether it is provided and the quality of provision. Since the values are not religious values, making ‘values education’ a major part of Religious Education gives additional weight to the case for re-branding the subject (Chapter 4, Section 6). However, as we have just noted, even when discussing ostensibly non-religious content, the teacher needs a high level of religious literacy. One cannot

¹⁴¹ For further discussion of this point, see Chapter 5, Section 5.2.

discuss the hijab without having good knowledge of what the Qur'an says about modesty, or discuss Orthodox Jewish views on homosexuality without understanding their views on Scripture and sin more generally. Thus even in a reformed Religious Education, religion would still occupy a central place.

9. Recommendation 4: Detach values education from Prevent

We saw in Chapter 1 that the policy to promote British values grew up alongside the Government's Prevent strategy. This history cannot be undone; however, there are good reasons to try and separate values education from counter-extremism policy moving forwards.

First, the links with counter-extremism make it hard to market the idea of teaching values as part of an inclusive, respectful dialogue. The suspicion that many people, especially Muslims, have of Prevent, partially transfers over to suspicion of teaching British values (Busher et al., 2017, p.27). We need to do what we can to avoid members of minority groups feeling excluded, including promoting classrooms where individuals feel that they are respected and can contribute their views to classroom dialogue.

Second, promoting liberal beliefs and values has value independently of the contribution to countering extremism. For example, teaching about the value of democracy helps promote an active, engaged citizenry, who are supportive of, and critically engaged with, democratic institutions. The presentation of teaching British values as a way of countering extremism (DfE, 2015a; DfE, 2015b) distracts from the many benefits of citizenship and values education.

Third, the link with counter-extremism policy makes it hard for classrooms to be places of genuine, exploratory discussion, where students are encouraged to question the values that are taught to them. In the current context, students may be afraid to voice certain viewpoints for fear of voicing a view that is designated as 'extremist' (Faure-Walker, 2017).

Whilst the historical links between the policies will always remain, the link between values-promotion and Prevent can at least partially be broken.

One way to do this would be by re-framing the aims of the policy so that they are less focused on countering extremism, and more focused on the other benefits of values education. Again, I here share the recommendation of the Lords Select Committee, which advised that values promotion be separated from counter-extremism policy and

that guidance for teachers should emphasise positive citizenship, not countering extremism (Committee on Citizenship and Civic Engagement, 2018, para. 70).

Another way to do this would be to adopt a less expansive definition of ‘extremism’, where it is not defined simply as opposition to British values. I am not going to attempt a definition – doing so is notoriously tricky.¹⁴² But the current definition makes questioning the values reportable to a Prevent Officer, and this is an unacceptable state of affairs. It makes the honest and genuine discussion that I have been advocating, where students can ‘air’ their views, very hard. Indeed, any situation where teachers are required to report to Government officers on views held by their students seems to pull against the relations of trust that are so important to effective teaching.

It is beyond my remit to make recommendations for Prevent, and so I will assume that teachers will still be required to watch for signs of extremism amongst their students. But at the least, teachers should be able to say truthfully to their students that in certain contexts – the context of critical discussions – it is legitimate and indeed encouraged for students to voice objections.

10. Conclusion

In this chapter, I have sought to evaluate the British values policy in light of the conclusions from earlier chapters. I have argued that teaching abstract liberal values (such as tolerance and liberty) is consistent with the core principles of liberalism. Things become more problematic when it comes to filling out the details of the policy, especially how we should understand tolerance and what students should be taught to tolerate. Yet this filling out is required if students are to develop discriminating tolerance, where they can make discerning judgements about what should and should not be tolerated.

I considered the specific case of interpreting the policy as requiring a positive attitude towards homosexuals. Whilst I argued that political liberalism faces particular challenges in responding adequately to this issue, any liberal should find this case challenging. An education policy that asks state schools to teach that homosexual relationships are morally equally to heterosexual relationships communicates the state’s rejection of one part of the conservative religious worldview, disparaging

¹⁴² Quassim Cassam (2020) offers a philosophical analysis of ‘extremism’. He suggests it is better understood as a mind-set than as a specific set of values.

religious citizens and falling short of the ideal of respect for persons. In spite of this, such teaching is required by comprehensive minimally controversial liberalism. Not all policy must be neutral, and in this case the aim of minimising controversiality cannot be achieved at the same time as attending adequately to the well-being of children. Teaching aimed at students coming to hold the belief that homosexual relationships have equal status to heterosexual relationships is required in order to mitigate the expected harms to children caused by believing its opposite.

