

# Ordering Parental Rights, Children's Autonomy and Civic Education: A Philosophical Foundation for Public Policy

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*Responding to some of the challenges to her recent book, To Whom Do Children Belong (2016), Dr. Moschella argues that affirming the primacy of the parents' right to educate their children provides the best safeguard for children's autonomy and cultivates the virtues required by citizenship in a pluralistic, democratic society. Melissa Moschella, Ph.D., is Assistant Professor of Philosophy at The Catholic University of America and McDonald Distinguished Fellow in the Center for the Study of Law and Religion at Emory University School of Law.*

Who has primary educational authority over children: parents or the state? While most would agree that parents have *some* discretionary authority regarding the education and upbringing of their children, many liberal political theorists – such as Stephen Macedo, Amy Gutmann, Eamonn Callan, Ian MacMullen and others – argue that parental discretionary authority is significantly limited by the child's right to autonomy and/or the state's interest in preparing children for citizenship in a pluralistic democratic society. Especially when it comes to children's formal schooling, such theorists believe that the state's judgments about how children should be educated trump those of parents when the two conflict. They argue, for example, that all schools (including, at least in principle, private and religious schools) should be required to expose children to diverse values and ways of life distinct from those that they are learning at home, and that, at least in principle, parents do not have a right to opt their children out of aspects of the curriculum to which they have a moral or religious objection, or to homeschool their children.

Consider the case of *Wisconsin v. Yoder* (1972), in which the Supreme Court granted Amish parents an exemption from compulsory education laws in order to be able to educate their children at home in the Amish way of life after they had completed eighth grade. Many liberal theorists disagree with the decision in principle, arguing that it fails to respect the autonomy of Amish children and/or that it prevents the children from receiving the education necessary to be good citizens. For the same reasons, such theorists agree with the 6<sup>th</sup> Circuit Court's decision in *Mozert v. Hawkins* (1987), denying the request of Christian parents in Tennessee to exempt their children from a diversity-oriented reading curriculum that they believed conflicted with the religious beliefs and values that they were trying to pass on to their children at home.

In contrast, my view takes as a matter of principle – the constitutional issue is separate – that *Yoder* was right and *Mozert* was wrong, ultimately because parents' authority over their children is *primary* and *original*, grounded in the very nature of the parent-child relationship and not in any way derived from the state's authority over children, which is subsidiary to that of parents. In what follows I will briefly defend this view, and then go on to explain why I believe that respecting the primacy of parental educational authority is not only compatible with, but also on balance *helpful* for the promotion of children's autonomy and the achievement of civic educational goals.

## Parents as Primary Educators

Why, then, are parents the ones with primary educational authority over their children? Understanding parental authority as pre-political requires understanding the moral relevance of the parent-child relationship, the central case of which is grounded on a *biological* tie. So one way of thinking about this issue is to ask the question: Why should I get to bring my *own* baby home from the hospital, rather than some other baby chosen at random from the nursery? Why are we horrified when we hear of cases in which babies were accidentally switched at birth, or, as has also occurred, when a mix-up at the in vitro fertilization clinic results in a woman becoming pregnant with another couple's embryo rather than her own? I believe that the answer to these questions lies in recognizing that, because we are bodily beings whose personal identity has a biological foundation, the biological parent-child relationship is, in and of itself, a true personal relationship. Like other personal relationships, in which the parties are related to one another on the basis of unique personal characteristics, the biological parent-child relationship generates special obligations proportionate to the

closeness of the relationship and the needs of the individuals involved. Personal relationships also involve personal dependencies – that is, if Sam and Sally are in a personal relationship, Sally has needs that *only* Sam can meet. Thus personal relationships generate *non-transferable* obligations. Now, the biological parent-child relationship is unique in that it is a cause of the child's very existence and identity. The relationship is permanent and, for the child, literally identity-defining. To have had different biological parents is simply to be someone else – i.e., not to exist at all. And of course the child brought into being by that relationship is extremely needy in every respect. Therefore, biological parents have weighty special obligations to their children.

