

IN DEFENSE OF A DELIBERATIVE DEMOCRATIC CIVICS EDUCATION

by

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In Defense of a Deliberative Democratic Civics Education

Dissertation directed by Professor Kenneth Howe

Political divides in our democracy are ever-widening. Deliberative democratic civics education provides a new way for civics education to prepare students for a democracy that addresses the diversity in moral perspectives that have created the divides in a more constructive way. Civics education traditionally has been tied to aggregative theories of democracy. My dissertation defends grounding civics education in deliberative democracy. This type of civics education requires bringing moral controversy to the center of the civics classroom, and I defend that practice against its critics. I also examine controversies in deliberative democratic political theory from the perspective of civics education, and outline what a deliberative democratic civics education would look like in the classroom. Grounding civics education in deliberative democracy provides students not only with the means to participate in democracy as citizens, but to influence the shape of that democracy going forward.



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# INTRODUCTION

“Republicans hate Latinos.”

Those words spoken by Dolores Huerta to a student assembly at Tucson Magnet High School set off a firestorm of controversy involving students, teachers, school administrators, all three branches of state government, and citizen groups. Six years later the Mexican American Studies program in the Tucson Unified School District ended. As this drama played out in classrooms, schools, the community and the state, students learned about how government works and how they as citizens can expect government to respond to them. The outcome of that civics lesson was that students learned that democracy is not about citizens communicating with one another in an attempt to develop a greater understanding of one another so that they can build a better society, but rather that government is about marshaling power and using the machinery of government to impose a particular moral perspective on others.

It did not take long after Huerta’s comment for the students to begin learning that discussion and dialogue do not characterize the political process. The Arizona State Superintendent of Instruction, Thomas Horne, became aware of Huerta’s speech at the school and called upon the school district to provide equal time to another perspective by having the Deputy Superintendent of Instruction, Margaret Garcia Dugan, speak to a school assembly as well. This would appear to be a great start of a dialogue to develop an understanding of multiple perspectives on the political process and minorities. The following month, Deputy Superintendent Dugan spoke to the students at Tucson Magnet High School, but the arrangement for speaking did not permit for a question and answer time with the students. The state officials



did not agree to a question and answer session, claiming that scheduling issues prevented them from agreeing to the give and take.

Some of the students believed that they were entitled to ask questions. Given that they were not able to communicate about the issues at hand, they communicated their sentiments about the political process. At the assembly, a group of about 70 students, upset with the lack of an opportunity to ask questions, protested. Some placed tape over their mouths. Others revealed t-shirts with pro-Latino slogans. Fists were raised. Eventually, those students walked out of the assembly.

State officials heard the message of the students, but the officials did not respond by scheduling an opportunity for dialogue. Instead, the Superintendent of Instruction issued an open letter to the citizens of Tucson urging them to pressure the school board to eliminate the ethnic studies program. The Superintendent of Instruction attributed the actions of the students, which he perceived as rude, to what they had learned in the Mexican American Studies Program. The Mexican American Studies Program began in 1998 in part to satisfy a desegregation plan supervised by the federal courts. At the end of the letter calling for the end of the ethnic studies program, he states that “The school board represents you. I can use my pulpit to bring out the facts, but only you can bring about change” (Horne, 2007). The message to the students? Use your political power to mobilize the like-minded to elect the politicians who represent your perspective.

The residents of Tucson did not make the change Superintendent Horne was hoping for. Margaret Duncan, the Deputy Superintendent of Instruction, commented in a video that she and the Superintendent Horne tried to find people in Tucson who would run for the school board and



oppose the ethnic studies program, but that they had been unsuccessful. After change through the school board failed, Superintendent Horne introduced bills in the Arizona legislature in 2008, 2009 and 2010 aimed at eliminating ethnic studies programs.

As those bills made their way through the legislative process, the students testified at hearings and engaged in a campaign to save the Mexican American Studies Program. Through the process, one state legislator visited the classroom, John Huppenthal, who would become the Superintendent of Public Instruction for Arizona in 2011. Students engaged in a conversation with him, but his perspective did not change. His comments after the visit indicated that he was skeptical that what he saw was typical of what happened in the Mexican American Studies Program. In later legislative hearings concerning the bills to end ethnic studies, what he recounted of the visit was a comment that the director of the Mexican American Studies Program made in response to Huppenthal's observation that the portraits on the walls were of people like Che Guevara and not the founding fathers. The program director responded with a comment referencing Benjamin Franklin's "Observations Concerning the Increase of Mankind, Peopling of Countries, Etc." illustrating that the founding fathers were flawed and had harmful attitudes about race. Rather than drawing on what he heard from the students about the classes, he cited the denigration of the founding fathers as evidence that the Mexican American Studies program should end.

These experiences again taught civics lessons to the students. Their attempts to engage with the legislators resulted in only one coming to see them. In addition, that person did not give weight to their words, choosing instead to focus on those things which supported his position. This experience could have reinforced the notion that politics is about power and persuasion given that their attempts to be understood did not appear to result in increased understanding.



Instead, it appeared that Senator Huppenthal privileged his own understandings and interpretations of his observations over the student's testimony. This was the point in the events that came closest to deliberation, and it failed.

In 2010, on the third attempt to ban ethnic studies, Senate Bill 2281 was signed into law. It prohibited classes that:

1. Promote the overthrow of the United States government.
2. Promote resentment towards a race of class or people.
3. Are designed primarily for pupils of a particular ethnic group.
4. Advocate ethnic solidarity instead of the treatment of pupils as individuals. (A.R.S. 15-112 (A))

If a district was found to be teaching courses in violation of the statute, they could lose up to ten percent of their state aid. The students observing this could begin to see a theme in how politics works. If success does not happen at one level, look to see what other institutions might be available to create the change you want. Use persistence and find the levers of power to make your statement.

Shortly after the law was passed, the Arizona Department of Education commissioned an independent audit of the Mexican American Studies Department of the Tucson Unified School District (Cambium Learning, Inc., 2011). This audit found no observable evidence that the Mexican American Studies Program violated the state statute. At the beginning of 2012, a new Superintendent of Public Instruction, John Huppenthal, determined to undertake another audit of the Mexican American Studies Program to determine whether it complied with the state statute. This audit, conducted by the Arizona Department of Education, determined that the Mexican



American Studies Program violated the provisions of the state statute, and the Tucson Unified School District board of education was given 60 days to bring the program into compliance or lose 10% of its state funding.

The Board of Education suspended all courses taught through the Mexican American Studies Program. It also called for greater inclusion of Mexican-American history in the social studies core curriculum with the end result being “a common social studies core sequence through which all high school students are exposed to diverse viewpoints” (Tucson Unified School District Resolution, 2012). Currently, the Mexican American Studies Program has become Mexican American Student Services, focusing on providing tutoring and mentoring to Mexican-American students with no focus on the culturally relevant curriculum and pedagogy evident in the Mexican American Studies Program.

These events serve to illustrate the variety of civics lessons that students learn both in school and out of school. These students learned that democracy and government are about politics and power. The way to engage with the political process is to know the system well, and that effective political action involves using the levers of power to which you have access to create the change you want. Communicating with the opposition is unlikely to create change as you cannot control whether you will be understood or misrepresented.

This dissertation argues that much of our civics education reinforces these truths about government and, at its best, prepares students to engage in politics in this manner. Given the current state of the political system, this may be a practical response, but there is another way. Politics need not have as its starting point the drawing of battle lines and the marshaling of arguments. Instead, it can begin by attempting to listen to and understand those with whom we



share our society. We can look at the political process as an opportunity to work with one another, while not always agreeing, to build a society that is more acceptable to all who live in it. This is the hope that deliberative democracy provides, and this dissertation is a starting point for imagining how civics education can prepare students to engage with democracy in such a way that it becomes more deliberative.

The first chapter provides a brief introduction to aggregative and deliberative democracy and argues that civics education today has been focused on teaching students about aggregative democracy and not deliberative democracy. Aggregative democracy characterizes much of what occurred in Arizona during the struggle over Tucson's Mexican American Studies Program. By examining a select group of civics scholars, national and international assessments of civics education and national social studies standards, this chapter presents the argument that an aggregative perspective on democracy has dominated civics education and deliberative democratic ideas have only started to make inroads to civics education.

In chapter two, I argue that deliberative democracy should have a place in civics education. Although civics education cannot ignore the realities of our political system and ignore teaching students about democracy as it currently exists in aggregative form, deliberative democracy should play a more prominent role in civics education. Using the vision of aggregative democracy defended by Richard Posner to further flesh out the differences between aggregative and deliberative democracy, I argue that deliberative democracy is superior to aggregative democracy because of the way it addresses the diversity endemic to democracy and because of how it respects autonomy. I also argue that the opportunity that deliberative democracy provides for critique and improvement of the democratic system is also a reason for favoring it over an exclusive focus on aggregative democracy. The superiority of deliberative



democracy in these areas supports the argument that it should have a place within civics education.

Securing a place for deliberative democratic civics education will not be without controversy. It brings moral controversy to the forefront of the civics curriculum, and the injection of moral controversy into the education system is likely to bring objections from various groups. Parents and guardians of students may argue that deliberation about moral controversies in school impinges on the right of families to guide the moral education of children. Teachers and community members may not see deliberation as a constructive activity because of their beliefs about truth and morality. In chapter three, I present an argument that the deliberative democratic civics education calls for students to engage in a process that is universal and unavoidable in classrooms. The inability to keep morality out of education and the universality of moral reasoning process used in deliberation provides a compelling response to arguments that deliberation has no place in schools.

After the arguments have been made for the inclusion of deliberative democratic civics education in schools, there remain questions about what this education should look like. Chapters four and five address these questions. Deliberative democracy is not monolithic. Political philosophers disagree about what constitutes deliberation. These include questions about whether deliberation requires participants to reach a decision, whether deliberation requires participants to adhere to certain rhetorical forms and whether deliberation must be sincere. Chapter four addresses these questions in deliberative democratic theory and discusses how they might be resolved when the deliberation is occurring in the context of civics education.



Chapter five begins outlining what deliberative democratic civics education might look like in the classroom. Because the application of deliberative democratic theory to civics education is relatively new, this chapter provides a guide for conducting classroom deliberations and a starting point for conversation about the practice of deliberative democratic civics education. The chapter describes an iterative deliberative process that involves self-reflection, deliberation and research that teachers can consider when looking to engage students in deliberative democratic civics education.

The final chapter looks forward and addresses some of the challenges that lie ahead for the inclusion of deliberative democratic civics education as part of the curriculum and describes possible avenues for further research. The largely homogenous populations in schools and the current education policy environment that emphasizes standardized testing and accountability pose challenges to the effective implementation of deliberative democratic civics education.

There are also many research questions that need to be addressed if deliberative democratic civics education moves into classrooms. Among them are questions about what factors contribute to creating the type of classroom environment that is conducive to deliberation and how to train teachers to both create that environment and effectively guide students in deliberation. In addition, there are questions concerning at what age or point in the developmental process students will be cognitively able to deliberate.

Although there are many potential obstacles to deliberative democratic civics education, the events in Tucson shine a spotlight on the need to provide a civics education that can transform how democracy is understood and, in time, potentially change democracy itself. This dissertation is intended to be a starting point for a conversation about what can be done in civics



education to teach students that the lessons they learn from observing and interacting with the current political system do not have to define their vision of what a democratic political system can be.



## CHAPTER 1 – THE INFLUENCE OF AGGREGATIVE DEMOCRACY IN CIVICS EDUCATION

As the controversy over Mexican American Studies played out in Tucson, people on both sides of the issue attempted to communicate their perspectives to the public. The State Superintendent of Instruction sent an open letter to the citizens of Tucson encouraging them to elect board members who would end the program. Legislators in favor of ending the program held press conferences and appeared on news programs to make their cases. Students and those in support of the program also engaged in activities designed to inform the public of their cause. They also made appearances on news programs. The students organized activities, such as a run from Tucson to the center of state power in Phoenix, to raise the profile of the issue during the time that the legislative committee was considering the bill that would result in the demise of the Mexican American Studies program.

In all of this communication and work to get a message out, there was very little real communication between the two sides. Some events could be interpreted as communication between both sides, such as the testimony about the program given by students at legislative hearings or the visit by a legislator to the classroom of a Mexican American Studies teacher. Unfortunately, the communication between parties was not sustained or effective. The legislator who visited the classroom did not believe that what he would observe in visiting the classroom, and what actually happened on his one visit, accurately reflected the program. The legislative hearings allowed for only one-way communication, not a back and forth discussion of the issue.

The controversy in Tucson and how it played out politically through our democratic processes should prompt us to ask questions about the education that our children receive about



democracy and the political process. The communication that the parties engaged in was largely designed to persuade the public as opposed to forming the foundation of a dialogue between the two sides. In the events in Tucson, the perspectives of others were sometimes listened to, but there was rarely the intention, particularly on the part of state officials opposing the program, to engage with those perspectives. Instead what was heard from the other side was manipulated or used to strengthen one's own position.

Perhaps this should not be surprising as it is reflective of the understanding of democracy that students, and the legislators in their time as students, were likely taught about democracy. In short, it reflects the aggregative ideal of democracy as opposed to a deliberative democratic ideal. In this chapter, I provide a brief sketch the aggregative and deliberative models of democracy and present the case that the civics education reflects aggregative democracy more than deliberative democracy. To make this case, I examine the work of prominent civics education scholars, national and international assessments of civics education, and national social studies standards. Although deliberative ideals are gaining ground, particularly in the most recent social studies standards and in the work of scholars, the aggregative model still drives much of how civics education is understood and performed in the classroom.

## AGGREGATIVE AND DELIBERATIVE DEMOCRACY

For the purposes of evaluating civics education, I describe two broad models of democracy, aggregative democracy and deliberative democracy. It is important to note that these categories are not mutually exclusive, nor do they exhaust how democracy could be understood. They reflect two broad orientations to the democratic process. I describe aggregative democracy as deliberative theorists describe it as the model in response to which deliberative democracy developed (Gutmann & Thompson, 2004; Chambers, 2003). In the following section,



I provide a brief description of each model of democracy and identify how the influences of these models can be identified in the civics education scholarship, assessments and standards reviewed in this chapter.

### *AGGREGATIVE DEMOCRACY*

The aggregative model of democracy concerns itself with identifying the best (measured in terms of democratic ideals such as equality, fairness, etc.) way to gather and tally citizens' opinions on political issues. The model views citizens as individuals who come to the political process with political opinions (and moral beliefs underlying those political opinions) that are established. The aggregative model pays particular attention to the way democratic institutions function in terms of how they solicit and count citizens' political opinions and how government is structured to ensure that citizens' rights to have a voice are protected.

The aggregative models come from traditions that seek to answer important questions about democracy. From Montesquieu's work illuminating how the separation of powers can be built into the structure of a democratic government to protect minorities to more modern work of Arrow (1950) and others that highlight questions about how people's voices are heard when so much might depend on how the question is presented to the people, all of these share certain traits that help us identify their influence both on how we think about democracy and how children are taught about democracy.

First, the aggregative models of democracy conceptualize citizens as possessing firm political opinions. The democratic process leaves the formation of those opinions outside of the political sphere. This does not mean that these are formed apart from politics, but that democratic political institutions should not be part of that process except to protect the exchange of ideas.



The emphasis in these models is on how to structure the institutions of democratic government to best enable a fair and equitable expression of citizens' opinions. Therefore, government structures play a particularly important role in aggregative democracy. In particular, civics education based on aggregative models will tend to focus on structure of government and the process by which people express their opinions (through voting), and define citizenship in terms of citizens expressing their opinions through these political mechanisms.

Second, although the formation of political opinions is kept largely outside of the political process itself, the civic space where people may form their political opinions is conceptualized as a marketplace of ideas. As a result, the overriding democratic concern about the civic space is to keep the market free by protecting of people's right to express their views. The influence of aggregative models of democracy in civic education are expressed through how students are taught to express political opinions. To prepare students for this democratic system, they are taught to gather and marshal evidence in forums that reflect the competition that occurs in the marketplace of ideas, such as debates. Education for aggregative democracy does not demand that attention be given to how different students may view evidence differently and on how values affect people's opinion formation.

Third, aggregative democracy tends to view the category of citizen as homogenous. Citizenship becomes the great dividing line that determines whether one is included or excluded from democracy. Those inside the circle of citizenship are viewed as the same in the name of equality, and the political process does not consider the characteristics of individual citizens when considering how people express their opinions in a democracy. This means that the protection given to citizens tends to be rights-focused and individualistic. Although it may seem paradoxical that aggregative democracy does not consider the uniqueness of citizens yet provides



rights that are individualistic, it reflects the homogenous conception of the citizen in that rights belong to individual citizens because they are all alike. Characteristics of individual citizens, to which aggregative democracy does not attend, marks people as members of a group and therefore can be ignored. Civics education influenced by aggregative models of democracy has a similar focus on individual rights and the protection of individuals' rights to express political opinions.

The conceptions of citizens as homogenous also impact how deliberative democracy treats questions about the foundations of government. Aggregative democracy does not encourage criticism of the governmental system and structures as they exist. It assumes a general agreement on political values and principles and that the current democratic system reflects those values. Civics education that reflects aggregative democracy assumes agreement about the values and principles that underlie a democracy, not recognizing that these values and principles can be interpreted in a variety of ways.

### *DELIBERATIVE DEMOCRACY*

Deliberative models of democracy focus on the process by which citizens form political opinions. Instead of taking citizens' political opinions as pre-existing and generally outside of the political process, deliberative models view how people's political opinions are formed as an integral part of the democratic process. As such, these theories focus on deliberation as a key democratic process as deliberation is the democratic mechanism used in the formation of citizens' political opinions. In short, deliberative democracy assumes that the process through which people form their political opinions must be democratic and that deliberation is a key activity in the democratic formation of political opinions.



For the purposes of the analysis in this chapter, it is helpful to think of deliberative democratic civics education as teaching students about a process that begins with the formation and shaping of political opinions and continues through the expression of those opinions in the political process. Proponents of deliberative models of democracy assert that the opinion formation process should be influenced by deliberation with other citizens and that this process of opinion formation should be an important part of the political process.

Identifying the influence of deliberative models of democracy in civics education can be done though looking for the process of deliberation and opinion formation as part of civics education. The first step in the deliberative process is having students engage in self-reflection. Because understanding others and being understood are key aspects of deliberation, it is important that students first understand their own perspectives on political issues and why they hold those perspectives. This means that students must engage in self-reflection prior to deliberation so that they understand the origins of and values that underlie their political perspectives.<sup>1</sup>

Second, deliberative democracy attends to the idea students bring their unique identities to the deliberative process. This contrasts with the tendency in aggregative democracy to homogenize citizens. Deliberative democratic civics education encourages students to consider the construction of their own identities as well as the identities of their fellow students in the process of political opinion formation. It calls upon students to consider the particularities of

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<sup>1</sup> It is important to note that most writing about deliberative democratic theory does not address self-reflection (see, e.g., Goodin, 2000, for an example of a deliberative democratic theorist considering reflection). However, as more fully discussed in Chapter 5, self-reflection is integral to deliberative democratic civics education as it accounts for the fact that many students may not have well-formed moral and political convictions nor may they have had the opportunity to reflect on political issues of the day as they are excluded from the key aggregative method of political participation, voting, because of their age. Given its integral role in deliberative democracy when translated into civics education, I use it to evaluate the influence of deliberative democracy on civics education.



others both when sharing their own political opinions and when listening to the political opinions of others. There is an effort made to help students understand the people, processes, institutions and contexts that contribute to their political perspective. It also makes students aware that differences in political opinions may arise because of differences in the experiences and backgrounds that other citizens bring to the political process.

Third, the process of opinion formation is done through deliberative means as opposed to through debates. Unlike the marketplace analogy that dominates aggregative models of democracy, deliberative democracy asks participants to understand the perspectives of others prior to engaging in persuasion. Although deliberation often includes an element of persuasion, the first goal is to understand and be understood. The parties in a deliberation speak to each other audience members and a key concern is to ensure that they are understood those who hold different opinions and are in turn understood. In a debate, the two sides are rarely trying to convince those on the other side to change positions. There is a target audience to whom both sides tailor their presentation. At best, in a debate, each side seeks to have the target audience understand their side. Attempts by one side to understand the other become strategic maneuvers to be used to sway the target audience away from the opposition.

Finally, just as deliberative democracy recognizes moral differences among citizens on political questions, it recognizes differences in how people interpret the values that undergird democracy. For this reason, the deliberative democratic civics education recognizes that democratic values are contested in their meaning and that the structures of democracy are not static, but that they also must respond to changing interpretation of democratic values. Citizens in a deliberative democracy are encouraged to voice differences about democratic ideals and question the way democratic institutions are structured.



Take the democratic value of freedom and equality as an example. Both deliberative democracy and aggregative democracy recognize these as important. One person's interpretation of freedom may support expansive rights to personal property. This might combine with a notion of equality that focuses on equality of rights as opposed to equality in opportunity or results. As a result, great inequalities in wealth are not problematic so long as individual freedom (in the form of rights) is protected. Another person may view freedom and equality also as being intimately related, but with the notion of freedom, particularly when concerning property rights, constrained by a notion understanding of equality that requires a certain level of material equality before freedom can become meaningful. As a result, freedom in the form of property rights for this person is of lesser importance as the interpretation of freedom and equality together may require a redistribution of wealth in order for both values to have meaning. Both of these citizens agree that freedom and equality are important democratic values, but they have vastly different interpretations and prioritizations of these values.

Civics education grounded in aggregative democracy asks students to identify freedom and equality as important democratic values, but scant attention is given to how different people interpret and weigh these values. When attention *is* given to this type of conflict in interpretation of values, students are taught about debate and voting as mechanisms for resolving the conflict. The different sides are entitled to present their cases, but then the democratic mechanisms of aggregation will determine the outcome. In addition, little attention would be given to the ways in which the system as it currently exists supports or does not support differing interpretations of freedom and equality.

Deliberative democratic civics education recognizes the differences in interpretation and calls upon students to examine the differences. It asks students to think about how they



understand and weight these values and to gain understanding of how others understand and weigh the values as well. It also asks students to consider how differing interpretations of these values play out in the democratic process and to ask whether change is required to better accommodate the interpretations that emerge from deliberation.

## SCOPE OF ANALYSIS

To get a sense of the influence of aggregative and deliberative models of deliberation on civics education, I examine four sets of information. The analysis examines a select group of scholars in civics education, two tests of civic education (with particular emphasis on the frameworks that guided the creation of the tests), and national standards for social studies and civics education. In each section that follows, information will be provided on the items to be examined, justification for choosing the particular items as well as an analysis of the influence of aggregative and deliberative democratic models based on discussion in the previous section.

## CIVICS EDUCATION SCHOLARSHIP

Scholars concerned with civics education provide insights into the influence of deliberative and aggregative models of democracy on the academic literature that guides research and practice in civics education. This section examines the conceptions of citizenship advanced by Walter Parker and in the collaborative work of Joel Westheimer and Joseph Kahne. I then examine how Parker and Diana Hess conceptualize the role of dialogue and deliberation in citizenship education.

These civics education scholars were chosen because their work is the most reflective of the deliberative democratic model of democracy as they all emphasize discussion among students as a key aspect of civics education and their conceptions of citizenship extend beyond



voting. They incorporate key ideas from deliberative democracy and identify student interaction about morally controversial issues as a key part of civics education. In the following section, I describe the key ideas that these scholars bring to the civics education literature, how they reflect some deliberative principles, but also how deliberative democratic ideas could be further developed in their work.

#### *WALTER PARKER'S CITIZENSHIP*

Walter Parker paints a picture of citizenship through contrasts. He begins with the concept of *idiocy*, drawing on the origins of the word that portray a self-centered, separate and selfish person (Parker, 2002, p. 2). The idiot considers only his own needs and interests in politics, to the extent that he engages in the political realm at all. Such a citizen could exist in either aggregative or deliberative models of democracy, but the civics education grounded solely in aggregative models of democracy would not disturb the self-centeredness of the idiot. It would merely provide the idiot with the means of advancing his interests in the political arena.

Parker contrasts the idiot with the *citizen*. The citizen is one who sees her life enmeshed in a “network of mutuality” (Parker, 2002, p. 9-10). The citizen understands that her self-interest is bound up in the common good. The life of the citizen is a balance between enjoyment of private liberties and the creation of and participation in the public realm. The participation of the citizen as described by Parker must extend beyond that of the person functioning in aggregative democracy. The citizen is responsible for inserting her perspective and interests into the public dialogue, but she also has the responsibility to listen to others as her interests are bound up with those of other citizens. In the following section on the role of dialogue, we will see the ways in which deliberation does and does not play a part in the development and political involvement of the citizen.



Parker's examination of the citizenship education mirrors much of the following analysis that finds aggregative conceptions to be dominant. He contrasts two types of citizenship education, traditional and progressive (Parker, 2002, p. 17-20). He argues that traditional citizenship education dominates citizenship education. Traditional citizenship education emphasizes unity over diversity. It seeks to "contain political diversity [and] constrain social and cultural diversity" (Parker, 2002, p. 18). The emphasis is on having students develop a knowledge base that focuses on the mechanics of government and prepares citizens for political engagement through means such as voting, but does not include participation with other citizens in deliberation. This is reflective of the citizenship education based on aggregative models of democracy.

In contrast, progressive citizenship education includes much of the knowledge base of traditional citizenship education, but seeks to add deliberation about public issues to the mix. Additionally, the citizenship education Parker advocates teaches students to view democracy as a path instead of a destination. In other words, democracy is not something that society has in a perfected form, but rather it is created by its citizens as they journey together. This reflects important deliberative democratic ideals in that it opens the door to critique and transformation of democratic institutions through public deliberation about what democracy can and should be.

#### *WESTHEIMER AND KAHNE'S CITIZENSHIP*

Joel Westheimer and Joseph Kahne (2004a; 2004b) set out a tripartite typology of citizenship. Two of these conceptions strongly reflect aggregative models of citizenship. The third model does not clearly rely on deliberative democratic ideals, but it also represents a significant move toward deliberation and away from the other two models of citizenship. This typology is largely based on their study of ten citizenship education programs, and they connect



the typology to citizenship education literature. In this way, their work reflects both citizenship education in practice and theory.

The first model of citizenship education is that of the “personally responsible” citizen. This represents traditional forms of citizenship education and also has strong ties to civics programs that focus on community service and character education (Westheimer & Kahne, 2004b). Programs that aim to create personally responsible citizens focus on developing the personal character traits, such as honesty and patriotism, of a good citizen. The personally responsible citizen is willing to engage in charity and perhaps offer time to volunteer. In this conception of citizenship, societal problems are attributable to individual citizen’s character deficits. If character can be developed through engaging students in community service, such as those proposed by President George Bush to have veterans visit classrooms to teach students about patriotism and loyalty, then society’s problems with citizenship would be solved.

This vision of citizenship reflects aggregative democracy in several ways. First, it focuses on the individual and does not attempt to draw the individual into the lives of others apart from acts of charity, which are outside the political process. The citizen with democratic character may be a participant in government, but not necessarily active as a leader or shaper of policy and there is not notion that the personally responsible citizen should engage in a meaningful dialogue with other citizens about societal issues.

The “participatory” citizen is the next citizenship model. The participatory citizen is more engaged in civic and community life. These citizens take leadership roles in the community. The participatory citizen would organize a food drive, and, in contrast, the personally responsible citizen would contribute to the drive if asked. The citizenship education for participatory citizens



familiarizes students with community and political institutions so they can actively engage with these institutions. In this model, students are taught that social problems can be addressed by taking an active role in existing political and community institutions.

This model is also strongly related to aggregative models of democracy. Westheimer and Kahne describe a citizenship education program that aims at creating participatory citizens as “technocratic” in that it provides the students with the skills identify issues and prepare to engage with the current political structures (Westheimer & Kahne, 2004a, p. 262). This focus on creating citizens who are knowledgeable about the existing political structure so it can be effectively manipulated reflects aggregative ideals. They also note that participatory citizenship does not develop in students the capacity to critically examine society and the political process, something that is important in deliberative democratic conceptions of citizenship.

It is this capacity to critique that largely defines the third citizenship model – the “justice-oriented” citizen. The justice-oriented citizen critically examines societal structures to identify root causes of injustice. Often this means challenging the status quo in a way that the participatory citizenship education does not prepare students to do. Social problems are viewed as complex, and they can only be addressed by questioning, debating and changing structures that reproduce injustices in society. This model moves away from the aggregative model of democracy in that it does not prepare students for the status quo and it also asks students to look at society more broadly, in a way that moves beyond individual interests but also examines structures. Simply instructing students about how to express their preferences is not viewed as adequate preparation for democratic society.



Although the model represents a move away from aggregative democracy and toward deliberative democracy, justice-oriented citizenship does not fully embrace deliberative ideals either. Although it is not hostile to deliberation, the authors do not talk about discussion or deliberation as an important part of the education of the justice-oriented citizen. In describing justice-oriented citizenship education, the experiences may involve listening to the experiences of others, particularly those who are positioned differently in society, but these interactions do not constitute deliberation or fully reflect deliberative ideals.

It should be noted that previous to the creation of these models, Kahne and Westheimer (2003) discuss another depiction of citizenship, and their description is neither fully aggregative nor deliberative. They portray citizens as needing to engage in cooperative behavior with other citizens and to develop a sense of the common good. These are ideals that cut against the aggregative model. However, their descriptions of citizen interactions are not particularly deliberative either. Citizens are tolerant of others and respectful of group identities, but there is little mention of discussions of a deliberative nature.

Westheimer and Kahne paint a picture of citizenship similar to Parker. They describe the predominant citizenship models as being largely aggregative with the focus on voting and knowledge of political structures. This aligns with what was seen in the assessments of civics education. Similarly, although both describe an ideal model of citizenship that aligns with more deliberative ideals, neither fully describes deliberation as an important part of that model. The deliberative values of critiquing the political structure and of listening to others are there, but deliberation as described by deliberative democratic theory is not fully incorporated in these models.



## *WALTER PARKER AND DIANA HESS' PERSPECTIVES ON DISCUSSION AND CIVICS EDUCATION*

Walter Parker and Diana Hess have written pieces both together and separately that form some of the most important work on the role of dialogue and discussion in democratic civics education. Because their work is linked in important ways, I will be discussing them together to identify the ways in which they have moved civics education toward being grounded in deliberative democracy, but also pointing out ways in which the understanding of deliberation and deliberative democracy in this dissertation differs from their work. This work is different from that discussed above in that it focuses on discussion rather than conceptions of citizenship.

Parker (2002) and Hess (2009) both view discussion as an important way that democracies address the problems that arise from the plurality of perspectives that citizens bring to the democratic political table. Their perspective is that democracy is not practiced by citizens solely as individuals, but democracy requires citizens to develop their ties to and understanding of the larger society. Parker (2002) notes that part of the importance of discussion is to create a particular type of public culture in which “differences are regarded as an asset, listening as well as expressing occurs, stories and opinions are exchanged, and a decision is forged together” (p. 80-81). This idea challenges the aggregative notion that the formation of citizens’ political preferences lies outside of the public realm.

In a similar vein, Parker and Hess both view diversity and plurality as assets in a democracy, and that the way that these become assets is to bring them forward in discussion. Hess notes that civic education should include dialogue about controversial issues as it has the effect of normalizing political conflict instead of presenting it as something that should be suppressed or managed (Hess, 2009). Instead of taking the aggregative path of managing



political conflict, both Parker and Hess want this conflict to become part of the centerpiece of civic education through dialogue and deliberation.

Although their perspective on discussion has many ties to deliberative democratic ideals, it does differ in important ways from the deliberative democratic civics education described in this dissertation. They present a typography of discussion in the classroom based largely on the aims of the discussion (Parker & Hess, 2001). By clarifying the aim of discussion, they hope to help teachers better use discussion in their classrooms by providing techniques and exemplars that can help teachers use discussion to reach a particular aim.

