Deliberative Democracy in Practice

Edited by David Kahane, Daniel Weinstock,
Dominique Leydet, and Melissa Williams

Deliberative Democracy in Practice

21 20 19 18 17 16 15 14 13 12 11 10   5 4 3 2 1

Printed in Canada with vegetable-based inks on FSC-certified ancient-forest-free paper (100% post-consumer recycled) that is processed chlorine- and acid-free.

Contents

Introduction

Daniel Weinstock and David Kahane

Deliberative democracy has emerged in recent years as one of the dominant research paradigms in normative political philosophy. Many contemporary political theorists claim to be deliberative democrats, yet there are vast areas of disagreement among them. Despite their differences, deliberative democrats are united in their commitment to two general theses: (1) *A thesis about democracy:* that democracy should be understood as the exchange of reasons rather than merely as the confrontation of contending interests; (2) *a thesis about liberal democracy:* that the justification of policies in liberal democracies should be more democratic. These two theses are pitched at a high level of generality. Our first order of business will therefore be to unpack them.

Deliberative Democracy as Democracy

North American political science has long been dominated by what has come to be called the "pluralist" account of democratic politics. On this view, democratic politics is principally about the attempts by interest groups to place pressure on political elites in order to realize their interests to the greatest degree possible (Dahl 1998; see Cunningham 2001). This model is distinguished from deliberative democracy by three main features.

1   Democracy is perceived as a *causal* rather than a *rational* process. Different groups use what force they can muster and attempt to apply it as efficiently as possible to the appropriate institutional levers. Policy outcomes are thought not to emerge, at their best, from an impartial point of view but as the mechanical result of contending forces.
2   The interests brought to bear in the democratic arena are *pre-politically formed.* We come to the democratic table with a clear and complete conception of what our interests are, and these interests are formed in abstraction from the interests of others. No attempt is made by citizens or by those who represent their interests to think about policy from the perspective of the general will. The general will, rather, is conceived as

the unintended consequence of the confrontation of rival interest groups.

3   Democratic politics is thought of as driven by elites. Citizens engage in the democratic process by applying pressure on elites rather than by themselves engaging in the decision-making process.

Against this dominant, pluralist view, deliberative democrats have urged that democracy be thought of as crucially involving the exchange of reasons. Participants in the democratic process should aim at a result that reflects not the balance of contending forces and political skills but the force of the better argument (Cohen 1989). Reasons are seen as excluding the naked expression of individual or group interests, taken simply as such. An attempt has to be made to persuade one's democratic partners, and this requires that one put forward considerations that they can accept at least in principle; often deliberative democrats have taken this commitment reasoned persuasion to suggest that public reasons must not appeal to controversial conceptions of the good life. Citizens must evince "reciprocity" in their dealings, putting forward arguments that can be expected to move the democratic process toward consensus (Gutmann and Thompson 1996).

Deliberative democrats have also urged that participation in the democratic process should be civic minded rather than "privatistic." That is, participants should not enter the democratic arena with a fully formed conception of the positions they will ultimately pursue. They should allow themselves to be swayed by the arguments of others and attempt to view the political agenda from a vantage point that encompasses the interests of all.

Finally, deliberative democrats tend to advocate an active conception of citizenship, whereby democratic politics is not the sole preserve of elites. Deliberative democrats disagree about the specific *reasons* that make participation important. Some claim that participation in the democratic process by ordinary citizens is an intrinsic good. Others have argued that, though there is no intrinsic good served by participation, the legitimation and justification of policies requires deliberation reaching beyond traditional elite circles. They also disagree about the specific *form* that participation should take. Some have argued that the democratic sphere should be reformed to give citizens direct access to decision-making processes. Others have argued that institutional mechanisms must be devised to give political weight to the deliberation that takes place outside the formal decision-making arena.

Deliberative Democracy as Justification

Liberal political theory, which has been dominant in Anglo-American political philosophy, has been associated, among other things, with a thesis about the moral justification of policies. Liberals have often made use of

contractual reasoning to get the justificatory story started. John Rawls (2001a) offers the most famous contractual argument, asking us to imagine which fundamental principles would be agreed on by appropriately circumstanced individuals deliberating on the terms of their association. Individuals are appropriately circumstanced when their choice situation embodies the moral principles that we think, on due reflection, ought to constrain the selection of principles governing the basic structure of society. The principles arrived at constrain law making and policy making and even the choice of constitutional structures and principles.

There is an intimate connection between the liberal contractualist project and the practice of judicial review. Indeed, if the principles that emerge from the contractualist argument are to have the weight that liberals attribute to them, they must be appropriately institutionalized, and the judicial review of legislation provides the appropriate institutional form. Judges have the authority to block legislation that does not conform to the principles. The democratic legitimacy of judicial review is grounded in principles that encapsulate the considered convictions of the people of a liberal democracy. Ronald Dworkin, another leading liberal theorist, though he officially claims to be opposed to contractualist reasoning, is clearly in agreement with the liberal contractualist argument when he claims that courts, rather than the democratic arena, should be thought of as the "forum of principle" (Dworkin 1985).

Deliberative democrats have contested the liberal project of identifying moral principles that, once embodied in an appropriate choice situation, can generate governing political principles to which all reasonable citizens can agree. Reasonable moral pluralism is deeper than liberals have tended to assume, and it does not conveniently limit itself to non-political matters. The reasonable comprehensive conceptions of the good life that citizens affirm often have deep implications for the manner in which the polity ought to be governed.

In the absence of a framework of political norms sufficiently robust and substantive to generate principles to govern the operation of society's main political and economic institutions, deliberation is the way forward. In a nutshell, if no antecedent agreement on political first principles can be expected in a reasonably diverse society given citizens' very different conceptions of the good, the only way the required kind of agreement can be reached is through discussion. The hope is that citizens of diverse creeds deliberating in good faith will be able to come up with creative ways of bridging their differences that could not simply be inferred from placing their comprehensive doctrines side by side and looking for areas of overlap and compatibility.

Described in this way, the justificatory claims made by deliberative democrats are an extension of the liberal project. It is unsurprising, therefore, that

many theorists who embrace deliberative democracy because it fills a lacuna in liberal theory have incorporated a number of recognizably liberal substantive norms into their conceptions of deliberation. Amy Gutmann and Dennis Thompson (1996) have famously argued that the results of deliberation should be consistent with standard liberal commitments to liberty and opportunity. They have also argued that deliberating citizens should follow, in their dealings with one another, a principle of "reciprocity," whereby they abstain from invoking controversial arguments drawn from their particular conceptions of the good. Instead, they should make use of the resources of public reason.

Many have found fault with this way of stacking the deliberative deck in favour of liberal outcomes. Although not necessarily dissenting from liberal principles per se, many have wondered whether variants of deliberative democracy such as Gutmann and Thompson's are really *deliberative* at all, since outcomes seem to be generated by the constraints on deliberation as much as by deliberation itself.

An alternative model of deliberative democracy has emerged alongside the model derived from the liberal project. Although it shares the latter's concern with reason giving, it adopts a much more capacious conception of allowable reasons. The constraints that it places on deliberation are *procedural* rather than *substantive*. The theorist most often associated with this view is German philosopher Jürgen Habermas. In his work, deliberative democracy is part of a larger, much more ambitious, project to do with the role of communication, and with the gradual overcoming of obstacles to communication, as a principal driver of human historical development (Habermas 1985, 1988).

In Habermas' view, successful communication assumes that interlocutors are governed by a number of moral or quasi-moral norms. Communication could simply not take place without a presumption on all parts that interlocutors are committed to norms of sincerity, truth telling, and the like. We can imagine an "ideal speech situation" in which these norms are perfectly realized, and all mundane communication implicitly refers to this ideal. The ideal speech situation forms the basis of a species of moral contractualism, wherein norms are valid to the degree that they could be affirmed by all within a discourse that met all of the requirements of ideal speech. Habermas views much political struggle as having to do with the emancipation of communication from other logics that threaten to drown it out. His oft-repeated but poorly understood phrase "the colonization of the life-world" refers to his concerns that areas of human moral life whose norms ought to be derived from unfettered communication have in fact been taken over by economic and technological imperatives and that political action must, to a large degree, be focused on reclaiming the life-world from the grips of non-communicative forces.

