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EDUCATION INQUIRY

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Questioning the parental right to educational authority – arguments for a pluralist public education system

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Abstract
What could the principle of a parental right to educational authority mean for democracy in the long run? Taking its starting point in three models of educational authority, this article questions the current permissive attitude to a parental right in this area. It does so in the light of the shortcomings of such a right with regard to pluralism in education for each child and a development towards a democracy with deliberative qualities, which is used here as a normative point of reference. The article develops three arguments for a common pluralist public education system for the public good and analyses different ways in which the parental right to educational authority has been legitimised as a basis for creating independent schools. It also highlights the neglect of the role of political socialisation in political philosophy, while raising the question of whether it is possible to create a deliberative democracy without future citizens growing into a deliberative culture, with schools serving as the crucial intermediate institution.

Keywords: parental right, educational authority, pluralism, deliberation, international conventions on parents’ rights

“... we must take it as axiomatic that the interests of the parents and those of the children are distinguishable, and potentially conflicting” (Brian Barry 2001, p. 202).

“... we have to learn to live with the otherness of others whose ways of being may be deeply threatening to our own. How else can moral and political learning take place, except through such encounters ...” (Seyla Benhabib 2002, p. 130).

Introduction
What might schooling mean for the survival and development of democracy and, more precisely, what are the implications for democracy of the different models of educational authority? In particular, what could the principle of a parental right to educational authority, which many consider attractive and which is in fact increasingly being applied, mean for democracy in the long run?

I take my starting point in three models of educational authority and, in particular, question the permissive attitude both within educational policy and among...
prominent philosophers of education and political philosophers to the parental right to educational authority. I will do so in the light of the shortcomings of such a right with regard to pluralism in education for each child and a development towards a democracy with deliberative qualities, which I use as a normative point of reference.

Models of educational authority
In Western societies, some version of the liberal idea that individuals have rights to control their own lives is dominant. There is, however, one exception, and this is I think of special interest to us as educators: children do not have those rights (even though there is a Convention on the Rights of the Child, which I will come back to). The adults usually authorised to exert a greater or lesser degree of control over children are the children’s parents. Parents are in many ways legally authorised to exercise control over the conditions in which their children are raised and, to some degree, concerning the kind of education they are to receive (Brighouse & Swift 2006, p. 80).

If we move to the specific area of who is to have the authority to decide about education, we find many different models and I think that Amy Gutmann, in her Democratic Education from 1987, has set out the standard starting points. She distinguishes three normative theories of educational authority or, as she also calls them, principled political theories for determining educational authority. She names the first the family state, where “state authority over education is necessary for establishing a harmony between individual virtue and social justice” and where “there is no necessary conflict between what is good for us and what is good for society – provided our society is just” (Gutmann 1987, p. 23). Gutmann relates this model back to Plato. However, a family state model of educational authority can of course develop along very different lines and does not necessarily build on a monolithic state. I would suggest that Gutmann offers no theory of what a state can be. If, for instance, we take our starting point in a state theory that defines the state as relational, as most Western democracies actually are, we may arrive at conclusions different to those of Gutmann.

Her second model is the classical liberal model, the state of families, dating back to John Locke, which “places educational authority exclusively in the hands of parents” (p. 28). As I will try to show, this model seems to be very strong and attractive to many parents and has been especially so in recent decades when it has gained prominence even in countries not previously interested in it, such as Sweden. However, the model has certain undesirable consequences in relation to democracy as I see it, which I will elaborate on.

Gutmann’s third model, the state of individuals, also goes back to a liberal thinker, John Stuart Mill, but Gutmann is a little unclear when she says that this model champions “the dual goals of opportunity for choice and neutrality among conceptions of the good life” (p. 34), because at the same time she questions these goals as unrealisable. She also develops a fourth model, a democratic state of education, which
“recognizes that educational authority must be shared among parents, citizens, and professional educators” (p. 42). However, as I will seek to show, it is problematic and perhaps impossible to develop a proper balance between these sources of authority, and one can ask whether the parental right to educational authority, if accepted, would not be decisive in this model.

Finally, Gutmann relates the primary functions of the education system specifically to democracy and takes the position that “political education” – the cultivation of the virtues, knowledge, and skills necessary for political participation – has moral primacy over other purposes of public education in a democratic society” (p. 287). This is of course a specific philosophical standpoint that can be traced back to a tradition in which John Dewey, who focus on the relationship between education and democracy, is central – and it is that tradition that I, too, will lean upon. However, at the same time it is noticeable that, in this quotation (and many others), Gutmann talks about the goals of public education, “a primary aim of publicly mandated schooling is therefore to cultivate the skills and virtues for deliberation” (Gutmann 1999, xiii), without mentioning private education.

Gutmann’s context is the United States, while my primary context is Sweden but I will also refer to developments in Britain, which together with Sweden is one of the Western countries that have seen the fastest privatisation of schooling in recent decades. The differences in national contexts are important because the way each national education system has been built up and the principles by which it is organised – things that are often taken as given – have important implications for how we will see the preconditions for what I will be focusing on, the question of the parental right to educational authority. And the differences between national education systems are also crucial because they have implications for whether, how and to what extent those systems have had or can have a democratic role, whatever that may mean.

