AFTER JUST SCHOOLS: THE EQUALITY-DIFFERENCE PARADOX AND CONFLICTING VARIETIES OF LIBERAL HOPE

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Difference: "No child should be expected to cast off the language and culture of the home as he crosses the school threshold, nor to live and act as though school and home represent two totally separate and different cultures which have to be kept firmly apart." (Ballock 1975)

Equality: "A French Minister once boasted that in any hour of any day, he knew exactly what every schoolchild in France was studying. It is hard to imagine anything more alien to the tradition of education in the United States." (Galison 2005, 78)

Several conflicting varieties of liberal value are present in debates about how children should be justly educated in a multicultural society such as our own. Specifically, there are four liberal values—autonomy, merit-based justice, equal opportunity, and benevolent safekeeping of the vulnerable—that are aspects of the liberal political ideal of equal regard for all citizens. These four values have changed in different ways throughout public policy debates about the equality-difference paradox and the appropriate place for multiculturalism in American schools. The idea of an equality-difference paradox refers to the tension or tradeoff between public policies supporting genuine cultural diversity in beliefs, values, and family life practices, versus public policies promoting equal educational outcomes for all children regardless of cultural or family background. Essential in understanding this tension is the distinction between pluralism and inclusion as educational objectives.

I want to note that the history of this book is inseparable from the history of the Russell Sage Foundation and Social Science Research Council Working Group on "Law and Culture" (previously named the Working Group on "Ethnic Customs, Assimilation and American Law"). This has been an interdisciplinary forum for legal scholars, lawyers, political theorists, and social scientists to examine the challenge of multiculturalism in liberal democracies. In 2002 the Working Group published a book titled Engaging Cultural Differences: The Multicultural Challenge in Liberal Democracies (Shweder, Minow, and Markus 2002). After several years of rich conversations and debates among the many social scientists, legal scholars, and lawyers in the Working Group, all of whom had an interest in contemporary patterns of social and cultural diversity, one of the main lessons learned was that models of equality in public policy debates are diverse and not necessarily mutually compatible; yet those models of equality stand in need of explication for the sake of both promoting equality and giving permission to diversity in those societies.

Just Schools builds on the experience of the members of the Working Group and focuses the discussion of multiculturalism on the challenges facing schools. The coeditors of this book were encouraged by the members of the Working Group to design and organize a narrowly focused project in order to make deeper sense of the persistent and recurring evidence of competing models and polarizing views of equality in public policy debates about the aims of education. Thus this chapter is inspired not only by James Madison's specific concern about factions, but also by the general concern, shared by all the contributors to this edited volume, to identify and distinguish between two types of multicultural agendas—the pluralism agenda and the inclusion agenda—and to raise questions about their degree of compatibility.

In a genuinely liberal democratic society, the most popular political ideals tend to be variations on the notion of equal regard for all citizens (or, alternatively and more expansively, equal regard for all "persons"). Taken together they express collective hopes for the development of that type of goodness (equal regard) in that kind of society (a liberal democratic one). The four particular values of autonomy, merit-based justice, equal opportunity, and benevolent safekeeping of the vulnerable—all of which add substance to the abstract ethical ideal of equal regard—are so commonplace and fundamental in a society such as the United States that they are readily recognized and intuitively embraced with a sense of approbation, hope, and expectancy. They serve to motivate action, justify public policy objectives, and define the moral foundations of social and political life.

Yet these values are not necessarily mutually compatible or in harmony with each other, irrevocable conflicts—for example, between merit-based justice (a value whose implementation typically results in an unequal distribution of rewards) and equal opportunity (a value whose implementation typically requires a redistribution of resources), or between autonomy (a value whose implementation typically calls for a liberty-based hands-off policy) and benevolent safekeeping of the vulnerable (a value whose impli-
Just Schools

There are two methods of removing the causes of faction: the one, by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests. It could never be more truly said than of the first remedy, that it was worse than the disease. Liberty is the fountain which gives birth to faction, but it nourishes faction, than it would be to wish the annihilation of all, which is essential to animal life, because it imparts to the destructive agency. The second expedient is as impracticable as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves (Madison 1787/1961, 72–73).

James Madison's observations about diversity seem especially apt as our liberal democracy stands poised at the start of yet another round of difficult yet unavoidable debates about multiculturalism and group differences with regard to education (including, but not restricted to, group differences related to the achievement gap in reading, writing, and arithmetic, as well as scholastic success more generally).

The title of the book is Just Schools: Pursuing Equality in Societies of Difference. A common (and hence equal or just, because identical) curriculum is relatively easy to devise in an ethnically and culturally homogeneous society. The United States, however, is not an ethnically or culturally homogeneous society. Thus just education in the United States means that all youth—regardless of race, religion, ethnicity, family background, or group affiliation—must be provided with the essential knowledge, values, and skills for successful adult participation in a multicultural society. That is to say, a society that is prepared to remain culturally diverse and to leave moral, legal, and social space for groups of various sizes and sorts to preserve their distinctive ways of life (including distinctive beliefs about nature, persons, society, the good life, and even valued skills).

The idea of a just school system for the United States, however, is not just in abstraction; the aims of Just Schools are very concrete. The book is a collection of eight chapters in which legal scholars, educators, and social scientists enter into a national discussion about what educating justly amounts to concretely, from a legal and ethical point of view, in twenty-first century liberal democracies. They do so by looking at the way Americans from diverse religious, ethnic, racial, and social-class backgrounds (for example, Muslim Americans in Bridgeview, Illinois, middle class residents of Amherst, Massachusetts, and Somali refugees in Lewiston, Maine) are creatively trying to make their schools work in societies of difference. Additionally, in chapter 7, John Bowen describes the French concept of citizenship education, long-
standing European anxieties about "difference" (for example, anxieties concerning the head scarf worn by Muslim girls), and the ideology of equality and secularism in the School of the Republic in France. This serves as a useful point of comparison to the American educational scene. Perhaps that point of comparison is most telling in the contrast between the account of the French head-scarf controversy (Bowen, chapter 7, this volume) and the reactions to the Somali Muslim head scarf in a public high school in Lewiston, Maine (Sandvik, chapter 6, this volume).

The book takes a close look not only at the ways that multicultural issues are addressed and managed at different types of schools (rich and poor, public and private, religious and secular), but also the ways that multicultural issues are viewed by different schools of thought about difference found in American law, American folk psychology, American educational theory, and in liberal political theory. Various chapters critically analyze the potential discord between ideas about difference (or pluralism) and ideas about equality (or inclusion), so as to unpack their many meanings and assess points of compatibility and tension. They address the equality-difference paradox: to what extent is it possible to reconcile the provision of equal educational opportunities to a generation of American children with the freedom of their parents to be culturally and religiously different and to perpetuate their distinctive ways of life by means of education?  

Just Schools is also about the conflicts and possibilities inherent in the American conception of public responsibility with regard to educational opportunities for all of its children. A conclusion drawn in chapter 2 by the Harvard University legal scholar Martha Minow helps define a major theme of the book. Martha Minow once served as a law clerk for Supreme Court Justice Thurgood Marshall, whose legal career will forever be associated with the case of Brown v. Board of Education (1954). Thurgood Marshall was an advocate for the NAACP in that famous case which overturned the legal authority for state-mandated racially segregated schools and discredited the doctrine of "separate but equal" as applied in public domains in the American South. Assessing the contemporary early twenty-first century American legal scene, Martha Minow writes, "During the more than fifty years since Brown v. Board of Education, integration across race, gender, disability, and religion has declined as either a constitutional requirement or a political commitment, but equal opportunity for each individual has become firmly entrenched, especially in education, as a symbol of community and national commitment" (chapter 2, this volume). She describes how the legal battle against racism and religious discrimination in the American South has resulted ultimately in the call for equal treatment of all groups (including religious and ethnic groups) in the allocation of public funds for public purposes. This has had remarkable implications that even the separation or segregation of church from state might one day come to be viewed as a vicious form of discrimination against religion, and public policies concerning the provision of equal opportunity specifically tailored to remedy a history of racial grievances might soon become general models for public support for all types of groups, including religious and ethnic groups.

In truth, the United States is a complex liberal democracy that is both individualistic and multicultural. It is a nation that has disavowed public mandates concerning the forced separation of groups but has never been terribly thrilled about the voluntary integration of groups either. This is in part because the mandated integration of groups is not necessarily a royal or even secure road to equality, and in part because, outside the realm of public affairs (and perhaps even inside that realm as well), America is a pluralistic and heterogeneous society that remains committed to the recognition and maintenance of community-based differences if they are freely chosen. The recent U.S. Supreme Court opinion rejecting student racial integration plans in Seattle, Washington, and Jefferson County, Virginia (Parents Involved in Community Schools v. Seattle School District No. 1 2007), accords the legacy of Brown v. Board of Education this way: "In Brown v. Board of Education, we held that segregation deprived black children of equal educational opportunities regardless of whether school facilities and other tangible factors were equal, because government classification and separation on grounds of race themselves denoted inferiority. . . . It was not the inequality of the facilities but the fact of legally separating children on the basis of race on which the Court relied to find a constitutional violation in 1954."