The Habermasian model overcomes some of the difficulties associated with the liberal one in that it does not overdetermine the substantive results of deliberation. However, it introduces problems of its own. In particular, liberals, as well as deliberative democrats of a liberal bent, have worried about the tendency of a democratic process unfettered by substantive principles to generate illiberal results. The concern is that purely procedural constraints, for example on agenda setting, turn-taking, and sincerity, will be insufficient to prevent the tyranny of the majority.

Placing as much moral weight as Habermas does on communication might make sense from within the context of a theory that views the liberation of communication as an engine of human emancipation. But deliberative democrats who want to detach deliberative democracy from his broader historical account clearly need a response to the concerns just noted. Interestingly, Habermas himself (1996) now views individual rights and the kinds of constitutionalism and judicial review that they ground on the one hand and democratic deliberation on the other as "co-originating" in a fundamental moral commitment to human autonomy.

Deliberative Democratic Challenges

Deliberative democracy has been put forward as a way of dealing with problems with *democratic* theory and practice as well as with liberal modes of justification of laws and constitutional principles. As is probably inevitable for a theory put forth to address separate agendas in political philosophy, deliberative democracy has yet to achieve full theoretical maturity. A particularly acute problem has to do with tensions in the account of deliberation itself.

On the one hand, deliberative democracy's opposition to the kind of interest brokering and horse trading that normally occurs in democratic forums, and for which the pluralist paradigm has provided some theoretical underpinning, pushes the theory toward a rather "thick" conception of deliberation. As we have seen, to ensure that purely interest-driven politics is ruled out, deliberative democracy saddles participants in deliberation with substantial constraints. They must speak the language of "public reason," avoiding tying the reasons they put forth too tightly to their particular conceptions of the good life so as to enable consensus, where consensus means a shared conception of what the common good requires.

On the other hand, deliberative democrats' aim of surpassing traditional liberalism in how they deal with pluralism pushes in another direction. Citizens with radically different conceptions of the good need not repair in their deliberations to a "neutral" public reason. Indeed, the attempt to define the contents of such a public language would stumble, like the liberal project before it, on the impossibility of defining a set of normative principles that all reasonable citizens can agree on, whatever their conceptions

of the good life. Citizens instead need a disposition to identify possible compromises rather than prolong conflict. They must stand ready to argue with one another on the basis of, rather than in abstraction from, their comprehensive conceptions. Only in so doing will they be able to arrive at agreements, because only in this way will they be able to identify what is really at issue between them.

What's more, a deliberative democratic theory that took pluralism seriously would be much more inclined to view *compromise,* rather than *consensus,* as a natural end of deliberation. It would therefore invest its theoretical energy in distinguishing morally acceptable compromises from ones that threaten participants' integrity. Making such a distinction might involve exploring the normative potential of democratic practices that those emphasizing reason giving and consensus relegated to the seamier margins of deliberative democratic theory, such as horse trading and interest brokering.

To achieve full theoretical maturity, theorists working within the paradigm will have to address the tensions that result from deliberative democracy's sometimes duelling sets of *desiderata.* They will also have to address a range of issues having to do with what one might call *the real world of deliberative democracy* – and these are the issues that constitute the focus of the chapters in this volume. Questions persist about some of the empirical assumptions implicit in the theory. For example, many deliberative democrats are impressed by the pluralism of conceptions of the good and of worldviews in modern societies. But it is striking that this pluralism is typically characterized by political theorists in a highly abstract way. According to this characterization, at issue are "comprehensive conceptions of the good" often presented as if they are rival philosophical theories, whereas what is most often at stake in the real world of modern liberal democracies is a plurality of ways of life, experiences, and traditions, which are difficult to spell out in terms of explicit "comprehensive conceptions." How would a more realistic view of social pluralism inflect the project of deliberative democracy when, for example, it comes to the deeply divergent meanings of culture and membership that can obtain between indigenous and non-indigenous citizens of settler societies? And how adequately can deliberative democratic theory address the interfusion of deep cultural differences with differences in social power in order to frame principles of deliberation that can justly address conflicts between, say, indigenous and non-indigenous peoples in settler states?

Deliberative democracy is also, at this early stage in its development, institutionally underdescribed. Much still needs to be said about the political education of deliberative democratic citizens. Deliberative democracy, whatever its precise form, places new and greater demands on citizens than traditional liberal democracy, which at least required citizens to be generally law abiding and respectful of others and at most required citizens' constant

vigilance of political elites. Deliberative democracy in almost all of its forms requires a more active citizenry and one with crucial dispositions, aptitudes, and virtues. Deliberative democratic citizens must be disposed to seek agreement with other citizens, possess deliberative traits that facilitate this process, and adopt a questioning, potentially critical, attitude toward their own conceptions of the good. Plainly, the development of the deliberative democratic personality requires an ambitious educational project. How does a full reckoning with the requirements of deliberative democracy change educational theory and practice?

And, finally, what of the institutions of deliberative democracy themselves? The idea of a deliberative democracy, especially one in which ordinary citizens play an active role, runs quickly up against the limits imposed by the sheer size of modern mass societies. As Robert Dahl has shown in an oft-cited back-of-the-envelope calculation (Dahl and Tufte 1973), meaningful deliberative input by all members of a small society on even a fairly uncomplicated item of policy would stretch democracy's time constraints beyond the breaking point. Which institutional devices can accommodate meaningful deliberation without ignoring real-world, temporal constraints? Moreover, deliberative democrats need to explain the relationship between the institutions of deliberation, whatever they end up looking like, and the already existing institutional order. In particular, what is the place of liberal constitutional practices in a deliberative democratic order? Deliberative democracy seems to face an unattractive dilemma: either the animus against controversial liberal principles enforced by a non-neutral institution such as the court is taken to its logical extreme, in which case deliberative democracy seems to have insufficient safeguards against the tyranny of the majority, or (perhaps to forestall such an objection) deliberative democracy constrains outcomes with the familiar liberal protections of minority and individual rights and equal opportunity, thus differing from liberal constitutionalism only in how it institutionalizes liberal principles.

A premise underlying the selection of themes and essays for this volume is that, beyond a certain point, progress on foundational philosophical issues cannot be achieved without attending to more concrete questions of institutional realization and implementation. In other words, context matters. The chapters in this volume all join in debates central to the development of deliberative democratic theory. Which traits of character does the ideal deliberator possess, and what should the role of the state, via the institution of public schools, be in inculcating them? Is constitutionalism a help or a hindrance to the achievement of a truly deliberative polity? How can deliberative democratic ideals be instantiated in societies that are both culturally divided and still deeply affected by the injustices of a colonial past (and, some would argue, present)? How is deliberation affected in concrete settings by the different tasks with which deliberators can be presented? Does it make

a difference to deliberation whether deliberative forums are mandated to consult or to decide?

Deliberative Democracy in Practice: Key Themes

The chapters in this volume speak to one another across themes by illuminating core concepts and debates within deliberative democratic theory from distinct and hopefully complementary contexts of application. Before going into a detailed description of each section, we would like to foreground some of the most important cross-cutting themes.

A first theme around which debate is joined among various chapters has to do with the very purpose of deliberative democracy. As we have noted, deliberative democracy is seen by proponents of both the liberal and Habermasian traditions as motivated by value pluralism. From this view, we need deliberative institutions rather than paradigmatically liberal ones because only by deliberating will we be able to overcome our moral and ethical differences. The chapters in Part 1 take up the task of determining the traits of character required to deliberate in a polity marked by value pluralism, and articulate how schools can foster these traits. But what if some conflicts arise not from disagreement about values but from irreducibly *political* conflict? Attending to the conditions of deliberative democratic politics in divided societies forces this question to our attention, as is made plain by the chapters that focus on the politics of settler societies. The chapters in Parts 1 and 2 articulate a range of obstacles to deliberative communication and agreement, with different degrees of optimism about the epistemic and political possibilities for deliberative engagement across deep social and cultural differences.