Although in many respects I have defended the British values policy, there are several ways that the policy ought to be changed in order to bring it closer to liberal ideals. First, the values should not be referred to as 'British' because this distracts from the core civic aims of the policy and has exclusionary effects. Second, additional guidance needs to be given by the Government on *what* content should be taught and *how*. In the case of the abstract liberal values and in the case of the view that homosexual relationships are of equal value to heterosexual relationships, these values should be taught *directively*. However, this aim does not dictate a particular method, and (especially in multicultural contexts) the appropriate method will rarely be a didactic presentation of the facts. In appropriate contexts, directive teaching will be achieved through genuine discussion, and this will mean that not all students come to accept the values. Third, the values should be taught as part of a distinct and compulsory curriculum subject, so that there is time available for discussion, and so that teachers have the appropriate training and relevant expertise. Fourth, promotion of values should be separated from counter-extremism policy.

Concluding remarks

Since 2014, schools in England have been required to promote the “fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs” (Department for Education, 2014a). Whilst this policy has prompted some schools towards displays of patriotic sentiments, the core aim of the policy is to promote shared liberal values, values that are seen to be conducive to a flourishing liberal democratic society and importantly, to protect against extremism. In this thesis, I have examined some philosophical questions that arise from this policy. In particular, I have asked whether it is consistent with the core values of liberalism to aim for students to come to accept these values, especially in a pluralist society where disagreement exists over what we should value.

To answer this question, I needed to examine what we should see as the core of liberalism. Some have argued that neutrality is one of the “central ingredients of the liberal vision of politics” (Larmore, 2003, p.53), but I rejected that claim. Neutrality is a central feature of one prominent form of liberalism, political liberalism, which says that minimally controversial justifications must be present if policy is to be legitimate. In contrast, comprehensive liberals invoke thicker, more controversial justifications for political principles and public policies. In setting out the distinction between comprehensive liberalism and political liberalism in this way, I rejected what I called the ‘Standard Account’ of the distinction, which says that the difference between these forms of liberalism is whether a neutral justification is given for liberal principles. I proposed an ‘Alternative Account’, which views comprehensive liberals and political liberals as located on a sliding scale of how controversial the grounds are that they appeal to in order to defend political principles or public policies. An implication of my account is that thinkers (and arguments and theories) can be seen as more or less perfectionist, depending on how controversial the assumptions are that are being brought in as justification.

I then examined what position we ought to take on this scale, asking to what extent liberals should seek to avoid controversial justifications for policy. Political liberals are concerned by minimising controversiality, often motivated by the need to respect persons. In their view, state policy must be neutrally justified so that the exercise of state power is non-oppressive and respects each individual’s agency, integrity, equality, and epistemic standing. Whilst I am sympathetic to this motivation, I found that strictly applying a neutrality principle is too problematic. Unless we have a stricter neutrality principle than that which political liberals have argued for, many supposedly

neutral policies will fail to respect persons. This is because they rely on controversial hierarchies of value which can be reasonably rejected. Yet a stricter neutrality principle is both impracticable (it would rule out most policy interventions) and morally problematic (it would fail to ensure basic liberty, equality and rights). I therefore suggested that minimising controversiality should function as a mere aim, to be balanced against the fundamental liberal concern with basic liberty, equality and rights. I refer to this view as 'comprehensive minimally controversial liberalism'. I also argued that in the case of children, who are especially vulnerable, we should pay particular attention to the harms that are at stake when deciding policy.

Comprehensive minimally controversial liberalism allows that sometimes policy will be introduced that has controversial justifications that can be reasonably rejected, and yet such policy will nonetheless be legitimate. The case of *Wisconsin v. Yoder* is such a case. Here a policy ought to be in place that either requires Amish children to attend high school, or requires that Amish education meet certain requirements, including ensuring preparedness for employment in the outside world and some introduction to ways of seeing the world and ways of life beyond the Amish community. This is to avoid harm to Amish children and to secure their present and future liberty, equality and rights.

The case of Amish children and high school education is not the only education policy case where I think political liberals have tended to go astray. I also critiqued two other applications of political liberal thought to education policy: the rejection of Religious Education's place on the school curriculum and the proposed norm of neutral discourse for classroom discussions.

Regarding Religious Education, I showed how the problems with political liberalism are brought into sharp focus by attempting to apply a neutrality requirement to the question of what content should feature on the compulsory curriculum. In any case, even from within a political liberal perspective, all students should be required to take a subject that focuses on exposure to and engagement with different comprehensive doctrines, and at present Religious Education is the only subject on the curriculum in England that allows for such dedicated discussion.