But the Court majority went on to say that "the distinction between segregation by state action and racial imbalance [for example, in schools, neighborhoods, occupations, etcetera] caused by other factors [for example, private choices] has been central to our jurisprudence in this area for generations." Furthermore, the majority said that, "Accepting racial balancing as a compelling state interest would justify imposing racial proportionality throughout American Society, contrary to the Court's repeated admonitions that this is unconstitutional." Justice Clarence Thomas put it this way in his concurrence opinion: "[De facto] Racial imbalance [per se] is not segregation."

Thus, one must ask, given the current legacy of Brown v. Board of Education in our contemporary high-immigration globalizing multicultural society, what does educating justice actually amount to? Is it possible to be in favor of pluralism and inclusion at the same time? Can difference and equality coexist? If not, then why not? If yes, then how? Is equality attainable without integration? Is cultural difference sustainable without separation? Are there benign forms of "separate but equal," in which citizens end up living fulfilling lives precisely because they have chosen to live in a relatively homogeneous community or to go to a school where "birds of a feather flock together"?

We live in interesting and changing times, which is one reason that this
book is full of surprises. In the light of both Martha Minow's observations about equal treatment for all groups (and the associated observation that racial balancing or the mandated integration of members of all groups is not the same as equality) and James Madison's observations about the inevitability of factions, the various chapters in Just Schools might well be viewed as preliminary explorations charting the rapidly evolving scope and limits of equal educational opportunity in a multicultural United States. We live in a time when the legacy of Brown v. Board of Education is undergoing revision, and the racial justice templates of the 1950s and 1960s are being both extended and transformed. This is the right time to rethink what we mean by “just schools” and to do so in the light of new experiences with diversity.

The Problem of Multiculturalism

One of the central concerns of Just Schools is to come to terms with the term multiculturalism so as to clarify the meaning of equal educational opportunity in the United States today. Perhaps it is not so surprising that the word multiculturalism is now widely viewed with suspicion, even among its proponents. The word has become a slogan for so many (perhaps too many) rather different and even contradictory sorts of educational and social movements and public policy agendas.

There are multiculturalists who value group differences and want to preserve them. There are other multiculturalists who think group differences are the product of vicious discrimination; within any truly just society, group differences should be made to go away (see Markus, chapter 3, this volume, for the distinction drawn between “culturally derived differences” and “status-imposed differences”). There are multiculturalists who think that the word multiculturalism means being a hybrid and actively promoting the erosion of boundaries or boundaries between groups as well as the mixing up or integrating of things (in marriages, neighborhoods, schools, and even cuisines). There are other multiculturalists who think the word implies autonomy, in-group solidarity, the power to remain separate or pure, and the capacity to maintain boundaries or restore a distinctive way of life (by means of marriage, neighborhood, schools, and even by means of a defining or indigenous cuisine).

There are multiculturalists who use the word in an almost ironic sense to commend and promote the mainstreaming, assimilation, or inclusion of people of different colors or ancestors into the society and shared subculture of the American elite; and there are other multiculturalists who use the term to call on the mainstream elite to accommodate themselves to minority-group differences in customs, values, and beliefs, and to tolerate or even celebrate genuine cultural diversity.

There are multiculturalists who are distressed by, and deeply suspicious of, the idea that members of different groups might differ from each other in typifying ways; they disparage all claims about group differences as stereotyping. For other multiculturalists, the very concept of multiculturalism would have no point at all if it were not for the reality of real differences between individuals that arise by virtue of their membership in different and particular groups. Those multiculturalists are very suspicious of all forms of what they disparage as “everybody-loves-Saturday-night” shallow humanism.

The goal of Just Schools is to put pressure on both the advocates and critics of multiculturalism, especially those concerned with the aims of education in a real multicultural society: the United States today—not in 1954 or 1964, but in the new immigration era of the past forty years. In effect, the chapters of the book call on all of us to set aside the slogan (or the epithet) of multiculturalism, and to have a closer look at the way Americans are trying to make their schools work in societies of difference. They call on all of us to enter the national discussion about what educating justly ought to mean in a country committed not only to equal opportunity but also to the freedom of individuals and groups to be different.

Societies of Difference: The Multiplicity of Cultural Groups

The word multicultural is not necessarily problematic or particularly ambiguous. Descriptively, the term simply points to the undeniable fact that populations tend to subdivide into factions, groups, or communities whose cherished beliefs and values are not consistent with one another and whose folkways or routine family life and social practices are substantially different—different enough to be noticed by members of other factions, groups, or communities.

This process of subdivision takes place on a global scale where the existence of “global multiculturalism” (the divergent evolution and preferential perpetuation of distinctive cherished beliefs, values and folkways in places such as India, China, Saudi Arabia, Mexico, or Norway) is both a fact of life and the main reason for the existence of regional area studies programs at leading research institutions around the world. Subdivision can also take place within particular nation states, resulting in “domestic multiculturalism.” As the anthropologist Clifford Geertz remarked, “Positioning Muslims in France, Whites in South Africa, Arabs in Israel, or Koreans in Japan are not altogether the same sort of thing. But if political theory is going to be of any relevance at all in the splintered world, it will have to have something cogent to say about how, in the face of a drive towards a destructive integrity, such structures can be brought into being, how they can be sustained, and how they can be made to work” (2000). And of course, we are not talking here just of Muslims in France or Koreans in Japan, but also of Bangladeshis in Saudi
Educationally, the challenge is to make sure that all individual children, regardless of race, religion, ethnicity, family background, or group affiliation, are provided with the essential prerequisites for successful adult participation in a multicultural society. With respect to that challenge, the political philosopher Hannah Arendt wrote, "The state has the unchallengeable right to prescribe minimum requirements for future citizenship and beyond that to further and support the teaching of subjects and professions which are felt to be desirable and necessary to the nation as a whole" (1958).

What are the essential prerequisites for successful participation in a multicultural society such as our own? Who decides on and controls the proper balance between universal reason versus community-based revelations and local cultural commitments in the cultivation and transmission of knowledge, skills, and values from generation to generation? Beyond supporting the teaching of subjects and occupations thought to be of value to the nation as a whole, to what extent is it the role of the state to make decisions about the particular place in a multicultural society where individuals from different groups will try to successfully participate? In a genuinely multicultural society, what are the educational interests of the child, the parents, and the state? Are these interests in harmony with each other or in conflict? When conflicts arise between the interests of parents and the interests of the state, or between the interests of parents and the interests of children (or conceivably even between the interests of children versus the interests of the state), whose interests should take precedence in the control of educational exposure and educational outcomes?

Schoolyard Fights: Pluralism and Inclusion in American Education

It is the goal of the multicultural pluralism agenda to make it possible for groups or factions (for example, Native Americans, Amish Mennonites living in Wisconsin, Hasidic Jews living in New York, Sunni Muslims living in the suburbs of Chicago, Christian Fundamentalists living in Tennessee, Cuban Santeria living in Florida, or secular humanists living in Amherst, Massachusetts, or Mexican American Catholics living in the Southwest) to sustain and perpetuate their cultural or religious differences, their diverse ways of life, and their distinct communal identities. In contrast, it is the goal of the multicultural inclusion agenda to make it possible for individual members of all minority groups and factions to attain "mainstream" educational, socioeconomic, occupational, and political status. The goal is to eliminate group-based inequalities in cultural capital, or community-based knowledge, values, passions, or interests. Hence the multicultural inclusion agenda calls for the "mainstreaming" of many aspects of minority-group culture, from ways of speaking to residential, marriage, and occupational choices. According to
the multicultural inclusion agenda, diverse groups should be recognized, but this is primarily for the sake of equalizing them by making all groups (viewed as aggregates) more or less the same. (This appears to be one feature that distinguishes “soft multiculturalists” from “hard multiculturalists” in Austin Sarat’s account of the multiculturalism in the Amherst School system in chapter 4 of this volume).

Are these two multicultural agendas compatible with each other? If so, what are the most effective ways to promote communal difference and communal equality at the same time? For example, if you are a minority faction, to what extent is the preservation of communal difference, and perhaps even the ultimate attainment of communal equality, enhanced by keeping some distance from the majority faction (as in the case of those Native American groups who seek tribal sovereignty, or as in the case of those genuinely separate-but-equal private schools for Muslim, Catholic, Jewish, or African American youth)? Alternatively, if the multicultural pluralism agenda and the multicultural inclusion agenda are not compatible—perhaps because of a tension between the liberal expectancies of autonomy and expressive liberty versus the other liberal expectancies of equal opportunity and benevolent safekeeping—what are the tradeoffs between those policies aimed at permitting or promoting group-based differences and those policies aimed at the attainment of equality in social status for the members of all groups? These questions frame this analysis of four varieties of liberal hope and some of the ways that they conflict in debates about how to educate children in America, and how to do so justly.