The issue of deliberative engagement across deep differences leads straight to a second cross-cutting theme, to do with the characterization of the virtues necessary in a deliberative polity. If value pluralism is in fact at the heart of political disagreement, as some of the chapters in this volume assume, then the virtues of reflexivity, reciprocity, and "distanciation" with respect to one's own values really are required. But these virtues may be less essential when conflict is viewed as a clash of political interests, as other chapters emphasize; indeed, where disputes are grounded in political conflict rather than value pluralism, the call to abstract from one's conception of the good, or from individual and community interests, can seem like a pernicious move in a political game. What better way for a hegemonic group to entrench its power than by requiring that subaltern groups not pursue their interests or their conceptions of the good within deliberative settings? Other chapters, notably those of Fishkin and Richardson, suggest that institutional context is as important as subject matter in determining the traits of character that deliberators manifest or ought to manifest. Deliberation, after all, occurs not

in the abstract but in concrete institutional contexts. These contexts orient deliberation by providing it with specific tasks; deliberation can aim for a binding decision or, much more modestly, it can aim to provide decision makers with (non-binding) input. These different tasks of deliberation affect the moral psychology of participants, the delineation of appropriate virtues, and the mechanisms needed to inculcate these virtues.

A third and final cross-cutting theme has to do with the appropriate *location* of deliberation. Taken at the most abstract level, deliberation brings those affected together to decide about the common good. But where is this most appropriately done? In the informal public sphere? By proxy, through the activity of representatives within legislative institutions? Within specially designed deliberative settings such as citizen juries and deliberative polls? And how should deliberative democrats address boundaries that often are taken to *constitute* deliberative spaces, be they constitutional principles that define the democratic institutions of a nation or the borders that define who is permitted to take part in the decision-making procedures of a *demos?* The chapters in this volume broach these questions of location through a number of different cases and concerns, ranging from the role of publicity in constitutional negotiations, to the principles and institutions that should govern relationships between democratic jurisdictions, to the grounds for deliberative encounter between indigenous peoples and settler states.

We believe that, in addressing crucial issues within what we have termed "the real world of deliberative democracy," the chapters in this volume also tackle more foundational issues where advances are needed for the field to achieve theoretical maturity.

Part 1: Educating Deliberative Citizens

The first set of chapters deals with two deeply interrelated questions. First, which traits of character must citizens have for democratic politics to be characterized by deliberation rather than confrontation? Deliberative democracy clearly places moral demands on citizens. They cannot simply press their self-interest but must be willing to exchange reasons with their fellow citizens and to accept that the force of the better argument – the "balance of reasons" – might lead to outcomes less favourable to their interests than could have been obtained through a more confrontational politics. According to some theorists, deliberation gives rise to a reconceptualization of citizens' interests, such that this gap between argument and interest is less likely to occur. But we must remain alive to the possibility that deliberative democratic politics will sometimes mean citizens doing less well by the standard of their narrow self-interest or their conception of the good than might otherwise have been the case, and we must describe the kind of moral psychology that would keep this from being politically destabilizing.

So deliberative democracy requires that citizens respectfully attend to the reasons adduced by their fellow citizens for positions to which they are sometimes deeply opposed. It requires that they be able to accept outcomes that are often at odds with their convictions. And it probably therefore also asks of citizens that they adopt a more detached, questioning perspective toward these convictions than they adopt in their everyday lives. Certain commitments must be up for grabs, at least to some degree, if deliberation is to give rise to stable consensus and compromise.

Describing this sort of deliberative democratic moral psychology is no simple task. It leads to a second crucial question: What educational principles and practices can produce the requisite deliberative virtues and traits of character?

The chapters by Micheline Milot, Harry Brighouse, and Paul Weithman demonstrate that there are no easy answers to these questions of moral psychology and educational principles. In "Conceptions of the Good: Challenging the Premises of Deliberative Democracy," Milot puts forward what might be called the standard deliberative democratic case for a public school agenda aimed at inculcating in children character traits that enable them to take part in democratic debate with citizens who do not share their religious or moral conceptions of the good life. She argues that traits such as reciprocity and reflexivity are indeed necessary to democratic debate in a pluralist society, and she holds that families, and private schools modelled after the particular conceptions held by families, cannot be entrusted with this pedagogical task. It is not an excessive constraint, she argues, to attempt to inculcate these traits, defined in a moderate way, even in children whose families do not hold liberal values.

Brighouse and Weithman respectively contest both prongs of the standard deliberative democratic case put forward by Milot. In "Religious Belief, Religious Schooling, and the Demands of Reciprocity," Brighouse agrees that reflexivity and open-mindedness are important deliberative democratic tools; however, he argues that educational theorists should be consequentialist about these values and endorse any educational arrangement, including religious schools, that tends to promote them. It is wrong, in his view, to assume a priori that religious schools cannot effectively promote deliberative traits. Weithman's challenge to the basic deliberative democratic case is more fundamental because it attacks its foundational premise. In "Religious Education and Democratic Character," he argues that a widely accepted assumption about deliberative character – that it involves a disposition to comply with requirements of publicity or accessibility of reasons when deliberating with citizens about political outcomes – is unsustainable and that a principled deliberative democratic resistance to religious school curricula is therefore mistaken.

Part 2: Deliberative Democracy, Constitutions, and the Boundaries of Deliberation

As already noted, there seems to be a tension between the claims of deliberative democracy and those of constitutionalism: The latter purports to take certain issues and principles off the political agenda once and for all, while the former privileges citizens' capacity to examine and reconsider even their most fundamental political decisions. There are at least two strategies that tackle this apparent tension, and both are explored in the chapters in this section.

The first strategy presents the constitution itself as securing the conditions essential to public deliberation. In particular, many of the rights and liberties guaranteed in liberal constitutions can be seen as necessary conditions for deliberation. Stephen Holmes and Cass Sunstein, among others, have defended the democratic character of liberal constitutions in this way, viewing them as essential devices through which the people tie their own hands so as to "deliberate effectively and act consistently" (Holmes 1995, 167; see also Sunstein 2001, 6-7). From this perspective, the relevant question is about the minimum standards that enable a constitution to fulfill this role. There is wide consensus that a constitution should include basic rights and liberties (freedom of association, freedom of expression, etc.) that have an obvious link to the formation of the collective political will, and there is debate about whether this requirement would also cover rights and liberties less directly connected to political life. Joshua Cohen, for instance, has argued that freedom of religion would also necessarily be protected since disregarding the obligations that religious belief imposes on believers, on grounds that they could not recognize as compelling, would amount to a denial of their equal standing in political deliberation (1996, 103).

While addressing important issues, such discussions ignore a crucial fact. When viewed as an enabling device for democratic deliberation, constitutionalism faces seemingly insuperable problems in the context of multinational and/or transnational states. A central premise of modern constitutionalism is that the *demos* is unified, but this premise is incompatible with the internal diversity of multinational states and of expanding forms of transnational governance. Multinational states appear to contain a plurality of democratic polities: How, then, might their constitutions help create a deliberative community in which citizens are connected across national boundaries rather than merely within the boundaries of single national groups? In "Is Democracy a Means to Global Justice?" James Bohman argues that constitutions for both multinational states and transnational polities must ensure the democratic minimum for all citizens, regardless of the *demos* to which they belong. In other words, citizens at all levels of a federal or transnational structure must be able to initiate deliberation and

the decision-making processes that follow. Such a democratic minimum, Bohman argues, could remain unfulfilled not only because individuals and groups are dominated by non-democratic means but also because they are dominated democratically. To the extent that the *demos* of one unit lacks the normative power to initiate deliberation that involves other *demoi,* it is subordinated to them.

The second strategy to lessen the tension between democracy and constitutionalism is to make the constitution itself the object of public deliberation and thereby strengthen its claim to democratic legitimacy. James Tully (1994, 69) has identified an *aporia* in modern constitutionalism: "A modern constitution comes into being at some founding moment and stands behind – and provides the rules for – democratic politics ... [It] thus appears as the precondition of democracy, rather than a part of democracy." This may not have been a problem in the eighteenth century, but clearly – and here recent European and Canadian histories are instructive – it poses extremely difficult issues for contemporary democratic polities. Indeed, even though a constitutional text includes all the right features to secure the conditions of deliberative democracy, it might still enjoy only weak legitimacy if the process through which it was written is deemed insufficiently open.

