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# AN ANALYSIS OF THE RIGHT TO AUTONOMY OF THE CHILDREN, OF THE RIGHTS TO CONTROL OF THE PARENTS, AND OF THE RIGHT TO INTERVENTION OF THE STATE

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**Abstract.** *The study analyses questions regarding education, the possible aims of education, the concept of autonomy, and the relationships between autonomy and education. In connection with these questions, the study investigates the role of the state as regards education, and the presence or absence of a duty from the state as regards the promotion and the defence of autonomy. Further themes of the inquiry are the duties of the parents as regards the education of the children and the right of the parents to choose the kind of education for their children. Different interpretations of the state, of the possible ways of life, of models for citizenship, of society and of the relations between individuals and groups correspond to the kind of education which is proposed by the researchers.*

**Keywords:** *autonomy; liberalism; diversity; education; children; Supreme Court; W. A. Galston; R. Arneson; I. Shapiro; A. Gutmann.*

## АНАЛИЗ ПРАВА ДЕТЕЙ НА АВТОНОМИЮ, ПРАВ РОДИТЕЛЕЙ НА КОНТРОЛЬ И ПРАВА ГОСУДАРСТВА НА ВМЕШАТЕЛЬСТВО

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**Аннотация.** *В исследовании анализируются вопросы, касающиеся образования, возможных целей образовательной деятельности, содержания понятия автономии ребенка, а также характера взаимосвязи между автономией и образованием. В контексте указанных проблем рассматривается роль государства в сфере образования, а также наличие или отсутствие у государства обязанности по содействию развитию и защите автономии. Автором также исследуются обязанности родителей в отношении образования детей и право родителей на выбор формы и содержания образования для своих детей. Различные интерпретации природы государства, допустимых образов жизни, моде-*

*лей гражданственности, общественного устройства и характера отношений между индивидами и социальными группами соответствуют тому типу образования, который определяется соответствующими исследовательскими подходами.*

**Ключевые слова:** автономия; либерализм; плюрализм; образование; права детей; родительские права; государственное вмешательство; Верховный суд; У. А. Гальстон; Р. Арнесон; И. Шапиро; А. Гутманн.

This essay is dedicated to the analysis of some positions regarding education, the concept of individual autonomy, the relationships between autonomy and education, the role of the state as regards education, and the presence or absence of duty of the state as regards the promotion and the defence of individual autonomy. These subjects involve the right of the children to decide on their education, the duties of the parents as regards the education of the children, and the rights of the parents to choose the kind of education for their children. We shall see that different interpretations of the government, of the possible ways of life, of models for citizenship, of society and of the relations between individuals and groups correspond to the kind of education which is pleaded for by each author.

Autonomy will be interpreted in this text as the capacity of the direction of one's own life (opposed to external direction) and as the rational self-examination: autonomy is the development of reflective capacities implying examination of traditional values.

The different positions are related to each other by their referring to the case of the US Supreme Court *Wisconsin vs Jonas Yoder* (406 U.S. 205, 1972). This case represents a point of departure in order that elements for an analysis of the role and the aim of education for children can be found. The US Supreme Court decided against the Wisconsin Board of School's extension of compulsory education and for the right of Amish families to withdraw their children from school at age 14 (the new law of Wisconsin at that time foresaw that the obligatory period of school had to be extended up to 16 years). The discussion and analysis of this decision in different thinkers and the different positions adopted by these thinkers on this sentence give many elements for reflection on education<sup>1</sup>.

In particular, A. Gutmann gives the possibility to see that the power of the parents over their children ought always to be directed to the well-being of the children; it may never be used for the advantage of the parents. R. Arneson and I. Shapiro expose a model of education which aims at the preparation of pupils for participation in social life. W. A. Galston gives the opportunity to reflect on the reciprocal incommensurability of the social goods: education is one good among other goods. Since no hierarchy among social goods is, in W. A. Galston's view, possible, education cannot be considered as the supreme social good.