The three types of discussion that they identify are deliberations, seminars and conversations (Parker & Hess, 2001). Deliberations aim to reach a decision about should be done to achieve a particular societal end. Seminars are discussions that have the goal of enlarging students' understanding of a particular text. Conversations focus on reaching agreement about societal ends related to a public issue. They note that classroom discussions can overlap in aims, but their contention is that particular types of discussion are better suited to particular ends and that identifying these types will help teachers better reach the particular ends that they seek in having discussion in the classroom.

Each of these types of discussion has an important place in a deliberative democratic civics education, but I advocate thinking about ways that these different types of discussions need to be paired to reflect better deliberative democracy. Because deliberative democracy aims at addressing the moral issues that divide our nation, it is important that students make explicit connections between deliberations and conversations. In the Parker and Hess typology, conversations address what students believe the appropriate ends for society. These lay bare the



moral divides that deliberative democracy tries to address. Without students becoming aware of the moral disagreements that underpin what different people desire for society, it is difficult to have deliberations concerning decisions about what should be done to achieve societal ends. In other words, students must have an understanding of differences concerning societal ends before discussing how to reach a societal end.

Deliberation as I describe it does not differentiate between what Hess and Parker would call conversations and deliberations. Instead, these are intimately woven together and must be part of any discussion. The moral differences uncovered in conversations must be better connected to the deliberations about ways to reach societal ends. The typology leaves the impression that conversations will lead to agreement about appropriate societal ends. However, that will not always be the case, and deliberation about how public policy should move forward in spite of those disagreements should be an important part of deliberation. The place of deliberation in the typology makes it appear that societal ends are agreed upon. If the differences in moral values are not connected in a meaningful way to disagreements about appropriate societal ends, some of the power of deliberation is lost in that the possibility of progress vanishes until agreement on societal ends can be reached.

In addition, like other reflections of civic education discussed earlier, Parker and Hess do not identify self-reflection as an important part of the process for discussion or deliberation. They focus on preparation strategies that are similar to those mentioned earlier – research about a particular public issue and formulation of arguments pro and con. Like others, Parker and Hess assume that students have an adequate grasp of their own moral viewpoints. Admittedly, conversations as described in their typology can play an important role in helping students think



about their own moral positions, but even then it is assumed that students know their own moral perspectives well enough to represent those in a conversation.

## NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

The National Assessment of Educational Progress (NAEP) was created to be a nationally representative test that measures student achievement across various subject areas, with the last NAEP Civics assessment administered in 2010. This assessment is a key lens into civics education in America. The exam's framework, together with the National Standards for Civics and Government were to “embody a broad consensus on what is of enduring significance in the discipline of civics and what students at grades 4, 8, and 12 should know and be able to do” (National Assessment Governing Board, 2006, p. 3).

This assessment is also important because it represents a wide range of perspectives on civics education. Prior to the development of the framework for the civics education portion of NAEP, a paper entitled *Issues Concerning a National Assessment of Civics* was prepared, which was reviewed and responded to by over 200 people. Agreement about the topics of the examination were reached through the involvement of “hundreds of individuals and groups from across the country, including curriculum and assessment specialists, classroom teachers, high school students, university professors, representatives of business and industry, policymakers, and members of the general public knowledgeable about civic education” (National Assessment Governing Board, 2006, p. 59). In addition, the committee that formed the test consulted state and local standards, curriculum guides and tests in the formation of the assessment.

It is important to note that assessments of civic knowledge may not present a full picture of the models of democracy that are influencing civics education. Assessments of this type tend



to measure only that which is easily testable and, as will be discussed further in Chapter 6, the knowledge, skills and dispositions developed in deliberative democratic civics education are not easily or cheaply testable. The authors of the framework note the considerable constraints on assessments, which include burden on students, reading and writing level required for successful completion, and usefulness of results to various constituencies. However, the authors of the framework for the assessment could have acknowledged that these tests do not assess other important aspects of civics education that include those associated with deliberative democracy. I found no evidence that the creators of the test framework consciously excluded difficult to assess aspects of civics education that would be associated with deliberative democracy, which indicates that what is tested represents the authors' conception of what the outcomes of civics education should be.

The framework for the NAEP civics assessment has three components: civic knowledge, intellectual and participatory skills, and civic dispositions. I consider each of these components in turn to examine the influence of aggregative and deliberative democracy on the NAEP civics assessment.

### *CIVIC KNOWLEDGE*

The knowledge component of the NAEP says that students “should have an opportunity to consider the essential questions about government and civil society that continue to challenge thoughtful people” (National Assessment Governing Board, 2006, p.17). This is a promising start that would seem to encourage deliberation about how these questions should be answered. However, the framework goes on to ask five questions about government and civil society and then explain the answers to those questions. The questions are also framed in ways that do not invite discussion but assume clear answers. For example, the question “How does the



government established by the Constitution embody the purposes, values and principles of American democracy?” assumes that there is agreement concerning the purposes, values and principles of American democracy and does not ask students to consider way in which the government may not reflect democratic values. The framework outlines the content knowledge associated with this question. Students are expected to respond to this question with their knowledge of things like how power is distributed through government, the protection of individual rights, the federal system and the roles of political parties and civil society (National Assessment Governing Board, 2006, p. 70). The list of content knowledge does not ask more fundamental questions about the democratic values underlying how power is distributed or the limits of individual rights.

As the question above indicates, the civic knowledge framework does mention values and principles, which would seem to move beyond a focus only on government structure and create possibilities for deliberation about those values. However, as the example question in the previous paragraph indicates, the framework ties these values and principles to the existing government structure. The framework notes that the values and principles are sometimes in conflict and the meaning and application of the principles are disputed, which creates space for deliberation, but it does not point to a mechanism within democracy, such as deliberation, through which these disputes can be addressed.

### *INTELLECTUAL AND PARTICIPATORY SKILLS*

The section of the framework discussing intellectual and participatory skills differentiates the intellectual skills from the participatory skills that are important for students to develop for effective citizenship. The intellectual skills are identified as “identifying and describing, explaining and analyzing, and evaluating, taking and defending positions on public issues”



(National Assessment Governing Board, 2010, p. 23). The framework's description of "identifying and describing" as intellectual skills reflects a bent toward aggregative democracy. The examples of what students are asked to identify and describe focus on structure of government and concepts rather than values and positions. As an example, the framework says "describing may refer to tangible or intangible processes, institutions, functions, purposes or qualities" (National Assessment Governing Board, 2010, p.23). The focus on process, institutions, functions and purposes of government are all related to structure, which is the focus of aggregative democracy. The skills of explaining and analyzing are similarly framed. Examples of analyzing are "identifying causes of events; the components and consequences of ideas; or social, political, or economic processes and institutions." As these are further described, the focus is not using these intellectual skills to look inward to analyze and explain one's values. The focus is outward to explain the workings of the system or to distinguish between means and ends.

The skill of evaluating, taking and defending positions on public issues comes closest to reflecting deliberative democracy. The assessment is intended to determine whether students have developed skills needed to use "criteria or standards to make judgments about the strengths and weaknesses of positions on issues, goals promoted by the position, or means advocated to attain those goals (National Assessment Governing Board, 2010, p. 25). Students also develop the skill of taking a position, meaning that the student has evaluated options and chosen one that he can support. The list of skills students need also includes cost/benefit analysis and means/end analysis. Deliberation adds complexity to how students evaluate policy options and conduct the analyses described and what it means to "defend" one's chosen policy option. Although this set



of skills reflects many skills that are related to deliberation, but there is no deliberative process outlined within which these skills can take on a deliberative cast.

The absence of evidence of the influence of deliberative democracy in the intellectual skills section could be explained if the aspects of deliberative democracy that one would have expected to see in that section were contained in the participatory skills section. However, there is little evidence of the influence of deliberative democratic ideals. The skill of “interacting” includes the ability “to deliberate with civility” (National Assessment Governing Board, 2010, p. 27). Although this could be a reference to deliberation, the rest of the description of “interacting” is either vague (providing no elaboration on the skills necessary to deliberate) or focuses on aggregative ideals. The remainder of the sentence that mentions deliberation focuses on building coalitions and managing conflict. Building coalitions is an ideal from aggregative democracy as it brings up images of strategically allying oneself with others against an opposing group. Similarly, deliberative democracy provides a particular way to manage conflict. Further in the description of participatory skills, managing conflicts is done “through mediation, negotiation, compromise, consensus building, adjudication” (National Assessment Governing Board, 2010, p.27). All of these means of managing conflict are not through mechanisms of deliberation with the possible exception of consensus building (although even that is not necessarily the required end of deliberations). Students are expected to manage conflict through processes and structures that are outside of the deliberative model.

Other participatory skills are similarly oriented toward aggregative democracy. Students are expected to develop the skill of “influencing”, which refers to “the skills required to affect the processes of politics and governance, both formal and informal processes of governance in the community” (National Assessment Governing Board, 2010, p. 27). There is little guidance



given about how influence is to be wielded on the political process. In an aggregative system, one exerts influence through being persuasive and knowing how to use effectively the structures of government to achieve one's ends. Influence in deliberative democracy is different in that it is reciprocal. One has the potential to be influenced by the process as much as one might be the one influencing the process. Second, influence is exerted through being understood by others and understanding others in deliberative democracy. There is no sign of influence being defined in that way in this section.

The participatory skills also tend to illustrate aggregative democracy in that the students are expected to seek information about public issues from experts and very little emphasis is given to seeking information from fellow citizens, particularly those who would be most affected by policies. Students are expected to learn the skills of "interviewing people knowledgeable about civic issues, such as local officials, civil servants, experts in public and private associations, [and] members of college and university faculty." They are to gather and analyze information from "government officials and agencies, interest groups, [and] civic organizations." They should be able to question "public officials, experts, and others to elicit information [and] determine responsibility." This is not to say that experts do not have a place in deliberative democracy as a means of responding to citizens' needs for more information to make an informed choice, but the role of experts is responsive to the citizens' needs in the context of a deliberation. Fishkin & Luskin (2005) and Goodin & Niemeyer (2003) provide examples of the use of experts in a deliberative process, but the contributions of experts are in service to deliberation and the voices of those in the deliberation.

"Listening attentively to fellow citizens, proceedings of public bodies [and] media reports" is listed as an important participatory skill and may be taken as evidence of the influence



of deliberative democracy. However, note that it is grouped together with proceedings and media reports as sources of information. That type of listening does not necessarily occur in a deliberative setting where there is an exchange of ideas as in a deliberation. This one mention of other citizens is dwarfed by the number of other things students are expected to pay attention to as good citizens, and it does not characterize the listening that occurs in a deliberative way.

It is possible to infer the influence of deliberative democracy from the explicit use of the term “deliberate” in the discussion of participatory skills. This is an important inclusion as it is listed separately from simply discussing issues. This implies that there is a difference between the two. However, it is difficult to judge the depth of the influence of this term as the authors do not elaborate on the term. The reader is left to create a distinction between discussion (and other forms of participation) and deliberation.

An additional notable absence in the list of civic skills is self-reflection. This is not an explicit part of many deliberative frameworks, but, as I discuss in Chapter 5, it should be an important part of a civics education framework that includes deliberation. The exclusion of self-reflection as a civic skills and the emphasis on more traditional forms of participation (voting, debating and the like) indicate that aggregative democracy has been more influential in shaping the civic skills tested in NAEP.

### *CIVIC DISPOSITIONS*

The NAEP test also determined that measuring the civic dispositions of students was important as part of determining the state of civics education. Civic dispositions are defined as “the traits of private and public character essential to the preservation and improvement of American constitutional democracy” (National Assessment Governing Board, 2010, p. 29). In



the description of civic dispositions, aggregative democracy is still prevalent, but the possible influence of deliberative democracy is most apparent here.

The inclusion of dispositions in addition to participatory skills can be interpreted as a nod toward deliberative democracy. Although the references given for the importance of civic dispositions, such as James Madison and Judge Learned Hand, far predate the advent of deliberative democracy, the interpretation of important civic dispositions does include some important deliberative ideas. Key among these is the disposition of “respecting individual worth and human dignity” (National Assessment Governing Board, 2010, p. 30). This includes treating others with respect, listening to other’s opinions and considering the rights and interests of others. All of these dispositions are essential to deliberative processes. They are less crucial in an aggregative democracy. If citizens come to the political process with political opinions for which they advocate and the political arena functions like a marketplace in which students act in a self-interested manner to choose among competing ideas, these dispositions are less important.

There are other ties to deliberative democracy in civic dispositions. Students are expected to “deliberat[e] on the meaning of constitutional principles” and evaluate laws and the actions of government officials to determine whether they are wise or just. In addition, civic dispositions include thinking about when to subordinate one’s own self-interest to the public good. As will be discussed in Chapter 5, deliberative democracy encourages students to think about ways to improve the political system to make it more just. Also, aggregative democracy would not necessarily encourage students to think about the public good but instead treat politics more as a marketplace where one’s self-interest is pursued.



This is not to say that the civic dispositions also are not heavily influenced by aggregative democracy. An important civic disposition is “participating in civic affairs in an informed, thoughtful and effective manner” and “assuming the personal, political, and economic responsibilities of a citizen” (National Assessment Governing Board, 2006, p.30). The participatory activities generally reflect aggregative democracy. They include participating in public debates and voting. They do not explicitly mention deliberative activities (although one might interpret “informing oneself before voting” as accomplished through deliberation). It is also telling that the framework clearly states that the assessment will not ask students about their personal values and dispositions, but rather to describe their importance in the abstract. For example, a student may be asked “to describe the importance of listening respectfully to others” (National Assessment Governing Board, 2010, p. 36). This illustrates that although the creators of the framework consider these values and dispositions important, students are not asked to engage with their own values or the values of others in a deliberative manner as part of the assessment.

In considering the NAEP civics assessment framework as a whole, the influence of aggregative democracy is most apparent. This might be attributable to the relative ease of assessing the knowledge and skills associated with aggregative as opposed to deliberative democracy, but it is most likely a reflection of the influence of aggregative democracy, and the way our current political system reflects those ideals, on the testing framework. The inclusion and description of civic dispositions does point to the possible growing influence of deliberative democracy, but the assessment lacks the key indicator of the influence of deliberative democracy – the students engage with one another about moral differences as part of the process of developing their own political opinions.



## IEA CIVIC ASSESSMENT

The International Association for the Evaluation of Educational Achievement (the IEA) conducted an international assessment of civics in 1999. It is the most recent international assessment of civics education and sheds light on the influence of aggregative versus deliberative democracy that is different from the NAEP assessment. The NAEP assessment constructed a measure of civics achievement for students in the United States. The IEA Civics Study has a broader purpose. It measured civic knowledge similar NAEP and also assessed students' concepts of democracy and citizenship, their attitudes regarding institutions, minorities and national identity, and gathered information on civic-related actions taken by students. It also was designed to paint a picture of the classroom by asking students, teachers and principals about their perceptions of civic-related teaching and learning.

There are three items associated with the IEA Civics Study that will be examined here. The first is the conceptual framework and description of the creation of the actual examination (Schulz & Sibbern, 2004). This provides insight into what a wide range of international scholars thinks is important about civics education. Like the NAEP exam, certain conceptions of democracy implicitly guided the construction of the test, and the conceptions that the IEA assessment measures provide insight into what civic educators from around the world think is important to measure. Second, the results of this study are also valuable because they reflect not only measurement of the effectiveness of civics education, but also portray what occurs in civics education classrooms. Third, as part of the development of the IEA Civics Study, referred to as Phase 1, the panel creating the study commissioned studies from each country that were to examine the state of civics education in the country. The Phase 1 study examining the state of



civics education in the United States is valuable as it gives an on the ground view of civics education.

There are a few important considerations in using the IEA Civics Study to evaluate the influence of aggregative and deliberative democracy on civics education. This is the oldest set of materials evaluated for this dissertation. The test and survey was developed in 1997-98 and administered in 1999. Deliberative democracy's rise to prominence began just 10 years earlier. This may not have been a sufficient period of time for deliberative democracy to impact the creation of the test, much less social studies classrooms. A decade provides time for an idea to permeate a field such as social studies, but studies such as the IEA Civic Study are in some ways backwards-looking. The IEA Civics Study is tied conceptually to a previous international test of civics education created in 1971. Although the conceptual framework examined in this dissertation was created for the 1999 test, it is important to recognize that the creators of the study were attempting to maintain some continuity with previous tests for comparison purposes. For these reasons, this test cannot be viewed alone as a measure of how influential deliberative and aggregative democratic models have been. However, it remains an important set of artifacts to examine as it can provide information about the point in time the test was created and about the preceding years that influenced the test development.

### *THE PHASE 1 STUDY*

Prior to developing the conceptual framework for the IEA Civics Study, the panel creating the test asked each participating country to provide a case study describing the discourse related to civics education in the country and the key issues in that country related to civics education (Torney-Purta, Schwille & Amadeo, 1999). To provide consistency in case studies across countries, authors of the case studies were asked to respond to eighteen framing questions.



Authors also identified key issues in civics education that were not included in the framing questions to provide information about country-specific contexts and issues. These case studies were used to inform the test and survey development for the IEA Civics Study.

For this dissertation, I examine the United States case study. I limit the analysis to the United States for two reasons. First, the focus of the dissertation is on civics education in the United States and to address adequately each of the twenty-four countries would distract from the focus of the dissertation. Also, information from the other case studies influenced the creation of the test and survey, and the other parts of the IEA Civics Study reflect civics education in other countries.

The eighteen framing questions are grouped in three key domains. The first domain relates to what students “learned about the meaning of democracy in their national context” (Torney-Purta, Schwille & Amadeo, 1999, p. 25). The second relates to the sense of national identity or national loyalty, and the country’s relationship with other countries and international and supranational organizations. The third domain relates to young people’s conceptions of social cohesion and diversity. With respect to these three domains, case studies described how official curriculum and examinations answered these questions, what typical school activities were related to these ideas (i.e., class activities and assignments as well as out-of-school activities) and how the media portrayed these issues.

The United States case study used six sources for data (Hahn, 1999a). The author conducted a content analysis of textbooks and gathered information from organizations involved in civics education. They also conducted a survey of social studies coordinators in 20 states and conducted focus group interviews with students and grade 8 and 9 social studies teachers in two



locations. They also interviewed experts in the three case study domains. They also convened an expert panel to assist in the case study.

It is not surprising that the textbook analysis reflects aggregative democracy. The case study notes that the textbooks focus on the structure and procedures of government at the local, state and national levels. Most attention is given to the origins and structure of the Federal government with attention given to concepts such as separation of powers and federalism. This aggregative orientation is not surprising in textbooks as deliberative democracy is more participatory and there is less direct instruction through textbooks that is likely to occur in civic education influenced by deliberative models.

The description of classroom activities, however, confirms that aggregative models and the textbooks are highly influential. The students reported that they learned material similar to what was found in the textbooks – the structure and function of government and about rights (Hahn, 1999a). When they were asked to describe citizens' responsibilities in a democracy, students mentioned activities such as voting and jury duty as opposed to deliberative activities.

Teachers reported teaching the concepts found in the textbook analysis. Although some teachers mentioned that they also pointed out problems with the democratic system as it stands, which could be indicative of deliberative democratic influence, the case study reports that most of the material was presented as uncontested (Hahn, 1999a). There was little evidence of what the case study described as “issue-based” civics instruction in which controversial issues were addressed in the classroom. All of this reflects the pervasiveness of the aggregative democratic model.



The case study's description of students' civic education experiences reveals that most is focused on activities associated with aggregative democracy. The most common activities that students participated in were mock elections. The other experiential programs noted in the report, such as Close Up, Kids Voting and We the People . . . the Citizen and the Constitution, also focus on teaching students about the structure of government and aggregative process. Although the We the People program can include a deliberative component, the culminating experience is a mock legislative hearing as opposed to a deliberative experience.

The case study includes one section that focuses on instructional activities. These also reveal a largely aggregative orientation. Although many of the students reported doing activities that took them outside of the textbooks, none of these were described by students or teachers as being deliberative in nature. The activities tended to be research papers, simulations or debates. Many also reported discussing current events. These current event discussions and what are described as debates *could* be deliberative, but they could also be done in a way that reflects aggregative democratic models. The descriptions in the case study are not rich enough to make a determination.

#### *CONCEPTUAL FRAMEWORK AND TEST DEVELOPMENT*

The conceptual framework for the IEA Civics Study is grounded more in psychological theory than political theory and for that reason is not as helpful as Phase 1 or the assessment results for understanding the influences of aggregative and deliberative models of democracy. The results of the test development show influences of aggregative democracy, but the psychological theories on which the test development rests are most compatible with deliberative democracy, although they are unlikely to have been included through the influence of deliberative democracy.



The conceptual framework is based on psychological theories of ecological development and situated cognition (Lehmann, 2004, p. 11). Although these theories do not have direct ties to deliberative democracy, they can be viewed as reflecting views of theories of learning that are compatible with deliberative democratic models of democracy. The framework notes that these theories are concerned with context and identity development as part of the learning process. These key ideas about learning have long roots in the field of education and in democratic education in particular as evidenced by the work of Dewey (1985 [1916]). The theoretical foundations of the test reflect this long lineage in the field of education, but it is important to note that their emergence in deliberative democratic political theory is recent.

The design of the test itself, however, reflects aggregative ideals. The main domain of concern is the concept of democracy and in particular the answer to the question: “What does democracy mean and what are its associated institutions and practices?” (Husfeldt & Torney-Purta, 2004, p. 18). Questions from this domain formed a proportionately larger part of the test when compared to other domains. The sub-domains reflect the authors’ view that the answer to this question is largely uncontested (although the test creators clearly recognize the different forms of democracy across countries) in that the subdomains tested focus on the defining characteristics of democracy, the institutions and practices in democracy and the rights and duties of citizenship. These do not clearly include deliberation as a defining characteristic or practice, and the focus on institutions and rights reflect an aggregative orientation.

The study instrument consisted of two parts – a test and a survey. The test was keyed and had correct answers. The first section of the test addressed civic content. As an example, students are asked:



In democratic countries what is the function of having more than one political party?

- A. To represent different opinions [interests] in the national legislature [e.g. Parliament, Congress]
- B. To limit political corruption
- C. To prevent political demonstrations
- D. To encourage economic competition.

The question is phrased as though there is only one democratic function of having multiple political parties. This reflects an aggregative orientation toward civics education in that it assumes that democratic principles and values can be distilled into one correct answer or interpretation. Ironically, Chapter 2 illustrates how one aggregative political theorist, Richard Posner, finds multiple democratic functions of political parties. What makes questions such as this one aggregative is the assumption that, at least for the purposes of civics education, educators can assume a uniform understanding of democratic values and how they are reflected in government.

The second part of the test addressed skills in interpreting political and civic material. The material students were asked to interpret included political cartoons, photographs and newspaper articles. There is one correct interpretation for the material, and this indicates an aggregative perspective as students are not being asked to consider their own identities and backgrounds in the interpretation of the materials or to consider how moral perspectives might influence how these materials could be interpreted in different ways. For example, the test release items include the following prompt:

We citizens have had enough! A vote for the Silver Party means a vote for higher taxes. It means an end to economic growth and a waste of our nation's resources. Vote instead for economic growth and free enterprise. Vote for more money left in everyone's wallet! Let's not waste another 4 years! VOTE FOR THE GOLD PARTY.



Students are asked to identify the group most likely to have issued the leaflet (a party opposed to the Silver Party), to infer what the authors of the leaflet would think about higher taxes (that they are a bad thing) and to predict what other policy the issuing group would also likely favor (reducing government control of the economy). In making these interpretations, students need not consider the larger social context within which these assertions are being made. There are moral arguments and value systems that undergird the statements in the flier, and they are attached to other citizens. Understanding these connections is gained through deliberation. It is assumed that what needs to be understood from the flyer can simply be understood apart from understanding of these other factors that would come from deliberation.

The instrument also included a survey to measure students' understandings of certain democratic attitudes, actions and concepts. These did not have right or wrong responses and were included to paint a picture of what students' actual understandings and beliefs are. This section cannot be judged as influenced by either aggregative or deliberative models of democracy, but its results will be discussed in the next section as it can reveal the degree to which the concepts related to democracy that schools are trying to inculcate match students' actual beliefs. For the purposes of this dissertation, those results indicate whether aggregative or deliberative democratic ideals are being transmitted to students not only in school but in the larger political context. In addition, the options provided to students in the survey can reveal the survey creators' perspectives concerning aggregative and deliberative democracy.

Of particular interest in the creation of the survey are the conceptions of democracy that are included in the survey. The test creation documents mention republicanism, classical democracy, liberal democracy, direct democracy, participatory democracy, developmental democracy and competitive elitist democracy. Among these, participatory democracy could



imply the inclusion of some deliberative democratic theory, but the term is very broad and left undefined in the documents. The survey results indicate that students did not adhere to any particular conception of democracy as defined by political theory, and the discussion of survey items indicated that the term “participatory democracy” related to a variety of ways of participating in the political process, including participation in protests and political parties. This makes it difficult to connect the idea of participatory democracy to deliberative democracy. In addition, the lack of citation of any deliberative democratic theorists makes it difficult to argue that a deliberative democratic conception of democracy was strongly related to participatory democracy.

#### *IEA CIVICS ASSESSMENT RESULTS*

The final part of the analysis of the IEA Civics Study is an analysis of the results of the survey section of the assessment (Torney-Purta, Lehmann, Oswald & Schulz, 2001). The survey asked students if they associated items on a list of activities and attributes with being a good citizen. A factor analysis identified two latent categories of citizenship activities, which researchers labeled conventional citizenship activities and social movement-related citizenship. Conventional citizenship activities included engaging in political discussion, voting, following political issues in the media, joining a political party, knowing your country’s history, showing respect for government representatives. The social movement-related citizenship included involvement with non-partisan groups acting in their communities or improving the environment of their schools. With the exception of discussion of political activities as an activity, all of the conventional activities reflect aggregative models of democracy and, as noted earlier, the term discussion is too vague to determine whether it reflects aggregative or deliberative democracy.



The students from the United States were above the international mean in how they viewed the importance of both conventional and social movement activities.

The survey also asked students about the political activities in which they expected to engage in the future. Similar to the citizenship questions, these were divided into conventional and social movement citizenship. Conventional activities included joining a political party, writing letters to a newspaper about social or political concerns and running for local office. Social movement oriented items included items like collecting petition signatures and various protest activities. Voting and collecting money for a social cause were reported as single items.

The absence of discussion or other deliberative-like activities from this list of political activities is striking. This indicates that the deliberative democratic model was absent when formulating the list of activities. Also, in looking at the results for the United States, the students are above the mean for their likelihood to participate in conventional political activities, with students thinking that voting will be by far their most likely political activity.

Interestingly, in the part of the survey that asked students about what they have learned in school, students reported that they were more likely to have learned civics skills associated with deliberation as opposed to aggregative democracy. In the United States, 89 percent of students reported learning to understand people with different ideas and 91 percent reported learning to cooperate in groups with others. In contrast, only 73 percent reported learning about the importance of voting in national and local elections. This information does not match with information students provided about their classroom experiences. When students were asked about the classroom climate for discussion, no country had more than 39 percent of students say that they are often encouraged in school to make up their own minds, encouraged to express their



own opinions, free to express opinions that differ from other students and the teacher or likely to hear several sides of an issue. This indicates that although students feel as though they learn to understand people who are different, this is not often done through deliberative means in a deliberative environment. The data do not provide enough information to speculate about the explanations for this contrast between outcomes and classroom practices and environment.

The survey indicates that from the student perspective, aggregative democracy both predominates in the activities and outcomes of civics education. The exception to this is that students report learning about certain values associated with deliberative democracy including understanding people with different ideas and working cooperatively. Information from the teacher survey could provide additional information to interpret the student reports. Unfortunately, the data for the United States with respect to teacher reports of classroom practice is not available due to problems in the administration of the survey and no comparable analysis of teacher data in United States classrooms is available.

## NATIONAL CURRICULUM STANDARDS FOR SOCIAL STUDIES

The National Council for the Social Studies (NCSS) produced a set of curriculum standards for social studies published in 2010. These standards provide the final source of data to analyze for the influence of aggregative and deliberative democracy. These curriculum standards were intended to “provide a framework for professional deliberation and planning about what should occur in a social studies program in grades pre-K through 12” (NCSS, 2010, p. 3). They are a valuable source of information about what influences social studies education, and in particular civics education, for several reasons. First, the acknowledged aim of social studies according to NCSS is the “promotion of civic competence” (NCSS, 2010, p. 3). The intent of all of the social studies is to provide students with the opportunity to learn the content, skills and



dispositions necessary for participation in public life. For this reason, these standards represent what social studies educators believe is important in the civic education of students. Second, like the other documents that have been examined, these curriculum standards represent the perspectives of a wide range of constituents in civics education. Third, NCSS intends for these standards to be used by state departments of education and local school districts to evaluate and craft effective social studies curricula as well as by teachers for evaluating their classroom practices and to provide ideas for what learning expectations should be in their classrooms. These curriculum standards are likely to have the largest influence on classroom practice at a national level when compared to any other set of standards or practice guides for civics education.

The starting point for analyzing the curriculum standards is their stated purpose. The standards provide that:

“The aim of social studies is the promotion of civic competence – the knowledge, intellectual processes, and democratic dispositions required of students to be active and engaged participants in public life. By making civic competence a central aim, NCSS emphasizes the importance of educating students who are committed to the ideas and values of democracy. Civic competence rests on this commitment to democratic values, and requires that citizens have the ability to use their knowledge about their community, nation, and world; to apply inquiry processes; and to employ skills of data collection and analysis, collaboration, decision-making, and problem-solving.” (NCSS, 2010, p. 3)

This perspective on the aims of social studies implies that there are ideas and values of democracy that are in some way stable and absolute. Deliberative democracy challenges this idea and invites students to consider how the idea of democracy can best be developed. It is possible that “knowledge about their community, nation, and world” and “apply[ing] inquiry processes” relate to gathering knowledge about the viewpoints of others on morally divisive issues of the day and therefore relate to deliberation. Similarly, “[d]ata collection and analysis” might be



interpreted as part of the deliberative process, but even giving such an interpretation to those terms can be seen as de-emphasizing the human aspect of deliberation – the face-to-face interactions that force us to see and hear others.

The introduction also addresses diversity, which is a topic that aggregative and deliberative democratic models address differently. The introduction states that “[t]he civic mission of social studies demands the inclusion of all students – addressing cultural, linguistic, and learning diversity that includes similarities and differences based on race, ethnicity, language, religion, gender, sexual orientation, exceptional learning needs, and other educationally and personally significant characteristics of learners. Diversity among learners embodies the democratic goal of embracing pluralism to make social studies classrooms laboratories of democracy.” (NCSS, 2010, p.9) Embracing pluralism and a focus on inclusion are important features of deliberative democracy (see Young (2002) for particularly insightful commentary on inclusion and deliberative democracy). The curriculum also recognizes that “personally significant characteristics of learners” are important to recognize for purposes of inclusion. This reflects the deliberative ideal that refuses to homogenize citizens but instead recognizes their particularities. This shows the penetration of some deliberative ideals into the curriculum standards, but this interpretation would not necessarily be clear to one reading the standards document without a deliberative democratic lens.

Moving past the introduction, the curriculum standards are set forth as ten themes. Certain of these themes are more relevant than others to democratic ideals and the models of democracy. The following section examines the themes that have the greatest ties to the democratic models.



## *THEME 1 – CULTURE*

The first theme, emphasizing the study of culture, is inclusive of many concepts that are crucial to deliberative democracy. This theme focuses on enabling students to recognize and understand various cultural perspectives. The purposes of gaining more knowledge about the culture are two-fold. First, through the knowledge of various cultures, students acquire “the potential to foster more positive relations and interactions with diverse people in our own nation and other nations” (NCSS, 2010, p. 26) Second, it enables more informed decision-making by students. However, as important as these concepts are to deliberative democracy, they can also be important in aggregative democracy, and the presentation of the ideas does not push toward a deliberative understanding of the importance of understanding other cultures.

On first glance, it would seem that the study of diverse cultures would reflect more of a deliberative take on democracy. Building understanding of diverse cultures provides a hedge against viewing one’s fellow citizens as a homogenous other. However, there is a difference between individual students gaining this understanding of other citizens and whether the democracy that the students learn about takes into account the diversity of citizens. Unless explicit ties are made between seeing the cultural diversity in society and how this cultural diversity plays out in the political system, a mere understanding of cultural diversity does not move students or the curriculum toward a deliberative view of democracy.