Many of a child's needs could be met by people other than her parents. But there is at least one need that the biological parents and only the biological parents can fill, and that is the need for *their* parental love. While of course a child can be well-loved by others, the love of others still does not replace the *specific* love of those who are the source of the child's biological life and identity. Similarly, a widow may remarry, but the love of her new husband cannot replace the *specific* love of her deceased husband. As a result, biological parents have a weighty *non-transferable* obligation to love their children – that is, to have a high-priority commitment to the promotion of their children's well-being – an obligation which can usually only be fulfilled by raising those children oneself. This is in part because knowledge of parents and relatives helps a child to develop a mature sense of personal identity. But more fundamentally, failing to raise one's biological children oneself is not compatible with the high-priority love one owes them, unless there are serious child-centered reasons for not doing so, reasons of the sort that would enable the child later to understand that his parents' decision not to raise him themselves was not the result of lack of love, but rather an expression of their love and their desire to enable him to have a better life than they could provide.

This account helps us to see why there is a good reason for people to want to bring their *own* baby home from the hospital, and why, except in cases of clear incompetence, parents have a right to raise their own children. Parents have this right because they are the ones with the strongest and most direct obligation to provide for their children's needs, an obligation which is in some respects non-transferable. Since children cannot yet make decisions for themselves, the obligation to take care of children implies the authority to make decisions on their behalf. Thus, by virtue of their relationship to their children, parents are the ones with primary

childrearing authority. Further, the fact that parents have serious, non-transferable obligations to their children means that respecting parental decision-making authority is also a matter of respecting parents' conscience rights, and in many cases explicitly a matter of respecting their religious freedom, since many parents see their obligations to their children not only as natural obligations, but also as religious obligations.

Let me note here briefly that adoptive parents also have the same rights as biological parents, because in committing themselves to raise a child, they are taking on the same obligations that biological parents have by nature. Indeed, what distinguishes adoption from foster care is that the commitment of the adoptive parents to care for the child is permanent and unconditional, just as the commitment of biological parents to their children naturally ought to be. Adoptive parents also soon develop a deep personal relationship with their child that includes an expectation on the part of the child that this relationship will endure. The relationship that they form then makes their adopted son or daughter uniquely dependent on *them* to meet his or her developmental needs.

Where does the state fit in here? The state does have an obligation to promote children's well-being, but this obligation is indirect and subsidiary to that of parents, which means that the state should generally fulfill this obligation by *assisting* parents, not by usurping their role or overriding their authority. Exceptions are cases where parents are clearly failing to fulfill their obligations in serious ways – i.e. cases of abuse and neglect, non-ideologically defined, or, as occurs with adoption and foster care, when biological parents are unable or unwilling to raise a child themselves. In such cases the state can step in to ensure that the child receives the care she needs, ideally by finding other parents willing and able to take on the task. The state also has a direct responsibility for survival of the political community into the future, which includes a responsibility to ensure that children grow up to be law-abiding, productive citizens capable of fulfilling their civic duties. However, insofar as is possible, the state must fulfill this responsibility in ways that respect the primary parental authority and conscience rights of parents. This means that the state can enact laws that, for instance, set minimal educational requirements that all parents must meet in some way – by sending their children to an adequate school or by educating them at home – but even in this regard the state should accommodate parents when those requirements prevent them from educating their children in line with the dictates of their consciences, unless doing so would

constitute a genuine threat to the public order. This is why I think that, as a matter of principle, the *Yoder* decision was right, and the *Mozert* decision was wrong. In addition to supporting exemptions and accommodations for parents when laws prevent them from educating their children as they think best, my view would also imply that respecting parental rights requires genuine school choice for all parents, which means ending the public schools' monopoly on public educational funding, and limiting regulations on private schools and homeschooling to those which are truly necessary to ensure that children are prepared to be law-abiding, productive citizens.

### Response to Objections

Many critics would argue that my view fails to protect children's autonomy or to give sufficient weight to the importance of education for democratic citizenship. Allow me to respond to these two criticisms in turn.