### Positions of Amy Gutmann

The article by Amy Gutmann has as its beginning point the discussion whether paternalism from parents towards their children may be allowed or not. Paternalism means that parents may have a role in the development of their children and take decisions for their development: the sense of paternalism needs to be explained. The principles of A. Gutmann's study are:

- There are primary goods.
- Education is one of the primary goods.
- The life dimension of the children may not be limited to the community or the family; a plurality of models to be acquainted with is indispensable.

<sup>1</sup> The works which are analysed in this study are the following: *Arneson R., Shapiro I.* Democratic Autonomy and Religious Freedom: A Critique of *Wisconsin v. Yoder* // *Democracy's Place* / ed. by I. Shapiro. Ithaca and London, 1996. P. 137–174 ; *Gutmann A.* Children, Paternalism, and Education: A Liberal Argument // *Philosophy & Public Affairs*. Vol. 9. No. 4 (Summer, 1980). P. 338–358 ; *Galston W. A.* Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice. Cambridge, U. K., 2002.

— The power of the parents over the children ought to be used with exclusive attention for the well-being of children; it may not be used to the advantage of the parents.

A. Gutmann's positions are in favour of education, of socialisation, of the development of autonomy in children and of a system of schooling which promotes the development of critical thinking. Parents may exercise a kind of paternalism in relation to their children. Children ought to be considered as individuals who are not yet able to take all decisions on their future: a kind of paternalism cannot be avoided as regards the future of the children. To acknowledge to the parents a power over their children does not mean that parents can compel children to do what parents want. Paternalism ought to be exercised so that parents let children be acquainted with a plurality of goods and with a plurality of life possibilities. Paternalism is subordinated to the parents' duty of offering children a plurality of life perspectives: it is not a power without further determination. Power over children is functional to the development of children: the exclusive aim of paternalism is the cultural development of the children.

A. Gutmann underlines the importance of goods such as a kind of education which enables individuals to choose between available opportunities and to become informed citizens. Without being informed citizens, individuals are deprived of orientation in the world in which they live. Paternalism from parents is conceded by A. Gutmann because children cannot have reached the maturity necessary for taking the decisions regarding their own lives. To endow children with primary goods is the aim to which the concession of paternalism is directed.

"The most obvious primary goods we as rational persons would want provided to us as children are adequate nutrition, health care, housing, familial affection, and an education adequate to choosing among available economic and social opportunities and to becoming informed, democratic citizens. Yet, from the point of view of some citizens within our society, even this short list is controversial. Many Jehovah's Witnesses and Christian Scientists do not think that their children should be forced to take certain medicines or undergo certain medical treatments that are necessary to good health and normal physiological development, and sometimes to life itself. The Old Order Amish do not believe that formal secondary education is a primary good in our society. But these examples need not upset the plausibility of a primary good standard of paternalism applied to children."<sup>2</sup>

A. Gutmann points out that the relevance of education is not agreed with by all groups since the Old Order Amish does not accept formal secondary education as a primary good. The acceptance of education proves, therefore, to be an open question in society. In A. Gutmann's view, the familiar environment proves to be inferior in comparison with society as regards the opening of perspectives: «Rarely, if ever, does a family furnish its children with as broad a range of resources and opportunities to choose among free and adequate adult lives as does a wider society. While parents often do give their children some of the essential goods of life, they still have a duty to permit, if not to prepare, their children to choose among a range of conceptions of the good life that differ substantially from those held by the family. As citizens of a society offering a broad range of choices to its adult members, parents have an obligation to allow their children to be exposed to the choices available in their extra-familial society»<sup>3</sup>. A. Gutmann expresses some principles for a strategy of education:

— Parents have a duty to let children be free to choose other ways of life; therefore, parents do not have the right to seclude children in a community, keeping children away from alternative ways of life.

— Children ought to be put in contact with other ways of life than those which are pleaded for or followed in their families.

A. Gutmann underlines the insufficiency of the family environment in comparison with society: a family cannot offer the plurality of perspectives which the society gives. Parents ought to introduce their children to the plurality of ways of life which are present in society: they may not keep children away from society. Therefore, a community may not seclude its

<sup>2</sup> Gutmann A. Op. cit. P. 340.