Four Liberal Expectancies

There are probably as many types of liberal ideals as there are ways to give substantive meaning and interpretive character to the abstract concept of equal regard for all persons. Within the liberal tradition, the concept of equal regard for all persons amounts to the idea of fostering conditions that make it possible for all persons to realize their potential for rational self-governance. “Persons,” as defined in the liberal tradition, are individuals who are endowed with reason and free will, and thus at least have the capacity to rationally govern themselves.

Having equal regard for all persons, viewed as an abstract ideal, amounts to promoting those conditions of society that make it possible for potentially rational and self-governing individuals to develop and pursue their interests, and to do so in cooperation and coordination with others and in the light of some shared conception of a good life. Perhaps because the ultimate aim of a liberal society is the promotion of rational self-governance, the primary focus of attention in the liberal tradition has been on the individual. Nevertheless, rational self-governance is hardly possible unless individuals pursue their interests (however those might be defined) in cooperation and coordination with others and in the light of some shared conception (however fallible) of a good life. This is one of the reasons for valuing the formation of factions and subgroups even within a liberal society.

The concept of equal regard for all persons in the realization of their capacity for rational self-governance may well be mandatory (and hence partly definitive) of all ideals that deserve to be called “liberal.” However, the concept in and of itself is abstract and relatively devoid of tangible meaning. Fortunately, the concept has lent itself to a limited number of more concrete conceptualizations or substantive interpretations, which are enumerated below.

1. The liberal expectancy of autonomy, or expressive liberty, interprets equal regard for all persons as equal respect for the freedom of individuals and groups to lead their lives as they see fit. This is a form of regard that the political philosopher William Galston describes as a presumption “against external interference with individual and group endeavors” (2002, 3).

2. The liberal expectancy of merit-based justice, or nondiscrimination, interprets equal regard for all persons as the equal consideration of each person’s relevant meritorious claims. This form of regard might be described as the presumption that individuals and groups should get what they deserve in life and reap what they sow— their “just deserts”—on the basis of their objective qualifications and an unbiased and procedurally fair evaluation of what is due to them.

3. The liberal expectancy of equal opportunity interprets equal regard for all persons as the provision of equal life prospects. This might be described as the presumption that, regardless of family background, group history, or genetic endowment, all individuals in a society, starting at the ontogenetic onset of personhood (either at birth or in the womb) should have the same chances in life to acquire or develop the knowledge and skills required to participate in any of the valued positions in a society.

4. The liberal expectancy of benevolent safekeeping interprets equal regard for all persons as equal protection against abuse, disastrous misfortune, or acute vulnerability. This makes manifest our sympathy for those who are downtrodden, mistreated, or incapable. Benevolent safekeeping might be described as the presumption that anyone who is disabled, highly vulnerable, or abused deserves protection from physical, mental, and spiritual harms (including harms that may be self-inflicted), out of respect for the ideal of fostering conditions that make it possible for all individual persons to be able to realize their potential for rational self-governance.

All four of these liberal expectancies are quite robust. It is deeply offensive to the liberal spirit when individuals or groups are stigmatized or penalized
for living the kind of life they want to live, or when they are forced to hide or abandon their personal or cultural identities so as to avoid fines, ridicule, deportation, arrest, or any other type of socially inflicted pain aimed at restricting or eradicating their valued way of life. It is deeply offensive to the liberal spirit when similar cases are treated differently (for example, allowing one adult citizen to vote but not another similarly qualified person); when different cases are treated alike (recall Anatole France’s ironic reference to the majestic equality of French law, which forbade both the rich and the poor from sleeping under the bridges of Paris); or when qualifications are unfairly assessed and merit and accomplishment go unrewarded. It is also deeply offensive to the liberal spirit when an individual’s prospects for access to the good things in life are mainly a matter of a person’s genetic, social, or family inheritance (“there but for fortune go you or I”). And lastly, it is deeply offensive to the liberal spirit when those who are highly vulnerable, disabled, or unfortunate are not protected or assisted by those who are in a position to care for them.

The Illiberal Side of Any Liberal Expectancy

Ethical pipe dreams, however, even liberal ones, have the uncanny potential to become moral nightmares. In this instance, a noteworthy feature of each of the four liberal expectancies is that if any one of those robust ethical principles is embraced in isolation from all the rest, pushed to its extreme, sooner or later we arrive at a point at which the principle no longer seems “liberal,” precisely because it begins to conflict with one or more of the other liberal expectancies. Thereby it cancels one or more of the other necessary conditions for the development of the rational self-governance that, according to the liberal tradition, is the aim or purpose of human agency or personhood. In other words, although the four liberal expectancies clash, they also require one another in order to produce a liberal society; and a society begins the move from being liberal to being illiberal if and when any of the four liberal expectancies is taken to an extreme or is eclipsed by the others.

Consider, for example, the liberal expectancy favoring autonomy or expressive liberty, which in the context of debates about schooling in the United States has been perhaps the most noted of the family (Fishkin 1997). This principle can be defined in the most pure and principled way: “consensual relations within a given family governing the development of its children should not be coercively interfered with” (Fishkin 1997, 152). The political scientist James Fishkin—whose concern in his seminal essay “Liberty Versus Equal Opportunity” is to examine the inherent tensions between ideals such as family autonomy, justice, and equal life chances—defines the principle of family autonomy in a somewhat more qualified way. He adds to the above definition a rather open-textured hedge or potentially broad exception: “except to ensure for the children the essential prerequisites for adult participation in society.” He then goes on to offer a characterization of “essential prerequisites,” which he defines as “the physical and psychological health of the child and his or her knowledge of those social conventions necessary for participation in adult society. Literacy, the routines of citizenship, and other familiar elements of secondary education would count among the essential prerequisites (absence of which could justify coercive interference by the state)” (Fishkin 1997, 154, footnote 4).

Notice that James Fishkin thereby anticipates and lists some of the ways in which the robust liberal expectancy favoring autonomy and expressive liberty (and its logical corollary—a willingness to tolerate the unregulated choices made by others, even when they are risky or offensive) might produce outcomes that are illiberal. Notice, too, that the illiberality of any particular outcome resulting from pure and simple deference to family autonomy is assessed by appeals to one or more alternative liberal expectancies, such as equal opportunity and benevolent safekeeping, to ensure that “essential prerequisites” (however thickly or thinly those are construed) are satisfied. It is not a liberal outcome if exclusive deference to a principle of autonomy results in the neglect of children.

The main point is that any liberal expectancy can be exaggerated until it becomes illiberal by bumping up against other liberal expectancies. As another case in point, consider the following argument in favor of equal opportunity, as discussed by the sociologist Christopher Jencks in a report on American education: “Most educators and laymen evidently feel that an individual’s genes are his, and that they entitle him to whatever advantage he can get from them. . . . For a thoroughgoing egalitarian, however, inequality that derives from biology ought to be as repulsive as inequality that derives from early socialization” (as quoted and recounted by Pojman and Westmoreland 1997, 5).

In this example, it is not hard to see how a pure and single-mindedly principled (and hence hyperbolic) liberal expectancy favoring equal life prospects might produce outcomes that are illiberal—for example, state-mandated genetic engineering to ensure genetic equality in all offspring; or a policy for evaluating qualifications or accomplishments that penalizes some individuals or groups for having “good genes” and gives extra credits to other individuals or groups for having “bad genes”—all under the banner of “equal opportunity.” Here again the illiberality of the outcome is assessed by appeals to one or more alternative liberal expectancies, such as merit-based justice or nondiscrimination (that is, giving individuals and groups their due regardless of their birthright) and expressive liberty (that is, noninterference with individual and group endeavors).
Other Examples: One Liberal Desire or Another, and Its Discontent

Concrete examples can be very helpful in identifying varieties of liberal expectations and the ways that they conflict. Two examples follow.

Martin Luther King, Jr.: I Favor Integration, However ... 

In his New York Times Book Review essay titled "Still Separate, Still Unequal," Samuel G. Freedman adduces a 1959 quotation from Martin Luther King, Jr.: "I favor integration on buses and in all areas of public accommodation and travel. I am for equality. However, I think integration in our public schools is different. In that setting, you are dealing with one of the most important assets of an individual—the mind. White people view black people as inferior. A large percentage of them have a very low opinion of our race. People with such a low view of the black race cannot be given free rein and put in charge of the intellectual care and development of our boys and girls." (2004).

In this fascinating (and perhaps superficially controversial) remark, which was directed at friends who were black teachers of black students in black schools in the American South, Martin Luther King, Jr. is obviously not endorsing state-mandated segregation of public schools. Rather he is suggesting that state-mandated integration is not necessarily the same as actual nondiscrimination or equal opportunity (two liberal expectations that Martin Luther King, Jr. seems to believe will not be achieved in racially integrated schools in the South). Indeed, he seems to imply that the exercise of autonomy or expressive liberty by the black community in the service of benevolent safekeeping for black children might reasonably result in a preference for other types of school experiments (perhaps school experiments that promote genuine equality of life prospects even if they eschew any particular interest in the racial integration of the student body or the teaching staff). I understand him to be suggesting that if you are an undervalued minority group and if equal regard is your goal, then it may be better to take charge of your own fate and educate your own children by means of some voluntary (not mandated) and genuine (not phony) version of "separate but equal." I understand him to be raising a fundamental question about equal opportunity and preparation for life in American society: whether existing stable in-groups of factions based on likeness (and hence trust) and ready-made and durable feelings of identification and benevolence provide the most effective settings for the acquisition of socially valued knowledge and skills.