### Autonomy Education

First, with regard to autonomy education, on my account it is easy to see why the state would be usurping parents' rights by mandating, for instance, that, regardless of parental objections, all schools expose children to a diversity of moral and religious worldviews and encourage children to think critically about the values they are taught at home, in order to promote children's autonomy. For, as I just noted, it is illegitimate for the state to seek to promote the well-being of children in ways that usurp the authority of parents or undermine parents' ability to educate their children in line with the dictates of their consciences, except in cases of abuse and neglect. And, while one may worry that an education which shelters children from diverse viewpoints is less than ideal, it is implausible to claim that this amounts to abuse or neglect, unless we think that the meaning of abuse and neglect should change drastically depending on the preferred educational theories of whoever happens to be in power.

However, I also believe that respecting the primacy of parents' educational authority is actually on balance *more* likely to promote children's autonomy than the alternative, at least in most cases. Following Ian MacMullen and Eamonn Callan, I consider autonomy to be characterized by the capacity for rational revision of one's conception of the good, as well as the capacity for reasonable adherence to a conception of the good. Now, what liberal proponents of mandatory

autonomy education often fail to consider – or to take seriously enough – is that autonomy has not only *cognitive* prerequisites, but also *moral* prerequisites. Knowledge of diverse worldviews is important for autonomy, but knowledge alone is insufficient. Likewise, critical thinking skills and the habit of rationally scrutinizing one's ethical commitments are also important, but insufficient. For if autonomy requires that one's revision of or adherence to one's conception of the good be based on *reason*, then autonomy also, and crucially, requires moral virtue as classically understood – that is, the habitual governance of our sub-rational desires in line with reason. In other words, if we want children to grow up to be able to be responsive to *reasons* in adhering to or revising their ethical commitments, rather than to be guided in their commitments primarily by *emotion*, and to become autonomous adults I believe that the most important educational task is to help children develop a mature moral character.

In order for children to develop a mature moral character, it is crucial that they receive coherent moral guidance. This coherence is undermined when children are hearing conflicting messages at home and at school. MacMullen also recognizes that coherence is important for children, and as a result recommends that mandatory autonomy education should not involve a challenge to the values taught at home until secondary school. In fact, in his book *Faith in Schools? Autonomy, Citizenship, and Religious Education in the Liberal State*, he recommends that primary schools actually *reinforce* the values children are taught at home, in order to provide them with a "secure grounding in a coherent primary culture" that will help them to grasp "the nature and value of personal commitment" and to avoid "the kind of listlessness that can all too easily inhibit autonomy just as much as lack of critical reflection."<sup>1</sup> In this respect, his view is more moderate than that of many other liberal theorists.

However, MacMullen believes that once children are capable of engaging in formal abstract thought - usually around age 12 - children's autonomy interests require that they be exposed to diverse conceptions of the good that may challenge the values they are learning at home. What MacMullen overlooks is that even if early adolescents have the cognitive capacity to think critically about diverse worldviews, they nonetheless are likely to lack the moral maturity

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<sup>1</sup> Ian MacMullen, *Faith in Schools? Autonomy, Citizenship, and Religious Education in the Liberal State* (Princeton University Press, 2007), 188.

necessary to evaluate diverse worldviews primarily on the basis of *reason*, rather than on the basis of what is more appealing at a sub-rational level. Indeed, psychological and neurobiological studies indicate that, while intellectually adolescents demonstrate a sophisticated capacity for rational reflection, their decision-making is marred by short-sightedness and a much higher tendency to impulsivity and immediate gratification than adults. Studies also indicate that adolescents lack insight into what really matters, and thus will give undue weight in their deliberations to trivial considerations while discounting important ones.

If, in the name of autonomy education, schools present a cafeteria-style offering of different conceptions of the good life in which none is portrayed as inherently superior to any of the others adolescents interpret this simply as an invitation to pick and choose elements of different conceptions insofar as they enable them to justify the indulgence of sub-rational desire. For instance, a 15-year-old who is frustrated because his parents won't let him go to certain parties or see certain movies may be all-too-eager to judge his parents' value system incoherent or unsatisfying by comparison with less restrictive value systems, regardless of the genuine merits of each.