<sup>3</sup> Gutmann A. Op. cit. P. 342.

members into the community itself: «If my argument so far is correct, it will not suffice to claim that the Amish *community* has the right to impose its standards upon Amish children. Even if the Amish community were an economically and politically self-sufficient unit within our society, the Amish would still have a duty to expose their children to a greater range of choice than they now do»<sup>4</sup>.

The parental duty to introduce children into societies exiting outside a precise community holds, no matter how great the community is. In A. Gutmann's view, the duty of the parents to make their children acquainted with a plurality of life choices is a foundational principle. The parental duty of putting children in contact with a plurality of perspectives remains independent of the self-sufficiency or absence of self-sufficiency of the Amish community.

### Positions of Richard Arneson and Ian Shapiro

One of the fundamental aspects of Richard Arneson and Ian Shapiro's meditation is that children are not the property of their parents. Throughout the whole article of R. Arneson and I. Shapiro, we can see that the two authors refuse any conception of patriarchalism as a behavioural principle between children and parents. Children are not property; therefore, children may not be used for any purpose of the parents, including religious aims. In particular, as we shall see, children may not be used in order to ensure the survival of a religious community. The relation between children and parents ought to be, in R. Arneson and I. Shapiro's view, the relation of trusteeship: since children live in the relation of trusteeship with their parents, they have the right to be endowed with an education which aims at autonomy. The goal of education is autonomy. If children are not educated to autonomy, they are not free: «In this chapter we take up a small piece of the newly discovered terrain: we explore the limits of parents' authority in the education of children who have been committed to their charge. Our use of this formulation, rather than parents' authority over "their children", prefigures one of the central claims we seek to defend and employ: that the relationship between parents and children is best thought as one of trusteeship; children are in no sense the property of their parents»<sup>5</sup>.

This passage expresses important elements:

- There are limits to the parents' authority in relation to the children.
- Children are not the property of their parents.
- The relation between parents and children is a relation of trusteeship.
- Any form of patriarchalism is refused.

R. Arneson and I. Shapiro speak of trusteeship in order to define the correct relationship between parents and children. This relation is not a relation of property. «The free-exercise interests in question were the interests of the Amish parents in practicing their religion in their traditional way. But the state's expressed interest concerned the education of Amish children. On the face of it, there was a gap between the rights claimed by the parents, having to do with their practice of religion, and the claims of the state, having to do with *the children's* education»<sup>6</sup>.

R. Arneson and I. Shapiro individuate the existence of an opposition between the claim of the state for children's education, on the one hand, and the claims of parents consisting in the practice and in the defence of the practice of religion, on the other hand. They underline the opposition between the interest of the Amish community, which lies in the practice of the religion and in the continuation of the life of the community, and the interest of the state, which consists in the education of the children, no matter what consequences this can have for the survival of the life of the Amish community. The opposition consists, among other things, in the fact that the Amish families consider a higher degree of education a danger since the richer the education is, the greater the probability is that children of the community abandon the community. «Although the Amish believe that vow of baptism must be taken voluntarily by a mature person, they go to great lengths in designing their system of education and acculturation to ensure that Amish children will take the vow and

<sup>4</sup> Gutmann A. Op. cit. P. 342–343.

<sup>5</sup> Arneson R., Shapiro I. Op. cit. P. 137–138.

<sup>6</sup> Arneson R., Shapiro I. Op. cit. P. 150.

join the church. Herein lies the source of the half century of conflict between the Amish and secular educational authorities which culminated in the *Yoder* decision»<sup>7</sup>.

School education enlarges interests: therefore, it is seen as an enemy of the stability and preservation of the community. The whole educational system is thought out so that children do not leave and cannot leave the community. There is no critical thinking which regards the foundations of the community. If any contact with the common way of life is considered to be a danger to the individual's salvation, the community will do everything in order that this contact does not happen.

On closer inspection, the conflict between views is stronger than it can appear. We have, on the one hand, a community convinced that a determined way of life is necessary in order to reach the salvation of the individual. On the other hand, we have an interpretation of the way of life as a choice between a plurality of realisations. In this last way of thinking, different ways of life are admitted, and no specific kind of life is considered as a way of life which brings about the individual's salvation. In the first way of thinking, the goal of education is individual salvation, which can be reached only through a determined way of life, whereas in the second way of thinking the objective of education is the realisation of the individual as a good and informed citizen.