The influence of the models of democracy is further explored by looking at the purposes for studying culture. The first purpose, that the study of culture might foster more positive interactions with diverse people, could have either a deliberative or aggregative interpretation. The key question is whether these positive interactions are expected to influence and be part of the democratic political process. If students are not encouraged to think about whether the



cultural diversity and the diversity of values that accompany it play out in positive relationships in the political sphere, there is none of the transformative force of deliberative democratic models. Because there is no clear connection in this theme to the political sphere, it is possible for this learning to occur under an aggregative model of democracy.

The second purpose, to enable more informed decision-making, also may relate to either deliberative or aggregative purposes. This knowledge of cultural diversity may impact the formation of students' political opinions in a way that would reflect deliberative democracy if teachers encourage students to reflect on this knowledge in a way that might impact the formation of the students' political opinions. However, this knowledge may equally be taken by students as strategic information to be used in an aggregative democratic setting – as a chip in negotiations or a tool for manipulation.

Given that much in this standard can be interpreted in multiple ways, one factor militates against the interpretation of this theme as embracing deliberative ideals, and that is the absence of self-reflection. This curriculum standard encourages classroom practices that enable students to see and understand the diversity around them and how culture affects perspectives on history and values. The curriculum standards do not, either in the standards themselves or in examples of practice implementing the standards, ask students to engage reflectively with their own culture and how their perspectives and values have been shaped by their own culture. One might argue that such a transfer of skills from understanding other cultures to understanding one's own might be natural or could be left unsaid. However, looking at how history and values have been understood and treated in textbooks, it is not clear that such reflection happens as a matter of course but rather it must be encouraged, especially for students who are most representative of the dominant culture.



A final piece that argues against interpreting this theme as being more deliberative than aggregative is that authentic deliberative interactions are not described in the processes or products for this theme. In giving examples of student products that relate to this theme, the assignments ask students to observe or interview members of a culture or subculture. Other products involve role-playing or presentations that present various cultural groups. The processes that lead to these and the products themselves do not ask students to engage in authentic deliberative interactions with people of other cultures. Students develop an understanding of another culture, but the ways that those understandings of other cultures develop may leave students with a view of other cultures as monolithic and homogenous. This can play back into aggregative understandings of democracy as students can disregard the individual and base judgment or strategy in the political arena on these broad understandings of cultural others. In addition, the lack of self-reflection on one's own culture does not enable students to develop the deliberative democratic understanding of themselves as being part of a culture yet seeing ways in which they fit and do not fit within the culture as a whole.

#### *THEME 4 – INDIVIDUAL DEVELOPMENT AND IDENTITY*

The fourth theme in the curriculum standards is individual development and identity. In some ways, this is the theme that most reflects deliberative democracy as it asks students to engage in self-reflection. Students examine the social processes that influence identity formation and how this relates to “ethical and other principles underlying action” (p. 38). These are important deliberative activities in that this type of understanding of one's own identity enables one to participate in deliberation in the most meaningful way.

Considered as a whole, however, this standard fails to reflect deliberative democracy in that it does not make any connection between this self-reflection and how students are to engage



with others in the political process. Students are never asked to consider how their own identity relates to how they understand political issues and their perspectives on those issues. Without this connection, a growing understanding of identity may not have any relation to democracy or civic education, whether deliberative or aggregative.

#### *THEME 5 – INDIVIDUALS, GROUPS, AND INSTITUTIONS*

The fifth theme in the standards focuses on helping students recognize how institutions are formed, maintained, and changed, and to understand how those institutions influence individuals, groups and other institutions (NCSS, 2010, p. 42). The idea of institutional change is most important to deliberative democratic civic education as it enables students to think about how democratic institutions might change. In this sense, the focus on how individuals can shape and change institutions and the spotlight placed on how institutions influence society is very much a deliberative democratic ideal.

The problem with interpreting this section from the perspective of deliberative democracy is that students are to engage in a normative assessment of institutions as part of deliberation. The standards ask students to recognize that institutional change occurs and that they can affect such change, but the standards do not ask students to critically evaluate institutions by any normative standards. The standards also do not call upon students to consider what mechanisms of change are appropriate for particular institutions. Deliberative democracy clearly sees deliberation as the key mechanism for identifying and enacting change in political institutions (but see Fung, 2005, for a discussion of when deliberation may fail in this respect), and the standards do not encourage students to deliberate along these lines.

#### *THEME 6 – POWER, AUTHORITY AND GOVERNANCE*



In this theme, students build understanding of “the principles, processes, structures, and institutions of government, and examine how power and authority are or have been obtained in various systems of government” (NCSS, 2010, p. 46). They compare and contrast democratic and non-democratic systems of government and learn to address persistent issues and social problems encountered in political life. This section reflects aggregative views of democracy in the ways that it identifies and treats democratic values.

This theme calls on students to learn fundamental ideas and values that are the foundation of democracy and the American constitutional democracy (NCSS, 2010, p. 47). The values are identified for students through examples such as the common good, liberty, equality, justice and individual liberty. By identifying democratic values without recognizing their malleability and the variation in interpretation, this reflects aggregative more than deliberative democracy. The standards call upon students to identify conflicts among fundamental principles and values in a democracy, but the students are never asked to move beyond identification of the conflict to ways in which those conflicts could be addressed. This leaves the status quo, aggregative democracy, as the default democratic method of addressing conflicts of principles and values.

#### *THEME 10 – CIVIC IDEALS AND PRACTICES*

The final theme directly addresses key aspects of civics education. This theme focuses on civic ideals and learning how to use these civic ideals to inform students’ civic practices and participation in a democracy. The theme includes important aggregative concepts that would be expected in any civics curriculum about the structure and function of government. However, the aggregative model tends to permeate this section in how it addresses responsibilities of citizens, how public issues are addressed and in the rationale for seeking out multiple perspectives on



public issues. It is this section that most clearly reveals how deliberative democracy has not made deep inroads into the curriculum standards.

Like the theme that addresses power, authority and governance, this theme also identifies concepts and beliefs that are important to democracy in a way that does not present them as open for interpretation and evolution. Students are asked to think about ways in which civic ideals are translated into practice (NCSS, 2010, p. 62), but they are not challenged to think about alternative ways of understanding the ideals or to think about other ways that these civic ideals might be manifest in a democratic society as would be expected with influence from a deliberative models of democracy.

The manner in which students are asked to address public issues also reflects an aggregative approach to democracy. Students are asked to evaluate a range of positions and defend their own positions on public policy issues. They also are asked to consider the strengths, weaknesses and consequences associated with various positions on an issue. They are never asked to engage in a self-reflective process that would enable them to engage in these activities from a deliberative standpoint – that is with sufficient understanding of the origins and foundations of their own value systems and the social context from within which they are making a judgment. Because of this, students may consider different perspectives, but they do not consider how those other perspective are interacting with their own perspective in a way that enables them to fully consider those other perspectives in a deliberative manner. When students are evaluating the other perspectives, they are never asked to consider whether others confronted with the same evidence might evaluate it differently and, if so, why that might be the case.



The responsibilities and practices of citizenship also have a clearly aggregative bent. These practices include “voting, serving on jury, researching issues, making informed judgments, expressing views on issues and collaborating with others to take civic action” (NCSS, 2010, p. 63). It is possible to interpret “researching issues” to include deliberative practices, but the supporting materials do not point to deliberation as part of the process of researching an issue. Also, the main description of how citizens resolve conflicts and differences does not include deliberation. Instead, students participate “in the process of persuading, compromising, debating and negotiating” (NCSS, 2010, p. 65). These are the types of activities associated with an aggregative, market-based perspective on the political arena.

As a whole, the NCSS Social Studies Standards reflect more aggregative than deliberative democracy, but of all of the documents examined so far, they are the most open to interpretation through a deliberative lens and are framed in ways that suggest a growing influence of deliberative democracy. In spite of these possible inroads, activities of a specifically deliberative nature are not mentioned and students are not asked to engage in deliberative activities such as self-reflection as part of the process of civics education or as part of the products that permit assessment of the standards of civics education. The fact that the standards are the most recent document could reflect the growing influence of deliberative democracy.

## CONCLUSION

As students progress through school and learn about the American political process, the picture of democracy they are most likely to get is one that reflects an aggregative model of democracy. National and international assessments together with state standards indicate that students are expected to learn more about the procedures and institutions of American democracy and how to make use of that information than the knowledge, skills and dispositions



associated with deliberation. Students learn about values that undergird democracy, but those values are presented as uncontested and, as a result, do not reflect the depth of moral diversity in the country. A related result of this approach to democratic values is that reflection upon and criticism of the political process is not encouraged. Individual rights are emphasized, but the individual is not called upon to engage in self-reflection as part of the political process.

There are indications of change in that the recent civics education scholarship points toward more deliberative concepts. They emphasize discussion and engagement with others and encourage civics education that promotes examination and critique of societal structures, including the political system itself. Many aspects of deliberation, such as self-reflection and an understanding of the deliberative process that is more rooted in deliberative democratic theory, have not been fully realized.

In Tucson, the political process reached a resolution, with winners and losers. The Arizona government and education in Tucson continue their work. In comparison with political violence that springs up in various parts of the world, perhaps aggregative democracy is adequate in that it provides a way of resolving disputes in a way that reflects many democratic principles. But we must ask whether there is a better way. Given the dominance of aggregative models of democracy in civics education, a case must be made that it provides a better way to address the moral diversity that plays out in the politics of the nation. In the following chapter, I argue for the superiority of deliberative democracy over aggregative democracy.



## CHAPTER 2 – THE SUPERIORITY OF DELIBERATIVE DEMOCRACY

Recent scholarship shows a move toward more deliberation in civics education in an existing civics environment that largely reflects aggregative democracy. If the trend toward greater deliberation, and a civics education founded in deliberative democracy, is to be realized, a case must be made that deliberative democracy is superior to aggregative democracy. Making that argument is the aim of this chapter.

I begin by describing a particular vision of aggregative democracy advocated by Richard Posner. This is done both to introduce arguments from an advocate for aggregative democracy and to provide concrete examples of the contrast between aggregative and deliberative democracy when it comes to the criteria addressed in this chapter. Although Posner does not extend his discussion of democracy to how it would play out in civics education, he holds it out as a description of democracy as it currently functions in the United States, and it is appropriate to make inferences about how civics education might look to prepare students for such a system. The chapter then discusses how aggregative democracy and deliberative democracy address the key democratic concepts of autonomy and diversity. The chapter concludes by examining how each addresses critique and change of the existing democratic system.

### POSNER’S AGGREGATIVE DEMOCRACY CONTRASTED WITH DELIBERATIVE DEMOCRACY

Richard Posner, in his book *Law, Pragmatism, and Democracy* (2005) describes American democracy as it he sees it existing in the United States. He also explicitly defends this version of democracy against deliberative democratic theory. Posner does not explicitly call his description of democracy “aggregative democracy”, preferring instead to call it “concept 2”



democracy (in contrast with a deliberative form of democracy referred to as “concept 1” democracy), but it matches the tenets of aggregative democracy in opposition to which deliberative democratic theorists write. In Posner’s terms, his is a democracy that reflects the everyday pragmatism of the American people in contrast with the philosophical pragmatism that undergirds deliberative democracy.

The democracy that Posner describes is aggregative democracy that takes a representative form. This is government by elites who compete for the support of self-interested voters. It is a model of aggregative democracy as the “democratic” aspect of the government is represented by the aggregation of voters’ preferences for political candidates. There is no expectation for the average voter to be engaged in political discourses about the issues of the day. Instead, this version of democracy delegates ruling authority to public officials, with the voters serving as a soft check on the exercise of that authority.

In Posner’s democracy, politics has no intrinsic value. In other words, citizens are in no way ennobled or morally improved by participating as a voter. Politics is at most instrumental – a means to an end. In fact, Posner views the marginalization of politics as a social gain (Posner, 2005, p. 172). Politics are a drag on private activity, which he views as more productive and peaceable than politics. On his view, deliberative democracy exacerbates moral conflict and distracts from commerce. He also argues that commercial and private activity do not involve the psychic risk that deliberative political activity does as it tends not to engage deep moral issues



that can be related to identity. Furthermore, he sees political activity as more likely to be a zero-sum game as opposed to commercial and private pursuits which need not be so.<sup>2</sup>

The aggregative model is also connected to an economic perspective on the political system. Voters are characterized as consumers. Politicians and the political parties are the suppliers. The political sphere is a competition to give the consumers what they want and/or create consumer demand for what one offers. Posner expects voters to remain self-interested when voting just as they are in the marketplace. Votes represent the market share that politicians and political parties compete to get.

Posner acknowledges that the market analogy is imperfect. For one, many voters do not “get” what they purchase because they vote for a losing candidate. However, Posner points out that this is not all loss as the votes still provide valuable market information. Also, with respect to market information, the voter lacks a crucial piece of information available in economic markets – price. Price is a highly efficient way to communicate. The political process relies on other proxies for that type of efficient information such as political party affiliation, endorsements and the like. In spite of these limitations of the market analogy, it still serves as the dominant frame for understanding aggregative democracy.

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<sup>2</sup> Although I am not crafting an argument against these aspects of aggregative democracy in this paper, it is important to note that each of these assumptions about private and political activity can be seriously questioned. For example, commercial activity and wealth generation cannot be called a universal good without considering its societal impact. One needs only think of worker exploitation and risks to the environment (that are not well-controlled through the market) as but two examples of negative consequences of commercial activity. Similarly, one can question whether politics resembles more of a zero-sum game under an aggregative model versus a deliberative model. The competitive nature of the aggregative model may be as likely to create zero-sum political situations as the exposure of deep moral conflict is in the deliberative model.



The American political market also is a duopoly, which Posner sees as a beneficial structure. It is beneficial because it too keeps conflict to a minimum by not proliferating parties that cater to narrow slices of society. He sees multiparty systems as posing a danger similar to that posed by deliberative democracy in that the proliferation of parties may expose the moral and political divides that in a two-party system are pushed down since parties must appeal to broad swaths of the public. Third parties can be beneficial by providing important information to the two dominant parties that they are not serving a significant segment of the public. However, Posner expects third parties to fade away as the two main parties respond to the third party.

This economic characterization of the political sphere also has interesting implications for what the vote means. In economic markets, the choice *not* to purchase is valuable information that informs the functioning of the market. Similarly, for Posner, the possession of the right to vote is more important than the casting of the vote itself (Posner, 2005, p. 169). The choice not to vote is a legitimate democratic choice for Posner, but he does not expound on the challenges of determining how the markets are to understand such a choice.<sup>3</sup>

This stands in contrast to deliberative models of democracy, including the version espoused in this paper, which view participation in deliberation and other civic activities as having intrinsic value. Participation in deliberation expands citizens' moral and instrumental capacities, such as the development of empathy and tolerance in the first case and greater facility with a variety of deliberative skills in the second.

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<sup>3</sup> And this problem of interpretation is not insignificant. Consider the time devoted to understanding the turnout of various voting groups in the most recent presidential election. For an almost humorous take, consider Bassetti (2012), reporting on a study that examined the role of testosterone in male voter turnout.



Deliberative democracy also casts the political sphere as a place of cooperation as opposed to competition. Although, in some senses, deliberation involves a type of competition of ideas in that people are free to advocate for particular political positions as part of the deliberative process, the politics of deliberative democracy is viewed as part of the cooperative process of society building. Ideas may compete within the deliberative process, but the purpose of deliberation is to cooperatively resolve issues that society faces.

Paradoxically, deliberative democracy is a cooperative process that highlights conflict whereas aggregative democracy is a competitive process that squelches conflict. Gutmann and Thompson (1996) and other deliberative theorists see deliberation as a means of addressing the deep moral and political conflicts that characterize a diverse nation with a citizenry that has varying moral, religious and cultural commitments. Deliberative democrats also believe that deliberation around these areas of conflict can have positive political and social consequences, even if they do not result in consensus. These positive results include greater understanding of the positions of others (and hence a greater likelihood of accepting an outcome that is not aligned with one's position) and the discovery of areas of overlap in moral stances. In addition, some deliberative democrats, including Dewey, Talisse and others, see epistemic benefits in deliberation. Believing that knowledge is distributed across society, deliberation is seen as providing a way of pooling knowledge and therefore increasing the likelihood of finding new and better solutions to societal problems.

Posner's version of aggregative democracy lauds the squelching of moral, religious and cultural differences as they are viewed as irresolvable. He doubts the potential for deliberation to bring about the positive effects that deliberative theorists predict, and also doubts that it would be possible to entice people to engage in deliberation. He also believes that the epistemic benefits of



deliberative democracy can be roughly matched in aggregative democracy by ensuring that diverse perspectives are present among representatives, judges and other government officials. Although noting in several places the slow expansion of suffrage in the United States, he never directly discusses the challenges that the American political system has historically had and still has in achieving diverse representation.

Deliberative democracy also rejects the economic analogy of the citizen as consumer. Deliberative democracy casts the citizen as a potential co-creator of democratic society as opposed to a consumer in the market of politics. As Gutmann and Thompson (2004) note, deliberative democracy pays homage to the moral grounding of democracy that views people “not as passive subjects to be ruled, but as autonomous agents who take part in the governance of their own society, directly or through their representatives” (p. 2). Posner notes that aggregative, representative democracy is *not* self-rule, but rather rule by officials chosen by the people and who can be fired if they do not meet the people’s expectations.<sup>4</sup> The source of information in a deliberative democracy is other citizens, as opposed to a political marketplace dominated by politicians (and others who see gain in participating in the political marketplace through the provision of information) appealing to the voters’ self-interests.

Finally the purposes of government branch in different directions for aggregative and deliberative democracy. As described by Posner, government arises out of a social necessity for living together, and, in his view, the fact that America has a democratic government may be legitimately viewed as an accident of history. This is because there is no moral or theoretical

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<sup>4</sup> It should be noted that aggregative democracy could be closer to self-rule if it were a direct democracy with people directly voting on political issues. However, Posner (2005) rejects this is a viable democratic scheme. People “want to be heard concerning their interests by those who have power to do anything to protect or advance those interests” but do not wish to “allocate precious time to the political arena.” (p. 168)



grounding to democracy except that it has arisen out of a pragmatic response to political and social circumstances. Therefore, government, including democratic government, exists as a part of a society, and it is necessary in order to allow people to pursue their own interests (or at least to allow those people powerful enough to be served by government to pursue their interests). Aggregative democracy takes what Posner would term a realistic, perhaps cynical, view of human nature that doubts the average person's intelligence, desire and competence to participate in self-rule. In fact, he distinguishes between wolves and sheep in society. Wolves are "natural leaders" who are "far above average in ambition, courage, energy, toughness, ambition, personal magnetism, and intelligence (or cunning)" (Posner, 2005, p. 183). The challenge of a political system is to "provide routes to the top that deflect the wolves from resorting to violence, usurpation, conquest, and oppression to obtain their place in the sun" (Posner, 2005, p. 183). In Posner's view, aggregative democracy provides a way for wolves to compete for power and exercise it in a socially responsible way.

Deliberative democracy rests on the idea that democratic government is not simply a historical accident, but that democratic government is and should be grounded in moral ideas about people and society. In particular, it tends to be egalitarian in that deliberation sees people as equal and deserving of having a voice in how government should work as opposed to dividing people into sheep and wolves. Government is viewed as an important shaper of society, and therefore people deserve to have a voice in how it wields its power beyond voting for ruling officials. In addition, people are not viewed as incapable of self-rule, although education may be necessary to fully develop their capacities for self-rule. The deliberative democratic perspective argues that the existence of wolves and sheep, to the extent one can argue such a distinction



exists, is not a natural one that must be accepted or that requires the political arena to provide different modes of participation.

Given these contrasts between Posner's aggregative democracy and deliberative democracy, the question remains whether one provides a better foundation for civics education than the other. In the following sections, I argue that deliberative democracy is superior to aggregative democracy when considering how each model respects autonomy and addresses diversity. Although there are other arguments that can be made for the superiority of one democratic model over another (see Gutmann & Thompson, 2004 for a different argument for the superiority of deliberative democracy over aggregative democracy), I choose to address autonomy and diversity as they are foundational issues that all democratic systems must address. Similarly, I consider how these models address diversity as the existence of diversity is what creates the need for democratic government.

## THE ISSUE OF AUTONOMY

Autonomy plays a key role in liberal democratic thought and therefore is important to consider when evaluating the suitability of deliberative and aggregative democracy for civics education. This section briefly outlines important relationships between autonomy and democracy. It then provides a brief outline of a version of autonomy that will be used for the purposes of this paper. Finally, it evaluates civics education guided by aggregative democracy and deliberative democracy based on how each addresses autonomy.

## *THE IMPORTANCE OF AUTONOMY TO DEMOCRACY*

Autonomy lies at the foundation of democracy because without the conception of the autonomous citizen, there would be no theoretical reason for the people to be given power. That



is to say, if citizens were not capable of authentically assessing their own interests and those of the society in which they live, and arriving at their own conclusions with respect to how government should respond to their understandings, there would be no reason to consult citizens on political questions. One would instead look to whomever or whatever could best determine the course for a society and its citizens, whether that would be an expert, an oracle, a king or some other institution or mechanism.

The autonomy related to democracy must also be an individual characteristic. If individuals were not seen as capable of veritably holding an authentic perspective or preference on political issues, democracy would make less sense. For example, were individuals not seen as differing or capable of differing from others within a group in some important way, then a government that aspires to lay claim to the same legitimacy as democratic governments could simply consult a group representative or find some other way to determine the group preferences. Therefore, autonomy in the sense of democratic autonomy acknowledges individuals as holders of potentially unique perspectives on political issues.

The foundational importance of autonomy is also seen in liberal democratic societies in the way that it is used as a delimiting characteristic for citizenship. Those who are considered autonomous, in the sense that they meet minimal competency requirements of sound mind among others, are permitted to participate in democracy. The most obvious example of this is the voting age. Children are not permitted to participate until the age at which the democratic society has determined that autonomy can reasonably be assumed.

Autonomy is also a key concept in liberal democracy because it forms the foundations for legitimacy. Broadly speaking, it is important that the citizens of a liberal democracy be



autonomous as their autonomous consent provides legitimacy for the democracy. If citizens are not autonomous, then the meaning of that consent is insufficient to legitimize the democracy. Harry Brighouse (1998) makes this point when he argues that civic education faces a dilemma in civics education because of autonomy. Civics education, the formal mechanisms of which are part of the democratic state, risks compromising the legitimacy of a democratic government because the influence of that education can compromise the autonomous nature of the consent that citizens give to the government. Although the dilemma that this poses for civics education is not as great as Brighouse claims (see, Callan 2004), there is an important relationship between autonomy, civics education and the legitimacy of the democratic state that must be considered.

#### *WHAT DOES AUTONOMY MEAN?*

Granting that autonomy is an important concept in liberal democracy, one must ask what autonomy means. Although this section does not attempt to delineate and defend a comprehensive understanding of autonomy as it relates to democracy, I describe a basic understanding of autonomy that undergirds the analysis to follow. This conception of autonomy is intended to be compatible with many of the broad understandings of autonomy in democratic theory without engaging in a nuanced description that would be both beyond the scope of this dissertation and not necessary for the purposes of this argument.

I use autonomy to refer generally to the idea that a person's decisions and actions are tied in some significant way to that person's beliefs, values, desires, and volitions. I rely on a "relational" conception of autonomy. There is diversity among relational conceptions of autonomy, but they "share the conviction that persons are social embedded and that agents' identities are formed within the context of social relationships and shaped by a complex of intersecting social determinants, such as race, class, gender, and ethnicity" (Mackenzie & Stoljar,



2000, p. 4). This means that autonomy cannot be understood apart from the context within which that quality was developed and is exercised.

Relational autonomy is concerned in particular with the social and relational conditions that must exist for an action or decision to be considered autonomous. In particular, relational autonomy “emphasize[s] the role that background social dynamics and power structures play in the enjoyment and development of autonomy” (Christman, 2004, p. 143). This brings certain issues to the forefront of autonomy. For example, how one has been socialized can affect how autonomy is understood and exercised. Similarly, how certain personal characteristics such as race and gender have been socially understood and are enacted also impact autonomy.

This view is reflected in accounts of autonomy that are not explicitly relational, such as that of Moses (2002). Moses’ (2002) conception of autonomy (referred to as “self-determination”) brings together two important ideas about autonomy through her focus on the importance of cultural identity and favorable context of choice. With respect to cultural identity, she notes the importance of both the development of an authentic cultural identity and the recognition of that cultural identity by others. This is a highly relational view of autonomy as it recognizes the socially embedded nature of people. The development of one’s cultural identity must occur through interactions with other individuals and various institutions in society. She points out how educational institutions can provide experiences that encourage or discourage the development of authentic cultural identities through policies around issues such as bilingual education and affirmative action.

A favorable context of choice is also important for the exercise of autonomy (Moses, 2002). Autonomy loses its significance if the choices provided are so limited as to render the



choice meaningless. It is akin to having no choices at all. This is true with respect to autonomy in the political realm. If citizens do not have meaningful options for participation in the political system, whether it be through the different means of participation or through the choices presented to them (depending on the contours of the democratic system), whether or not a person acts autonomously makes no difference with respect to how the citizen is understood or how the legitimacy of democratic system is understood.

The context of choice is important for understanding what it means to be a citizen in a democratic regime because lack of a favorable context for choice for some or all citizens eats away at the egalitarian values in democracy. As an example, if a person has a choice between options that include at least one worthy of her authentic support, there is little doubt that the choice of the option worthy of authentic support is an autonomous choice. However, if the options in the eyes of the citizen are two (or more) evils, neither of which the person can support, it is difficult to argue that the choice of the lesser of these two evils is an autonomous choice in the same sense that the first person's choice is. Perhaps a choice not to participate could be considered an autonomous act by the second citizen, but that might depend on how the act of not voting is interpreted by others. If it cannot convey the message or does not have the political force that approaches the act of voting by the first citizen, the second citizen is not a political equal with the first in a meaningful sense, even if he is autonomous.

I note that although this conception of autonomy is intended to broadly encompass many liberal, democratic perspectives on autonomy, it is unlikely to be universally accepted. I attempt in the discussion of autonomy below to provide different ways that autonomy could be conceptualized from an aggregative democratic point of view in order to be fair to the perspective. However, I do use the version of autonomy described above to analyze aggregative



and deliberative democratic systems as the above discussion of autonomy is intended to apply to any democratic system.

#### *AUTONOMY IN AGGREGATIVE DEMOCRACY*

Autonomy can be a difficult idea to pin down in aggregative democratic systems. In Posner's version of aggregative democracy, the idea of freedom appears to replace the concept of autonomy, and the concept of *political* autonomy, as a concept separate from the autonomy exercised in private life, does not warrant separate treatment. In this section, I outline what autonomy looks like in Posner's aggregative democracy and point out the ways in which the conceptualization of autonomy fails to address what makes autonomy important in a democratic system.

Although Posner does not address autonomy directly, there are important inferences about autonomy in his description of an aggregative democratic system that are well-supported. The first is that the concept of freedom is largely a private one. Posner's aggregative democracy seeks to give individuals as much space as possible for people to pursue their private interests, and this freedom is central to his concept. He notes in several places the importance of not having people spend time on politics because they should spend their time on activities of their choosing (and which he sees as more productive and peaceable) (Posner, 2005, p. 173).

This illustrates that Posner's view of aggregative democracy has little concern with autonomy as a political concept. Instead, the closest thing he provides to a conceptualization of political autonomy derives from the economic analogy between the democracy and the market. This casts the idea of political autonomy in terms of consumer choice. The expectation is that aggregative democracy responds to the market of voters in a way that is similar to how the



economic market responds to consumer demands. This conceptualization of political autonomy however falls short in terms of providing a favorable context of choice and permitting the development of authentic cultural identities (Moses, 2002), which are important for autonomy.

Democratic politics conceptualized as a market is unlikely to provide a favorable context of choice for many voters. The political market does not respond to demand in the same way that the economic market does and, if it did, one of Posner's main arguments for supporting aggregative democracy, that it tends to squelch moral conflict, would no longer be valid. Consider the situation where there is a consumer demand that is not currently being met in the marketplace. The economic market can respond in multiple ways. Current players in the market can introduce new or modified products to respond to the demand. Alternatively, new competitors can enter the market to satisfy the unmet demands.

The political market cannot satisfy demands in the same way. The variation in the "product" offered in Posner's aggregative democracy is limited. A candidate (or political party to a large degree) cannot offer two versions of tax policy or immigration reform or other political issues in order to satisfy the demands of a larger number of citizens. Candidates who do so are accused of flip-flopping by their current supporters and risk not satisfying the demands of their current customers (supporters). Another alternative would be to have a new competitor enter the market to satisfy the demands of the voters. This would be possible in multi-party aggregative democratic systems that have proportional representation. A relatively small group of citizens could demand representation of a particular perspective and have their views represented in the democratic system. This seems like a reasonable way to move towards providing citizens with a favorable context of choice and can therefore exercise political autonomy.



Allowing for multiple parties and therefore greater choice is helpful, but it still does not provide a favorable context of choice to all citizens. Admittedly, it is utopian to think that a satisfactory choice would be provided to all citizens in any sort of aggregative system, but this does mean that some citizens will not have a choice they feel is worth making and therefore will not have their autonomy respected by aggregative democratic system.

It is interesting to note that Posner argues against multiple parties and proportional representation. He claims that having multiple parties makes it more likely that moral conflict will come to the forefront in politics to the detriment of the political system itself. Although he does grant a role for third parties to occasionally arise to perform a corrective function and cause the two main parties to move to satisfy the unmet demands of citizens, the occasional existence of a third party will not be sufficient to provide a favorable context of choice.

In any of the above cases, the likelihood is that those whose views are not represented in the choices provided in the aggregative democratic system would have to take on additional burdens to create their own favorable contexts of choice. It is difficult to imagine that those whose viewpoints are represented in an aggregative democracy would seek to help those without a voice. The expectation in Posner's aggregative democracy is for people to act in self-interest. Therefore, the only time those who are represented would take on any burden to ensure that there was representation for others whose perspectives are currently unrepresented is if there is political gain to be had. This may be a description of the reality of politics as described by critical race theorists through the idea of interest convergence (see Ladson-Billings, 1998), but it is reasonable to question whether different people should have to take on different burdens to be able to exercise autonomy in the democratic system.



One might argue that, in an aggregative system, it is reasonable to expect those who wish to see change in the political choices that are offered to expend their energy and resources to make that happen. Advocates of aggregative democracy could argue that citizens are not prohibited from using their time and resources in the political arena, and therefore people have the freedom to choose to act accordingly. Because this action would presumably be born out of their self-interest, which could be termed as authentic, one could argue that autonomy of the citizen is respected. What such an analysis ignores, however, is that people are differentially situated in terms of their ability to engage in politics in this way. Levinson (2012) notes a civics gap that tracks along lines of race, ethnicity and socioeconomic status. This is reflective of many influences, but it would seem to go against notions of fairness and equality to ask those who have been historically discriminated against and whose resources are the least to make the greatest sacrifice to obtain autonomy in the political arena.

The competitive nature of the aggregative model of democracy also is likely to inhibit the autonomy of citizens. Political actors are expected to compete for the votes of the citizens. In the analogy given by Posner, the wolves seek to garner the support of and to lead the sheep. It is a questionable in such an environment to assume that citizens will be provided with sufficient and relevant information to make an autonomous choice among those given. Given the nature of the political advertisements in our current system, it is doubtful that the market provides information of the type necessary to make an autonomous choice. Lacking high-value information such as price, the voter is left to wade through appeals that are likely to be distorted. One could argue that the competitive nature of the marketplace results in policing, with one party pointing out the lies of the other. Unfortunately, pointing out lies does not necessarily result in the provision of



accurate information. The conundrum of how to provide the information necessary for autonomous choice remains.