But this raises a new set of questions. What form should the constitution-making process take to satisfy the requirements of public deliberation? In particular, do the norms that on most accounts structure deliberative forums suit constitutional negotiation? Here deliberative theorists must face difficult issues about the applicability of the deliberative model in mass democracies, where potential tensions between its deliberative and democratic components come into the open. How should the requirements of publicity be interpreted in this context? In "Open versus Closed Constitutional Negotiation," Simone Chambers, like others (Elster 1995; Gutmann and Thompson 1996), recognizes that publicity can sometimes have perverse effects and that it is not an unqualified boon to constitutional negotiation. In some contexts, she stresses, publicity encourages public reason in the normative sense, but in others it can lead to grandstanding and "playing to the cameras." She introduces the concept of "plebiscitary reason" to characterize the deleterious effects of publicity, particularly in contexts where a mass public stands in an asymmetrical relation to speakers who use manipulation, pandering, and image maintenance to achieve their ends.

Deliberative democrats have a tendency to respond to the dangers of plebiscitary reason through two methods of avoidance: one for elites and one for ordinary citizens. In the first case, authors recognize the need for framers to retreat behind closed doors to negotiate particularly delicate issues. In the second, small deliberative safe havens such as deliberative opinion polls and citizen assemblies are welcomed as fostering the use of public reason. Democratic and deliberative moments are linked in a sequential

model in which open democratic ratification involving large groups follows instances of small closed debate. The originality of Chambers' contribution to this discussion is her interest in a non-sequential model of constitutional discussion, which explores the possibility of joining the deliberative and democratic moments in one conversation. This entails the need, as Chambers points out, to confront "plebiscitary reason head-on," first by conceptually distinguishing between the different ways in which plebiscitary reason and private reason threaten deliberation, and second by sketching an account of deliberative rhetoric against which we can criticize speeches and orators as well as the media.

One might wonder whether the two strategies outlined here are not mutually exclusive. The first affirms that the idea of public deliberation requires the protection of specific rights and liberties in the constitution, essentially tying the hands of the people(s), whereas the second wants to submit the process of formulation of these rights and liberties to public deliberation. But as John Dryzek has argued, this problem is more apparent than real if one considers that framers could deliberate about the meaning of specific rights and their relation to each other, or about different institutional means to protect them, while agreeing that doing without such rights is not an option. To quote Dryzek, if it is the case "that the very idea of deliberation requires such rights, then any participant in constitution-making could only argue against them by engaging in a performative contradiction" (2000, 16).

Part 3: Deliberative Democracy and Indigenous Peoples
Bringing deliberative theory to bear on questions of justice toward indigenous peoples in settler societies such as Canada, the United States, Australia, and New Zealand is rewarding for several reasons. Deliberative democratic theory is first and foremost an account of political legitimacy, and there are few more profound challenges to the legitimacy of settler societies' political and legal arrangements than those raised from the perspective of indigenous peoples. Thus, for those seeking to understand what would constitute a just and legitimate political-legal arrangement between indigenous and non-indigenous populations within such societies, deliberative theory appears promising. Furthermore, once we undertake such an inquiry, it quickly becomes evident that some of the most difficult unresolved questions in deliberative theory are brought into sharp relief by cases involving relationships between indigenous and non-indigenous peoples.

Theories of deliberative democracy hold out the promise that democratic deliberation can narrow the range of political disagreements not only in contexts of moral and religious pluralism (or the pluralism of what Rawls [1996] refers to as "comprehensive conceptions of the good") but also in contexts of cultural pluralism. Fundamentally at issue is the question of which reasons should count as public reasons in deliberative exchanges.

Although Habermasian versions of deliberative democracy (in contrast with some Rawlsian variants) eschew any a priori distinction between public and non-public reasons, deliberative theory has not yet developed to the point at which it can guide us when an authoritative reason from within one ethical or cultural perspective is not recognized as a reason – let alone an authoritative reason – from the ethical standpoints of other parties to deliberation (Benhabib 2002, 133-46; Valadez 2001; Williams 2000).

Conflicts between indigenous communities and non-indigenous settler societies present us with profound cases of such disagreement, where differences penetrate even to such fundamental questions of ontology as humans' relationship to the Earth and to other species. At its best, deliberative exchange may narrow the range of such disagreements, to the extent that different parties seek to enter into one another's worldviews for the sake of mutual understanding. Furthermore, deliberation may sometimes make it possible to discover analogies or parallels between cultures, thus making shared moral reasoning possible. Yet these two processes – what Jorge M. Valadez calls "familiarization" and "translation" – may not be sufficient to bridge the cultural divide altogether. In other words, Valadez argues, there are cases in which cultural worldviews are simply incommensurable. In "The Implications of Incommensurability for Deliberative Democracy," he argues that the deliberative democratic requirement that public reasoning should proceed on the basis of shared moral reasons fails to take seriously the incommensurability that sometimes exists between groups, in particular between colonized indigenous groups and members of the non-indigenous majority. Valadez examines political exchanges between the Zapatistas of southern Mexico and the Mexican government, showing how the incommensurability of the political discourses of these two groups makes evident the impossibility of establishing agreement on the basis of common reasons. In such circumstances, he argues, deliberative theory should be willing to acknowledge that uncoerced agreement is morally desirable even if it is grounded in reasons that are substantively different for the groups involved.

The case of the Zapatistas also makes clear that conflicts between indigenous groups and the modern (colonial) state can sometimes be framed either as a clash of cultures or as a clash of core material interests. The circumstances of indigenous peoples often make it difficult to distinguish between these two axes of conflict, especially where cultural differences overlap with different interpretations of the history of colonial relationships – of the process by which the settler society gained dominion over indigenous peoples' traditional lands and of the fundamental legitimacy of state authority with respect to indigenous peoples. Whether deliberative democracy can effectively establish just and legitimate relationships between indigenous and non-indigenous communities depends in part, then, on its capacity to narrow

the range of disagreement over questions of historical injustice and their implications for future indigenous-settler relationships.

In "Deliberative Democracy and the Politics of Reconciliation," Duncan Ivison explores the potential of deliberative processes to address historical injustice by focusing on the experience over ten years of the Australian Council for Aboriginal Reconciliation. The politics of "reconciliation" were complicated by an array of factors: new court decisions concerning Native title to lands, ongoing social inequality and deprivation among Aboriginal Australians, and the background of the "stolen generations" of Aboriginal children taken from their families as part of a state policy of coercive assimilation. As in other settler societies, indigenous communities were ambivalent about the idea of reconciliation as a goal of political discourse if reconciliation meant putting aside demands for restitution or rectification (see also Alfred 2005). Ivison characterizes disagreement over this question as political rather than (or more than) moral in nature, and he argues that deliberative theory should not regard political disagreement as reducible to moral disagreement. Not surprisingly, perhaps, the Australian experience reinforces the judgment that the deliberative exchange of reasons is seldom, if ever, free of relations of power (Mansbridge 1996; Sanders 1997; Valadez 2001; Young 1990, 1996). Ivison argues that correcting for the power imbalances that are often incorporated (consciously or unconsciously) into the institutional structures of deliberative engagement requires an openness to recursively revising institutional arrangements for political deliberation, including electoral systems. Yet no amount of creative institutional design, he suggests, can generate just results in the absence of a prior commitment to allow questions concerning the core legitimacy of the state in its relation to indigenous peoples onto the deliberative agenda.

As the foregoing suggests, some critics of deliberative democracy continue to suspect that it may still harbour surreptitious biases against certain cultural groups – especially indigenous groups – in its presuppositions about the nature of public reason, the institutions and norms of deliberative procedures, and the qualities that individuals must possess to be capable of transformative dialogue. These critics worry that abiding by the strictures of deliberative democracy will tend to favour the modes of argumentation and the interests of dominant groups. In "Resisting Culture: Seyla Benhabib's Deliberative Approach to the Politics of Recognition in Colonial Contexts," Glen Coulthard addresses deliberative theorists' claim that citizens must be able to step back from their identities and understand them as social "constructions." From the constructivist view of culture, cultural identities are not insular or coherent wholes but crisscrossing narratives, with individuals bringing different elements to bear on different aspects and in different moments of their social relationships. As a sociological critique of cultural

essentialism, constructivism is sensible enough. The trouble, Coulthard suggests, arises when cultural hybridity becomes a normative standard against which to judge the political self-characterization of marginal groups, particularly indigenous groups. Focusing on the recent work of Benhabib, he argues that the social constructivist critique of the politics of recognition not only overemphasizes the emancipatory potential of anti-essentialist political projects but also fails to confront the oppressive relations of power that often proliferate exclusionary and authoritarian identity formations to begin with. When social constructivist positions are used to assess the legitimacy of indigenous peoples' claims for cultural recognition and self-determination against the colonial state, these positions risk inadvertently sanctioning the very forms of domination and inequality that many constructivist theories attempt to mitigate.

