Democracy, Plurality, and Education:
Deliberating Practices of and for Civic Participation

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DEMOCRATIC LEGITIMACY IN THE FACE OF PLURALITY

"We the people!" This familiar sounding cry of democratic self-rule is anything but straightforward in the face of late-twentieth century social pluralism and identity politics. Who constitutes the "people?" Who are "we?" The notion of "we the people" cuts to the core of democratic conceptions of popular sovereignty and legitimate authority. Recent formulations of deliberative democracy, based in part upon Habermas's theory of discourse ethics, claim to offer "the most adequate conceptual and institutional model for theorizing the democratic experience of complex societies" and for "allow[ing] the expression of difference without fracturing the identity of the body politic or subverting existing forms of political sovereignty."[1] This claim is quite appealing for the public educational sphere where collective aims must be decided upon and pursued by a pluralistic polity with many different identities, values, and interests.

A discourse theory of deliberative democracy posits that decisions made among a polity of free and equal citizens, regarding issues of collective concern, and in the common interest, are fair and binding. Decision-making processes must include all who are affected by an issue and legitimate outcomes must represent "an impartial standpoint said to be equally in the interests of all."[2] Thus, deliberative democratic theory answers the question of "who constitutes the people?" by offering principles of *equality* among and *inclusion* of all individuals affected by a decision.

But this normative answer is not clear cut, and its simplicity belies a plethora of underlying social complexities. The particular aspect of our complex social world that I will focus on is the category of difference within the polity. "Difference" takes many forms — diversity, identity politics, otherness, pluralism, struggles for recognition — and each of these intertwined concepts complicates democratic tenets such as equality, generalizable interests, and legitimate agreements. One overarching concept, "plurality," captures a common thrust among these ideas: distinctiveness of perspectives.[3] As Hannah Arendt describes, "[p]lurality is the condition of human action because we are all the same, that is human, in such a way that nobody is ever the same as anyone else who ever lived, lives, or will live."[4] It is this sameness across radical difference, or what Seyla Benhabib refers to as "unity in difference,"[5] that I would like to explore as an outgrowth of deliberative democratic politics.

The challenge that plurality poses to deliberative democracy is to create and perpetuate "unity in difference," or a sense of "we the people," while abiding principles of inclusion and equality. Historical skepticism as to whether theoretical models such as civic republicanism or modern liberalism have been able to achieve this fragile balance makes one question whether it is possible. Postmodern doubt

about Enlightenment claims to individual freedom and equality urge us to be ever wary and vigilant against subtle ways in which relations of domination are (re)entrenched in new languages and political forms. Heeding these warnings, but hopeful that ideal theories can help us to create ourselves as more rather than less free, more equal than unequal, I will explore potential pitfalls for deliberative democracy by asking: How is deliberative democratic theory susceptible to promulgating relations of exclusion and privileging that often characterize attempts to create commonality amongst difference? And, once attuned to these concerns, how might we avoid excluding or privileging any students as we seek to provide a civic education for our future citizens?

In order to address these questions, I briefly outline deliberative democracy and its ideal procedure. Next, I considers ways in which the project might unwittingly undermine the plurality it claims to value and offer suggestions for narrowing these theoretical gaps. Finally, I discuss how we might apply these lessons surrounding plurality and deliberative democratic politics to educational processes aimed toward preparing students for democratic citizenship.

A DISCOURSE MODEL OF DELIBERATIVE DEMOCRACY

Any normative democratic theory seeks to articulate the conditions under which legitimate political decisions are made by a polity. For democratic self-rule to be meaningful, decisions must be perceived to fairly represent the interests of all affected parties. This requirement leads Joshua Cohen to assert that "proper" democratic politics involves three necessary conditions: 1) public deliberation focused on the common good; 2) manifest equality among citizens; and 3) "shap[ing] the identity and interests of citizens in ways that contribute to the formation of a public conception of common good."[6] I will address each of these conditions in turn by discussing the role of generalizable interests, formal versus substantive equality, and will-formation within discourse theory and its "ideal deliberative procedure."