Additionally, Posner notes that in his version of aggregative democracy, there is only a small percentage of voters in the middle who receive the attention of the political parties. These voters may have a favorable context for choice and receive (or have access to) information that would provide enough information for an autonomous choice. However, it still does not protect those voters from the potentially distorted information (and, in all likelihood, the information will be more distorted) that would inhibit autonomous choice. This also leaves the majority of voters who are not courted by the political parties with less information and possibly a less favorable context for choice.

The aggregative democratic picture of autonomy also raises questions about legitimacy. As noted above, legitimacy is often tied to consent, which requires autonomy. If a favorable context of choice has not been provided for the exercise of autonomy, and if the choice not to vote does not necessarily provide the information needed to change the context of choice, then the legitimacy of the democratic system can be called into question. Posner addresses the question of legitimacy in a way that does not tie legitimacy to consent, but uses two other standards for legitimacy. The first is that a democratic system is legitimate if the system is what he refers to as “sound” (Posner, 2005, p.207). He describes this as a normative take on legitimacy, but is unclear what he means by soundness. His description of the normative aspect of aggregative democracy is that “the interests (preferences, values, opinions) of the population, whatever they may happen to be, be represented in government” (Posner, 2005, p. 165). As discussed below, this normative take on democracy is particularly unsatisfactory given how aggregative democracy addresses autonomy.



Posner identifies universal suffrage as one of the implications of this normative requirement of aggregative democracy. Presumably, this is enough to ensure the representation of the population's interests in government. However, the way the aggregative system functions to increase the likelihood of distorted information, and the way in which it focuses on a limited spectrum of the population means that the autonomy of a good portion of the citizenry is not respected as their interests are not considered nearly as important as the interests of others.

And this should not be surprising given the analogy between the market and aggregative democracy. The preferences of consumers do not carry equal clout as the preference for a product must be combined with the buying power. Given that only a limited portion of the population has "buying power" in the political market given the two-party system, a significant portion of the population is ignored.

Posner tries to reframe this by claiming that aggregative democracy "is more respectful of people as they actually are" (Posner, 2005, p.165) as opposed to deliberative democracy which he claims is responsive to "what political theorists think they should want or under different (better?) social or political circumstances would want" (Posner, 2005, p. 165). The problem with this reframing is that he denies the social and political circumstances that many citizens face right now. Even their self-interested preferences are easily ignored. It is not happenstance that a civic empowerment gap tracks along socioeconomic, racial and educational lines. As Levinson (2012) states, "In a U.S. system of 'aggregative democracy,' whether one is in the minority or majority matters. Majorities win; minorities lose" (p. 66-67).

Although Posner's argument tracks with the concept of equality, the idea of equality is closely tied with autonomy and democracy. Posner's idea of equality through universal suffrage



is an attempt to respect the autonomous self-interests of all citizens and give those interests representation in government. The aggregative system, however, does not respect the autonomy of all citizens through universal suffrage because, as described above, certain citizens' autonomous choices and interests are more represented than others without providing a legitimate rationale for this differential treatment.

Posner's second standard for legitimacy comes from Weber and provides that a democracy is legitimate if a positive analysis would reveal that people accept the laws and cooperate in social undertakings out of acceptance of those laws and undertaking rather than as a result of forced coercion (Posner, 2005, p. 207). The conditions for this legitimacy are that "the government conform to basic norms of legality, that it be subject to the control of at least formally democratic institutions, that the people adversely affected by government measures have an opportunity to protest, and that the government deliver a certain range of services at an acceptable cost in the tax and other burdens that the government places on the population" (Posner, 2005, p. 207).

This suffers from the same issue as the normative take on legitimacy. Those who are adversely affected by government (likely those in the minority) are afforded an opportunity to protest. As a result, certain citizens' autonomy is respected through the representation of their self-interest in the vote. The disrespect to their autonomy that I attributed above to the way aggregative mechanisms treat different citizens is remedied through the affordance of protest. As a result, those who have to use protest to register their self-interest pay a greater cost to assert their autonomy. Again, this cost is likely to fall most on those least able to afford it.

#### *AUTONOMY IN DELIBERATIVE DEMOCRACY*



Deliberative democracy provides more respect for the autonomy of citizens, although being an aspirational construct, it is not perfect. It differs from aggregative autonomy in that autonomy in the political arena is considered paramount. Also, by inviting citizens into deliberation, it is more likely to provide a favorable context of choice. Finally, by attending to autonomy, deliberative democracy strengthens the legitimacy of the democratic system.

Deliberative democracy places great importance on the autonomy of citizens. This is perhaps made most clear by the attention that my version of deliberative democracy gives to self-reflection as part of the deliberative process. Given that authenticity is important to autonomous decisions and that authenticity requires an understanding of self (even if that self is not static or unified, engaging in self-reflection provides an opportunity for citizens to consider what their moral and political positions are), the process of self-reflection is important for autonomy. This permits for a more autonomous analysis of information and choices and provides a basis for determining when one's moral and political positions should change in order to be authentic.

The issue of providing a favorable context for choice is addressed by deliberative democracy as well. Deliberative democracy is premised on the equality of citizens, and its legitimacy rests on providing an opportunity for all citizens to participate equally. Respect for autonomy is shown through the provision of an opportunity for one's perspective to be heard. A citizen is not left voiceless because there are no acceptable choices. Participation in the deliberation ensures autonomy by providing every citizen a voice for their authentic moral and political perspective.

This is not without problems. The problem of favorable context of choice is only fully overcome if the deliberative process works in such a way as to reach a consensus. This is not



feasible except in rare cases. Ways to incorporate deliberation into government in practical ways have been proposed with some researchers using sampling techniques to obtain a representative sample of the population given that all cannot participate (see, e.g., Fishkin & Luskin, 2005). In this instance, even though a person may be unable to participate, having an equal probability of being selected shows at least some respect for equality if not autonomy.

The best way to address the issue of autonomy is to provide a deliberative democratic education as a foundation for democracy. To the extent students learn to deliberate in environments that reflect equality and provide everyone an opportunity to voice their perspective and be recognized in a meaningful way, those students will enter into any democratic regime with the sense that their opinion matters and that others citizens will listen to them as part of the democratic process. With a deliberative democratic education, even when aggregation is used, the picture of the self-interested voter changes. Optimally, citizens' conceptions of their own self-interest will be shaped by what they have heard from others. Similarly, citizens would consider that the choices presented to them came about through a process in which the perspectives of others, even if not their own personal perspective, were taken into account.

It is important to note that deliberation does not result in a distribution in the costs of autonomous participation that is as unequal as those in aggregative democracy noted above. This is not to say that having the time to participate meaningfully in deliberation imposes the same cost across all people. Some people have the time available to deliberate and the ability to transport themselves to deliberation locations. The demands of work and family among others may also make deliberation more difficult on some than others. Deliberative democracy recognizes this as a potential issues, and scholars have proposed steps can be taken to reduce such costs through mechanisms such as a "deliberation day" (Ackerman & Fishkin, 2002).



There is an additional cost to autonomous participation in deliberative democracy that must be considered. Citizens will enter into deliberations with different skills and abilities with respect to deliberation. There is great concern among deliberative theorists (and their critics) that deliberation, like aggregative democracy, caters to those who already have power by privileging certain forms of discourse and reasoning (Young, 2001; Kohn, 2000). However, the deliberative model I propose in Chapter 5 is amenable to many types of participation. In addition, it proposes a model of deliberation that asks all students to bear the costs of learning to participate in deliberation. All students will need to learn skills that enable them not only to effectively communicate, but also to effectively hear and recognize, the perspectives of others. In this way, deliberative democracy attempts to distribute the cost of autonomy more evenly than aggregative democracy.

The attention deliberative democracy gives to autonomy also bolsters arguments for legitimacy. Gutmann and Thompson's (2004) perspective on deliberative democracy highlights the legitimizing role that deliberative democracy is expected to play. At the crux of their deliberative democratic theory is the idea that deliberative democracy requires a public reason-giving process that justifies government actions and responds to the objections of those who would disagree with those actions. This reason-giving process respects the autonomy of citizens by recognizing the need for the reason-giving process to be inclusive and responsive to the broadest possible range of citizens.

Deliberative democracy responds to Posner's take on legitimacy as well. To the extent that legitimacy is predicated on autonomous consent, the argument presented above indicates that deliberative democracy provides a greater probability than aggregative democracy that citizens will be making autonomous choices in their political actions. To the extent that Posner's



more realistic view is taken, it is likely that citizens would be more likely to comply with a government that operates through deliberation as citizens should have a greater understanding of why conflicts were resolved in a particular way, even if they disagree with the outcome.

## DEALING WITH DIVERSITY

Diversity is a fact of American politics, and it lies at the heart of any democratic system. If there were not diversity in perspectives on how to address societal concerns, there would be no reason to consult the opinions of the people as all perspectives would be the same. Democracy must therefore address this diversity, and the desirability of a democratic regime can be judged, at least in part, by how it faces this challenge. In this section, I examine aggregative and deliberative democracy with respect to how they speak to diversity in American society.

### *AGGREGATIVE DEMOCRACY AND DIVERSITY*

Aggregative democracy has varying mechanisms to address diversity. In this section, I will set out Posner's take on diversity in aggregative democracy and highlight the ways in which aggregative democracies might address diversity that Posner does not specifically address.

As Posner views the aggregative democratic system, one of its virtues is how it addresses diversity, and in particular the moral diversity that lies at the heart of much political conflict. Aggregative democracy minimizes the intrusion of diversity, and the conflict that that diversity brings, into the political arena. His favored aggregative system – the two-party, winner-takes-all system – tends to mask the diversity of moral perspectives. As noted earlier, this system does not foster the expression of a variety of perspectives on political issues as would a system with multiple parties and proportional representation. As a result, parties and candidates appeal to swing voters, eschewing extreme ideological positions (Posner, 2005, p. 175). The emphasis in a



two-party system is forming a coalition of voters that will command a majority and, as a result, the commonalities rather than the differences of those voters are emphasized (Posner, 2005, p. 176).

Aggregative democracy seeks to manage diversity with the goal of preserving stability. As a citizen, this is only an acceptable solution to the issue of diversity if the status quo is not particularly objectionable or the commonalities that the parties and candidates emphasize are salient to that citizen. If, however, a citizen's opinion tends to an ideological extreme or varies in ways that do not track with the dominant political parties, the aggregative democratic system does not provide an adequate avenue for the expression of a differing opinion. These voters can try to operate in other ways by engaging in other political activities such as interest group politics or through the variety of political strategies employed by political movements outside of the institutional structures for representations. Posner does not discount this activity and notes that third parties and political movements provide representation for these other political voices, but in his view they are safety valves that provide for the expression of political opinions in a way to which the political parties must respond. Ultimately, their existence is meant to be short lived as they are coopted into the political parties and their power is diffused.

The idea of representation is an important part of aggregative democracy's response to diversity. Aggregative democracy acknowledges and responds to the diversity of the citizenry via their presence at the voting booth through universal suffrage and through their representation in government as cabinet members, judges, bureaucrats and the like. Representation is also important in Posner's aggregative democracy in that a diverse citizenry elects representatives (although they do not function as agents representing the views of the people). I discuss the importance of each of these in turn.



As an example of the first type of representation, Posner advocates for a diverse judiciary as important to an aggregative democratic system. He notes that the outcome of certain cases will be dependent upon the judge, and in particular his or her characteristics, background and perspective. Having a diverse judiciary ensures that these cases are not always decided for or against a certain party, but allow for differences to slowly emerge that can be resolved (or not) over time. In this way, diversity represented by public officials ensures that political processes will take into account diverse perspectives.

The problem with this as a method of addressing diversity is that the citizenry's diversity is not well represented in public offices. There is a lack of representation of a broad range of groups within governmental institutions that are designed to be representative. Consider that there is but one African-American senator serving at this time (and that via appointment as opposed to election), and that only seven African-Americans have ever served in the Senate (United States Senate: Art and History, 2012). Representatives have tended to be more White, wealthy and male than the general population. Posner acknowledges this saying that “[w]hat the framers bequeathed to us was a governmental system that despite all subsequent changes remains closer to elite than to deliberative democracy” (Posner, 2005, pp. 149-50).

Posner provides one possible answer to this lack of representation, and that is to look at other areas of government. He notes that “[p]olitical power has shifted from elected officials to appointed officials and career civil servants . . .” (Posner, 2005, p. 151). Perhaps diversity in the rest of the government can accomplish what the representative institutions of government are not. However, a look at the judiciary underscores the underrepresentation of women and minorities. On the Federal bench, which is the most diverse, about 31% of the active judges on the U.S. Circuit Courts of Appeal are women. Approximately the same percentage of District



Court judges are women (National Women's Law Center, 2012). There is no active Native American judge serving in the federal courts (United States Courts, 2012). The state judiciary is no better. For example, in Colorado, the non-white population is 29% of the state's total population, but the percentage of non-white judges is about 14% (Torres-Spelliscy, Chase & Greenman, 2010). The system that currently exists does not result in representation in the judiciary.

As another potential answer, Posner points to certain features of our current aggregative system that can give minorities a voice. One such avenue that minorities can exploit is the institutional competition that exists due to separation of powers. Drawing on his own experience as a Judge on the U.S. Court of Appeals for the Seventh Circuit, he notes that courts compete with other governmental agencies and institutions for power. He argues that the "capture" of various government agencies by interest groups "offers minorities additional voice in government" (Posner, 2005, p. 196). This, too, is unsatisfying.

Capture of a bureaucratic agency or other institution of government first requires the creation of such an agency or institution. The institution either must be provided for in the Constitution, or the Legislative and Executive branches must appropriately utilize their powers to create the agency or institution. As a result, agencies and institutions are most likely to arise through the actions of representatives, who are not broadly representative. Therefore, agencies and institutions that attend to the needs of minorities are unlikely to be created. And, if diverse groups can organize to have agencies and institutions created and empowered in areas related to their concerns, there is the continued need to fund the agency and maintain capture of the leadership of the agency. Again, that requires the actions of the unrepresentative representatives. I do note that many agencies and institution address issues of broad concern related to economic



regulation, the environment and the like. But, to the extent that these agencies address issues of broad concern, the less likely a minority group will be able to capture an agency and have a voice in the government.

The second way that representation might address diversity is through the idea that aggregative democracy does not function through having people's ideas and beliefs represented in the system, but through the idea that the people's voice is heard through the election of representatives. For Posner, these representatives are not agents of the people who voted for them although the "electoral process does tend to align the representatives' interest with those of the voters – to keep the representatives on a tether, through a long one" (Posner, 2005, p. 167). The stability of aggregative democracy depends on this representative government to be broadly representative to prevent those who feel unrepresented from becoming disruptive to the system. This means that drawing districts to ensure representation of certain groups is acceptable (Posner, 2005, p. 169-70) and that through such means minorities might be able to "wrest some concessions" from the majority (Posner, 2005, p. 170).

At the root of this perspective lies the idea that minimizing the conflicts that arise from having diverse moral perspectives in the political arena is not a problem because politics just is not a great concern for most people. If one believes that people are genuinely (and rightfully) unconcerned, then it should not matter whether moral conflicts that really do exist come to light in politics. Posner paints the image of a voter who does not fully comprehend the political process or how the political process would take his or her interests into account in any case. In Posner's mind, "people have a pretty good idea of their own interests, or at least a better idea than officials do. But they often have a poor idea of how those interests will be affected by the forthcoming election" (Posner, 2005, p. 168). Posner also views people as having limited interest



or capacity in becoming informed about political issues or deliberating about those issues. As a result, the representation of the people really serves only as a check, as “a barrier to the mad schemes, whether of social engineering or foreign adventures, hatched by specialists and intellectuals” (Posner, 2005, p. 168). What appears to be important is that people feel heard and that they have a means to check government actions that run too far astray from the interests of a significant number of citizens.

Perhaps for many citizens, not comprehending how their interests would play out in the political arena is not problematic. If a citizen’s interests fit broadly within the appeals of the political parties and their candidates, and if generally small changes to the status quo that are permitted in Posner’s inherently conservative aggregative democracy are tolerable, it might not matter whether a person’s particular perspective is accounted for in the government at all. This takes a view of the citizen that assumes the impact of politics on their daily life is minimal. Posner describes himself in this way when relating that he chose not to vote in the 2000 election because he could determine which candidate was more likely to deliver what he wanted and the cost of voting (he would have had to get an absentee ballot) was too high for him to make the effort (Posner, 2005, p. 168-169).

The reality is that there are many in our society whose interests are not represented and whose voices are not well-heard by the two parties in an aggregative system. The cynical attitudes toward government reflected by many groups (see e.g., Hero & Tolbert, 2004) indicate that certain groups do not feel as though they are well-heard by or represented in government. The way that aggregative democracy addresses diversity does not function well for these groups and imposes a higher cost on them if they wish to have their perspectives heard. These other ways of asserting political voice through interest groups or capture of government agencies and



institutions may be possible, but they also ask more of these groups. This may be acceptable in an economic model as people should be willing to expend more resources to get something that they want, but it seems inimical to the idea of democracy that certain people should have to bear a disproportionate burden to be heard.

And this is assuming that the political interests and perspectives of these groups are similar enough that they can join in coalitions to assert their interests and be represented in government. It is true that by several measures, many minority groups tend to vote for the same candidate, but this can still mask differences in perspectives and squelch diversity. For example, the attitudes of African-American and Hispanic voters on the issues of abortion and same-sex marriage are complex and varied, resulting in a variety of political positions on those issues, and those positions do not necessarily align with the choices provided to them by political parties (Jones & Cox, 2012). These differences exist even though both groups of people vote largely for the same political party. In addition, only the most salient issues (particularly for minority groups) may be represented or heard in government given their limited numbers. If economic issues trump national security issues, aggregative democracy does not allow for a full expression of the voters' perspectives on these issues. This not only results in a loss of diversity in perspective, but also circles back to issues of autonomy in that the salience of issues limits the context of choice for certain voters.

Finally, the way that aggregative democracy addresses diversity promotes antagonism that is not healthy for democracy. This challenges Posner's assertion that aggregative democracy is a more peaceable democracy. Mouffe (2005) rightly criticizes aggregative models of democracy for creating a type of antagonistic democracy, where those who are not in agreement are viewed as enemies who must be destroyed. Aggregative models of democracy do not



promote a view of diverse others in the political process as those with whom one should engage on any other terms but to vanquish and so achieve ends that reflect one's self-interest. The system is constructed to create clear winners and losers through mechanisms such as the two-party system. The objective of political participation becomes winning. Winning may come at the cost of silencing those who are the opposition, which is not a particularly democratic way of addressing diversity.

### *DELIBERATIVE DEMOCRACY AND DIVERSITY*

Deliberative democracy addresses diversity of opinions in a straightforward manner. It does not assume that the differences in moral perspectives on political issues are unimportant. Instead, it views these as giving rise to the needs for democratic politics. Deliberative democracy addresses this diversity of perspectives by providing opportunities for all of the perspectives to be heard. In this section, I briefly outline how deliberative democracy treats diversity as well as the challenges that this approach brings. In spite of the challenges, deliberative democracy's goal of providing space for a large range of perspectives on moral issues better respects the diversity of the American public.

The deep seated moral conflicts that exist in society form the foundation for deliberative democracy. Instead of trying to minimize these differences, deliberative democracy as a theory attempts to provide space for a multiplicity of voices to be heard in the political arena. Making space for diverse voices creates benefits that aggregative democracy cannot provide. By embracing the diversity of moral perspectives rather than suppressing them, deliberative democracy creates a context for the development of a more public-spirited mindset among the citizenry. Deliberation encourages citizens "to take a broader perspective on questions of public policy than they might otherwise take" (Gutmann & Thompson, 1996, p. 42). Although exposure



to other perspectives through deliberation does not guarantee they will be respected or taken into account, the deliberative process goes beyond aggregative democracy by asking citizens to give that respect. By providing a forum for diverse perspectives to be heard, deliberative democracy addresses diversity better than aggregative democracy.

Aggregative democracy rejects both the possibility and value of public spiritedness. It believes in individual self-interest and doubts the possibility of moving beyond self-interest. No individual is perfectly public spirited in the sense that they can take in and consider all of the diverse perspectives that exist in the public. However, this does not mean that people should not aspire to a greater sense of public spirit. The public spiritedness of citizens can overlap and be mutually reinforcing. No individual can understand or embrace all of the diversity of perspectives, but a web of understanding can develop as perspectives are shared. A citizen can be connected to the perspectives of others as they associate with people who share the perspectives with which they have come into contact. Deliberative democracy provides the opportunity for this greater understanding of diversity to happen.

There is also an instrumental reason that deliberative democracy is at an advantage when it comes to addressing diversity. Because deliberative democracy invites diverse perspectives into the political process, it can be argued that it results in the best decision, either in terms of being the most justifiable or in terms of being the best decision. Decisions made through deliberative democracy are more justifiable because deliberative democracy seeks to reach decisions on grounds that can be justified to all affected. Even if the justification for the ultimate decision is not accepted by all, the process is more likely to give the decision legitimacy (Gutmann & Thompson, 2004). Deliberative democracy has also been defended by theorists on the grounds that it provides a better chance than aggregative democracy at reaching the best



decision possible (Estlund, 2008). The argument is based on the way deliberative democracy encourages the flourishing of a diversity of perspectives in the political arena makes it more likely that the information necessary to reach the best solution will be accessible.

Deliberative democracy's attention to diversity is not without problems. It must attend to arguments that the deliberative process is actually not inclusive of diverse perspectives because of the nature of deliberation itself. This will be discussed in greater detail in Chapter 4, but it is important to note that deliberative democracy has been criticized as elitist and unfriendly to those outside of the dominant culture (Kohn, 2000). This criticism is not easily dismissed as the conventional image of deliberation may appear to require people to conform to certain rhetorical forms. Certain forms of deliberation also limit the types of rationales that can be put forward to support moral positions, such as Gutmann and Thompson's (2004) requirement that the reasons given for a moral position be framed in such a way that others can access or understand the content of that position. This restriction on deliberation can inhibit the diversity of views presented as it would limit the content of deliberations.

These concerns can be addressed through an understanding of the process of deliberation, and education of citizens for that process. These will be discussed in greater detail in Chapters 4 and 5. But, even granting these criticisms, deliberative democracy is open to a wide range of perspectives and does not prevent those who might otherwise be limited by the format of deliberation or the content restrictions from framing their moral perspectives in particular ways so that they may be heard. Gutmann and Thompson (2004) argue that reciprocity requires that arguments be framed in such a way that they meet certain standards of public acceptance. I argue later that the potential violence that this can do to the positions that are being expressed and the burden this places on non-dominant groups is unacceptable, but compared to the burdens placed



in non-dominant groups by aggregative democracy, deliberative democracy still provides greater space for diversity.

Finally, deliberative democracy addresses diversity in a manner that promotes seeing fellow citizens as co-creators of the social order rather than as enemies to be destroyed. Mouffe (2005) recognizes deliberative democracy as being less antagonistic than aggregative democracy, and the mutual respect for diverse others that is called for in much deliberative democratic work illustrates that those who differ in a democracy are not treated as enemies but rather with equality and respect.

It is important to note that Mouffe (2005) criticizes deliberative democracy for reacting against the antagonism of aggregative democracy in such a way that it seeks to eliminate difference and diversity. She argues that difference and plurality are an essential component of the political process and argues for an agonistic democracy where diverse others are still viewed as enemies, but as legitimate enemies whose ideas are to be combatted rather than destroyed. In her view, deliberative democracy does not recognize the antagonism and power that are constitutive of political relationships, that the relationships of power must be recognized, and that antagonism must be embraced as part of agonistic politics.

Mouffe makes valid points about the impossibility (and undesirability) of eradicating difference and that deliberative democracy can tend to side-step power in democratic politics by demanding equality as part of the conditions for deliberation. To the extent that deliberative democracy (particularly in its most theoretical forms as advocated by Habermas or Rawls) posits consensus as the only legitimate outcome of deliberation, the result will be the eradication of at least some difference in the political arena. Mouffe attributes this in part to the rationality that



lies at the core of deliberative theory – that rational discourse under the right conditions will lead to a consensus. However, more recent deliberative democratic theory has emerged with less emphasis on consensus and rationality (See Bachtiger, Niemeyer, Neblo, Steenbergen & Steiner, 2009 for a discussion).

As a result of these newer theories, deliberative democracy can respond to Mouffe's criticisms on two grounds. First, as will be discussed in Chapter 4, consensus need not be the desired end result of deliberation. To the degree that consensus is not the only acceptable result of deliberation, diversity can continue to flourish in deliberative democracy. The provisional nature of all agreements resulting from deliberation ensures that those whose views are not adopted as part of the deliberative process can continue to hold and advocate for their positions at later points in the political process.

Second, deliberation need not be tied to any rationality beyond the rationality of truth-seeking that I discuss as part of folk epistemology in Chapter 3. Other forms of engagement with the political process beyond argumentation can be compatible with deliberative democracy. The passion that Mouffe says is important for democratic citizenship and that deliberative democracy's emphasis on rationality can snuff out is still available in deliberative democracy (Hall, 2007). The rationality of truth-seeking need not be equated to a loss of passion.

## OPPORTUNITIES TO CRITICIZE AND TRANSFORM DEMOCRACY

The final criterion for evaluating these two forms of democracy is the capacity each provides to criticize and transform the existing political system. I include this in the list of criteria because the history of democratic systems generally and the American system particularly indicates that there is no existing perfect democratic system and that democracies are



in a state of constant change. A better democratic system would recognize this and provide space for such change.

The briefest of reflections on democracy indicates that the shape of all democratic systems are variable and dependent on a variety of factors. Dewey (1927) noted that the democratic form would be influenced by factors such as geography and the moment in history when it exists. The American democratic system developed in a unique way in part as reaction to the problems the colonists perceived with British democracy. Democracies in other parts of the world develop in relationship to the social and historical setting. India's democracy is different from Indonesia's is different from France's.

These democratic systems are not fixed, but rather change over time in varying ways. In the United States, the scope of democracy has changed and how it functions has evolved. The proceedings of Congress would likely look curious to the founders of the country as the nature of the problems faced by the country have changed along with the constituency of Congress and the institution itself. The existence of interest groups and lobbyists and the speed and scope of international communications are but two of the changes to American democracy that have come about over time.

It is important that democracies maintain a capability to respond to these changes. In the following section, I identify the perspectives on change that are generally associated with aggregative and deliberative democracy. I argue that the deliberative democratic perspective on change is superior as it permits change to occur in a more reflective and inclusive way in contrast to the resistance to change that is shown in aggregative democracy.

#### *AGGREGATIVE DEMOCRACY AND THE STATUS QUO*



Aggregative democracy is not particularly concerned with change or providing opportunities to reflect on ways to improve the democratic system. Because people's preferences are presumed to be given and tied to their self-interest, there is no forum provided as part of democracy itself for the examination of the democratic system as given. These activities occur as part of people's private lives.

As noted earlier, this also means that those wanting to see change have a cost imposed on them that is not borne by others who are content with the status quo. They must organize privately to find ways to influence the aggregative system. History has shown that these are often the groups that have the fewest resources to put towards change. Those involved in the civil rights movement bore a great cost to create changes to the system that expanded the right to vote and protected the rights of minorities to participate in the political system.

Posner's take on aggregative democracy shows this same favoritism towards the status quo and averseness to change. Posner emphasizes that his version of pragmatic aggregative democracy provides no guidance as to what the ends of democracy should be. It has "no inherent political valence" (Posner, 2005, p. 84). Critics of Posner note that "[b]ecause it rejects any way to discuss selection of ends, Posnerian pragmatism has little choice but to accept uncritically the dominant ends of society" (Sullivan & Solove, p. 702).

Posner argues that there are multiple paths to change provided by aggregative democracy and that these should be adequate to address concerns about change. However, these are inadequate as discussed earlier in that they place too high a cost to create change and that the competitive nature of the aggregative democratic world can make it difficult to access these avenues of change.



## *DELIBERATIVE DEMOCRACY AND CHANGE*

Deliberative democratic theory takes a different perspective on change. Change is viewed as inevitable. The philosophical roots of deliberative democracy in pragmatism embrace an impermanent concept of truth. What is accepted as truth at any particular time is always open to revision based on new evidence.<sup>5</sup> The deliberative process provides a forum for engaging in critiques of the democratic system. This mechanism equalizes the cost of advocating for change across groups.

Deliberative democracy takes all agreements, including agreements regarding the deliberative process itself, as provisional. As Gutmann and Thompson (2004) indicate, “Deliberative democrats do not favor continual deliberation, but they are committed not only to deliberation about laws at some time but also the possibility of actually reconsidering them in the future” (p. 117). Deliberative democracy anticipates change by understanding that decisions reached at any particular point in time may need to be reconsidered if they are to continue to be justified. The need to revisit and revise not only laws but the institutions of democracy itself arise for many reasons. Some relate to demographic changes. In other instances, new information comes to light, attitudes change, or dramatic events create a seismic shift in perspectives.

The deliberative forum itself provides equal ground for all to propose change. Unlike aggregative democracy which favors the status quo, deliberative democracy encourages reflection about how things could be better. Deliberative democracy places people on equal footing to express their views about what needs to change in the democratic system. To the

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<sup>5</sup> It is important to note that deliberative democracy does not require all citizens to embrace a particular conception of truth, but to an epistemic humility that acknowledges human fallibility in truth and the possibility that others may hold different ideas about what is true and how truth is determined. This is discussed further in Chapter 3.



extent that people do not believe that there is equality, the deliberative forum provides a place to bring attention to the issue.

## CONCLUSION

Deliberative democracy best addresses the foundational democratic concepts of autonomy and diversity. Unlike aggregative democracy, which largely substitutes private freedom for the notion of public autonomy, deliberative democracy recognizes that citizens come to political life with unique perspectives that deserve an opportunity to be heard. To the extent that both systems make it more difficult for some people to exercise autonomy and be heard in the political sphere, deliberative democracy recognizes this problem and does not place the burden of expending resources to be heard upon those who hold views that are not currently represented in political sphere.

Deliberative democracy views diversity as a resource for reaching the best political decisions and seeks to recognize and make room for diverse perspectives in the political arena, even if that is a challenge. Aggregative democracy, particularly the form that Posner advocates, seeks to squelch diversity and views the expression of diverse opinions as an impediment to a smooth-functioning democracy.

The ever-changing democratic process is also better accommodated by deliberative democracy. It expects that political decisions and the political process will be subject to the deliberative process and thus open to critique and improvement. Aggregative democracy favors the status quo and does not encourage critique and change to the political system as it tends to disrupt people's private pursuits.



The superiority of deliberative democracy as a political theory does not mean that its presence in the classroom will be uncontroversial. It will bring moral controversy into the classroom, and the controversy in Tucson illustrates that moral controversy in the classroom is itself controversial. The Mexican American Studies Program exposed students to ideas and values that many considered controversial. The classroom was not a value-neutral place. The infusion of values into the classroom through deliberative democratic civics education is likely to cause similar controversy. In Chapter 3, I address those who would object to deliberative democratic civics education because it brings values and morals into the classroom.



## CHAPTER 3 – BRINGING MORAL ISSUES INTO THE CLASSROOM

Deliberative democratic civics education requires students engage with moral controversy. This means that political issues that have at their heart moral conflict (as almost all do) will be brought into the classroom. Although there are strong advocates for bringing moral controversy into the classroom (see, for example, Hess, 2004) and a history of scholarly work related to controversial issues in the classroom (see, Kelly, 1986; Gardner, 1984), the reasons given for discussing moral issues in the classroom have related to the civic and intellectual outcomes of discussions of controversial issues, such as a greater likelihood of voting or increased knowledge about political issues.

This chapter takes a different approach to justify the use of controversial moral issues in the classroom. It begins by illustrating the current controversy over controversial issues in the classroom. The use of controversial moral issues is justified by its connection to deliberative democratic theory. In particular, I use a folk epistemic justification for deliberative democracy to argue that all people are truth-seekers and therefore committed to deliberation. As a result of this commitment to deliberation, controversial issues cannot be avoided.