Regarding classroom discussion, I argued that the suggestion by some political liberals that classroom political discussions should be guided by a norm of neutral discourse would come at great cost. It pushes out important conversations about values and obstructs the search for good answers. By seeing discussion as a rationalistic exercise in public reason, aimed at consensus, it neglects the important

role that discussion can play in developing empathetic understanding of others. Moreover, this norm relies on a distorted understanding of what respect for persons requires. I argued that it is preferable for children to be taught that responding to a person as a rational being requires *really attending* to that person – which includes attending to, and engaging with, their deepest reasons – so that we can try to get to the bottom of where, at root, we disagree. Additionally, schools are responsible for cultivating an informed citizenry, which in addition to imparting knowledge, requires teaching important epistemic skills and virtues. A focus on a norm of neutral discourse could be interpreted in a way that is obstructive to this core educational mission. Discussion of comprehensive doctrines provides opportunities to develop and practise civic virtues such as tolerance through the encounter with real disagreement. Lastly, even if we think that public political discourse ought to be neutral, this still points towards the important place of discussion of comprehensive doctrines on the compulsory curriculum, since this is required to help understanding of what count as ‘neutral reasons’. For all these reasons, education policy should accord greater priority to discussion of students’ actual motivating reasons than to discussion constrained by a norm of neutral discourse.

The emphasis that I place on discussion of controversial issues means that sometimes students will voice words that wound other students, placing teachers in a moral dilemma over how best to respond. Drawing on classic discussions of free speech and responding to empirical research in education and social psychology, I argued that there should be a presumption in favour of discussion, with silencing only occurring in a small number of cases. I suggested a four-part test to help decide whether silencing or discussion is the appropriate response.

Even with a large scope for discussion, there is still a difficult question to answer over how we should decide whether the aim of a particular discussion is for students to come to hold certain beliefs. I suggested that this should be decided by evaluating the extent to which the question is *open* in a liberal society. This is decided by analysing how controversial the question is (amongst reasonable people in society, amongst the set of potential reasonable views, and how much moral distance people would have to travel in order to accept the content), whether basic liberty, equality and rights are at stake, and whether certain answers to the question increase expected harm to children or to other members of society, to other sentient beings, or to the environment.

Applying the conclusions of the previous chapters to the British values policy, we see that there is little difficulty in justifying this policy when it is taken in the abstract as aiming to promote values such as tolerance. Such teaching can be justified in a minimally controversial way, and contributes to ensuring the current and future liberty, equality and rights of children. However, values such as tolerance need ‘filling in’. Since establishing the limits of tolerance is inescapably bound up with moral questions, it is impossible to do so in a non-controversial way. This becomes particularly clear with relation to the example of teaching a positive attitude towards homosexuality. Here a concern with neutrality gives the wrong result: it suggests that teaching should not aim for students to develop a particular view on whether heterosexual relationships are morally equal to homosexual relationships. Political liberalism struggles to diagnose these difficult cases, leaving schools standing neutral on issues where they should not be neutral. This is why we need clear criteria for deciding which issues should be taught directly and which should be taught non-directly. Here, as well as in the case of liberal values themselves, there should be directive teaching – teaching that has the aim of students coming to share these beliefs and values.

Promoting certain beliefs and values does not dictate didactic teaching, and in fact genuine discussion will often be the best method of teaching the values. For some students, this discussion may not convince them that these are the right values. At the same time, policy-makers and teachers should be open to revising the values in light of new evidence and experiences. This is part of modelling epistemic humility to students, which is an important intellectual and civic virtue that we should hope to inculcate in the next generation of citizens.

To my surprise, I find myself disagreeing with John Stuart Mill and agreeing with David Cameron. Mill is wrong that “All attempts by the State to bias the conclusions of its citizens on disputed subjects, are evil...” (Mill, 2006, p.121 [ch. 5, para. 14]). It is entirely consistent with liberal concerns to aim to influence children’s beliefs, and the state can promote liberal values through state education. As Cameron (2011) says:

“A passively tolerant society says to its citizens, as long as you obey the law we will just leave you alone. It stands neutral between different values. But I believe a genuinely liberal country does much more; it believes in certain values and actively promotes them.”

The state should not claim to be neutral when it is not, and should be honest and open about the values that it promotes. The hope and aim is for students to come to share liberal values, but we should expect that not all will.

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