The idea of a common or generalizable interest is both a fundamental and contentious concept for democratic theory. Civic republicanism á la Rousseau tends to identify a common interest in terms of a "general will" that emerges out of harmonious social situations where conflicts of interest do not exist. Political liberalism, on the other hand, takes conflict for granted and adopts a more minimalist approach. Hope of identifying a singular general interest is forsaken for a principle of neutrality described as "not taking interest in each other's interest." Habermas's communicative ethics seeks to resolve the difficulties inherent to each of these approaches by "[*critically* regarding the concept of "general interest"] in order to reveal the partiality and biases of interests claimed to be universal or general."[7]

Discourse ethics provides a procedural model intended to disallow particularistic interests from skewing the democratic process. Habermas explains:

> [According to a discourse-theoretic reading, d]emocratic procedure, which establishes a network of pragmatic considerations, compromises, and discourses of self-understanding and of justice, grounds the presumption that reasonable or fair results are obtained insofar as the flow of relevant information and its proper handling have not been obstructed. According to this view, practical reason no longer resides in universal human rights, or in the ethical substance of a specific community, but in the rules of discourse and forms of

argumentation that borrow their normative content from the validity basis of action oriented to reaching understanding. In the final analysis, this normative content arises from the structure of linguistic communication and the communicative mode of sociation.[8]

Essentially, discourse ethics requires democratic deliberation as the only form of "action" that enables legitimate and rational decisions to emerge as participants reach understanding and agreement.[9]

Cohen provides an "ideal deliberative procedure" by which such agreement is sought. His ideal procedure is subject to four requirements. First, ideal deliberation is *free* in that: a) participants regard themselves as bound only by the result of their deliberation and by the preconditions for that deliberation; and b) participants suppose that they can act from the results given that the deliberative quality of the decision provides sufficient reason to comply with it. Second, deliberation is *reasoned* in that parties are required to state their reasons for advancing, supporting, or criticizing proposals. It is the expectation that reasons alone, not other sources of power, will decide the fate of proposals. "No force except that of the better argument is exercised."[10] Third, ideal deliberation involves parties that are both formally and substantively *equal*. Formal equality derives from rules that do not single out individuals. Substantive equality prevails because existing distributions of power and resources do not impact parties' chances to deliberate or their role in deliberation. Fourth, and finally, ideal deliberation aims toward a rationally motivated *consensus* by finding reasons that are persuasive to all parties. If consensual reasons are not forthcoming, then deliberation concludes with some form of majority rule.[11]

These four elements of public deliberation — deliberation that is free, reasoned, equal, and aimed toward consensus — provide the necessary conditions for undertaking democratic politics. Not only is there deliberation about the common good, but reasoned argumentation takes place in such a manner that as participants persuade one another, their conceptions of the common good are actually formed and shaped. Thus, a general will is created through persuasive reasoning, rather than by coercion, reliance on a "Divine Legislator," or aggregation of interests. Within this ideal process of "will formation," participants are manifestly equal because only the force of the better argument prevails. Discourse theory posits that these conditions of practical reason enable a specific democratic polity to identify the basis of their "unity in difference."

STRENGTHS OF DELIBERATIVE DEMOCRACY FOR PLURALISTIC SOCIETIES

Discourse theory purports to split the difference between liberalism and civic republicanism in a number of ways that guarantee equality and inclusion without threatening plurality. In terms of its normative grounding, discourse theory relies on a conception of practical reason that effectively *requires plurality*. This conception is also *intersubjective* and *fallibilistic*, allowing for the indeterminacy that social plurality and multiplistic identities require. In addition, a discourse theory of democracy supports institutional designs that *decenter* politics and rely on *procedural* conditions for legitimacy.

Discourse theory's interpretation of the relationship between practical reason and democratic procedure offers a unique contribution to models of deliberative democracy. Habermas's discourse ethics asserts that practical reason relies on

fundamental linguistic understanding which transcends cultural contexts. Due to its linguistic or communicative foundation, practical reason is universalizable, but not metaphysical or ahistorical. Rather, the "higher-level intersubjectivity" of unrestricted communication aimed at mutual understanding allows "fallible results [to] enjoy the presumption of being reasonable."[12]

Discourse theory's conception of practical reason makes plurality central to questions of justice and political legitimacy. Plurality serves as a requirement for just political action in that:

> robust and pluralist deliberative forums are required for securing a more rational political process and…may even be said to be "requirements of (practical) reason." The state may at times be justified in acting in ways aimed at promoting or securing the conditions for a pluralistic civil society, not because it regards a pluralistic society as a good for its citizens, but because it regards such conditions as requirements of reason in the sense that informed and reasonable deliberation could not be achieved without them.[13]

Similar sociological claims regarding value pluralism, conflicts of interest, and multiple modes of association drive deliberative democracy's proceduralism.[14] This firm commitment to plurality is further evidenced at the institutional level where "the discourse-theoretic reading of democracy considers the political system just *one* action system among others."[15] The theory assumes decentered social systems in which pluralistic interests and perspectives occupy multiple public spaces where they may flourish and gain broader recognition. Hence, plurality is firmly entrenched within the epistemological and sociological assumptions, and the normative and empirical claims of deliberative democratic theory.

Stumbling Blocks for Practicing Deliberative Democracy

A discourse model of deliberative democracy is based upon normative and sociological underpinnings that not only recognize but require plurality. Historically, however, social plurality — at the levels of values, beliefs, identities and so forth — has often been translated into political relations of domination and subordination. The "differences" that comprise plurality are frequently manifested in the form of binary oppositions marked by hierarchy and marginalization. Deliberative democracy proposes to avoid such pitfalls by institutionalizing conditions that will safeguard the equality and inclusion of all citizens. In the spirit of maximizing the theory's utopian potential, I would like to highlight a theoretical weakness and some institutional constraints that problematize this ideal model. First, I will challenge the emphasis within the ideal deliberative procedure on consensus or a "moment of agreement." Second, I will explore concrete procedural difficulties with the notion of substantive equality.

As discussed previously, democratic legitimacy is contingent upon the *consent* of free and equal participants in the decision-making process. In the event that consensus-producing reasons are not offered, some form of majority rule procedure is invoked. Majoritarianism is commonly criticized for its inability to account for minority rights. The discourse model responds to this critique with a principle of fallibilism which ensures that issues can be revisited, thereby opening further opportunities for will formation and consensus. The lingering theoretical question, then, is: how is an *ideal of consensus* to be reconciled with a *social condition of*

radical plurality? Within a theory that acknowledges value pluralism and conflicts of interest, this inevitable "moment of agreement" seems problematic. What happens to differences in such an ideal world? How do values eventually become commensurate? How are conflicts eliminated?

Deliberative democracy's response to these sorts of questions involves a few steps. To begin, the deliberative process itself is viewed as a process of "will formation" that shapes individual preferences through free and reasoned discourse. Interests are not pre-political, nor are they fixed within a specific ethicopolitical framework. Rather, interests are formed during deliberations under conditions that allow autonomous individuals to make free choices. Such a constructivist model of interest formation avoids a static notion of group interests in favor of a fluid conception of common interests articulated through procedures that encourage intersubjectivity amongst multiple perspectives.

In addition, deliberative theorists provide two further reassurances that differences need not be permanently overcome in order to reach democratic agreements. Frank Michelman and Hannah Pitkin argue that dissolution of disagreement is not necessary. Rather, participants come to "hold the same commitment in a new way."[16] Other theorists stress that consensus or majoritarianism need not silence dissenting voices. Specific topics, and norms themselves, are to be revisited whenever any affected individuals or minority groups can make a case that they have been unfairly impacted by outcomes of the deliberative process. This reading stresses the procedural aspects of the discourse model and its presumptions of fallibility and indeterminacy.[17]

With these clarifications we find that the primary focus of deliberative procedures need not be the *outcome* of consensus. Rather, deliberation itself, or the *process* of reaching shared agreements, is emphasized. Deliberation legitimates agreements by creating common interests from amidst plurality. And deliberative theory recognizes that plurality is not overcome as a result of these procedures by positing that all collective agreements are provisional. This puts the weight of concern surrounding plurality not on the end result of consensus, but on the institutionalization of substantive equality within deliberative procedures.