### THE CONTROVERSY OVER CONTROVERSIAL ISSUES

Controversial issues are not universally welcomed as a pedagogical tool or as part of the curriculum. Displeasure with the use of controversial issues comes from various quarters. In this section of the paper, I describe three instances of controversial issues in the classroom that each bring up a different aspect of the debate over controversial issues. In the first example, I briefly revisit the widespread outrage over the ethnic studies program in Tucson. In the second example, I describe the resistance of teachers (and teacher candidates) to the idea of bringing controversial



issues into the classroom. The final example illustrates the objection of parents to having their students exposed to controversial moral issues in the classroom.

### *CONTROVERSY IN TUCSON*

Part of what drove the push to end the Mexican American Studies Program in Tucson was concern over the values that the program brought into the classroom. The legislation that was passed to ban the program illustrates this. The statute prohibits classes that:

1. Promote the overthrow of the United States Government.
2. Promote resentment toward a race or class of people.
3. Are designed primarily for pupils of a particular ethnic group.
4. Advocate ethnic solidarity instead of the treatment of pupils as individuals.

(Arizona Revised Statutes, Sec. 15-112 (A), 2010)

The interpretation of this statute by state officials shows the resistance to controversy in the classroom. John Huppenthal, as Arizona Superintendent of Public Instruction, found that provision 2 above was violated because some classroom materials “repeatedly reference white people as being ‘oppressors’ and ‘oppressing’ the Latino people” and that materials present “only one perspective of historical events, that of the Latino people being persecuted, oppressed and subjugated by the ‘hegemony’ – or white America” (Huppenthal, 2011, p.2). These materials and the topics they raise are clearly controversial. To the students and teachers in the program, they represented a perspective on American history and society that is essential to explore. To Huppenthal, the materials represented an attack on American values of unity and patriotism and was viewed as divisive.



The enactment of the statute that ended the ethnic studies program illustrates how controversial issues and materials are kept out of schools. Deliberative democracy demands space for perspectives that are likely to offend others and be viewed as harmful to society or divisive. Huppenthal's concerns about controversial materials in the classroom must be addressed if deliberative democratic civics education is to gain traction.

#### *TEACHERS AND TEACHER CANDIDATES AND CONTROVERSY*

Teachers and teacher candidates may also recoil at the idea of having controversial issues as part of the curriculum. This objection can have various grounds. On a pragmatic level, teachers may want to avoid controversial issues so as to avoid being at the center of controversy themselves. If it is not important or necessary to bring up controversial issues, a teacher can legitimately question whether it is worth risking one's career by raising issues that have moral controversy.

Another objection can come from a teacher's own moral beliefs. A recent journal article highlighted the challenges of teaching pre-service elementary teachers about the democratic classroom and deliberation (James, 2012). As part of a social studies methods course, pre-service teachers were asked to write about their understanding of citizenship and civic education and then engage in deliberations about controversial issues. In response to these activities, a significant number of pre-service teachers wrote negative comments about deliberation. One respondent, whose religious beliefs reinforced the idea that there are moral absolutes that should not be subject to deliberation, wrote that "democracy is the devil's snare" (James, 2012, p. 626). Others expressed that the classroom deliberations were purposeless exercises, with such statements usually supported by a comment that there is no reason to deliberate about controversial moral issues because the truth about moral issues is known apart from deliberation.



These religious students were skeptical about the value of deliberation around topics of moral conflict because they considered certain issues about which there are diverse moral opinions in society are morally settled in their minds. The pre-service teachers who spoke negatively about deliberation as part of civic education did so in part because deliberation was at odds with their epistemic understandings or, if not their epistemic understandings, at least their instincts concerning truth and knowledge.

The teacher candidates with this perspective on deliberation tended to be religious. Education majors tend to be the most religious students on campus, and their degree of attachment to religion tends to increase during their time in schools of education (Kimball, Mitchell, Thornton & Young-Demarco, 2009). For this reason, it is unlikely that these teacher candidates represent rare cases. Also, not only do pre-service teachers approach the classroom with this perspective, students and their parents at the K-12 level hold such perspectives, and their assertions of those perspectives can inhibit democratic deliberations in the classroom (Hess, 2009).

#### *PARENTS AND CONTROVERSY*

Parents may also object to the use of controversial issues in the civics classroom. At the root of this objection is the idea that moral education, particularly education around issues that are morally controversial, belongs to the family as an institution and not to the schools. The concern is that students may be exposed to (or worse, brainwashed with) other moral ideas that contradict the moral beliefs that are espoused within the family. Moral objections have been raised regarding everything from the teaching of yoga in schools to debates over how and whether evolution should be taught in science classrooms (Carless, 2012; Kirkpatrick, 2000). Arguably, the highest profile instance of parent objection grounded in moral controversy is found



in the United States Supreme Court Case of *Mozert v. Hawkins County Board of Education* (1987).

In this case, a group of parents objected to the use of a certain set of elementary school readers. Parents were concerned about the moral content of the readers in that they could be construed as endorsing moral beliefs that were different from those found in their homes. The judge noted that “. . . the plaintiff parents objected to passages that expose their children to other forms of religion and to the feelings, attitudes and values of other students that contradict the plaintiffs' religious views without a statement that the other views are incorrect and that the plaintiffs' views are the correct ones” (*Mozert v. Hawkins County Board of Education*, 1987, p. 1062)

The concerns of all of these groups over controversial issues must be addressed. The public and politicians must be assured that although controversial issues in the classroom may be threatening to their particular moral and political viewpoints, the alternative to addressing these issues in the classroom (and by extension through the political process) is more unappealing. The teachers discussed above must gain an understanding of what I term epistemic humility as a human condition as a gateway to accepting controversial issues in the classroom. Finally, parents must both recognize that the process of evaluating controversial issues through deliberation is part of what people do, and that it does not demand that their children abandon the moral perspectives that have been taught in the home. Instead, it requires only an openness to the perspectives of others. In the next section, I outline how Talisse's (2009) vision of folk epistemology undergirds the use of controversial issues, and in particular deliberation over controversial issues, in the classroom and addresses these concerns.



## FOLK EPISTEMOLOGY, EPISTEMIC HUMILITY AND CONTROVERSIAL MORAL ISSUES

To justify the use of controversial moral issues in the classroom, I will be using Robert Talisse's (2009) epistemic justification for the use of deliberative democracy as a foundation. He describes a universal folk epistemology that, if true, obligates people to participate in deliberation. In the following section, I briefly describe Talisse's folk epistemology and argue that it calls on people to have what I term epistemic humility. If people have epistemic humility, engaging in deliberation about moral controversy is not threatening but is welcomed. As a result, it addresses the concerns of the public, teachers and parents concerning the use of moral controversy in the classroom.

It is important to note that folk epistemology differs from more formal, philosophical epistemologies. This perhaps will be frustrating to those versed in formal theories of epistemology, but its use is important because it describes commonalities among people who may hold different epistemic commitments and in doing so forms part of the bridge across the epistemic divide that causes people to be skeptical of deliberation around controversial moral issues. It identifies an aspect of reasonableness, in the form of truth-seeking, that is part of the reasonableness assumed to be shared by all democratic citizens. Once certain pieces of a shared folk epistemology are in place, then one can ask whether epistemic humility is appropriate to ask of those who participate in a democratic society, including teachers, students and parents. If it is reasonable to expect people to take a stance of epistemic humility, then there is a solid foundation to build an argument to use controversial moral issues as part of civic education.

Robert Talisse, in a defense of the legitimacy of deliberative democracy, describes a universally shared folk epistemology. Without committing to any particular epistemological dogmas, he claims that reasonable people share certain characteristics with respect to the ideas of



truth and knowledge, or at least how people treat them in everyday living. It must be said that concepts such as truth and other terms that are technical terms in other epistemological frameworks are more loosely defined for the purposes of folk epistemology. As an example, he takes his folk epistemological understanding of truth from Aristotle's *Metaphysics* – "To say of what is that it is not, or of what is not that it is, is false, while to say of what is that it is, and of what is not that it is not, is truth" (Talisie, 2009, p. 90). This may be frustratingly vague, but such vagueness is also intentional. With this in mind, I set out two of the five tenets of Talisie's folk epistemology that are important for the argument for epistemic humility.

As the first tenet, Talisie argues that all people would agree that "To believe some proposition, *p*, is to hold that *p* is true" (Talisie, 2009, p. 88). In other words, it would be odd for a person to say that he believes that *p*, but he does not believe that *p* is true. People assume when a person believes a proposition, and in the case of deliberation, a moral proposition, he or she believes that it is the case. Beliefs can vary in degree (in that we believe certain things more strongly or surely than others), but just to say that we assume that when reasonable people believe a proposition, they believe it is true. In general, people do not intentionally hold beliefs that they see as false.

The second tenet of folk epistemology provides that "To hold that *p* is true is generally to hold that the best reasons support *p*" (Talisie, 2009, p. 91). To put it another way, our folk epistemology says that our beliefs are reason-responsive. Because this is folk epistemology, it does not speak to what the best reasons that support a belief should be. In other words, what people consider to be the best reasons to believe something to be true are not dictated by folk epistemology. It simply states that we would consider it odd for someone to say, "I believe that *p*, but I have no reason for thinking *p* is true."



With these two tenets in place, it is possible to describe the controversy that surrounds deliberation around controversial moral issues in this way – people believe what is true, and what is true are those beliefs which are supported by the best reasons. However, people differ in their ideas concerning the nature of the best reasons to believe something to be true. Those who oppose deliberation do so because they see their best reasons as being settled and not subject to change through deliberation. Indeed one can easily imagine people on both sides of the evolution/creationism debate disagreeing about the appropriateness of deliberation concerning the subject. Each believes that the best reasons presented by the other side for their beliefs are not really reasons at all. If the core issue in moral controversy is not that some people do not recognize the truth, but that the moral beliefs that guide people's evaluation of whether something is true or not differ, then it is possible to ask whether a concept such as epistemic humility will aid in helping people see an important place for discussion of morally controversial issues.

The argument concerning epistemic humility builds on this understanding of folk epistemology by asking about the origins and the nature of the best reasons people have for believing something to be true. At the heart of epistemic humility is the notion that no person is an epistemic island. No person functions completely apart from others with respect to his understanding of knowledge and truth and the best reasons for believing something to be true. This is true for anyone living in a society such that democracy or a similar sort of political structure would be necessary. In society, and particularly in a democratic society, people communicate. The language with which people communicate links them in important ways with others. People learn language through interactions with others. Similarly, they develop understandings of what constitutes best reasons through their interactions with others. The core



of the idea is that people are not isolated with respect to their beliefs about what is true, or to the extent that such a life would be possible, it would not be possible within a society that embraces democracy.

Because people are not epistemic islands, they must rely on others, if not for their understanding of what is true and what constitutes knowledge, at least as potential sources for what constitutes the “best reasons” for believing something to be true that is part of our folk epistemology. Some would object that this would exclude from democracy the person who claims direct revelation of truth or knowledge as well as direct revelation of the “best reasons” he or she may have been given for believing that revelation is true. Even assuming such an experience is interpretable apart from a cultural, societal and linguistic background, the person receiving the revelation is left with certain choices. The person receiving the revelation can assume that such knowledge and the best reasons for believing it to be true are inexplicable and cannot be expressed to others, and the person therefore makes no effort to explain or communicate those beliefs to others. In that instance, if the person chooses to make no effort to communicate, then it is questionable whether the social living that would require a political system is a good choice for this person. However, the more reasonable assumption is that the person claiming direct revelation would attempt to express these reasons to others. In this instance, the person should welcome deliberation as an opportunity to present his or her truth propositions and the best reasons for them.

The very idea of education supports the idea that people are not epistemic islands, but it also illustrates the final portion of the bridge that must be constructed – the role should schools play in shaping children’s understandings of what the “best reasons” to believe something is true should be. If people were epistemic islands, there would be no need for school or civic



education. Depending on how cynically one views the education system, one can say that schools present to students ideas about knowledge and truth that are generally accepted by society as having the best reasons behind them, or, more cynically, that schools induct students into ways of thinking that unduly twist and shape their notions of best reasons into those of the dominant culture or liberal culture or whatever culture one schools inculcate in their students. Students rely on teachers, textbooks and fellow classmates as sources of best reasons to believe certain things are true.

This puts us in a position to address the concerns of the politicians, teachers and parents. First, politicians and the public that elects them have concerns about deliberating about morally controversial issues because there is a concern that the moral values that are considered to be “right” by those politicians or the majority of the public might not be transmitted but actually challenged. In Tucson, the values of individualism and patriotism were seen as being at stake in the Mexican American Studies Program. The politicians and public should take heart, however, at the deliberation of morally controversial issues given folk epistemology. Students are engaged in the process of truth-seeking at all times. All lessons that they learn are going through at least some type of process that allows them to accept what they are learning as true or not. Often, this epistemic process of evaluating propositions to determine if they have the best reasons to support them is done through shortcuts or is not consciously done as a process. Perhaps this explains why students in the Mexican American Studies Program showed higher test scores and graduation rates than their peers. It could be that the Mexican American Studies classroom gave them the opportunity to consider the truthfulness of what they were learning according to their best reasons as opposed to being told to accept a particular version of the truth in other classes. It is not improbable to consider that if students were evaluating the truthfulness of claims in courses



that told only a glowing, patriotic narrative of American history and determining that those claims did not align with evidence from their own lives and experiences, the result could be dropping out or other indicators of non-engagement with the coursework such as low scores.

Deliberation makes the folk epistemic process central to the discussion of morally controversial issues. As elaborated on in Chapter 5, a deliberative democratic civics education that addresses controversial issues asks students to make this process of evaluating reasons conscious and explicit. It requires students to think about their own moral beliefs and what constitutes the foundation for those beliefs. This has two important consequences.

First, concerns about brainwashing through deliberation should be alleviated. To the extent that there was concern with the Tucson ethnic studies program that related to the “wrong” values being inculcated, those concerns should be assuaged if deliberation occurs. In deliberation, students recognize that they need not accept as true whatever their teacher or classmates tell them about an historical event, the government or a policy. Rather, the students see themselves as having the responsibility to carefully consider their own beliefs and to weigh what is presented in light of those beliefs.

This does not mean that students are engaging in a simple process that resembles an equation where information presented gets multiplied by an importance factor given by their beliefs and then the student determines whether the value is greater than a competing belief. Deliberations not only affect what truth propositions a student accepts at the end of a deliberation, but can also change the beliefs that determine what the “best reasons” are to believe something is true. Over the course of deliberations, students are also considering their own set of



moral understandings that undergird how they understand truth and weigh evidence. This is part of the folk epistemic truth-seeking process.

And it is this part of deliberation around morally controversial issues that concerns parents the most. The objection that parents are making to deliberation is to the idea that schools should play any part at all in shaping a child's understanding of truth, knowledge and the best reasons for believing moral propositions. Many parents believe that shaping what constitutes best reasons in moral areas is better left for other places in society, such as the home and religious institutions. The source of these concerns is valid, particularly given that part of the process of deliberating about morally controversial issues may involve a change in moral beliefs.

There are two important things to note in response to this. First is that the change in moral beliefs is not *required* as part of the deliberative process but only a possibility. The deliberative process does not require that one change one's moral perspective in light of what information is presented by others, but only that one takes that information into account as a good epistemic actor (meaning that one tries to minimize self-deception, distortion and other activities that prevent one from accepting a truth). The goal of a deliberation is not to change one's moral values to a monolithic understanding that is in line with the teacher's understanding or a politician's understanding, but rather to help students understand and develop their own moral belief system.

Parents are undoubtedly a key part of the development of a student's moral belief system in many instances. Deliberation does not change this. It does not ask students to discount their families or religious institutions as sources of moral truth, but to understand them as sources. Students can (and will) engage in an evaluation of those sources, but deliberation makes such an



evaluation explicit and conscious. And parents must recognize that they engage in the same sort of evaluation with respect to their own belief system and that they cannot pass on a belief system that addresses all issues, but that they are constantly evaluating propositions to determine what a moral act is.

The case of a religious parent can illustrate this. A parent who accepts a dictate that prohibits killing another person can accept this dictate as truth for various reasons. One who accepts such a belief because of a sacred writing and the teaching of that writing about the value of human life does so legitimately (as do those who accept such a teaching for secular reasons). However, as with all people, such a moral belief requires epistemic humility and a recognition that that parent relies evaluating information provided by others to aid in understanding what moral belief means in practice. As evidenced by the Talmud in Judaism, the numerous commentaries on the Bible in Christianity and fatwas in Islam, even sacred writings require interpretation. Is killing in self-defense justified? To save another person? In war? Barring a parent who claims to receive direct revelation concerning every moral act, parents are constantly using folk epistemic principles to determine whether to accept a premise concerning killing another person as true and right or not.

Because of this lack of clarity in how moral values play out in various situations, people must have epistemic humility. People with epistemic humility recognize that they do not have the answer to every moral question given to them, but that there is constantly a process of evaluation and interpretation that is occurring around these issues. If parents understand this process in themselves, they can help their students with that process by providing instruction not only in moral tenets, but how to evaluate those tenets and apply them in various situations.



Deliberation about moral issues should encourage this type of moral instruction by parents who are concerned about the impact of deliberation on the beliefs of their child.

The universality of folk epistemology indicates that the child will engage in this process in any case, whether exposed to moral controversy in school or in other settings. The advantage of deliberation is that it respects where the student is coming from and asks the student to consider it carefully, but does not ask the student to change those beliefs in any particular way or to place more emphasis on one thing than another. Parents and religious institutions can retain their influence, and can actually learn how to help students engage in deliberation within their traditions as preparation for deliberation outside of the traditions. Burt (2003) notes how actions that reflect autonomy can be found in closed religious groups. In the same way, even closed religious groups engage in deliberative processes because of the universality of folk epistemology and this can be used to aid students in developing deliberative and reflective capacity.

Finally, there is the teachers' and parents' perspective that certain moral issues are already settled and not appropriate for deliberation even when there exists diversity in public opinion on the issue. The argument from folk epistemology indicates that there can be more than one reasonable perspective on a moral issue, and that part of respecting students is providing them with the opportunity to engage in deliberation about those perspectives. A stance of epistemic humility on the part of the teacher will enable the development of that perspective and greater openness to deliberation.

The argument from folk epistemology indicates that the public, politicians, teachers and parents should not object to deliberation about morally controversial issues in the classroom. To



the public and politicians, using deliberation to address morally controversial issues should provide assurance that students are not being brainwashed or exposed to other nefarious activities that undermine the public.<sup>6</sup> Deliberation is asking students to consider these morally controversial issues from the standpoint of their own moral perspectives and to have those perspectives shaped by others in the class. This is nothing short of what happens in day-to-day interactions, but those interactions are usually less thoughtful and conscious. To parents, deliberation about morally controversial issues need not challenge their authority on moral subjects, but rather should open up new ways to discuss moral issues with their children in ways that can result in richer moral understandings being passed on to children. To teachers, epistemic humility means that there are other reasonable perspectives on moral issues, and that deliberation is an appropriate way for these perspectives to be expressed. It can be a valuable process of developing and deepening of students understanding and application of their own moral beliefs as opposed to a waste of time.

#### ADDRESSING CRITICISMS OF FOLK EPISTEMOLOGY AND EPISTEMIC HUMILITY

This account of folk epistemology and epistemic humility is not universally accepted (see, for example, Bacon, 2008; Brooks, 2009). The arguments against Talisse are generally that the account of folk epistemology is not universal (in other words, not all people are truth-seeking, at least not in moral or political terms) (Mayorga, 2009; Festenstein, 2009). In this section, I respond to these criticisms in the context of deliberative democracy in the civics education classroom.

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<sup>6</sup> I do note the concern that arises from those who say that teachers cannot conduct unbiased deliberations and therefore deliberations implicitly brainwash students. I address the issue of the unbiased teacher in Chapter 5.



The first key objection is that not all people are committed to the truth or truth-seeking, particularly in moral matters, and if they are committed to truth-seeking, it does not follow that a deliberative exchange is the preferred method of uncovering truth. Bacon (2008)<sup>7</sup> gives the example of a religious fundamentalist who does agree to seek truth from appropriate sources, but also believes in a doctrine such as original sin, which implies that the human mind is corrupted by sin and therefore an unreliable source of truth. A truth-seeker such as this would reach the exact opposite conclusion concerning how to seek truth as does Talisse. As Bacon (2008) puts it, “far from confronting alternatives as a means to reach the truth, fundamentalists hold that they need to be protected from alternatives out of fear that they might tempt them away from the truth (as they see it)” (p.9).

The problem with Bacon’s critique is that he assumes that the fundamentalist has in fact adopted different epistemological norms than those identified by Talisse. He notes that different groups refuse to give hearing to others concerning truth. To illustrate his point further, Bacon points to the example of a community of physicists. On epistemic grounds, they would not only give greater weight to the community of physicists with respect to questions of physics, but he says that physicists would be the only voices worth listening to on such questions. He also points to how Richard Dawkins was convinced by Stephen Jay Gould not to debate with creationists as it lent legitimacy to a viewpoint that he, as a member of a particular scientific community, considered unworthy of consideration.

I question whether members of the religious or scientific community have actually adopted different norms than those provided by folk epistemology. To take the example of the

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<sup>7</sup> Festenstein (2008) makes a similar argument against folk epistemology. Because Bacon’s argument is more detailed, I address his as it also addresses Festenstein’s concerns.



fundamentalist religious believer who believes in original sin, at some point there must be a decision (whether conscious or not) made by this person about appropriate sources of truth. Such a person can even point to what might be called a non-rational determination of what sources are appropriate (through divine leading or otherwise). However, this ignores that at some point, such a person did have to determine to follow such a leading or make such a decision about appropriate sources of truth.

At this point, there are two discernible options to explain this. The first involves a rejection of the epistemic norms as outlined in folk epistemology. In such an instance, the limitation of sources of truth would have to be likened to a non-conscious action such as the absorption of a value system over years or, in less friendly terms, a compulsion that did not involve some sort of choice on the part of the person. The image such an event conjures is that of a non-autonomous person who cannot resist or recognize the narrowing of epistemic options. If that is in fact an accurate portrayal of a person, it is not in line with the assumption that democracy makes concerning the autonomy of citizens. Even if one argues that a child could be influenced by the social environment in which he grew up in such a way that she makes no conscious decision about appropriate sources of truth but has been told that there is but one source of truth, this does not mean that the child will never engage in the folk epistemic process. Assuming that she encounters other moral perspectives as a citizen, she still must engage in the folk epistemic process to evaluate these perspectives. It may be a quick determination, but it does not mean that it does not happen. To assume that the person does not engage in folk epistemology assumes away the autonomy of that person. This understanding of a person is not in line with democracy.



A more likely explanation for the religious believer is that what happened can be described as a choice in line with folk epistemology rather than as a rejection of the norms of folk epistemology. If a person has in fact made a choice to follow a divine leading or accede to certain authorities on matters of truth, it can be explained through folk epistemology. The person can still be truth-seeking and weighing the authority of various sources of moral truth. If the person at least acknowledges this, the door is again open to deliberation. The other issue to overcome is that of the effects of a doctrine such as original sin on a person's willingness to be exposed to other ideas.

If a person holding to the idea of original sin chooses to close himself off from deliberation to prevent the temptation of following other paths, that person faces a different serious epistemic question – how do I know that my corrupted mind did not lead me to accept a false doctrine as true in the first place and how do I ensure that my continued pursuit of truth in life is not constantly corrupted by my corrupted mind? This epistemic question raises the issue of whether that person's decision to restrict sources of truth could be revisited. If such a person asks that epistemic question and revisits her questions concerning sources of truth, then folk epistemology has not been abandoned and engaging with others in deliberation is appropriate.

The second question, about the continued influence of the corrupted mind, raises further problems. What basis does such a person have for taking any actions? As noted earlier, even the most clear and detailed edicts do not address every issue in life. Such a person is engaging in folk epistemology in determining what interpretations to follow, even within limited sources of authority. As Burt (2003) notes, there are controversies and diversity even within restrictive communities that require the exercise of judgment and autonomy associated with folk



epistemology. So, such a person has not abandoned folk epistemology entirely, but has chosen to limit sources of authority,

Taken this way, such a person resembles a community of scientists who choose not to listen to other voices on questions within their field. I would argue, however, that the scientific and religious communities are not appropriate analogs for the political community in democracy. Both the political and scientific communities are entitled to restrict the voices in their communities in ways that are consistent with the ethics of those communities. Again, this is not an abandonment of epistemic norms, but rather a way to limit inputs to that which is most relevant for the community.

The democratic political community cannot afford such insularity. The decisions made in a democracy necessarily involve and impact diverse members of the community. Gutmann and Thompson (1996) note that the voices of those affected by a decision are important to hear in a democratic community. On moral political questions, room must be made for a diversity of moral opinions. A premise of liberalism is that there are many reasonable moral doctrines. The scientific and religious communities need not adopt such a standard of liberalism. Someone seeking to argue in the scientific community must adopt the norms of that community to be heard. The same is true with the religious community. Within the political community, however, the norms that must be accepted are those endemic to folk epistemology and deliberation itself, to which I argue that scientists and religious people do adhere.

Another concern with Talisse's folk epistemology is that the demands of folk epistemology when tied to democracy create too great a burden on citizens. McBride (2009) argues that one should view the epistemic agency that folk epistemology gives each person as a



capacity that can be developed rather than something that exists in a perfected state. If this is true, she argues that the development of epistemic capacities should be viewed alongside other valuable capacities. When this is done, there are trade-offs to be made between the development of certain capacities over others. In that case, a legitimate choice for a person may be to develop other capacities rather than engage in constant justification of one's perspectives. The development of epistemic capacity as a democratic virtue must then be justified so as to justify its development (at least to some level) against other capacities.

There are two responses to this. One is to argue that folk epistemology is in fact an extant quality in each person and that it does not develop as much as evolve. Viewed this way, people are always engaging in evaluation of truth claims on epistemic grounds and that the development of capacity is really just the evolution of our self-understanding and our moral perspectives as they respond to the truth claims of others. In this case, epistemic capacity need not be developed, but deliberative democratic civics education helps students in their evolution and makes them better epistemic actors.

The second response is to grant that epistemic capacity needs to be developed, but that the development is justified. The development of this capacity is justified in the same way that the development of democratic virtues have been justified through history. Guttman and Thompson (1999) argue that the development of deliberative citizens is part of conscious social reproduction and necessary for the continuation of a democratic society. If democracy is important, the development of this capacity, particularly through deliberative democratic civics education, should also be important.

## THE PLACE OF MORALS IN SCHOOLS



Even if the arguments above concerning folk epistemology and epistemic humility were sufficient to convince people, particularly parents, that morally controversial issues should be considered by children, there remains the question of whether schools are the appropriate forum for explicit discussions concerning morality. The key concern here is whether schools infringe on the domain of other societal institutions when it facilitates the consideration of morally controversial issues, and the moral development and change that is possible (but not necessary) as a result. Of course, this is not to imply that there is a simple division of responsibilities among institutions and that people argue that morals are solely the domain of institutions such as the home and religion. Instead, the argument is that consideration of moral issues in schools risks infringing upon the authority that family and religion have traditionally exercised in this area.

Although the concern over the teaching of values in schools is long-standing, the salience of whether schools should address questions of morals and values is alive and well. The 2003 National Household Education Surveys Program revealed that about 30 percent of the parents of homeschooled children indicated that the *primary* reason that they homeschool is to provide religious and moral instruction and 72 percent said that it was a reason they homeschool their children (Princiotta & Bielick, 2006, but see Isenberg, 2007 for a slightly different interpretation of the survey results). Other recent clashes over values in schools can be seen in court cases concerning how schools address homosexuality (See Depoian, 2009 for a discussion of some recent cases) and even over the teaching of yoga (Carless, 2012). Below, I address three arguments about how schools should (or should not address) controversial moral issues and questions of values.

One long-standing argument about how schools should address values is that they should be value neutral or value free. Particularly in the area of civics education, liberalism increases the



appeal of this position. In the liberal tradition, the state is to stay neutral on questions of the good life (Weinstein, 2008 citing Dworkin, 1978). Because public schools are instruments of the state, it would appear that liberalism demands that schools remain neutral on questions of the good life. To the extent that those advocating neutrality want schools to be essentially “value free” and teach just facts, this is not possible.

The philosophical work of Putnam, Quine, Kuhn and others addressed the fallacy of a clear dichotomy between facts and values in the field of science. Howe (1985) applied those same understandings to education research. This work provides the foundational understanding that what a person takes to be true (as a “fact”), is not easily determined through a process of observation or description, but rather is a complex process that requires the application of (often competing) values.

Taken to the classroom, this means that there is no value-free curriculum or teaching of “just the facts.” The large amount of work addressing the “hidden curriculum” illustrates how values are involved in the choices about what and how materials are taught (see, for example, Anyon, 1980; Apple, 1971). Apple (1971), as an example, illustrates how social studies is taught from a perspective that consensus is positive and the norm and that conflict is a societal negative. In this way, students are implicitly being taught certain moral and societal values.

Because it is impossible for schools to teach just facts and not to have certain values underlying choices about how and what is presented, the argument for deliberation around values in schools grows stronger. As discussed previously, Posner’s (2005) aggregative democracy would prefer to keep moral conflict out of politics and presumably out of the civics education curriculum, just as Apple (1971) found was happening. Although it cannot be denied that



deliberative democracy carries its own hidden curriculum, the arguments in Chapter 2 illustrate that what deliberative democracy implicitly teaches about other students is more positive in that it attributes to them autonomy and reasonableness and frames them as co-creators of society and government. An argument against deliberative democracy must argue against these values as part of the implicit curriculum.

If we accept that a value free education is not possible, perhaps morals can be addressed in a way that is value neutral. This is, in part, what deliberation asks. With respect to the moral issues that arise in the classroom, particularly those related to politics and the good life, deliberation asks that discussion of these values come from the values that are latent in students and society. The deliberative process is what moves students towards and away from various value systems and, although this happens in the school, the school does not demand that students adopt or reject particular moral frameworks, only that they engage in deliberation as honest epistemic actors. A further discussion of what that looks like occurs in Chapter 5, where questions about what neutrality (or the lack of it) might look like in the deliberative democratic classroom and for teachers within those classrooms.

Another argument that parents (and others) make is that, even if we admit that schools teach values, that those values should be restricted to the values that garner consensus. Advocates say that certain values, such as honesty, freedom, compassion, responsibility and loyalty, are universally held and therefore worthy of being taught. William Bennett, in his “Book of Virtues” (1993) claims that his book sets out “fundamental traits of character”, like those listed above, that are respected by “a vast majority of Americans” (p. 12). Perhaps the place of values in schools should involve the transmission of these values.



In the history of American education, particularly up to the post World War II era, character education sought to transmit common values (see Beachum and McCray, 2005). Schools had as a goal inculcation of “American” traits, particularly within immigrants who were deemed to be in need of moral education. However, character education and values education changed in the 1970s and 1980s to address the greater cultural (and moral) diversity in the country through initiatives such as values clarification. This was due, in part, to a recognition that values are not easily transmitted and applied, and that values, particularly when transmitted as a monolithic set of truths, were in fact controversial.

Those who wish for values to be confined to common values face the same objections today. Even virtues that seem to have near universal agreement – honesty, respect, freedom – are not so easily agreed upon when their surfaces are scratched. Would all parents advocate (and model) honesty at all times? If not, what should be taught about when to be honest? What should respect look like (if it should be given at all) to a person who acts in a morally reprehensible way? Is there a difference between respecting someone as a citizen as opposed to a person?

If values such as honesty and respect can be controversial and morality and values cannot be kept out of school, I propose that the arguments made above about folk epistemology indicate that deliberation about morally controversial issues is an appropriate way to address values in school. It brings the process about how we think about moral issues into the open and invites students to be reflective about the process. It also avoids addressing morals in such a thin way that it provides no aid in helping the students become good civic participants. If students are taught little about the complexities of values, as citizens they will be less prepared to articulate their perspectives with respect to these values on political issues that matter.