**Questioning the parental right – an introductory starting point**

What I intend to do then is to question, first, the principle of a parental right to educational authority per se and, second, the way in which it has been strengthened in recent decades. I will also try to show how this principle has been legitimised historically and how documents stressing the parental right to educational authority have mainly sought to prevent state indoctrination, viewing parents as protectors of the child. As I see it, however, in Western democracies such a threat of state indoctrination is today overshadowed by the risk that many parents, who are themselves aiming to indoctrinate or at least strongly influence their children, could use the principle of a parental right to educational authority for entirely different purposes than the original one of protecting the child.

In addition, I will attempt to show what kind of rights to education children as (prospective) citizens might have in line with the principles of democracy, how
the democratic potential of schools might be undermined by the parental right to educational authority, and how that potential might be strengthened without such a parental right.

Gutmann is interpreted by some as asserting that “children have a right to an autonomous future in which they can choose to live their own lives according to their conception of the good” (McDonough & Feinberg 2003, p. 7). In her work, she is also quite critical of her second, state of families model, saying that “it is one thing to recognize the right (and responsibility) of parents to educate their children as members of a family, quite another to claim that this right of familial education extends to a right of parents to insulate their children from exposure to ways of life or thinking that conflict with their own” (Gutmann 1987, p. 29). She is even more precise when she writes that “a state makes choice possible by teaching its future citizens respect for opposing points of view and ways of life. It makes choice meaningful by equipping children with the intellectual skills necessary to evaluate ways of life different from that of their parents. History suggests that without state provision or regulation of education, children will be taught neither mutual respect among persons nor rational deliberation among ways of life” (pp. 30-31).

Gutmann is quite clear about what latent functions and risks there are in a state of families system and what the role of the state might be, but that, at the same time, she finds it sufficient to have “state provision or regulation”. However, she is even clearer in her critique of the state of families model when she writes that “the state of families mistakenly conflates the welfare of children with the freedom of parents when it assumes that the welfare of children is best defined or secured by the freedom of parents” (p. 32). As I interpret her, she is not denying the right of parents to educational authority because she gives reasons for permitting communities to use education to predispose children towards some ways of life and away from others. And in a later, revised edition, she writes: “A democratic society needs to offer not only choices among public or private schools, but good choices if it is to fulfil its educational obligations to children” (Gutmann 1999, p. 302). But what does that mean? In discussing private education (in the original 1987 edition), she argues that “as more and more parents pull their children out of public schools, public schools will be increasingly incapable of fulfilling their democratic purposes. By this logic, private schooling must be prohibited so as to fulfil the democratic purposes of public schooling. While a prohibitionist policy deprives dissatisfied parents of the freedom to take their children out of public schools, it supports their freedom to participate as citizens in the control of public schools” (Gutmann, 1987, p. 116). But immediately after saying that, she states that “prohibitionism therefore relies heavily on the consequentialist claim that the results of prohibiting private schooling will be better on balance for democracy than the results of an alternative policy. To decide whether this claim is compelling, we need to answer some difficult questions” (p. 116).
Gutmann thus goes on to leave the political problem of public/private schooling, making it an economic question and a question of efficiency and achievement. Will public schools improve if they have no competition? Have private schools in the United States, on balance, hurt public schools by siphoning off the best students? She uses Catholic schools (the biggest sector of private education) as an example and suggests that private schooling is not significantly segregated by class, race or academic talent, but just by religion. So in a way she does not see it as a problem, and she ends with quite a vague proposition about a mixed system. What is noticeable in Gutmann’s analysis is that she does not evaluate at all the (democratic) importance of the school as an encounter between persons from different religions, social groups and/or ethnicities. Schools seem primarily to be places for learning facts and building careers.

Another political philosopher of education, Eamon Callan (1997), also develops many interesting thoughts on political education and political virtues, but from the outset he adopts an explicit position that is very clearly parent-oriented and, as I understand it, contradictory to the view of political education for autonomy which he develops in Creating Citizens, when he says in the introduction that “the state must give parents substantial latitude to instil in their children whatever religious faith or conception of the good they espouse. Similarly, the state must permit communities of like-minded citizens to create educational institutions that reflect their distinct way of life, even if that entails some alienation from the political culture of the larger society” (Callan 1997, p. 9).

I also intend, later in this article, to question the view of Seyla Benhabib, a political philosopher oriented towards deliberative democracy, for her neglect of the role of political socialisation by schools when she analyses the preconditions for a deliberative democratic “utopia” (a utopia which also creates my vision of a better world). This critique is not aimed especially at Benhabib but at political philosophy as a whole, which often neglects the question of schools and their role in political socialisation. However, that neglect might be explained by the underlying classical liberal and in many ways fairly dominant view of the parental right to educational authority, also among political philosophers and perhaps philosophers of education. So Susan Moller Okin is possibly quite right when she says that political theorists “take mature, independent human beings as the subjects of their theories without any mention of how they got that way” (Moller Okin 1989, p. 154).

Is the parental right to educational authority sacrosanct?