Cohen stipulates that participants in democratic deliberations be *manifestly equal* in that they share both formal equality with respect to the rules and substantive equality despite power relations external to the political process. Within the deliberative procedure, individuals are equal in their ability to offer reasons to persuade others. This notion of equality of discursive participants raises a plethora of empirical questions for deliberative democracy. How, in a pluralistic society marked by histories of oppression and inequality, are citizens to participate in an "equal" fashion?

Discourse theory responds by saying that only reasons, not status, matter. Yet, status cannot be clearly delineated from the quality of reasons one gives nor the ways in which one's reasons are received by other interlocutors. Feminist theorists, for example, argue that gendered styles of communication, including interruptions, how

authoritatively one speaks, and how often one speaks, bring gender domination into the discursive arena.[18] Similar points can be made regarding cultural forms of communication. For instance, if Asian Americans are less likely to speak out in public settings, their perspectives might not be aired during open debate. Or, if African American styles of expression are interpreted as emotional rather than rational, their contributions may not be fairly valued. In such cases it is difficult to ensure that substantive equality among participants has been achieved. The question then becomes: what are some procedures by which substantive equality may be achieved in the face of pluralistic social positions and styles of communication?

Such potential difficulties for realizing substantive equality within the deliberative process result in part from the infiltration of external social inequalities. Different styles of communication and perceptions about fellow interlocutors may impact the quantity of and quality granted to any individual's reasons. One strategy for resolving the dilemma of discursive advantages versus disadvantages would be the elimination of social inequalities.[19] While this goal is desirable, there are two problems with this approach to achieving substantive equality within discursive arenas. First, social inequalities will not be abolished with the wave of a hand. Ideal models may lessen inequalities over time, but meanwhile we still need to invoke idealized norms and procedures to get from here to there. Second, the emphasis on eliminating societal inequities is overly simplistic; it denies plurality as a human condition. Dismantling social inequality will not do away with variations in communication styles or other discursive differences, nor should we hope for such a result. As long as human beings occupy distinct social locations and unique perspectives — as long as we are "different" from one another — substantive equality will be a difficult ideal to achieve. Thus, specific procedures must be institutionalized to decrease the impact of plurality, whatever its source or manifestation, on the equality of discursive agreements.

Social inequalities that are likely to impact an individual's participation in the deliberative process are often due to the individual's status as a member of certain social groups. Therefore, some recognition of the ways in which *group membership* impacts the process may be necessary for realizing the ideal of substantive equality between *individuals*. Benhabib's concept of the "concrete other" encourages recognition of "each and every rational being as an individual with a concrete history, identity and affective-emotional constitution."[20] These concrete aspects of individual identity encourage attention to one's status within salient groups without essentializing a group's characteristics or staticizing an individual's role within the group.

Explicitly acknowledging "concrete otherness" would allow differences, and the complex social relations in which they are embedded, to become manifest within the discourse procedure. Specific techniques abound for building such attentiveness into the structure of deliberation. For example, group memberships could be represented through caucusing or special voting rights for minority constituencies. Various communication styles could be accounted for by structuring conversations so that each participant is granted an opportunity to share his/her position on an

issue.[21] The important point here is that substantive equality is only achieved as an ideal condition to the extent that: a) participants acknowledge the ways in which very real social inequalities penetrate an idealized discourse model; and b) participants enact measures, down to the most minute aspects of the deliberative process, to account for such infiltrations.

The differences inherent in the condition of plurality, combined with entrenched power relations whereby what it different is often excluded from or subordinated within the political process, are difficult for any ideal political model to grapple with. A discourse model of deliberative democracy offers both promises and pitfalls for generating legitimate collective agreements within a pluralistic society. Feminist and postmodernist critiques demonstrate that normative theoretical frameworks often reveal their exclusionary and privileging tendencies within concrete practices. Accordingly, institutional designs and procedures intended to preserve and respect differences while shaping unity maximize the chances that inclusive and egalitarian ideals will be approximated. In this vein, I will now explore some considerations for institutionalizing the norms of deliberative democracy within the sphere of public education.