R. Arneson and I. Shapiro point out that the education system of the Amish is structured so that children are prepared for life in the community: their system of education intentionally keeps the members of Amish families away from participation in the life of the world existing outside the borders of the community. The system of education is thought out in order to keep children away from the outside world; moreover, Amish values and Amish beliefs are never submitted to critical questioning. In the view of R. Arneson and I. Shapiro, the Amish are against high school education since they consider high school education as a danger for the continuation of their way of life. Amish are against a schooling system that goes beyond the eight years of school, since an education going further than that is not necessary for life in the community, which is and should be the only possible result of the education. The system of education does not open the perspective to a plurality of realisations in life; on the contrary, it aims to avoid a plurality of realisations in life. The Amish system of education exclusively aims to direct pupils to the Amish life.

The educational system of the Amish is organised and structured in order to prevent children from leaving the community. It represents a kind of education thought out in order that the community can endure. There is no attention to the development of critical thinking in children since critical thinking would represent a danger to the foundations of the community; the system of education is functional to the conservation of the community. The education programme must ensure that the community survives. Therefore, every element which could represent a danger to children's remaining in the community is, as far as possible, eliminated from this kind of education.

The model of education for which R. Arneson and I. Shapiro plead is completely different: education ought to prepare for active citizenship. They express the following considerations on education: «we suppose that a significant aspect of citizenship includes the requirement that people have the capacity to vote in an informed way in elections that determine the membership of legislative assemblies, hence the content of the laws, as well as the identity of public officials and judges who execute and apply the laws. To be able to participate competently in democratic decision making, voters should have an adequate knowledge of contemporary science in its bearing on public policy issues, an understanding of modern world history and particularly the history of democratic institutions and the culture of their own society, and critical thinking skills that include the ability to represent the situation of others in imagination, to intuit their experience, and sympathetically to analyze and assess their attitudes, principles, and policy arguments»<sup>8</sup>.

R. Arneson and I. Shapiro's model of education aims to endow children with a civic education: children ought to receive an education which enables them to participate in the life of the public sphere. Of course, individuals may, as adults, autonomously decide

<sup>7</sup> Arneson R., Shapiro I. Op. cit. P. 140–141.

<sup>8</sup> Arneson R., Shapiro I. Op. cit. P. 147.

not to participate in public life. To be able to participate and to decide not to make use of this capability is different from not being able to participate in public life since this capability has not been reached because of an insufficient education. R. Arneson and I. Shapiro object to the educational model of the Amish (and, of course, to any similar educational model) that this system of education cannot prepare for citizenship. R. Arneson and I. Shapiro consider as a constitutive character of citizenship the capacity to vote in an informed way and to participate in democratic decisions. In order to reach the degree of competence which enables individuals to participate in democratic decisions, voters need to possess the following kinds of knowledge, such as knowledge of contemporary science as regards the connections between contemporary science and public issues. Knowledge of modern world history, too, is needed. To these kinds of knowledge, knowledge of the history of democratic institutions should be added. Furthermore, knowledge of the culture of society is necessary. These sectors of knowledge are needed in order that an individual could reach an orientation in society.

Voters should be able to go beyond their own mental schemes and enter the mental schemes of other people. In a pluralistic society, reaching a deliberation requires due preparation.

This kind of education is needed in order to reach a minimum of civic education: an education beyond basic literacy is indispensable. The responsibility connected to democratic citizenship requires a degree of education which goes beyond simple basic literacy. R. Arneson and I. Shapiro acknowledge that a high school education cannot solve all the problems connected to the difficulties of democratic deliberation; nevertheless, a high school education is indispensable at least as a basis for endowing citizens with the skills and competences needed for deliberation in democracy.