## CHAPTER 4 – DELIBERATIVE DEMOCRATIC THEORY FOR THE CIVICS CLASSROOM

Deliberative democratic theory did not develop to address civics education. As the theory developed, political theorists focused on reconceptualizing what democracy should look like in the political sphere. With the exception of Amy Gutmann's book *Democratic Education* (1999), the educational implications of deliberative democratic theory have been little addressed by scholars. A few scholars in the field of education have considered some of the implications of deliberative democratic theory on education (see Stitzlein, 2010; Alfaro, 2008), but none have considered the issues surrounding the translation of the ideas of deliberative democratic political theory into the realm of education, and particularly, the classroom.

To this point, the description of deliberative democracy has been general and is grounded in the areas of congruence in the overall theory. In this chapter, I examine the diversity of deliberative democratic political theory, paying particular attention to the areas of disagreement in political theory, and examine how those theoretical disputes should be resolved when considering deliberative democratic theory as a foundation for civics education.

The deliberative democratic theorist has a number of concerns in laying out deliberative democracy as a political theory. They place great emphasis on the deliberative process and in defining the conditions if a pluralistic society is to reach decisions that are democratic and legitimate through deliberation. These are appropriate questions for the political scientist, but the questions of civics education are necessarily different from those of political theorists.

Civics education focuses on the preparation of students for participation as citizens in a democracy. As a result, its aims are both broader and narrower than those of the political



theorist. Some of the questions that are of concern to political theorists are of little consequence or, at the very least, take on a different cast for the civics education. The key question drives the my analysis of deliberative democratic theory as a foundation for civics education is how or whether questions that arise in deliberative democratic theory can be resolved in a way that points to civic education practices that will be instrumental in preparing students to both participate in and create a more deliberative democracy.

### DOES DELIBERATION NECESSARILY INVOLVE DECISION-MAKING?

Deliberative theorists are divided on the question of whether deliberation must result in a decision. Thompson (2008) argues that activities that share many of the qualities of deliberation but that are not done with the end goal of reaching a decision are not deliberation. He asserts that they should be classified as some other form of political communication. He articulates two concerns that drive the importance of reaching a decision to deliberation. One, which involves a concern over the definition of deliberation, is not of much concern to the civics education. The other, which highlights the differences that can occur in communication depending on the goals of that communication, is of concern to civics education.

One of the reasons that defining deliberations as only those discussions that reach a decision is to prevent “concept stretching” because it weakens the prospect of empirical research on deliberation (Steiner, 2008). The concern here is less with what counts as deliberation in a theoretical sense, but at what point does the definition of deliberation become so broad that that it subsumes other important activities that should be viewed as distinct for research purposes. As Thompson (2008) states, “ordinary political discussion should be distinguished from decision-oriented deliberation so that the relationships between the practices can be systematically analyzed” (p. 502). The analysis of the relationships between political discussion (which may



share deliberative characteristics) that is not decision-oriented and deliberation that is decision-oriented is important, but the distinction is of little concern to civic educators until those understandings emerge.

As understandings emerge about whether deliberation with a decision as the end differs from deliberation without a decision as an end emerges, it is important for civics educators to be concerned about these differences. The behaviors of participants might become more strategic or they may be less willing to acknowledge problems with their positions if a decision is at stake. They may determine that the consequences are too high to risk the sincerity that deliberation requires in that setting. Civics educators will need to understand these differences so that the ways that deliberation can be distorted depending on the end of the deliberation can be addressed in their classrooms. Students must develop an understanding of the process that enables them to maintain the qualities of deliberation whether or not a decision is at stake or, at the very least, they must become aware of these differences so they can address the ways in which the differences between these types of deliberation should be addressed in a democracy.

Until that research emerges, the civics educator must ask the instrumental question of whether deliberation in their classrooms must have a decision as the end goal. Civics educators should not make reaching a decision the end goal of every deliberation. The civics classroom is a training ground for deliberative citizens, and requiring deliberations to end in a decision can place barriers in the training process and also deny students important opportunities to gain greater understanding of the deliberative process.

Requiring a decision has the potential to be destructive to students on two grounds. The first is that it may exacerbate problems with inequality. Deliberative democracy attempts to



respect the equality of all people and provide a forum where all voices can be heard. If something is at stake, students may be more likely to engage in strategic behaviors in the deliberation to get their own way. Those students who enter the classroom with greater facilities in deploying these strategic behaviors are more likely to become the “winners.” The “losers” will have incentive to either withdraw from the classroom deliberations as they sense that they are unheard or adopt the self-interested strategies. Particularly if these strategic behaviors are deployed more by students with privileged backgrounds, withdrawal has the potential to cause students whose voices most need to be heard to withdraw from deliberation as they feel that there is not a point because losing is the likely result. Although learning how to cope with a deliberative decision that one disagrees with is an important part of a deliberative civics education, reaching decisions too early in the process or repeatedly having decisions go against one’s position may harm the development of deliberative skills in students.

Second, requiring students to reach decisions will lessen students’ opportunities to learn about the deliberative process. Part of deliberative education is helping students understand how their self-interests and background relate to their understanding of the public interest. Students may enter the classroom with background knowledge that tells them that politics and decision-making is about debate and working to get one’s own preferences adopted as public policy. Students may engage in self-interested behavior in deliberations, and the process of listening to others might be side-stepped if students feel that something is at stake. As a result, civic educators would be advised to engage in deliberative activities that do not involve reaching a decision as a way to introduce the deliberative process to students.

Requiring a decision may interfere with deliberative democratic learning because it denies students the opportunity to analyze the differences in the dynamics of deliberation



depending on whether something is at stake or not. Just as researchers are concerned about the way the dynamics of deliberations can change if something is at stake, students who are preparing to become citizens in a more deliberative democracy should share this concern. Part of a deliberative democratic civics education involves reflection on the deliberative process. Students can examine what they noticed in their own behavior and the behavior of others in deliberations where decisions were the end goal versus deliberations that had developing understanding or generating policy solutions as the goal. Preparing students to be creators of a more deliberative democracy requires this kind of reflection if they are to consider what deliberation and the institutions that support deliberation should look like.

## WHAT ARE THE BOUNDARIES OF DELIBERATION?

A second significant controversy is also related to how deliberation is defined. The debate is about both the content and form that is acceptable for deliberation. The argument over content concerns the types of reasons that citizens are permitted to give in a deliberation. The disagreement over form relates to what rhetorical devices are acceptable for use in deliberation. Both of these controversies have important classroom implications as they directly affect what students are taught about deliberation.

Deliberative democratic theorists disagree about the types of reasons that people should be able to put forward in a deliberation. Gutmann and Thompson (2004) as well as others argue that the content of deliberations should be limited to public reason. Because deliberative democracy represents an attempt to move beyond the aggregation of self-interest that aggregative democracy represents, the argument is that deliberative democracy limits the types of reasons that can justify the resolution of a morally contentious public issue (Bohman, 1998). These limits require that those giving reasons in a deliberation consider a public-oriented rather than a self-



interest oriented justification and, more controversially, that the reasons people give in a deliberation be accessible to everyone (Gutmann and Thompson, 1996).

This flows from Gutmann and Thompson's (1996) understanding of the reciprocity that deliberative democracy demands. Part of what being public-oriented requires, and part of what gives deliberative democratic decisions legitimacy, is to "appeal to reasons or principles that can be shared by fellow citizens" when making a moral claim (Gutmann and Thompson, 1996, p. 55). Also, when moral claims are supported by empirical claims, the empirical claims must be "consistent with relatively reliable methods of inquiry" (Gutmann & Thompson, 1996, p. 56). It is these two requirements related to public reason that limit the content of deliberation.

In explaining these requirements, Gutmann and Thompson rely on two examples that involve religious beliefs. In the first, they illustrate the point about empirical claims through a person claiming in a deliberation that miscegenation is wrong because the Bible says so. They argue that this argument is not acceptable because it appeals to an authority "whose conclusions are impervious, in principle as well as in practice, to the standards of logical consistency or to reliable methods of inquiry that themselves should be mutually acceptable" (Gutmann & Thompson, 1996, p. 56). Therefore, claims that rely on an authority that is not mutually acceptable are excluded from public deliberation (or at least are not to be considered). For Gutmann and Thompson, such reasons hold out no hope of being mutually accepted by others in a deliberation because such a claim on an empirical basis cannot be expected to be meaningfully considered by others who do not rely on that authority.

The problem with such a requirement is that it strips the possibility of enlarged understanding of others from the political arena. Under such a requirement, a person may need to



hide the most deep-seated reason for taking a moral position or believing a moral claim in order to have his claim be part of deliberation. This may not seem like a problem as it still allows the claim to be made and presumably the information about the foundations for the claim that are not mutually acceptable would have no persuasive value in any case.

This takes a small view of the deliberative process. Although deliberation can be presented as hyper-rational, theorists do not deny that context is important for deliberation (Neblo, 2007). Part of that context, and part of what aids people in the evaluation of claims and the deliberative process, must be our understanding of others with whom we deliberate. People do not just present moral claims, but they are also justifying why they give certain moral claims more weight than others. Even if a person's moral belief is grounded in something that is not accessible to everyone in the deliberation or cannot be justified on grounds that are mutually acceptable, knowing the foundations on which a person's belief is grounded can aid in deliberations. To return to the miscegenation example, knowing that a person bases his or her beliefs concerning the impropriety of miscengenation on a higher authority that another person does not accept can still aid that person in having a deliberative conversation. Perhaps at this point a fellow deliberator can discuss how the same authority also provides arguments for values that would make concern over miscegenation absurd. It seems to me that there is deliberative value in such an exchange.

Gutmann and Thompson (1996) also use the case of *Mozert v. Hawkins*, which was discussed in Chapter 3, to show how the parents in that case did not meet the standard of reciprocity because they did not offer moral arguments that were mutually acceptable. To quickly recap *Mozert*, parents of Tennessee children objected to an elementary school reader and requested that their children be exempted from using the reader. The grounds that the parents



used were moral grounds. They argued that the reader presented as acceptable certain ways of life that ran contrary to the parents' religious beliefs. Gutmann and Thompson (1996) argue that the parents' moral argument did not appeal to mutually acceptable moral beliefs but rather to moral beliefs "that should be rejected by citizens of a pluralist society committed to protecting the basic liberties and opportunities of all citizens" (p. 65). Their analysis indicates that the parents' moral arguments would have the children not learn critical thinking nor about the worth and dignity of other people. These things are important for democratic citizenship, and therefore the parents' objections must be set aside and not given credence in a deliberative democracy.

There are several problems with the content restrictions and the analysis that Gutmann and Thompson use to reach those restrictions. First, it is not clear how a student (or anyone else) can come to grasp what constitutes mutually acceptable reasons without providing opportunities for reasons of many types to be shared. The mutually acceptable reason requirement, if it requires self-censorship, will stifle those who may be making a moral claim that is novel or not universally accepted. As a counter-example, one might ask if Peter Singer should be prohibited from making arguments that the interests of human beings should not be given preference over other beings (animals) for the sole reason that they are *human* interests. This argument is not likely to be acceptable by a large segment of society. Should it be considered? Yes. Not allowing its consideration implies that although people's moral judgments on particular issues can change, there really is no potential to change core moral beliefs.

That cannot be right. Otherwise, why would we not treat moral beliefs and claims like self-interested preferences and let politics be a marketplace or battle for moral ordering? It seems that "mutually acceptable" in terms of the content of moral claims comes closer to meaning "consistent with deliberative democratic values". As noted, Gutmann and Thompson do make



the argument that the values advocated by the parents are not consistent with deliberative democratic values and education of young people for citizenship in a deliberative democracy.

There are good reasons to object to those types of restrictions on moral arguments as well. An examination of Gutmann and Thompson's characterization of the parent's objections in *Mozert* is a good starting place. In their interpretation of the case, they conclude that the parents objected to any exposure of their children to ideas that challenged their religious beliefs and that the parents did not want their children to think critically. They interpreted the objection of the parents to the teaching about the ideas of the Renaissance as a rejection of the idea that human beings have worth and dignity.

There are not the only interpretations. Tomasi (2001) and Coleman (1998) note that there is evidence that the parents in the *Mozert* case did not object to *any* exposure to materials of the type to which they objected, but rather the parents objected to the "repetitiveness and depth" of the exposure (Tomasi, 2001, p. 92). The comprehensive and long list of the objections of the parents was presented in the court case not simply to illustrate problems with particular readings, but to demonstrate the pervasiveness of the material that was contrary to their beliefs. The parents were willing to have their children use the reader if there was explicit instruction that by reading the materials they were not to take them as true.

The latter interpretation of the parents' action appears to be less out of line with the civic values that Gutmann and Thompson desire to preserve through content limits. The students would be engaged in critical thinking. There is no indication that they would be learning that people do not have worth and dignity. Because critical thinking and the worth of people would



not have been at jeopardy, Gutmann and Thompson's objections to the foundation of the parents' reasoning does not stand.

The difficulty with interpreting the parents' actions in Mozert illustrates why content restrictions are difficult to justify. Not only is it difficult to know whether moral values are shared, it can be difficult to clearly discern the moral values involved in reason-giving without a deliberative process. Gutmann and Thompson recognize that deliberation brings moral clarity to disagreements and that deliberations can illustrate whether there is or is not moral common ground between parties. If certain moral arguments are discounted or barred from deliberation, there is no opportunity to clarify those values.

Apart from the arguments made directly against Gutmann and Thompson above, there are reasons related to civics education that such content restrictions should not be part of a deliberative democratic civics education. First, students are still learning about their own beliefs, the beliefs of others and what it means to make moral arguments. It would be a near impossible task to teach students about what is mutually acceptable when it is an open deliberative process that is the best mechanism for teaching the students that very thing.

Students should also not be asked to put on a false face for deliberation. In the case of religious reasons for beliefs that Gutmann and Thompson would exclude, it would not be beneficial for students to be told that they should leave that part of their identity at the door. This is particularly true for religious minorities. Imagine a Muslim student in a largely Christian classroom environment. That student probably already senses the ways in which the culture of the school and the classroom are influenced by the beliefs of the majority. Now, in the civics setting, that student is allowed to appeal generically to values that the student ties to Islam, but



he cannot reveal that the reason the values are so important to him is because of his religion. This does not aid the development of greater civic understanding and is likely to communicate to the student that religion must be kept private if you are in a minority.

## RESTRICTING THE FORMS OF DELIBERATION

A related dispute in deliberative democracy concerns what types of communicative activities constitute deliberation. This concern comes from two quarters. The first concern relates to the problem of concept stretching referenced earlier (Steiner, 2008). If what counts as deliberation is not clearly delineated, it creates particular challenges for conducting empirical research about deliberation. As with the concern over concept stretching and the necessity of reaching a decision, the research concerns are of less importance to the theorist of civic education, and the instrumental nature of civics education in preparing students for democratic citizenship broadly means that the empirical research concerns should be overridden.

The more pressing argument concerning acceptable forms of deliberation is raised by critics of deliberative democracy. They point out that the reason-giving requirements of deliberation can result in restrictions on acceptable rhetorical forms of communication and transform deliberative settings into places that privilege certain forms of communication over others. In particular, dominant forms of rhetoric relating to debate and argumentation will become the norm in deliberative settings with the result that those who are not as skilled in these forms of rhetoric being excluded or marginalized.

Iris Marion Young (2001) provides a cogent analysis. She notes that deep social and economic inequalities in society result in deliberative procedures that “enact structural biases in which more powerful and socially advantaged actors have greater access to the deliberative



process, and therefore are able to dominate the proceedings with their interests and perspectives” (Young, 2001, p. 48). One of the ways that these structural biases are enacted is through the forms of communication that are allowed in a deliberation. These structural biases result in norms of deliberative behavior that can favor dominant groups and exclude others.

She identifies three types of communication – greeting, rhetoric and narrative – that are not considered permissible in some descriptions of deliberation as they do not fit the model of dispassionate reason-giving that can be associated with deliberative democracy, particularly as described by Habermas (but see Neblo, 2003, for a more sympathetic account of Habermasian deliberation), and argues that those forms of communication should be permitted as part of deliberations as they serve important functions. Her analysis is compelling for the public sphere, and becomes even more so in the context of civics education.

Deliberation in a civics education setting must provide space for a broad range of communicative styles. Gutmann and Thompson are correct when they assert that disadvantaged groups are often not lacking in deliberative skills, but that their lack of power limits their influence in deliberations. However, they do not acknowledge how power differences structure deliberations in ways that influence what communicative actions count in a deliberation. These power imbalances do not just influence the political sphere, but they also structure appropriate forms of communication in schools. Shirley Brice Heath’s (1983) provides a powerful illustration of how norms of communication in schools reflect those of the white middle class.

Deliberative democratic civics education provides an opportunity to push against those norms and open up space in schools for reason-giving that may not fit the dominant norms. The communicative practices that Young identifies are important to foster in schools in order to



establish the space for deliberation and provide opportunities to expand students' understanding of others in deliberation. Greeting, as Young (2001) defines the practice, involves actions that "acknowledge one another in their particularity" (p. 57-58). These actions reinforce the norms of reciprocity by publicly acknowledging one's presence and readiness to listen to others. Greeting can often be ritualized in diplomatic and political settings, and there may be value in this as part of classroom practice, but words and actions that communicate respect and a readiness to participate can be a powerful beginning to ensuring an inclusive space for deliberation. Without greeting, some participants may feel as though they are out of place or that their perspectives will not be welcome. Civic education should have the affective result of students feeling welcome into public deliberative spaces, and communications that aid in that should be encouraged.

Rhetoric can be a double-edged sword, but its use in civics education should not be circumscribed too tightly. Rhetoric is often associated with emotional and impassioned pleas or practices that are intended to deceive people into adopting a position that they would not otherwise take through the manner in which an argument is communicated. My use of the term rhetoric is broader than those practices, and I use rhetoric to refer to the manner in which something is communicated, including everything from word choice to tone of voice to mannerisms. Rhetoric is an aspect of all discourse (Young, 2001), and the concern is the privileging of certain types of rhetoric over others.

Gutmann and Thompson (1996) address this issue by noting that they approve of "impassioned and immoderate speech" provided that it contains substantive points to which others involved in the deliberative process can respond (pp. 135-36). Additionally, they note that rhetorical forms that do not track with reasoned argument may be important for getting issues onto the deliberative agenda. These are important concessions, but they are not adequate. There



are two assumptions they may be making about rhetoric. The first is that there may be some rhetorical forms that are devoid of substance. This does not make sense. If an act is intended to be communicative, there must be something that the actor is trying to communicate. The other possible assumption they are making is that there are certain rhetorical forms that may appear to be devoid of substance because understanding of the rhetorical form may not be shared by those in the deliberation and therefore no substance can be derived from the communicative act by the listener. Such communication would violate their standard of reciprocity because it does not attempt to communicate in a way that is accessible to all.

Such an interpretation risks being exclusionary and, in a deliberative democratic civics education setting, would deprive students of the opportunity to expand their facility at understanding rhetorical forms. If students are limited to forms of communication that match the dominant norms, that will privilege certain students who have more facility with those norms. Also, students in a civics education setting should be learning how to listen to one another and seek to understand what the other is saying. This is the space where students can ask questions to gain understanding of what others are saying when it is put in an unfamiliar rhetorical form. Students can also reflect on the impact of various rhetorical forms and communicate with one another about the impacts of the use of rhetoric. This process will be discussed in greater detail in Chapter 5.

This is not to say that the dangers of rhetoric must not be addressed. Much of this work is done through the need for sincerity, which is discussed in the next section. The requirement that students be sincere in their communication in a deliberation serves in part as a limit on the inappropriate use of rhetoric. In addition, the opportunities for reflection that students should have in a deliberative democratic civics education setting can also act as a bulwark against



inappropriate uses of rhetoric. This provides space for students to reflect on both the form and content of what was communicated and weigh that information in the folk epistemological process of truth seeking.

The final communicative act that Young addresses is narrative or testimony. Narrative provides information about a person's experiences and perspectives in order to "demonstrate, describe, explain, or justify something to others in an ongoing political discussion" (Young, 2001, p. 72). Gutmann and Thompson find narrative permissible, but only within certain bounds. For narrative to be admissible, it must "express values that citizens can and should share as a matter of social justice" (Gutmann & Thompson, 1996, p. 137). In other words, the perspective that is presented through narrative must be justifiable to others. Again, this conception is too narrow. It assumes that citizens know what about their perspective is justifiable to others. This is a high expectation for an adult, much less students who are still learning about their own perspectives and the values and perspectives of others.

It also restricts the degree to which narrative can be used to expand the resources that are available for deliberation. If someone experiences a wrong or will experience a wrong as a result of a political decision, that person should have an opportunity to communicate at least the sense of being wronged even if they cannot express in mutually agreeable terms the injustice that causes the wrong. Young uses the example of sexual harassment to make the point. The injustice or wrong that women experienced as a result of sexual harassment was not recognized by a large portion of the population before the 1970s. Narrative provided an opportunity for women to voice their experiences and, through the sharing of experiences, the language was found to name and legally address the problem. Gutmann and Thompson could respond that women would have been free to express their experiences so long as they expressed the injustice in terms of



values such as equality that would be comprehensible. The problem is that equality as a value when connected with women was not fully recognized. The limitation on testimony should not prevent the expression of injustice or wrongs which may not be universally recognized.

This is particularly important in a civics education setting. Many students may not be able to articulate their experiences in the language of values or moral claims. The communication of their experiences provides opportunities for them to learn language about values and morals and to connect with the morals and values that are shared by others. Many students have a sense of fairness and unfairness, but lack the capacity to express underlying reasons for that sense. The deliberative civics education setting should provide an opportunity for the experiences to be shared and explored.

Limiting narrative also limits the epistemic resources that are available to students in a deliberative setting (and to citizens in a political setting). A person's knowledge is both constituted and limited by his situatedness in the world. This has important implications for deliberative democracy. Deliberative democracy asks citizens and students to assess various policy proposals in light of the moral values. To adequately consider whether a policy will align with moral values and claims often requires information beyond the moral claim. Information about whether a policy aligns with moral values may not always be available through studies that provide statistics. Whether a policy respects the dignity of another person or denigrates their sense of having equal standing as a citizen cannot be communicated through a number. This type of information is only available through narrative, and narrative is an epistemic resource that can help citizens and students more fully understand their moral values. Without narrative, a student cannot understand the way in which a policy may affect another person differently than it affects herself. This type of narrative that refers to shared values would not be limited by Gutmann and



Thompson, but placing limitations that are too stringent on narrative risks the possibility of connections between experience and values will not be made. A student may know the impact of a policy on himself and want to share that, but may not know exactly how this connects to values or moral claims or he cannot express the connection in terms of shared moral claims. The student should be able to share his experiences and thereby provide other students with the opportunity to make connections to their own moral values and claims rather than requiring that narrative articulate the connection to shared moral values.

### THE NEED FOR SINCERITY

Even if all deliberative theorists could not agree on the acceptable forms of communication for deliberation, one would think that all deliberative theorists would expect sincerity from participants. Many of the benefits of deliberation would appear to evaporate if participants in a deliberation did not honestly communicate with others about their reasons for holding a particular belief. If most of the participants in a deliberation are expecting sincere and honest communication, not to be sincere would be to violate the reciprocity that is important to the deliberative process and is coercive. As Neblo (2007) eloquently states, “[i]t is difficult to see how being coerced on the basis of polite lies shows any deep kind of respect to those who come out in the minority” (p. 541).

However, others argue that one of the advantages of deliberation and the rational exchange of reasons is that it should not matter what motivates a participant to provide an argument in a deliberation, but rather what is important is whether the argument is strong or weak. This is not a good reason for students in a deliberative democratic setting to be taught that sincerity does not matter. Deliberation is not a process that rests on the foundation of a single notion of rationality that is shared by all and would, in time, lead all people to the same



conclusion. It is not just arguments. Deliberation is an activity between *people* who share the same political space and must find ways of resolving conflicts. What makes the reasons important in a deliberation is not just that they are convincing, but that they attach to another person whose views must be given a hearing. Part of the importance of permitting (and encouraging) a variety of rhetorical forms to be used in deliberative democratic civics education is that those forms provide perspectives and voices that attach to people. It is the person who deserves the voice, not just an argument. This is part of what students learn in a deliberative democratic civics education, and to encourage insincere exchanges harms this learning.

Some deliberative theorists provide examples of how the sincere behavior of deliberators can lead to non-optimal deliberative outcomes (Goodin, 2008). Goodin makes this argument in the context of juries as deliberative bodies, but the argument does not generalize well to deliberation in other political contexts. First, jurors operate in a context where the moral arguments and the outcomes are already constrained by the law. Those restrictions are part of what enables insincere behavior to have its manipulative force, and the restricted outcomes enable an easier delineation of “optimal” outcomes for each juror. Political deliberation does not have these constraints and the ability to calculate the impact of insincere action is likely to be significantly different. Part of what deliberation does is make known people’s positions and the options that are available. Additionally, juries engage in one-time deliberations. Political deliberation, and those that occur as part of deliberative democratic civics education, assume a continuing relationship (at least politically) with those in the deliberation. The harm that insincerity can cause to these relationships weighs heavily against being insincere.

This does not mean that all insincere forms of communication should be excluded from deliberative democratic civics education. Playing devil’s advocate can be beneficial for



clarifying deliberator's positions and thought processes. A student may not be fully committed to a particular idea and want to put it forward in a deliberation to get feedback from others. In both of these instances, the student may not be "sincere" in the sense of participating in the deliberation by submitting only his or her own beliefs. However, they both involve sincere participation. What is important for the purposes of deliberative democratic civics education is that students learn to be transparent about when they use these devices so as not perpetrate any of the harms of insincerity on the deliberative process.

### HOW SHOULD DELIBERATION BE (OR NOT BE) PAIRED WITH AGGREGATIVE MECHANISMS?

Deliberative theorists also debate over whether and how deliberation should be paired with aggregative mechanisms to make deliberative democracy more feasible. Although few democratic theorists promote deliberative democracy among all citizens as anything more than an ideal and most recognize a place alongside deliberation for bargaining and voting (Bohman, 1998), there is considerable debate about how the deliberative democratic principles and the support they provide for the legitimacy of democratic decision can be maintained within the context of a workable political system. Should elected public officials be responsible for engaging in deliberation? Should deliberative processes be used to provide policy recommendations to public officials through mechanisms such as citizens juries (Smith & Wales, 2000) and deliberative polling (Fishkin & Luskin, 2005)?

These are interesting questions, but they do not need to be answered for the purposes of deliberative democratic civics education. These questions become ones that students can and should be engaged with themselves as they come to a greater understanding of deliberative democratic principles as part of a deliberative democratic civics education. As they reflect on our current government system, they can think about ways in which deliberation and the principles



of deliberative democracy can be best incorporated. As citizens, they will bear the responsibility for engaging with the political system. They should have a voice in what responsibilities they are willing to accept for the benefits of a more deliberative democratic government.

## SUBSTANCE VERSUS PROCEDURE

A final debate within deliberative democratic theory that must be addressed for the civics classroom is whether the key principles of deliberative democracy are purely procedural or whether they are substantive. This is important because a purely procedural view of deliberative democracy would count as legitimate any decision that was reached through a process that met standards for deliberation. Gutmann and Thompson (2004) note that few proceduralists clearly set out the procedural principles that must be met for a legitimate deliberative process, but they generally involve equality in power and participation and a lack of coercion among participants. A substantive view of deliberative democracy allows for certain political decisions that result from the deliberative process to be labeled as not legitimate and be rejected because they fail to meet substantive standards. In the case of Gutmann and Thompson (2004), they argue that any decision that denies people basic opportunities, such as housing, health care, or equal suffrage, is not legitimate even if reached through deliberative democratic processes.

Again in this dispute, it is important to remember that the civics classroom is a place of learning and exploration with respect to deliberative democracy. The experiences students have with deliberation in the classroom should not only impart the skills and dispositions that relate to deliberation, but also provide them with the capacity and opportunity to think critically about the deliberative process. Because of this, it is important that the substance versus procedure debate provide guidance to the civics education process, but equally important that it not result in an



ossification of procedures or exclusion of discussions concerning substance through the restrictions that it takes.

A valuable starting point is to recognize that deliberation necessarily involves both procedure and substance (Gutmann and Thompson, 2004). The epistemic justification for deliberation in the classroom provided earlier implies that truth-seekers – all people – are committed to certain democratic principles as part of being a truth-seeker (Talisse, 2009). However, these procedural principles, such as the right to participate as an equal, listening to others, and openness to changing one's position, while providing guidance for procedure, are also substantive. Equality is a substantive moral commitment, and disagreements about what it means to be treated as an equal or what is necessary for equal participation illustrate its moral substance.

The importance of procedural principles and the substantive commitments they entail are important to consider for the civics education classroom. The procedural principles provide guidelines for the enactments of deliberative democracy in the classroom. These principles and the substantive commitments associated with them should always be viewed as provisional (Gutmann and Thompson, 2004). Defining the procedures and substance in the classroom too strictly will limit opportunities for student learning.

Because these principles are provisional, students should learn that they too can be the subject of deliberation. As a teacher attempts to enact principles of equality and fairness in the classroom setting, students should be given the opportunity to reflect on whether the procedures adequately accounted for their substantive understandings of the principles. For example, if a teacher uses a set of guidelines to help ensure more equal participation, it is a potential learning



opportunity for students to reflect on whether those guidelines did in fact make the participation fair. There could be disagreement on this, and through this students can learn how different procedures can flow from different understandings of democratic commitments.

Similarly, students should have the opportunity to reflect on the substance of their final positions on issues after a deliberation. Gutmann and Thompson (1996) argue that any decision must meet the requirements of basic liberty and fair opportunity. Although Talisse (2009) would argue for a more modest statement of substance, they both agree that their substantive principles relate to maintaining the ability for people to participate in a deliberative democratic society. Students should be encouraged to ask that important question at the end of deliberations: Does the position I hold or the decision we reached in any way limit the prospects of someone for participation in a deliberative democratic society? In this way substance is not dictated in the classroom, and students are able to consider the democratic implications of their decisions.

## CONCLUSION

They key lessons for civics education that emerge from the debates in deliberative democratic political theory is that deliberation in education settings should be guided so that students learn the values that are essential to deliberation, but relatively unrestricted so that students have the opportunity to explore their own beliefs and the beliefs of others. Decisions made by teachers about whether deliberations should end in a decision or what is permitted as deliberation must be determined based on the learning goals concerning deliberation at that time and for those students. At some stages of learning, the challenges of reaching a decision and the consequences that flow from decision-making may be important for students to consider. At other times, such an activity may be harmful. Similar learning considerations go into determining the scope of deliberations. The argument made here is that the deliberative process must be open



in form and content, but that necessarily requires the teacher to engage the students in reflection on the consequences of such openness.

All of these decisions play out in specific classroom contexts, but despite the flexibility, there is still a certain degree of structure that must guide all deliberative democratic civics education. In the next chapter, I provide a structure and process to guide deliberative democratic civics education in the classroom.



## CHAPTER 5 – DELIBERATIVE DEMOCRACY IN THE CIVICS CLASSROOM

The question of what a deliberative democratic civics education could or should look like has not been thoroughly addressed by scholars. Some work has used deliberative democratic theory to examine and evaluate classroom practices (see, i.e., McDevitt and Kiouisis, 2006; Luskin, Fishkin, Malhotra & Siu, 2007), but none have provided guidance on what deliberation should look like in the classroom. In this chapter, I provide an overview of the work that has been done to examine deliberative democracy in the classroom to provide a context within which to place the discussion of bringing deliberative democratic civics education to the classroom. I then outline the steps in the deliberative process that teachers can use as a guide to conducting deliberative democratic civics education in their classrooms.