<div style="text-align:center">REPRODUCING DELIBERATIVE DEMOCRACY</div>

Habermas conceptualizes "political matters" as those matters relevant to the entire society and in need of regulation.[22] Under this definition, public education is clearly a political matter and deliberative democratic theory offers a model for undertaking its regulation. In her book *Democratic Education,* Amy Gutmann encapsulates the central concerns surrounding education in a democratic society. She asserts:

> A democratic theory of education focuses on what might be called "conscious social reproduction" — the ways in which citizens are or should be empowered to influence the education that in turn shapes the political values, attitudes, and modes of behavior of future citizens. Since the democratic ideal of education is that of conscious social reproduction, a democratic theory focuses on practices of deliberate instruction by individuals and on the educative influences of institutions designed at least partly for educational purposes.[23]

Gutmann's conception of "conscious social reproduction" operates on at least two levels. I will refer to the first level as the *practice of* and the second level as *practice for* democratic decision making.

First, a democratic theory guides the ways in which citizens are to influence education by justifying answers to the question "Who should share the authority to influence the way democratic citizens are to be educated?"[24] In terms of this *practice of* decision making about education, deliberative democracy outlines procedures for arriving at collective decisions, including conditions for who participates. Second, Gutmann's democratic theory is concerned with the "educative influences" of deliberate practices of instruction and institutional designs. She maintains that "political education prepares citizens to participate in consciously reproducing their society [through] the cultivation of the virtues, knowledge, and skills necessary for political participation."[25] At this second level, where educational *practices for* democratic decision making take place, a unique set of considerations arise for how such practices are to be institutionalized and how their legitimacy is to be assessed.

Distinguishing between the *practice of* and *practice for* democratic decision making delineates distinct ends toward which educators should target legitimacy claims. Within the *practice of* democratic politics, collective decisions are the ends to be deemed legitimate or not. Habermas insists that "the success of deliberative politics depends not on a collectively acting citizenry but on the institutionalization of the corresponding procedures and conditions of communication."[26] Applied to education at the level of *practice for*, Habermas's assertion suggests that "the success of preparing future citizens for deliberative politics depends on the institutionalization of the corresponding procedures and conditions of *civic education*. Here, the desired ends are the attainment of civic capacities.

What are the corresponding procedures and conditions of civic education? And how might they be institutionalized? Benhabib suggests that answers to these questions are not forthcoming from within deliberative democratic theory:

> The procedural specifics of those special argumentation situations called "practical discourses" are not automatically transferable to a macroinstitutional level….Nonetheless, the procedural constraints of the discourse model can act as test cases for critically evaluating the criteria of membership and the rules for agenda setting, and for the structuring of public discussions within and among institutions.[27]

Essentially, educators are left to determine how best to mirror Habermas's requirements of communication as we formulate the procedures and conditions of a civic education.

As we seek to theorize and institutionalize such conditions, we must ask ourselves: How does an educative mission influence legitimacy requirements? For instance, to what extent should teachers as experts control the flow of information or the terms of participation so that students gain the desired virtues, knowledge, and skills? In critically evaluating the legitimacy conditions for civic education, we would also do well to keep in mind the ways in which plurality complicates the realization of ideal conditions. As the last section illuminated, the principles of democratic legitimacy — equality and inclusion — often appear illusory in the face of social inequalities and socio-cultural differences. I would urge educators to remain attentive to the critiques that apply to institutionalizing the ideal procedure among adults. Some potential hot spots in *practices for* democratic participation might include realizing substantive equality among students as participants and unequal power relations accompanying the division of roles between teachers and students.

To summarize, I began by noting that a deliberative model of democracy puts forth some appealing claims for public education within a pluralistic society. My critique of deliberative democracy highlighted social inequalities, gender, and cultural differences, and conflicting values and interests as potential hotspots for institutionalizing its ideals of equality and inclusion. I suggested that close attention to the "concrete otherness" of individuals, including their communication styles and multiple social positions as members of salient groups, will maximize their inclusion and equal treatment within *practices of* educational decision making. Turning to civic education, I urged educators to keep considerations of difference at the

forefront of their deliberations as they implement *practices for* democratic citizen-ship. Institutionalized models of civic education will be legitimate to the extent that all students are prepared to consciously (re)produce our social and political institu-tions.