I sympathise with the comprehensive view developed by the well-known philosophers of education, and especially of the parent–child relationship, Harry Brighouse and Adam Swift. In a recent article (2006), the latter stand out in contrast to writers such as Charles Fried (1976) and William Galston (2003) who say unconditionally that, as a parent, one has the right to “form one’s child’s values, one’s child’s life
plan” in line with one’s “deepest commitments”, and that this is “an essential element of expressive liberty”. Brighouse and Swift’s account subordinates this “to the child’s interest and the parent’s interest in acting as a fiduciary for, and enjoying an intimate relationship with, the child” (Brighouse & Swift 2006, p. 103). Thus, in my view too, parents have a fundamental right (whether it should be called a right, though, might be discussed) to an intimate relationship with their children, a relationship which of course also entails many responsibilities. I am not at all critical of that, and indeed strongly support such a view. Parents naturally also have other important responsibilities rather than rights in relation to their children, and by that I mean the responsibility to protect them and to support the full development of their potential in terms of language and all other kinds of development, to create the best conditions for their development and so on, but not without limits in relation to all other children and to society as a whole.

When Brighouse and Swift come to the question of education, although they write that “parents may not legitimately indoctrinate their children”, they also say, on the next line, that parents “do have a legitimate interest in being able deliberately to influence their children’s values and beliefs insofar as they can do so without compromising the child’s prospective autonomy” (Brighouse & Swift 2006, p. 104). But how are we to understand and draw a clear line between these two positions – indoctrination and influencing “their children’s values and beliefs insofar as they can do so without compromising the child’s prospective autonomy”? And what exactly does that mean when it comes to the parental right to educational authority? I believe Brighouse and Swift are not explicit about this dilemma.

For many parents and philosophers of education, legitimate “parental influence” might mean that it is seen as reasonable, and perhaps as a kind of legitimate interest in influencing the child’s values and beliefs, to keep children out of a public education system and its role as “potential public spaces in which there is a preference for pluralism” (Englund 2006, p. 504).

Pluralism can be understood in different ways, and I will begin with the argument, once put forward by the educational historian William Reese, that “democracy is a sham without a system of public schools that introduces everyone to a world of ideas, values, and knowledge that takes all children beyond their own narrow and private worlds... The public schools must necessarily stand above and in tension with all private concerns” (Reese 1988, p. 440). In what ways, then, is this necessary, and why? And how is democracy strengthened by a public education system that stands above all private concerns?

Three arguments for a common plural education for the public good – on the need to develop citizenship literacy
When I question the principle of a parental right to educational authority, I do it primarily in relation to what kind of rights to education children as prospective citizens
might have, and here I believe that prospective citizenship in a democracy mainly calls for (preconditions for) pluralism in education in three different respects, which I will develop.5

Pluralism as openness to different perspectives

The first kind of pluralism I want to underline can be described in the following terms: during their education, through the curriculum in different school subjects – besides and integrated with the development of their critical citizenship literacy in various fields – children and adolescents will be presented with issues that can be viewed from different angles (Englund 1997). It is important that these issues are converted into multifaceted, controversial questions so that students can encounter different ways of looking at the good life, different values, different arguments for and against on controversial and other issues, where there really are, in the general debate, different ways of understanding, looking at and perspectivising the issues addressed. This might form the intellectual and cognitive basis for children not just to develop opinions of their own in different areas, but to learn how to analyse different issues. Presenting issues that can be looked at from different angles also implies the need for an open and, I might say, deliberative pedagogical context in which different views are respected. Hopefully, these different perspectives will often be “produced” and presented by students in classroom discussion, but of course the teacher has a crucial role to play in delivering the differing views of certain issues that are present in public debate, making the classroom a weak public (Fraser 1992).

A public education system for a plural, public good

I believe that this kind of knowledge production for a citizenship literacy in the interest of the public good is best guaranteed by public schools run by democratic institutions, related to what I would call a strong democracy (cf. Barber 1984), enforcing the principle of pluralism. I cannot see that any other educational institution than a public education system has greater potential to live up to pluralism of that kind. However, as Hardin (2002) has shown us, universal institutions (like public education systems) are not just difficult to establish, they also tend to be weak and are thus, as we all know, often at risk of being dissolved. There are always different particular interests that tend to challenge universal institutions on the grounds that their own category is (said to be) being singled out for special treatment or put at a disadvantage by existing institutions of this kind.

In a way I am then proposing the family state model as the ideal, but not in the sense of a paternalistic state, but rather a democratic state with specific qualities – one where, I think, pluralism in education can be, if not guaranteed, then upheld by the fact that different social forces, in line with principles of democracy, are represented in the politics of and implementation of the national curriculum etc., and by the fact that professional educators defend the principle of pluralism.6
How, then, can this principle of pluralism be strengthened? If we look at education primarily as a matter of creating critical citizens, I believe that the principle of pluralism can be a strong reminder. If public schools as such are made subject to democratic rules, procedures and goals, they can also be criticised and changed, which is much more difficult in a system of schools based on a parental right to educational authority, as I think Gutmann shows very well with her examples. Also, as we see from the recent history of independent schools, for example in Sweden, inspections have great difficulty really getting close to what is going on in many private schools, even if undemocratic relationships and phenomena have been exposed through reports with hidden cameras and so on.