A child or adolescent who has not yet achieved a stable self-dominion with reference to some conception of the good does not have the inner moral resources – the moral virtues – that are prerequisites for the ability to make fully reasonable judgments about conceptions of the good life. It seems to be precisely for this reason that Aristotle thinks that ethics can be taught only to people of mature moral character, with sufficient life experience, for only “those who desire and act in accordance with a rational principle” will benefit from the study of ethics.<sup>2</sup>

Further, the fact that adolescents' reasoning tends to be distorted by sub-rational factors and lack of moral insight – and that they themselves generally do not recognize this – implies that adolescents still need authoritative parental guidance, including clear and consistently-enforced rules of conduct. Studies on parenting styles based on the typology proposed by developmental psychologist Diana Baumrind corroborate this claim, indicating that authoritative parenting – characterized by a blend of responsiveness and demandingness, with clear and firm standards of behavior but also respect for their children's individuality and encouragement of dialogue – produces

the best outcomes not only in early childhood but in adolescence as well.<sup>3</sup> Yet autonomy education aims in part at undermining the influence and authority of parents, and could therefore be detrimental.

The weakening of parental moral authority, aside from being potentially harmful in itself, can also undermine parents' efforts to foster moral virtue in their children, to teach habits of self-mastery, courage, fairness, generosity, and so forth. To introduce children to competing conceptions of the good life before they have learned any one coherent moral view and have developed a strong moral character by habitually governing their actions in accordance with that view may thwart the process of developing a rational dominion over sub-rational desire. Even in adolescence, children's habits of self-dominion are likely in many cases to be too fragile to survive a critique of the conception of the good that grounded them. Exposure to the merits of conflicting moral views and to criticisms of the moral views that parents are trying to inculcate may endanger the morally immature person's still precarious dominion of reason over sub-rational desire.

The renowned psychologist and sociologist Francis Ianni conducted some noteworthy empirical research that supports this concern. Ianni and his associates observed and interviewed thousands of adolescents in a variety of communities across the United States in order to understand the roots of both

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<sup>3</sup> Diana Baumrind, “Rearing Competent Children,” in *Child Development Today and Tomorrow*, ed. William Damon (Jossey-Bass, Inc., 1989), 353-354; L.J. Crockett and R. Hayes, “Parenting Practices and Styles,” *Encyclopedia of Adolescence*, Vol. 2 (Elsevier, 2011), 241-248. DOI:10.1016/B978-0-12-373915-5.00077-2; Susie D. Lamborn et al., “Patterns of Competence and Adjustment among Adolescents from Authoritative, Authoritarian, Indulgent, and Neglectful Families,” *Child Development* 62, 5 (Oct. 1991), 1049-1065; Patrick C. L. Heaven and Joseph Ciarrochi, “Parental Styles, Conscientiousness, and Academic Performance in High School: A Three-Wave Longitudinal Study,” *Personality and Social Psychology Bulletin* 34, 5 (April 2008), 451-461; Sigrun Adalbjarnardottir and Leifur G. Hafsteinsson, “Adolescents' Perceived Parenting Styles and Their Substance Use: Concurrent and Longitudinal Analyses,” *Journal of Research on Adolescence* 11, 4 (2001), 401-423; Laurence Steinberg et al., “Over-Time Changes in Adjustment and Competence among Adolescents from Authoritative, Authoritarian, Indulgent, and Neglectful Families,” *Child Development* 65, 3 (June 1994), 754-770.

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<sup>2</sup> Aristotle, *Nicomachean Ethics*, 1095a10.

success and failure in the delicate transition from adolescence to adulthood. Ianni's conclusion, reported in his work *The Search for Structure: A Report on American Youth Today*, is that "the most important determinant of how adolescence will be experienced and with what results" is "how the various social contexts of a community are integrated in terms of the continuity and congruence of their values, norms and rules."<sup>4</sup> In other words, Ianni found that adolescents fare best – in terms of outcomes like academic and professional achievement, avoidance of delinquency, substance abuse, and other problem behaviors, and overall psychosocial development – when family, school, church and peer groups offer a coherent set of values and standards, rather than presenting conflicting messages. This research suggests that the construction of a mature and stable moral identity in adolescence relies heavily on the scaffolding of a harmonious external structure of values.