As noted earlier in chapter 2 of this volume, the legal scholar Martha

Minow observes, "During the more than fifty years since Brown v. Board of Education, integration across race, gender, disability, and religion has declined as either a constitutional requirement or a political commitment, but equal opportunity for each individual has become firmly entrenched, especially in education, as a symbol of community and national commitment." In the light of Martha Minow's consequential analysis of the legal evolution in the United States of the ideal of equal opportunity (with special attention to its separation from the model of the racially integrated school) and in the light of the view recently articulated by our current Supreme Court (in Parents Involved in Community Schools v. Seattle School District No. 1 2007) that racial balancing in the classroom is not a compelling state interest, Martin Luther King, Jr.'s comment to his African American friends in 1959 seems nothing less than visionary.

Hannah Arendt: I Favor Political Equality. But ... 

The lack of any inherent harmony among liberal expectancies is also apparent in political philosopher Hannah Arendt's deeply controversial reaction to the very same issue: the use of government power to force parents (black or white) in southern states to send their children to racially integrated schools. At the time in the 1950s, Hannah Arendt's views on this issue shocked even some of her admirers; they viewed her as falling on the wrong side of both history and the political conflicts of the 1950s, as well as opposed to social progress. In her essay, "Reflections on Little Rock," one knows that Hannah Arendt (like Martin Luther King, Jr.), in expressing her hesitations about the project of forced integration of the public schools, of course does not endorse the use of the state and police power to mandate racial segregation (Arendt 1958). Indeed, she embraces the view that the central principle of the political realm in a liberal democratic society such as the United States is the principle of equality. But she is also quite troubled by the use of government power to interfere with what she views as the private or intimate social endeavors of individuals and groups (for example, how to educate your children and where and with whom to send your children to school). In the light of Martha Minow's discussion (chapter 2, this volume) of the decline over the past fifty years of the integration of groups as a constitutional requirement or a political goal (and in the light of the late Supreme Court opinion in which state actions based on racial classifications are sharply circumscribed and a distinction is drawn between state actions and private choices), it is instructive to reconsider Hannah Arendt's arguments and reflect on her hesitations. History is now moving in a direction that seems more favorable to her position.

With regard to the political system in the United States, Hannah Arendt writes, "In contradistinction to the classical principles of the European na-
tion-state that power, like sovereignty, is indivisible, the power structure of this country rests on the principle of division of power and on the conviction that the body politic as a whole is strengthened by the division of power” (Arendt 1958, 240). She notes that in the liberal tradition there is a “long and honorable history of deep distrust of power in any form” (Arendt 1958, 241), and she points out that “the Constitution of the United States is silent on education and that legally as well as traditionally, public education lies in the domain of state [not federal] legislation” (Arendt 1958, 241). She even suggests that it would be unwise for the federal government to “use its financial support as a means of whipping the states into agreement with positions they would otherwise be slow or altogether unwilling to accept” (Arendt 1958, 241).

To fully comprehend Hannah Arendt’s reactions to the idea of forcing the integration of de facto segregated schools, and to interpret them as an example of conflict between genuinely liberal ideals, it is essential to recognize her abiding anxiety about the coercive consequences and totalitarian implications of the overextension of the logic of political equality in a liberal democracy. She is especially concerned, as a theorist of liberal society, to distinguish the political realm from other realms, such as the realm of social life (where “birds of a feather” might freely flock together) and the realm of private life (including the realm of kinship, family, home, and personal preference). She believes that it is crucial that these realms of life are separate and properly balanced in order to maintain the liberal character of a nation. Expressing a strong commitment to the liberal expectancy of family autonomy or expressive liberty, at least in certain key domains of society (including education and schooling), she worries about expanding the reach and application of the political principle of equality such that the domain of the political is enlarged and encompasses everything else (social life, family life, and school life). Indeed she is so highly alert to that danger that she reacts to the imposition of certain types of equality (equality of life prospects, for example) by the state as an early warning sign of tyranny or totalitarianism. There are many aspects of life (associational contacts, marriage, who eats with whom, who lives with whom, who gets invited to your wedding, and the types of careers or occupations that are valued by members of your kinship group) for which she believes the idea of equal opportunity simply does not and should not apply.

Thus, she writes, “For equality not only has its origin in the body politic: its validity is clearly restricted to the political realm. Under modern conditions, this equality has its most important embodiment in the right to vote, according to which the judgment and opinion of the most exalted citizen are on a par with the judgment and opinion of the hardly literate. Eligibility, the right to be voted into office, is also an inalienable right of every citizen” (Arendt 1958, 237). (Presumably, in line with the ideal of political equality, she would also include equal protection before the law as an inalienable right of every citizen.)

But Hannah Arendt goes on to write the following (in terms that infuriated some of her readers): “What equality is to the body politic—its innermost principle—discrimination is to society” (Arendt 1958, 237). By using the term discrimination, she means “like attracting like” at the level of groups (ethnic groups, professional groups, income groups, religious groups, or racial groups), where one is attentive to “the differences by which people belong to certain groups whose very identifiability demands that they discriminate against other groups in the same domain” (Arendt 1958, 237–8). In other words, her liberal expectation is that, in a truly liberal nation (such as the United States), one should be at liberty to discriminate in the nonpolitical (social and private) aspects of one’s life. That expectation essentially amounts to the following: the observation that social and cultural groups exist everywhere; the claim that the very existence of such in-groups implies that there must be discrimination or selection between in-groups and out-groups (that is, the freedom to associate implies the freedom not to associate); and the descriptive and normative judgment that it is an essential prerequisite for the flourishing of human beings that individuals have attachments to in-groups of some kind. By the lights of this line of reasoning (and recall that Hannah Arendt was a political philosopher who was profoundly aware of, and involved in, modern Jewish history, including the horrors of being a member of a leached minority group in Nazi Germany), you should not have to liberate yourself of your group identity in order to be treated as a human being or a citizen; nor does one become fully human by transcending or abandoning one’s cultural ancestry or communal inheritance. She rejected the idea that to be a fully realized human being one must be a cosmopolitan or tradition-free individual, one who is equally at home everywhere (or nowhere) or lives in a world of strangers under the protection of the state.

In other words, although Hannah Arendt’s “Reflections on Little Rock” may seem shocking to some liberal readers, it is important to recognize that she is speaking as a political liberal (and a Jew) who is not only fully committed to the idea of equality in the political realm, but who is also keen to distinguish the political from the nonpolitical spheres of society. And she believes that one of the implications of the liberal ideal of autonomy or expressive liberty is the idea that in the nonpolitical spheres of society one should retain the right to be selective (the right to not be required to fairly consider all claims when, for example, one gets married, has a dinner party, or decides who your children should have as friends), to not treat everyone equally, and to be free to associate or not associate with others as a matter of right. Quite tellingly, with regard to the institution and practice of schooling, she writes, “For the child himself, school is the first place away from home where he establishes contact with the public world that sur-
rounds him and his family. This public world is not political but social” (Arendt 1958, 242).

Whether Hannah Arendt is right in her description of schools in the United States as an extramural but nonpolitical public sphere is, of course, a highly contestable issue. I take her to be saying that a school is and ought to be a sphere that is intermediate between the family and the polis or agora. Pure and single-minded “civic republicans” (for example, defenders of the institution of the “School of the Republic” in France, as described by John Bowen in chapter 7 of this volume) would surely disagree and argue that all extramural experiences of children with the public world should be controlled by the ideals of political citizenship and political equality; civic republicans thus strongly (even coercively) discourage the expression of any values supportive of social discrimination, in-group versus out-group selectivity, and parochial group identity below the level of the entire nation-state. For civic republicans, the identity of being a “citizen” trumps all other identities. And, indeed, in some schools (those that are most self-consciously civic republican in their moral ethos) teachers may work very hard to keep children from dressing differently, from acting selectively and exclusively, or from falling into cliques; though, except in the most tyrannically regulated of such schools, they usually fail. For civic republicans the ultimate ideal would be a universal system of public schools sharing a common curriculum, mirroring national diversity at the level of each school or classroom, and preparing students for life on a national (or even international) stage.

In partial but significant contrast to that civic republican ideal, Hannah Arendt seems to believe that the child’s first experiences with the nonfamilial public realm (that is, school life) should be largely controlled by rights of free association, including the right of “bird of a feather” (that is, members of groups, including religious and ethnic groups) to “flock together” and thereby maintain their thick historical traditions and distinctive identities. She writes, “I would agree that the government has a stake in the education of my child so far as this child is supposed to grow up into a citizen, but I would deny that the government has any right to tell me in whose company my child received its instruction. The rights of parents to decide such matters for their children until they are grown-ups are challenged only by dictatorships” (Arendt 1958, 245).