This also means that the third model outlined by Gutmann, the state of individuals, is partly “used” in the model I am proposing, in the sense that “it must provide every child with an opportunity to choose freely and rationally among the widest range of lives” (Gutmann, 1987, p. 34). This, I think, can be realised by “a system of public schools that introduces everyone to a world of ideas, values, and knowledge that takes all children beyond their own narrow and private worlds” (Reese 1988, p. 440).

**Schools as encounters between different cultures and social groups**

Thus, I believe that public schools are especially qualified to promote pluralism in the specific sense that different groups and cultures can encounter each other there, and the differing perspectives of these groups can thereby be confronted, deliberately compared, valued and at the same time tolerantly respected.

This kind of pluralism has been rolled back in the last few decades, firstly as a result of the restructuring of schooling, the renaissance of traditional schooling and the associated lowering of ambitions to try to create equality through more equal access to educational opportunities. This restructuring of schooling implies a narrow focus on knowledge, together with an adjustment of different schools to different social and cultural groups, with no agenda of changing the social structure and social mobility through education. The restructuring of recent decades has taken place parallel to stronger segregation, with different groups of people living in different areas, for example a much stronger concentration of immigrants in specific suburbs etc.

Secondly, but perhaps more importantly, “encounter pluralism” has also been rolled back by what we can call a stronger identity politics, meaning that different cultural groups have come to demand an education of their own. We have, in many countries, seen growing multiculturalism in education over the last couple of decades.

Both of these tendencies, which in many ways are contradictory and based on totally different political projects, build to a greater or lesser degree on the parental right to educational authority and on what can be seen as a way of conceptualising democracy as a “small” or thin democracy. By that, I mean a kind of democracy where you as a parent have a greater say and a direct influence over circumstances close to you, like your children’s education.
Yet, in a wider perspective of democracy, both of these trends entail stronger segregation and less contact between different social and cultural groups, and a weaker citizenship concept. Both also often reject a redistributive, equality-oriented policy “from above”, from a state with redistributive ambitions.

I cannot see that any of these three characteristics of pluralism are clearly stressed by other philosophers of education who, in some ways, are close to my own position on citizenship education. My discussion provides three specific criteria of pluralism for the public education system, which lead to or are given preconditions for a pluralist education for all children.

In relation to such an ideal or, if you will, to a democratic principle of public schools as an expression of general education, I would argue that the right of parents to educational authority, to decide on the content of their children’s education in line with their narrow career ambitions or ideological, religious and other values, and also the possibility of indoctrinating them with certain values of various kinds, is a way for parents to deny their children their potential to become politically autonomous young and adult persons and citizens through a truly pluralist education.

– Different ways of understanding pluralism

Pluralism is often a prestige word, even for ethnic, cultural and religious groups setting up their own schools, but as I see it and have suggested earlier it is possible, in order to make things clear, to talk about at least two different interpretations of pluralism (from Englund 1994, p. 389):

| Pluralism I: | Pluralism II: |
|-------------|--------------|
| the right of the child to encounter the pluralist society within the individual school = public education pluralism within the the public education system | the right for parents to decide the values governing the socialisation of their children = private education organised pluralism based on public and private schools |

It is my opinion that only public schools have the potential to realise a pluralism (I) of the kind that I propose (even if they do not always live up to this ideal).

Pluralism (II), based on independent schools run by different social, ethnic, cultural and religious groups, is also a way to prevent education becoming public in line with democratic principles and instead to make it private.

Sweden is a special case, having seen a rapid shift in the last couple of decades from common general education/common schools for most students to a fast-growing
sector of “independent” schools, which today provide around 10 percent of elementary and lower secondary and some 20 percent of upper secondary education. These independent schools rest on various foundations such as (fundamentalist) religions, ethnic grounds and different talents – in the last 10 years, there has also been a growing independent school sector that has emphasised efficient knowledge-building, often combined with schools as efficient profit-making enterprises.

So, when I question the way the parental right has been strengthened in recent decades, I am referring in the first instance to the rapid development seen in Sweden, but in the second instance also to the restructuring of schools in most Western democracies, with the USA and Britain being primary examples (cf. Lowe Boyd 1992 for an early overview and Whitty et al. 1998 and Forsey et al. 2008 for recent analyses). More generally, this has occurred against the backdrop of the multiculturalisation of many Western democracies and is one expression of how these societies have met the multicultural challenge. What we have witnessed in Sweden in the last few decades is a growing private school system whereby independent schools based on different kinds of alternative pedagogy (primarily Waldorf and Montessori) and religious fundamentalism in the Christian tradition (mainly indigenous Swedish) were the first, but where these were very soon followed by schools based on different ethnic foundations and, as noted, schools as efficient profit-making enterprises. In Britain, Stephen Ball referred to “the phoenix of parental choice” as early as 1990, stating that “the concerned parent is thus recruited as a discursive subject of Thatcherism. If the parent makes a poor choice, it is said, then that is his or her problem” (Ball 1990, p. 34).

The principle of a parental right to educational authority – in line with the paragraph of the Universal Declaration of Human Rights stating that “parents have a prior right to choose the kind of education that shall be given to their children” – is an instrument that has come to be used in many different contexts and that has expanded very fast, at the same time challenging the values of a general public school. However, the sources of legitimisation of this process can be seen in a wider perspective.