Certainly, the degree offered by a high school education cannot solve all the difficulties with which a citizen can have to cope in the process of democratic deliberation: the high school education cannot answer all the questions and themes which citizens can have to face in the use of their democratic rights and of their responsibilities as citizens. A high school education can nonetheless give at least some instruments for orientation, without which an individual would not manage to understand the situation and the problems which he has to face. Knowledge is indispensable for the exercise of citizenship. «Although we would not go so far as to argue that people necessarily have an obligation to vote in a democracy, there surely is a defensible obligation to vote in any tolerably functioning democracy. Voting by many is necessary if the system is to function properly, and there is no obvious, fair way to select a subset of voters to whom the obligation does not apply»<sup>9</sup>.

R. Arneson and I. Shapiro are convinced that participation is a value: if there were no participation, democracy would collapse. R. Arneson and I. Shapiro do not agree with the withdrawal from voting, which is habitually adopted by the Amish. They acknowledge the right to withdrawal from public life; nonetheless, they think that the decision to withdraw from voting and from public life may be made only if there are a corresponding preparation and a corresponding education capable of supplying arguments for the justification of this decision. Knowledge is indispensable in order to give the due grounds for one's own decision to withdraw from the use of the rights connected to citizenship. Without education, the decision to withdraw from some aspects connected to citizenship cannot be grounded. Withdrawal and refusal of participation may be accepted; there ought not to be participation in public life at all costs. However, the refusal of participation ought to be motivated; otherwise, this refusal proves to be, on closer inspection, only a diminution of the development of the individual. «Groups and classes are groups and classes of individuals, and talk of the "right" of the Amish community to reproduce itself glosses over the reality that group members may have conflicting rights and interests. If it is in the interest of Amish children to receive an adequate education, and their receiving it will threaten the existence of the group (assuming for now that this is true), then a conflict of this kind is evidently present. Our claim is that in such an eventuality there is no defensible reason to sacrifice

<sup>9</sup> Arneson R., Shapiro I. Op. cit. P. 149.

the interests of the children in their education to their parents' desire to reproduce the Amish community in the name of group rights»<sup>10</sup>.

The Amish parents grounded their request for withdrawing their children from school at 14 on the basis of the right of the Amish community to reproduce itself and on the basis of the free-exercise rights of the parents. R. Arneson and I. Shapiro remark that the request for withdrawal of the children is based on the exercise of their own religion and on the right of the community to reproduce itself: in the logic of the argumentation of the Amish, the right of the children to attend public school up to the 16th year ought to be sacrificed to the right of the community to reproduce itself. The group rights of the Amish overtake the right of the children to go to school. In this way, the possibility is ignored that the right of the members of the community conflict with the right of the children to receive a proper education.

In the view of R. Arneson and I. Shapiro, there is no reason to prefer the interest of the parents to reproduce the Amish community to the rights of the children to receive an adequate instruction. The Yoder decision gives an example of the incompatibility of interests between members of a community and an example of a conflict between individual rights (the right of the children to receive a proper education) and group rights (the right of the Amish community to live further as a community without disappearing).

R. Arneson and I. Shapiro specify in their analysis that their intent is not to deny to the Amish community the free exercise of its religion: they point out that adults do not have the right to violate the rights of the children to a proper education in order that they can continue to associate as Amish community. The education of children should have precedence over the rights of the community. «A "rationally autonomous" life is one that is self-chosen in a reasonable way. Education for rational autonomy thus encompasses two requirements: 1) upon onset of adulthood individuals should be enabled to choose from the widest possible variety of ways of life and conceptions of the good and 2) individuals should be trained into habits and skills of critical reflections, so that they attain to the greatest feasible extent the capacity to choose rationally among these alternative ways of life. We refer to these two aspects of education for autonomy as 1) the maximization of options and 2) the development of critical reason»<sup>11</sup>.

R. Arneson and I. Shapiro present their theory: a strong value of individual autonomy<sup>12</sup> should lie at the basis of the education of the children. The child ought to have the right to an open future; there is no open future without due education. The significance of this theory of autonomy applied to the children's education is the following:

- Education aims to prepare children for a life inspired by rational autonomy.
- The target of education is to make children capable of rational autonomy.
- Rational autonomy is the real objective of education.
- A rationally autonomous life means that the particular kind of life corresponds to a life which has been chosen by the individual who follows certain criteria of reasonableness.
- Autonomous education implies that individuals are educated to critical reflection so that they are able to choose rationally between alternative ways of life.