Concerning the relationship of the state, the parent, and the child, she writes, “Parents’ rights over their children are legally restricted by compulsory education and nothing else. The state has the unchallengeable right to prescribe minimum curricula for future citizenship and beyond that to further and support the teaching of subjects and professions which are felt to be desirable and necessary to the nation as a whole” (Arendt 1958, 242). With regard to the right of the state to set a minimum curriculum, she remarks, “All this involves, however, only the content of the child’s education, not the context of association and social life which invariably develops out of his attendance at school; otherwise one would have to challenge the right of private schools to exist” (Arendt 1958, 242). Concerning education and the hazards of political egalitarianism (and in effect, totalitarianism) overreach, she writes, “The idea that one can change the world by educating the children in the spirit of the future has been one of the hallmarks of political utopias since antiquity. The trouble with this idea has always been the same: it can succeed only if the children are really separated from their parents and brought up in state institutions, or are indoctrinated in school so that they will turn against their own parents. This is what happen in tyrannies” (Arendt 1958, 245).

Any deeper or more extensive discussion or critique of Hannah Arendt’s views of schooling in the United States would need to say much more about the scope of legitimate government regulation of education. For example, if the government has a legitimate purpose in educating all children to become citizens, what precisely is “the minimum requirement for future citizenship”? How thick or thin is the curriculum concerning what it means to be an American citizen? Does it, or does it not, teach children to subordinate all alternative (religious, racial, ethnic, or gender) identities and in-group loyalties or attachments to the civil-republican ideal of the absolute equality (including the potential for free association) among all “citizens”? Does it ask Jewish American (or Muslim American or Amish American) children: are you first Jewish (or Muslim, or Amish), or are you first American? Or, alternatively, does it treat the very posing of that kind of question by the State (or by a public school teacher) as incompatible with the ideals of a liberal democracy?

In her passionate and provocative book about multiculturalism in American high schools, the author and school reform activist Laurie Olsen reveals (perhaps unintentionally) some of the tensions between a multicultural-pluralism agenda (grounded in the liberal ideas of expressive liberty and merit-based justice, and aimed at making it possible for groups or factions to maintain their distinct cultural traditions and ethnic identities) and a multicultural-inclusion agenda (grounded in the liberal ideas of equal opportunity and benevolent safekeeping, and aimed at eliminating all group-based socioeconomic, occupational, and aspiration hierarchies) (Olsen 1997, 40–42). She presents a summary map, drawn by students, showing the geographical positional clustering of students on the playing fields of an urban high school in the State of California (which Laurie Olsen appropriately dubs “Madison High”). The map reveals patterns of associational preference and selection among the students (in-group and out-group “discrimination” in Hannah Arendt’s sense), with distinct and separate clusters of Chinese girls who speak Mandarin, Fijian boys, Mexican boys and girls who speak Spanish, Afghans, Vietnamese who speak English, African Americans, and—as described in student parlance—“The Americans” (those students who are Anglo American and English-speaking). Laurie Olsen is dis-
tressed by this voluntary racial and ethnic partitioning of schoolyard space, which she associates with the perpetuation of unequal opportunity and differential life prospects. (She believes that the existence of such factions sustains group inequalities in academic performance and English-language development.) Does our concept of American citizenship education really require that we view this diversity as Laurie Olsen views it, with suspicion? Precisely why should we forcefully promote a civic-republican idea of united community in which inclusion becomes the enemy of a genuine plurality of factions or cultural interest groups and the many are molded down into the one?

There are conflicting varieties of liberal hope. Recall James Madison’s admonition that “liberty is no faction what air is to fire, an element without which it instantly expires. But it could not be less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of fire, which is essential to animal life, because it imparts to fire its destructive agency.” One might argue (inspired by Madison’s observation) that it is the very realization of the liberal expectancy of autonomy and expressive liberty that makes cultural pluralism possible; this includes the spontaneous spatial ordering of communal diversity that emerges on the playing fields of “Madison High.”

One might also argue (inspired by Hannah Arendt’s analysis) that if American liberal democracy is truly exceptional, it may be precisely because of influential currents in our liberal tradition that have historically placed limits on the extension (or the overextension) of the concept of political equality beyond the political realm; that did not privilege thick claims of citizenship over our communal, social, and private lives; and that have been reluctant to eradicate “factions” by “giving to every citizen the same opinions, the same passions, and the same interests.” Hannah Arendt’s essay and Laurie Olsen’s book invite the question: What does “E pluribus unum” really mean or imply? The multicultural inclusivist might reply that it means “United we stand; divided we fall”; or perhaps, alternatively stated, it means that a community becomes united when the diverse currents of the many are incorporated into one mainstream. (The image of the melting pot also comes to mind.) The multicultural pluralist might reply (here borrowing a phrase from a letter by Thomas Jefferson written to a Jewish Rabbi in Savannah, Georgia) that it means “divided we stand, united we fall”; or perhaps alternatively stated, it means that a community remains united precisely because it leaves plenty of space for the many.

That deeper discussion of Hannah Arendt’s view of schooling would also have to comment on her rhetorical use of the hypothetical prospect of an American challenge to the right of private schools to exist. She poses that prospect as a kind of absurd or hyperbolic extension of the concept of political equality and the civic-republican ideal. Yet there is a real history in the United States of actual legal challenges to the existence of private schools, in particular the famous case of Pierce v. Society of Sisters in Oregon in 1925. Such challenges are often motivated by the liberal hope that equal opportunity for all American citizens is best provided by means of public control of a common or standard educational experience for all of America’s children, and by the fear that too much family autonomy and expressive liberty for minority groups will result in intolerable group differences (for example, group differences in academic achievement or in degrees of loyalty or commitment to the English language and the American creed). Here again a conflict surfaces between liberal expectations: an inclusion agenda, which is aimed at Americanizing, assimilating, and mainstreaming minority groups in the name of equal opportunity and benevolent safekeeping, runs afoul of a pluralism agenda aimed at preserving cultural or subgroup diversity in the name of the autonomy and expressive liberty rights possessed by members of all groups.

That 1925 U.S. Supreme Court decision in Pierce v. Society of Sisters announced the principle that, in the United States at least (unlike in the civic-republican nation of France, for example), the child belongs to the parent and not to the government. The Court upheld the principle of family autonomy in the education of children. Hence a state statute (passed by referendum) that required all children in the state of Oregon to attend public schools and that prohibited private school education was judged unconstitutional. That judgment is quite consistent with Hannah Arendt’s views about autonomy and expressive liberty and the limits on the scope of the political-egalitarian ideal in a liberal democracy.

A complete analysis of her stance, however, would also require that one address the question of whether, by the lights of public opinion and cultural folkways in the United States, even public schools are intuitively viewed as extensions of the private and social realms (such as the home and the neighborhood), or alternatively, whether schools are to be thought of as extensions of the state and the public political realm of equal citizenship. One suspects that in American folk consciousness, parents want their children to be at home and feel at home in school; public schools are intuitively thought to be extensions of home and neighborhood, both of which are symbols for bonds of social and cultural solidarity of one sort or another, including social class.

Some American liberals (those who are civic republicans) are quite comfortable viewing the school as an extension of the state and advocating for the role of the state in liberating individuals from the influence of family and parochial in-groups (those based on culture, ethnicity, religion, gender, or race). Hannah Arendt might counter that civic republicans usually manage to send their own children to socially acceptable schools where birds of a feather flock together; perhaps they manage to do this because they live in subsocieties or neighborhoods that are relatively homogeneous from an eth-
mic, religious, or social-class point of view, or else they elect to educate their children in a private school of their own choosing.

**Wisconsin v. Yoder: A Classical Clash of Liberal Values**

Given the analytic focus of this essay on the varieties of liberal hope, the ways they clash, and the ways they instantiate themselves into debates between multicultural pluralists (who, for example, defend the liberty rights of individuals to preserve their cultural differences) and multicultural inclusionists (who, for example, defend the rights of individuals who are members of different groups to equal opportunity), one does wonder how Martin Luther King, Jr., Hannah Arendt, or Larrie Olsen would have voted in 1972 had they been justices in the famous U.S. Supreme Court case, Wisconsin v. Yoder (406 U.S. 205). In this case the state of Wisconsin prosecuted three Amish Mennonite parents who had defied Wisconsin’s uniform and compulsory school attendance laws by refusing to send their children to high school.

Remember James Fishkin’s hedged definition of the liberal ideal of “family autonomy”: namely, that “consensual relations within a given family governing the development of its children should not be coercively interfered with except to ensure for the children the essential prerequisites for adult participation in society” (1997, 154, footnote 4). He goes on to define “essential prerequisites” as follows: “the physical and psychological health of the child and his or her knowledge of those social conventions necessary for participation in adult society. Literacy, the routines of citizenship, and other familiar elements of secondary education would count among the essential prerequisites” (absence of which could justify coercive interference by the state) (Fishkin 1997, 154, footnote 4). In Wisconsin v. Yoder, a case in which Amish parents asked the courts to support their family decision to keep their high school aged children home on the farm, does the multicultural pluralism agenda and its liberal expectancy of family autonomy (or expressive liberty), upon which the very existence of multicultural-plural outcomes is partly dependent, run up against or reach a limit? Is this a case where the civic-republican ideal of equal opportunity and state intervention to liberate children from parochial in-group influences (including family influences) ought to prevail?