Ways of legitimising the parental right to educational authority as a basis for creating independent schools

I will consider and question three different ways in which the parental right to educational authority has been legitimised.

(a) The revitalisation of classical liberalism: on the right of parents to educational authority

The parental right to educational authority has a long liberal tradition (cf. Gutmann’s second, state of families model). Classical liberalism, as represented by John Locke, in many ways provides a firm basis for the kind of possessive individualism we are seeing once again today. The parental right is, according to Locke, a natural one and
in many respects it seems as if this kind of thinking is strong today when it comes to parents’ rights to educational authority as well.

There is also a more interventionist liberal tradition, beginning with John Stuart Mill (cf. the third model, the state of individuals, developed by Gutmann) and passing via Dewey to certain representatives of contemporary liberalist thinking such as Rawls, Habermas and Gutmann. During the 20th century, this tradition – and in Western Europe, together with social democratic forces – in many ways provided Western democratic states with a more active educational role and also provided a rationale that has enabled schools, in some regards, to go beyond the authority of parents. This model of an almost universal (though that term can of course be questioned) public education system has always entailed problems, and its spokesmen have even hesitated to articulate a defence for the different models of a common, comprehensive school in recent decades.

The educational history of Sweden is illustrative of how classical liberalism has reappeared on the scene. During the late 19th century and the first half of the 20th century, there were two different strands to schooling in Sweden, one for the social elite and one for the rest, but throughout that period there was a struggle for schools on equal terms. After the Second World War, a common, public education system for everyone was gradually created, and over a period of three decades, from the 1960s into the 1980s, it did indeed work, constantly challenged (as Russell Hardin put it with regard to universal institutions) on the grounds that particular groups were being singled out for special treatment or put at a disadvantage by it.7

During the 1960s the recently created public education system was criticised by religious groups who felt that the school system’s role of inculcating Christianity was being neglected as a result of the requirement, inscribed in the 1962 curriculum, that education should be religiously neutral and that teachers should be objective. During the 1970s the comprehensive school system was criticised by left-wing groups who saw it as an instrument of social selection and indoctrination. During the 1980s criticism also came from the private middle class who regarded the system as imposing too uniform a socialisation and leaving no room for individual differences and the wish of parents to shape their children’s education. However, it was only the authors of this last wave of criticism who, together with religious parents, called for “schools of their own”, schools based on alternative pedagogy9 religious fundamentalism and schools for specifically talented pupils. And it was this last wave that paved the way for the disintegration of the general public education system with the reforms introduced around 1990.

Thus, in many ways educational authority is reverting to the view of classical liberalism, emphasising and strengthening parental rights to educational authority, a view that has been revitalised in the last few decades. In Sweden, a government commission (SOU 1990:44, The Study of Power and Democracy) acted as a catalyst for the change (cf. Englund 1994, Englund ed. 1996), a change leading towards what
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can perhaps be called a liberal-bourgeois paradigm of law in the terms of Habermas (cf. Habermas 1996).

The most important implication of the (reduced) scope of the (public) education system to foster democracy (as an expression of education as a social right), arising from this revitalisation of parents’ civil rights to education or the parental right to educational authority, is as I see it, a new situation. In this situation, it becomes possible and also legitimate for parents who might not have any interest in schools and schooling for democracy or in schools as encounters between different groups and cultures to distance themselves from such efforts on the part of the public education system (cf. Gutmann) and perhaps, in the long run, also from each individual’s responsibility for democracy.

The gradual depreciation of schools and schooling for democracy can also, as it has done in Sweden in recent decades, create a legitimate attitude, in line with this depreciation, that educating for democracy is not an important task of schools as many groups related to independent schools claim, while others are still trying to maintain and develop new models of schools for democracy.

(b) The role of international conventions

One central reason or at least one specific legitimising factor explaining why the common school system has not been defended during the transformation of recent decades is, as I see it, the growing use of international declarations drawing attention to the right of parents to educational authority. Three international conventions are of interest here, conventions that had not previously been used in this way.

– The United Nations’ Universal Declaration of Human Rights

The classical liberal claim of a parental right to educational authority (as elaborated on earlier in this article) is in no way at odds with the doctrines laid down in international agreements after the Second World War. In Article 26 (3) of the Universal Declaration of Human Rights adopted by the United Nations in 1948, it is said that “parents have a prior right to choose the kind of education that shall be given to their children”. This paragraph was originally written mainly in relation to the Nazi experience and a state that had acted undemocratically, but this paragraph has, at least in Sweden, been a crucial factor in legitimising the parental right to educational authority and, consequently, the establishment of independent schools of various kinds.

Delegates primarily from three countries were behind the specific wording chosen regarding the right of parents to educational authority: Lebanon, Denmark and the Netherlands, with the last two countries having strong private education traditions. It should also be noted that the proposed text of the third paragraph – that “parents have a prior right to choose the kind of education that shall be given to their children” – was initially adopted by a small majority, 17 votes to 13, with 7 abstentions (cf. Roth 2009).
– The European Convention

The European Convention, which became even more important than the Universal Declaration of Rights in that it formed the basis for a common jurisdiction, was drawn up between 1949 and 1952. In some ways it followed the same pattern of the threat of a totalitarian state, but at the same time it was more clearly related to parents’ rights to decide on the religious education of their children. “It was argued that one of the most dangerous ways in which a totalitarian government can reinforce its power is to take over the education system and exclude parents from decisions about the moral and religious/philosophical education of their children” (Evans 2001, p. 46).