### Positions of W. A. Galston

Coming now to the analysis of the positions of William A. Galston, the fundamental idea of W. A. Galston is that there is no common measure between the goods. Education is a good among other goods: it is not the supreme good; there is no supreme good. Therefore, some communities can give more value to education, whereas other communities can give less value to education. In both cases, the state has no right to interfere. The first passage which is quoted perfectly explains the fundamental general position of W. A. Galston: «Objective goods cannot be fully rank-ordered. This means that there is no common measure for all goods, which are qualitatively heterogeneous. It means that there is no summum bonum

<sup>10</sup> Arneson R., Shapiro I. Op. cit. P. 154.

<sup>11</sup> Arneson R., Shapiro I. Op. cit. P. 158.

<sup>12</sup> Education ought to be education to autonomy; education ought to aim at the development of an attitude of autonomy in individuals.

that is the chief good for all individuals. It means that there are no comprehensive lexical orderings among types of goods. It also means that there is no “first virtue of social institutions” but, rather, a range of public goods and virtues the relative importance of which will depend on circumstances»<sup>13</sup>. As we can see:

- There is no rank for goods<sup>14</sup>.
- There is no first virtue.
- There is no absolute, no greatest value for all individuals.
- There is no ordering among kinds of goods.
- There is no first virtue in the social institutions.
- There are different goods and different virtues whose importance and relevance are not absolute.
- The importance and relevance of the different goods and of the different virtues can be measured not absolutely, but only regarding the different circumstances.

On the basis of this quotation, we can see that we find ourselves in a completely different way of thinking in comparison with R. Arneson and I. Shapiro’s interpretation. In the view of R. Arneson and I. Shapiro the development reached through civic education constitutes an absolute value: on the contrary, W. A. Galston’s positions are undoubtedly oriented on the basis of the context and of the circumstances: goods can have more value in a circumstance and less value in another circumstance; moreover, there is no absolute ranking on the basis of which goods can be measured.

Regarding civic education, we can already see that civic education is not considered by W. A. Galston as representing an absolute value. W. A. Galston’s orientation originates in his interpretation of liberalism as diversity, which opposes the conception of liberalism as autonomy: whereas liberalism has been interpreted as a conception which promotes and ought to promote the development of autonomy in the individuals<sup>15</sup>, W. A. Galston interprets liberalism as a conception which ought to respect diversity and to guarantee the conditions of coexistence between the different communities living in a state. The state ought not to promote autonomy in the individual, but ought to aim at a minimum feasible which promotes social peace between the different groups. Therefore, the promotion of autonomy in the citizens is not an absolute value at which state and system of education ought to aim. W. A. Galston expresses, for instance, the following observations on Yoder: «Consider, finally the case of *Wisconsin v. Yoder*, decided by the Supreme Court (...). This case presented a clash between a Wisconsin state law, which required school attendance until age sixteen, and the Old Order Amish, who claimed that high school attendance would undermine their faith-based community life. The majority of Court agreed with the Amish and denied that the state of Wisconsin had made a compelling case for intervening against their practices: “[H]owever strong the State’s interest in universal compulsory education, it is by no means absolute to the exclusion or subordination of all other interests.”»<sup>16</sup>

The freedom of intervention of the state into voluntary associations has many limits: «from a liberal pluralist point of view, I argue, there are multiple types of legitimate decision making, and democracy is not trumps for all purposes. Another example: From a liberal pluralist point of view, public institutions must be cautious and restrained in their dealings with voluntary associations, and there is no presumption that a state may intervene in such associations because they conduct their internal affairs in ways that diverge from general public principles»<sup>17</sup>.

<sup>13</sup> *Galston W. A. Op. cit.* P. 5. For further elements on W. A. Galston’s views, see *Diversity, Toleration, and Deliberative Democracy: Religious Minorities and Public Schooling and Liberal purposes: goods, virtues, and diversity in the liberal state.*

<sup>14</sup> If there is no common measure, it cannot be said, for instance, that the good represented by autonomy is superior to other goods.