Thus while advocates of mandatory autonomy education rightfully note the value of autonomy for leading a good life, their arguments are insufficient to show that those who receive an explicitly autonomy-promoting education are, on balance, better prepared to lead a good life than those whose parents shelter them from competing viewpoints. For while the latter are more likely to end up without a commitment to ongoing rational revision of their values, and to lack sympathetic understanding of diverse ways of life, the former (particularly if the values taught in school conflict sharply with those taught at home), are more likely to end up morally confused, incapable of the steadfastness and commitment required for autonomous adherence to a conception of the good, lacking moral virtue more generally, or succumbing to the ever-present temptations to substance abuse, irresponsible sexual conduct, and other problem behaviors that can have long-lasting negative consequences.

However, my account does *not* imply that there is no place at all for autonomy education in schools. Indeed, the Aristotelian view that I have presented itself speaks in favor of teaching critical thinking skills and encouraging rational reflection on one's beliefs, in part by engaging with conflicting points of view. Yet this has to be done at the right times and in the right ways so as to avoid the dangers of undermining parental moral authority and/or producing moral confusion in those too immature to benefit from a critical approach to their own values and exposure to alternative worldviews. Thus my

view would support, or at least be compatible with, *non-mandatory* autonomy education programs – programs with an "opt-out" option, or programs offered in situations where even poor parents have feasible alternatives to public schools. Such programs should be non-mandatory so that the potential harms of lack of coherence between the values taught in school and at home can be avoided as much as possible. Further, worries about the inability of standardized autonomy curricula to consider differences in the moral maturity of children at the same grade level, or about the possibly deleterious effects of exposing children to contradictory views too early or in the wrong way, would be mitigated if parents were more involved in designing and implementing such curricula, had the effective ability to choose a school in line with their values, and could, when feasible, exempt their children from classes that they judged to be potentially harmful.

### Civic Education

Another argument for requiring that all children be exposed to diverse worldviews in schools focuses not primarily on children's autonomy interests, but instead on the need to educate children for citizenship in a pluralistic democratic society. This argument is articulated by a number of liberal theorists, including Amy Gutmann, Stephen Macedo and Eamonn Callan. As noted earlier, I agree that the state does have a serious interest in civic education, and that the state's responsibility and authority in this regard is direct, by contrast with the state's responsibility for children's well-being, which is indirect and subsidiary to the authority of parents. What is in dispute, therefore, is not whether the state has the right to establish *some* educational requirements in the name of preparing children for responsible citizenship, but rather whether the *specific* educational requirements proposed by Rawlsian liberals like Macedo, Gutmann and Callan are justifiable, given that such requirements would prevent many parents from educating their children in line with the dictates of their consciences.

The sorts of educational requirements that these authors have in mind include things like exposing children to diverse worldviews in order to foster tolerance by helping them appreciate what John Rawls calls the "burdens of judgment" and the "fact of reasonable pluralism," and to inculcate in them a commitment to public reasonableness, that is, to acting in the political sphere in ways that do not rely solely on their religious beliefs or comprehensive philosophical

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<sup>4</sup> Francis Ianni, *The Search for Structure: A Report on American Youth Today* (The Free Press, 1989), 15.

commitments.<sup>5</sup> On this view, the state has a right to ensure that all schools foster these values through their curricula, even if some families would prefer not to expose their children to beliefs in tension with their own. In *Liberal Virtues*, Macedo recognizes that enforcing such civic values will make it difficult to sustain and pass on some traditional ways of life, for “to accept the liberal settlement is to accept institutions, ideas and practices whose influence over our lives and our children’s lives will be broad, deep and relentless: family life, religious life and all paradigmatically private associations take on the color of liberal values.”<sup>6</sup> When liberal educational requirements conflict with parents’ educational vision for their children, Macedo believes that state authority generally trumps parental authority. As he argues in *Diversity and Distrust*: “Each of us can reasonably be asked to surrender some control over our own children for the sake of reasonable common efforts to ensure that all future citizens learn the minimal prerequisites of citizenship. There is no right to be exempted from measures necessary to secure the freedom of all.”<sup>7</sup>