1. Seyla Benhabib, "The Democratic Moment and the Problem of Difference," in *Democracy and Difference: Contesting the Boundaries of the Political*, ed. Seyla Benhabib (Princeton: Princeton University Press, 1996), 5-6. I am referring primarily to formulations of deliberative democracy advanced by Benhabib, Joshua Cohen, and Iris Marion Young. Others including Benjamin Barber, Amy Gutmann, Frank Michelman, Cass Sunstein, and Dennis Thompson advocate deliberative models, but do not invoke Habermas's theory of discourse ethics.

2 . Seyla Benhabib, "Toward a Deliberative Model of Democratic Legitimacy," in Benhabib, *Democracy and Difference: Contesting the Boundaries of the Political*, 67-94 and Seyla Benhabib, "Deliberative Rationality and Models of Democratic Legitimacy," *Constellation* 1, no. 1 (1994): 26-52.

3. I have chosen the term "plurality" as opposed to "pluralism" in light of a distinction drawn by Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958); Seyla Benhabib, *Critique, Norm, and Utopia: A Study of the Foundations of Critical Theory* (New York: Columbia University Press, 1986); and Frank Michelman, "Law's Republic," *Yale Law Journal* 97 (1988): 1493-1537. According to Michelman's interpretation, plurality refers to distinctiveness of perspectives, whereas pluralism connotes a denial of the possibility that people occupying diverse social positions can communicate persuasively with one another.

4. Arendt, *Human Condition*, 8.

5. See Benhabib, *Critique, Norm, and Utopia* and Seyla Benhabib, *Situating the Self: Gender, Community and Postmodernism in Contemporary Ethics* (New York: Routledge, 1992).

6. Joshua Cohen, "Deliberation and Democratic Legitimacy," in *The Good Polity*, ed. Alan Hamlin and Philip Pettit (New York: Blackwell, 1989), 19.

7. Benhabib, *Critique, Norm, and Utopia*, 311-12, emphasis in original.

8. Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (Cambridge: MIT Press, 1996), 296-97.

9. For detailed discussions of the relationship between discourse ethics, rationality, and democratic legitimacy see Benhabib, "Deliberative Rationality and Models of Democratic Legitimacy" and Benhabib, "Toward a Deliberative Model of Democratic Legitimacy."

10. Cohen, "Deliberation and Democratic Legitimacy," 22.

11. Ibid., 22-23.

12. Habermas, *Between Facts and Norms*, 299 and 301.

13. Kenneth Baynes, "Liberal Neutrality, Pluralism, and Deliberative Politics," *Praxis International* 12, no. 1 (April 1992), 57.

14. Benhabib, "Deliberative Rationality and Models of Democratic Legitimacy," 34-35.

15. Habermas, *Between Facts and Norms*, 302.

16. Michelman, "Law's Republic," 1527.

17. Benhabib offers a reading of discourse theory amenable to such concerns in *Situating the Self*, see particularly chaps. 1-3.

18. See Nancy Fraser, "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy," in *Habermas and the Public Sphere*, ed. Craig Calhoun (Cambridge: MIT Press, 1992), 119; Iris Marion Young, "Communication and the Other: Beyond Deliberative Democracy," in Benhabib, *Democracy and Difference,* 122-25; and Jane Mansbridge, "Feminism and Democracy," *The American Prospect* 1 (1990).

19. Fraser supports this approach in "Rethinking the Public Sphere," 121.

20. Benhabib, *Situating the Self*, 159. Although I draw upon Benhabib's concept of "concrete otherness" to defend recognition of groups within deliberative procedures, I am not suggesting that she would agree with my recommendations.

21. Some of these suggestions are adopted from ideas presented by David Kahane during a graduate seminar at Harvard University, May, 1996. Young also urges that the "communicative forms" of greeting, rhetoric, and storytelling be added to that of critical argument within deliberative democratic forums in "Communication and the Other," 128-33.

22. Habermas, *Between Facts and Norms*, 299.

23. Amy Gutmann, *Democratic Education* (Princeton: Princeton University Press, 1987), 14. Gutmann also distinguishes "conscious social reproduction" from "political socialization," which she identifies as an unintended or unconscious process that can take place without members of the polity "consciously shaping its future" through education, 15.

24. Ibid., 3.

25. Ibid., 287.

26. Habermas, *Between Facts and Norms*, 298.

27. Benhabib, "Toward a Deliberative Model of Democratic Legitimacy," 70.