Part 4: Citizen Dialogue and Decision Making in a Deliberative Democracy

In considering "the real world of deliberative democracy," the above sections assess contemporary questions of citizen education, constitutionalism, and justice for Aboriginal people through the normative lens of deliberative democratic theory. Deliberative democracy is more than a normative philosophical perspective, however; it also describes a movement that is actively redesigning political processes to incorporate deliberative democratic principles. Examples of overtly deliberative democratic processes abound, most often as forms of citizen participation or consultation attached to more conventionally liberal democratic forms of decision making: examples include the 21st Century Town Halls organized by AmericaSpeaks; consensus conferences in various parts of Europe, which involve lay citizens in political deliberation; and Brazilian institutions of participatory budgeting and collaborative health policy development (Gastil and Levine 2005). These deliberative democratic initiatives provide useful testing grounds for deliberative democratic theory, bringing into relief both strengths and weaknesses of the philosophical program.

The various forms of deliberative democratic practice canvassed above are most often consultative: rather than being empowered to make binding political decisions (as with many Brazilian deliberative forums), such exercises usually represent the views of citizens in ways designed to inform debate within conventionally liberal democratic institutions, such as legislatures. In "Public Opinion and Popular Will," Henry S. Richardson asks whether unempowered dialogue among citizens should be taken to represent the will of the people, given that it invites people to articulate their views without having to come to a binding agreement. Richardson explores these questions through a critique of James Fishkin's "Deliberative Opinion Poll" model, an unusually influential and rigorously documented practice of deliberative

democratic consultation. Richardson argues that because deliberative opinion polls lack "the discipline of the possible," they canvass the mere wishes of citizens rather than their genuinely deliberative desires and so introduce hypocrisy and corruption into the democratic process while sidestepping crucial issues of power. Richardson argues that only when deliberative democratic processes are mechanisms of joint agency, empowered to make decisions, can they get around predictable defects of practical reasoning to yield genuinely deliberative outcomes.

In "Consulting the Public Thoughtfully: Prospects for Deliberative Democracy," Fishkin responds to Richardson's critique, arguing that careful public dialogue such as that modelled by deliberative opinion polls gives citizens the incentive to overcome their "rational ignorance" and develop common understandings of problems. Even without the discipline of collective, empowered decision making, deliberative opinion polls elicit a picture of the popular will that is more adequate than that available through other existing methods and that indeed ought to be normative for those empowered to represent the popular will in representative institutions. Fishkin goes on to situate deliberative opinion polls on a broader terrain of democratic dialogue and consultation, sorting out the different ways in which consultative processes select participants and the extent to which they deliberatively refine opinions; this typology leads him to suggest that deliberative polls – and a grander counterpart, the national "deliberation day" that he has proposed with Bruce Ackerman (Ackerman and Fishkin 2003, 2004) – are best able to balance the key democratic values of political equality and deliberation.

In the final chapter of this section and the volume, "The Micropolitics of Deliberation: Beyond Argumentation to Recognition and Justice," John Forester and David Kahane argue that attention to the nuances and complexities of *practices* of democratic deliberation reshapes a number of debates within deliberative democratic theory. These nuances and complexities are introduced through two "practice stories," wherein a student of planning and an experienced mediator and city planner each describe challenges of designing and facilitating deliberative processes. These narratives reveal the tangled relationship between moments of dialogue, deliberation, and negotiation in democratic processes and the interconnections between propositional and performative elements of argumentation. The chapter shows how these lessons from practices of deliberation raise central questions about recognition and the demands of deliberative reciprocity, about the deliberative virtues and their cultivation, and about the significance of the roles of mediator and facilitator for deliberative democratic theory.

The four sections of this volume trace connections between deliberative democratic theory and a series of concrete political challenges around educating democratic citizens, relating democratic norms to constitutional

structures and procedures, grappling with the epistemic gulfs and differences of power typical of indigenous-settler relations, and designing democratic consultations adequate to the exigencies of decision making and the demands of justice. These engagements between theory and practice show the richness and promise of the deliberative democratic paradigm but also how difficult it is to articulate and sustain an ambitious normative paradigm in light of the challenges made visible by an engagement with conflicts and dilemmas on the ground, and to connect the normative languages of political theory with the exigencies of practice. We hope that the dialogues and deliberations provoked by this volume will contribute, in their modest way, to realizing deliberative democracy within and across the complex, multicultural societies in which we live.

Part 1
Educating Deliberative Citizens

1

Conceptions of the Good: Challenging the Premises of Deliberative Democracy

Micheline Milot

The value pluralism of modern liberal democracies is central to both sociology and political philosophy. Max Weber, whose work inspires both disciplines, used a compelling metaphor drawn from Greek antiquity to describe the fate of modern advanced societies when he spoke of the "polytheism of values" (1959). In the modern world, the polytheism of values describes the relentless secularized struggle between cultural, economic, political, or religious value systems that all seek to establish themselves as hegemonic. No metaphysical norm can rank-order these values because much of their force stems from the convictions of their adherents. In fact, these values confront each other unrelentingly because the beliefs that serve as their foundation are often irreconcilable. As such, according to Weber, society involves constant value struggle, which he likens to the conflict that perpetually divided the gods of the Greek pantheon. These values, as "absolute ideas," strongly influence the choices of social actors and are manifest in the public sphere when they conflict with the values of individuals or of groups in different political communities. How can we ensure a modicum of social order and political stability in the context of such value conflict?

In this chapter, I explore how public schools, in conjunction with the principles of deliberative democracy, can mediate the potential conflict between differing moral and religious beliefs. Although my perspective is primarily sociological, I attempt to consider these principles and their limits alongside key themes drawn from sociology, such as the purpose of modern schools, value pluralism, and the interests of citizens in democratic participation.

The Problem of Deliberation about Conceptions of the Good

Should schools apply the principles of deliberative democracy when moral and religious viewpoints are presented in the classroom? Can they do so? There is no simple answer to these questions, for three reasons. The first reason is that the two principal theses of deliberative democracy, to do with

the citizen's role in deliberation and with the democratic virtues of deliberation, are hotly debated in political philosophy. Bohman (1996), Gutmann and Thompson (1996), and notably Rawls (1996), among others, have each defined, in complex yet different ways, the fundamental principles of deliberative democracy and deliberative citizenship, thus setting up a debate over the proper shape and content of the public sphere, alongside the sorts of deep moral debates outlined above. Overlapping consensus (Rawls 1996) and the requirements of reciprocity (Gutmann and Thompson 1996) are just two contested elements of this set of principles.[1]

The second reason is sociological. Citizens – and their children – may affirm moral or religious beliefs hostile to liberal democratic values. Some actively engage in contesting values they consider responsible for the moral degeneration of contemporary society (e.g., struggling against abortion or gay rights), whereas others seek to shelter their cultural identity and community lifestyle from the influences of modernity and liberal values. Other citizens see this conservatism as violating norms of public reason, drawing as it does on an orientation toward absolute and particular norms or traditions, without the willingness to deliberate with those who do not share these worldviews. According to the tenets of this position (similar to a militant version of liberalism), "believers" should transform their values to adopt an outlook compatible with democratic regimes. However, the two positions are problematic from the perspective of the tolerance and openness to pluralism that should characterize liberal democracy.

The third reason has to do with the educational requirements of schools. There is no philosophical, pedagogical, or political consensus on the objectives that public schools should pursue when it comes to the moral and religious beliefs of children. The two most common educational choices in Western schools are confessional teaching on the one hand, which promotes a particular faith, and complete abstention on the other.[2] Both possibilities, if enacted consistently, fail to take the principles of citizenship and deliberation (on whatever interpretation) into consideration. Confessional teaching, by its very nature, gives primacy to the continuation of a particular group's values or cultural identity. On the other hand, pedagogical silence about moral and religious beliefs sends a mixed message to children: either these beliefs are not sufficiently important in society for the school to be concerned with them, or they are subjects we can grapple with only in the presence of those who share our worldview. Neither of these pedagogies confronts the fundamental problem of pluralism, and each accentuates social division.