Although the liberty or free exercise right to preserve their religious and cultural tradition was a central issue for the defendants in the case, it is worth noting that celebrating diversity was not exactly what the Amish parents had in mind. They withdrew their kids from school because they believed the expressive liberty of the Amish community was threatened by the uniform education requirements of the state of Wisconsin, and that the forced social and cultural integration of their children into the high schools of Wisconsin pro-

vided their children with the wrong set of equal opportunities, put their kids on an undesirable and hence unacceptable level playing field, and that their girls and boys would be far better off spending their time learning the skills, values, and habits of mind associated with occupational and family life in a rural Amish community (which typically include farming, quilt and furniture making, cooking, and canning). It was the hope of these parents that their children would learn to prize manual work, physical labor, and the reading of scriptural texts over other types of human pursuits, and that their sons and daughters would ready themselves during their late adolescence for a life defining ritual of baptism.

Amish baptism is a kind of religious and cultural commitment ceremony, when Amish youth have the option to either embrace the beliefs, virtues, and values of the Amish way of life—which includes a sacred commitment to a specific scriptural injunction in the Epistle of Paul to the Romans (2:15) to “be not conformed to the world”— or else to exit from the Amish community. The Amish parents who were prosecuted by the state of Wisconsin viewed the process of education as rural apprenticeship and initiation into a distinctive subculture. They viewed the process of socialization as an invitation to learn and embrace the beliefs, virtues, and values of a way of life that includes the idealization of the lifestyle of the early Christian apostles and the cultivation of a palpable moral and spiritual sense of the corrupting influence of the beliefs, values, and practices of the contemporary “modern” world, including Wisconsin’s public high schools. They were completely uninterested in being up to date in the contemporary world.

The prosecutor from the state of Wisconsin was not interested in celebrating diversity either. While the Amish parents wanted to celebrate their autonomy and expressive liberty as a distinctly premodern religious and cultural community, the state wished to celebrate a very different type of liberal value: the ideals of equal life prospects (or equal opportunity) and benevolent safekeeping for all children. The state of Wisconsin argued that every Amish child, just like every other individual child in Wisconsin, should be compelled to go to school beyond the eighth grade so that they would be exposed to similar developmental conditions (that is, equal life chances) preparing them for intelligent citizenship and a productive life in American society. The state argued that Amish parents, just like all other parents in Wisconsin, should not be permitted to shield their children from the offerings of a secondary-school education or to keep their children “ignorant” of the experiences of modern society. They wanted to foster conditions that would at least make it conceivable for Amish children to become cosmopolites, to become less bound by their communal ancestry, to marry outside their group, and to be included in the American mainstream.

Although the case of Wisconsin v. Yoder resulted in a majority decision in favor of the Amish parents, the inherent tension between expressive liberty
and other liberal expectancies (such as equal opportunity or benevolent safekeeping) were highlighted in some of the comments by the judges. Justice Byron White put it this way: "In the present case the State is not concerned with the maintenance of an educational system as an end in itself, it is rather attempting to mature and develop the human potential of its children, whether Amish or non-Amish; to expand their knowledge, broaden their sensibilities, kindle their imagination, foster a spirit of free inquiry, and increase their human understanding and tolerance. It is possible that most Amish children will wish to continue living the rural life of their parents. . . . Others, however, may wish to become nuclear physicists, ballet dancers, computer programmers, or historians, and for these occupations formal training will be necessary."

Justice William O. Douglas, in his famous partial dissent from the opinion of the Court, combined the ideal of expressive liberty with the ideal of equal opportunity to raise questions about the consequences of excessive deference to the ideal of family autonomy; he wondered whether there really is or should be an identity of interest between parents and their children. Justice William O. Douglas was prepared to view children and parents as potential factions within a family. The required high school education would make it easier to transcend one's family and social background. He wanted to hear more from the kids, only one of whom, Frieda Yoder, had testified about their own degree of commitment to the Amish way of life. Justice William O. Douglas wrote in his dissent the following:

The parents are seeking to vindicate not only their own free exercise claims, but also those of their high school-age children. . . . If the parents in this case are allowed a religious exemption, the inevitable effect is to impose the parents' notion of religious duty upon their children. . . . I think the children should be entitled to be heard. While the parents, absent dissent, normally speak for the entire family, the education of the child is a matter on which the child will often have decided views. He may want to be a pianist of an astronaut or an oceanographer. To do so he will have to break from the Amish tradition. It is the future of the student, not the future of the parents that is imperiled by today's decision. If a parent keeps his child out of school beyond the grade school, then the child will be forever barred from entry into the new and amazing world of diversity that we have today.

Moved by one or more liberal expectancies, it is pretty easy to imagine a contemporary liberal feminist extending Justice White's and Justice Douglas's "there but for fortune go you or I" line of argument. That extended line of argument might give voice to a sense of outrage about the loss of certain opportunities for Frieda Yoder, should her Amish parents be allowed to raise her as they see fit. Namely, Frieda Yoder might well have learned to become a political activist scornful of the sex-role differentiation and domestic life within the Amish community, if only the State had been able to compel her parents to enroll her in a Wisconsin secondary school in the late 1960s and early 1970s. Yet also notice how that very sense of liberal outrage itself has the potential to produce an illiberal result. Why is this? It is precisely because the "amazing world of diversity" to which Justice William O. Douglas refers could not possibly include thick cultural diversity, if the liberal expectancy of equal life chances is privileged as an ideal. James Fishkin defines "equality of life chances" as the principle that "the prospects of children for eventual positions in the society should not vary in any systematic and significant manner with their arbitrary native characteristics [such as ethnic origin, family background, sex or race]" (1997, 152). He goes on to say, "A native characteristic will be considered arbitrary unless it predicts the development of qualifications to a high degree among children who have been subjected to equal developmental conditions" (1997, 152, footnote 3).

James Fishkin's definitions actually help us perceive the perfectly logical but rather illiberal implication of the liberal ideal of equal opportunity: namely, if there is to be full equality of life chances for all the members of a society, then there cannot be genuine cultural diversity in that society. Where there is genuine cultural diversity, the conditions of development for children (the goals, values, and pictures of the world to which they are exposed; the family life and social practices in which they routinely participate; the historical narratives, moral codes, and canonical texts that give meaning to their lives; and the skills that are possessed and promoted by their kin and kith) must be various as well. The only way to equalize all developmental conditions, so as to decide whether some "native characteristic" is arbitrary or not, is to flatten out or eradicate all cultural differences.

Faced with an inherent conflict between two major liberal values—the court accepted that the Amish way of life was truly threatened by the equal educational and developmental conditions compelled by the law of Wisconsin—the ideal of equal opportunity was set aside in favor of the autonomy and expressive liberty of individuals and groups. If Amish children are forced to go to school until age sixteen, the court concluded "they must either abandon belief and be assimilated into society at large, or be forced to migrate to some other and more tolerant region." Not surprisingly, given the robustness and activity of contradictory liberal expectancies in our society, this court decision remains controversial to this day.

Liberal Hopes and Collective Memories

All four of the liberal expectancies are robust, yet they differentially motivate action across different communities and groups. For example, when conflicts arise among the four expectancies, expressive liberty and merit-based justice evalua-
tions of qualifications are privileged over equal opportunity and benevolent safekeeping evaluations by some groups, while for other groups the opposite is true. Here, when I point to certain dominant stories, narratives, or themes distinctive of particular groups, I do not in any way mean to suggest an absence of internal debate among members of any ethnic, cultural, or racial group. Nor do I mean to imply the presence among members of any faction of a single or uniformly shared view of the ordering of the four values or of how conflicts among values should be resolved. Centrist and peripheral, orthodox and heterodox, dominant and subaltern beliefs and values coexist within all factions. In that sense, and if evidence by historical debates within the African American community over the issue of integration versus autonomy, and current debates over the legacy of Brown v. Board of Education (see Miron, chapter 2, this volume).

Nevertheless, different groups do have different histories of engagement with the United States as a collective experience; accordingly, they have developed somewhat different dominant or prevailing collective memories of the past (and related thoughts about the implications of the past for future public policy decisions). Such dominant or prevailing collective memories, which I refer to as "master narratives," are the stories about the significance of some collective past that are most likely to be told in order to lend meaning and value to one's life projects and to one's personal identity as a member of a particular group. Most relevantly, each of these master narratives seems to produce a somewhat different weighting of various liberal ideals (and perhaps even a somewhat different interpretation of their scope and character). Looking across ethnic, racial, and cultural groups in the United States, several master narratives can be identified.