In the European Convention on Human Rights of 1950, the right of parents to choose the education of their children was not initially included. However, after a new round of negotiations in 1951 it was included, with the following wording: “No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions” (TP, vol. VIII, p. 214, from Wahlström 2009, p. 156). In the end, quite a negative formulation was chosen (“no person shall be denied”), and at the same time delegates agreed on a wider, woollier reference to parents’ rights (Wahlström 2009).

In general at that time delegates from the European continent were fighting for the right of parents to choose a religious education for their children, while delegates from the UK and the Nordic countries may have preferred to exclude the regulation of education with respect to parents’ rights from the Convention. Sweden did not put its signature on the paragraph in question at the time, and only did so in 1995, when it joined the EU.

– The Convention on the Rights of the Child

One might think that the Convention on the Rights of the Child (CRC), drawn up in the 1980s, would have changed the situation in favour of children, but it did not. Some commentators stress that the CRC recognises the autonomy of the child, the importance of the child’s right to express his or her opinions and to be heard, and the need to listen to the child and consider his or her view, and it might be said that the convention has had consequences at least in Swedish schools in the form of a stronger rhetoric about pupil participation and influence. But the parental right was not really questioned and one might even say that the convention to some extent revitalised the civil parental right to ownership of one’s children (Quennerstedt 2009). The CRC was not, for example, linked to a demand for pluralism in the curriculum work in Sweden of the early 1990s – that demand was much stronger in the work leading up to the national curriculum reform of 1980.

The wording of the article on the child’s right to education was changed several times during the drafting process, and in the final version the contradictions that
had emerged in its elaboration concerning the rights of the child and the rights of the parents became invisible in that the article only expressed the social right of the child to education. The article on freedom of thought, conscience and religion proved to be particularly difficult to agree upon, but the work on this article also created a specific principle: the requirement to pay attention to “the evolving capacities of the child” – a principle that would also come to the fore in other articles.

(c) Identity politics: The recognition “factor”

A third important way of legitimising a parental right to educational authority (besides the liberal tradition and the conventions mentioned) is what I have earlier referred to as identity politics and what we can call the recognition factor, meaning that more or less demarcated cultural minority groups (ethnically based or with the same language or some other common factor) have begun to demand the right to reproduce their specific values. Mostly this situation is and has been applicable to cultural minorities of different kinds. There have been strong calls, for example, among those we could (with Brian Barry) call multiculturalists, for the state to recognise group identities by granting groups exemptions from certain laws, publicly “affirming” their value and providing them with special privileges and subsidies – independent schools based on different group identities being one way of doing this. Among political philosophers supporting different models to this end, one can mention Charles Taylor, William Galston, Bhikhu Parekh and Iris Marion Young (however, I will not go into the differences between them).

This concentration on cultural recognition implies, more or less without exception, that the power of parents is expanded, for example in Sweden where most immigrant cultures actually have much stronger parental authority than exists in Swedish families. This of course also creates specific situations in relation to cultures where the views of women and children can be said to be unequal. As Susan Moller Okin points out, “because of the general tendency of most cultures to try to control the lives of girls and women more than those of boys and men, women’s capacities to exit their cultures are usually considerably more restricted than men’s” (Moller Okin 2003, p. 334).

The three ways of legitimising the parental right to educational authority – (a revitalisation of) classical liberalism, use of the international conventions and the recognition factor – do not appear to be questioned within political philosophy either, even if its goal, as in the case of Seyla Benhabib, is to argue for the development of deliberative democracy and its claim is that we have to learn to live with the otherness of others whose ways of being may be deeply threatening to our own.

Neglect of the role of political socialisation in political philosophy

Seyla Benhabib (2002) defends the universalist model of deliberative democracy, earlier developed in Benhabib 1996, and balances it against demands for a legal plu-
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...
On the contrary, Benhabib’s view of schools is relatively traditional in that she sees their role primarily in terms of transmitting knowledge and believes that this transmission can take place even in schools which are strictly culturally based. She emphasises the use of “standardized tests and finishing exams”, and also writes that specific communities “do have a right to transmit to their children the fundamentals of their own ways of life alongside other forms of knowledge shared with humankind” (Benhabib 2002, pp. 124-125).

In summary, I find the view of Seyla Benhabib contradictory: on one hand (and based on a thorough analysis of cultures not as definitive entities, but as having porous borders), she underlines that we “have to learn to live with the otherness of others whose ways of being may be deeply threatening to our own”, while on the other hand she supports the right of different cultural groups “to transmit to their children the fundamentals of their own ways of life”. What about the importance of voluntary self-ascription and freedom of exit if the whole institutionalised socialisation process is in the hands of different cultural groups? Is there not instead an obvious risk that schools operating in that way will create high social capital, but low tolerance (cf. Putnam 2000, p. 355), where “tolerance and trust of members within the community does not necessarily mean tolerance of outsiders, sometimes just the opposite” (Norris 2002, p. 143)?