How can these difficulties be overcome given the thick value pluralism of modern society? I would like to suggest three goals that public schools could pursue. These goals are compatible with the cognitive tasks that characterize

schools. What's more, they are inspired by the *spirit* of deliberative democratic principles. These goals are rooted in an inclusive conception of public reason, defined by principles of tolerance, reciprocity, and civility.

Why Treat the Question of Value Pluralism in Public Schools?

Moral and religious beliefs are too important in determining social action to be completely eliminated from the educational mission of schools. It is unsustainable to locate fundamental beliefs in the private sphere and deliberation around shared values in the public arena. The private/public distinction as it pertains to religious convictions has long been discredited, in particular by work in the sociology of religion: individuals act, socially identify, and adopt political positions on the basis of their values and beliefs, be they philosophical or religious. Moreover, as noted earlier, Weber persuasively argues that moral differences manifest themselves and take shape precisely when they enter into conflict with the moral positions of other citizens in the public sphere. This fact alone implies that social cohesion has little chance if we simply allow the balance of forces to govern social relations or if we presume that individuals will spontaneously know how to participate peacefully in public life with those who do not share their beliefs. The state, via the public schools, has an interest in preparing youths to live together in a political space with and despite their moral differences.

Although parents may be responsible for the education of their children, and though it is clearly desirable that they pass along dispositions that enable a common life, one cannot count on parental goodwill to achieve this pedagogical objective. We can even reasonably doubt whether parents ought to be the principal vehicles of this end. Indeed, it is normal that they (like the religious groups to which they belong) will exercise a sort of centripetal pressure on the young in order to reproduce their own values and beliefs.

Modern schools do not share the task of reproducing the specific identity traits of those who use them.[3] Since the second half of the twentieth century in particular, modernity and the ideology of progress have increasingly taken hold and strongly influenced Western schools. In fact, the origin of the modern school, its very existence, and its astonishing development are directly tied to the prevalence of the notion of an education *for all,* an ideology that seeks to prepare each citizen for political participation and collective action. For this reason, modern public schools break with tradition, custom, particular modes of thought, and conceptions of truth. Unburdened by the task of faithfully reproducing the customs of a child's community, schools are more concerned with instilling a capacity to adapt to the world (principally its technical, economic, and scientific aspects). Schools have opted for a universal conception of knowledge, which differs from folk knowledge that is handed down from father to son and valued locally. Even more

significantly for our purposes, schools have instituted a radically different relation to truth and thus to authority, tying knowledge to a conception of rationality that rests validity claims on experimentation and rigorous critique and so inevitably contests the very idea of tradition. We find instances of this contest in recurrent controversies in several American states over the teaching of the biological evolution of species, which is deemed incompatible with certain religious doctrines of Creation.

In the face of this new aim of public schools, identities inherited by birth and strongly moulded in early family socialization undergo an alteration that can be more or less dramatic depending on the similarity between this inherited identity and the liberal values promoted by the school. Familial and religious values become one among many ways to construct an identity, which becomes, from that point on, pluralist and polymorphic rather than homogeneous and entrusted with a unique heritage. There are myriad examples of this fragmentation of tradition provoked by the school. This is why liberal values can be perceived as a threat to the identity and culture of different communities, for example in regard to structures of authority and to gender roles.

Let us return to the fundamental question: How can education apply the principles of deliberative democracy without imposing an unjust burden on children (and their parents) whose moral and religious beliefs oppose the values promoted by liberal democracy?[4] I will treat this question with one limiting presupposition in mind: it seems to me that schools cannot be expected to transform the beliefs of individuals hostile to liberal thinking in order to make them conform to the principles of liberal democracy. Despite the function of the school described above, the liberal state cannot morally require such a transformation if one of its principal characteristics is to be open to differing worldviews, even those contrary to its own principles. How far can schools go in applying liberal democratic principles while taking the educational role of value pluralism into account?

The Principles of Citizenship and Deliberation

The civil participation of individuals and the deliberative virtues admit of degrees, and it is not plausible to expect that all citizens will deliberate and participate in society with the same degree of investment and competence, much less that they will all adhere to liberal democratic principles. I will not directly discuss the different theses at loggerheads with the two main principles of deliberative democracy; however, as my sociological concerns are expressed in terms of citizenship and deliberation, I will, in this section, briefly outline two key propositions related to these concepts. In the following section, I will present three objectives that situate citizenship and deliberation as both plausible and desirable reference points when addressing the reality of value pluralism in public schools.

The Requirements of Citizenship

The liberal democratic state must both "tolerate" those who do not subscribe to the values that underlie this political regime (insofar as they do not threaten its survival) and ensure that the state's existence is generally supported by citizens.[5]

- The active role of the citizen can be valued for different reasons. It can, for example, facilitate social cohesion (solidarity around collective projects beyond our particular interests) and revitalize civil institutions to generalize political participation to a larger scale.
- However we interpret civil participation as a normative ideal, it is not an acceptable or even a desirable lifestyle for all citizens. Certain citizens maintain that citizen action is an illusion and that their participation has absolutely no effect on the course of political decisions; others do not recognize worthy political projects other than the religious ideology to which they subscribe.
- Democracy, with its "natural" affinity to pluralism, cannot morally oblige all citizens to have a strong, homogeneous, and common identification with the collective political project.
- In the constitutional state, even those religious groups most resistant to liberal values have an interest in participating, in their own manner, in democratic institutions. The most obvious example is recourse to law to protect their way of life; this recourse has stimulated progress in jurisprudence in matters of freedom of religion and expression.
- Democracy cannot survive without a sufficient number of citizens meeting its functional demands (participation, responsibility, respect for law, etc.), but withdrawal from active citizenship by some constituencies does not threaten liberal democracy.[6]

Democratic Deliberation

Deliberation, despite its intrinsic limits (it is utopian, and so sociologically invalid, to expect deliberation to allow citizens to overcome their moral differences), still seems to be one of the best routes to peaceful social interaction in a context of value pluralism. Otherwise, we must rely on force (and the not always moderate tyranny of the majority).

- Deliberative democracy, whether it is construed as a means to procedurally obtain a minimum social consensus or interpreted in terms of direct participation by citizens in the decisions that concern society, is not valued by all citizens (particularly those whose absolute beliefs are, by nature, non-negotiable).
- Collective deliberation cannot make moral differences disappear without recourse to a moral theory integrating a particular conception of the

good, thus erasing the very essence of pluralism. Moreover, certain religious groups cannot subscribe to this mode of social interaction because the criticism and "decentring" that are part and parcel of deliberation risk undermining the cultural and identity foundations of the group. Value conflict thus remains an ineliminable dimension of democratic societies.

- The deliberative process can indirectly accentuate feelings of division between individuals who are conscious of their moral differences.
- Deliberation, in the context of moral pluralism, is a question of individual "aptitude." That is, it cannot be normatively demanded.
- Deliberation, despite its limits, remains the least coercive and the most apt way of supporting enlightened interaction and openness to pluralism between individuals with different beliefs.
- In a constitutional state, even those religious groups most resistant to liberal values can accept a recourse to deliberation, even if it is only for the purposes of instituting and sustaining a system of rights that allows them to live according to the principles and values to which they adhere.

Despite these various qualifications, I believe that the principles of deliberative democracy are helpful in treating the problem of value pluralism in schools; these principles remain operative even though it is sociologically unlikely that civil participation and deliberation will be affirmed by all and morally unacceptable that liberal states should oblige all citizens to live according to these principles. Lest I be misunderstood, the aim should be not to marginalize citizens who do not subscribe to the principles of the liberal democratic state but to examine the possibility of an even partial inclusion in public reason of conceptions hostile to liberalism.

Moreover, I maintain that certain normative constraints inherent in the rule of law are extra-deliberative (at least after the moment of their enactment). For example, it would be absurd, not to mention improbable, that citizens who claim their right to the democratic vote would decide to abolish the democratic state. Even individuals or religious groups resistant to liberal values need the vote in order to enjoy a differentiated moral status within a pluralistic society (Carens 1996).