A Judeo-Christian European American Master Narrative

This master narrative is really two stories. The first is the story about the journey of the Pilgrims and other Western European Protestant dissidents and risk takers in the seventeenth century. These settlers fled political and religious persecution to find salvation and liberty in a new land. The second is the story of other European immigrants during the 1870 to 1914 period (Irish, Poles, Jews, and Italians) who sought a better livelihood or experienced persecution in the Old World. Through hard work and because of the availability of the emerging public education system in the United States, they quickly assimilated into the mainstream and became part of the power elite of mainstream American society. Today, quite remarkably, for the descendants of most of these Protestants, Catholics, and Jewish European immigrants, the Pilgrims are embraced as fictive ancestors. This main narrative emphasizes the idea of a flight to the land of freedom and opportunity for those who are risk takers and who have a strong work ethic and lots of grit and faith. According to the tale, they then make it and are successful and prosperous in a land that has plenty to offer for all those who deserve it. Fear of tyrants and of concentrations of political power (a severing of ties with the monarchical European past) might be one of the themes in this story, which inclines to a preference for minimal government, divided sovereignty, and a limited state. However, for the later European immigrants, the public school system is highly valued because of its place in their own ancestral history as a source of assimilation and upward mobility. So this master narrative is a story about inclusion, incorporation, and upward mobility. It privileges the liberal values of expressive liberty (autonomy) and merit-based justice (nondiscrimination), but it also wants to make room for equal opportunity, especially in and through the educational realm.

An African American Master Narrative

This is a story about enslavement, forced migration, and arbitrary or discriminatory exclusion from the American mainstream. It has resulted in an identity politics in which a racially defined group represents itself as an oppressed minority and takes on an identity associated with being downtrodden and mistreated. The main narrative carries with it the implication that a slave-like or castelike status for African Americans (still separate, still unequal) continues to be produced and reproduced in American society because of racist attitudes held by members of the majority group (with the result that too many members of the in-group remain poor, undereducated, lacking in skills, and live outside or on the fringes of mainstream civil society). Motivated by this narrative, African American minority-group members, in alliance with sympathetic and egalitarian members of the majority group, cooperate in developing a multicultural-inclusion agenda. This inclusion agenda is typified by affirmative-action policies in which the power of the state is marshaled to assist members of the minority group in gaining access to mainstream institutions, schools, and jobs. In the public policy arena, this narrative strongly privileges the liberal values of equal opportunity and benevolent safekeeping over merit-based justice evaluations of qualifications and the expressive liberty of individuals and groups. The general message in the African American narrative is that one should take a beneficent view of the concentration of federal-government power in anticipation of its use to protect the African American community (from Lincoln and the Emancipation Proclamation, to Johnson and the Civil Rights Act, to affirmative-action programs) and to limit the autonomy of majority-group members (whose expressive liberties are viewed with some suspicion).

A Native American Master Narrative

The Native American story is one about the conquest and genocidal destruction of distinctive indigenous cultures and cultural groups by the mainstream
population. This master narrative supports an identity politics in which an ingroup defined by tribal ancestry (with an emphasis on blood quanta as the way to establish in-group membership) seeks political sovereignty and tries to revive its parochial traditions and empower itself by separating from the mainstream and excluding outsiders. In the public policy arena, this master narrative strongly privileges the liberal values of expressive liberty or autonomy (the freedom to be different is highly prized) and benevolent safekeeping (members of the minority group cooperate with the federal government to empower tribal groups as quasi-independent “nations”) over merit-based justice evaluations of qualifications (for example, preferential granting of gambling licenses to Native American “tribes”) and equal opportunity (having an equal life chance in mainstream society is not necessarily the valued goal). Here one would like to know more about the impact of this master narrative on attitudes toward federal government power—including attitudes toward affirmative-action policies aimed at creating cosmopolitan Indian elites. Is the federal government viewed as the reviled genocidal conqueror, as the breaker of treaties, as the sponsor of quasi-sovereignty, or as a dispenser of funds?

Other Master Narratives

It is important to note how these last two master narratives, each linked to the historical experience and collective memory of a particular minority group, motivate actions and policies that head in quite opposite directions: inclusion (incorporation) versus separation; integration and assimilation to mainstream norms and institutions versus accommodation and a return to old and distinctive traditions; the multicultural-inclusion agenda versus the multicultural-pluralism agenda.

Many other types of narratives play a part in the self-consciousness of different groups in American society. However, inside any particular group, so-called master narratives are not equally salient for everyone and may even be contested by some. Nevertheless, within-group variation in the degree of individual commitment to particular master narratives does not preclude between-group differences in the popularity of any particular narrative. For example, the most prevalent Mexican American narrative is likely to differ in crucial respects from the narrative that is most prevalent among African Americans, Native Americans, or Hispanic Americans. Minority groups such as the Amish Mennonites and Satmar Hasidim may relate to the United States as a safe place to preserve their religious and cultural traditions; it would not be surprising if they thought of their migration history as a kind of pilgrimage, and thus highly prized the liberal value of expressive liberty over any concerns about equal opportunity.

The two groups of special concern to Barnaby Riedel and Heather Lind-
Wisconsin, were not interested in universalizing their view of the world either, or in converting others to their way of life.\textsuperscript{10} Nevertheless, whether one defends the inherent value of diversity per se or merely accepts diversity as the means to some valued end or as the unavoidable outcome of a commitment to some higher value (liberty, for example, or truth), several rather consequential empirical questions remain. For example, what are the prospects for diverse cultural outcomes to emerge and to be sustained in the United States if one privileges some combination of the liberal expectancies (autonomy and expressive liberty, merit-based justice, equal opportunity, and benevolent self-commitment) over another? Under what conditions do diversity or liberty result in diversity of opinion, and when does it result in convergence of beliefs? What type of group differences emerge when material benefits and social status are based entirely on merit? Does equal opportunity work to increase cultural diversity or to reduce it? What should we do, if anything, when the type of diversity that emerges under conditions of autonomy, merit-based fairness, and equal opportunity is not egalitarian horizontal diversity but rather hierarchical vertical diversity? Which combination of liberal ideals is most conducive to the production of pluralist diversity, to the production of hierarchical diversity, or to the production of outcomes that equalize things by making them uniform or homogeneous (here, again, when and where equality must be purchased at the expense of diversity, the famous, or infamous, “melting pot” metaphor comes to mind)?

Until we do more and far better empirical research addressing such questions, James Madison probably deserves not only to have the first word but also the last: “As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves” (Madison 1961, 73). One does hope however that if Madison is right, and cultural difference is the inevitable by-product of expressive liberty (and thrives on some form or other of in-group and out-group discrimination), that separateness (“diversity”) does not necessarily imply inequality.

It does seem likely, however, that in a liberal democracy such as our own, there will always be tensions amongst various liberal hopes. We will continue to debate the question (raised by James Madison and others) whether it is worse to be unequal (as contemporary egalitarians are prone to argue) or worse to be unfree (as contemporary libertarians are prone to assume). Perhaps the wisest (or at least the most hopeful) response to that potentially divisive (and forced) choice is to insist that we be allowed to continue to experiment in our schools with different kinds of balances among all four of the core ideals that make it possible for us to sustain our own liberty.

Judging from the range of reactions to the U.S. Supreme Court's opinion that the state-mandated integration of the Seattle and Jefferson County schools systems was unconstitutional (Parents Involved in Community Schools v. Seattle School District No. 1 2007), the experiments are likely to be many. Two New York Times op-ed responses were especially noteworthy, in one entitled “The End of Integration,” the writer David Brooks began by stating, “Nothing is sadder than the waning of the dream of integration.” He ended it by opining, “Multiply your homogeneous communities and be fulfilled. This isn’t the integrated world many of us hoped for. But maybe it’s the only one available” (June 19, 2007). The other op-ed piece, written by Juan Williams and entitled “Don’t mourn Brown v. Board of Education,” began by pointing out that “desegregation does not speak to dropout rates that hover near 50 percent for black and Hispanic high school students. It does not equip society to address the so-called achievement gap between black and white students that mocks Brown’s promise of equal education opportunity.” And it ended this way: “Dealing with racism and the bitter fruits of slavery and ‘separate but equal’ legal segregation was at the heart of the court’s brave decision 55 years ago. With Brown officially relegated to the past, the challenge for brave leaders now is to deliver on the promise of a good education for every child” (June 29, 2007).

Meeting that challenge will certainly require a good deal of experimentation and also a willingness to be open to everything from charter schools where “birds of a feather flock together” to public support of the private choices of parents about how best to educate their kids. In this volume, the authors have described a few of those experiments and tried to identify and theorize some of the conflicts, tensions, and possibilities inherent in the challenge.

\section*{Notes}

1. Not only are these values commonplace and fundamental in a liberal society such as our own, but they have also been the subject of a truly vast literature in political, moral, and legal theory stretching from John Locke, James Madison, and Alexis de Tocqueville to Hannah Arendt, Isaiah Berlin, Ronald Dworkin, William Galston, Alan Gewirth, Amy Gutmann, Charles Larmore, Alistair MacIntyre, Martha Nussbaum, Robert Nozick, John Rawls, Joseph Raz, Lawrence Sager, Michael Walzer, Bernard Williams, Iris Young, and many others.