<sup>15</sup> It could be said that R. Arneson and I. Shapiro follow this interpretation of liberalism, since autonomy is for them the absolute value.

<sup>16</sup> *Galston W. A. Op. cit.* P. 19.

<sup>17</sup> *Galston W. A. Op. cit.* P. 9.

Democracy and democratic institutions are not necessarily endowed with the power of intervention concerning all kinds of associations. As such, a state has no legitimacy to intervene in associations since these associations have different principles, ways of behaving and ways of conduct different from the principles, the ways of behaving and the ways of conduct present in the public sphere.

W. A. Galston is for an interpretation of liberalism which coincides with liberal pluralism: from this point of view, public institutions must always be prudent when they are dealing with voluntary associations, since there is not only one possible way of interpreting society. A state does not automatically have the right to intervention in case the principles of these associations are different from the public principles, since the principles of association could be accepted too in the public space. The adoption of a liberal pluralistic perspective implies that the state should observe a strategy of non-intervention in the internal affairs of the voluntary associations: «I begin with the intuition that free associations yield important human goods and that the state bears a burden of proof whenever it seeks to intervene. My accounts of value pluralism, expressive liberty, and political pluralism lend theoretical support to this intuition and help explain why we should not see state power as plenipotentiary»<sup>18</sup>.

There is a discrepancy of opinions as regards the relationships between public norms and voluntary associations in the contemporary conceptions of liberalism.

In the view of the positions pleading for a determined conception of liberalism, the conditions for the distribution of civic goods among the citizens of a state authorise an intervention into the associations which do not allow the presence of these or of some of these civic goods in their organisation. In this view, the state has both the right and the duty to intervene in order to compel any association which does not allow the fruition of determined civic goods to its members to let the members of the association participate in the civic goods. The fruition of civic goods has the prevalence over the independence and the sovereignty of whichever voluntary association.

W. A. Galston does not agree with the existence of this right and of this duty of the state: the state has, in Galston's view, the burden of proof whenever the state should intervene in the life of the associations; the state ought to bring proof as regards the legitimacy of its intervention. As regards the specific question of the education programmes, W. A. Galston strongly limits the state's authority: «First, in a liberal democracy, there is in principle a division of authority between parents and the state. The state has the right to establish certain minimum standards, such as the duty of parents to educate their children, and to specify some minimum content of education, wherever it may be conducted. But parents have a wide and protected range of choices as to how the duty to educate is to be discharged. Suitably revised and extended, these considerations apply to the liberties of civil associations as well»<sup>19</sup>.

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

W. A. Galston opposes the interpretation of liberalism as autonomy and pleads for a conception of liberalism as liberal diversity: liberal diversity does not aim at autonomy and at the promotion of autonomy but at the appeasement between the different groups of society. The aim of liberal diversity is social peace between different groups. A conception

<sup>18</sup> Galston W. A. Op. cit. P. 9-10.

<sup>19</sup> Galston W. A. Op. cit. P. 19.

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

«Liberal democracies are not civic republics. The liberal democratic state does not have plenipotentiary power, and public-spirited aims need not govern the actions of its citizens in all spheres and circumstances. (...) If the liberal democratic state were to legislate a conception of child or governmental interests that in effect nullified parental educational choice, it would exceed the legitimate bounds of its authority»<sup>20</sup>.

Here, too, we can observe that for W. A. Galston, a liberal democratic state does not have plenipotentiary power. The principles of the public sphere have no legitimacy in governing the deeds of the citizens in all realms of life. In particular, a liberal democratic state does not have the authority to eliminate the educational choice made by parents. W. A. Galston sees the existence of an opposition between civic liberalism and associational liberty: «The tension between the advocates of civic liberalism and the defenders of individual and associational liberty is rooted in two quite different variants of liberal thought based on two distinct principles, which I shall summarize under the headings of autonomy and diversity»<sup>21</sup>.