Some Desirable Educational Goals

Schools are not agoras. They are institutions geared to the initiation of individuals into community life. Thus, they cannot be entirely divorced from the dominant norms of the surrounding society. The socializing role of schools should not be defined in terms of normative principles; I do not think that the school should form youth according to a particular normative

ideal. Rather, schools should seek to provide youth with the disposition and capacity to allow them, once adults, to make choices about civil participation and the best ways to realize their lives in society. I thus propose three intertwined objectives drawn from the model of liberal democracy (as construed above), and I will examine the degree to which they allow youth who hold diverse values and beliefs to nonetheless live together.

Tolerance

Since Locke, the notion of toleration has engendered abundant debate, and one can easily discuss its aporias. Without entering into these debates, we can outline "weak" and "strong" senses of toleration. In the weak sense, it involves abstractly supporting the idea that others can live freely without sharing our values and without belonging to our particular cultural or religious group. The weak sense of tolerance permits social pacification (in a static sense) but does not necessarily inspire respect for others or the capacity to debate opposing viewpoints in the political arena. We can brush elbows with others without truly engaging with them because the state imposes this tolerance through judicial constraints that hinder individuals from limiting the liberty of others who have different values or lifestyles.

In its strong sense, tolerance goes beyond a simple acknowledgment of the idea that others enjoy by law the same freedom that one is accorded through political governance. I understand strong toleration epistemically, primarily as a psychological and cognitive capacity rather than a social one. Because we consider our own beliefs valid for ourselves, we can recognize that people who adhere to different beliefs consider them just as valid, and therefore it is not our place to judge their conceptions of the good life. One acquires this type of mindset gradually, particularly when it comes to religious beliefs based on absolute principles and not on a social consensus open to revision and redefinition. Youth are unable to develop the capacity to tolerate differences in an epistemic sense unless they are exposed to viewpoints different from those of their family or religious group.

This goal must be guided by two complementary objectives: first, knowledge of diverse life options should be imparted not to nurture a shared culture but to awaken respect for others. This respect requires that the school's curriculum not give disproportionate weight and salience to a particular value system or induce moral discord between the child and her family regarding their religious or cultural tradition.

The legitimacy of teaching religion at school is often justified by its necessary contribution to understanding artistic, historical, and political dimensions of Western culture. This goal is important, but it can be met by integrating religion into programs such as history, literature, and geography; it does not yet justify an education in value pluralism specifically. Indeed,

mere understanding of the fact of religious diversity may not predispose one to tolerance; history has demonstrated in abundance that humans have gone to the point of killing each other because of differences in religious belief. Furthermore, one can worry that a presentation of religion in the classroom would be limited to a stiff, even folkloric or idealized, description. In such cases, one risks distancing oneself from the real needs and interests of children in addition to presenting a caricatured vision of religion. There is even the risk of aggravating division when bringing the mosaic of different moral and religious beliefs to light.

This is why the knowledge of different religious and moral conceptions, although necessary, must in fact serve another objective: the respect of others as equal in dignity. Respect for others in their differences goes further than merely the descriptive understanding of doctrines. It is not only about knowing that others do not necessarily share our beliefs and values but also about developing a respectful attitude that permits others to feel that their identities are recognized and accepted.

Epistemic tolerance, however, does not necessarily require approval of others' beliefs and practices. When one calls for youth to be tolerant of others, it is not a demand to renounce personal beliefs. The recognition that others have the right to the same respect depends not on believing that their values are just and good but on fundamentally accepting that they have the right to the same respect as oneself, even if their beliefs are foreign, undemocratic, or do not conform to those of the majority.

A better education on religious and moral preferences would help each child acquire a *positive identity* without fearing the judgment of others, whatever her identification with a particular religious group. Sociological studies show that the more a group perceives itself as socially marginalized for its beliefs or their public expression, the more often it deploys offensive or defensive strategies, to the detriment of civil participation. An individual who is misrecognized by society will conclude that it is preferable to preserve the religious tenets of her identity, even if it means excessively emphasizing her creed. This attitude applies equally to those who identify with the majority social group: learning to recognize others can forestall a condescending "majoritarian reaction." The goal of deepening knowledge and respect is necessarily a responsibility of public schools, because families and religious associations can ensure a positive identification only from an internal standpoint (self-identification rather than in relation to others' diversity).

Of course, this aim cannot entail a limitless conception of tolerance, since it is subject to certain principles of law that have a transcendent (but not metaphysical) and extra-deliberative status: the rights of others (notably to security of the person) and to public order. Nevertheless, these constraints also benefit those who are resistant to liberal principles since they protect minorities from the pressure to conform to the values of the majority.

Reciprocity

Reciprocity is a social competence that is more difficult to develop than mere respect for others, but it is rooted in the same logic. Gutmann and Thompson (1996) present interesting and complex arguments concerning the normative constraints of reciprocity; I propose, at least for the purposes of education, a conception less stringent than theirs. A strict conception excludes the public participation and deliberation of those whose beliefs are at odds with the dominant, accepted norms in the public sphere, unless they deny a portion of their beliefs in favour of ones that could be accepted by others in the agora. Although in theory it may be desirable that individuals leave aside their partisan interests before entering into the public debate, schools cannot demand this of pupils.

I would like to propose a more permissive conception of reciprocity: without exercising undue moral pressure on children who are, for example, members of a fundamentalist group, schools can aim to develop a disposition that recognizes or accords to others what one wishes to have recognized or accorded to oneself and that seeks not to offend others on issues with respect to which one would not want to be offended (the same principle goes for the atheist child toward a fundamentalist child). This model is not just procedural; it leads to a substantive ethic of social relations. Civility, which I describe in the third point, is its concrete expression.

What does this mean, precisely, for educational policy? Children must be helped to distinguish between the legitimacy of the conception of good that fuels their actions and their attitudes toward others who do not share this worldview. Children should be capable of evaluating what they can expect from others who do not share their values and beliefs.

History unfortunately offers us a disappointing portrait of the capacity of individuals – be they believers or atheists – to act according to such a conception of reciprocity with respect to religion. No legal restriction can require thinking of one's relation with others in terms of reciprocity; the law can prohibit harming another, but it cannot oblige us to recognize the legitimacy of another's identity and lifestyle.

The predetermined moral norms of a religious group often involve restrictions that hinder the aptitude for reciprocity and the capacity for public deliberation by members. Radical liberals object to this request because they believe that religious doctrine or simply religious belief hinders independent thinking and judgment, which are indispensable parts of responsible citizenship. This objection is still current, particularly in France, where one observes in public debates an opposition to manifestations of religion in the political sphere that is traceable to an Enlightenment contrast between the democratic will to guarantee the freedom of religion and the need to strip away beliefs judged radically contradictory to reason and autonomy. Nevertheless, even this objection rests on the ideals of liberal democracy.

Doctrines need not be liberal for those who adhere to them to be able to bring arguments to the table in public debates (e.g., the sacred character of life) or to promote certain forms of participation in civil society (e.g., volunteering or helping those with less in the name of Christian charity). What matters is how claims are brought to the public sphere. In this respect, Weithman (2002) distinguishes the *contents* of non-democratic preferences and preferences from whether these are *promoted* in an undemocratic fashion. Believers should not feel excluded from contributing to public deliberation.[7] The development of this ability through adequate teaching must enable citizens to participate in public debate and not hold back simply because their religious beliefs are judged illegitimate by others.

Since reciprocity is an aptitude that cannot be subjected to normative and legal restrictions, it requires an educational process. Education can aim to instill in children a distinction between the contents of religious doctrines, even illiberal and non-democratic ones, and the ways in which they are expressed in the public sphere. The nature of moral and religious beliefs, even when conceived of as absolute, does not necessarily hinder democratic participation and deliberation.[8] At the same time, if a belief is absolute, the way it is expressed in the public sphere ought to comply with requirements of respect for those who do not share it.

Is this obligation of reciprocity still too limiting for believers who see their values as non-negotiable? I think the answer is no. These believers cannot deny the principles that enable them to draw attention to their own arguments in the public sphere (e.g., the respect for each individual regardless of the moral position that she adopts). So they must behave ethically toward other citizens according to the same principles. Even if children do not participate in public debate, the predispositions required for such debate are acquired by a slow process of education and socialization. Moreover, these dispositions are called on from the youngest age, for example in the schoolyard; isn't this one of the first settings, other than family, where the acceptance of difference and respect must be put in place and where the smallest divergence from the dominant majority easily leads to exclusion?