I agree with Macedo that the state ought to ensure that all future citizens learn the minimal prerequisites of citizenship, but I am skeptical of his controversial Rawlsian account of what those prerequisites are. Indeed, it seems that many outstanding citizens, including people like Mother Theresa or even Martin Luther King, Jr., would fail to meet the minimal requirements of citizenship on Macedo’s account. There are a wide variety of views, both within and outside of liberalism, regarding the qualities of good citizens and how to foster them. The specific type of civic education advocated by Rawlsians such as Gutmann, Macedo and Callan serves a state interest – namely, the creation and preservation of a Rawlsian liberal regime – that is, at best, not compelling enough to warrant infringing on the rights of parents, and, at worst, potentially harmful insofar as it would tend toward the elimination or reduction of diverse ways of life that make a positive contribution to the health of our liberal democratic society.

In fact, evidence suggests that traditional religious schools (including homeschools)—the primary target of proposals for mandatory diversity or autonomy

education, are actually likely to foster good citizenship and contribute to the health of our democratic society in a number of ways precisely by drawing on resources from within their own traditions. This claim is borne out by research indicating that private or religious schools perform at least as well as public schools with regard to civic education. Patrick Wolf, for example, analyzes twenty-one studies on this topic, and concludes that “the effect of private schooling or school choice on civic values is most often neutral or positive,” and that positive effects are greatest for students in Catholic schools.<sup>8</sup> Similarly, David Campbell’s fine-grained analysis of the 1996 National Household Education Survey shows that, on balance, private and religious schools do better than public schools in terms of encouraging community service, teaching civic skills and knowledge, and fostering political tolerance. Once again, the positive difference was especially noteworthy for Catholic schools.<sup>9</sup> Research specifically on Muslim schools in the United States and Canada also indicates that these schools neither isolate students from the diversity of the larger society nor breed intolerance, but actually foster civic engagement and interfaith dialogue.<sup>10</sup>

While of course some private or religious schools or homeschools will fail to teach civic virtues, studies like these show that such schools are the exception rather than the rule, and therefore that the coercive civic education measures which Rawlsian liberals recommend are unnecessary.

Traditional religious education also fosters social harmony and good citizenship indirectly by fostering moral virtue. While traditional religious schools or homeschooling parents may not produce citizens committed to public reasonableness, they are arguably more likely than other educational environments to produce citizens of strong moral character. And, as I have already argued, lack of coherence between the values taught at home and in school can threaten the development of moral virtue. In fact, it is often a desire to foster good character in their children that leads parents to object to many aspects of autonomy or diversity education. As Shelley Burt points out, religious parents and schools are not inimical to rational inquiry or to tolerance correctly understood.

<sup>8</sup> Patrick J. Wolf, “Civics Exam,” *Education Next* 7 (Summer 2007): 67-72, pp. 66, 68, and note 52, at p. 72.

<sup>9</sup> David Campbell, “The Civic Side of School Choice,” *Brigham Young University Law Review* (2008): 487-523.

<sup>10</sup> Louis Cristillo, “The Case for the Muslim School as a Civil Society Actor,” in Yvonne Haddad, Farid Senzai and Jane I. Smith, eds., *Educating the Muslims of America* (Oxford University Press, 2009), 67-84.

<sup>5</sup> John Rawls, *Political Liberalism* (Columbia University Press, 1993), 56-57; Stephen Macedo, *Diversity and Distrust* (Harvard University Press, 2003), 172.

<sup>6</sup> Stephen Macedo, *Liberal Virtues* (Oxford University Press, 1990), 62.

<sup>7</sup> Stephen Macedo, *Diversity and Distrust*, 202.