2. It is crucial to note that it is in that sense only—of government-mandated separation or legally enforced segregation on the basis of race (or on the basis of religion, ethnicity, or gender)—that “separate but equal” is an oxymoron or a contradiction in terms. Voluntary separation based on a private choice does not necessarily imply inequality. It is both logically and empirically possible for two schools to have equal facilities, and for all their tangible factors related to education to be equal, even though one school is for Marshalls and the other for Jews, one school for heterosexual youth and the other for gay and lesbian
youth, or one school for black Catholic males and the other for South Asian Hindu females.

3. The term liberal as used in this chapter is meant to describe a set of core values associated with life in a liberal democratic society such as the United States—a set of values that might be recognized as worthy by most citizens, including liberal democrats and neconservative republicans alike. In other words, the term is not being used in any sense that would distinguish a contemporary “blue-state liberal” from a “red-state conservative.” However, these core liberal and core conservative might be distinguished by how each set of political beliefs they tend to privilege with regard to a specific issue or topic (for example, free speech versus free labor markets). I also wish to emphasize that the domain of values, ethics, and moralities viewed on a global or cross-societal scale is broader and more encompassing than the set of liberal values identified in this chapter. For more on the domain of values, ethics, and moralities on a global or cross-societal scale see, for example, work by Richard Sweders and colleagues (2003), Jon Huish (2006), and Lene Jensen (forthcoming).

4. Taken together, these last two expectations—merit-based justice and equal opportunities—constitute the liberal ideal of the so-called level playing field.

5. Undoubtedly, these four liberal expectations presuppose various beliefs, including a utopian, you-only-get-one-time-around world, all-born-are-genetic accidents orientation to the issues of personal identity, physical embodiment, and the temporal scope of a moral career. For example, we can imagine that in this world, all children are equally talented. We can imagine that in this world, all children are equally talented. In this way, it is possible to argue that the liberal expectations in this chapter are not contradictory, but they are not directly related to those who embrace liberal expectations, although it is not described in any detail in the chapter. By way of partial contrast, however, I would note that there are traditions of moral and social thought—Hindu traditions in rural India, for example, where it is believed that individuals are free moral agents capable of choosing between virtue and vice, that nature is fundamentally just (in the sense of being pervasively merit based), that meritorious actions are not uniformly distributed across individuals in a population, and that “souls” are eternal and reincarnate. From which it follows, in the minds of those who hold such beliefs, that moral careers extend across lifetimes and with each rebirth you get to choose the particular identity, family, and social location you might desire. Thus, in a perfectly moral world, opportunities will not be, and should not be, the same for all persons (Sweders 1991, 2003).

6. The political theorist Susan Okin’s well-known essay, “Is Multiculturalism Bad for Women?” (1999) is a useful measure of the great distance between Hannah Arendt’s liberal society for Hannah Arendt, a society remains liberal precisely to the extent that there is much in life that is kept separate from the political and the vision of some contemporary liberal theorists. Those theorists, in their eagerness to view all of social life as political, to devalue all group and out-group exclusions, and to restrict the family autonomy of members of (in the eyes of these theorists) unenlightened or illiberal groups, run the risk of doing precisely what Hannah Arendt feared: promoting totalitarianism, in a more, or illiberal solutions to the challenge of faction. In her essay, Susan Okin, who is a severe critic of cultural pluralism, surprisingly equates the multicultural pluralism agenda with the granting of autonomy rights to groups (rather than to individuals). Given that the emergence of cultural diversity might conservatively be a by-product of the exercise of individual rights to expressive liberty, associational freedom, and parental rights, this is a rather gratuitous equation in my view. More to the point, she also calls for the full extension of the principle of political equality to all domains of society, including the intimate or private realm of family life, and sheds no tears over the prospect that a universal enforcement of first-world liberal feminist notions or interpretations of justice, equal opportunity, and beneficent safekeeping might result in the complete eradication of factional or group differences in gender ideals and family life practices around the world. One finds in her writing another example in which liberal expectations become exaggerated to a point of illiberal by virtue of driving out other liberal expectations.

7. A parallel discussion of this case with an emphasis on its implications for interpretations of the free exercise of religion clause of the First Amendment of the U.S. Constitution can be found in an article by Richard A. Sweders (2003).

8. The liberal impulse to free, liberate, or uplift colonized, subaltern, or cultural minorities—group children from the grip and influence of their family, local community, or religion and to bring them into some dominant or dominating mainstream perhaps has its most eloquent and provocative formulation in the educational policies of Thomas Macaulay in India during the 1850s, a period of expanding British East India Company influence and ultimately colonial rule. Thomas Macaulay’s liberal impulse, readily derivable from the liberal expectations of equal opportunity and beneficent safekeeping, was to assist the "amn" to the higher civilization of the educated Victorian. One can summarize his educational objective by quoting one of his most vivid statements of purpose: that of, to mainstream Indian children by using British wealth, power, and influence to create a class of persons, Indian in blood and culture, but English in taste, in opinions, in morals, and in intellect" (Rudolph and Rudolph 2002, 47). Substitute “Aristocratic” for “Indian in blood and culture, and “mainstream American” for “educated Victorian,” and one enters the world of Wisconsin v. Yoder. The legacy of Thomas Macaulay’s educational reforms is substantial. His influence can be seen in the writings of many contemporary, highly mobile, and matrilineal cosmopolitan intellectuals and academics who were educated at the British colonial schools and who are forceful voices critical of communal identities. They are Thomas Macaulay’s children; they tend to value mixing or “hybridity” (the opposite of birds of a feather flocking together) and individualism. They value this not only for themselves, but also as ideals for all of humankind, including Amish children.

9. Here, Hannah Arendt’s observations are worth repeating: sending children to schools in which they are indoctrinated to turn against their parents and eliminating the rights of parents to make decisions about what is in their child’s interests is the kind of things done in tyrannies. While Justice William O. Douglas acknowledges that “parents, absent dissent, normally speak for the entire family,” he sees quite prepared to open the door through which the principle of political equality is extended into the domain of the family and where children might be granted voting rights equal to those of their parents on matters of importance to
the child, which presumably would include not only school choice but also, for example, the location of the family residence and the particular religion to be practiced in the household. It seems apparent that this type of legal application of the liberal expectancy of individual autonomy (granting to children the same degree of liberty and voice as their parents) has the potential to evade family autonomy (and disrupt the process by which groups pass on their cultural traditions to the next generation), which Hannah Arendt would surely have viewed as an illiberal result. Perhaps the potential illiberality in that result has something to do with the admirable balance of liberal ideals (for example, benevolent self-association with the state) achieved through normal family life in most societies and made possible by granting parents (as family decision makers) greater autonomy than children. Those who advocate for parental rights as well as those who advocate for children's rights in the United States have an obvious interest in the precise degree to which the door is kept open by our courts and in whether (or not) there exists a default position or legal presumption stating that (in most cases and under all but the most extreme circumstances) parents speak for the entire family even in the face of a child's dissent.

10. If the Supreme Court had ruled against the Amish parents of Wisconsin, the parents were apparently prepared to migrate with their children to Canada. Would the prosecutor, perhaps motivated by such liberal ideals as equal opportunity and benevolent self-association with the state, have then asked the court to either bar them from leaving the country or remove the Amish children from their parents and place them in mainstream foster homes? At what point does the application of those liberal ideals turn illiberal or tyrannical? In Australia, the expression “Save the Children” is out of favor largely because it is associated with certain tyrannical historical attempts, motivated by certain one-sided liberal hopes, to remove Aborigine children from their families and place them in middle class Anglo-Saxon families or missionary schools.

11. Many other controversies in liberal democratic societies are ultimately based in the inherent clash over liberal expectations. Here one might mention the controversy that surfaced over the speech given by former Harvard President Lawrence Summers, when he suggested that aggregate group differences in occupational participation might have less to do with violations of principles of merit-based justice and the fair evaluation of qualifications, and more to do with other factors, the most decisive of which, he hypothesized, was the exercise of free and autonomous decision making by individuals and groups about how to spend one's time and what to value. Lawrence Summers had in mind, for example, the relative underrepresentation of Catholics in investment banking, white men in professional basketball, Jews in farming and agriculture, and most especially women in the physical-sciences departments of elite research institutions, but he might just as well have pointed to the relative scarcity of Amish ballet dancers. As if his conjecture that gender prejudice and the unfair evaluation of qualifications were not the most powerful explanations of differential occupational participation was not provocative enough, he went on to suggest that to the extent that unequal life chances were factors in explaining gender-group differences in occupational participation, it might have something to do with genetic inheritance rather than with educational opportunity.

12. There are fascinating variations in the degree to which cultural groups develop a universalizing or missionary impulse and try to convert outsiders to their particular religions or visions of what is true, good, and beautiful. There are corollary group variations in one's willingness to embrace an attitude of "live and let live" or even "don't ask; don't tell." If I were to hazard a generalization in this regard, the missionary impulse appears to motivate Christians, Muslims, and secular humanists (including human rights activists) far more than it motivates Hindus, Jews, or Amish Mennonites. I suppose one should not be surprised that Christians, Muslims, and secular humanists have been relatively more successful than others at spreading their words beyond the in-group. Concerning the missionary impulse, see the article by Richard A. Shrader (2004).

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