Thus, I would also question Benhabib’s neglect of the role of schools not just in the respect already mentioned, but also in the way that she leaves no room whatsoever for intercultural dialogue in schools, when she emphasises a school guided by “standardized tests and finishing exams”.

My point is that, if we are to try to make use of her brilliant analyses of the relationship between deliberative democracy, self-determination and multiculturalism, we also have to look at and perhaps question her views on both the organisational authorisation and the inner work of schools. I believe that Seyla Benhabib, like many other social scientists, neglects the important role of the institutionalisation of the socialisation process in creating mutual trust, social capital and high tolerance of others.

**Summing up and reflections**

To sum up my answer to the questions of why and how the parental right to educational authority has been strengthened in recent decades, one can see how classical liberalism and its possessive individualism (MacPherson 1962) have been revitalised, how the provisions on parental rights to educational authority in the Universal Declaration of Rights, the European Convention and also the Convention on the Rights of the Child have been exploited, and how the move towards the recognition of cultural minorities has also strengthened the parental right to educational authority.

I find it surprising that there is not a stronger belief in the democratic potential of schools that exists in the three aspects of pluralism discussed earlier. With the three developed criteria of pluralism, I would argue that we have a different starting point
regarding the potential of the education system compared with the earlier main role of the common school system, which was often seen as having the task of creating a common frame of reference. The education system as a weak public is being totally forgotten in the analysed transformation as pluralism is changing from a pluralism for each child to a kind of choice or organised pluralism for parents that implies non-pluralism for their children, and even indoctrination into a certain set of ideological, religious or other values, or going to a school only with like-minded peers, e.g. middle-class children fighting for the best degrees, children with the same religious base, children with the same ethnic background and so on.

This view is also supported by the general shift in politics on which the restructuring of schooling is based and in which schools as encounters between different groups and schools as weak publics are being completely forgotten. This restructuring process also implies that the parental right to educational authority has been strengthened by ideas advanced, for example, by economists such as Milton Friedman, ideas that have challenged so-called monopolies like the public education system and given parents the possibility of buying places at the schools most suitable for their children (cf. the class strategies analysed by Stephen Ball 2003).

The implication of this shift for the public education system (to the extent that such a system has existed) is also a move away from a view of what could be called public education systems related to “strong democracy”, where every future citizen is “invited” to participate in deciding what kind of society they want to live in, towards what might be called a “thin democracy”, involving parental choice and individually based decisions about schools, and the specialisation of education and health care as an alternative to what, in the anti-socialist rhetoric, are called public monopolies.

Going “back” to a private-law paradigm?

Jürgen Habermas, who created discourse ethics, distinguishes in Between Facts and Norms (1996) three paradigms of law, the first two of which developed one after the other. A liberal or private-law paradigm was followed by a social welfare paradigm, while contemporary society may be characterised by the “search for a new paradigm”, which Habermas in normative terms proposes to be a proceduralist paradigm of law, a paradigm which “privileges political rights and envisions a society in which a general deliberative participation in political life plays a crucial role” (Carleheden 2006, p. 523). However, what instead seems to be happening in the area of education is a renaissance of the first stage of modernity, with an expansion of the parental right to educational authority.

Accordingly, without believing that a public education system based on pluralism can be established tomorrow, I find it strange that the parental right to educational authority is not questioned more than it is – am I alone here? Why is it not questioned? Do all philosophers of education, political philosophers, politicians and others believe the parental right to educational authority to be more democratic? Certainly, this
parental right is sanctioned by internationally agreed documents, but I do not believe that they were adopted with the intention of allowing indoctrination. The idea of a parental right to educational authority is of course also, at least spontaneously and in the short-term perspective, attractive to most parents, but is the belief in that right mere self-interest (and a belief primarily held by middle-class parents)?

What about the obligation to give all children and young people the possibility of experiencing and developing attitudes of their own to different ways of living, to make classrooms into weak publics where different values can be contrasted with each other and arguments for and against presented?

In Western societies we tend to question the patriarchal role of parents in other cultures, e.g. Muslim culture where parental rights seem strong and the roles played by the sexes differ. But we liberals do not question our own patriarchalism. And I do not think that we can insist on other cultures giving up their parental influence if we are not ready to do so ourselves, and it does not seem that we are.

**Deliberative democracy as an ideal**

Is it possible, though, to create a deliberative democracy without future citizens growing into a deliberative culture, with schools serving as the crucial intermediate institution? It is within schools that encounters between cultures, different value orientations etc. can take place and weak publics can be created. Deliberative democracy has to be viewed as a long-term project and one of its central institutions is the school or, as Gutmann and Thompson write: “In any effort to make democracy more deliberative, the single most important institution outside government is the educational system. To prepare their students for citizenship, schools must go beyond teaching literacy and numeracy, though both are of course prerequisites for deliberating about public problems. Schools should aim to develop their students’ capacities to understand different perspectives, communicate their understandings to other people, and engage in the give-and-take of moral argument with a view to making mutually acceptable decisions” (Gutmann & Thompson 1996, p. 359).