Rather, they “desire to provide and then preserve, in the face of an aggressively materialistic culture, a sense of the transcendent in human life,” and they aim “to supply the child with the resources necessary to live a righteous life, to prevent as far as possible the corruption that can follow from too early or too overwhelming temptation to sin.”<sup>11</sup> Supporting Burt's characterization, Paul Kienel, speaking as executive director of the Association of Christian Schools International, described Christian schools as akin to hothouses “designed to protect young, tender plants during their growing years” by sheltering them from temptations until they have developed a moral character that is strong enough to withstand them.

<sup>12</sup> Perhaps these efforts may actually do a greater service to the preservation of democracy than the sort of education promoted by Rawlsian liberals. Indeed, following Tocqueville, one could argue that traditional religious education helps to counteract the tendencies toward individualism and materialism that threaten to undermine the health of democratic societies.<sup>13</sup>

The powerful positive impact of religious schools particularly in the most underprivileged communities has been well-documented. Not only is it true that students who attend religious schools are much more likely than their peers at urban public schools to graduate from high school, earn a college degree, have a stable marriage, get a good job and be involved in their communities as adults, but the presence of religious schools also has a broader positive effect on the community itself. In their recent book *Lost Classroom, Lost Community*, Margaret Brinig and Nicole Garnett show how urban Catholic schools build social capital in the communities they serve, contributing to social harmony and to the reduction of violent crime.<sup>14</sup> For instance, they found that urban Chicago neighborhoods with an open Catholic school had 33-percent lower crime rates than neighborhoods in which a Catholic school had recently closed. A study of Philadelphia's urban communities revealed similar results.

## Conclusion

<sup>11</sup> Shelley Burt, “Religious Parents, Secular Schools: A Liberal Defense of an Illiberal Education,” *The Review of Politics* 56, 1 (Winter 1994), 51-70, p. 63.

<sup>12</sup> Paul F. Parsons, *Inside America's Christian Schools* (Mercer University Press, 1987), 13-14.

<sup>13</sup> Alexis de Tocqueville, *Democracy in America*, Translated by Harvey C. Mansfield and Delba Winthrop (University of Chicago Press, 2000), 419, 519.

<sup>14</sup> Margaret Brinig and Nicole Garnett, *Lost Classroom, Lost Community: Catholic Schools' Importance in Urban America* (University of Chicago Press, 2014).

What I have argued is that a robust notion of parental rights – which includes the right to shelter one's children from the kind of exposure to diverse ways of life that Rawlsian liberals would want to require – is compatible not only with respect for children's future autonomy, but also with a concern for the education of future citizens capable of living peacefully and respectfully with those of different creeds, and of participating meaningfully in civic and political life. Of course, parental rights are not absolute, and the state may step in when parents seek to educate their children in ways that are abusive or neglectful, or that would threaten the civic order. On my view, there *is* a truly compelling state interest in what I call education for minimally decent citizenship, understood roughly as an education that will foster law-abidingness, encourage respect for all persons (though not necessarily for their ideas), prepare children to be economically self-supporting as adults, teach them the basics regarding our nation's history and government, and inform them of their civic rights and responsibilities. It could be justifiable, therefore, for the state to require all schools to include at least these basic aspects of civic education in their curricula, while leaving them free to determine how to do so. But for the state to go beyond this in its requirements – as Rawlsian liberals propose – would be an unjust encroachment on parental rights. Further, even when it comes to such minimal requirements, exemptions should be given to groups like the Amish whose religious freedom and parental rights would be substantially burdened by them, and who have proven themselves to be peaceful, self-supporting and law-abiding. The bottom line is that, except where the state has an interest that is *truly* compelling, and where the policy is narrowly tailored to the achievement of that interest, the fundamental rights of individuals – including the rights of parents to raise their children as they think best – ought to be respected.

*Several passages of the above article are adapted and reprinted with permission from: Melissa Moschella, To Whom Do Children Belong? Parental Rights, Civic Education and Children's Autonomy* (New York: Cambridge University Press, 2016)