### CURRENT RESEARCH

At the secondary level, where most direct civics instruction occurs, there have been few studies explicitly based in deliberative democratic theory. The studies that do use deliberative democracy as a foundation have evaluated existing practices through a deliberative democratic lens but have not provided guidance for a framework for deliberation. The studies have also focused on traditional civics outcomes rather than outcomes that are connected with deliberative democracy. McDevitt and Caton-Rosser (2009) and McDevitt and Kiouisis (2006) thinly reference deliberative democratic theory in a study of the effects of KidsVote USA on civic learning. The studies describe conditions for deliberative learning, but they do not examine whether conditions for deliberative learning were met, and they use traditional measures of civic outcomes rather than examining outcomes that would be predicted by deliberative democratic theory. Luskin, Fishkin, Malhotra and Siu (2007) used deliberative polling with high school



students in California and found that engaging in deliberative polling was correlated with increased knowledge, efficacy, interest and opinion formation. Again, the measured outcomes, although important for civic education in general, do not directly relate to deliberative democratic theory. Both of these studies provide little guidance to teachers about how to make civics education more deliberative. The interventions are short term or one-time interventions, and there is no information provided about the classroom context in which the activities occurred. Brice (2002) studied a unit in a social studies curriculum that focused on deliberation over public issues among high school students and highlighted the intellectual, textual and relational aspects of deliberation. The study provides some insight into the planning and structure of deliberation, but does not focus on the context or make connections between the way the unit was structured and the deliberation that occurred.

There has also been work concerning deliberative democracy at the primary level. These studies have had two foci. Beck (2003, 2005) conducted studies of deliberation in the elementary classroom to determine how elementary students engaged in civics education take up the tools of deliberation and the metaphors for the deliberative process that the teacher presents in different ways. The studies provide helpful insight into the complexities of deliberative process at the elementary level and the way that scaffolding provided for deliberations can affect the deliberative process. Alfaro (2008) describes her work to provide pre-service elementary teachers with a deliberative pedagogy to use with primary students. She used the National Issues Forum work as a model with teachers, and an important aspect of the work highlights the importance of teacher reflection in the deliberative process.

There has also been limited work with deliberative democracy at the college level. McMillan and Harriger (2002) incorporated deliberation into three political science and



communication courses. Although the study provides only limited information about data collection and analysis, the authors do provide insight into how classroom context and teaching practice can influence deliberation. They discuss techniques used to address issues of diversity, student motivation and the unequal deliberative skills of students. Strachan (2006) engaged students in a communications class in deliberative-like activities that involved coming to a consensus solution to a political problem. The study provides little information about the how students engaged in the process, but provides an important acknowledgement that the one-time or one-class interventions that incorporate deliberation may not be an accurate reflection of the process and outcomes of deliberation.

None of the current scholarship addresses how to think about or plan for deliberative democratic civics education. In the following sections, I provide an outline of what the deliberative democratic civics education might look like in the classroom. Because envisioning how deliberative democratic civics education might look in the classroom is novel, the following discussion of the deliberative process is based on the understanding of deliberative democracy that I have outlined together with my experiences as a teacher in a civics classroom. The limited work that has been done in this area means that the following is intended as a starting point for imagining deliberative democratic civics education and should be taken as such.

## THE IMPORTANCE OF CLASSROOM CONTEXT

The quality and outcome of any deliberation will be affected by the environment in which it is conducted. Although teachers cannot be responsible for establishing Habermas' ideal speech conditions, deliberative democratic theory does provide certain background conditions that teachers must try to meet in order for meaningful deliberation to occur. In this section, I highlight a few of these important conditions that must be considered.



## *EQUALITY, RECIPROCITY AND NON-COERCION*

Deliberative democracy rests on the ideas of equality and reciprocity, and teachers must establish a sense of the equality and reciprocity among students for deliberation to be successful, and this sense cannot be established just for the sake of the deliberation, but must be established as part of the ethos of the classroom. The consequences of not establishing equality and reciprocity are obvious. Some students may dominate the deliberation while others are nervous to contribute because they do not believe they will be taken seriously. If a student does not believe that others will listen to him, there is little incentive to participate. The issue teachers have to face is how to create a classroom environment of equality and reciprocity.

An important way teachers can establish an environment of equality and reciprocity is through modeling these qualities in day-to-day interactions with students. Quotidian events such as greeting all students and showing an interest in their classroom contributions are important in creating a classroom environment that reflects equality. Additionally, treating students respectfully, even when disciplining students, can be an important part of modeling equality and reciprocity. Research indicates a relationship between the types of discipline used in a classroom (coercive versus relational) and how responsible students in the classroom feel (Lewis, 2001). When teachers approached classroom activities such as discipline from a relational standpoint, meaning discussing behavior with students, the students felt more responsible for their behavior. Hahn (1999b) reports that positive classroom climate was correlated with positive attitudes toward political participation. There is also a correlation between an open classroom climate and increased political knowledge and students' appreciation of conflict. An open classroom climate was measured through student perception of teacher's respect for differing opinions, students



being encouraged to make up their own minds on political issues, and openness to the expression of minority opinions.

Similarly, in order for students to effectively participate in deliberations, they must not feel coerced. Coercion in this sense does not refer to forcing a child to participate. It is not unreasonable to require that all of the students participate in the activities around deliberation. Rather, I use coercion to refer to a student feeling as though their true viewpoints cannot be expressed. This is an issue of power. Teachers are in a position of authority in the classroom and students may carry a concern that the substance of their participation in deliberations must conform to the teacher's viewpoint or risk consequences such as a poor grade. Similar pressure can arise from peers for students holding a minority viewpoint. They may feel as though they are risking friendship, respect or other perceived benefits of conformity if they express a viewpoint that is different from the majority or the powerful.

Teachers must establish a classroom context that is welcoming of difference. There are various ways to accomplish this, but one way that the risk of coercion can be reduced is through providing students examples of disagreement. The teacher can invite someone with a differing viewpoint to class to have a deliberation that models respectful disagreement and an attempt to understand rather than castigate differences. The curriculum as a whole should also reflect space for reasonable disagreement. Current classroom practices that are more common than deliberation, such as discussion of current events, can be structured in ways that allow for the proliferation of multiple viewpoints.

Additionally, the teacher must use his or her knowledge of the students to foster equality, reciprocity and non-coercion. Students will enter the classroom with different skills and abilities,



and even seemingly homogenous classes will have diversity of viewpoints (Hess, 2009). The teacher must be sensitive to patterns of student participation and address issues of participation. This will often involve private conversations with students to gain understanding of participation patterns rather than making assumptions about particularly high or low levels of participation. In this way, the teacher can establish reciprocity with the student by listening to feedback about what is happening in class and encourage patterns of communication that are consistent with equality, reciprocity and non-coercion.

The desired context for deliberative democratic civics education does not differ greatly from what would define a healthy classroom environment generally. The social and emotional learning that is necessary to create a context for deliberation that is equal, reciprocal and non-coercive overlap with social and emotional learning that has been associated with positive academic and social outcomes in school (Cohen, 2006). The deliberative democratic process described below could be added to the pedagogical tools, such as service learning and community service, that develop students' empathy and sense of justice and thereby contribute to positive social and emotional learning (Cohen, 2006). Although the task of creating a good environment for deliberation may seem daunting to teachers, the benefits extend well beyond deliberation and should serve the teacher and school well even when conducting activities other than deliberation.

### *SAFE AND UNSAFE CLASSROOMS*

The discussion above points to the need for what might be called a "safe" classroom. This is a classroom where students feel free to express their opinions and perspectives without the risk of ridicule, being ignored or feeling out of place. This is not an inconsequential task, as students who do not experience the classroom as a nurturing environment may be less likely to develop



the abilities to look outward and engage and empathize with others (see Narvaez, 2008). However, this must also be balanced with the teacher establishing the “unsafe” nature of the deliberative classroom. Henry (1994) notes that classrooms where students examine controversial issues are inherently not safe spaces. They ask much of students in terms of vulnerability and openness to ideas that are different, and students may encounter challenges to long-held beliefs. Students must be aware that although every effort will be made to make the classroom safe for sharing, there must be a willingness to take on certain risks and feeling unsafe at times.

The techniques discussed in the previous section are important in creating a place that is safe for students to engage in the act of deliberation, which can feel unsafe. Role-modeling and being attentive to the individual students are important keys (Valerio, 2001). Of similar importance is providing space for reflection. It is that space for reflection that starts the deliberative process described below and which creates both a sense of safety and an environment for risk-taking.

## SELECTION OF DELIBERATION TOPICS

Deliberations must be *about* something. The selection of the topic of a deliberation is important. The topic for deliberation is one of the first indications students have that reveals to them whether a teacher knows and understands them or not. Diana Hess (2009) provides relevant and concrete advice for choosing topics that are truly controversial and relevant that need not be repeated here. That the topic of debate should be relevant to students in order to increase engagement and the potential for learning and that the issue should be controversial almost needs not be said. However, student engagement and learning is not all that hangs on topic selection.



This is one of the first opportunities students have in the deliberation process to determine whether their voices will really matter.

When selecting topics for deliberation, teachers must consider the age of the students and the context that surround the students and the classroom. This context includes aspects of the students' lives and the community they live in – what issues are most salient to them given their ages, life experiences and the community in which they live? When the topic of deliberation is not connected to students' lived experiences, a potentially miseducative lesson they might learn is that the problems that affect their lives are not likely to be recognized in the political system.

Teachers can solicit potential ideas for deliberation from students to ensure that topics are relevant. This also increases the likelihood that the topics are age-appropriate for the students in the teacher's classroom as it is unlikely that students would request to engage with a topic that is beyond their ability. In the solicitation process, teachers must maintain the same awareness that they maintain for deliberation – that all students' ideas are heard and acknowledged in a way that models reciprocity and listening to the students.

## THE STEPS OF DELIBERATION

Once the classroom context is considered and a topic is selected, teachers can prepare to engage students in deliberative activities. In the following section, I outline steps in the deliberative process to guide teachers through a deliberation.

### *REFLECTION*

The first step in the deliberative process is reflection. Reflection is a recurring process in deliberative democratic civics education. Deliberative democratic theory has not given much attention to reflection as the focus has been on the exchange of reasons. Deliberative programs



such as the National Issues Forums and Deliberative Polling prepare people for deliberation by providing information, but they do not emphasize self-reflection and consideration of one's own moral perspective and the origins of that perspective. The exception to this in deliberative theory is found in the work of Goodin (2005). Although he does not focus on reflection as an important pre-deliberative activity and instead sees the reflective process as a way to address legitimacy issues that come from the unwieldy nature of deliberation for large groups, his work does indicate that the internal work of reflection is important to deliberation (Goodin & Niemeyer, 2003) even if it is not a substitute for the interpersonal aspects of deliberation (see Landemore & Mercier, 2010).

Despite the lack of attention paid to reflection, it is particularly important at the beginning of a deliberation as students need time to consider their own moral perspectives. Unconscious mechanisms may be the foundation of much day-to-day moral decision making (see, e.g., Bargh & Chartrand, 1999), but reasoning can also play an important part in moral reasoning (see Bucciarelli, Khemlani & Johnson-Laird, 2008). I do not aim to adopt and defend a psychological theory of moral reasoning here, but it is clear that the process of deliberation is one of sharing reasons, so it is important that students engage in conscious moral reasoning about the issues involved so that their reasons can be shared with others. This does not mean that students are unable to participate in a deliberation if they cannot adequately express their moral perspective in what might be considered "reasoned" formats. What is clear is that students should have the opportunity to reflect on the reasons for their moral perspective prior to participating in a deliberation.

This may require prompting by the teacher, particularly at younger ages. The nuances of moral questions may not be readily apparent to students. In the Tucson situation, there can be a



variety of values that drive positions on either side. Those who favor the classes may view the issue as one of equality and dignity. Others may favor the program because of the instrumental value of the program for raising test scores (which may also be tied to issues of equality). Those in opposition to the program may cite the need to develop patriotism and community or the value of assimilating groups into what they perceive to be American values. Others may also have an instrumental rationale and argue that such courses do not contribute to the skills that the students need to get into college or get a job, and therefore maintaining the courses acts as a drain on resources that could be better spent.

Teachers must think about their students and what types of prompts will get them thinking about the issue. Imagine a teacher who is in Tucson at the time of the controversy over the Mexican American Studies courses. There are several ways that student thinking could be prompted. Students could be asked to reflect on (and perhaps journal) on one or more of the following:

- What do you think defines the issue that we are experiencing surrounding the Mexican American Studies courses?
- As you think about those issues, what values that are important to you do you see at stake?
- What are the sources of these values for you? Are there experiences that you have had that have made these values important to you?
- What additional evidence would be helpful to me in evaluating this situation in light of the values that are important to me?



These questions have a close connection with folk epistemology. They ask students to think about the origins and nature of the moral truth claims that are most important in this situation. It prompts them to consider the strength of the evidence that currently undergirds these moral perspectives and encourages them to consider what information would be most relevant in evaluating the situation according to the value hierarchy that is being applied in this situation. Of course, a caution with this is that the teacher not set up prompts that close off certain students' perspectives as legitimate or illegitimate.

To spur self-reflection, it may be helpful for the teacher to provide background material. This can take the form of news articles or videos that provide information about the issue. However, a teacher should carefully consider the risks that attend providing prompts. They can serve to frame the deliberation in a way that may exclude certain perspectives. The prompts can also give students the impression that certain perspectives are acceptable and others are not. If statements or videos are provided as prompts, the teacher must be explicit that students can agree, disagree, or some of both with the prompt. The teacher should also be explicit that the prompts provide a limited set of perspectives on the issue, and that as part of the reflection, students should feel free to consider other perspectives even as they gain clarity on their own perspective.

### *RESEARCH*

After students have had an opportunity to reflect, it may be appropriate to provide students with an opportunity to conduct additional research. The initial self-reflection should have provided students with the opportunity to consider whether they need more information to fully understand and articulate their perspectives on an issue. The need for additional information at this point could arise for multiple reasons. Some students may note that competing values are at play in the situation. In the Tucson situation, it is possible that some students placed a high



value on both patriotism and equality. This may prompt them to ask questions about the content of the course and the motives of the parties involved in the conflict. The student should have the opportunity to gather and process that information prior to having to share his or her perspective with the group. This also models to the student that deliberation may require preparation, and helps students gain the skills to identify questions and resources that are important to deliberation.

Allowing research prior to a debate can either enhance or detract from the potential for equality in the deliberation. If research is seen at this point in terms of gaining ammunition for one's argument to use against others, this can be destructive to the deliberative process. Students must distinguish at this point the difference between preparing for a debate versus preparing for deliberation. At this point, the preparation for deliberation does not involve considering how to respond to the arguments of another. The focus is on ensuring that each student is comfortable with the understanding he has of his position on the issue.

The amount and type of research that can be done in advance varies depending on the deliberation topic and the students. Some questions can only be answered through deliberation. A student who needed more information about the impact of not having the Mexican American Studies classes in Tucson may need to wait until the deliberation to access that information or it may prompt a conversation prior to deliberation that might mimic what happens in civil society prior to deliberation. It will also be the case that students will not know what questions they have until they have engaged in the first deliberation with others.

### *DELIBERATION*



After students have engaged in reflection and research, they are ready to deliberate. The goal of the first round of deliberation is to understand others in the group and to be understood by others. In the first deliberation, students have the opportunity to share their perspective on the issue with others. There is no response given to people's perspectives. Students can ask clarifying questions and for more detail, but direct responses to students' perspectives are not permitted.

Starting with these limits allows students to learn more about the issue and engage in another round of reflection prior to engaging in a deliberative process that has the generation and discussion of potential solutions to the problem as its goal. This learning is important because it can help with equality issues. Students who initially did not know much about the issue can generate additional questions and become more informed prior to the next phase of deliberation. Limiting this part of the deliberation also changes the dynamics of framing the problem. In the initial self-reflection, students are framing the issue from their own moral perspectives. A framing effect happens when "a speaker's emphasis on a subset of potentially relevant considerations causes individuals to focus on these considerations when constructing their opinions" (Druckman, 2001). As other students present their perspectives, the focus of students will be drawn toward certain considerations over others. By providing an opportunity for self-reflection between the initial presentation of perspectives and consideration of solutions, students can be more reflective about the range of relevant considerations with respect to the problem and



be aware of what considerations are most important to them so as to minimize the possibility that certain participants will exert an inordinate amount of power in framing the issue.<sup>8</sup>

It may be valuable for students to engage in this part of the process in smaller groups of four to six students. Small groups may make it more comfortable for students to share, particularly those who are not comfortable speaking in front of large groups. It can be taxing for students who are learning to listen to one another to sit through thirty people sharing their perspectives, and some students may feel as though people who have already spoken have shared their perspectives and that they have nothing to add. It is important that each student have an opportunity to talk about their view and strive to be understood by others in his own words. A teacher can decide when smaller groups will help students do that and when there is a need for larger group discussion.

### *REFLECTION*

After students have shared perspectives, they should be given another opportunity to reflect. This time, the reflection should have students focusing on themselves and others. First, students should reflect on what they heard from others. They should be encouraged to write down their understanding of what others had to say about the issue, particularly those with whom they disagreed. Then, they should reflect on their own perspective once again and ask whether what they heard from others changes anything about their viewpoint. This is in line with the epistemic justification for deliberation. Some potential prompts to spur deliberation at this stage might include:

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<sup>8</sup> Although it is interesting to note that Druckman (2004) finds that deliberation, and deliberation in a heterogeneous group in particular, may reduce the influence of certain types of framing effects.



- What other perspectives on this issue did I hear today? After thinking about what I've heard, do I have any questions about the other perspectives that need to be answered to make sure I understand those perspectives well?
- Were there any values brought up by the other perspectives that I had not considered important before? Do I consider them important now? How would they fit (or not fit) with the values that influence how I view the issue?
- What new information would be important to have to address the issue?
- What do I think the best solution to the problem would be? Why? How might this solution affect others positively and negatively? How do you think people with other views would respond to this solution?
- What perspectives were not represented in the deliberation? Who would be affected by the different perspectives you heard today? Were the voices of those who would be affected present in the classroom? If not, what can be done to bring those perspectives into the deliberation?

These prompts tie to the epistemic justification for deliberative democratic civics education by encouraging students to engage in the folk epistemic process of asserting their reasons and considering the reasons of others. It gives students the time to consider the reasons given by others for a particular position and judge whether their own reasons should change at this time. It also affords them the opportunity to develop what Talisse (2009) would term “epistemic character” by prompting them to give consideration to others and to evaluate what additional information is needed to make a reasoned judgment in the situation.

This round of reflection also asks the students to consider questions of inclusion and representation. Classrooms (and most deliberative forums) cannot include every relevant



perspective on an issue. I agree with Gutmann and Thompson (1996) that in an ideal world, deliberations would include the voices of all affected by a public policy issue. Students should have the opportunity to reflect at this point on the deliberative process itself to determine how well it meets the ideal and what can be done to move the deliberation closer to the idea. This is a topic that the teacher may want to discuss with the class prior to the next deliberation. Students, especially younger students, may not be able to identify the range of affected people. Teachers may need to lead a discussion about this. The teacher should also attempt to be responsive to the discussion, bringing in other voices as possible. Guests could come to the class to engage with the students in deliberation to provide an authentic voice with whom the students could engage. Alternately, the teacher may seek out resources that spark the imagination. Literature, whether fiction or non-fiction, can be used to empathetically present other perspectives (Goodin, 2005; Callen, 2004).

### *DELIBERATION*

After reflection and, if needed, the opportunity to conduct research, students should be given the opportunity to deliberate again. The focus on this deliberation moves to finding and evaluating possible solutions to the issues arising from the moral controversy. As always, protocols may be used to ensure fair participation, and small group brainstorming and sharing may be a beneficial way to ensure that all students have an opportunity to be heard.

Other civics education programs, such as *We the People: The Citizen and the Constitution*, ask students to engage in a similar process of generating solutions to policy problems. What differentiates this process as part of deliberative democratic civics education from the process of brainstorming about solutions that occurs in other action civics curricula is that students are encouraged to consider the implications of policy solutions from their own



moral perspective, but also understand that others may have different perspective. Students may engage in an evaluative process that involves listing pros and cons as part of this deliberation, but there should be an understanding that what one person considers a plus for a solution may be a negative for another student.

Also, students should be encouraged to consider who is burdened and who benefits from a solution. Deliberation involves the individuals considering their own preferences, but engagement with other is important as it is intended to broaden information and perspectives to find potential solutions. This requires students to consider the impacts of policy decision not just on themselves (and other people or groups they might have pre-established reasons to care about), but also to consider the impact of decisions across society. Students will use this information in different ways depending on their value system, but the consideration of impact on others separates deliberation from debate and opinion formation in aggregative systems that do not ask students to consider others.

### *ITERATIONS*

This deliberative process can be iterative, with students engaging in cycles of reflection, research and deliberation that are established by the teacher based on the teacher's goal for the deliberation. The process could include deliberations that incorporate decision-making processes and deliberations about how best to engage the aggregative political system to adopt the solution that was the outcome of their deliberations. In other instances, teachers may engage in one round of deliberations and move to a deliberation concerning a solution. Teachers may have different goals as part of deliberative democratic civics education. At times, the teacher may be helping the students focus on self-reflection. At another time, the goal may be developing a deeper understanding of the qualities of good epistemic actors in deliberation. Another goal may be to



help students think about the deliberative process. The goals that teachers have for deliberation will play a part in determining how many iterations of deliberation are appropriate.

### *FINAL REFLECTION*

Deliberative democratic democracy is distinctive in that it provides students with an opportunity to reflect not only on their own moral perspectives on political issues, but also on the political system and the deliberative process itself. As a starting point, students should consider the deliberative process itself to consider the extent to which it lived up to the ideals of deliberation. The following questions would be useful prompts:

- Did my perspective on this issue change? Why? Did I come to see other values as being important, or did new information help me evaluate the situation in a new way in light of values I had from the beginning? If my perspective changed, what influenced the change?
- Do I feel as though others understood my position as a result of the deliberation? What about my perspective seemed difficult for others to understand? What things did I do to help them understand me better? What questions did others ask of me that helped me explain myself better?
- Were there perspectives shared in the deliberation that you did not understand or that seemed unreasonable? What did you do to try to understand that perspective better? Why did it seem difficult to understand or unreasonable?
- Do I feel like I was heard in the deliberation? Did I feel that everyone's perspective was heard? Were there perspectives that were not represented in the deliberation? What could have been done to include them?



- Were there things that made the deliberation work well (protocol, groupings, amount of time, etc.)? What could make the deliberation better?

These questions serve two functions. First, they engage the student in self-reflection concerning their experiences in the deliberation. They have the opportunity to re-examine their moral perspectives to see how it did or did not change and what factors were involved in the change. It also allows them to reflect on their own participation to see if they were understood or not. This reflection can help prepare students for future deliberations by providing them with information about how they function in a deliberation so that they can identify ways that they can make the deliberative process function better for themselves.

The questions also permit students to reflect on their experiences with this particular deliberation. They can identify what about the deliberation allowed them to feel heard and understood as well as what helped them hear and understand others. It also allows them to identify ways that the process can be improved. Deliberation is not static. Student evaluation of the process can provide valuable information that can be used to improve the deliberative experience the next time. The self-reflection done now can also be used to prepare students for the next deliberation by allowing them to focus on areas of strength and weakness to better participate in the next deliberation.

The second type of reflection that a teacher can have students engage in involves reflection on the political process as a whole. Students can be encouraged to think about how this issue has been addressed by our current political system and compare that to the deliberative process they just experienced. They can examine the positive and negatives of each way of addressing the problem and use this as a starting point to imagine ways in which the political



process might be changed to be more deliberative. This type of reflection would be best paired with more class discussion concerning the political process. Some questions to prompt reflection might include:

- Who were the main actors in the political process in addressing this issue?
- What voices were heard in this process? What factors influenced whether voices were heard or not? What voices were missing?
- What evidence is there that people involved in the political process concerned themselves with how this policy would affect different groups of people?
- Was there a perspective that you did not understand? Did the classroom deliberation help you understand the various perspectives? What information did you gain in deliberation that was not gained from following the political process? What information did the political process provide that helped you with the deliberation?

## A NOTE ON PRIVILEGE AND LISTENING

A significant concern about deliberation is that the deliberative process itself may not benefit those who have not had a voice as much as deliberative theorists might predict (see, e.g., Sanders, 1997; Young, 2001; Shapiro, 1999). These authors point out that as a result of existing power structures, the norms for deliberation itself often exclude and marginalize certain groups of people. This criticism should not be ignored. Chapter 4 included an argument for being expansive in the form that deliberation takes in the classroom. Teachers should use caution in imposing particular norms for argumentation that may silence certain class members who do not have those particular rhetorical skills.



That is only one side of the power equation. Even if people are permitted to communicate in a variety of ways, there is no guarantee that their perspective will be heard and understood by others, particularly privileged others. Listening and understanding takes effort on the part of the listener. Deliberative democratic theory, when it acknowledges this issue and recommends fewer limits on forms of communication, rarely discusses the work that must be done by the listener to understand forms of communication that are unfamiliar. Unlike those who are not privileged who must learn both the norms of the dominant group as well as their own patois, privileged students are not likely to have had need to consider what it takes to listen and understand others whose expression follows different norms.

Deliberative democratic citizenship education must take note of this inequality to ensure that society moves closer to the type of equality that is required for deliberative democracy (Knight & Johnson, 1997). Students of privilege may need specific instruction and skill development that is needed to listen to the voices of others. This serves two purposes. First, it establishes all students as having some degree of epistemic authority. As Janack (1997) points out, epistemic authority “is conferred on persons or groups through social, political, and economic practices, as well as through sexist, racist, and classist assumptions about reliability, intelligence, and sincerity” (p. 130). To counter the effects of deliberative norms that privilege dominant groups, providing direction on how to listen to the voices of others confers legitimacy upon those voices through this social practice in the classroom.

Second, teaching dominant students how to listen to others represents a more equal distribution of burdens and benefits. Traditionally, students who were not part of the dominant group not only had to master the norms of communication of their home communities, but also had to master the norms of communication of the dominant group (Delpit, 1988). By having



dominant students learn how to listen to others, the burdens of democratic communication are not falling solely on the non-dominant students, but are shared. This sharing reflects the deliberative democratic values of reciprocity and mutual respect in that asks students to recognize the potential contributions of all of the students and to take on the responsibility of understanding others instead of expecting everyone to make themselves understood.

## THE ROLE OF THE REFLECTIVE TEACHER

Throughout the process of deliberative democratic civics education, the students are not the only ones who engage in reflection. The teacher also has a responsibility to reflect on what is occurring in the classroom. The teacher is in control of much of what occurs during deliberation, and this control places with her the responsibility for addressing a variety of issues in the classroom, particularly those arising from power differences (see Kadlec & Friedman, 2007). This chapter has identified many decisions that a teacher must make. She must decide how and whether to group students for deliberation, how to address missing voices, how to best ensure that all student voices are included, whether students need additional opportunities for research, how many iterations of deliberation should occur, and what type of discussion to have about the deliberation itself. All of these decisions require a reflective teacher.

As a teacher reflects on those decisions, there are key ideas that she should consider. This is not meant to be an exhaustive list of considerations as each classroom is different, but it provides some guidance. First, she must consider where deliberation fits within the civics curriculum given her teaching environment. This dissertation advocates for a more deliberative democratic civics education, but teachers operate in an environment that is replete with constraints. Deliberative democracy may not fit neatly within curriculum that is mandated to be taught, and the teacher needs to reflect on how deliberation can be included in the curriculum. In



addition, she must reflect on her students and their experiences. The teacher has a relationship with her students that is invaluable and unusual for deliberation. Usually, deliberations are among strangers in contexts that are unfamiliar. The teacher, in contrast, works with students who are forming relationships with one another within an environment over which she has some control. As a result, the deliberative democratic civics teacher should reflect on the ways in which her classroom and the environment that is created there supports or detracts from the deliberative experience.

### *ON TAKING A POSITION*

An additional consideration for teachers is whether the teacher should reveal his or her position in a deliberation. Hess (2009) provides examines of different teachers taking reasoned positions on whether to reveal his or her own position on the topic of deliberation. I agree with Hess that teachers can reasonably come to different conclusions about whether or not to reveal their positions during a deliberation, I urge teachers to consider sharing their positions when asked by students in a deliberation consistent with a form of “committed impartiality” (Kelly, 1986).

Committed impartiality has two commitments. The first is to authentically share one’s belief with the students. The second is to ensure that the perspectives of others receive a fair hearing within the classroom (Kelly, 1986). This is the desired role for teachers because it positions them as models of citizen deliberators. They model the sincerity that they expect from their students in deliberations, and, by seeking to ensure that all perspectives are heard, they model reciprocity and respect.



There is a concern that a teacher revealing his or her perspective on an issue might result in exerting an undue influence in the deliberation. There is some legitimacy to this concern as teachers are authority figures who, in positive classroom environments, are respected by the students. Making the assumption that students will be so easily swayed by teachers conflicts with the assumptions that undergird deliberation. Deliberation assumes the rationality and autonomy of students, or, at the very least, that deliberation is a means to develop these in students. For a teacher to hold back his or her perspective on the grounds of influence infantilizes the students rather than affirms their ability to reflect on the teacher's position and evaluate it from their own moral perspectives.

Having the teacher present her own perspective also allows her to reaffirm some of the tenets of deliberation. By emphasizing that her opinion is only one and that students need to engage with it just as they would engage with the perspectives of their fellow students reaffirms the students' responsibilities and roles as participants in a deliberation. It also does not allow students to see non-engagement or neutrality as an option. There are certainly issues about which a person will care more or less deeply, but there are few issues in a deliberation about which we are entirely neutral because issues that are the subject of deliberation by their nature affect the participants.

## CONCLUSION

There is still a great deal of work to be done to define what deliberative democratic civics education should look like in the classroom. I have provided some considerations for teachers concerning the environment for deliberation, the deliberative process and their role in deliberation. These are intended to be starting points for discussion concerning deliberative democratic civics education. As teachers engage in the practice and research is conducted that



explicitly examines deliberation in the classroom, many more questions will come to light and new perspectives on the process will emerge. The hope is that the information in this chapter provides adequate guidance for teachers and researchers to explore deliberative democratic civics education in their classrooms and generate further guidance and questions about the practice.



## CHAPTER 6 – POLICY CHALLENGES AND THE FUTURE OF DELIBERATIVE DEMOCRATIC CIVICS EDUCATION

The students in Tucson who fought for the continuation of the Mexican American Studies program deserved not only the experiences of the Mexican American Studies Program, but also a deliberative democratic civics education that would have further facilitated their political actions to save the course and to provide ways to reflect upon their experience with the political system. A lesson that Tucson provides, however, is that getting deliberative democratic civics education widely implemented in classrooms is likely to be challenging and controversial. Chapter 3 addressed the problems that are likely to attend deliberative democratic civics education because of the way it brings controversial issues into the classroom. That is not the only challenge to the implementation of deliberative democratic civics education.

There are significant policy challenges that must be confronted if deliberative democratic civics education is to impact civics classrooms. These range from lack of diversity in classrooms to the challenges of teacher training and support. This chapter identifies some policy issues that must be considered if deliberative democratic civics education is to be implemented well. These challenges are not insurmountable, and there is hope for the growth of deliberative democratic civics education. The chapter concludes by identifying directions for further research and revisits Tucson to point toward a positive future.

### POLICIES AFFECTING DIVERSITY

Deliberative democratic civics education requires classrooms to reflect a diversity of voices if deliberation is to be effective. Although Hess's (2009) work on controversial issues indicates that many classrooms that might appear to lack diversity contain adequate diversity for



quality discussions of controversial issues, this does not lessen the importance of encountering diversity as part of a deliberative democratic civics education. From an epistemic perspective, the resources available to students as they seek to refine their moral perspectives and find solutions to moral controversies are reduced to the extent that classrooms lack diversity. Additionally, as a matter of reciprocity and respect for autonomy, it is important that diverse voices be represented in deliberations that occur in civics classrooms. Classrooms that are not diverse necessarily exclude voices and do not honor their place at the political table. In this section, I examine the state of diversity in the classroom, identify policies that may affect diversity and address potential solutions to this issue.

### *DIVERSITY IN THE CLASSROOM*

There are a range of characteristics that mark the diversity of moral beliefs that need to be represented for successful deliberative democratic civics education. Religious beliefs, gender, sexual orientation, community context and political beliefs are all aspects of diversity that can contribute significantly to the diversity of moral beliefs that students bring to deliberation. For the purposes of this discussion, I focus on race for two reasons. First, it is a significant marker of diversity of opinions and experiences that are likely to translate into different moral perspectives on political issues. Second, due to the continuing effects of segregation, there is a significant body of scholarly work addressing racial diversity in the schools and how certain policies such as school choice and charter schools affect school diversity.