Civility

The disposition of character that makes possible both respect of others and the capacity to conceive our social relations in terms of reciprocity is manifested in the public sphere in an attitude that I will call civic-mindedness. This refers to the attitude of the citizen in public life. It is not a normative ideal but a mode of living together that enables an adequate realization of respect and reciprocity. They suppose, in the end, two abilities that can seem problematic for some fundamentalist religious groups: the capacity of reflexivity and moderation in the public expression of one's beliefs.

In a literal, dictionary sense, reflexivity relates to the capacity to turn thought back on itself.[9] It supposes a capacity for distancing oneself from one's religious beliefs. How should this sense of civility be defined in regard to religious beliefs? What criteria can guide us? Religious expression is always accompanied by certain limits, notably considerations of social peace and public good, but I am interested here not in external constraint but in an awareness that the absolute character of affirmations of faith can hinder respect for others and lead to inequitable treatment of those who do not share the same beliefs.

A Capacity for Reflexive Distance
The capacity to distance oneself from one's moral and religious beliefs does not imply that they are denied any more than it implies a relativist attitude, nor does it demand that a child make a value judgment on the content of her family's beliefs or her own. Reflexivity should not be confused with a radical critique of tradition or an implicit will to uproot identity; severing one's sense of belonging to one's culture is hardly desirable. If reflexivity is constituted by a certain critical distancing from the values and beliefs to which one adheres, then its goal is not to uproot these values but to instill a mindset that accords with the intellectual mission of the public school, which cannot renounce its educational mission without denying the foundations of its own legitimacy. Mandatory public school, as I previously described, does not aim to reproduce particular identities. The learning that goes on in schools cannot occur according to the model of self-interpretation generally found in the family or in religious groups.

It is normal for families, churches, temples, or mosques to put children in contact with the beliefs of the traditions to which they belong. In school, then, it is not unreasonable to expect that a pupil will develop the capacity to distance himself from his beliefs simply by becoming conscious that this affirmation makes sense for him and those in his religious group, whereas other children who do not adhere can legitimately believe in something else. Without the development of this capacity to distance oneself, it is impossible for youth (as for adults) to understand how different absolute affirmations can be just as "fair" and "good" for others. The capacity to distance oneself certainly can incite feelings of moral and religious relativity, but "relativity" should not be confused with "relativism." If relativism has the tendency to level moral preferences by asserting that they are equivalent, the sense of relativity (once again identified by Weber) leads the individual to recognize that beliefs are valid and valuable from a particular viewpoint, notably those that are dominant in her own community.

When treating faith affirmations in class, relativity can be conveyed by specifying that statements such as "Mohammed is the Prophet," "Jesus is

reborn," or "Yahweh has chosen the Hebrew people" are considered true and legitimate but within the value systems that support them. The absence of a distinction between "true belief" and the contents of a tradition as seen "from the outside" can provoke intellectual confusion in children between the existence of different fundamental religious beliefs and the world interpretations that arise from within faith communities. The learning process is gradual and without a doubt much easier for children than for adults. Once again, the aim is to entrust schools with a mission different from yet complementary to that of the family and religious organizations. Moreover, distance with respect to affirmations of faith is not generally offensive for children and parents since its nature is not strictly critical but primarily cognitive.

Moderation in the Public Expression of One's Identity

The second "civic" attitude is *moderation* in the social affirmation of one's identity and beliefs. The idea of moderation in affirming one's identity was developed by Spinner (1994) and rearticulated by Pagé (1996). It is correlative with the logic of integration in a pluralist context and with recognition of the fundamental equality of all citizens. Moderation means not that one must repress or conceal one's religious identity but that one can model it in a way that does not hinder relations of mutual respect for and sharing with others. The threshold of tolerance in the "weak" sense, described above, is surpassed.

What does moderation mean? That strong and exclusive affirmations can take place within the family sphere or one's religious group, but to the extent that they can be the source of discrimination and inequitable treatment of others, believers must internalize a sort of "code for public life" to establish reciprocal relations of respectful collaboration. This attitude concerns not only those belonging to a minority group whose religious beliefs define a large part of their social identity and strongly underlie moral choices; it also applies to the majority group that, even in a largely secularized society, often develops expectations of fellow citizens exhibiting a different identity, expectations requiring that minorities conform to general, implicit social norms.

Once again, moderation does not develop spontaneously in adults. The school's curriculum must be inscribed with this lesson, much more than family or religious organizations, to awaken mutual respect in youth so that each can live according to her beliefs, at the same time recognizing that she must impose limits on the expression of these beliefs when relating to others. To reach this point, the previously described criteria must be implemented: when the child is assured that her own identity is legitimately recognized in the school, and when learning gives her access to the tools that permit her to develop her thinking, moderation is perceived not as a denial of self but as a way of relating to others who do not adhere to the same beliefs.

I would like to emphasize that the capacity for reflexivity and identity moderation is perhaps more difficult to accept for fundamentalist religious groups. However, in the sense that these values are not normative constraints in education and are supported by the goals of tolerance and reciprocity, they can seem less menacing for the inherited identity. They must be situated, above all, as conditions that facilitate the social participation of individuals, whatever the strength and nature of their beliefs.

Conclusion

The objectives presented above seek to define principles that promote the ability to live peacefully in situations of value pluralism. The goal is not to obtain an "overlapping consensus" or to define "reasonable" values worthy of expression in public deliberation. Instead, I have outlined the character dispositions that, developed in the individual, would allow for a *modus vivendi* that enables democratic relations between individuals of different fundamental beliefs rather than a consensus between irreconcilable values. This *modus vivendi* is a way of living based on compromise or interaction that makes it possible for two parties in disagreement to behave peacefully.

Not all groups fundamentally resistant to liberal values, political participation, and critical deliberation can be expected to see these goals as beneficial for their children. It still seems to be plausible, in light of the research I have undertaken (Milot and Ouellet 2003) comparing members of different fundamentalist groups, that some of them can incorporate norms of public reason without having to "translate" their beliefs into terms acceptable to the majority. There will be different degrees of acceptance of these goals, but this is not a reason to abandon them. I am aware, however, that this chapter does not resolve a precondition of the program that it puts forward: cultivating in teachers the capacities for tolerance, reciprocity, and civility that we have been discussing. I will address this problem in future work.

Notes

1 I elaborate below on these two principles. Weinstock (2002) puts forth several arguments challenging the plausibility of the two principles. See also Bickford (1996) and Weinstock (1999).

2 There have been experimental attempts at a multifaith pedagogy (e.g., in Newfoundland) or history of religions (in some American states), but these have been only local initiatives.

3 It is quite a different question whether religious schools should be submitted to the same demands of civic formation as public schools, although I doubt it. My focus in this chapter remains on public schooling.

4 Note that this question, often asked about fundamentalist religious groups, applies as well to militant atheists who judge religious beliefs to be a source of alienation and who base their evaluation of the behaviour of others on moral considerations that are equally controversial. Many atheist parents oppose their children's subjection to any schooling that explores religious doctrines.

5 On the concept of the "significant other" of social action with respect to institutions and the notion of "generality," sometimes translated in sociology as "average," see Weber (1971).

6   For example, a wilful coup d'état by a religious or ideological group represents a threat to the survival of liberal democracy, but this is not so with a group living apart from society or with young women who wear the Muslim veil – even if the groups in these latter cases adhere to illiberal conceptions.

7   From this perspective, it is appropriate, in a democratic society, for fundamentalist religious groups to publicly oppose laws that clash with their religious beliefs – such as same-sex marriage – with the associative and judicial means available to all citizens.

8   Canadian jurisprudence attests to the distinction between social behaviour and personal beliefs: each person can adhere to the beliefs of her choice, but her freedom to act in accordance with her beliefs, whether in the private or the public domain, is more restricted. This interpretation is compatible with the fact that paragraphs 2(a) and (b) of the Canadian Charter of Rights and Freedoms (which concern freedom of conscience, religion, and expression) coexist with article 15, which protects against discrimination toward the devout and non-devout alike. The equilibrium between these rights must respect the viewpoints of both devout and non-devout. See *Chamberlain v. Surrey School District No. 36,* [2002] S.C.C. 86.

9   Reflexivity is equally identified as one of the major characteristics in advanced modernity (see Giddens 1994).