W. A. Galston opposes a conception of liberalism as autonomy to a conception of liberalism as diversity. The contrast between those who maintain an interpretation of liberalism as civic liberalism and those who are in favour of individual and associational liberty originates in the different interpretations of liberalism, which, in the view which W. A. Galston refuses, is autonomy, in the view which W. A. Galston adopts, is diversity. Liberal autonomy is associated with the rational, critical examination of the self and of society. Liberal autonomy signifies a critical examination of opinions. Diversity is associated with the strategy of legitimating differences between individuals and groups. Diversity implies a pluralism of ideas in society.

W. A. Galston does not see the possibility of compatibility between liberalism as autonomy and liberalism as diversity: the two forms exclude each other. W. A. Galston believes that many contrasts regarding education, rights of association and free exercise of religion derive from the contrast between autonomy and diversity. If autonomy is taken as the fundamental principle for the strategy of the state, the handling of the state will collide with all individuals and all associations that do not acknowledge autonomy as their fundamental principle. Autonomy as a principle of government action would imply a contrast with all individuals and groups which do not accept autonomy as a principle<sup>22</sup>.

## Conclusions

Throughout the inquiry, we have seen three different positions on the question of education. There are analogies between the positions of A. Gutmann, on the one hand, and R. Arneson and I. Shapiro, on the other hand, whereas W. A. Galston interprets the importance of education differently. Specific of A. Gutmann's position is her justification of paternalism: the power over children which is specific to paternalism ought to be directed to the cultural development of the children; it may never be used to the advantage of the persons who are endowed with power over children. The aim of education consists in the socialisation of the children, in the opening of life perspectives for the children, and in the children's going out from the limited dimension of the family. Education ought to prepare children for a life of participation in society. R. Arneson and I. Shapiro expose a model of education connected to their model of citizenship. The model of citizenship proposed by R. Arneson and I. Shapiro is the model of active citizenship: citizenship means participation in the questions, life, and problems of society. In order to be able to participate in the life of society, citizens need to have an appropriate education at their disposal: the kind of education for which R. Arneson and I. Shapiro plead is an education for autonomy. Education is the centre of the social goods which individuals can reach. The interpretation of education in W. A. Galston is different: the cause of the difference in the interpretation

<sup>20</sup> Galston W. A. Op. cit. P. 94.

<sup>21</sup> Galston W. A. Op. cit. P. 20–21.

<sup>22</sup> Galston W. A. Op. cit. P. 23.

of education is directly connected to W. A. Galston's interpretation of citizenship, of liberalism and of social goods. In W. A. Galston's view, there is no common ranking for social goods: education is one of the social goods, but it is not the supreme good. There are different social goods in a society: since social goods, in W. A. Galston's view, do not have a common measure, it is not possible to determine a classification of the importance of the social goods. The importance of social goods depends on the preferences of the individuals and on the circumstances. Citizenship is not identified by W. A. Galston with participation in the life of the society: participation in the life of the society is one of the options of the citizens, but is not the only one or a superior one. Likewise, autonomy is not the aim of education: it is not the principle towards which society ought to be oriented. W. A. Galston does not agree with the interpretation of liberalism as autonomy and proposes an interpretation of liberalism as diversity: diversity implies both toleration of different cultures in society and limits of the state as regards the interference with the different associations present in a country. The state may not impose a model of education and may not interfere with the systems of education chosen by the different groups. The three positions are complex. They deal with many aspects of education, society, groups, and individuals: it is not easy to evaluate the three positions. W. A. Galston considers the freedom of families and of associations, but he does not take into sufficient account the freedom of the individuals living in the associations. Without autonomous development, there is no way to be able to take the necessary distance from the community. Although W. A. Galston's positions are very complex, I rather tend to the positions of R. Arneson and I. Shapiro. In my opinion, education ought to prepare children and pupils for a life in society, not for a life in a particular community. Education ought to be citizenship education; education ought to enable pupils to participate in public life if they want to. The state has precise duties as regards education. A state may not be content with the minimum feasible. Education is a value as such: without education, there is no mature citizenship. Group rights may not trump individual rights: the right of conservation of a community may not trump the right of the pupil to a kind of education based on a plurality of perspectives.

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