Racial diversity among students overall is increasing. The percentage of white students in schools has been in steady decline with rapid increases in Latino/a and Asian students (Orfield, Kucsera & Siegel-Hawley, 2012). This increase in diversity presents both an opportunity and a challenge. It is an opportunity as public schools become potential sites where the diversity of our



society can be addressed. Since Horace Mann's vision for the common school, schools have often been seen as a site for equality and as a place where America's diverse population would come together. That opportunity still exists. The enrollment of public schools largely reflects the diverse population of the country. This diversity highlights the potential of deliberative democratic civics education in schools. Schools can still serve as a place where students can be exposed to the diversity that exists in America.

Unfortunately, diversity is not the issue. Segregation is. As the diversity of students has increased, so has the racial segregation of students. Since the early 1990s, the trend has been toward increasing segregation in school by race. Data from 2009-2010 show that 15.5% of Black students and 14.1% of Latino students attend schools that are extremely racially homogenous, with 99-100% of the population of those schools being of one race (Orfield, Kucsera & Siegel-Hawley, 2012). Although White and Black students are increasingly exposed to Latino students because of demographic trends, Latino students' exposure to white students has been declining (Orfield, Kucsera & Siegel-Hawley, 2012). Diversity is increasing, but segregation trends show that this diversity is not well-reflected in schools and classrooms. Impoverished deliberation and impoverished outcomes from deliberative democratic civics education can be expected unless policy actions are taken to address ongoing segregation.

#### *SCHOOL CHOICE, CHARTER SCHOOLS AND VOUCHERS*

School choice, charter schools and vouchers have been tagged both as potential contributors to racial segregation and as a solution to segregation. These three policies are grouped together because they all aim at providing parents with greater authority to choose their child's school. Scholars who believe that these mechanisms have the potential to mitigate segregation point to research that indicates that race is not a significant factor when parents



choose schools, and that academic quality is the main concern that parents report when choosing a school (see, e.g., Tedin & Weiher, 2004; Teske & Schneider, 2001). There is an argument that segregation should decrease as a result of school choice because the segregation that results from the interaction between residential segregation and school boundaries will be reduced and, if race is not an overriding factor in school choice, parents making choices based on academic quality instead of race should result in less segregation.

That argument cannot be sustained. Studies such as those by Tedin & Weiher (2004) and Teske & Schneider (2001) indicate that although parents claim that they use academic quality as the main factor in school choice, that their behaviors are sometimes contradictory. Schneider & Buckley (2002) analyzed what information parents accessed on a school choice website and found that demographic information and maps showing school location were accessed more than test scores, academic programs or teacher quality. Other scholars provide theoretical underpinnings for why racial segregation is likely to be an outcome of increased school choice (see, e.g., Sikkink & Emerson, 2008; Renzulli & Evans, 2005). Segregation by race has been associated with school choice programs (see, e.g., Howe, Eisenhart & Betebenner, 2002; Jacobs, 2011; Garcia, 2008), but segregation is not universally associated with school choice.

The reason segregation is not universally associated with school choice programs is because school choice programs can structure the choices parents have in ways that influence how parents make choices (Moe, 2008). Research is clear that unregulated school choice is likely to segregate students by race (Smith, 2005). Additional research suggests that unregulated voucher programs would also significantly increase racial segregation (Brunner, Imazeki & Ross, 2010).



Given that school choice is likely to remain a staple of efforts at educational reform, serious consideration must be given to how school choice programs should be structured if the diversity that deliberative democratic civics education requires is to be achieved in classrooms. When polled, Americans support the concept of integration in schools (Frankenberg & Jacobsen, 2010). This must be leveraged to structure school choice programs in ways that encourage diversity rather than segregation.

There are several structures to school choice that can promote integration. A key issue in choice structure is the provision of information to parents. Information can be hard to come by in school choice systems, and parents have differential access to this information (Teske & Schneider, 2001). Making relevant information about school choice accessible in multiple languages and in accessible formats can ensure that school choice is less likely to result in segregation.

Provision of transportation and recruitment procedures are also factors in the structure of school choice that can ease or exacerbate the segregative tendencies of school choice. State laws currently vary about whether charters must address transportation issues (Frankenberg, Siegel-Hawley & Wang, 2010). If charters do not address transportation issues, parents who are unable to provide transportation are limited in choice with the potential result being greater segregation. In addition, the degree to which schools recruit a diverse student body can impact segregation. Garcia (2008) suggests that the recruitment and targeting of certain groups by high school charters may explain the decreased segregation of secondary charter schools in Arizona when compared with elementary schools.



There are additional ways that school choice systems can provide incentives to create the diversity that would benefit deliberative democratic civics education. Liu & Taylor (2005) suggest providing financial incentives to schools that attract a diverse student body with the hopes of encouraging outreach to underrepresented groups. Others call for the federal government to tie its advancement of school choice with civil rights provisions that provide explicit guidance to charter schools concerning many of the issues addressed above such as requiring the provision of transportation (Frankenberg, Siegel-Hawley & Wang, 2010). Race to the Top could also be modified to provide additional points to states that demonstrate a commitment to diversity in school choice through favoring magnet schools that have diversity as a goal over charter schools with no diversity commitments.

The segregative effect of school choice programs must be carefully considered to maintain the diversity needed for deliberative democratic civics education. None of the provisions above guarantee that school choice can be structured in a way to promote diversity over segregation. An examination of the District of Columbia's choice program, which includes multiple provisions to combat segregation such as the provision of transportation and easily accessible information, indicates that the choice system exacerbated segregation in spite of a structure designed to combat it (Jacobs, 2011). Additionally, local efforts by school districts to encourage diversity as part of their school choice programs have been struck down by the courts (*Parents Involved in Community Schools v. Seattle School District No. 1*, 2007). All of this also says nothing of the segregation that can occur within schools through tracking (Hallinan, 1994; Kalogrides & Loeb, 2012). For deliberative democratic civics education to be effective, policymakers and school officials must attend to how school choice impacts the diversity that is possible within classrooms.



School choice systems have the potential to threaten the diversity that deliberative democratic civic education demands. The entrenched nature of school choice across political parties makes it unlikely that school choice will be eliminated. Deliberative democratic civics education asks policy makers to be mindful of how school choice is structured so that the segregative effects are minimized. In addition, in the same way that incentives are used to encourage states and schools to adopt particular reforms through programs like Race to the Top, incentives should be provided to schools and states that adopt policies that foster diversity.

## THE ISSUE OF THE INTERNET

Deliberative democratic civics education, like education generally, will be dramatically affected by the internet. The internet has been viewed as a potential way to counteract waning civic involvement among youth. Its potential as a tool in deliberative democracy generally has been weighed, but the future is uncertain (see, e.g., Halpern & Gibbs, 2013; Coleman & Moss, 2012). In this section, I will examine the impact of the internet on deliberative democratic civics education and raise issues that educators and policy makers should consider when creating an environment conducive to deliberative democratic civics education.

## *THE POTENTIAL TO OVERCOME SEGREGATION*

The internet provides a possible solution for the problem of segregation discussed above. If the internet can be leveraged to connect students across schools and classrooms in deliberation, then the daunting issue of the segregation of schools can be addressed without having to engage in the difficult work of integration. The potential of the internet as a solution to segregation depends on whether successful deliberation can be done using the internet. As outlined below, this is an area where more research is needed.



Online forums for deliberation vary widely in the quality of deliberation that occurs, and the structure of the deliberative space affects the quality of the deliberation. Janssen & Kies (2005) examined studies of a number of online deliberative forums and concluded that asynchronous deliberative spaces where exchanges did not occur in real time promoted higher quality deliberation. This underscores the important role that reflection plays in deliberation, and having asynchronous exchanges may encourage a norm of reflectiveness when students deliberate.

In addition, the presence of a moderator and the ability to be anonymous could have either positive or negative effects on deliberation quality (Janssen & Kies, 2005). This points to two important issues to consider when addressing using the internet to facilitate deliberation in schools. First, the role that the teacher plays as moderator is important. While classroom culture has been studied extensively, there is no research addressing what teachers should do to create an on-line environment that is conducive to deliberation. I speculate that such an environment may be facilitated by following the order outlined in Chapter 5 for deliberation to ensure that students have opportunities to be heard by one another and reflect prior to formulating responses and evaluating solutions. Besides actions that a teacher might take in the classroom context such as addressing inappropriate contributions, such as those that are disrespectful of others, and ensuring equal access to the forum, there is little guidance on what other actions teachers as moderators can take to create an environment conducive to deliberation.

The second issue this raises is the question of whether the anonymity that students could have through the use of the internet would be advantageous or detrimental to deliberative democratic civics education. Anonymity can prevent irrelevant factors from being used to evaluate contributions to deliberation (Buchstein, 1997), and it can embolden participation by



those who may have felt powerless or coerced because of their identity. In spite of these potential positives, anonymity in an on-line setting does not have a place in deliberative democratic civics education. Deliberative democratic civics education asks students for sincerity, and this should include sincerity about their identities. Deliberative democracy calls for reciprocity and respect. Anonymity does not allow students to develop respect for people because moral perspectives are not actually associated with identifiable people. In an online environment that respected anonymity, students could at most learn to show respect for other people's opinions, but what would be lacking is respect for the person himself or herself. The importance of the development of this personal respect should not be ignored.

As the ability to use video to facilitate deliberation increases and assuming that online identities continue to grow in importance, many of the issues with deliberation and the internet will be reduced, but continued research and attention will be warranted concerning how the use of technology affects deliberation. Issues of equality may take on a new cast as classrooms may have different access to technology and sustained examination will be needed concerning the way that online and face-to-face deliberations bear similarities and differences.

## THE CHALLENGES OF TEACHER EDUCATION

If deliberative democratic civics education is to become a reality, teacher education and the policies surrounding teacher education must adjust to provide support and incentives to prepare teachers to implement this type of education in their classrooms. Although the democratic functions of schools have long been recognized, it has also been long lamented that teacher preparation pays little attention to preparing teachers for as participants in institutions that are critical in the formation of citizens (Giroux & McLaren, 1986). In recent years, teacher education programs have encountered pressures from the advent of standardized testing and



accountability that are similar to those experienced by school districts, and the results are similar. Christine Sleeter (2008) describes how these pressures have transformed teacher education into the production of technicians with preparation focused on providing the tools to raise test scores. This lack of focus on preparing teachers for their roles in schools as democratic institutions is also evident in the National Council for Accreditation of Teacher Education standards for teacher education programs. Although those standards include important guidelines addressing diversity and multiculturalism that are crucial for democracy, the guidelines are silent about teacher education programs training teachers to create democratic spaces and prepare their students for democratic life (NCATE, 2008).

The guidelines for programs preparing teachers for social studies fare better. The NCATE standards provide that elementary social studies teachers should “promote elementary students’ abilities to make informed decisions as citizens of a culturally diverse democratic society and interdependent world” (NCATE, 2008, p. 54) and that secondary social studies programs must prepare teachers to “understand the meaning, origins and continuing influence of key ideals of the democratic republic government” and “create opportunities for students to identify and evaluate information about public policy, citizenship, and public opinion” (p. 72). The secondary standards also incorporate the National Council for Social Studies Social Studies Program Standards (NCSS, 2002), which provides some additional emphasis on preparing teachers for a democratic classroom. Even with the additional emphasis for social studies teachers, the national standards do not ask that teacher education programs prepare teachers to think about the role that their school and classroom plays in preparing their students for democracy.<sup>9</sup>

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<sup>9</sup> It should be noted that the situation is better in some states. For example, in Colorado’s regulation of teacher education programs includes a standard that requires programs to ensure



Given the lack of emphasis on democracy generally in teacher education programs and the rise of alternative licensure, incorporating teacher preparation for deliberative democratic civics education into teacher education programs will be a challenge. This does not mean that it cannot be done. Stitzlein (2010) highlights how some teacher education programs are beginning to address deliberative democratic civics education. Those programs point to practical ways that teachers can be prepared for deliberative democratic civics education.

One of the key ways to incorporate this training is through social foundations of education courses. These courses raise enduring questions arising from different moral perspectives on the purpose and reach of education. The existence of moral conflict surrounding those questions makes those classes ideal sites for introducing pre-service teachers to deliberative democratic ideals and the practice of deliberation. Social foundations courses also provide a context within which to have a discussion about the democratic purposes of education (including debates around what those purposes are).

Social studies methods courses can be used to provide further training in deliberative democratic ideals. Teachers do not routinely incorporate deliberation (or even discussion or debate) into social studies classrooms, relying much more on lecture and textbooks (see, e.g., Bolinger & Warren, 2007). These methods courses are the key site for introducing social studies teachers to the pedagogy of deliberative democratic civics education. It is also another site where teachers can experience and reflect on the deliberative process.

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that teachers “recognize the school’s role in teaching and perpetuating our democratic system.” Teacher must also be able to “model and articulate the democratic ideal to students, including . . . the school’s role in developing productive citizens [and] the school’s role in teaching and perpetuating the principles of a democratic republic” (Colorado Regs. 2260.5-R-5.08). This is an exception, and not the norm for most teacher education programs.



Alfaro (2008) and James (2012) provide examples of strategies for incorporating deliberation into elementary social studies methods classes, and they also point to additional important steps that teacher preparation programs must take to prepare teachers to provide deliberative democratic civics education. James (2012) highlights the resistance that some pre-service teachers will bring to the idea of deliberation and deliberative democracy. Social studies methods classes can be a site where students are exposed to the folk epistemological justification for deliberative democratic civics education. This exposure accompanied by opportunities to deliberate and reflect should help pre-service teachers better understand deliberative democracy and what is required to engage a class in the process.

Alfaro's (2008) work points to the importance of helping pre-service teachers incorporate deliberative democracy into their field experiences as well as the work that teacher education programs must do to facilitate that. Because field sites are unlikely to be engaging in deliberative work and may be wary of the controversial issues that deliberative democratic civics education would introduce into the classroom, teacher education programs must prepare supervising teachers and their administrators for the activities that pre-service teachers will be doing. Teacher education programs must also be cognizant of selecting sites for field experiences that create the type of classroom and building climate that is conducive to deliberation. Because pre-service teachers have limited time and ability to create the classroom context and mores that are important for deliberation, teacher education programs should seek sites that model how the environment of respect, reciprocity and equality is created, even if deliberation is not occurring.

#### SCHOOL DISTRICT POLICIES CONCERNING DELIBERATION AND CONTROVERSIAL ISSUES

The work that teacher education programs must do with school districts to support the training of teachers for deliberative democratic civics education can be facilitated by school



district policies that support the use of controversial issues in the classroom. A survey of the policies of local school districts indicates a range of positions that districts are currently taking, each with different consequences for deliberative democratic civics education. It is not uncommon for a schools district to have no policy regarding controversial issues, and other policies range from supportive to cautious.

Some district policies clearly indicate that controversial issues are an important part of civic education and, as such, provide support for teachers who wish to implement deliberative democratic civics education. Consider this local district's policy on controversial issues:

Controversy arising from such differences [in underlying values, beliefs, and interests] is inherent in a pluralistic society. An important function of public education is to provide students with an understanding of how controversial issues are dealt with in a democracy. This includes the opportunity to learn about the issues, problems, and concerns of contemporary society, to form opinions, and to participate in discussion of these issues and expression of opinion in the classroom. (Jeffco Public Schools, 2011)

The language of this policy is typical of those supporting the use of controversial issues in the classroom and indicates to teachers a willingness on the part of the district to back the appropriate use of controversial issues against community or parent objections.

As a contrast, consider the following policy:



Administrators and teachers shall admit controversial issues to the school program only when the problems are obviously real and understandable to the students and when they are relevant to the established curriculum for the grade and subject of the class. (Denver Public Schools, 2011)

The wording of this policy, which allows admittance of controversial issues only in certain instances, is likely to give teachers pause when they are considering discussing controversial issues in the civics classroom. Teachers are likely to be confident of the district's support for controversial issues only if they are part of the prescribed curriculum, and even then, the policy does not communicate that the schools board considers controversial issues as crucial to civics education.

School board policies that are supportive of controversial issues can provide an atmosphere of support for deliberative democratic civics education for teachers and a foundation to build on for teacher education programs that are working toward training teachers in those districts' classrooms to implement deliberation in the classroom. Conversations about these policies can also serve to communicate to administrators and the public about why controversial issues and deliberation are important for civics education.

## STANDARDS, ACCOUNTABILITY AND THE TESTING OF DELIBERATION

School boards are likely to be more supportive of deliberative democratic civics education if national and state standards call for a more deliberative democratic civics education. As Chapter 1 illustrated, the current standards are not explicitly supportive of deliberative democratic civics education. Modifying these standards to include deliberation would push both



school districts and teacher education programs to include deliberative democratic civics education as part of the curriculum.

Standards have an important relationship with accountability, and it is important to address the double-edged sword that that relationship presents. Standards may bring deliberation into the classroom, but it does not ensure that class time will be devoted to meeting those standards. Particularly in the field of social studies, the amount of time devoted to social studies is related to whether or not the accountability regime requires testing in social studies. As accountability has increased over the last 20 years, the time devoted to social studies has declined, with the greatest decline in time seen in districts that are identified in accountability regimes as needing improvement (McMurrer, 2007). As of 2007, social studies is the least assessed of the four core subjects (English/language arts, math, science and social studies), as only 19 states required standardized testing in social studies (Snyder & Dillow, 2012). Because of the lack of emphasis that social studies receives in standardized testing, the National Council for the Social Studies (2007) issued a position statement advocating that social studies be included as a core subject in No Child Left Behind and included in the requirements that states collect performance data on social studies.

Including social studies education in a testing and accountability regime would make it more likely that schools and schools districts would devote time and resources to the subject (and therefore to deliberative democratic civics education), but it also has significant drawbacks because of the influence accountability regimes exert on teaching practices. Research indicates that the student-centered pedagogy and the content of deliberative democratic civics education are pushed out by standardized testing. A meta-analysis of studies examining the effects of high stakes testing on curriculum found that “the evidence . . . strongly suggests that as teachers



negotiate high-stakes testing educational environments, the tests have the predominant effect of narrowing curricular content to those subjects included in the tests, resulting in the increased fragmentation of knowledge forms into bits and pieces learned for the sake of the tests themselves, and compelling teachers to use more lecture-based, teacher-centered pedagogies” (Au, 2007, p. 264). Similarly, teachers were less willing to include controversial issues as part of the curriculum in an environment of high stakes testing (Journell, 2010).

Part of this dilemma could be addressed by including deliberative democratic civics education and the pedagogy associated with it explicitly in standards and testing. This is both unlikely and challenging. The type of learning that deliberative democratic civics education encourages is difficult and expensive to measure. The research of Diana Hess (2009) illustrates the some, but not all of the tensions associated with assessing deliberative activities. Teachers face trade-offs between authenticity and accountability. For some teachers, formally assessing students’ participation in discussions by rewarding certain types of participation and actions on the parts of the students communicated to the students the importance and value of their participation and reinforced particular norms of participation. Another teacher refused to grade participation noting that students participate in varied ways and that requiring a certain amount or type of participation would inevitably distort the authenticity of student exchanges.

These trade-offs are made more stark when considering assessing students in deliberative democratic civics education. Chapter 4 highlighted the importance of permitting a wide range of communicative modes within deliberation as a matter of equity. Typical assessment schemes tend to formalize modes of participation in ways that do not welcome alternative modes of communication. It is this formalization of participation that concerns those who are concerned about the potential of deliberation to exclude people (see, e.g., Young, 2001). For this reason, I



do not advocate formal assessment of deliberation. The risk of communicating the message of exclusion is too high to risk.

This does not mean that assessment is not important. Informal assessment by the teacher and self-assessment by students are crucial. The teacher has a responsibility to provide feedback to students about their participation and engagement. This effectively communicates to students about the importance of their engagement with deliberation while recognizing that student participation will necessarily be variable both in quantity, type and quality depending on factors such as the student's familiarity and interest in the topic, what the student has learned in other contexts about how and what to communicate about the topic and the immediate context in which the deliberation occurs. Teachers do need to provide feedback to ensure that respect, reciprocity and equality are characteristics of student participation. The teacher's feedback should be dialogical with the students. The teacher is necessarily interpreting the students' participation (and non-participation) in the deliberations. The teacher needs to provide students an opportunity to respond to her observations and interpretations to avoid misinterpretation and misassessment.

Student self-reflections provide an important resource for the teacher when engaging in assessment and provide a starting point for dialogical feedback. As students provide evidence of self-reflection to the teacher, the teacher can examine those artifacts to better understand whether the student has been engaging with the process, what has been motivating the student's participation and what type of growth is occurring. Through engaging in dialogue with the student through the student's self-reflection, the teacher can provide feedback that encourages growth (whatever it looks like for that student) while also growing the teacher's understanding of deliberation.



The informal assessment of deliberation presents challenges as it is not able to be standardized, and it does not permit the sorting of students through comparison against a standard for growth. The accountability movement requires that there are standards against which students can be measured and then categorized. It allows for areas in need of improvement to be identified and targeted permitting efficient use of the limited resources allotted for education. Not assessing deliberative democratic civics education by formal and standardized methods means that ensuring adequate attention in time and resources for deliberative democratic civics education will need to rely on means other its inclusion in standards, testing and accountability regimes.

There is no denying that this poses a particularly daunting challenge in an environment where the civic function of schools is viewed as less and less important. The growing links between corporations and education and the emphasis on education as vocational preparation pushes toward the continued de-emphasis of civics generally in schools, much less deliberative democratic civics education. There is hope. The dispositions and skills that are fostered through deliberative democratic civics education are not just valuable in civic life. The self-awareness, communication abilities, ability to cooperate with others in seeking solutions, and the ability to respect and listen respectfully to others, particularly those who are different, are valuable vocationally. Although the civic rationale should be sufficient, gaining support from the business community can be valuable. This was evidenced in *Grutter v. Bolinger* (2003), a Supreme Court case that affirmed the use of affirmative action in higher education. The court cited amicus briefs that were filed by corporations and the military in favor of affirmative action as providing important non-governmental rationales for affirmative action. Deliberative democratic civics



education may need similar broad-based support for it to become a reality in the current educational climate of testing and accountability.

## AGE AND DELIBERATION

Before discussing avenues for further research, I want to address a set of concerns related to both public policy and the need for additional research. Those concerns relate to the question of age and deliberation. A limited number of studies have examined deliberative democracy at the elementary school level (Tammi, 2013; Beck, 2012; Upadhyay & Albrecht, 2011; Alfaro, 2008) and the high school level (McDevitt & Kioussis, 2006; Luskin, Fishkin, Malhotra & Siu, 2007). None of these studies have considered questions concerning age and the development of children. What those studies indicate is that deliberative democratic activities can be effective at a variety of age levels, but they leave significant questions unanswered.

The first question that must be addressed is at what age students possess the capacity to engage in various aspects of the deliberative process. The answers to these questions about age are connected to research about how the field of psychology understands moral reasoning (see, Bergman, 2002, for an example of how the development of moral reasoning might be conceptualized) and how those understandings might map onto the description of moral reasoning provided by folk epistemology. Although these issues are beyond the scope of this dissertation, they are important to developing an understanding of how deliberative democratic civics education can and should look at various age levels.

The discussion of autonomy also raises questions about at what age children could and should be considered autonomous. This question is connected to the questions in the previous paragraph about the moral development of children, but it also has a public policy component. Regardless of how research answers the question concerning when children can exercise the



degree of autonomy in moral reasoning that deliberation requires, that does not answer at what point students should be exposed to moral controversy in a way that emphasizes their autonomy. Another way of stating this point is that, although children may have reached the point of engaging in autonomous moral reasoning, parents may want to maintain a greater degree of control over the moral perspectives with which their children are expected to engage to ensure that they can enjoy some of the benefits of being a parent that come from passing on aspects of oneself to a child (see Brighouse, 2000, for a discussion of the tension between the rights of parents to inculcate values and autonomy). Although deliberative democratic civics education requires that students be treated as autonomous moral beings who engage in moral reasoning, it does not provide a neat solution to the question of at what age these deliberations should occur. Rather, it suggests that deliberation is required around these questions to address the question of age-appropriateness of certain aspects of deliberative democratic civics education.

## FUTURE RESEARCH DIRECTIONS

Given that this is the initial conceptualization and defense of a deliberative democratic civics education, there is much additional research to be done to aid in refining the theory and understanding how it plays out in classrooms. This description of deliberative democratic civics education is not intended to serve as the definitive description of the practice, but rather to initiate a conversation about what a different civics education that is more grounded in deliberative democracy might look like. There are certain to be challenges to the justifications provided here for the practice as well as challenges to my initial description of what deliberative democratic education should look like in the classroom. These theoretical conversations will serve to further refine the how deliberative democratic political theory might influence civics classrooms.



This work calls for a number of empirical studies to better understand how deliberative democratic civics education plays out in the classrooms. The classroom environment of equality, respect and reciprocity is important to the deliberative process, and ecological studies of the classrooms that foster those qualities will be very important to deliberative democratic civics education. Ecological studies recognize the complexity of the classroom and the many factors that may contribute and detract from the development of a classroom climate that is conducive to deliberation. Nystrand, Gamoran & Carbonaro (1998) provide an example of this type of work in their examination of how classroom discourse impacted writing across English and social studies classes. Because the classroom dynamics for deliberation are determined not just in the moments of deliberation, but through the classroom practices and discourses over time, such studies are important to better understand what is required to create a classroom that creates an appropriate environment for deliberation.

Armed with that understanding, research also needs to be done into the process of deliberation itself. This dissertation has introduced the importance of self-reflection to deliberation, and research is needed to determine the best ways to encourage students to engage in self-reflection. In addition, research indicates that, at least for adults, self-reflection is important for moral learning (Mezirow, 1997; King & Kitchener, 2004), but this research has not been extended to youth. Similar research on the impact and ability of adolescents to engage in effective self-reflection is important to building understanding of the deliberative process. Similarly, there are many questions generally about the age-appropriateness of deliberation that need to be answered. The insight moral psychology provides concerning the development of moral reasoning indicates that certain processes for deliberation and certain issues that serve as the focus of deliberation might be appropriate depending on the age of the child. Leicester &



Pearce (1997) argue that there are certain aspects of moral education that can *only* be acquired in adulthood. Further research is needed to determine the ways in which the deliberative process can be best structured so that it is developmentally appropriate.

In addition to work on self-reflection and developmental appropriateness, research in the deliberative process also needs to focus on how protocols for deliberation affect the student experience with deliberation and the outcomes of those deliberations. Protocols for deliberation can provide the support that novice teachers need to engage in deliberation in their classrooms. Alfaro (2008) used the National Issues Forum protocol to support pre-service elementary teachers' implementation of deliberation. Using various protocols come with costs and benefits. Structuring discussion inevitably privileges certain practices to the exclusion of others and may have exclusionary effects. These need to be studied so that practitioners can better understand the impact of protocol on deliberation in the classroom.

The resistance that deliberative democratic civics education might face also points to two other lines of research that should be done. First, the current environment of accountability calls for research to determine the impact of deliberative democratic civics education on more traditional civics outcomes. Most studies of deliberation outside of the classroom have investigated these traditional outcomes, such as knowledge of political issues, sense of political efficacy, and likelihood of continued political participation. Similar work needs to be done with deliberation in the classroom as another means of supporting its use in the classroom.

Second, research needs to be done on how to involve parents in deliberative democratic civics education and gain their support. The controversial nature of the issues addressed in deliberations means that some parents are likely to see deliberative democratic civics education as an intrusion into the traditional institutional role of the family. The arguments in Chapter 3 are



intended to address some of these concerns, but research is needed to determine how deliberative democratic civics education spills over into the home. McDevitt & Kiouisis (2006) have shown how deliberative-like classroom activities resulted in increased political conversations in families, but the deliberative activities in that studies did not address a controversial issue. Additional research needs to be done to determine how deliberation in the classroom affects the dynamics of moral conversations in the home. With this information, educators can begin developing ways of working with families so that deliberative democratic civics education is supported by both home and school.

Finally, the teacher education process needs to be researched to determine how best to prepare teachers to engage their classrooms in deliberative democratic civics education. As discussed above, much work needs to be done at a policy level to aid in the preparation of teachers. In addition to that work, research needs to be done on how best to prepare teachers to engage their classrooms in deliberation. Not all pre-service teachers will be amenable to deliberation (James, 2012), and research is needed on how to best address that resistance. Even for those teachers amenable to deliberation, work needs to be done to determine the best practices for training teachers not just as skilled facilitators of deliberation, but on how their classroom as a whole is teaching students about democracy.

## CONCLUSION

Perhaps the fallout from Dolores Huerta's words at Tucson Magnet High School would have been different in the context of a more deliberative democratic political system. If the legislators and the political system encouraged and facilitated speaking to one another rather than creating an environment of mistrust, the Mexican American Studies Program might have continued. Some scholars argue that the most of the citizenry has become content with marginal



involvement in the political system, but those scholars also point out that education provides the best opportunity to create change (Hibbing & Theiss-Morse, 2002). The incident in Tucson highlights the need for work to be done to create a political system that facilitates deliberative engagement.

In this dissertation, I have argued for the importance of deliberative democratic civics education, but the situation in Tucson reminds us that we must also consider the place that it should have in civics education. The students in Tucson walked into a political environment that reflected aggregative democracy. In spite of its shortcomings, some aspects of aggregative democracy and the civics education that accompanies it cannot be ignored. Students still must learn about the structure and institutions of government. They must understand the status quo. What this dissertation has argued is that understanding the status quo is not enough. Deliberative democratic civics education provides students with a democratic forum within which to critique the current system together with the opportunity to imagine democracy differently.

As students learn the ideals of deliberative democracy, they also need to learn about the ways in which the system fails to meet those ideals. When thinking about the students in Tucson and the political situation they faced, one cannot help but know that teaching students how to deliberate and about the current system works is still not enough. Deliberative democratic civics education needs to include the opportunity for students to think about how to respond to the existing political system in a way consistent with deliberative ideals given that the political system that does not always embody the deliberative ideals of reciprocity and respect. Students may have to consider ways in which their actions may need to deviate from deliberative norms depending on the degree of adversity of the political circumstances (Fung, 2005).



The students in Tucson showed that they received some of this education in their responses to the legislators. The students and teachers in the program began by responding to legislators in ways consistent with deliberative ideals – through inviting them into conversation. However, as the students experienced an environment that pointed to a lack of reciprocity and respect, they engaged in actions, such as a sit-in, that deviated from deliberative ideals in order to demand equality, reciprocity and respect. Their actions illustrate the importance of connecting deliberative democratic civics education to history to ensure that students will have the ability to face an existing political system that may be hostile to deliberation.

The students may have lost the battle when the Mexican American Studies Program was disbanded, but they can take heart that the war is not over. Another political institution has been mobilized in the political wrangling. Tucson Unified School District is under a court order relating to past segregation in the district, and for several years the district has been attempting to meet the requirements to get out from under the order by attaining “unitary” status, the term that is used to describe a district that has successfully remedied past discrimination. In the latest Proposed Unitary Status Plan approved by a United States District Court judge in February, 2013, the school district must provide “socially and culturally relevant curriculum, including courses of instruction centered on the experiences and perspectives of African American and Latino communities” (p. 32). Tucson Unified School District had initially opposed the inclusion of that language in the plan, but eventually dropped its objection in the face of continued community pressure. When the school district no longer stood as a barrier to that provision, the State of Arizona filed to intervene in the case claiming that the proposed plan would result in the creation of courses that violate A.R.S. Sec. 15-112, the law that resulted in the end of the Mexican American Studies Program. The court denied the state’s motion to intervene. As a



result, the order will require Tucson Unified School District to create courses that comply with the plan, and the State can only review them for violation of state law once they are implemented. This creates an opportunity for the program to be restored.

Democracy is functioning through aggregative democratic institutions, and the students of Tucson are receiving lessons about how to engage with these institutions. The question of whether the system can do better remains. Civics education as it currently exists does not provide the opportunity for students to ask that question. Incorporating deliberative democratic civics education into the curriculum gives students the chance to imagine a different way. Don't the students deserve this?



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