In efforts to develop what has come to be called the “democratic foundation of schools” in Sweden, the idea of deliberative communication has occupied a prominent position (Englund 2000ab, 2001, 2006, 2009a). Both the Ministry of Education (2000) and the National Agency for Education (2000) have advocated deliberative communication as a central form of activity in schools. Deliberative communication is understood in this context as communication in which different opinions and values can be brought face to face, with “an endeavour to ensure that each individual takes a stand by listening, deliberating, seeking arguments and evaluating, while at the same time there is a collective effort to find values and norms that everyone can agree upon” (National Agency for Education, Dnr 2000:1613, p. 6, my translation).

What I have tried to defend is a new version of the common school tradition, which at the same time has an understanding of and represents a response to pluralism in
which each school, each school class, is seen as an encounter between differences of all kinds, while also constituting an institution for creating mutual trust – a perspective dating back to Dewey’s view in his *Democracy and Education* from 1916 where he saw the common school as the possible “intermingling in the school of youth of different races, differing religions, and unlike customs [which] creates for all a new and broader environment” (Dewey 1916/1985, p. 26). Or, as a current analyst has put it: “a more public conception of school, in which children from many backgrounds learn together is needed because it is so hard for students to learn to be mutually tolerant and respectful of other people, traditions, and ways of life unless they are actually exposed to them... toleration and mutual respect for others can best be acquired only by interacting with others in a setting that is itself challenging, heterogeneous, and mutually respectful” (Levinson 1999, p. 114).

It seems reasonable to say, as Toshio Yamagishi (2001) does, that “societies should have educational systems, from pre-school to university level, that do not segregate on the basis of, for example, ethnicity and social class” (Yamagishi 2001, p. 91). I believe that trust and social intelligence develop through extensive interaction with others, and mainly with others who are not of the same category as oneself. Societies have to create arenas for social encounters where this interaction can come about. The education system potentially offers such an arena. The main purpose of schooling may be to learn to read, write, count and so on, but it is within the time and space of schooling that you learn how to communicate with others, and the time spent in school represents a huge part of every person’s early life.

Such an education system can also be regarded, referring to Russell Hardin (2002), as an example of a universal institution. However, such institutions are not just difficult to establish, they also tend to be weak and are thus often at risk of being dissolved. There are always different particular interests that tend to challenge universal institutions on the grounds that their own group is being singled out for special treatment or put at a disadvantage by existing institutions of this kind (cf. Englund 2009b).

Is it reasonable, then, to question the parental right to educational authority? Of course, I realise that this questioning is seen by many as out of date. However, I still want to engage in it. What is very interesting about this specific question is that it is so close to everyday life and the opportunities of all families (parents and children) to choose different ways. For many middle-class parents with children starting school today in the inner-city areas of Sweden’s three big cities, it is fairly natural to make choices of school for their children, to choose between different public schools or to opt for an independent school. As recently as 20 years ago, “we” did not do so. In Sweden at least, we all acted within the public education system, fighting for good schools for everyone. What are the long-term consequences of this new situation?
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Notes

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2 Like Dewey, by democracy I do not just mean “a form of government; it is primarily a mode of associated living, a conjoint communicated experience” (Dewey 1916/1985, p. 93, cf. Englund 2000ab, 2006).

3 Gutmann writes: “A just educational authority must not bias children’s choices among good lives, but it must provide every child with an opportunity to choose freely andrationally among the widest range of lives... Neither parents nor states are capable of fulfilling this educational ideal. Parents are unlikely (and unwilling) to resist a strong human impulse: the desire to pass some of their particular prejudices on to their children. And even the most liberal states are bound to subvert the neutrality principle” (Gutmann 1987, p. 34).

4 But what might the implications be if more and more parents choose schools which explicitly adopt a position of not educating for democracy? Does this mean that we are on our way to using “democratic processes to destroy democracy” (cf. Gutmann 1987, p 14)?

5 The question of the autonomy of the child (in the civil, public sphere) is often distinguished from that of the child as a prospective citizen. However, in the following I do not distinguish these two dimensions, seeing the right of the child to encounter the plural society as a precondition for each child to become a (politically) autonomous citizen, or perhaps better, a citizen capable of making her own choices based on her knowledge of different views of the good life and so on.

6 Thus, pluralism in these two respects rests on specific, what might be called late-modern, conditions of democracy, in the last instance dependent on classic, social trustee professionals and citizens as law-givers (Durkheim 1992, Parsons 1968, Habermas 1996, cf. Englund 2006, 2008).

7 Hardin 2002; Swedish educational history involves a long-term struggle over the role of schools in promoting equality and democracy. A symbolic title in this regard is *The Struggle for Democratic Education. Equality and Participation in Sweden*, edited by Stephen Ball and Staffan Larsson in 1989.

8 It may be noted that, among the groups of parents demanding “free schools for alternative pedagogy”, mainly based on the ideas of Rudolf Steiner (Waldorf schools) and Maria Montessori, there were many former “leftists” who were suspicious of the (social democratic) state. The alliance calling for free schools was thus quite a mixed crowd as these groups joined forces with religious parents wanting a religious education for their children, and also with religious fundamentalists and more classical forces among the private middle class seeking to promote private education.

9 The use in this sentence of the ideas of education as a social right (for each child) and as a civil right for parents builds upon the classical distinction made by Marshall (1949/1964); cf. Englund 1994.
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